

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on November 2, 2022, at 1:00 p.m. in Lane Auditorium on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

BOARD MEMBERS PRESENT: Mr. Ned Gallaway, Ms. Ann H. Mallek, Ms. Diantha McKeel, Mr. Jim Andrews, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley (remote), and Ms. Donna P. Price.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; County Attorney, Steve Rosenberg; Clerk, Claudette K. Borgersen; and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:00 p.m. by the Chair, Ms. Donna Price.

Ms. Price said Ms. LaPisto-Kirtley had requested to participate remotely in accordance with applicable Board Rules of Procedure Rule 8B-1B, enacted pursuant to the Freedom of Information Act. She said that Ms. LaPisto-Kirtley was unable to attend the meeting in person due to a personal medical condition. She said that Supervisor LaPisto-Kirtley was seen on the monitor and asked her to please state her location.

Ms. LaPisto-Kirtley said she was located in Keswick, Virginia.

Ms. Mallek **moved** to allow Ms. LaPisto-Kirtley to participate remotely. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Mr. Andrews, and Ms. Price.

NAYS: None.

ABSTENTIONS: Ms. LaPisto-Kirtley.

Ms. Price introduced Officers from the Albemarle County Police Department who were present at the meeting, Officers Jordan DeLange and Jay Roman.

Agenda Item No. 2. Pledge of Allegiance.

Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Price mentioned that a change was made online to agenda item #8.1 on Monday, October 31 to remove Appropriation #2023022. She said that it did not amend the agenda, but because the change was made after the agenda was published, it was referenced for full transparency to the public. She asked if there were any amendments to the agenda by any Board member or a motion to adopt the final agenda.

Ms. McKeel **moved** to adopt the final agenda as presented. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Mr. Andrews, Ms. LaPisto-Kirtley, and Ms. Price.

NAYS: None.

Agenda Item No. 5. Brief Announcements by Board Members.

Mr. Gallaway said that he notified the Clerk that he would need to step away from 3:30 p.m. to 5:00 p.m. to handle a personal matter that afternoon.

Mr. Andrews said that he wanted to let the public know that they had received an email update from Mr. Michael Culp, Director of Broadband Accessibility and Affordability, that let them know that in late October, the broadband affordability benefit that augmented the federal affordable connectivity program was approved, and community members who qualified could sign up with the Broadband Accessibility and Affordability Office to indicate interest in this program.

Mr. Andrews said the new benefit, ACP (Affordable Connectivity Program) bridge, was to provide help with their internet service if they qualify, and they knew the ongoing problem with the Beam, which was a non-negotiable shutdown, and Beam customers could continue to send notice to the Broadband Accessibility and Affordability Office to learn the options that may become available. He said that he hoped to hear more about it soon.

Ms. McKeel said that she wanted to let the Board and the public know that the "Adopt a Highway" crews sent by VDOT and Albemarle-Charlottesville Regional Jail were picking up litter. She said that for the first time ever, they had a women's group. She said that the reason they had not had a women's group in the past was that they did not have enough women who were able to get out and do the pickup, but they now had a critical mass that made up the team, so there was a men's group and women's group

that would be picking up litter.

Ms. McKeel said that the Board had discussed in the past the implementation of marketing or discussion around the litter in the community, and she had been told in the past week that in October, the largest ever litter pickup was made with 78 bags of trash in total picked up between the Bellair Market and Boar's Head on Route 250. She said that that area was always the highest pickup area throughout the entire County, and in October, they broke a record with those 78 bags. She said that area was picked up once a month, so those 78 bags were accumulated in that time. She said that it shocked her, and she did not know how the community could address its litter problem.

Ms. McKeel said her other announcement was that she attended the University of Virginia's strategic planning retreat that week with representatives of the community. She said that it was called "Finding our true north," and they were looking at the future development of North Fork, so the strategic planning process and discussion were centered around that area. She said that she was there with Mr. Doug Walker, Deputy County Executive, for a short period of time.

Ms. Mallek asked if there were recordings or notes from the event.

Ms. McKeel said that Ms. Mallek could contact Deborah van Eersel with the UVA Foundation.

Ms. Mallek said that Halloween was also the eighth anniversary of the Earlysville Exchange, an operation brought to the community by a man who moved there to be closer to his grandchildren. She said that it was a thrift store that received donations from the wider community and resold them, provided job training, and provided a neighborhood gathering place, where she had met with VDOT to discuss business previously.

Ms. Mallek said that over time, the Earlysville Exchange had raised \$188,000 which was donated to local agencies, food pantries, and local groups. She said that she was very proud of the work that they did, with members from five different parishes, led by the Chestnut Grove Baptist Church and many other unaffiliated people who volunteered there and helped the community. She said that this was one of four very successful thrift stores succeeding in the White Hall District, of which she was very proud.

Ms. Mallek said that the VirginiaGrasslandBirds.org program applications were due for landowners who wished to participate and get financial support for changing the management of their grasslands to benefit wildlife. She said the deadline was November 15, 2022, and the website www.VirginiaGrasslandBirds.org/incentives had all the necessary information.

Ms. Mallek said she participated in a conference call that morning with Senator Warner and other members from around the state who were working with the Coalition Against Bigger Trucks, discussing a proposed bill that would increase the weight that log trucks could carry on interstates from 80,000 to 90,000 pounds. She said that she forwarded the Supervisors in their emails some of the preparations, maps, statistics, and other data, so she would keep them all up to date on how it went.

Ms. Mallek said that they had to push back every year against a new bill supporting triple trailers at 25 feet, instead of just the tandems to have three. She said that one of the proposals that also died in Congress was the 120,000 pounds. She said she knew when she hauled 20,000, that it was incredibly scary on the roads. She said that at 85 mph on I-81, plus all that weight, means there is no way they could avoid an accident.

Ms. Mallek said that Phil North, Supervisor from Roanoke County, was also on the VACo (Virginia Association of Counties) Transportation Committee, and he and federal police and Virginia State Police provided much of the information. She said that she discussed the impacts in their local area and what happened when there was an accident on I-64; everyone had to bail off when a truck wrecked. She said that she knew this topic would return, and she hoped to keep the Senator informed and not have him co-sponsor this legislation. She said that she would keep the Board informed.

Ms. Mallek said that Lewis and Clark Exploratory Center had been chosen for the APO (Alpha Phi Omega) UVA Volunteer Project, so they would have a team of 60 students who would help them rebuild keelboats and do other boat upkeep at The Center. She said that there was lots of programming coming in as things opened up in the community.

Ms. Price said that there should be an increase in rail infrastructure to get trucks off the highway. She said to Ms. McKeel that she could contact VDOT to get orange bags, and Christine Putnam on SWAAC (Solid Waste Alternative Advisory Committee) was someone she had met while picking up trash along Secretary's Road with the local Ruritan Club. She said that if one picked up the trash, bagged it, and called VDOT, they would then pick it up, and it was a great way to meet neighbors.

Ms. Price said that yesterday, she had an opportunity to attend a presentation at "The Center," formerly "The Senior Center." She said that was one of three outside entities where the County had made a substantial investment: The Center, the YMCA, and the Boys and Girls Club. She said that these were non-governmental entities that provided services that they would otherwise be required to provide, so she wanted to remind the public that there were existing facilities that could help in several areas.

Ms. Price said that she had an incredible experience at River View Farm, which was now part of the Ivy Natural Area and marked with a historic marker. She said that Supervisor Mallek was there, and that Supervisor McKeel would have been there but had to attend a funeral service. She said that there

was a lot of hidden history in America that included women and people of color, and it was important for the County to recognize a Black family who left an incredible legacy to their community that should not be lost. She said thank you for the opportunity.

Ms. Mallek said that the patriarch of the Carr family was an extension agent and the first Black extension agent in the whole of central Virginia and made a huge impact on the farmers of his generation. She said that she grew up in sight of what was left of the mill during the 1950s, and she understood it was a thriving community before she was born. She said that there were men at the event representing the sixth generation of the family.

Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6.a. Resolution Celebrating Veterans Day.

Ms. Price **moved** to adopt the resolution celebrating Veterans Day. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Mr. Andrews, Ms. LaPisto-Kirtley, and Ms. Price.
NAYS: None.

Mr. Trevor Henry, Deputy County Executive, greeted the Board. He thanked the Board for the Resolution honoring veterans in the region and in the workforce. He said that several years ago, they did a voluntary survey of County employees in schools and local government and had more than 150 veterans in service. He thanked the Board for all that they did in support of the military, veterans, and the workforce. He said that several employees were veterans in attendance at the meeting today, and he appreciated their attendance and support. He said that it was his privilege to introduce two public safety employees who would receive this Resolution on behalf of the County.

Mr. Henry said the first was Lieutenant Elizabeth Gomez, who enlisted in the Army National Guard on September 20, 1991, served with Company C429 Field Support Battalion Company as a combat medic out of Charlottesville, served as a certified medical technician and ambulance driver, and was honorable discharged in 1994. He said that she reenlisted with the Army Reserve Forces and served until 1997, reaching the rank of Sergeant. He said that Lt. Gomez took a position as a police officer in Albemarle County in 2000 and currently held the rank of patrol lieutenant. He said that they thanked Lieutenant Gomez for being present today.

Mr. Henry said that also present was Master Firefighter Tate McCracken, who, during his 11 years of active duty and reserves, served as a Fleet Force Corpsmen with the United States Marines, serving during Desert Shield and Desert Storm, obtained the rank of Petty Officer, 2nd Class, receiving multiple awards and ribbons for his work, collaborating with other military branches. He said that Mr. McCracken joined Albemarle Fire and Rescue in 2006 and was a master firefighter working in the training division at that time and was a founding member of the department's honor guard. He said that these members were two examples of the more than 150 veterans who served Albemarle County.

Ms. Price said that she would first present the Resolution, allow the recipients to speak, then recognize any veterans in the audience, then allow the Board members to make comments as well. She said that she was pleased to present the Resolution.

Ms. Gomez thanked the Board on behalf of the veterans who served, and the people on the Board who were also veterans who had served, for recognizing their work. She said that they did what they did now based on their choices earlier on in life and to serve and protect their community. She again thanked the Board.

Mr. McCracken said that he felt the same way as Ms. Gomez. He said they also remembered those who came before them, and the Resolution was received on their behalf as well.

Ms. Price said that she also wanted to recognize any other veterans present in the auditorium and anyone else who had served in the military. She asked for anyone who had a family member who served to please stand as well. She said it was significant how many people had served. She said the celebration of Veterans Day next week was a specific recognition, but those who served also were family members, and all of them were connected to those who served, which should not be overlooked. She said she wanted to allow the Board to give comments.

Ms. LaPisto-Kirtley said that she wanted to congratulate everyone and being an army brat herself, she felt it was such a pleasure to be able to recognize all that they and their families had done for their country. She thanked the veterans again.

Mr. Gallaway said that he remained in awe of those who served to protect, both in the past and in what they continued to do. He said that his grandfather served in World War II in the Air Force, serving flight time with Chuck Yager, and was a prisoner of war in that war, ultimately losing his life from complications of what he acquired in the concentration camp. He said that his father also served, and when he thought of a political role in the democracy they were working within, his awe was born of the fact that there were those who served to protect that.

Mr. Gallaway said that it also got their ire up when there were those who tried to undermine their

democracy, and a lot of times, those were people who had not served and were doing it for political reasons. He said that he hoped they all would remember that democracy was supposed to be about working together toward improvement, doing so in a way that, while they may not be able to agree, to be able to work through their disagreements to further their own wellbeing. He thanked veterans for their service.

Mr. Andrews thanked everyone for their service. He said that his father was in World War II, and he was on the cusp of Vietnam but did not serve. He said that he was very grateful for veterans' service.

Ms. McKeel thanked veterans for their service. She said that when she worked at UVA, they had lots of veterans working there as well. She said that their community and Albemarle County specifically owed a debt of gratitude. She said that her father served in the Navy during World War II.

Ms. Mallek thanked everyone for all of their contributions made in the past, present, and future for the benefit of their community and world. She said that she wanted to mention grandparents who were also veterans, and who had kept grandchildren while parents were deployed. She said there were many local stories that reflected this. She said that she admired the people at the Post and American Legion's Post 74 who took care of their own by raising money for transportation vans, using funds that were raised by the race that North Fork held each June, to transport people to McGuire for medical treatment. She said that it was not easy to be an older veteran who did not have family to take them to a hospital 100 miles away, so she was proud of the work they did and was happy to help whenever she could.

Ms. LaPisto-Kirtley said that she also wanted to mention that her father served in World War II. She said that she had three older brothers who served, two in the Army and one in the Navy. She said that she would have been in the army herself, but she was too short. She said that she was pleased to see Lieutenant Gomez's success as an example of not basing qualifications on height.

Ms. Mallek said that her father did not serve in the military because one of his legs was shorter than the other, so they would not accept him.

Ms. Price said that her maternal great-great-grandfather enlisted at age 13 in the 122nd Illinois infantry regiment in the Civil War. She said another great-great-grandfather enlisted with Waller's 13th Texas Cavalry Regiment for the Confederacy. She said that she mentioned that because the grandchild of one and the child of the other married. She said that when they thought that there was political division in the United States today, they could get over it and succeed. She said that Election Day was next week and to vote.

Ms. Price said that her grandfather served in the army during World War I, her father served in the Navy during World War II, her uncle served in the Air Force in the Korean War, her brother served in the Air Force in Vietnam, and she served for 25 years. She said that her son was an Officer of the Marines with three combat tours. She said that her family had done their part, but there were other ways for people to serve, and the military was not for everyone, for a number of reasons. She said that public service was the key, and they recognized and honored veterans, but public service was more important.

RESOLUTION OF APPRECIATION

WHEREAS, the United States of America, founded on the principles of liberty and justice for all, has called on her men and women in uniform to protect our national security; and

WHEREAS, the preservation of our national interests, our rights and our freedom, has been ensured by the service of these individuals; and

WHEREAS, on Veterans Day we remember and pay tribute to the millions of patriots whose courage and sacrifice have secured our freedom and defended our values both at home and abroad; and

WHEREAS, over one hundred veterans continue to serve their country in public schools and government as teachers and other professionals providing services to the students and citizens of Albemarle County; and

WHEREAS, these veterans employed by Albemarle County Public Schools and Local Government deserve recognition for their continued service.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby recognizes all veterans and the men and women that are currently serving in our armed forces around the world; and

BE IT FURTHER RESOLVED, that the Albemarle County Board of Supervisors hereby appreciates and honors the continued contributions and sacrifices of the Armed Forces veterans employed by local government and public schools; and

FURTHER RESOLVED, that this Resolution celebrating Veterans Day, be adopted this 2nd day of November 2022.

Agenda Item No. 7. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Mr. Nicolas Co, Charlottesville resident, said that he appreciated the Board taking the time to recognize veterans, as a veteran himself attending the Naval Academy and serving as a naval officer, and it was important for them to take a moment as a nation to recognize veterans and appreciate those who had given so much to this nation. He said he was present today to voice his advocacy for ranked-choice voting, both as a representative of himself and as a representative of veterans for political innovation. He said that he recognized the comments made earlier by Mr. Gallaway referencing the divisiveness of the nation, and it broke his heart to see it across the whole country. He said that he saw Ranked Choice Voting as a way to band them together to create less toxic political environments and a way to have it more representative of the people in each of those elected representatives.

Mr. Co said that he cared deeply about the future of their nation. He said that when he was on active duty, they were taught to remain apolitical, which meant that they normally, culturally, did not get involved in politics. He said that however, this issue was so important to him that he found the courage to speak publicly for the first time today. He thanked the Board for their time. He said that he had traveled around during his time in active service, and he chose Charlottesville as his home because of its amazing people and thoughtfulness. He asked the Board to please support ranked-choice voting and thanked the Board again for their time.

Mr. Michael Pruitt, Scottsville Magisterial District, said that he would be discussing housing. He said that there were two matters before the Board that were fairly straightforward and easy to approve, both of which were presented by Ms. Pethia, Housing Policy Manager. He said that they would fund keeping people out of the cold through the winter with the permanent shelter that was in place, and they were looking at a proposal from Habitat that would have a 13-to-1 leverage, which was an eye-watering amount of return on investment.

Mr. Pruitt said that both things were very hard to look away from, and he wanted to talk about them because it was important that while they were approved that they looked at the downstream concern that was being told when looking at the shelter. He said that it would get them through April and make sure that there was a permanent overnight fixed-site shelter through April, and then it would be bulldozed.

Mr. Pruitt said that there would be an important use for that land, but after that, there was not going to be a permanent site for overnight shelter in place after 2023 to his knowledge, and that was something that people were still figuring out at that time and was truly an urgent matter. He said that if by the same time next year there was not an overnight shelter plan in place or a place for the people who utilized that shelter to go, there were very likely going to be residents of Charlottesville and Albemarle County who would die; there would be people who did not have a place to go when it was cold, and there would be people who did not have an option for where to go because that fixed site would not be in place. He said he urged the Board to work proactively with community stakeholders and with the City to develop long-term solutions for a fixed-site overnight shelter.

Agenda Item No. 8. Consent Agenda.

Ms. Mallek **moved** to approve the consent agenda as amended. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. LaPisto-Kirtley, Mr. Andrews, and Ms. Price.
NAYS: None.

Mr. Gallaway asked if the tax refunds (Item No. 8.2) required Board approval to do or if it was coming to the Board because they had more. He said it was on Consent and they voted on it, and there were errors that appeared to be a combination of things. He said that he was glad they were able to get it done, but the question was about Board approval.

Ms. Nelsie Birch, Chief Financial Officer, said that she believed it was aligning the state authorization with the local ordinances. She said that Jian Lin, Chief of Revenue Administration, was not present at the meeting yet and was the lead on this item, but she believed it required Board approval. She said that they were asking for up to \$10,000 to be done administratively, but that required that initial Board approval.

Mr. Gallaway said that he was thinking that any number should be administrative.

Mr. Richardson, County Executive, said it was correct that according to the staff report it was the \$10,000 threshold that triggered that.

Ms. Price said that it was typical in authorizations to give an administrative threshold below which the approval could be made, but above that, because of accountability purposes, it would require it.

Mr. Gallaway said that he understood but did not know what the actual procedure was. He said that there were some in there that were \$20,000 - \$30,000, and it looked like the applicant made the error, so he thought they should not have to wait until the Board approved it; if they made the error, they

should help with it and give them their money back.

Ms. Mallek said it was only a week or so of waiting.

Ms. Price clarified that Ms. Nelsie Birch, Chief Financial Officer, was the speaker who addressed the Board since she had not introduced herself.

Item No. 8.1. FY23 Appropriations.

The Executive Summary forwarded to the Board states that Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The total change to the Fiscal Year 2023 (FY 23) budget due to the appropriations itemized in Attachment A is \$1,065,211. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

Staff recommends that the Board adopt the attached resolution (Attachment B) to approve the appropriations for local government projects and programs described in Attachment A.

Appropriation #2023019

Sources:	Local Revenue	\$6,000
Uses:	Sheriff's Office Project Lifesaver Grant Fund	\$6,000
Net Change to Appropriated Budget:		\$6,000

Description:

This request is to appropriate \$6,000 in local revenue received from the Alzheimer's Foundation of America's (AFA) Spring 2022 Project Lifesaver Grant awarded to the Sheriff's Office for project lifesaver equipment and accessories for clients.

Appropriation #2023020 \$830,000

Sources:	Federal Revenue	
Uses:	Charlottesville Albemarle Convention and Visitors Bureau (CACVB)	\$750,000
	County American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds (SLFRF) Fund	\$80,000
Net Change to Appropriated Budget:		\$830,000

Description: This request is to appropriate the following Federal revenue:

- Appropriate \$750,000 in American Rescue Plan (ARPA) State and Local Fiscal Recovery Funds (SLFRF) from the City of Charlottesville to the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) for tourism recovery. The County serves as the fiscal agent for CACVB.
- Re-appropriate \$80,000 in County ARPA SLFRF funds to provide a contribution to Piedmont Housing Alliance (PHA) for housing navigation services to County residents in need. These funds were originally appropriated in FY 22 to hire a Housing Navigator at the County to perform this service and the intent is for the same outcome with the work done through PHA's Financial Opportunities Center and Housing Hub.

Appropriation #2023021

Sources:	Computer Maintenance, Replacement, and Licensing Fund's fund balance	\$80,484
	Local Revenue	\$10,762
	Business Process Optimization (BPO) Reserve (currently appropriated)	\$70,812
Uses:	Computer Maintenance, Replacement, and Licensing Fund	\$162,058

Net Change to Appropriated Budget: \$91,246

Description:

This request is to appropriate \$162,058 to the Computer Maintenance, Replacement, and Licensing Fund to address cybersecurity needs for mobile devices. This funding is provided from \$80,484 in this Fund's fund balance that is dedicated for such expenses, updated revenue projections for this Fund of \$10,762, and \$70,812 from the Business Process Optimization Reserve, which includes funding for identified technology initiatives.

By the above-recorded vote, the Board adopted the resolution in Attachment B to approve for local government projects and programs described in Attachment A:

**RESOLUTION TO APPROVE
ADDITIONAL FY 2023 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2023019; #2023020; and #2023021 are approved;
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2023.

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APP#	Account String	Description	Amount
2023019	3-5462-23100-318000-189933-9999	SA2023019 APP2023019 Local Grant Revenue	\$6,000.00
2023019	4-5462-23100-421800-610100-9999	SA2023019 APP2023019 Project Lifesaver Grant	\$6,000.00
2023020	3-4609-73000-324000-240500-9999	SA2023020 APP2023020 Federal Revenue	\$750,000.00
2023020	4-4609-73000-481000-379300-9999	SA2023020 APP2023020 Advertising/Marketing	\$750,000.00
2023020	3-5121-99000-333000-330055-9999	SA2023020 APP2023020 Federal Revenue	\$80,000.00
2023020	4-5121-51100-453000-700380-1607	SA2023020 APP2023020 Housing Navigation	\$80,000.00
2023021	4-7935-16100-412560-800718-9999	SA2023021 Mobile Device Security	\$162,058.00
2023021	3-7935-16100-352000-510100-9999	SA2023021 Mobile Device Security	\$80,484.00
2023021	3-7935-16100-319000-190244-9999	SA2023021 Mobile Device Security	\$10,762.00
2023021	3-7935-16100-351000-512004-9999	SA2023021 Mobile Device Security	\$70,812.00
2023021	4-1000-99000-493000-930000-9999	SA2023021 Mobile Device Security	\$70,812.00
2023021	4-1000-94000-499000-999956-9999	SA2023021 Mobile Device Security	-\$70,812.00

Item No. 8.2. Tax Refund Approval Request.

The Executive Summary forwarded to the Board states that Virginia Code 58.1-3981 requires that erroneous tax assessments shall be corrected and that a refund, with interest as applicable, be paid back to the taxpayer. Tax refunds resulting from erroneous assessment over \$10,000 must be approved by the Board of Supervisors before any payments are made.

The Department of Finance and Budget is requesting approval from the Board for eleven tax refunds to conform with Virginia Code 58.1-3981. Each refund amount listed below has been reviewed and certified by staff and the Chief Financial Officer with consent of the County Attorney's Office.

If approved,
\$40,550.00 will be refunded to Six3 Intelligences Solutions LLC due to business closure.
\$35,256.24 will be refunded to Monticello Community Surgery due to business closure.
\$25,683.42 will be refunded to AllTell Corporation due to business closure.
\$24,373.46 will be refunded to The Le Myers Company due to business closure.
\$24,217.23 will be refunded to Albemarle H & R Opos LLC due to business closure.
\$21,727.05 will be refunded to AllTell Corporation DBA Verizon due to business overestimation.
\$21,568.85 will be refunded to Marshalls of MA. Inc. due to taxpayer miscalculation.
\$19,601.00 will be refunded to Medical Facilities of America due to business closure.
\$13,630.48 will be refunded to Rexel USA Inc. due to business closure.
\$12,657.27 will be refunded to BJ's Restaurant Operation CO due to taxpayer miscalculation. \$10,627.33 will be refunded to Cornerstone Partners LLC due to business closure.

Staff does not anticipate a budget impact associated with the recommended Board action.

Tax refunds are a customary part of the revenue collection process and refund expectations are included in the annual revenue budget assumptions.

Staff recommends that the Board approve the refund request and authorize the Department of Finance and Budget to initiate the refund payments.

By the above-recorded vote, the Board approved the refund request and authorized the Department of Finance and Budget to initiate the refund payments.

Item No. 8.3. Set Public Hearing to Consider the Adoption of an Ordinance to Create a Commercial Property Clean Energy (C-PACE) Finance Program.

The Executive Summary forwarded to the Board states that in 2015, the Commonwealth of Virginia passed legislation to enable localities in the state to pass ordinances to create Commercial Property Clean Energy (C-PACE) Financing Programs. C-PACE Financing is a financing tool that provides upfront capital to commercial property owners and developers to invest in energy measures related to energy efficiency, renewable energy, and climate adaptation at a reduced rate of interest. The Albemarle County Board of Supervisors' adopted Climate Action Plan includes a recommendation that the County, "Assess financing mechanisms such as the Property Assessed Clean Energy C-PACE Program...and implement, if appropriate."

Since the enablement of C-PACE Programs by the Commonwealth in 2015, nine cities and counties in Virginia have adopted ordinances that create local programs. Each agency's ordinance differed from others in substantive ways, hindering the utilization of these programs by owners and developers. In 2022, the Commonwealth's Virginia Energy Department created a formal program to standardize programs across the state and to simplify the process of ordinance adoption by localities. The non-profit Virginia Pace Authority was selected by the state to implement the program on behalf of localities, provided the localities adopt ordinances consistent with a template provided by the state and that they enter into a program agreement with the state. A draft ordinance is provided as Attachment A, a draft of the C-PACE Program Agreement is provided as Attachment B, and a draft Virginia Locality Agreement is provided as Attachment C.

No budgetary impact is anticipated.

Staff recommends that the Board hold a public hearing on the attached ordinance (Attachment A), which will be presented to the Board for consideration on December 7, 2022.

By the above-recorded vote, the Board authorized the Clerk to schedule a public hearing on the ordinance (Attachment A) on December 7, 2022.

Item No. 8.4 Resolution to Accept Road(s) for the Dry Bridge Road Project into the State Secondary System of Highways and to Abandon/Delete a Portion of Dry Bridge Road.

By the above-recorded vote, the Board adopted the resolution to accept roads for the Dry Bridge Road Project into the State Secondary System of Highways and to abandon/delete a portion of Dry Bridge Road:

RESOLUTION

WHEREAS, portions of Route 708 have been realigned and new segments constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation has inspected these new street segments and found them to be acceptable for maintenance; and

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors, this the 2nd day of November, 2022, that the old segments of Route 708, identified in the "Abandonment" section of the attached Form AM-4.3, are no longer needed as part of the Secondary System of State Highways, as new road segments serve the same citizens as the old segments and are hereby requested to be deleted and/or abandoned by the Virginia Department of Transportation pursuant to § 33.2-912, *Code of Virginia*, 1950 amended.

BE IT FURTHER RESOLVED that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the new segments identified in the "Add" section of the attached Form AM-4.3 as part of the Secondary System of State Highways, pursuant to § 33.2705, *Code of Virginia*, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that the County Board of Supervisors does hereby guarantee unencumbered rights-of-way plus the necessary easements for cuts, fills, and drainage for these added segments;

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Virginia Department of Transportation.

* * * * *

In Albemarle County

37408945

by Resolution of the governing body adopted November 02, 2022

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee

Signed (County Official):



Report of Changes in the Secondary System of State Highways

Project/Subdivision: Project 0708-002-283 C501

Length Correction -

Rte Number	Street Name	From Termini	To Termini	Length	Number Of Lan es	Recordation Reference	Row Widt h
708	Dry Bridge Rd	Segment A, Station 109+50	Segment B, Station 108+10	0.03			

Realignment-Abandonment - Project by VDOT §33.2-912

Rte Number	Street Name	From Termini	To Termini	Length	Number Of Lan es	Recordation Reference	Row Widt h
708	Dry Bridge Road	Segment B, Station 108+10	Segment E, Station 100+00	0.15			

In Albemarle County
by Resolution of the governing body adopted November 02, 2022

37408945

Realignment-Add - VDOT Project §33.2-705

Rte Number	Street Name	From Termini	To Termini	Length	Number Of Lanes	Recordation Reference	Row Width
708	Dry Bridge Road	Segment B, Station 108+10	Segment C, Station 105+74	0.05	2		
708	Dry Bridge Road	Segment C, Station 105+74	Segment D, Station 104+39	0.03	2		
708	Dry Bridge Road	Segment D, Station 104+39	Segment E, Station 100+00	0.08	2		

In Albemarle County
by Resolution of the governing body adopted November 02, 2022

37408945

Page: 3/3

Item No. 8.5 SE202200048 Fifth Street Landing Self-Storage – Special Exception, Building Stepback Waiver.

The Executive Summary as forwarded to the Board states that Parcel ID 76-55A to develop a four (4) story self-service storage facility.

In conventional commercial districts, County Code § 18-4.20(a) requires a minimum stepback of 15 feet for each story that begins above 40 feet in height or for each story above the third story, whichever is less. However, the minimum 15-foot stepback may be reduced by special exception, as provided under § 18-4.20(a)(4).

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the special exception with the following condition.

1. Development of the proposed self-service storage building must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the Stepback Waiver Exhibits (Attachment D). To be in general accord, development must reflect the following major elements:
 - a. Location of building
 - b. Architectural design elements, including transparent corner tower structures with pedestrian entryways and articulation in building massing and color.

Minor modifications that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance or to improve safety.

By the above-recorded vote, the Board adopted the attached Resolution (Attachment F) to approve the special exception with the conditions contained therein:

**RESOLUTION TO APPROVE
SE 2022-00048 FIFTH STREET LANDING SELF- STORAGE**

WHEREAS, upon consideration of the staff reports prepared for SE2022-00048 Fifth Street Landing Self-Storage (in conjunction with ZMA202100007) and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.20(a)(4), 18-24.1, and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exception would be consistent with the purpose and intent of the Highway Commercial (HC) zoning district and Neighborhood Model Principles of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to waive the 15-foot stepback requirement of County Code § 18-4.20(a)(4) on Parcel ID 07600-00-00-055A0, subject to the condition attached hereto.

* * * * *

SE2022-00048 – Fifth Street Landing Self-Storage Special Exception Condition

1. Development of the proposed self-service storage building must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the Stepback Waiver Exhibits (Attachment D). To be in general accord, development must reflect the following major elements:
 - a. Location of building
 - b. Architectural design elements, including transparent corner tower structures with pedestrian entryways and articulation in building massing and color.Minor modifications that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance or to improve safety.

Item No. 8.6. SE202200050 Goodwill Donation Center Special Exception.

The Executive Summary forwarded to the Board states that the applicant has applied for a special exception to waive the 4,000 square foot gross floor area size limit of County Code § 18-24.2.1(49) to allow an existing building measuring 7,200 square feet in floor area to be occupied as a Storage/Warehousing/Distribution/Transportation use in the Highway Commercial (HC) Zoning District.

Staff analysis of the proposal is provided as Attachment C.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve the proposed special exception.

By the above-recorded vote, the Board adopted the Resolution (Attachment D) to approve the special exception:

**RESOLUTION TO APPROVE
SE 2022-00050 GOODWILL DONATION CENTER**

WHEREAS, upon consideration of the staff reports prepared for SE2022-00050 Goodwill Donation Center and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-24.2.1(49) and 1833.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exception:

- (i) would not be a substantial detriment to adjacent parcels;
- (ii) would not change the character of the adjacent parcels and the nearby area;
- (iii) would be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the district, and with the public health, safety, and general welfare (including equity); and
- (iv) would be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to waive the 4,000 square foot gross floor area size limit on Storage/Warehousing/Distribution/Transportation uses on Parcel ID 07800-00-00-005C0, which limit would otherwise apply in the Highway Commercial Zoning District under County Code § 18-24.2.1(49).

Item No. 8.7. Board-to-Board, October 2022, a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, **was received for information**.

Agenda Item No. 9. **Action Item:** Funding Requests to Support Homeless Services and Affordable Housing.

The Executive Summary forwarded to the Board states that on July 7, 2021, the Board adopted CPA2020-00001 Housing Albemarle, a new housing policy for Albemarle County. Housing Albemarle contains 12 policy objectives addressing the housing needs of County residents, with a particular focus on expanding housing opportunities for low- and moderate-income households, including individuals and families experiencing homelessness.

On April 20, 2022, the Board approved the use of \$1,296,520 from the Housing Fund Reserve to support the construction and preservation of 78 affordable housing units (see File No. 22-226).

With the adoption of the FY 2023 Budget on May 4, 2022, the Board approved a total of \$548,870 in Agency Budget Review Team (ABRT) funding, and \$2,735,680 in American Rescue Plan Act (ARPA) - State and Local Fiscal Recovery Funds (SLFRF) funding to support additional affordable housing projects and programs, which included \$2.4 million in ARPA funds to support the construction of 80 units of permanent supportive housing, as well as an additional \$600,000 in ARPA-SLFRF funds to support the provision of non-congregate shelter services in the Premier Circle project.

On July 20, 2022, the Board approved the use of \$3,306,504 from the Housing Fund Reserve to support the construction of 121 Low Income Housing Tax Credits in the Southwood Apartments project, as well as providing up to two years of rental assistance for 40 Southwood households needing temporary relocation to accommodate construction activities in the Southwood Redevelopment Project (see File No. 22-338).

In August 2022, staff received two additional funding requests from local organizations seeking support for projects that would advance Housing Albemarle.

On August 25, 2022, staff received a request for funding from the Blue Ridge Area Coalition for the Homeless (BRACH), a charitable non-profit organization, in the amount of \$200,000 (see Attachment A). If approved, the funds would be used to help support the continuation of non-congregate emergency shelter services for 84 individuals experiencing chronic homelessness from January 1 - April 30, 2023. An award of these funds would help BRACH leverage additional funding from the City of Charlottesville (\$200,000) and the University of Virginia Health system (\$100,000) for the same period.

On August 26, 2022, staff received a request for funding from Habitat for Humanity of Greater Charlottesville (Habitat), a charitable non-profit organization, in the amount of \$80,000 (see Attachment B). If approved, the funds would be used to support the construction of two affordable homeownership opportunities in the Lochlyn Hill IV development and two affordable homeownership opportunities in Old Trail, which will be made available for purchase to households with incomes at or below 60% of area median income. The funds would be used as match funds for Habitat's Affordable and Special Needs Housing (ASNH) grant application to the Virginia Department of Housing and Community Development. Habitat will request a total of \$320,000 ASNH grant funds to support each project.

If the Board approves the total requested funding amount of \$280,000, the Housing Fund Reserve will have a remaining available balance of \$850,362 that can be used to support future affordable housing projects.

Staff recommends the Board approve the full amount of funding requested.

Ms. Stacy Pethia, Housing Policy Manager, said that she was present to discuss with the Board two funding requests that had been received in August. She said that one was to support homeless services and the second was to support additional affordable housing construction. She said that she would review the funding activity for housing in FY22 and FY23 to date, then would review the two funding requests received and being presented today, then she would be available for any questions from Board members.

Ms. Pethia said that looking at overall funding activity in FY22 and FY23, the Board had approved \$11.5 million in funding across different funding streams. She said that this had supported close to 2,000 households and individuals with rental housing, preserving and constructing owner-occupied housing, providing shelter for domestic violence victims, as well as services and support for homeless individuals.

Ms. Pethia said that what they had done so far had covered the entire housing spectrum needs from homelessness, which included the most vulnerable community members, through affordable homeownership, thinking specifically about funding that had come from the Housing Fund Reserve. She said of the \$11 million, it covered \$4.6M and had provided housing for 239 households. She said that 161 of those households were looking for affordable rental housing, and it also supported 78 units of affordable homeownership.

Ms. Pethia said that staff received two additional requests for funding this year. She said that the first was from the Blue Ridge Area Coalition for the Homeless (BRACH) for \$200,000, which would support the continuation of emergency shelter services at Premier Circle. She said that Premier Circle Emergency Shelter was a 92-bed non-congregate emergency shelter project that was operated by People and Communities Engaged in Ministry (PACEM) and in partnership with the Blue Ridge Area Coalition for the Homeless, Piedmont Housing Alliance, and the Charlottesville Area Community Fund.

Ms. Pethia said that non-congregate emergency shelter meant that individuals had their own private space to shelter under and live in on a more permanent basis until permanent housing could be found. She said that this was done in May 2021 to help those individuals experiencing homelessness and health issues that placed them at high risk of complications due to any Covid-19 infection the space to remain safely housed.

Ms. Pethia said that the County had provided support for the shelter services in the past, including an allocation of \$600,000 in American Rescue Plan Act (ARPA) funding. She said that funding would be expended by the end of December of that year (2022), and this additional request was to help services continue through April 2023. She said that there were currently 84 residents residing permanently in the shelter, and 81 of those residents had housing plans to move into permanent housing. She said that extending the housing services to the end of April 2023 provided those individuals the time needed to move into permanent homes.

Ms. Pethia said that the total cost to continue providing shelter services at Premier Circle through the end of April 2023 was \$409,200, so the request to the County was approximately 49% of that total cost and was about \$2,400 per individual served. She said that BRACH had also submitted funding requests to the City of Charlottesville, and the first reading by City Council of that request happened on October 17, 2022. She said that she was unsure when that second reading for that request would be happening as it was not yet announced on the agenda. She said that BRACH was also requesting \$100,000 from UVA Health Systems who had not responded back yet.

Ms. Pethia said that the second request received was from Habitat for Humanity of Greater Charlottesville. She said that it was for an \$80,000 grant that would act as a matching grant for an Affordable and Special Needs Housing Grant application to be submitted to the Department of Housing and Urban Development. She said that it would help support the construction of four additional homeownership units; two of those units would be built in the Lochlyn Hills community and an additional two units would be built in Old Trail. She said that those homes would be available to households with incomes at or below 60% AMI (area median income), and each unit would have an affordability period of 30-40 years.

Ms. Pethia said that the total County contribution to this project would be 2% of the total cost, and the remaining \$960,000 would come from a variety of sources, including the Affordable and Special Needs Housing Grant, grants from various foundations, and money from Habitat for Humanity itself. She said that staff recommended the Board approve both the allocations of funding, and the topic was now open for questions.

Ms. LaPisto-Kirtley said that she supported the recommendation and appreciated Ms. Pethia's presentation.

Mr. Gallaway asked to see the slide with household numbers. He asked if there were 239 households.

Ms. Pethia said yes. She said those 239 households were funded by the money that came directly out of the Housing Fund; the \$4.6 million in Housing Fund Reserve dollars was supporting those.

Mr. Gallaway said that he had a question that was not specific to these two applications, which he supported. He said that they approved money for projects as they closed out their budget. He said that they had \$5 million put in the Housing Fund, and a vast majority of that was allocated out. He said that they had \$20 million in asks. He said that they did not use all of their Housing Fund, so somewhere in that decision-making, they drew a line on what they were supporting. He said that his process question was that if these two projects came back to the Board, it could be that they had been ranked and received funding when lined up with these other projects or other requests. He said he would like to know why these two were funded versus some that were not in the last process as well as any insight and information on that process.

Ms. Pethia said certainly. She said that most of the application requests that came through in the earlier two rounds had received some sort of funding. She said that some of those funding requests were so large that they were never going to be able to fund them through the Housing Fund, even at that time if they were to come back. She said that she was not concerned that these did not necessarily get put into the same pot and evaluated against those; these two requests met many of the County's housing goals as outlined in the Affordable Housing Policy, particularly supporting homeless services and shelters and increasing the number of affordable housing units for low-income homeowners. She said that she believed that they would have scored well against others anyway, because the funding amounts were low, and the per-person or per-household cost was in a good range.

Mr. Gallaway said that the Board had to be mindful that these items that the Board should support could not be at the exclusion of what was not getting supported, no matter if it was housing or another strategic initiative of the Board. He said that his final comment was to recognize Mr. Haro.

Mr. Andrews said he was thankful for Mr. Gallaway's question because he wanted to make sure they did not know what was going to happen and what the follow-up was concerning Premier Circle. He said that he had a question about the short-term costs associated with Premier Circle. He asked where the money went in terms of emergency services provided to the homeless. He said that it was more than just having a place open.

Ms. Pethia said that was correct. She said that the money that was potentially going to Premier Circle covered the cost of providing a room and overnight shelter space along with supportive services provided onsite. She said they also provided two meals a day, and there was a whole range of services that was provided under the \$200,000 request.

Ms. McKeel said that her understanding was that with Premier Circle, eventually there would be programs or support in place for the residents for financial literacy. She asked if that was correct.

Ms. Pethia said that Mr. Haro might be able to answer that better than she.

Ms. McKeel said a member of the public spoke earlier about people who did not have anywhere to stay after 2023. She asked if that comment could be addressed.

Mr. Haro introduced himself as Anthony Haro from the Blue Ridge Coalition for the Homeless. He said that the first question was about supportive services and what those entailed. He said that housing-focused case management was the main goal to help people stabilize and provide basic needs and connection to community resources, which could be through primary healthcare, mental healthcare, connection to employment resources, and financial literacy. He said the goal was to help people transition out, and although case managers onsite with PACEM may not have those specific credentials, they would connect clients to organizations.

Mr. Haro said that something to note was that a large percentage of the population who were staying at Premier Circle shelter were disabled, elderly, and could not work or could not gainfully work because they received SSI/SSDI (social security income/social security disability income). He said that much of the focus had been on stabilizing healthcare and finding housing for people to move into. He said that in terms of the shelter, they were focused now on identifying an additional year-round shelter site for the community. He said that the Salvation Army could be used but was insufficient for the full year-round need. He said that PACEM had provided seasonal shelter since 2004 and planned to continue to do so this year by providing seasonal shelter in churches. He said that they needed a year-round shelter site and were pursuing that.

Mr. Haro said that there was a meeting scheduled for December 1, 2022 with stakeholders from the community to take advantage of funding opportunities with ARPA (American Rescue Plan Act) money through the City, and through Home ARP (American Rescue Plan), which was available through the City, and those resources could be used to identify and purchase a site for a year-round shelter. He said that a permanent shelter site had not been identified yet, but they were exploring providing shelter in congregations after May 2023 if it was needed. He said that identifying a year-round shelter site was a focus for the future.

Ms. McKeel said that she thought that the reason they rezoned Premier Circle was that it was going to be more permanent.

Mr. Haro said that it was an interim use of the site to provide emergency shelter during Covid-19, and what was being built was 80 units of permanent housing for chronically homeless individuals. He said that what Mr. Pruitt was referring to was an overnight shelter site similar to the Salvation Army. He said that use was an interim use, and while shelters did not end homelessness, they were integral to doing so. He said that in addition to building permanent housing, there was a need for an additional year-round shelter for the community.

Ms. McKeel said that the nuance was missing in that information. She said that she was wondering what they were doing with Premier Circle.

Mr. Haro said that 80 units of permanent supportive housing were being built for chronically homeless individuals, but the need for overnight shelter remained.

Ms. McKeel said that a location was needed for that.

Mr. Haro said that was correct.

Ms. McKeel said that she had believed Premier Circle to be more similar to The Crossings.

Mr. Haro said that it would be.

Ms. McKeel said that she was glad to hear it was more than just placing people and leaving them, and that at Premier Circle they would be offering services, programs, and other help.

Mr. Haro said absolutely.

Mr. Gallaway said that it was clear to him from the beginning that because they had the site, it was advantageous to use the current hotel for emergency shelter purposes, but that would be torn down and something else built. He said that it was meant to provide emergency shelter to solve an immediate need.

Ms. McKeel said that she had been concerned because she had misunderstood.

Mr. Gallaway said that that was clear to him when they went through the rezoning process.

Ms. McKeel said that she understood they had discussed Covid-19 during that time, and that she had misunderstood the phrasing.

Mr. Gallaway said that because Mr. Haro was present and they had just given the Resolution for veterans, he wanted to mention that Mr. Haro gave a presentation about homeless veterans at the Regional Housing Partnership meeting. He asked if Mr. Haro could summarize that.

Mr. Haro said that the community, including the County and the City, was a part of an international program called Built for Zero, which was an initiative to end veteran and chronic homelessness, and their community was focused on the homeless veterans. He said that traditionally, in 2015, before 2016 or 2017, they averaged about 25 homeless veterans in their community at any point in time, but they had focused on that and there were currently 12 veterans experiencing homelessness in their community of whom they were aware. He said that all but two people had rental assistance or a housing choice voucher available for them and were sheltered as well.

Mr. Haro said that it was a bright point and sign of success in their work to reduce the number of homeless veterans to 12 and they were hoping to get the number to zero with help from community partners like the VA (Veterans Affairs). He said that one person had denied wanting to engage, but there had been rental assistance or housing choice vouchers given to all of the veterans, and it spoke to the collaboration and great work of homeless service providers in the community.

Ms. Mallek said that she appreciated hearing the discussion because it answered many of her questions. She said that Ms. Pethia had forwarded to everyone the work that had been completed with protocol and management of funds, which gave her more comfort. She said that she would correspond with Mr. Haro about whether it was beneficial to have one fixed site where people might have trouble getting to, or if they were better to think about smaller and more regional sites. She said that in the future, at Premier Circle, she was to consider it as 80 units of permanent housing for people in that circumstance. She asked if it was in future plans to have an emergency shelter unit and what numbers would be included on that site. She said that there were benefits to having services onsite and people there to care for clients. She said she did not know what numbers were needed to operate that emergency shelter.

Mr. Haro said that they had considered many different ways of using the site, and an emergency shelter onsite was one of the ideas, but they were trying to maximize the number of permanent housing placements on the site because at the time they wanted to focus on that permanent end to homelessness. He said that Ms. Mallek was correct that there would be supportive services onsite at the permanent housing development, which was crucial. He said that an emergency shelter was not currently in the plans for the Premier Circle property. He asked if Ms. Mallek was asking if it was beneficial for there to be scattered shelters.

Ms. Mallek asked if it was possible for people who needed emergency shelter to actually and effectively get to the one fixed site.

Mr. Haro said that transportation had historically been an issue but was not as much of an issue if it was within a bus line, so it was not an issue for Premier Circle due to its position on a bus line. He said that there was an efficiency of scale to consolidate supportive services and structure at one site, so it was the best practice for investing in a shelter program to ensure the right kinds of services were there. He said that it would be much more difficult to have multiple sites.

Ms. Price said that she appreciated the questions from the other Supervisors that addressed the areas of interest. She asked if there were any other comments. Hearing none, she asked if there was a motion.

Ms. McKeel **moved** for the Board to approve the full amount of funding requested. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. LaPisto-Kirtley, Mr. Andrews, and Ms. Price.
NAYS: None.

Ms. Price said that she saw in the news an updated Orange Dot Report was being released, which reflected that the actions of the County and other organizations had made a significant impact in the area of housing in their community. She said that more work remained to be completed, but she thanked everyone for the work they were doing.

Non-Agenda Item. **Recess.** The Board recessed its meeting at 2:19 p.m. and reconvened at 2:25 p.m.

Agenda Item No. 10. **Work Session:** Five-Year Financial Plan Work Session.

The Executive Summary forwarded to the Board states that long-range financial planning is part of the County's adopted financial policies: "The County will develop and annually update a long-range five-year Financial Plan. The Financial Plan will include a review of revenue trends and expenditures from

the prior years' projections of revenues and expenditures, as well as future costs and the financing of the Capital Improvement Plan."

A long-range financial plan is different from the annual budget in that it emphasizes where the County may be headed at the end of the plan rather than the coming fiscal year. This planning can provide a helpful framework to inform the annual budget to ensure funding recommendations are aligned with County priorities. It also provides a framework to illuminate discussion around questions such as:

- a) Are the County's operating and capital plans in alignment? For example, if the County starts constructing anew facility in the capital budget, is it able to open and operate it in a future operating budget - can the decisions being made today be afforded in future years?
- b) What long-term strategies or policies could be considered to change the long-term trajectory of the financial plan?

The Five-Year Financial Plan is the next step in the County's long-term financial planning process, where to date:

- On August 24, 2022, the Board held a Strategic Planning Retreat for Fiscal Years 2024 - 2028 (FY 24 - 28). - On September 7, the Board updated the County's Financial Management Policies and approved a FY 24 budget calendar
- On September 21, the Board held a work session on the FY 24 - 28 Strategic Plan Draft
- On October 5, the Board received an Economic Outlook Report presented by Dr. Sheryl Bailey, Visiting Professor of Practice, Virginia Tech
- On October 19, the Board adopted the FY 24 - 28 Strategic Plan goals and objectives.

Next, in accordance with the budget development schedule, the Board of Supervisors will hold a series of work sessions in the fall to review long-range financial planning information prior to the annual budget process. The work sessions are scheduled for November 2, December 7 (a joint meeting with the School Board), and December 14.

During this work session, staff will present initial revenue and expenditure assumptions, which have been developed using the best information available at that time. These assumptions will continue to be updated in the annual budget development process and subsequent financial plans. Staff will also share the proposed financial plan's alignment with the Strategic Plan and seek Board feedback on the financial plan.

Long-range financial planning connects long-range fiscal planning with strategic priorities and provides an important context for the annual budget process. Staff recommends that the Board share feedback on the initial long-range Five-Year Financial Plan.

Mr. Andy Bowman, Chief of Budget in the Department of Finance and Budget, said that he would be the primary presenter today but wanted to recognize the team members present in the audience, including Senior Budget Analyst Laura Vinzant, whose contributions made possible not only the technical work but strategic planning.

Mr. Bowman said that he would tie past and future work together with this plan. He said that it was intended to build upon the work of the Board of Supervisors that began on August 24 at the strategic planning retreat, following several discussions leading to the Board's adoption of the strategic plan on October 19. He said that also during that time, the Board had made strategic decisions to update their financial management policies, and on October 5, they received a long-term economic outlook report from Dr. Cheryl Bailey and the contracting team from Virginia Tech.

Mr. Bowman said that today was a starting point for the next phase of those discussions. He said that they would discuss in depth the five-year plan and how it related to the strategic directions the Board had set forth based on the work in the coming months. He said that there were two more five-year financial work sessions scheduled for December 7, which would have dedicated time with the School Board to focus on operating and capital items, and December 14. He said that in February through May, they would begin the annual budget process for fiscal year 24. He said that today, there was no action requested from the Board today and the presentation was meant to be informative and for discussion. He said that they would spend time today informing the Board about the assumptions in the long-range plan and its alignment with the strategic plan and would allow as much time as possible for the Board to provide feedback on the financial plan.

Mr. Bowman said that budgeting and financial planning were two different activities. He said that budget discussions with the Board usually entailed items that were to go into effect immediately or in a matter of months, but the five-year plan was looking at impacts that would require the long-term strategy and policy discussions to change the trajectory of their long-term financial picture. He said that while this was long-term, it also helped shape the annual budget process. He emphasized that this was based on the best information available as of today, and they would continue to get information as they worked through that. He said a recommendation from Dr. Bailey was that they had to position themselves to be agile, simultaneously prepared for what they had already learned but also for what would happen next, and what those other relationships were that they needed to think about in their financial picture.

Mr. Bowman said that he would review the revenue and expenditure assumptions and how they aligned with the strategic plan. He said that there were a few slides that included scenarios for consideration from the Board, recognizing that they were in an uncertain time. He said that they would

allow as much time for discussion as possible to hear from the Board about the plan and what additional information may be required. He said that identifying issues to be addressed would help them as they scheduled work sessions with the Board in the future about what the big strategic areas were that would shape the community's future.

Mr. Bowman said the revenue projection from the five-year plan was shown on the slide. He said that he had given this information to the School Board last week as they partnered together on planning their financial future. He said that the five-year projection shown was of the highest level of where the general fund was going to be over the next five years. He said that he would go into detail about how the line was created, but the first two observations to be made were that projected general fund revenues would increase in each of the next five years, and the big caveat to that was that the rate of growth in the first few years was not as strong as the rate of growth projected in the outyears.

Mr. Bowman said that one of the key data points considered when preparing this revenue projection was Dr. Bailey from Virginia Tech's report that was presented to the Board on October 5. He said this report had three main points, the first was that Albemarle's economy was strong when looking at economic indicators of the region, state, nation, and globe, and they were not plagued by some chronic economic issues that other communities were wrestling with. He said that the second point was that they were not immune to macro-changes in the economy at the state, national, or global level, and while the impact of those changes may not affect the County at first, or as hard, or on top of existing challenges they had, if there were major shifts, the impact would still be felt.

Mr. Bowman said the third recommendation was that they developed this five-year plan to anticipate an economic cooling based on all signs seen in the U.S., the state, and the globe. He said that they continued to monitor this very closely and update projections on a monthly basis as this topic remained on their minds. He said that it must be factored into the overall strategies with the five-year plan.

Mr. Bowman said that the slide shown was a chart of the general fund revenue changes from FY07 to FY22. He said the first line shown was the year-over-year change in revenues, and when there was a drop in the line, it did not mean that revenues declined, but that the rate of growth was less than it was previously. He said the one exception was that in FY10, there was a decline in revenues in the year-to-year general fund. He said the line was difficult to do much with, and even when drawing an average, which was shown as a red line on the slide, it did not illustrate all that had happened over the 15-year period. He said he would further divide the chart into economic periods.

Mr. Bowman said that prior to FY09, there was a very high real estate market, and revenues performed very strongly, and in the Great Recession and initial recovery period had an average of 1%, going from a slight decline to 2%. He said they then moved into a third economic environment, which he would then call the post-initial recovery, where just about every year in this growth, except for the first, was above the long-term average, which continued all the way into FY20, until the onset of the pandemic in the fourth quarter and the short but deep recession that was brought on.

Mr. Bowman said that the pandemic was its own unique timeframe in which the slowdown of FY20 immediately bounced back in FY21 to continue to grow stronger in FY22. He said that as they looked at the data, it was not necessarily what would happen in the future, but what he recalled from Dr. Bailey was that every recession was different in time, depth, and sectors impacted, so they must reflect on the past, but not assume that it would repeat itself.

Mr. Bowman said that with this history and the economic outlook report, they attempted to draw a projection for FY23-FY28, which was shown on the slide in green. He said that in FY23, the adopted budget projected strong revenue growth, and during the first quarter, that was on track, but the projection then anticipated in FY24 that there would still be growth but it would be at a rate slower and nearer the long-term average before the impacts of a recession or economic cooling would be felt more in FY25 and FY26, before things began to normalize in the outyears of FY27 and FY28.

Mr. Bowman noted that this projection was not something that would be as deep or as prolonged as the Great Recession, nor was it something that would be as brief or as short-lived as the pandemic recession of 2020. He said that this was a starting point, and as they looked at this every month, they analyzed key revenues and how they related to each other, whether it be real estate, business activity, consumer activity, or what those impacted, and this was the beginning of how they looked at their revenues.

Mr. Bowman said that the expenditures of the five-year plan were shown on the graph in an orange line, which exceeded revenues in each year. He said that this model presumed that the normal formula allocation provided to capital and debt service and school operations continued to be provided as the Board had directed. He said that when looking at this chart, it should be noted that last year, when beginning FY23, there was a balance, and that was not the case this year. He said that the balance of \$6.7 million was a starting point, and while they had work to do as staff and work to do from now until February to balance the budget, the biggest question was what were the long-term trajectory issues that they should focus on to shape the five-year plan, because they were planning and not budgeting.

Mr. Bowman said that as pointed out in the economic outlook report, they entered a time of increased uncertainty and volatility, so those lines may appear different in one month. He said that they were at a point in the year where real estate reassessment and personal property reassessment were not able to be calculated yet, and those revenues were approximately 60% of the overall County general fund

revenues. He said that at that time, they assumed no change in those assumptions, but those items would be watched closely and would be updated.

Mr. Bowman said that there was further uncertainty on the expenditure side, because more than 70% of the County general fund expenses went into personnel costs. He said that they were undertaking a compensation and classification study as part of the Human Resources Department organizational efforts, and they had made an assumption about what that may cost, but they would very soon have information to understand what the true cost would be in the phases of that cost as they looked ahead to the FY24 budgets and beyond, should those things need to be phased in. He said that with those uncertainties, it was important to acknowledge that the starting point in FY24 would change, but the trajectory from FY25 to FY28 would look relatively similar, so the discussions would be about issues they needed to think about and perhaps do things differently to align what that long-term five-year plan looked like.

Mr. Bowman said he would now go goal-by-goal and objective-by-objective in the Strategic Plan to tie how those items in the five-year plan connect to the strategic plan.

Mr. Richardson said that Mr. Bowman commented about the classification and pay study that was going on in the organization. He said that Ms. Emily Kilroy, Director of the Office of Communications and Public Engagement, attended the TJPDC (Thomas Jefferson Planning District Commission) regional meeting that previous Friday and came back with a specific observation about this issue, which was that every local government in their region was going through a pay and classification study at that time. He said that at no time in his career had he seen that happen, and it spoke to the stabilization issues across the region.

Ms. Price said that the Board should be prepared for an increase in cost for what would normally be on an annual calculation.

Mr. Bowman said that the objective statements associated with each goal of the strategic plan were listed in orange underneath the title of each slide, and there was text on each slide that connected the five-year plan to the strategic plan. He said that those connections would be in one of three categories. He acknowledged that there would be examples of where funding was ideally put in place, the first on this slide being the Human Services Alternative Response Team. He said that this team was approved by the Board in the FY23 budget to focus on a different type and level of response across public safety and human services about the best response for certain types of calls.

Mr. Bowman said that this was aligned with the first objective statement about highly responsive services in community safety. He said that it was also an area where they could not yet report on the success of that team because they were in the process of recruiting, onboarding, and training personnel. He said that there would be examples in the presentation tied to work already underway and the staff capacity that went with that. He said that they had not realized yet the input of that because of the recency of the funding.

Mr. Bowman said that the second item that he would identify was where there was funding in place and may not be needed, but there would be a significant amount of staff capacity to continue to implement those projects already underway.

Mr. Bowman said the third category was some of the key assumptions of the five-year plan, which applied to new funding for core services that they had identified as part of this goal. He said that to explain what those were, for the Fire and Rescue system, there were 20 firefighting positions at that time that were funded through FEMA SAFER (Federal Emergency Management Agency Staffing for Adequate Firefighters and Emergency Response) grants, which were grants that the County would need to pick up in FY24, FY25, and FY26 as a graduated approach.

Mr. Bowman said that these were in response to changing dynamics in the overall Fire and Rescue system where this provided supplemental staffing at the request of several stations. He said that was factored into this model. He said that they had also assumed that the regional jail renovation would have increased debt service to be paid by the County Sheriff, so the operating expense would be factored into this plan.

Mr. Bowman said that as part of this financial planning, they wanted to make sure that the capital budget and operating budgets were aligned, so for major capital projects like the court facilities renovation, the larger facility and things that went with that were factored in as part of the CIP (Capital Improvement Plan) operating impacts on this as well.

Ms. Birch said that she wanted the Board to connect the next six goals to the prioritization of current projects underway that they had funded and where they had made an assumption in the five years. She said that if the Board was not seeing something that should be on the slide, this was where they should ask the question of what was assumed in the five-year obligations as they looked at the planning effort so that they could have a conversation about the assumptions. She said that she wanted to ensure the Board had heightened awareness of what was on the slide and what they had made a financial assumption about.

Mr. Bowman thanked Ms. Birch for reiterating that point. He said that the second goal had a first objective of developing tools for integrating climate action and equity into programs and services. He said that this was not a program with new dollars, but the staff capacity was ongoing now that the Office of

Equity and Inclusion was fully staffed to complete that work and find how it connected to items such as the AC44 (Albemarle County 2044 Comprehensive Plan) process, as well as the other work they did, including internal equity and inclusion training and the Community Remembrance Project and signage work.

Mr. Bowman said that the next objective was implementing the Climate Action Plan. He said that highlighted was that there was recent new funding where there currently was one-time climate action pool funding to implement the Climate Action Plan. He said that also being considered were opportunities to realign existing resources as needed to support the Strategic Plan, such as the re-prioritization of a vacant position in Facilities and Environmental Services to focus on the Climate Action Plan implementation, which would be in addition to the Climate Action Program manager, who was already in place.

Mr. Bowman said that every year in the Capital Improvements Program, they had funding for the maintenance of their facilities, and staff was looking at the results of energy audit recommendations to see how to ensure they were using the existing funding to the highest priorities in the strategic plan.

Mr. Bowman said that the final item on the slide was that there were operating assumptions on the opening of the Northern and Southern Convenience Centers, which were included in the five-year plan.

Mr. Bowman said that Goal 2 had a statement for fostering community partnerships and engagement, and he acknowledged that there were positions to be funded midyear for community engagement, support for the Citizens Advisory Committee, building on the work that the Communications and Public Engagement (CAPE) Office built in recent years. He said in FY23, the next phase of stream health initiatives had funding added in FY23. He said that the last statement had nothing identified because it was about collaboration more than new funding.

Mr. Bowman said that Goal 3 had the objective of broadband funding, which was an area that had recent activity. He said there were two actively awarded grants from the Virginia Telecommunications Initiative as well as one pending application. He said that this was something the County had implemented in partnership with the Albemarle Broadband Authority and regional partners of the TJPDC and their telecommunications partners. He said that beyond that one-time funding and creating access, part of the mission of the Broadband Accessibility and Affordability Office (BAAO) was affordability, so they were continuing the funding for that connectivity program.

Mr. Bowman said that the second statement about ensuring long-range water and wastewater plans were in alignment. He said that this did not have an assumption in the five-year plan because it spoke of collaboration of existing staff and resources.

Mr. Bowman said that the next Goal 3 objective statement around public works was to acknowledge that in FY23, beginning midyear and continuing operations into future years, was the impact of the street sweeper operations, the enhanced entrance corridor and right-of-way programming included in the budget, as well as the initiative in the Department of Community Development for property maintenance inspectors and blight remediation.

Mr. Bowman said that there was also one-time funding for the sewer connection program, but that the \$1 million may not be able to address the total need that existed, and that this was another example of the staff capacity of an initiative that touched multiple departments of Facilities, Finance and Budget, and Human Services functions around that program.

Mr. Bowman said that finally was information about long-range plans to embrace multimodal connectivity. He said that in the last CIP, funding was increased for the transportation leveraging program. He said that they were seeing a changing landscape in state and federal funding for transit, so as they had heard from partners at Charlottesville Area Transit, they had relied on funding from CARES (Coronavirus Aid, Relief, and Economic Security Act) and ARPA from the federal government, they also had a multi-year plan of what that looked like in future years.

Mr. Bowman said that with the changing landscape, it could impact JAUNT in several ways, and what their state funding looked like, as well as future Board decisions that must be made around microtransit. He said that the program had yet to begin, and that there was a grant to start that service, but as the Board saw the implementation and its results, there should be a future discussion about the total transit picture. He said that there was some funding put in to address these areas across these multiple transit issues.

Mr. Bowman said that Goal 4 was about quality of life. He said that they had funded the work required to continue the AC44 Comprehensive Plan work, and the slide acknowledged the staff time required to implement that over the coming years was a notable impact in the context of moving forward other strategic objectives.

Mr. Bowman said the next objective focused on economic development. He said there were recent investments made by the Board into the economic development fund and the public-private partnership in the CIP. He said that an upcoming project that would leverage funding was Library Avenue and The Square in Crozet, and beyond that funding, it would also include projects that would require the participation of Facilities and Environmental Services. He said that the outyears that were planned included the funding gap and had ongoing funding for the economic development plan based on things

heard from the Board, but they could discuss it further.

Mr. Bowman said that continuing to move into Goal 4 was Housing. He said that this was similar to economic development, where there was one-time funding put in place and released since April 2022, including the discussion item prior to this one in today's meeting. He said there was a \$1 million Community Development Block Grant for Southwood, which was not new money, but was existing funding. He acknowledged the work of the Office of Housing as they implemented housing initiatives. He said that like economic development, in the outyears, they had begun to include some ongoing funding for the Housing Fund and acknowledged it did not begin in the first fiscal year and the outyears were still out of balance, so they needed to work through that.

Mr. Bowman said that another part of Goal 4 was to integrate parks planning with multimodal transportation planning across the County and to enhance overall access to parks and recreational opportunities with an emphasis on urban neighborhoods. He said there was recent new funding for Biscuit Run and for Moore's Creek trailhead. He said that the Board was concerned about right framing of urban neighborhoods and access, and as he discussed it with Parks staff, they found that Biscuit Run was important because of the connectivity it provided to the 5th Street area and the to-be-constructed trail hub in that area. He said that the RAISE (Rebuilding American Infrastructure with Sustainability and Equity) Grant was new funding awarded to the County for the shared-use path planning for Three Notch'd Trail and it was now a matter of the staff capacity to implement and manage that grant.

Mr. Bowman said that Goal 5 would be the focus of the December 7 School Board meeting. He said that the school operations were funded based on the allocation of the local tax revenue formula. He said that included in the current CIP for FY23-FY27 were the Mountain View expansion and site improvements, the high school capacity project, and two elementary schools. He said that the last year, FY27, included the design of the third school, with construction intended to follow in FY28, which would now be year five of the new plan. He said that finally included was funding for school renovations.

Mr. Bowman said that Goal 6 was workforce stabilization and customer service. He said that the major drivers were positions funded partially for midyear starts in FY23, which would continue to be picked up in FY24 and impact into future years. He said that they had worked with the public safety departments and Human Resources Department to address priority, timely concerns within the current budget around public safety pay increases, and there would be expected continued impacts from that beyond FY24. He said that as they did every year, they would make projections on market salary and healthcare funding increases based on the performance of the healthcare model. He said that they had assumptions around implementing the classification and compensation study, but they would need to update those in the very near future.

Mr. Bowman said also included was an assumption in the outyears of the plan, years 3-5, which was that about 12 new positions a year, not being specific to what they would be, would maintain their overall staffing ratio for all County government. He said that this acknowledged that while they sought to improve process and reengineer services to be as efficient as possible, there would be some services related to police officers, child protective service workers, or adult protective service workers, that could not have problems fixed as demand grew. He said that that assumption was not included in the first couple of years of the plan to recognize that there was still work to do to balance that, but also the unique place they found themselves in with larger-than-usual vacancies.

Mr. Bowman said that Goal 6 also included a statement about modernizing business processes. He said this project was called the core systems modernization, which focused on human resources, community development, and financial systems, including both the operating and capital impacts associated with that project. He said that finally, they had implemented office space planning and strategies. He said that there was recent new funding and studies underway with nothing new beyond that, but they had the Shroeder's Branch Feasibility Study underway. He said that dealt with the Brookhill proffered site on the west side of Route 29. He said that the Board recently approved funding for the Public Safety Operations Center at the old J.C. Penney space at Fashion Square Mall. He said that they had not yet realized the benefit of those moves because it was currently under development.

Mr. Bowman said the comments on all six goals had been heavy on the operating budget. He said that one slide that he shared with the School Board the previous week was about how as staff, they were beginning to prepare the updated CIP for FY24 through FY28. He said that the Board adopted in the spring the balanced FY23-FY27 adopted plan, with the acknowledgment that the beginning construction of the third school would be in FY28. He said that that was the starting point for School Board discussion for next month. He said that they would first work to attempt to maintain that plan with updated realities of a significant increase in project costs due to inflation, supply chain impacts, and raw material availability. He said that the School Board had a building services consultant present information about this in length, and it was meant to reflect the new environment they were in.

Mr. Bowman said that there was also a changing market in borrowing cost; the County still had a AAA/AAA/Aaa bond rating, one of 47 Counties in the Country to do so. He said that would position them to get the best possible rate, but that rate would always be relative to the market, so while the last issuances within the last two years had been very favorable with interest rates below 2%, based on the environment at that time, it was very unlikely that would repeat the next time there was an issuance planned in CY23. He said that beyond maintaining the plan, the third point acknowledged the flexibility the Supervisors created in the adopted CIP, where there was a line item for a strategic plan placeholder with the idea that once the Board updated the Strategic Plan, the Board wanted to be in a position where not all staff and financial capacity was fully spoken for.

Mr. Bowman said that now that they had an updated strategic plan, they would take the time through this budget process to determine the best application of that to move the strategic plan forward. He said that in the Board's discussions, there had been several examples that would be prioritized, including pocket parks, rectangular fields, and economic development. He said that they had identified \$27 million in a combination of cash and borrowed funding that could be programmed to move something forward depending on the overall picture and other assumptions. He said that beyond that, to the extent possible, any new projects would be guided by the strategic plan.

Mr. Bowman said that the final section of the presentation was for perspective on scenarios. He reiterated that this was the best information they had as of that day. He said there were a lot of notable unknowns, examples including the potential for economic slowdown and what that might look like, inflation and energy prices, acknowledging they would soon have updated reassessments for real estate and personal property, and the impacts of future federal funding on the next five years. He said that there was nothing on the horizon in terms of what the County received in CARES and ARPA funding that would arrive imminently. He said they also knew that every year, there was always some uncertainty when they had made projections about the revenue-sharing calculation with the City and the Virginia Retirement System rates. He said that the last two were meant to acknowledge every variable that could be considered in their long-term modeling.

Mr. Bowman displayed a graph that showed the County's revenue +/- 0.5% revenue growth. He said that even small changes in the plan created ripple effects that extended into outer years and became compounded over time. He said that one of the takeaways he had from this chart was that while they had uncertainty in the economy, they could certainly see that a slightly better situation did not make their long-term projection go away and they still needed to have discussions about what those long-term policies or strategies they could do that could change the overarching trajectory of these lines.

Mr. Bowman said when the Board reflected on key assumptions, they would like to know what the plan did well and what changes or information may be needed. He stated transit was an example of a notable changing item that had a changing landscape and involved many community partners and added that the Board may want to discuss what the long-term strategy might look like with all these moving pieces. He said economic development and housing were two other examples of assumptions the Board may wish to discuss.

Ms. LaPisto-Kirtley said that the future overall of the economy nationwide with interest rates increasing did not look good, and when looking at slide 11, it appeared to her that it was going up as far as revenues and expenditures. She asked if this was counting on the County changing the taxing formula for real estate taxes. She asked why there was an assumption that there was any kind of upward growth.

Mr. Bowman said that the long-term trend showed that even in the depths of the Great Recession, there was only one year where revenues actually declined. He said that the years of 1-2% were impactful and he did not want to diminish that, but this was projecting the rate of growth to slow, and they were not projecting something as deep or long as the Great Recession, but it was a starting point for projection that would be monitored as time went on. He said that the Board could make a different assumption each year with the tax rate and how it played out; they had not assumed a change in real estate tax rate assumptions, and it was looking at revenues in total to see what was possible as based on what they knew to date.

Ms. LaPisto-Kirtley said that all the expenditure assumptions shown on the slide were good. She asked to see Slide 24. She said that these were the unknowns. She said that she worried about these and wanted to know if they felt confident their expenditures and revenues, with or without the unknowns, would continue to grow.

Mr. Bowman said that they had the best information that they knew on that day, and their staff had been in an environment for about the last two years of the pandemic to make watching and noting changes in revenues a regular part of their business process. He said that it was notable because they were seeing changes in things such as sales tax, trends in business licensing revenue, changes in recordation taxes, and trends that had not happened before or happened in a different pattern.

Mr. Bowman said that some of the recommendations of Dr. Bailey were to have goals and prioritize what they were, but also to be agile and mindful, looking for early warning signs and reaching out to those closest to the work as every month they had to check in with the Community Development Department to see what they were seeing in building activity, not only in permits but in the value of the work, as well as changes in real estate transaction. He said that they would be lucky to hit it exactly right; if they were doing the right strategic work to monitor those things to position the Board to do their best work as they tracked all those things.

Ms. LaPisto-Kirtley said that she believed they were. She said that they had looked at everything on a monthly basis with a capable staff, so that was why they continued to have an excellent credit rating. She said that she could not think of anything omitted right now, but she was surprised to hear that 70% of the County budget went into personnel. She asked if that was correct.

Mr. Bowman said that yes, it was about 73%.

Mr. Gallaway asked what the three questions about the plan were.

Mr. Bowman said the third was “what were the areas the Board would like more information on?”

Mr. Gallaway said that his overarching questions were related to the economic outlook report. He said that in the conclusions and recommendations, one of the bullet points was about staff engagement to advance early detection, scenario planning, and response. He asked if what they just went through were scenarios and if that was the planning for them.

Mr. Bowman said yes.

Mr. Gallaway said that in addition, were there scenarios they had not considered. He asked if there were scenarios that had not been considered, were those items that were missing? He asked how the line was drawn from advancing early detection to the five-year plan. He asked how early detection of things was done.

Ms. Birch said that one of the things done as part of the FY23 budget was adding a position called a Revenue Analyst, who had not been on staff before, but Mr. Bowman’s team had served that purpose to look at revenues, and they were not looking as often and as timely as they should, but they were looking at least monthly to ensure they did not have any sort of systemic challenge with revenue collection. She said that they were still doing the work, but it was different when the sole responsibility was to look at all of the revenue data coming in and make assumptions about it. She said the person in that position was beginning on Monday, so it would be part of their ongoing effort to ensure that they were aware of economic changes at the local level.

Mr. Birch said that Dr. Sheryl Bailey from Virginia Tech, who presented the Economic Outlook Report in October, said that the best way to figure out what was going on in the economy was to find and go to the place, so they would follow the data to see if there were pieces that helped them determine if there was an issue with sales tax, real estate changes, personal property, and other things. She said that was the plan for the future. She said one of the areas they got good remarks for and why they had a AAA/AAA/Aaa bond rating was because they did quarterly financial reporting. She said that from an early detection perspective, that’s what they had, but they added the piece of having a dedicated revenue person.

Mr. Gallaway asked to see the revenue and expenditure slide. He said that within that, in the past years, they sometimes factored in a tax increase in outyears. He said that he presumed that this did not factor that in, but it should be noted that they could change the trajectory of that line by adjusting the tax rates, specifically the property tax.

Mr. Bowman said that was correct.

Mr. Gallaway said that going forward, having a visual that presumed if they changed one penny how it would change the trajectory. He said that there was a comment made at a local program that previous Monday by Neil Williamson about turf fields, and that everything the City and County wanted to do. The question was how to pay for them, and one of the responses was that they were not taxing enough to get the services they wanted. He said that his point was that if they wanted to do something but could not afford to, despite it being the will of the people, it must be paid for, and they must get the money to do it. He said that that was true, and they must know that if the community wanted certain things and the expenditures were clearly outrunning that, but they did not want to forego trying to get those things that the expenditures got them to, they had to either cut expectations, or they had to figure out how to come up with the resources to pay for it.

Mr. Gallaway said that repurposing and moving money around, such as people saying they were prioritizing the wrong thing, did not fix this. He said that repurposing staff positions did not change the trajectory of the revenue and expenditure lines. He said the approach to planning when looking at revenue growth, they had to walk the line between being too or not enough conservative with their projections, and he would like to hear more about what was assumed for revenue growth from a planning perspective, such as if they went with the average or lower-than-average.

Mr. Bowman said in years 4 and 5, the performance of the outyears was challenging to predict in this economy. He said that the long-term average they saw went through four different types of economies and at least gave them a benchmark to say that whatever they may be, it was more reliable to count on that than to project a worse-than-recession or a strong boom in FY27 and FY28. He said that the Great Recession was heavily real estate-induced, and when looking back on the pandemic recession, a lot of those assumptions also anticipated a major real estate impact when there was not one, or if there was, any declines were masked by gains elsewhere that could be noticed.

Mr. Bowman said that this should be thought about when looking at the total change, whether it was across sales tax, consumer taxes, business taxes, or other state and federal revenue. He said there may be something projected with real estate impacts because it was a big part of the economy, and the strong reassessment from last year was a historical anomaly but recognizing that past trend.

Mr. Gallaway asked if they were using 4% when drawing the revenue trajectory.

Mr. Bowman said that was correct for FY24, FY27, and FY28. He said that FY25 and FY26 had the number drop down to 2.7%.

Mr. Gallaway asked if the assumption for that base was changing based on the information here.

Mr. Bowman said yes.

Ms. Birch said that FY24 would be interesting in that when reassessments were done for property, it was as of January 1, so they had to make a call in the five-year planning for what point in time they would be able to see a marked change in the rate of growth on the real estate side. She said what they knew now was that FY24 would be strong concerning reassessment, but after that was uncertain, so they dropped the FY26 year. She said that by the time they presented the budget consideration in February, they would know that number, which could be higher than 4%, but for planning purposes, there was no reason to go above the historical percent, which was 4%.

Mr. Bowman said that FY23 adopted budget needed to make an assumption on what the CY23 reassessment would be, and that assumption was 3.5%, but that would be updated in January with the actual amount.

Mr. Gallaway said that the work of the team was done well, and staff was in place to do what was recommended. He said that he thought what was missing was that there were specific things they could do for the Climate Action Plan by putting money into a pool to be able to do things related to that plan. He said that reprioritizing a position was specific and they could count on that. He said that the energy audits and recommendations to save money or operational costs on the CIP were specific. He said that the Climate Action Plan was looking at actual allocations to help support that plan, but the Climate Action Plan changed the approach done everywhere else, which in and of itself could cost more.

Mr. Gallaway said if they were more stringent for application guidelines and created more staff time to do the analysis for that, it cost them more from a wage and staff allocation. He said that he was using the Climate Action Plan because even when they used that in the past, even with that plan put in place, it was murky as to how to calculate return on investment. He said that this would be true of other plans put in place, so his question was what the assumption was for how, beyond these types of specifics, they got at those increased costs, because their standards were higher for certain things, and that equated to higher costs in other areas outside of other areas than on that slide.

Ms. Birch said that question highlighted the reason why they updated the strategic plan. She said that they were at a moment where the Board just approved that, and all of these objectives set into motion how they could ensure how a decision made here and an objective was funded, that they could understand its effect on everything else. She said that that work was being done right now, and all the portfolios out of the County Executive's Office were to prepare for FY24, what they were doing this year in making sure that all of the departments understood what they were prioritizing as a County through these objectives, which would pay dividends as they approved the budget and planned over the next five years for what their work plan was for getting and accomplishing the strategic plan. She said they were at the beginning of that, and hopefully by this time next year, they would have updated performance metrics when talking about the five-year plan and the accomplishments related to the strategic plan.

Mr. Gallaway said that the presentation mentioned Shroeder's Branch and the County facility needs. He said that the School Board made decisions the previous week under the constrained numbers they were given, and renovations came out. He said that the County renovations, like the window project that had just been completed were discussed 12-15 years previous and finally came to fruition, so a lot of projects like that got booted. He said that specifically for the County, and working to hold to the assumption for planning, they had an upcoming facilities study that was meant to inform them as to the use of County facilities.

Mr. Gallaway said his question was, for purposes of planning, what was the assumption they were doing for County facilities. He said they were very good when immediate space needs came up in Schools and the County, and he would like to know if that were the continued assumption for how they dealt with space needs or was the assumption in the expenditures that they would figure out and make big choices on how to use spaces in a way that did not require constant tending to emergencies.

Ms. Birch said that they were currently having conversations as part of the strategic plan about what should be done differently with space planning, what the acute need was, how do they resource that, and how do they do things differently by optimizing the space they had, and what they needed to get rid of or upfit. She said those conversations were occurring, but she would allow Mr. Richardson to clarify this point.

Mr. Richardson said that it was complicated in a post-pandemic environment, where they were trying to be future-facing with the hybrid workforce. He said there was a recent tour of a building in the downtown area that was LEED (Leadership in Energy and Environmental Design) certified and a modern office building to see how space could be used. He said that they had critical needs and other departments that, due to the nature of their work, had performed well in a hybrid workplace, and they had space to share. He said that they did not want departments to become overwhelmed with changes made too hastily, so they were in the middle of it pretty hard. He said it was complicated.

Mr. Gallaway said that he no longer needed to leave the meeting and was now on call.

Mr. Bowman said that currently, the CIP did not contemplate the acquisition or major renovation of a new facility, but as they thought of that strategic plan placeholder and the best use for how it could be programmed, that was an option based on that framework. He clarified that there was nothing for that included in this model.

Mr. Gallaway said that was correct. He said that the pending facilities study that was coming, plans like the Climate Action Plan, in succeeding in the policy goals of that plan, he was still haunted by the economic outlook report that showed their wages below the state and nation. He said that they were in a situation where they had huge amounts of staffed positions vacant, and all of the regions were going through a classification and compensation study. He said that was likely because the region dipped below the state and nation on wages, and while they were growing, they were not on pace.

Mr. Gallaway said that if someone at a different level wanted to get someone, they were paying more than them, so it was hard to retain, work, and commit people if they were not paid. He said as Supervisors, even if they had the positions filled, they likely would not have enough to get the plans in the strategic plan done. He said that they did not know the results of the compensation and wage study, and if that did not tell them they had some major rightsizing to do, the plan would shock him. He asked if they were assuming something larger than normal or if they were going with their normal progression over years for wages.

Mr. Bowman said the first component was the market rate, which was in the area of 4% in the early data that had been gathered. He said the second component was that it recognized the pay scale was in the right place to start with, and that was an assumption for which he did not want to throw out a number because of the recency of the data acquired. He said it would be two-fold to catch up and to keep up with where the market was going on that.

Mr. Gallaway asked to see the slide with the expenditure chart. He said that that would change dramatically with the results of that study.

Mr. Bowman said that they made the assumption that there was something in there, but he knew they would update that as soon as they received the results from that report, both in terms of the total cost and whether and to what extent it was implemented in phases.

Mr. Gallaway said that he understood. He said that when looking at the strategic plan and coming budgets, if they did not prioritize and emphasize what was needed for their workforce, they would undercut every plan and strategic plan they had because they would not have enough people to get it done and pull off the plans, and they would struggle to compete with the private sector and other localities to retain the talent needed to get things done. He said that they not only needed people but needed the right people.

Mr. Gallaway said this would be a difficult bit of information they get from the compensation study relative to all of the planning done when the lines changed and if they were serious about achieving Housing Albemarle, the Climate Action Plan, and Project Enable. He said this team did an excellent job bringing the planning together, but if they did not fill out the capacity needed to do what they wanted, then they needed to stop talking about what they wanted and begin rightsizing their expectations.

Mr. Andrews said that he was unsure of whether he should be panicked at the rate of expenditure because it was so much higher than the rate of revenue projected. He said that he wanted to be prepared today, but he did not have these figures prior, so he looked at last year's presentation, and he saw some dramatic differences, with very noticeable changes in the five-year revenue. He said that for example, the difference between the revenues and expenditures predicted for FY23 were exactly the same, and then it went up \$4.4 million, \$7.1 million, \$7.4 million, and \$6.5 million, which were relatively small amounts.

Mr. Andrews said going back to the slide showing the difference between the balances shown, which were \$19 million, \$24.2 million, \$28.4 million, and \$28.9 million. He said that he was trying to understand the differences in this process and how the process worked. He said that what was missing was the context of how well they had done this in the past, and how much of their assumptions changed for this five-year plan compared to last year's five-year plan. He said that it worried him.

Mr. Andrews said that the scenarios slide showed notable unknowns, and he did not expect this list to be the same from year to year, but last year's had a notable unknown of the future impacts of the pandemic. He said that while economic slowdowns and inflation were results of the pandemic, what he worried about again was if they had really considered all of the risks and vulnerabilities associated with significant events such as the pandemic and future impacts that could be noted.

Mr. Andrews said that this was a very difficult process, and he did not know where to begin, and the staff had done an amazing job sticking to things that could be understood. He said that he could not help but think that the storm on January 3, 2022, cost the County money and that there were unanswered needs, such as the questions raised at that time about whether they needed to have emergency shelters and whether that had been built into their planning sufficiently. He said that scenario was only a warning, and there would be things that they would need to be ready for that would cost them money.

Mr. Andrews said that he was still attempting to understand where the contingencies for this kind of resilience came into the plan, whether it was for a major heatwave with an electrical grid outage, a massive flood, or something else. He said that those were very difficult to plan for by their very nature.

Mr. Andrews said that they mentioned transportation and talked about transportation vision and a constrained versus unconstrained vision, and he was unsure of how those played out in this. He said that they had talked about public works, and it was great that it was in here. He said that it was an area that expanded dramatically to handle potential natural disasters that would challenge public works.

Ms. Birch said that Mr. Andrews' viewpoint was important. She said she hoped she could allay some of his concerns that the outlook from last year looked very different from this year. She said that they were in a very different spot, and one of the benefits they had was their credit rating, which they had for the reasons of being able to shield against any major swings in economics, natural disasters, and budgetary issues. She said that they had set up financial security to be able to handle that, so it would be there. She said they had a solid fund balance, and the Board approved only a few months ago an increase to that due to staff's concern about their ability to be prepared, so they had the right reserves in place, as well as a team of people who were analyzing information to bring issues to the Board to make decisions.

Ms. Birch said that if there was ever a time that tested their ability to be agile, it was going through the pandemic and budgeting for that crisis. She said that they made tough decisions, but that was expected. She said that the five-year plan was not meant to be a doomsday scenario but was meant to acknowledge that there were some decisions that had to be made to bring that into balance. She said that they were beginning FY24 with a different look than the year before, but the year prior was a very interesting situation in which fourth-quarter revenues in FY21 came in incredibly high and they could not have predicted the rebound. She said that when they were planning FY23, they knew that they were already at a better place than they had been, because the budget had been artificially lowered due to the pandemic, and they had the flexibility to be able to come into FY23 knowing they could balance it easily due to the natural growth experienced coming out of the pandemic.

Ms. Birch said that the reason the pandemic was not mentioned was due to the knowledge gained coming out of it related to Ukraine and the federal increased rate. She said that those were all of the things they used to know they were in a different time and what FY24 was looking at, but it was also before they knew what the major revenues and reassessments would be in January. She said there was opportunity in that to be able to close that gap, but right now they did not have the benefit of that information.

Mr. Andrews said that was reassuring. He said it would help to look at their past process compared to their current one and what issues they were facing at each time. He said he did not mean to focus on the unknowns but used them as examples. He said that there were dramatic differences in the assumptions that it would be helpful to understand.

Mr. Bowman said that one of the biggest differences was the projected economic uncertainty. He said the biggest change in the year-to-year balance occurred from FY24 to FY25 with a jump from \$17 million to \$19 million. He said it was a combination of an economic slowdown coupled with the impacts from obligations, such as those related to the regional jail, the FEMA grants, and others. He noted that in year three, the rate at which the County was out of balance and the change over the following years dramatically slowed as things returned to normal. He said that the rate of change, and where that was, would be something they would need to work through, rather than something that became exponentially worse year after year after year.

Ms. McKeel mentioned she had listened to the School Board meeting on the CIP and that Mr. Bowman had provided a presentation at the meeting. She said the meeting recording was available on the School Board website.

Ms. McKeel noted there was concern about the future. She mentioned concerns about a future pandemic and political uncertainty. She said she was impressed with the County staff's flexibility and ability to handle pandemic challenges.

Ms. McKeel said in terms of retention and recruitment of employees, and the wage study, it was important for the County, along with the Schools, to consider something to set it apart and become an employer of choice. She noted wages had to be part of the solution, but they had to come up with an additional strategy to become an employer of choice.

Ms. McKeel said that she appreciated the ACRJ (Albemarle Charlottesville Regional Jail) piece. She said she initially had questions about how the renovations would be included. She noted that they would have to discuss transit in the future. She mentioned the pilot program for a microtransit system. She said they were doing a governance study for transit to determine the scope of a transit authority for the County.

Ms. McKeel said she was excited the County had hired a Revenue Analyst. She said she appreciated the property maintenance and blight. She noted they had discussions in the past about ways to diversify the tax base, and that it was critical to do that.

Ms. McKeel said in terms of expenditures, she was unsure about the County's ability to address future challenges. She noted that there would be an election in 2024, and she considered the unanticipated expenses the County may incur preparing for the election. She mentioned that the five-year plan was fluid and able to be changed. She noted staff had the ability to come back before the Board and recommend changes.

Ms. Birch added that the discussions helped staff provide the Board with policy considerations to bring back to codify certain decisions. She said they wanted to have the discussions so they could prepare to provide the appropriate information to the Board so it could make decisions as to how to move forward.

Ms. McKeel noted that, especially related to the unknown, they had the ability to revisit items and make changes as they needed. She mentioned that the economic development work brought in revenue and that the work was critical. She said she appreciated the economic development fund.

Ms. Mallek said it was hard for her to be organized with all that was going on. She mentioned that the prior year, the staff exhausted themselves making the budget process smooth. She said she did not want to repeat the strain on staff. She said the County recovered quickly because of \$20 million from the federal government.

Ms. Mallek said she appreciated the preparation and presentations. She said they artificially lowered the budget, but it was better handled than in 2010. She said she was worried about staffing levels and the burden to meet crises. She said she was concerned about the cost of staffing and retention.

Ms. Mallek noted many things went with climate change. She agreed that the County did not have a good return on investment for the kinds of improvements they were considering for offsetting, preparing for, and adapting to climate change. She said she knew those would be lower than the cost of repeated cleanup and there was a potential to avert disasters and looked forward to hearing more concrete work on those.

Ms. Mallek noted that the emergency office was working hard on processes for facility improvements. She mentioned the need for shelters because some people were unable to stay in their homes during natural disasters. She said the emergency response was getting better, but there would need to be CIP costs considered by the Board in the future.

Ms. Mallek mentioned a 7% mortgage was a bargain in the 1970s. She said the 5% borrowing costs should be considered a threshold. She said they were way beyond a 2% rate, but maybe they would return to one in the future. She said they had lived successfully for five years with the 5% as a budget, and it was possible to do it again.

Ms. Mallek mentioned that the Court Project was in-process, and it may soon move to operations and off of the CIP. She noted that once it went to operation, it may cost the County more money, but it would free up space on the CIP.

Ms. Mallek said she agreed that economic development was good for revenue and businesses. She noted that economic development also provided employment, financial stability, and security for families.

Ms. Mallek said if they strengthened workforce approaches in the school system and with federal offices, then they would be orchestrating a multi-pronged approach. She said that pushing the chairs around does not solve anything, but it had saved the County during past crisis, and she knew that senior staff would always watch for staff's innate skills and opportunities for them to do something new to address where the real need was. She said in the do-well category, today was a perfect example, and that what was missing for her was the uncertainty and the need to get more information, which couldn't be solved at that time.

Ms. Price said she recently attended the equivalent of a chairs and mayors TJPDC regional meeting. She mentioned that a county present at the meeting had calculated the estimated cost of a new construction building two years prior, and the cost estimates were off by 100% at that point. She noted that the County's CIP calculations would be dramatically impacted.

Ms. Price said they had to consider that everyone around the County was looking at increased compensation costs to remain competitive and retain a high-quality workforce. She anticipated there would be substantially higher labor costs moving forward, starting with the FY24 budget.

Ms. Price noted that the CARES and ARPA funding would no longer be available. She said that she considered what was fair, what was just, and what was needed. She mentioned that 1.6% of the population had a perfect 850 credit score. She mentioned that only 1.5% of the 3,143 counties in the U.S. had a AAA/AAA/Aaa bond rating. She said the bond rating allowed the County to survive financial challenges because more creditors were willing to lend the County money at lower interest rates, and the County had the ability to pay it back.

Ms. Price said she reviewed the tax rates of the 20 largest counties and cities by population in Virginia. She explained Fairfax County was the largest by population and had a real estate tax rate of 1.11%. She explained Loudoun County was the fourth largest by population and was comparable to Albemarle, but it was growing at a faster rate. She said Loudoun County's tax rate was 0.89%. She said Spotsylvania was the 14th largest county, and their tax rate was 0.8474%. She said the County's tax rate was 0.854%.

Ms. Price said in terms of cities, Virginia Beach was the largest and had a tax rate of 0.99%. She noted Harrisonburg had a tax rate of 0.93%, Richmond's was 1.20%, Roanoke's was 1.09%, and Charlottesville's was 0.96%. She said Charlottesville's population in 2021 was 45,672 and Albemarle County was 114,424. She said the populations of the Rio and Jack Jouett districts were over 33,000, and with the addition of the urban ring and development areas of White Hall, Rivanna, and Scottsville, the urban population exceeded that of Charlottesville.

Ms. Price noted that counties were historically rural and did not typically provide services but that cities did. She noted that the urban area of the County was indistinguishable from the City. She said there was no way to close the gap without increasing the real estate property taxes. She said it was fair and just.

Ms. Price said they had to consider a balance between the cost of housing and the tax rate. She said they had to consider how much it cost to purchase and maintain a home in the County and then find a balance with the tax rate that allowed the County to provide residents with services that they expected and deserved because they were an urban county.

Mr. Gallaway said he wanted to affirm the contingency answer to Mr. Andrews' point. He said that moving forward, the County was doing a good job at having resources available for contingencies. He said contingency planning had to be solid so that other planning could take place. He said such planning was affirmed by the County's credit rating and its future planning.

Ms. Gallaway agreed with Ms. McKeel's comment regarding becoming an employer of choice. He said there were aspects beyond wages that were important, such as culture, work demands, environment, individual Board members, and other factors. He said in terms of wages, there were strategies; to be at market, a percentage of market, or above market. He said they could not be at at-market value and expect above-market results.

Mr. Gallaway said if they were to be at a percent of the market, then their expectations had to be a percentage of the market, and if they were to be at market, then their expectations had to be in line. He emphasized that their expectations for employees and their compensation packages should be in line.

Mr. Gallaway said he did not want the County to be at market; he wanted it to become an employer of choice. He said that the County was not at market in its expectations. He said he was not ready to lower the expectations. He noted the tough choices would be deciding what it took to pay for the wages.

Mr. Gallaway mentioned he was still trying to understand items from the economic outlook report. He said that it was helpful in making decisions and understanding topics to hear other Supervisors' comments. He requested a two-page report from the financial team, budget team, and County Executive Office on their opinions in regard to the report.

Mr. Gallaway said it would be difficult for him to make decisions moving forward if he was not able to understand why they did the report, including the history and what that report really got to.

Mr. Gallaway noted that when a recession or economic downturn happened, the demand for services increased. He said it was a cost issue the County had to examine. He asked when they projected downturns in revenue growth, and they were factoring in service providers, such as what the pandemic did to DSS and Fire and Rescue. He noted that DSS and the housing department would be under constraint during an economic downturn. He asked if that was factored into the County's planning.

Mr. Bowman said when he thought about issues that may cause pressure points for departments like DSS, he tended to think of them in the context of annual budgets. He said they tried not predicting where particular pain points would be because every recession was different, but they were prepared to have flexibility so that when issues came up in any particular year, the County would continue its ongoing dialogue. He said he tended to think of the items in a budget framework rather than a long-range planning framework.

Mr. Gallaway clarified that providing needed services was built into the contingencies.

Mr. Bowman said they were, and that having the discipline when those times came, they would be able to prepare for them. He noted that they could always learn from the aftermath of events.

Ms. McKeel said she agreed with Mr. Gallaway's comments regarding salaries and wages. She questioned what the County could do to make it an employer of choice. She noted that their employees were younger and had children. She asked what offerings they could add to the work culture to make the County an employer of choice.

Ms. Price said one action taken by the Board that year had helped make the County an employer of choice was that they made their first meeting in January an organizational meeting which eased the stress on staff coming off of the holiday break. She noted that only having one regular Board meeting in July and December also increased the staff's quality of life.

Ms. Mallek mentioned that there were several new childcare locations constructed by the UVA Medical Center in the commuter patterns to town. She noted there was one near Greenbrier. She said the services were not available, and though they could provide funding, the services were not there.

Ms. LaPisto-Kirtley agreed that the County could do more to make it an employer of choice. She said one of those items could be asking the employees what was important to them. She said many would say money was important, but they could look for other things.

Ms. LaPisto-Kirtley mentioned parking spaces could be important. She said it would be a good

idea to poll the employees. She requested Ms. Birch's and Mr. Bowman's opinions as to whether there was a contingency for additional items or if what they had proposed was what the budget could handle, or if they could take something else away if they added something.

Mr. Richardson said the Finance and Budget team would return formally before the Board on December 7 for an afternoon work session. He noted that the School Board would be present for the work session, and the topics would pick up where they last left off.

Mr. Richardson said the School Board would discuss its planning and timing for projects along with the operational and financial forecasting. He mentioned Ms. Birch and Mr. Bowman presented to the School Board in October.

Mr. Richardson said the discussion was rich. He said he appreciated the feedback. He thanked the Board for its support. He reminded the Board that in 2017, before he joined the organization, Mr. Walker and Mr. Henry knew that technology was not optimized, and the County was not getting the output that it needed from the effort put in.

Mr. Richardson said a technology needs assessment was requested, so outside vendors came in and prepared a report with several recommendations for improvement. He said many of the recommendations were to move away from up-and-down work in departments and to start a move to working across departments.

Mr. Richardson said they later connected performance and strategic planning. He said getting ready for the budget process depended on cross-departmental work. He said they were a work in progress and continued to be, but it was about changing culture.

Mr. Richardson mentioned that the prior Friday at an event held at UVA, Ms. Birch and Ms. Shifflett made presentations to counties and cities across the country about what the five-year effort had been like and what they had learned. He said he participated in the presentation as well.

Mr. Richardson noted that two years ago, they began to consider the need for a standalone local government Human Resources Department. He said the Board and School Board supported the effort, and staff had worked diligently. He noted that there had been struggles and setbacks, but it was a work in progress.

Mr. Richardson mentioned that they were implementing a human resources information system which would increase the speed of communication. He said the system would require less manual labor.

Mr. Richardson said that the pandemic was unpredicted, they did not expect 9% inflation or supply chain issues, and they did not expect to have to redefine workforce stabilization.

Mr. Richardson noted that they had made an advancement in systems, and they had made investments in their structure that affected their culture. He said many departments had realized that elements of their work required cross-departmental collaboration. He noted that there was more work to do. He noted his appreciation for staff and their effort, and for the Board's engagement, and thanked the Board for their support of the staff.

Ms. McKeel asked if there was a way for the Board to see the presentation given to the School Board the previous Friday.

Mr. Richardson said he could forward the presentation to the Board.

Agenda Item No. 11. Closed Meeting.

At 4:26 p.m., Mr. Andrews **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under subsection (1), to discuss and consider the annual performance of the Clerk of the Board of Supervisors, and appointments to various boards and commissions including, without limitation, Architectural Review Board, Blue Ridge Committee for Shenandoah Park Relations, Places 29 (North) Community Advisory Committee, and Places 29 (Rio) Community Advisory Committee;
- Under subsection (3), to discuss and consider the acquisition of an interest in real property in the City of Charlottesville and in the White Hall Magisterial District where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and
- Under subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice relating to (1) the County's rights under the terms of the memorandum of agreement between the County and the City of Charlottesville concerning the County courts and under state law, and (2) proposed amendments to Chapter 8 of the Albemarle County Code.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. LaPisto-Kirtley, Mr. Andrews, and Ms. Price.
NAYS: None.

Agenda Item No. 12. Certify Closed Meeting.

At 6:02 p.m., Mr. Andrews **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. LaPisto-Kirtley, Mr. Andrews, and Ms. Price.
NAYS: None.

Agenda Item No. 13. Boards and Commissions.

Item No. 13.a. Vacancies and Appointments.

Ms. LaPisto-Kirtley **moved** that the Board accept the following for their Boards and Commissions vacancies and reappointment list:

- **Reappoint** Mr. Christian Henningsen to the Architectural Review Board with said term to expire November 14, 2026.
- **Appoint** Ms. Lizbeth Palmer to the Blue Ridge Committee for Shenandoah Park Relations with said term to expire December 31, 2024.
- **Reappoint** Ms. Francis Caruccio to the Fire Prevention Board of Appeals with said term to expire November 21, 2027.
- **Reappoint** Ms. Francis Caruccio to the Local Board of Building Code Appeals with said term to expire November 21, 2027

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. LaPisto-Kirtley, Mr. Andrews, and Ms. Price.
NAYS: None.

Agenda Item No. 14. From the County Executive: Report on Matters Not Listed on the Agenda.

There was no report.

Agenda Item No. 15. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

There were no speakers.

Agenda Item No. 16. Public Hearing: An Ordinance to Amend County Code Chapter 8, Licenses, and Chapter 15, Taxation. To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 8, Licenses and Chapter 15, Taxation by amendment. The proposed ordinance would amend County Code § 8-201, When License application and license tax are due; penalties to comply with Virginia Code. The proposed ordinance would also amend County Code § 15-106 by referencing County Code Chapter 8 and also to comply with Virginia Code as enabled in Virginia Code §§ 58.1-3703.1, 58.1-3981 and 58.1-3990, to be effective immediately.

The Executive Summary forwarded to the Board states that the Department of Finance and Budget is recommending updates to the Albemarle County Code Chapter 8, Licenses, Article 1 and Chapter 15, Taxation, Articles 1 and 8, to conform with and as authorized under the following relevant sections of the State law.

- Virginia Code §§ 58.1-3981 and 3990 provide that the local governing body may authorize the Director of Finance to approve and issue any tax refund up to \$10,000 that was collected as the result of an erroneous assessment.
- Virginia Code § 54.1-4002 provides the local governing body the authority to set the number of pawn shops allowed in a locality.
- Virginia Code § 58.1-3706 A 4 provides the rate of license taxes for repair, personal and business services, and all other businesses and occupations not specifically listed or expected in this section.

- Virginia Code § 58.1-3521 provides that the County may quarterly prorate the property taxes on manufactured homes.

- Virginia Code § 58.1-3001 provides that if any taxpayer owns tangible personal property of such small value that the local levies thereon for the year result in tax of less than fifteen dollars, the County may provide that such tax be omitted from the personal property book and no assessment made thereon.

If adopted, the proposed Ordinance in Attachment A would become effective immediately and authorize the Department of Finance and Budget to initiate any tax refund payment up to \$10,000 resulting from an erroneous assessment by revising Section 8-201 E of Article 1, Business License of Albemarle County Code Chapter 8, Licenses, and Section 15-106 of Article 1, Administration of Albemarle County Code Chapter 15, Taxation, to conform with Virginia Code §§ 58.1-3981 and 3990, as shown in Attachment A.

If adopted, the proposed ordinances in Attachments B and C would become effective January 1, 2023 and would:

- Provide additional State code reference to Section 8-703 for the number of pawnshops allowed in the County authorized under Virginia Code § 54.1-4002 as shown in Attachment B.
- Provide classification accuracy for all other businesses and occupations not specifically listed or expected in Virginia Code § 58.1-3706, by replacing Section 8-712 with Section 8-716, to conform with Virginia Code § 58.1-3706, and sequentially renumbering Sections 8-713, 8-714, 8-715, 8-716 of Article 1, Business License of Albemarle County Code Chapter 8, Licenses, as shown in Attachment B.
- Allow quarterly proration of the personal property taxes on manufactured homes authorized under Virginia Code § 58.1-3521 by adding Section 15-806 of Article 8, Personal Property Tax of Albemarle County Code Chapter 15, Taxation, as shown in Attachment C. This revision will provide equitable assessments, improve customer experience, and result in minimal revenue impact.
- Allow tangible personal property levies for the year resulting in less than five dollars be omitted from the personal property book and no assessment made thereon as authorized under Virginia Code § 58.1-3001 by revising Section 15-800 and renumbering Section 15-807 of Article 8 Personal Property Tax of Albemarle County Code Chapter 15, Taxation, as shown in Attachment C. This revision will improve customer experience for those with tax bills less than five dollars, provide payment process savings, and result in minimal revenue impact.

Staff anticipates minimal impact to the budget with the adoption of any of these proposed changes.

Staff recommends that, after the public hearing, the Board adopt the attached proposed Ordinances (Attachment A, B, and C).

Ms. Price mentioned they had previously discussed opening the public hearing for all three items at once and then closing the public hearing and voting on each item individually. She noted the plan had changed, and one item would be presented separately.

Ms. Jian Lin, Chief of Revenue Administration, explained the 2022 General Assembly amended Virginia Code § 58.1-3981 to provide that local governing bodies may authorize the Director of Finance to approve and issue any tax refund, up to \$10,000, that was collected as the result of an erroneous assessment.

Ms. Lin explained Virginia Code § 58.1-3990 provided the requirements for refunds of local taxes erroneously paid. She stated that the local tax code in Chapter 8 and Chapter 15 was in alignment with Virginia Code § 58.1-3990 only.

Ms. Lin said that the Department of Finance and Budget recommended revising County Code § 8-201(E) of Article I, Business Licenses, of Chapter 8, Licenses, by deleting the language for refunds as the result of erroneous assessment for business licenses.

Ms. Lin continued that it was recommended to revise County Code § 15-106 of Article I, Administration, of Chapter 15, Taxation, by rewriting the language for refunds as a result of erroneous assessment for all taxes, including business licenses and referencing the relevant state code sections. She said the changes were recommended to become effective immediately.

Ms. Lin said the recommendation was to allow the County Code to conform with Virginia Code §§ 58.1-3981 and 3990 and to authorize the Department of Finance and Budget to initiate tax refund payments up to \$10,000 resulting from erroneous assessment. She said that staff did not anticipate an impact to the budget because tax refunds were a customary part of the revenue collections process, and refund expectations were included in the annual revenue budget assumptions.

Ms. Price opened the public hearing. She noted there were no speakers signed up for comment. She closed the public hearing.

Ms. Price **moved** that the Board adopt the ordinance (Attachment A) to amend Chapter 8, Licenses, and Chapter 15, Taxation. Ms. Mallek **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. LaPisto-Kirtley, Ms. Price, and Mr. Andrews.
NAYS: None.

ORDINANCE NO. 22-8(1) & 22-15(6)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, LICENSES, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 8, Licenses, and Chapter 15, Taxation of the Code of the County of Albemarle, Virginia, is hereby amended as follows:

By Amending:

8-201	When license application and license tax are due; penalties.
15-106	Erroneous assessments

Chapter 8. Licenses

Article 1. Business Licenses

Division 2. License Requirement, Situs of Gross Receipts, Appeals, and Recordkeeping

Sec. 8-201 When license application and license tax are due; penalties.

Each person subject to a license tax shall apply for a license and pay the license tax as follows:

A. *When license application is due.* Each person subject to a license tax shall apply for a license prior to beginning business if he was not subject to licensure in the County on or before January 1 of the license year, or no later than March 1 of the license year if he had been issued a license for the preceding year. The application shall be on forms prescribed by the Director of Finance.

B. *When license tax is due.* The tax shall be paid with the license application in the case of any license tax not based on gross receipts. If the tax is measured by the gross receipts of the business, the tax shall be paid on or before June 15 of the license year; provided that each motor vehicle dealer who separately states the amount of the license tax applicable to each sale of a motor vehicle and adds the tax to the sales price of the motor vehicle shall pay the tax on or before the twentieth day of the month following the close of each calendar quarter.

C. *Extensions.* The Director of Finance may grant an extension of time in which to file an application for a license, for reasonable cause. The extension may be conditioned upon the timely payment of a reasonable estimate of the appropriate tax; the tax is then subject to adjustment to the correct tax at the end of the extension, together with interest from the due date until the date paid and, if the estimate submitted with the extension is found to be unreasonable under the circumstances, with a penalty of ten percent of the portion paid after the due date.

D. *Penalty for failure to timely file an application or pay the license tax.* The Director of Finance will impose a penalty for failure to timely file an application or pay the license tax as follows:

1. *When late penalty imposed.* A penalty of ten percent of the tax may be imposed by the Director of Finance upon the failure of any person to file an application or the failure to pay the tax by the appropriate due date. The Director of Finance shall impose only the late filing penalty if both the application and license tax payment are late; provided that the Director may impose both penalties if the Director determines that the taxpayer has a history of noncompliance. In the case of an assessment of additional tax made by the Director of Finance, if the application and, if applicable, the return were made in good faith and the understatement of the tax was not due to any fraud, reckless, or intentional disregard of the law by the taxpayer, the Director shall not impose a late payment penalty with the additional tax. If any assessment of tax by the Director of Finance is not paid within 30 days, the Director may impose a ten percent late payment penalty.

2. *When late penalty not imposed.* If the failure to file or pay was not the fault of the taxpayer, the Director of Finance shall not impose a late penalty, or if imposed, shall be abated by the official who assessed them. In order to demonstrate lack of fault, the taxpayer must show that he acted responsibly and that the failure was due to events beyond his control.

a. *Acted responsibly defined.* "Acted responsibly" means that: (i) the taxpayer exercised the level of reasonable care that a prudent person would exercise under the circumstances in determining the filing obligations for the business; and (ii) the taxpayer undertook significant steps to avoid or mitigate the failure, such as requesting appropriate extensions (where applicable), attempting to prevent a foreseeable impediment, acting to remove an impediment once it occurred, and promptly rectifying a failure once the impediment was removed or the failure discovered.

b. *Events beyond the taxpayer's control defined.* "Events beyond the taxpayer's control" include, but are not limited to, the unavailability of records due to fire or other casualty; the unavoidable absence (e.g., due to death or serious illness) of the person with the sole responsibility for tax compliance; or the

taxpayer's reasonable reliance in good faith upon erroneous written information from the Director who was aware of the relevant facts relating to the taxpayer's business when he provided the erroneous information.

E. *Interest on late payments.* The Director of Finance shall charge interest on the late payment of the tax from the due date until the date paid without regard to fault or other reason for the late payment.

(§ 8-201; Ord. 19-8(1), 4-17-19, Ord.22-8(1), 11-2-22, effective 11-2-22)

State law reference(s)—Va. Code § 58.1-3703.1.

Chapter 15. Taxation

Article 1 Administration

Sec. 15-106 Erroneous assessments

- A. This section applies to the erroneous assessment of any fee or tax under this chapter, as well as Chapter 8.
- B. The Director of Finance shall investigate, exonerate, and refund erroneously assessed fees and taxes in accordance with Virginia Code § 58.1-3981.
- C. *Minor amounts.* The Director is authorized to approve and issue any refund of erroneously assessed or paid taxes, up to the maximum amount allowed under Virginia Code § 58.1-3981(A), without consulting the Board of Supervisors or the County Attorney.
- D. *Quarterly reports.* The Director shall make quarterly reports to the Board of Supervisors that itemize these refunds.

(11-3-76; 4-13-88; Ord. of 2-14-90; Ord. of 2-5-92; Ord. No. 94-8(4), 11-2-94; Code 1988, § 8-1.1; § 15-102, Ord. 98-A(1), 8-5-98; § 15-106, Ord. 19-15(1), 4-17-19, Ord. 22-15(6), 11-2-22, effective 11-2-22)

State Law reference— Va. Code § 58.1-3990.

This ordinance is effective immediately.

Agenda Item No. 17. **Public Hearing: An Ordinance to Amend County Code Chapter 8, Licenses.** To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 8, Licenses by reorganizing and rewriting the chapter, the proposed ordinance would amend County Code § 8-703, Pawnbrokers; limitation on number of licenses issued in County by adding reference to Virginia Code § 54.1-4002 as enabled by Virginia Code §§ 54.1-4000, 58.1-3703, 58.1-3706, and 58.1-3716, to be effective on and after January 1, 2023.

Ms. Jian Lin explained Virginia Code § 54.1-4002 provided the local governing body the authority to set the number of pawn shops allowed in the County. She continued that the current County Code was in alignment with Virginia Code § 54.1-4002 but absent of the related state law referenced code section.

Ms. Lin stated that the Office of Finance and Budget recommended the referenced state law code section of Virginia Code § 54.1-4002 be added to County Code § 8-708, Article I, Business License, Chapter 8, Licenses. She said they recommended the change become effective January 1, 2023, as shown in Attachment B.

Ms. Lin explained the recommendation was to provide additional state code reference sections for the number of pawnshops allowed in the County for information and clarity. She said the additional language did not affect the number of pawnshops allowed for operation in the County as specified in County Code § 8-703, which was 10. She said staff did not anticipate an impact on the budget.

Ms. Lin explained Virginia Code § 58.1-3706 provided the rate of license tax at 36 cents per 100 dollars of gross receipts for repair, personal and business services, and all other businesses and occupations not specifically listed or expected in the section of Virginia Code § 58.1-3706.

Ms. Lin explained the Office of Finance and Budget recommended replacing County Code § 8-712 with § 8-716, written in the language to conform with Virginia Code § 58.1-3706, and sequentially renumber the County Code §§ 8-713, 714, 715, and 716, of Article I, Business License, Chapter 8, Licenses. She said the amendment would be effective January 1, 2023.

Ms. Lin said the recommendation would provide County Code with classification accuracy, clarity, and conformity for all other businesses and occupations not specifically listed or expected in Virginia Code § 58.1-3706. She said that staff did not anticipate any impact to the budget.

Ms. Lin said there were two pieces to the amendments to Chapter 15 of the County Code. She explained Virginia Code § 58.1-3521 authorizes that the locality may quarterly prorate the personal property tax on manufactured homes. She said that the Department of Finance and Budget recommended adding County Code § 15-806 to Article 8, Personal Property Tax, Chapter 15, Taxation, as shown in Attachment C, effective January 1, 2023.

Ms. Lin explained the proposed addition would allow quarterly proration of personal property tax on manufactured homes, provide equitable assessments, and improve customer service. She said that staff performed an analysis using the 2021 data to anticipate the magnitude of the change. She stated that staff anticipated minimum impact to the budget with the proposed changes.

Ms. Lin said there were 993 records of manufactured homes in tax year 2021, and with the change, out of the 996 records, 60 would have an increased tax amount because manufactured homes were not currently prorated. She said if a manufactured home was occupied in the middle of the year, the owners were not taxed until the beginning of the following year. She said the change would mean that if someone moved into a manufactured home in February, they would be taxed for 3/4 of the year.

Ms. Lin explained that the total revenue increase from the code amendment was about \$5,718. She said for people moving out of manufactured homes and out of the locality in the middle of the year, because they were not prorated, they were taxed to the end of the year. She said if a property owner moved out of a manufactured home in February, they would be taxed to the end of the year, but the amendment would apply the same quarterly proration.

Ms. Lin said the change would affect 96 records, and the revenue reduction impact was a little over \$4,000. She explained there was a net positive impact on the revenue of approximately \$1,600. She said staff anticipated minimum impacts to the budget.

Ms. Lin explained Virginia Code § 58.1-3001 provided that if any taxpayer-owned tangible personal property of such small value that the local levies for the year resulted in a tax of less than \$15, the locality may provide that such tax be omitted from the personal property book and no assessment made thereon. She explained that all personal property levies were invoiced at that time.

Ms. Lin said the Department of Finance and Budget recommended revising County Code § 15-800 of Article 8, Personal Property Tax, Chapter 15, Taxation, to allow personal property levies for the year resulting in less than \$5 be omitted from the personal property book and no assessment made thereon, and sequentially renumber County Code § 15-807, as shown in Attachment C, effective January 1, 2023.

Ms. Lin stated that staff performed a cost-benefit analysis to propose a budget-neutral no-bill threshold at less than \$5. She said the proposed threshold would improve customer experience and provide payment processing savings. She said that staff anticipated minimum impact to the budget with the proposed threshold.

Ms. Lin explained that for a \$15 threshold and a tax rate of 4.28%, about 8,000 bills would be impacted, there would be a gross annual revenue loss of \$42,000, and there would be an administrative cost savings of \$9,000, netting a loss of \$33,000. She said if the tax rate were lowered to 3.42%, the figures were about the same; about \$42,000 in revenue losses, \$9,600 in administrative cost savings, and a net loss of \$32,400. She said the affected number of bills was about the same in both scenarios; 8,236 and 8,916.

Ms. Lin said that if the Board considered a \$10 threshold, the gross annual revenue loss for a 4.28% tax rate would be about \$15,000 and the annual savings would be about \$4,000 with a net loss of \$10,000. She noted that 3,766 bills would be impacted. She said if the tax rate was 3.42%, the gross annual revenue loss would be about \$29,000, administrative cost savings would be \$7,800, the net loss would be \$21,200, and about 7,000 bills would be impacted.

Ms. Lin said that if the Board adopted a \$5 threshold as proposed, at a 4.28% tax rate, the gross annual revenue loss would be about \$1,000, the administrative cost savings would be about \$700, the net revenue loss would be about \$300, and the number of bills affected would be 674. She said at that year's tax rate of 3.42%, the gross annual revenue loss would be about \$1,500, the administrative cost savings would be about \$780, the net loss would be about \$700, and the number of bills impacted would be 720.

Mr. Gallaway asked if the mobile home update in state code was recent or if the County was just making necessary updates.

Ms. Lin responded that the state code sections had existed. She explained that the cause for the amendments was that mobile home residents were moving into the County and permanently anchoring their homes to the property, thus making them real estate.

Ms. Lin noted that real estate taxes were prorated while personal property taxes were not, and because the mobile homes were permanently anchored, they transitioned from personal property to real

estate. She said an inequitable method of assessment precipitated, so they looked to state code for a solution.

Mr. Andrews clarified that the tax threshold applied to particular pieces of property, not the overall tax bill. He said each taxpayer may receive a bill for each respective piece of personal property.

Ms. Lin explained the amendment would be applied across the board to any personal property types on the County tax rolls. She said if the generated bill was within the tax threshold, then it would be applicable. She said the types of affected properties would include mopeds, business tangible personal property, small trailers with weights of 1,500lbs or less, boats, and small-value business equipment. She said such types benefited because their values were smaller.

Ms. Lin said on the County's tax roll for personal property, other than cars, were mopeds, motorcycles, motorhomes, large trucks, boats, aircrafts, and business tangible personal property. She explained each of the aforementioned was taxed at personal property tax rates.

Ms. Price mentioned there was an inquiry from a resident regarding a \$6.84 personal property tax bill on a 40-year-old damaged canoe. She said it led to the Finance Office performing research and the County Attorney looking into the issue. She explained that canoes were not required to be registered with the state, but if they were, they were subject to taxation at a minimum value of \$200. She said a 3.42% tax rate on a value of \$200 resulted in a tax bill of \$6.84.

Ms. Price noted that they may need to increase the real estate property tax rate to afford the necessary services for the County. She expressed concern about taxing small items that they really didn't need to.

Ms. Price clarified that the personal property tax rate had historically been 4.28% for 20 years, but they decreased it that year to 3.42% because of the historic increase in the value of used vehicles to provide a measure of tax relief to residents.

Ms. Price said the two tax rates were evaluated because it was likely they would return to the historic personal property tax rate as used vehicle values decreased. She said they were talking about personal property that was valued between \$350 and \$400 if they set the threshold at \$15. She said the amendment would allow people to have personal property that was not always subject to taxes.

Ms. Price noted that the \$5 threshold provided a budget-neutral proposal. She suggested the Board adopt a \$15 threshold. She said if they adopted the \$15 threshold, the total impact across the \$550 million budget was \$33,500. She said that the individual residents would view the change as an opportunity for the County not to tax low-value property.

Ms. Price proposed an amendment to County Code § 15-800(B), that if the tax resulted in less than \$15, the tax would be omitted from the personal property book and no assessment made thereon. She noted many people thought of vehicles, boats, and larger items when thinking about personal property, and they did not tend to think about the smaller items.

Ms. Mallek asked if the difference in the budget revenues would be supplanted by contingency reserves.

Ms. Price said they would have to adjust the budget by about \$34,000. She said whatever they reduced in revenue with the proposal had to be made up somewhere else.

Ms. McKeel asked why some canoes were required to be registered and some were not.

Ms. Price said canoes were not required to be registered. She explained canoes did not have to be registered, but they could be to receive a Virginia decal. She said if a canoe was registered, then it became subject to taxation.

Ms. McKeel asked why they did not rather inform residents that they did not have to register canoes.

Ms. Price said that they did inform the residents.

Ms. McKeel said she had never registered her canoe for years.

Ms. Price said they had to consider the listing of different types of personal property to be able to identify what should and should not be subject to taxation.

Ms. McKeel said canoes were one thing but questioned the inclusion of motorcycles.

Ms. Price said motorcycles were likely to cost more than \$400.

Ms. McKeel said they were talking about motorcycles, mopeds, and items people often wrecked on which staff had to respond to with Fire and Rescue. She said she wanted to consider the topic through multiple lenses.

Ms. Price explained that a vehicle had to be registered.

Ms. McKeel said she understood. She said they were considering mopeds and motorcycles.

Ms. Lin responded that the amendment did not apply to every single moped and motorcycle. She explained the amendment would apply to property valued under about \$400.

Ms. McKeel said that the average car on the road was 12 years old. She said many had safety violations. She said she was getting into the weeds. She said the County spent a lot of money through Fire and Rescue putting out brush fires because people threw their cigarettes out the window. She said it was a lot of money.

Ms. McKeel said she was trying to rationalize the issue. She said she did not have a problem with the \$5 threshold but wanted to hear other comments. She mentioned that those types of vehicles often required service from the County.

Ms. Price opened the public hearing.

Mr. Mathew Helt, White Hall District, said he originally intended to discuss the need for sidewalks, trails, and bicycle lanes in Crozet. He noted the Board had failed to provide such amenities to the area in the 30 years that he had lived in Crozet.

Mr. Helt said on the DWR (Department of Wildlife Resources) website, the FAQ section, "Boat Registration and Titling," stated that if a canoe was propelled by any motor, including an electric motor, then it must be registered and titled if used on public waters in Virginia, otherwise, a canoe was not required to be registered or titled in Virginia.

Mr. Helt noted that County staff and the County Attorney reviewed the item, but it took him 30 seconds to find the correct information from his phone. He said the County had to do better and understand that they were serving the public and residents of the community.

Mr. Helt said that for over 30 years, they had failed to build sidewalks, trails, and bicycle lanes in Crozet despite building thousands of homes. He noted that staff could not determine whether someone was legally required to register a canoe in the Commonwealth, and they had to do better.

Mr. Eddie Payne, Scottsville District, said he understood why the County wanted to align its code with the state code. He noted the licensing of pawnshops, and that the amendment would not restrict the number of pawnshops that could operate in the County. He said the County could restrict the licensing and thus restrict the number.

Mr. Payne mentioned there were two pawnshops in the County owned by a single owner. He said he remembered when pawnshops used to be located next to bail bondsmen, tattoo parlors, and massage parlors. He said in the County, the pawnshops were located in thriving areas and were well-maintained.

Mr. Payne noted banks were not likely to offer \$50 loans and that pawnshops fulfilled a niche need in the community. He asked why the County was addressing pawnshops.

Ms. Price closed the public hearing.

Ms. Mallek clarified that the phrasing regarding pawnshops was not a change and that the only thing to change was the code numbers.

Mr. Rosenburg responded that that was correct. He explained the code currently established a limit of 10 pawnshops in the County, and that remained the case. He noted that as Ms. Lin explained, the only change to the section was to add a cross-reference to a state code provision that authorized the County to regulate such businesses, and it was added for informational purposes. He said to be thorough and transparent about the County's authority, a decision was made to reference the additional state code section.

Ms. Price said she had two proposed changes to § 15-800(B), the first was to change "\$5" to "\$15," and the second was to propose a differentiation between personal property used for personal reasons as opposed to personal property used in support of income-producing activities. She mentioned Mr. Rosenburg had previously informed her that the County was not authorized to make such a differentiation in property based on the existing state code.

Mr. Rosenburg confirmed that that was his understanding and his view on the enabling statute; that the Board was not authorized to distinguish between classes of property for purposes of the no-bill option.

Ms. Price said she was considering the differentiation because she viewed personal property used for income-producing purposes as different from other personal property.

Mr. Rosenburg clarified Ms. Price's comments concerning Attachment C. He said he had further clarification to provide regarding Attachment B. He clarified that the Board would make separate motions on the two attachments. He said when the Board felt it appropriate, he was able to provide clarification on Attachment B.

Mr. Rosenburg explained each supervisor had a blue copy of Attachment B before them, and on the last page of the attachment, the word "in" was circled. He said as published to the public, the word "in" was stricken from the amendment, but it should remain in the adopted ordinance. He said further, there was another minor change on the same line—the word "every" be changed to "a"—so the line would ultimately read, "each person engaged in a business or occupation not specifically listed or accepted by this article or by the Code of Virginia subject to a license tax of 36 cents for every 100 dollars of gross receipts."

Mr. Rosenburg stated that he had emailed the Supervisors a proposed motion concerning Attachment B. He suggested that the motion he prepared in the email be used to make those changes.

Mr. Andrews **moved** that the Board adopt the proposed Ordinance (Attachment B) amending Chapter 8, Licenses, with the introductory clause of § 8-716 to be revised to read as follows, "Each person engaged in a business or occupation not specifically listed or accepted by this article or Code of Virginia is subject to a license tax of \$0.36 for each \$100 of gross receipts. Ms. Mallek **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. LaPisto-Kirtley, Ms. Price, and Mr. Andrews.
NAYS: None.

ORDINANCE NO. 22-8(2)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, LICENSES, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 8, Licenses, of the Code of the County of Albemarle, Virginia, is hereby amended as follows:

By Amending:

8-703 Pawnbrokers; limitation on number of licenses issued in County.

By Adding:

8-716 All other businesses and occupations.

By Renumbering:

8-712 Retail sales.

8-713 Wholesale sales.

8-714 Renting houses, apartments, or commercial property.

8-715 Federal research and development contractors.

Chapter 8. Licenses

Article 1. Business Licenses

DIVISION 7. SCHEDE OF TAXES

Sec. 8-703 Pawnbrokers; limitation on number of licenses issued in County.

The Director of Finance shall not issue licenses for the operation of more than ten pawnshops in the County. The Director shall notify the County Sheriff of each license issued for a pawnshop.

(3-15-73, § 38; 4-13-88; Ord. 96-11(1), 11-13-96, § 11-40; Code 1988, § 11-40; § 8-605, Ord. 98-A(1), 8-5-98; § 8-703, Ord. 19-8(1), 4-17-19, Ord. 22-8(2), 11-2-22 effective 1-1-23)

State law reference(s)—Va. Code § 54.1-4000, -4002.

Sec. 8-712 Retail sales.

Except as provided in subsection (A) and in Virginia Code § 58.1-3706 (E), each person engaged as a retailer or retail merchant is subject to a license tax of \$0.20 for each \$100.00 of gross receipts.

- A. *Direct retail sales; lower rate.* Each person engaged as a retailer or retail merchant is subject to a license tax of \$0.10 for each \$100.00 of gross receipts for direct retail sales.
- B. *Direct retail sale defined.* For purposes of this section, a "direct retail sale" means a retail sale made to a remote buyer ordering by telephone, internet, or mail, in which the item(s) sold is/are shipped by common carrier or by the U.S. Postal Service.

(3-15-73, § 55; 4-21-76; 3-10-82; Ord. 96-11(1), 11-13-96, § 11-68; Code 1988; § 11-68; § 8-617, Ord. 98-A(1), 8-5-98; Ord. 06-8(1), 5-3-06, effective 1-1-07; Ord. 07-8(1), 10-3-07, effective 1-1-08; Ord. 17-8(2), 8-2-17; § 8-713, Ord. 19-8(1), 4-17-19, Ord. 22-8(2), 11-2-22 effective 1-1-23)

State law reference(s)—Va. Code § 58.1-3706 (A)(2).

Sec. 8-713 Wholesale sales.

Except as provided in Virginia Code § 58.1-3703 (C) each person engaged as a wholesaler or wholesale merchant is subject to a license tax of five cents for each \$100.00 of purchases.

(3-15-73, § 56; 3-10-82; Ord. 96-11(1), 11-13-96, § 11-69; Code 1988, § 11-69; § 8-618, Ord. 98-A(1), 8-5-98; § 8-714, Ord. 19-8(1), 4-17-19, Ord. 22-8(2), 11-2-22 effective 1-1-23)

State law reference(s)—Va. Code § 58.1-3716.

Sec. 8-714 Renting houses, apartments, or commercial property.

Each person engaged in the business of renting houses, apartments or commercial property in the County is subject to a license tax of \$0.20 for each \$100.00 of gross receipts from the rental of all commercial establishments, apartment units, or dwelling units. For purposes of this section, the following definitions apply:

- A. *Business of renting houses and apartments defined.* "Business of renting houses and apartments" means the rental of a building, or portion thereof, designed exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, boardinghouses, rooming houses, or other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days.
- B. *Dwelling units defined.* "Dwelling units" means one or more rooms in a dwelling house or apartment designed for occupancy by one family for living purposes and having cooking facilities.

(3-15-73, § 61; 5-15-75; Ord. 96-11(1), 11-13-96, § 11-71; Code 1988, § 11-71; § 8-619, Ord. 98-A(1), 8-5-98; Ord. 17-8(1), 6-14-17, effective 8-1-17; § 8-715, Ord. 19-8(1), 4-17-19, Ord. 22-8(2), 11-2-22 effective 1-1-23)

State law reference(s)—Va. Code § 58.1-3703 (C)(7).

Sec. 8-715 Federal research and development contractors.

Each person, person, firm, or corporation designated as the principal or prime contractor receiving identifiable federal appropriations for research and development services as defined in § 31.205-18 (a) of the Federal Acquisition Regulation in the areas of: (i) computer and electronic systems; (ii) computer software; (iii) applied sciences; (iv) economic and social sciences; and (v) electronic and physical sciences in the County is subject to a license tax of three cents per \$100.00 of the federal funds received in payment of the contracts upon documentation provided by the person, firm, or corporation to the Director of Finance confirming the applicability of this section.

(§ 8-620, Ord. 16-8(1), 7-13-16; § 8-716, Ord. 19-8(1), 4-17-19, Ord. 22-8(2), 11-2-22 effective 1-1-23)

State law reference(s)—Va. Code § 58.1-3706 (D)(1).

Sec. 8-716 All other businesses and occupations.

Each person engaged in a business or occupation not specifically listed or excepted by this article or by the Code of Virginia is subject to a license tax of \$0.36 for each \$100.00 of gross receipts.

(3-15-73, §§ 39.1, 53; 4-21-76; 3-10-82; 11-14-84; 4-13-88; Ord. 96-11(1), 11-13-96, § 11-66; Code 1988, § 11-66; § 616, Ord. 98-A(1), 8-5-98; Ord. 00-8(1), 10-11-00; Ord. 17-8(1), 6-14-17, effective 8-1-17; § 8-712, Ord. 19-8(1), 4-17-19, Ord. 22-8(2), 11-2-22 effective 1-1-23)

State law reference(s)—Va. Code § 58.1-3706; 23VAC10-500-500.

This ordinance is effective on and after January 1, 2023.

Agenda Item No. 18. **Public Hearing: An Ordinance to Amend County Code Chapter 15, Taxation.** To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 15, Taxation by reorganizing the chapter, the proposed ordinance would amend County Code § 15-800, Personal property tax imposed; omission of taxpayers from the personal property book if the tangible personal property tax results in less than five dollars and no assessment shall be made. The proposed ordinance would add County Code § 15-806 Manufactured homes; proration of tangible personal property tax; which defines the guidelines of proration for manufactured homes within the County as enabled by Virginia Code §§ 58.1-3518, 58.1-3518.1, 58.1-3521 and 58.1-3001, to be effective on and after January 1, 2023.

Agenda Items 17 and 18 were held as a joint public hearing.

Ms. Price **moved** that the Board adopt the proposed Ordinance (Attachment C) as amended, changing \$5 to \$15. Ms. McKeel **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. LaPisto-Kirtley, Ms. Price, and Mr. Andrews.
NAYS: None.

ORDINANCE NO. 22-15(7)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, TAXATION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, of the Code of the County of Albemarle, Virginia, is hereby amended as follows:

By amending:

15-800 Personal property tax imposed

By Adding:

15-806 Manufactured homes; proration of tangible personal property tax.

By Renumbering:

15-807 Personal property tax relief.

Chapter 15. Taxation

ARTICLE 8 Article 8 Personal Property Tax

Section 15-800 Personal property tax imposed.

- A. A tax on tangible personal property is hereby imposed as provided in this article. The status of all persons, firms, corporations, and other taxpayers liable to taxation on any tangible personal property shall be fixed as of January 1 of each year and the value of the property shall be assessed as of that date.
- B. If a taxpayer owns tangible personal property of such small value that the tax owed thereon for the year results in a tax of less than fifteen dollars, such tax shall be omitted from the personal property book and no assessment made thereon.

(§ 8-1.8, Ord. of 2-14-90; Ord. of 2-5-92. Ord. No. 94-8(10), 8-3-94; Code 1988, § 8-68; § 15-1100, Ord. 98-A(1), 8-5-98; § 15-800, Ord. 19-15(1), 4-17-19 Ord. 22-15(7), 11-2-22, effective 1-1-23)

State Law reference— Va. Code, §§ 58.1-3518, 58.1-3518.1, 58.1-3001.

Sec. 15-806 Manufactured homes; proration of tangible personal property tax.

If a manufactured home, as defined in Virginia Code § 36-85.3, is delivered or moved into the County after January 1, and used as a place of full-time residence by any person, then the taxes that would have been collectible, had it been situated within the County on January 1 of that year, shall be prorated quarterly.

State Law reference— Va. Code, §§ 58.1-3518, 58.1-3518.1, 58.1-3001.

Sec. 15-807 Personal property tax relief.

- A. Purpose; definitions; relation to other sections.

1. The purpose of this section is to provide for the implementation of the changes to the Personal Property Tax Relief Act of 1998, Virginia Code §§ 58.1-3523 *et seq.* ("PPTRA") effected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia.

2. Terms used in this section that have defined meanings set forth in the PPTRA shall have the same meanings as set forth in Virginia Code § 58.1-3523.
3. To the extent that this section conflicts with any other provision of the County Code, this section shall control.

B. Method of computing and reflecting tax relief.

1. For tax years commencing in 2006, the County adopts the provisions of Item 503.E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due but for the PPTRA and the reporting of the specific dollar relief on the tax bill.
2. Any amount of the PPTRA relief not used within the County's fiscal year shall be carried forward and used to increase the funds available for personal property tax relief in the following fiscal year.
3. Personal property tax bills shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the general manner in which relief is allocated.

C. Allocation of relief among taxpayers.

1. Allocation of the PPTRA relief shall be provided in accordance with the general provisions of this section.
2. Relief shall be allocated so as to eliminate personal property taxation of (i) each qualifying vehicle with an assessed value of \$1,000.00 or less; and (ii) the first \$20,000.00 in value on each qualifying vehicle leased by an active duty member of the United States military, his spouse, or both, pursuant to a contract requiring him, his spouse, or both to pay the tangible personal property tax on that vehicle. The provisions of this subdivision (ii) apply only to a vehicle that would not be taxed in Virginia if the vehicle were owned by that military member, his spouse, or both.
3. Relief with respect to qualifying vehicles with assessed values of more than \$1,000.00 shall be provided at a percentage, annually fixed and applied to the first \$20,000.00 in value of each such qualifying vehicle, that is calculated fully to use all available state PPTRA relief.

(§ 15-1103, Ord. 06-15(1) ,1-4-06, effective 1-1-06; Ord.15-5(1),7-1-15; § 15-806,Ord.19-15(1), 4-17-19, Ord. 22-15(7), 11-2-22, effective 1-1-23)

State Law reference— Va. Code § 58.1-3524.

This ordinance is effective on and after January 1, 2023.

Agenda Item No. 19. **Action Item:** ZMA202100013 Southwood Phase 2.

The Executive Summary forwarded to the Board states that at its meeting on September 21, 2022, the Board held a public hearing on the rezoning proposal for Southwood Phase 2, which would amend the zoning map for the remainder of the Southwood Mobile Home Community. Staff was not able to recommend approval due to impacts that were not fully addressed by the applicant. The Planning Commission (PC) had recommended approval. During the public hearing, many speakers spoke in favor of the proposal and others raised concerns.

The Board's discussion acknowledged the adequate provisions for affordable housing and focused on outstanding concerns related to impacts to schools, transportation, and potential displacement of residents. To offset school impacts, proffers were offered that included an option for the County to elect to purchase a 7 acre parcel in Blocks 20 or 34. The maximum sales price was not established in the originally-submitted proffers. During the public hearing, the applicant revised the proffer to include a not-to-exceed sales price of \$680,000, through July 1, 2027 (Attachment A). Regarding transportation, concerns associated with the impacts to the 5th Street/Old Lynchburg corridor were discussed, specifically, impacts to intersections at Sunset Avenue and Stagecoach Road, as well as the substandard condition of Hickory Street, which is currently a private road.

Following the public hearing and discussion, the Board deferred the item to November 2, 2022.

Following the Board's September 21 public hearing, the proposed Code of Development (COD) was revised to add an additional affordable housing provision, as Section 10.0(f) on Page 26 (Attachment B). No changes have been made to the Application Plan (Attachment C). Under this new COD provision, if the County does not elect to purchase the school site pursuant to Proffer 4, at least 20 additional affordable housing units must be constructed in Southwood. Those 20 units would be in addition to the 227 that must be provided according to the COD and the potential 50 Low-Income Housing Tax Credit (LIHTC) according to Proffer 5.

No revisions have been submitted to further address transportation impacts. Staff has prepared additional information regarding transportation impacts (Attachment D), including maps, plans, and suggested future improvements to failing intersections.

The applicant has declined to include a non-displacement plan for Phase 2 in the COD. However, a plan could be a requirement of grants or other funding that may be used for the project.

The not-to-exceed sales price of \$680,000 for the potential school site has provided clarity regarding the cost of land acquisition if the County were to proceed with the option to purchase the property for the construction of a school. However, the current proffer would require the County to cover the cost of any necessary relocation of residents, environmental remediation, and site preparation. At this time, the cost to the County of these potential items is unclear, and would require further studies to provide the level of certainty necessary to move forward with the school project.

Approval of the proposed rezoning would potentially result in the need for funding of a school site and transportation improvements to address intersection performance as well as substandard roadways. Future projects and funding would be discussed during the County's budget process. County staff continue to identify future funding opportunities in support of Southwood, including VDOT's Smart Scale, VDOT's Revenue Sharing Program, and other grant opportunities.

The proposed rezoning would create additional impacts to public facilities that would accelerate the need for public investment. Although progress has been made toward identifying potential solutions, there are still unknowns regarding funding sources and future costs. If approved, this rezoning would increase and improve affordable housing in the County, providing new housing options and homeownership for existing community residents. Because these positive aspects of the proposal outweigh the negative unaddressed impacts, staff recommends approval.

The Board may approve or disapprove the proposed rezoning, or may defer action to allow for changes to the application. Based on County Code § 18-33.4(O)(2), Board action is not required on this application until March 1, 2023.

If the Board is prepared to act at its November 2 meeting, staff has prepared both an ordinance to approve and a resolution to deny, provided as Attachments E and F, respectively.

Ms. Rebecca Ragsdale, Planning Manager, said she would begin with a recap and overview of the zoning proposal, and then they would provide updates since the public hearing was held on September 21. She said the item was back before the Board for action.

Ms. Ragsdale said they would provide clarification in terms of the school proffer and the affordable housing, and provide additional information related to the transportation analysis. She noted that the remainder of the Southwood mobile home park was included in the rezoning, totaling about 93 acres.

Ms. Ragsdale said the Phase 1 rezoning was to the left and along Lynchburg Road, that the property was surrounded by Biscuit Run property to the south and the west, and the Covenant School, as well. She noted primary access to the property was from Old Lynchburg Road and Hickory Street.

Ms. Ragsdale said the proposed redevelopment was for a neighborhood model development (NMD) zoning district and included an application plan and a code of development. She explained that as an NMD, the project and associated planning included a higher level of design and amenities.

Ms. Ragsdale noted that the resident-driven process used in Phase 1 had been continued to establish the regulations and planning the parks and open space for Phase 2. She said Phase 2 would include a minimum of 527 residential units with a maximum of 1,000 units, which was unchanged from the last presentation. She stated that a minimum of 227 units would be affordable, and there was potential for more to be affordable. She added that flexibility was provided so the needs of the community could be met in terms of types of units and whether they were for sale or rent.

Ms. Ragsdale said there was a maximum non-residential component of up to 60,000 square feet, and there was a commitment to a minimum of 10,000 square feet, which would provide for the neighborhood center in the master plan. She said that the development was laid out in a block pattern typical of NMD developments. She said there was more density and more intensive uses proposed toward the middle of the site, with more residential areas towards the outer edges of the property.

Ms. Ragsdale said the applicant exceeded the minimum green space requirements for NMD. She said amenities included trails with public access and proposed future connections to Biscuit Run Park. She said two improved transit stops were included with the rezoning.

Ms. Ragsdale noted there were a number of positive aspects to the project in terms of compliance with the Master Plan and Comprehensive Plan, meeting strategic plan goals, and meeting or exceeding the NMD principles in addition to providing affordable housing. She said they had further considered impacts on the schools and transportation as well as the impacts to Hickory Street.

Ms. Ragsdale clarified the school site proffer was a 7-acre site reserved for sale until July 1,

2027. She said if the site were not sold, it may be developed under the uses permitted in the code of development, which could include affordable units. She said the proffer provided for what condition the site would be delivered in if the County were to purchase it. She said the term "pad-ready" meant it was graded and the site was remediated with existing structures removed and any parking or utility connections prepared.

Ms. Ragsdale said the sales price for the site was established to not exceed \$680,000 at the September meeting. She said the cost was in addition to the cost to achieve pad-ready site conditions, which was unknown.

Ms. Ragsdale noted there was a commitment to provide a minimum of 227 affordable units in the development with the potential for an additional 50, which was included in the proposal in September. She said that the 50 additional units could be low-income housing tax credit units developed by a third party.

Ms. Ragsdale explained that added to the code of development was the provision that if the school site was not purchased and used for a school, then at least 20 additional affordable units must be constructed.

Ms. Ragsdale said a variety of housing types could be used to achieve the affordable units, including detached, attached, multifamily, or accessory units provided for sale or for rent to meet individual needs throughout the community. She stated that there were commitments that if a unit was sold or rented to a Southwood resident, then housing costs would be capped at 30% of the family's income, which was more substantial than what they typically saw in an affordable housing proffer.

Ms. Ragsdale mentioned there was a relocation and assistance plan that was not added to the code of development but was a requirement of federal funding and could be provided in other agreements. She said Housing was not concerned with the plan because they believed it was adequately covered elsewhere.

Mr. Charles Rapp, Director of Planning, said he would discuss the transportation aspect of the project. He recapped that during the previous meeting, they focused on three locations. He noted that Hickory Street was one of those locations, and the street ran through the development and was the primary access route. He noted the locations of Sunset Avenue Extended and the intersection of Stagecoach Road, 5th Street, and Old Lynchburg Road.

Mr. Rapp said Hickory Street ran through the entire development. He noted the location of the Phase 2 boundaries. He noted the locations of the Covenant School and the future location of Biscuit Run Park. He said Hickory Street was currently a substandard road that lacked stormwater management infrastructure, sidewalks, curb and gutter, and on-street parking. He said the paving along the road was severely deteriorated in multiple locations.

Mr. Rapp said the applicant proffered a 30% design buildout for Hickory Street. He clarified that staff requested the applicant only take the design to 30% because it allowed the County the greatest flexibility to identify costs, perform adjustments, evaluate engineering, and figure out the best funding approach.

Mr. Rapp said the 30% buildout showed on-street parking, sidewalks, multi-use paths, and other associated infrastructure. He said the area marked in yellow was what would be required to be built in Southwood if it were approved. He said the portion of the road would have to meet all of the local and state requirements and be accepted within the state system if approved.

Mr. Rapp explained that for the other portion of Hickory Street, the County entered into a shared responsibility agreement when they entered the lease for Biscuit Run Park with the Covenant School and Southwood. He explained there were different percentages of maintenance requirements along the road.

Mr. Rapp said there would be a need for significant upgrades to the road if Southwood, Biscuit Run Park, and the Covenant School were to come online. He said the upgrades could be performed as two separate projects where Southwood completed its section, and the County addressed the other section at a different time. He noted that staff felt there were greater efficiencies and cost savings if the project was pursued as one large project through a potential grant application.

Mr. Rapp said they had considered a variety of different options. He said that based on the timing of the project and the need to get the road online for Southwood and Biscuit Run Park, the revenue-sharing option would be best. He said that type of funding was consistent with the state, and every other year they could be applied for. He added that it would get things moving forward faster if needed.

Mr. Rapp said left-hand turning movements going into the City from Sunset Avenue Extended would be delayed as a result of the additional traffic out of Southwood. He said there were improvements underway that would help the impacts. He explained that at the last SMART SCALE application cycle, they submitted a proposal for a road diet for a portion of Old Lynchburg Road.

Mr. Rapp explained a road diet analyzed traffic patterns and as long as there was no detrimental impact reduced the road by one lane of traffic and replaced it with a shared-use path to promote pedestrian and cyclist access. He said a potential Phase 2 would be warranted on the eastbound travel lanes. He said the project would not only promote alternative transportation options but would also

significantly increase safety from the Sunset Avenue intersection because vehicles would only cross two lanes of traffic instead of four. He said that, although it would not address capacity, it would improve interconnectivity throughout the area and make the turning movements safer.

Mr. Rapp noted the Stagecoach Road intersection at 5th Street. He explained a corridor study in coordination with VDOT was conducted several years ago and identified multiple failing turning movements at the intersection. He said if Southwood were to be approved, the intersection would be further degraded. He said VDOT had a few recommendations associated with the study.

Mr. Rapp said one of the recommendations was an R-cut which would eliminate some of the left-hand turning movements and another recommendation was a roundabout. He said staff believed the roundabout was the better long-term solution, but it did come at a cost. He mentioned that further down the street in front of the Albemarle Business Campus project a roundabout was in design with a cost of about \$8 million.

Mr. Rapp said an additional study would be needed for both projects to further refine the cost estimates and determine the specifics of an application.

Ms. Ragsdale stated that staff recommended approval of the application. She acknowledged that the proposed rezoning would create additional impacts to public facilities and would accelerate the need for public investment. She said the need for such improvements already existed, and progress had been made to identify solutions and funding sources. She said example motions were available for the Board.

Ms. LaPisto-Kirtley noted the project was important and said she supported the improvements.

Mr. Gallaway clarified that the school site-readiness requirement was only an option, and the County could request that the site be prepared or not. He clarified that the County could perform the site preparation itself.

Ms. Ragsdale responded that was correct.

Ms. McKeel clarified Mr. Gallaway was referring to achieving a pad-ready site.

Mr. Gallaway clarified that they would be responsible for the cost, but they could perform the site readiness themselves or have the applicant complete the work.

Ms. Ragsdale said that was correct.

Mr. Gallaway noted that if the school site was not sold and used for a school, then there would be 20 additional affordable units constructed in Southwood. He asked if the units would be constructed only in Phase 2 or if they would be constructed in both phases.

Ms. Ragsdale explained they would only be constructed in Phase 2 and that the requirements only applied to Phase 2.

Mr. Gallaway asked what the rationale was behind the 2027 deadline for the school site.

Ms. Ragsdale said that the deadline worked within the timeframe for Albemarle County Public Schools.

Mr. Rapp responded that the 5-year timeline aligned with the construction of Phase 2. He said the school site was at the end of the projected development timeline. He explained that it would take the applicant about 3.5 years to 5 years to complete the development of the infrastructure, and the timeline for the school was based on the development timeline. He noted that it aligned with other developments, such as Brook Hill.

Mr. Gallaway clarified that a decision on the site had to be provided by July 1, 2027. He said if a decision was not provided, then the development of more affordable housing would open up.

Mr. Rapp said that was correct. He noted the applicant would be beginning to plan and buildout in the area.

Mr. Gallaway said his concerns about the school proffer site still existed. He noted that the County just had a five-year financial plan conversation. He said if the deadline was within 5 years, then the \$680,000 cost was not in the County's CIP plans. He noted that if the site were used for a school, then the CIP would be impacted.

Mr. Gallaway said if the site was not used for a school, then the affordable units would be constructed. He asked if Ms. Pethia could put a value proposition on the additional 20 affordable units.

Ms. Pethia said in terms of the average amount of money the County invested per unit, it was about \$30,000 per unit, so the 20 additional affordable units were approximately a \$600,000 value if they were built instead of a school.

Mr. Gallaway noted that the locked-in value of the school site was similar to the estimated value of the 20 additional units.

Mr. Andrews asked Supervisor Gallaway whether he got his questions answered about the cost to make the site ready.

Mr. Gallaway said he didn't ask that question.

Mr. Andrews asked Supervisor Gallaway who would bear the cost.

Mr. Gallaway said we could choose who does it.

Mr. Andrews clarified that the 20 additional units would be 20 more affordable units, not 20 more total units in Phase 1.

Ms. Ragsdale said that was correct. She explained the cap of 1,000 units was still in place.

Mr. Andrews asked if they knew how many current residents were expected to move into new units in Phase 2.

Ms. Ragsdale said there was a note within the code of development indicating that the 227 units were based on the estimated number of residents that needed to be relocated.

Ms. McKeel thanked staff for their multiple years of work on this, as well as the community engagement they have had. She asked what the public investment from the County was for Phase 1.

Ms. Ragsdale responded that County contributions in support of the project began with a \$675,000 appropriation with the Phase 1 rezoning. She said \$3.2 million of the performance agreement had been satisfied, which included \$1.8 million in cash contributions, and \$1.4 million in real estate tax rebates. She continued that there was an additional \$3 million contribution to support the 121 low-income housing tax credit apartments. She said there was a County contribution of \$306,504 for resident relocation assistance. She noted there were costs related to the new housing manager position and staff resources. She said the County had provided \$7.5 million to the project to date.

Ms. McKeel clarified that the total to date was \$7,550,000. She asked for clarification regarding the Phase 2 commercial space.

Ms. Ragsdale said it was typical for codes of development to establish minimum and maximum square footage.

Ms. McKeel noted there was a maximum of 60,000 square feet.

Ms. Ragsdale responded that there could be a maximum of 60,000 square feet and a minimum of 10,000 square feet.

Ms. McKeel clarified that it was in the code of development. She clarified that anywhere between 10,000 to 60,000 square feet was required.

Ms. Ragsdale responded that it was both required and allowed.

Ms. McKeel said the commercial space was important during the conversations. She asked whether the square footage was allowed or required.

Ms. Ragsdale responded that 10,000 square feet was required, and a range between 60,000 and 10,000 was allowed.

Ms. McKeel clarified that a certain amount of commercial square footage was required.

Ms. Ragsdale responded that 10,000 square feet of commercial space was required.

Ms. McKeel asked for clarification regarding the community center. She noted there was space for a community center in Phase 1.

Ms. Ragsdale explained the code of development allowed for a community center in either Phase 1 or Phase 2. She said that there was not a Boys and Girls Club type of facility proposed in Phase 1, but it was allowed in a number of the blocks.

Ms. McKeel clarified that there was no community center included in the code of development.

Ms. Ragsdale responded that there was no community center required, but it was allowed, and there was flexibility in where it was allowed.

Ms. McKeel clarified that the community center was not required.

Ms. Ragsdale confirmed that there was no commitment in the code of development specific to a community center.

Ms. McKeel noted that a portion of Block 25 was reserved until 2023 for the development of an

additional 50 or more units as low-income housing tax credit units. She clarified that the space was only reserved until 2023.

Ms. Pethia explained that during the performance agreement for Phase 1, the Board requested a commitment for space for low-income housing tax credit units, and the aforementioned requirement was about the same time period. She said the requirement expired about one year to 18 months after the performance agreement was signed.

Ms. McKeel responded that the timeline appeared to be reasonable.

Ms. Ragsdale said the deadline had been extended to 2025 and the information on the slide was outdated.

Ms. McKeel asked for clarification regarding the staying power of affordable units. She noted there was the possibility of 20 more units. She asked if all of the affordable units were considered the same.

Ms. Pethia said they did not include the low-income housing tax credit units. She said if those units were to be built, they were required to be affordable for 30 years, and they were regulated through Virginia Housing. She said the affordable units constructed by Habitat had retained affordability requirements for 30-40 years accomplished through a deed of trust. She explained that Habitat generally had the first right of refusal to purchase those homes if the homebuyer ever sold the property which provided the opportunity to extend that beyond that 30-40-year period.

Ms. McKeel clarified that the additional 20 units from the school proffer would be included in the same category.

Ms. Pethia said that was correct.

Ms. McKeel noted that some of the transportation projects had to be started regardless. She said some of the projects were already underway. She asked what other transportation projects would be delayed so that the transportation projects associated with the development could be accelerated.

Mr. Rapp said they did not yet know the funding sources, so those would have to be pursued. He noted that projects would have to be prioritized. He noted there were several revenue-sharing projects. He said they would have to determine the right sequencing based on what funding was available through the state or federal sources.

Ms. McKeel said community members were counting on projects that they were told were in the pipeline. She said she was concerned that some of those projects may have to be delayed if they were to accelerate the other transportation projects.

Mr. Rapp said there was work already underway to restart the prioritization process with Mr. McDermott. He said they were factoring in inflation and budgets, and they tried to update the process every couple of years.

Ms. McKeel asked what funding opportunities were available for transportation projects.

Mr. Kevin McDermott, Planning Manager, said prioritization would not remove projects that they had already committed to, and those projects would continue. He said they would consider future cycles of revenue sharing and SMART SCALE. He said revenue sharing was the next cycle that they would see, coming up in 2023.

Mr. McDermott said they had not yet selected projects for revenue sharing, and they had not yet identified potential projects to consider for revenue sharing in 2023. He said they were considering that Hickory Street or one of the other aforementioned transportation projects could be opportunities for revenue sharing.

Mr. McDermott continued that the following year was the next round of SMART SCALE, and they had not yet identified projects to consider. He said the aforementioned transportation projects would not necessarily preclude other projects from happening because the County typically made applications for numerous projects, and it was up to the state to determine which scored high enough to get funded. He said they were unable to realistically select which one they wanted to get funded because it was competitive.

Mr. McDermott said the County would have to prioritize the transportation projects against the other projects that were going on in the County. He said the Board would have the opportunity to make a final decision as to which should be moved forward in the revenue sharing and SMART SCALE application cycles.

Ms. McKeel clarified that if the item were approved, then the Board was approving the code of development. She said if Habitat had to sell the property or turn it over to another developer, then the new developer would be held to the same requirements in the code of development because it went with the land.

Ms. Ragsdale responded that was correct. She explained the proffers were in the code of

development.

Ms. McKeel asked if staff had concerns regarding the code of development.

Ms. Ragsdale said they did not, and that was why they recommended approval.

Ms. Mallek thanked staff for their work, and asked if the revenue sharing would be similar to another revenue sharing they did where an applicant provided a value to be the local match to help offset the costs.

Mr. Rapp said that at this time, there was no commitment, and they would have to address such a commitment when they chose to move forward with a revenue-sharing agreement. He clarified that there was a portion of Hickory Street that would have to be constructed regardless of the County's involvement if the project were to be approved, so there was already a cost that the applicant would have to bear. He said performing the road improvements in collaboration would provide better time and cost benefits.

Ms. Mallek said she feels the concern of long-time projects being swept aside to fill another project, so they have to watch that.

Mr. Gallaway asked if Hickory Street was already included on the transportation priorities list.

Mr. McDermott said he believed it was included in 2019 with less detail. He said they were working on an update of the priority list that they would provide to the Board before any decisions for revenue sharing were required.

Mr. Gallaway said he appreciated that they were able to lock in the land value for the school site, and that if the school site were not used, it would shift to help affordable housing.

Mr. Andrews said that he is supportive of this project because of its long-term affordability.

Ms. McKeel said it was the long-term affordability and number of houses that gained her support.

Ms. Mallek said she supported the project. She said the business model of the applicant provided the opportunity of homeownership for a variety of different levels of need.

Ms. Price said she concurred with the previous comments. She quoted the executive summary recommendation for the project. She said the presentation pointed out a number of the additional costs. She noted that the County's investment was already \$7.5 million and would only increase.

Ms. Price said the County did not expect any individual developer to cover all of the costs of the additional infrastructure needs, and this was not a typical redevelopment. She stated that the need must be met. She said she was doubtful that any reasonable person would be opposed to the project, but there were costs and risks.

Ms. McKeel said she appreciated the time and pause taken to make a decision so that staff could work on resolving some of the issues.

Ms. Mallek noted that the current \$7.5 million investment from the County was a large sum of money, but in terms of cost per unit, which generally ranges from \$40,000 per unit to \$100,000 per unit, these were only about \$24,000 per unit.

Ms. Price **moved** that the Board adopt the ordinance to approve ZMA202100013 Southwood Phase 2 (Attachment E). Ms. Mallek **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. LaPisto-Kirtley, Ms. Price, and Mr. Andrews.
NAYS: None.

ORDINANCE NO. 22-A(12)
ZMA 2021-00013

**AN ORDINANCE TO AMEND THE ZONING MAP FOR
PARCELS 090A1-00-00-001D0, 090A0-00-00-00400, AND 090A0-00-00-001C0**

WHEREAS, an application was submitted to rezone 93.32 acres on Parcels 090A1-00-00-001D0, 090A0-00-00-00400, and 090A0-00-00-001C0 from R2 Residential to Neighborhood Model District (NMD); and

WHEREAS, on April 26, 2022, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2021-00013;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2021-00013 and their attachments, including the Code of Development last revised October 13, 2022 and

the Proffers dated September 12, 2022, the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-20A.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2021-00013 with the Code of Development entitled "Southwood Phase II – A Neighborhood Model District – Code of Development," dated October 18, 2021, last revised on October 13, 2022, and the Proffers dated September 12, 2022.



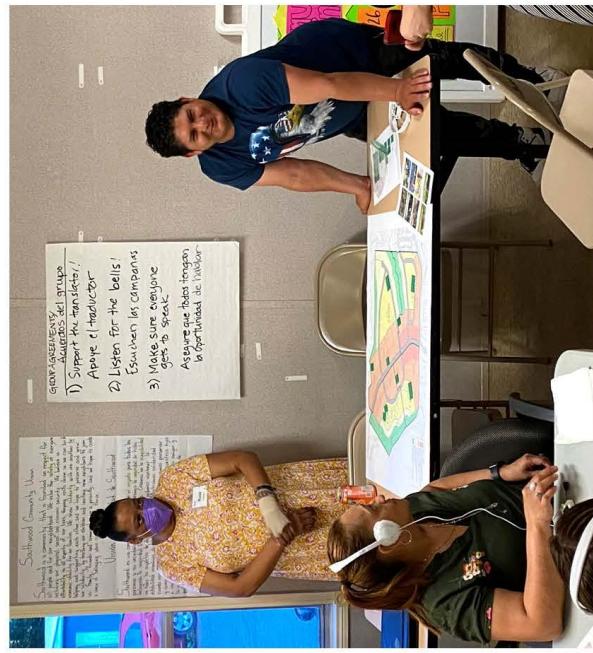
**Southwood Phase II
A Neighborhood Model District
Code of Development**

October 18, 2021
Revised October 13, 2022

Table of Contents

1.0 Introduction	3
Internal ARB	5
2.0 Evaluation Criteria	6
3.0 Application Plan and Code of Development	9
Existing Conditions at Southwood	9
4.0 Block Plan – General Description	11
Blocks	11
5.0 Land Uses by Block	13
Definitions	13
General and Supplemental Regulations	13
6.0 Density and Square Footage by Land Use Classification	17
7.0 Built Form Requirements by Land Use Classification	18
8.0 Green Space and Amenity Requirements by Block	20
Definitions	21
9.0 Framework Streets	24
Possible Waiver Streets	24
Traffic Impact	25
Street Sections	25
10.0 Affordable Housing	26
11.0 Attachments	26

Phase 2 Redevelopment Meeting, June 2021



Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – October 13, 2022

1.0 Introduction

Most development in the Charlottesville/Abernarie area is greenfield in nature. Traditionally, lands sold by resident landowners are developed for new communities. Redevelopment of Southwood differs from this traditional model in a number of ways, the most obvious of which is the existing trailer park community. Currently, Southwood is a 25-acre residential trailer park serving the housing needs of roughly 1,300 residents of Albemarle County, residents who are the foundation of the vibrant community and culture that exists today – but in an unsustainable physical environment.

The overall development philosophy envisions a multi-phase approach, allowing groups of residents to design their replacement neighborhoods to their specific needs and desires. The replacement housing site for the first of these cohorts, the early adopters, is located in Phase 1. The replacement housing site for subsequent cohorts will be in Phase 2.

Southwood is located along Old Lynchburg Road, just south of the City of Charlottesville where the four lane divided street transitions to a two-lane rural road (Figure 1). The property is within the Southern and Western Neighborhoods Development Area, one of the County's five designated Development Areas. It is surrounded by a mixture of residential and institutional/public uses and shares its southern property line with the Biscuit Run Park.

Phase 1 was planned within the projects undeveloped thirty-four acres that included the land swap tract (part of the original Biscuit Run NVD) and perimeter areas that have hidden the trailer park for years. Within this undeveloped acreage, resident planners provided for significant replacement housing and an increase in the country's overall stock of affordable housing. The Phase 1 Code of Development established dwelling units for a mixture of incomes and a mixture of uses, and provided the opportunity to continue the informal services offered within the community into occupiers or other business ventures.

The resident planners chose to start on greenfield lands to provide a way for the community to redevelop without requiring off-site rehousing. Phase 1 provides for the rehousing needs of a minimum of 90 Southwood families, additional affordable opportunities via 121 Low Income Housing Tax Credit (LIHTC) apartments, and a range of market-rate purchase options. As these families relocate into their new homes, redevelopment opportunities open up within the existing trailer park, allowing development to "leapfrog" from one area to the next.

Phase 2 is planned within the 93.33 acres of the existing Southwood mobile home park. The maximum number of proposed residential units in Phase 2 is 1,000 units. Included in this 1,000 units is the remainder of the replacement housing which will increase the County's overall stock of affordable housing by hundreds of units. Between the two phases, Southwood will result in the addition of a minimum of 484 new safe, decent, and affordable homes to the County's inventory. Similar to Phase 1, Phase 2 will provide dwelling units for a mixture of incomes and will allow for a variety of non-residential uses. Pursuant to the Uniform Relocation Assistance and Real Property Acquisition Act (URA), Habitat provided General Information Notices (GIN) to Southwood residents in 2019. There are currently 317 Southwood residents with GINs. Critically, rezoning will provide on-site housing options for each Southwood resident with a GIN who wishes to remain.

The Conceptual Yield Study (Figure 2) provides a visual representation of one of the possible outcomes provided through this Code. The drawing shows conceptual locations for the larger man-made elements such as the street network, buildings and parking and public areas.

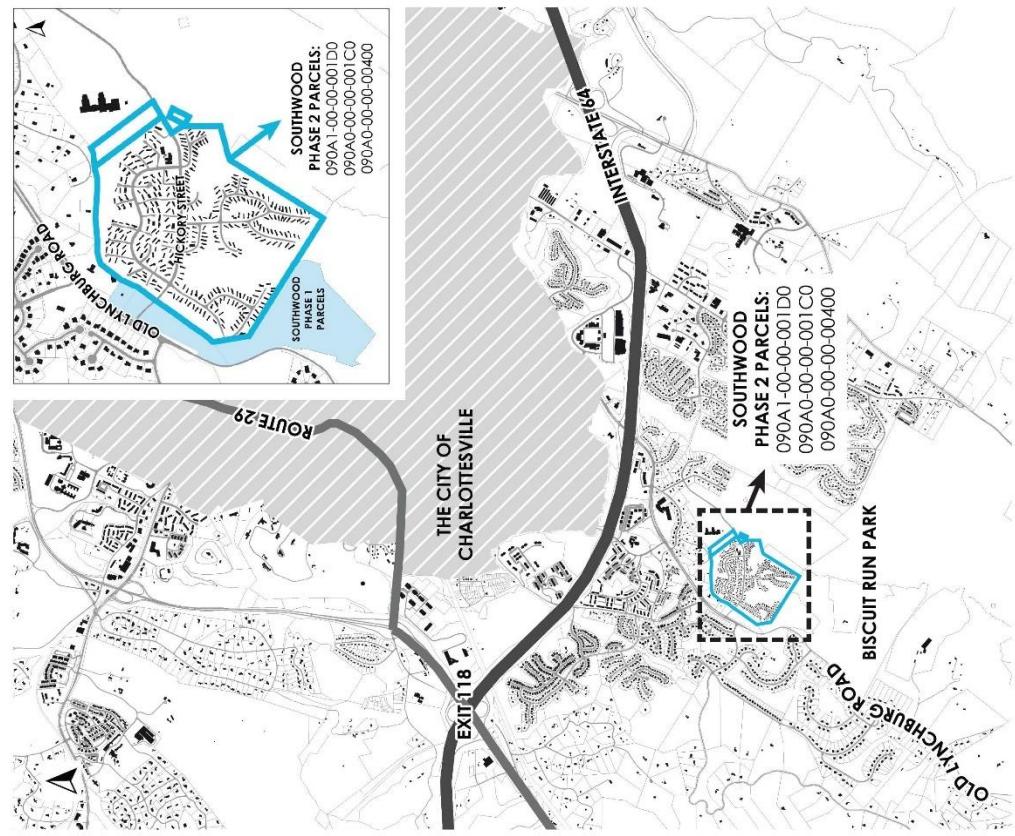


Figure 1: Regional Context and Vicinity Map

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – Revised October 13, 2022



Figure 2: Conceptual Yield Study (for Illustrative Purposes Only)

DCS Design created this conceptual yield study in 2021.

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – October 13, 2022

In early 2021, Greater Charlottesville Habitat for Humanity finalized a redevelopment phasing plan to ensure that existing Southwood residents will not be displaced during Phase 2 redevelopment. Habitat also hired a Relocation Manager to implement the plan. This plan allows the existing community to continue to be the foundation of the redevelopment by keeping residents on site throughout the development process. Key components of the community that would be lost through temporary off-site housing are preserved. For example, children can continue to attend the same schools and families can remain in close proximity to amenities like the Boys and Girls Club. Habitat's goal is to provide all necessary temporary housing on site, although there may be certain circumstances requiring temporary housing to take place off-site.

This document was prepared with the comprehensive participation and approval of the resident planners and represents their approach towards the redevelopment of their own neighborhood.

Internal ARB

An Internal Southwood Architectural Review Board will review individual submissions for a new building or village's compliance with the Southwood Community Design Guidelines which specifies requirements for architecture, landscaping, buffer, screening and other standards. The Community Design Guidelines, completed in April 2021, will be revised to include Phase 2. The ARB's specific guidelines governing the quality and characteristics of the Character Areas will be determined, maintained, and periodically updated by the Southwood Architectural Review Board. The ARB was established prior to issuance of first building permit in Phase 1 and will be composed of at least 51% legacy Southwood residents until the issuance the first building permit for Phase 2.



Phase 2 Redevelopment Meeting, June 2021



Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – Revised October 13, 2022

2.0 Evaluation Criteria

As envisioned in the purpose and intent of the Neighborhood Model District set forth in Chapter 18 Section 20A.1 of the Albemarle County Code, the Plan of Development for Southwood has been designed to further the following principles

Pedestrian Orientation: This plan envisions sidewalks on all Framework Streets as well as a 5,000 foot trail running from the terminus of the primitive trail within the green space area of Block 7 to the north eastern edge of Block 12, providing pedestrians with varied and secure options for mobility through all areas of Phase 2. A 10 foot multi-use path will be installed along the entirety of Hickory Street within the boundaries of the property subject to this rezoning. Because of this redundant system, there may be locations where it would be appropriate to have a sidewalk present on only one side of any Framework Street. This would require a waiver from the Planning Commission during the site planning stage.

Mixture of Uses: Phase 2 allows for a wide range of commercial and residential uses, with the most intensive uses focused in Blocks 25-34 along Hickory Street and less intensive uses in Blocks 16-24. The uses proposed in this Zoning Map Amendment have been designated by community leaders and have been memorialized in the enclosed use tables

Neighborhood Centers: The Neighborhood Center Special Area begins at the intersection of Hickory Street and Old Lynchburg Road. This area serves as the entrance to the new Southwood, and as such is the most appropriate area for more intensive uses. Building regulations at this area support an appropriate scale to create non-residential opportunities and an activated street edge.

Mixture of Housing Types and Affordability: The Habitat homeownership model, alongside affordable rentals, provided by Habitat, and innovative outside partnerships, will provide sustainable affordable products available to a wide range of area median incomes. There will be ownership or rental structures to fit with the goals and aspirations of the community and the market. The Code of Development allows for a wide range of housing types such as single-family detached, single-family attached, townhomes, duplexes, condominiums, apartments, and flexible use structures. At least two (2) residential building typologies shall be provided in Phase 2. Additional details about affordable housing are found on page 26.

Interconnected Streets and Transportation Networks: The main road network proposed for Phase 2 will set a framework for developing a modified grid that both adapts to, and preserves the landscape to the west, and at least two stops for transit. An existing bus stop is located along Hickory Street near the center of Phase 2 but the project intends to encourage additional bus stops within the development where possible and where requested by the Charlottesville Area Transit system. The project also intends to encourage bike and pedestrian connectivity to a trail network outside of the Southwood community

Parks, Recreational Amenities, and Green Space: This plan proposes the preservation of approximately 12 acres of natural green space made up of sensitive ecological zones such as floodplain, stream buffer and steep slopes. Approximately 19 acres are provided that contain both active and passive recreation opportunities such as a central park area, dog parks, playgrounds, trails, areas for informal play, and picnicking. Connections to adjacent trails within Biscuit Run park will be provided, along with a potential trailhead, that will allow the residents of Southwood to take advantage of programmed amenities that are located within walking distance to Southwood in Biscuit Run Park

Buildings and Spaces of Human Scale: Maximum building heights proposed in this rezoning enable an urban form at a pedestrian-friendly scale. Pedestrian-centered street design and continuous sidewalks invite the neighborhood to engage with their community and create a neighborhood with a strong sense of place. **Rezoned Parking:** This plan envisions some alleys to allow for rear-loaded parking whenever appropriate, feasible, and allowable, and to minimize curb cuts. The parking plan allows flexible solutions like surface lots, on-street parking, and shared driveways to allow for ample parking that can be responsive to exact site and conditions the future development presents. The parking requirements will allow Southwood residents to have flexibility in locating required residential parking spaces to allow the neighborhood design flexibility to meet resident needs.

Redevelopment: This plan proposes the redevelopment of the existing Southwood Mobile Home Park into a mixed-use, mixed-income community. All new buildings should orient towards streets when possible and curbside parking should be provided along these streets where it is permitted by VDOT. Public streets will have sidewalks and street trees to create a comfortable and safe pedestrian environment. Existing natural features will be preserved to the extent possible and several new green spaces will be created throughout the community.

Respecting Terrain and Careful Grading and Re-Grading of Terrain: The team of landscape architects and environmental engineers that have been advising the redevelopment of Southwood have taken into consideration the unique conditions and topography present on this site. The road network's design will respond directly to existing grades and promote the preservation of the natural areas at the edges of the site. All development shall comply with Chapter 18 Section 307 of the Albemarle County Code.

Clear Boundaries with Rural Areas: Southwood is located at the southern edge of the growth area and is bordered to the south by County-leased parkland, serving as a natural and abundant barrier between this residential urban development and the rural areas to the south. The nearest rural areas are 0.5 miles to the west and 1.5 miles to the south. Southwood has provided green space along the property line to allow for a buffer and transition to Biscuit Run Park

Consistency with the Comprehensive Plan: The proposed community is consistent with the Comprehensive Plan's designation of Urban Density Residential with a Center and Parks and Green Systems. Urban Density Residential contemplates an average density of 6.01-34 dwelling units per acre (DUA). At up to 1,000 units across the entire 35.33 acres the Project density is 10.7 DUA, within the recommended range of the Comprehensive Plan. The net density of the Project is 12.28 DUA, based on 81.42 acreage available outside of environmental features and areas designated as Parks and Green Systems, which is still well within the recommended density range of the Comprehensive Plan. Existing R-2 zoning would permit approximately 157 dwelling units (not including any bonus density), whereas the Comprehensive Plan Land Use Map calls for over 6 DUA, up to 34 DUA.

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – October 13, 2022

Objective 5 of the Development Areas chapter of the Comprehensive Plan is to "promote density within the Development Areas to help create new compact urban places." Therefore, it will further the goals of the Future Land Use Plan of the Master Plan by providing up to 1000 dwelling units (including affordable units) close to employment areas and on an existing transit line.

The Center designation and supporting language within the Master Plan specific to Southwood recommends a mixed-use community, and that a retail and/or services area should be provided for the neighborhood located there at the outset. Phase 2 is proposing up to 60,000 SF of non-residential which will address the recommendations of the Master Plan to provide a mixed-use community and a retail and services area for the neighborhood. It is anticipated that these uses may include a childcare center, community center, Boys and Girls Club, incubation space for resident businesses, and other commercial office and retail uses.

Proposed Impact on Public Facilities and Infrastructure

The Phase 2 development of Southwood will extend east on Hickory Street from the existing Old Lynchburg Road entrance. Hickory Street will follow the existing road alignment to allow for phasing of development within Phase 2, maintaining the commitment to non-displacement of current residents. Through VDOT design standards, that portion of Hickory Street traveling through the Property will be transformed from a private road to a public road that will provide a parallel public street and access off Old Lynchburg Road. The Applicant will also engineer (to 30% completion) to VDOT secondary public road standards that portion of Hickory Street that extends off-site and involves several off-site properties from the southern boundary of the Property to the intersection with Oak Hill Drive.

Redevelopment of Southwood Phase 2 will include upgrading Hickory Street from a private road to a public road, which will alleviate traffic on Old Lynchburg Road. The project will establish a parallel network of transportation alternatives—Hickory Street for vehicles and pedestrians, and trails for walking. The Applicant will design Hickory Street to VDOT public road standards with design and construction drawings to be completed in 2022. The construction schedule of Hickory Street will depend on outside funding. Both water and sanitary utilities will be extended into the Phase 2 development. The existing sanitary line, which follows the stream, along the south end of the parcel is well positioned to accept the flow from the second phase of development. Connection to the existing sanitary line will need to be designed and constructed with care, as it is located in the Water Protection Ordinance buffer; however, connections of this type are allowed per the ordinance. This Project, if approved, will result in the decommissioning of approximately 200 failing septic systems, replaced by public sewer.

The existing asbestos waterline network will be demolished in phases, supporting an overall phasing for the second phase of development. All new development will feature new water metering, no longer relying on the master meter configuration for the current development. Coordination with the Rivanna Water and Sewer Authority and Albemarle County Service Authority will continue as Phase 2 develops, including both during the rezoning application and the site plan submissions. Due to the existing water and sewer users, Habitat for Humanity will continue to work with the Albemarle County Service Authority (ACSA) as it relates to credits for tap fees, as users are brought onto the system and the master meter is eventually phased out completely.

Southwood's primitive trail system will allow residents and the community to enjoy the natural areas and terrain, including the stream that runs along the western and southern borders of Phases 1 and 2. Further, the Southwood trail will be extended and connected to Biscuit Run Park by public interconnections. This connectivity will extend the recreational opportunities and green space of Southwood through the 1000+ acre Biscuit Run Park, affording the entire Southwood community unprecedented active and passive recreational opportunities. This pedestrian connectivity will also mitigate the traffic impacts of Biscuit Run's single entrance, providing a gateway into the park for the southern and western neighborhoods of the county, obviating a long drive down Route 20 to the east.

The Southwood community is located in one of the County's Priority Areas. The Comprehensive Plan identifies these as places where infrastructure is planned and needed to help support existing and proposed development. In October 2016 the Albemarle County Board of Supervisors passed a resolution supporting a collaborative redevelopment project which defined Southwood Redevelopment as an essential public/private partnership opportunity.

Table 1 has been removed

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – Revised October 13, 2022

Impact on Environmental Features

This site is surrounded by natural features, such as streams, small areas of wetlands, and steep slopes. Each feature defines this area and has become important to the resident community to be preserved and honored in the Southwood redevelopment. Members of the resident design team have walked the site and acknowledged the environmental features that make it unique, focusing on ways to preserve and integrate each of these areas into the development.

The infrastructure and potential layouts carefully consider preserving these areas, while also making them accessible, allowing the environmental features of the area to be available for resident enjoyment. This access will be through a trail network developed in coordination with the Parks and Recreation department. The streams and wetlands on the site will be preserved in a way to honor the natural habitats associated with each in partnership with the County of Albemarle. Restoration of some of the streams is being contemplated. In addition, critical slopes are being honored throughout the property and stormwater and sanitary pipes will be located to minimize disturbance of steep slopes and environmental features. When utilities are required to pass through steep slopes, all grades will be restored to their predevelopment state. All Residential Lots shall be outside of stream buffers, preserved slopes, and floodplains to protect these sensitive areas. This project will replace existing failed infrastructure such as septic systems and roads with new state of the art infrastructure.

Water quantity requirements will be met on-site by outfalling directly to the stream, within the 100-year floodplain, demonstrating they are 1% or less of the overall drainage patterns, or through meeting the energy balance equation. Water quantity requirements will meet Virginia Stormwater Management Program (V SMP) regulations. At least 75% of required nutrient reductions will be provided on-site by stormwater management strategies.

Grading

An overlot grading plan and final design of retaining walls shall be reviewed and approved in conjunction with the site and subdivision development plans for Southwood Phase 2. Retaining walls shall be a maximum of six (6) feet in height, as measured from the top of wall to the finished grade at the bottom of the wall. The overall retained height may exceed six (6) feet with multiple stepped walls or, at the discretion of the Director of Community Development, in a single wall.

Strategies for Shared Stormwater

Blocks 16-24 will feature a mix of residential type units, but will primarily be of a lower density resulting in less impervious surface and therefore a lower amount of required water quality treatment. Conversely, Blocks 25-34 will feature a denser development. Having a higher ratio of impervious surface and a greater need for water quality treatment. While all Blocks will look to use non-proprietary measures such as bioretention, infiltration, and preservation of wooded areas, Blocks 25-34 will most likely require some form of proprietary treatment. While all water quality measures approved by DEQ will be a part of our toolbox during design, we will have a focus on the different areas as noted. Additionally, off-site water quality credits, in accordance with DEQ may also be used to meet requirements.

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – October 13, 2022

3.0 Application Plan and Code of Development

The following sections of this document include the Application Plan and the Code of Development for Phase 2 and are designed to work together to detail the design approach and provide specific metrics for the various design elements.

Existing Conditions at Southwood

Habitat for Humanity of Greater Charlottesville is implementing a national model, community-based redevelopment process at Southwood Mobile Home Park. Southwood is currently home to roughly 1,300 people in 317 trailers on 93.33 acres, and like many trailer parks across the nation, aging infrastructure, tenure insecurity, severe development pressure and a housing stock that was largely built prior to HUD safety standards mean that this vibrant community of hard-working families was on the brink of permanent erasure prior to Habitat's purchase of the property in 2007. Through the process of physical redevelopment, displacement, transferring physical, legal, and emotional ownership of the neighborhood to the families and Southwood, will be transformed into a sustainable, mixed-income, mixed-use village without resident neighbors who call it home.

The Southwood Mobile Home Park is served by private water and sewer systems. Public water is provided through the park's private water distribution system. Wastewater north of Hickory Street is collected through a private sewer network and eventually conveyed westward to the public sewer system. Wastewater south of Hickory Street is collected via smaller networks and ultimately treated in septic fields. Both utility systems are aged and failing.

Several septic fields have been located so far in Phase 2. All of these fields are failing and the remaining septic fields throughout the property are expected to be in a similar condition. All new homes in the Southwood community will be connected to public water and sewer.

Similarly, the private road network is aged and in need of significant repairs and upgrades to meet current VDOT standards. Habitat intends to utilize Traditional Neighborhood Design standards (TND) for roads in the development. All new public roads in the Southwood community will be constructed to VDOT standards. During the Phase 1 planning process, resident planners developed a Preliminary Phase 2 Regulating Block Plan (Figure 3) to show how the concepts they created in Phase 1 could seamlessly extend into Phase 2. The Preliminary Plan identified conceptual densities, a conceptual road network, and a neighborhood center.

The exhibit was included in the Phase 1 Code of Development to provide a general sense of what the resident planners envisioned for Phase 2.

The Proposed Phase 2 Regulating Block Plan (Figure 4) developed for this rezoning is very similar to the Preliminary Phase 2 Regulating Block Plan. In the Proposed Phase 2 Regulating Block Plan, the green space buffer is maintained along the edges of the development. Lower density residential uses continue to border the green space buffer, Biscuit Run Park, and the adjacent low-density Oak Hill neighborhood. Higher density residential and non-residential uses are concentrated near the core of the development. Both the Preliminary and Proposed Phase 2 Regulating Block Plans allow for Urban Density Mixed Uses on the eastern side of the development along Hickory Street in the area of Blocks 30 and 34. This area may be ideal for another center of high-density residential and/or mixed uses similar to the Piedmont Housing Alliance (PHA) buildings in Blocks 11 and 12 of Phase 1.

One significant change is Neighborhood Mixed Use/Neighborhood Places is no longer a Land Use Classification in Phase 2 from the Phase 1 Code of Development. The intention of this Land Use Classification in the Phase 1 Code of Development was to designate areas to mediate intensity and provide connection. During Phase 1 site planning, resident planners and Habitat staff found that these areas of mediation and connection were organically established, evenly throughout the site and did not need to be specifically designated in the Code of Development.

Figure 3 also shows how Phase 1 and Phase 2 relate to one another. Where Phase 2 borders Phase 1, the Land Use Classifications are mirrored to create a seamless transition between Phases. The main vehicular connection between Phase 1 and Phase 2 is the Hickory Street thoroughfare. Another critical vehicular connection will be at the intersection of Blocks 5, 7, 16, and 21. Other vehicular and pedestrian connections between the Phases shall be provided at appropriate locations to create connectivity.

The Proposed Phase 2 Regulating Block Plan is the basis for the Application Plan (Figure 5). This plan establishes the Blocks which guide the development of the community. Additionally, it identifies Hickory Street as the primary spine street, the first connection from Phase 1 to Phase 2, and the approximate locations of key intersections connecting those roads to future neighborhood streets. It also establishes the location of the trail network.



Existing utility infrastructure at Southwood is failing and it is creating challenges for construction crews as they develop Phase 1.

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – Revised October 13, 2022

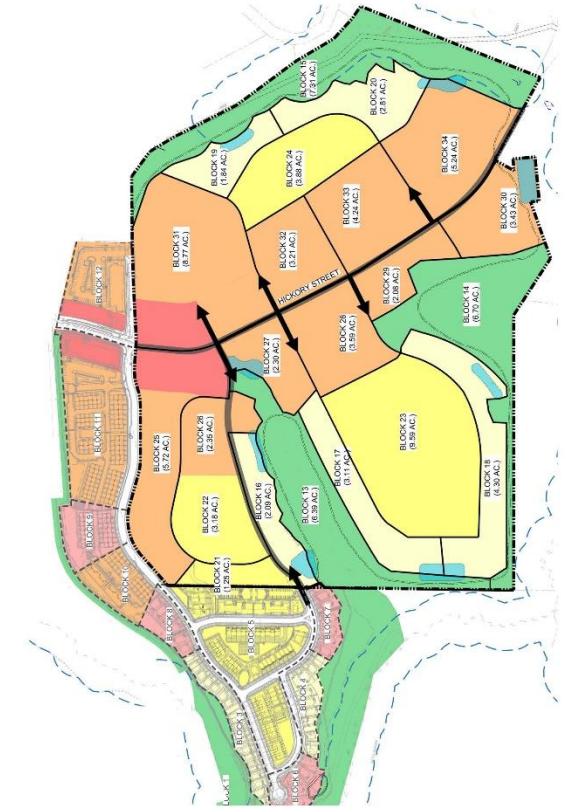


Figure 4: Proposed Phase 2 Regulating Block Plan in Context

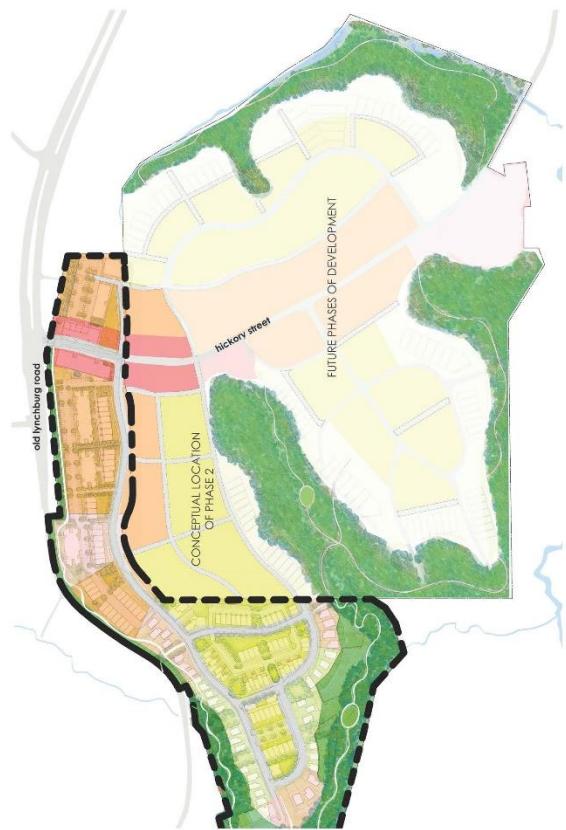


Figure 3: Preliminary Phase 2 Regulating Block Plan in Context

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – October 13, 2022

4.0 Block Plan – General Description

The project consists of general areas that are characterized by land use as primarily green space, residential, or mixed use. These areas may also include special designations, such as neighborhood center and place-making locations, that are specifically identified by the County's Comprehensive Plan or through resident engagement.

Blocks

Land use, density regulations, and built form characteristics in Southwood Phase 2 are governed by Blocks. The Framework Street network shown in Figure 5 helps to establish the layout of the Blocks. Hickory Street, the existing main road through the Southwood community, is one of the Framework Streets in Phase 2. Several other Framework Streets, with approximate locations shown by the black arrows, will be constructed in Phase 2. The internal network of Framework Streets and other smaller streets is yet to be determined. These networks will be developed during site planning meetings with the Southwood community. Every effort will be made to ensure a high degree of connectivity throughout Phase 2.

Applicable setbacks and building regulations shall be measured from the adjacent right of way. Approximate acreages of each Block are provided in the supporting tables. The actual acreage of Urban Density Mixed Use Blocks may deviate by no more than 15%; however, all other Blocks may deviate by no more than 30%.

Green Space – Blocks 13 through 15

Blocks 13 through 15 designate green space along the perimeter of the development. While other Blocks contain additional green spaces, these three Blocks are used to protect environmental features such as floodplains, stream buffers, and preserved slopes and match those areas designated as Parks and Green Systems within the Master Plan. The Green Space Blocks also provide visual softening and screening and offer a natural amenity to the larger community.

Residential and Mixed Use – Blocks 16 through 34

Blocks 16-34 are primarily designated for residential use, although certain non-residential uses are permitted. Density and intensity of non-residential uses vary by Block. In general, the core/interior of the community will have higher density units and the edges will have lower density units. Similarly, non-residential uses will appear more frequently in the core of the community and less frequently along the edges. The core of the community can be characterized as the Blocks along Hickory Street and bordering Southwood Phase 1. The edges of the community can be characterized as the Blocks that border the Green Space Blocks. These Blocks will provide pedestrian connections from the street network to the perimeter trail network when possible. Place-making reference points can be found throughout the edge Blocks. These place-making reference points allow transition and connection between the developed community and the natural amenity and trail system while creating a varied pedestrian experience and destination nodes along the streets.

Multi-family residential units and commercial businesses will likely be located in parts of Blocks 25-27 and Block 31, with the possibility for similar uses in parts of Blocks 30 and 34. These Blocks will provide an opportunity for mixed-use and/or for neighborhood commercial centers, similar to those found in Blocks 11 and 12. This could allow for a further increase in the County's stock of affordable rental housing and/or business incubation opportunities. At least three Residential Villages will be found throughout the community.

Residential Village

Blocks 21-24 allow for the most flexibility in design and use per site conditions and the Code of Development. These Residential Village areas will provide a mixture of housing types and allow for smaller residential groupings on public or private amenities or streets. Alleys, greenways, and/or internal sidewalk connections between residences and public amenities are permitted.

Neighborhood Center Special Area

A Center designation is shown in the County's master plan in the general area near the entrance of Hickory Street and Old Lynchburg Road. As such, the Code of Development focuses the most intense and highest density uses in this area. Through the use of building heights, existing and new buffers, building setbacks, and top floor setbacks, the built form standards accommodate higher density and frame Hickory Street while ensuring pedestrian orientation and guiding the focus away from Old Lynchburg Road and towards the first internal intersection of the Southwood community.



Conceptual Rendering – Interior View of the Neighborhood Center Special Area

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – Revised October 13, 2022

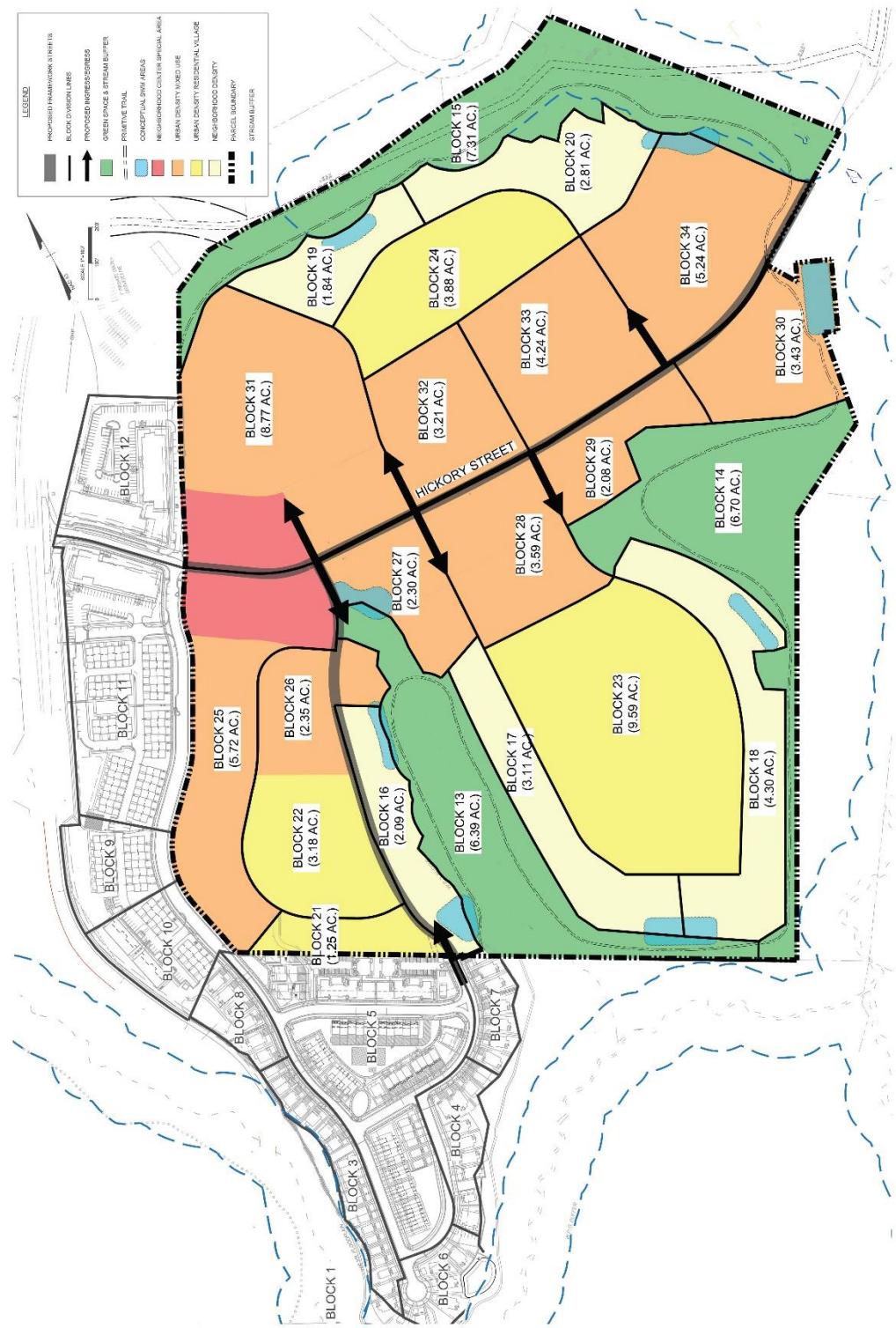


Figure 5: Application Plan

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – October 13, 2022

5.0 Land Uses by Block

Definitions

The following definitions supplant those found within Chapter 18 of the Albemarle County Code and in some cases define new uses and supplemental design standards.

Accessory Apartments: A separate, independent dwelling unit clearly subordinate to the principal single-family dwelling unit, as distinguished from a duplex, or other two-family dwelling.

Flexible Use Structure: A separate, independent, accessory structure detached from, or attached to, and located on the same parcel as the principal single-family dwelling unit, as distinguished from a duplex, or other two-family dwelling.

Event Hall: A community space to be maintained by the neighborhood association or some other third-party organization or business, that can accommodate a variety of special events, public assemblies, and celebrations open to rent to the neighborhood and outside community. The event hall shall comply with minimum parking requirements for public assemblies in compliance with the Albemarle County Zoning Ordinance.

Urban Agriculture: An agricultural use as defined in Chapter 18 Section 31 of the Albemarle County Code notwithstanding any accessory processing facilities other than allowable accessory units, structures, and/or sheds and including the keeping of allowable animals as described below.

General and Supplemental Regulations

Accessory Apartments: Each accessory apartment shall be subject to the following

Not more than one (1) accessory apartment, attached or detached, shall be permitted with any single-family dwelling.

a. The gross floor area devoted to an accessory apartment shall have a minimum gross floor area of 200 square feet and not exceed 1,000 square feet or 50% of total gross floor area of the main dwelling unit, whichever is greater

b. The gross floor area of an accessory apartment shall not be included in calculating the gross floor area of the main dwelling unit for uses such as home occupations as provided in Chapter 18 Sections 5.2 and 5.2A of the Albemarle County Code and other similar uses in this chapter whose area within a dwelling unit is regulated.

c. An accessory apartment shall enjoy all accessory uses availed to the main dwelling, except that no accessory apartment shall be permitted as accessory to another accessory apartment

d. A single-family dwelling which adds an accessory apartment shall be deemed to remain a single-family dwelling and shall be considered one (1) dwelling unit for purposes of area and bulk regulations of the district in which such dwelling is located. Accessory Apartments will not count against the overall dwelling unit allowances.

e. The owner must reside in the main dwelling to which the apartment unit is accessory or the apartment unit itself.

Flexible Use Structure: Each Flexible Use Structure shall be subject to the following

- a. Not more than one (1) Flexible Use Structure, attached or detached, shall be permitted with any single-family dwelling
- b. The gross floor area devoted to a Flexible Use Structure shall have a minimum gross floor area of 200 square feet and not exceed 1,000 square feet or 50% of total gross floor area of the main dwelling unit, whichever is greater
- c. The gross floor area of the Flexible Use Structure shall not be included in calculating the gross floor area of the main dwelling unit for uses such as home occupations as provided in Chapter 18 Sections 5.2 and 5.2A of the Albemarle County Code and other similar uses in this chapter whose area within a dwelling unit is regulated
- d. Maximum footprint area of Flexible Use Structures shall be limited to 1,000 square feet or 50% of total gross floor area of the main dwelling unit, whichever is greater
- e. Minimum height of Flexible Use Structures shall be 10 feet. Maximum height shall be limited to equal or less than that of the main building
- f. All Flexible Use Structures shall be located in the rear or side of the lot. Notwithstanding any other requirements of this Code of Development, Flexible Use Structure setbacks shall be the same as for the principal building with which it shares a lot, except for the rear or side yard setback which shall be a minimum of three (3) feet.
- g. A single-family dwelling which adds a Flexible Use Structure shall be deemed to remain a single-family dwelling and shall be considered one (1) dwelling unit for purposes of area and bulk regulations of the district in which such dwelling is located. Flexible Use Structure will not count against the overall dwelling unit allowances
- h. A Flexible Use Structure may contain a dwelling unit and/or any Home Occupation Class B subject to special use permit and home occupation processes and regulations. A Flexible Use Structure may be a combination of allowed uses subject to permitting processes and regulations
- i. Not more than 20 Flexible Use Structures shall be permitted in Phase 2.

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – Revised October 13, 2022

Parking

Agricultural Use: An agricultural use shall be permitted on lots comprised of detached single-family dwellings and attached or semi-detached single-family dwellings (duplexes and townhomes) subject to the following:

- a. The agricultural use may take place on a parcel subject to the following size requirements
 - The side and rear yard ("yard") shall be at least 30% of the associated dwelling's footprint
 - This yard space shall incorporate a chicken coop or other adequate covered structure and shall be fenced (Adequate Shelter definition, see Chapter 4 Article 1 Section 4-103 of the Albemarle County Code)
 - Coops or structures must meet accessory structure setbacks (Chapter 18 Section 4112 of the Albemarle County Code)
 - The parcel shall have a fly-proof container for animal waste
 - Hens, goats, or bees may be permitted on the parcel subject to the following
 - No more than seven (7) hens
 - No more than two (2) goats
 - Beekeeping is permitted per Chapter 18 Section 5163 of the Albemarle County Code.
 - On-site slaughter of one (1) of each animal type is permitted per calendar year
 - Agricultural uses shall not require additional parking requirements beyond compliance with the parking regulations for dwellings as described in this Code of Development.

Alley Parking: Perpendicular or parallel parking off of the alley
Community Garden: A parcel on which gardening is the primary use

Amenity-Oriented Lots: Notwithstanding Chapter 18 Sections 461 and 462 of the Albemarle County Code, attached and detached residential units with the front of the lot facing a grass or landscaped mall, park, green space, garden, or any other similar amenity area ("amenity") are permitted throughout the development, provided that the amenity must be at least thirty feet (30') in width, and an open area from the face of building to face of building must remain at forty feet (40') in width. The lot frontage may be obtained by the amenity rather than a public or private street.

Mixed Use: Mixed Use in a single building (residential and non-residential) is permitted.

Requirements of Chapter 18 Section 412 of the Albemarle County Code apply except for the following.

Modification of Location Requirements for Parking Spaces: The parking requirements for all residential and non-residential uses may be met on-street, off-street, off an alley, in a parking lot, in a stand alone parking lot, or in some similar parking situation as described in Table 2 so long as the total number of required parking spaces for the total number of residential and non-residential units are provided across the project. It is not required that parking requirements be met on a parcel. Calculations shall be balanced at each subdivision plat submission and parking is to be within a 300' radius of the furthest entrance on the associated building.

Opportunities for shared parking and shared driveways shall be permitted.

Modification of Parking Requirements for All Multifamily Structures in Blocks 25-34: As an aggregate total, the ratio of parking spaces to residential dwelling units in multifamily structures (as determined by density count) will be a minimum of 1.5 spaces per dwelling unit.

TABLE 1: PARKING SPACE LOCATIONS

UNIT TYPE	(PARKING REQUIREMENTS MAY BE MET IN ANY OF THE FOLLOWING LOCATIONS)				ON OR OFF-SITE SHARED PARKING
	(OFF-SITE STAND ALONE PARKING LOT OR BAY)	ON SITE (OFF STREET)	ALLEY PARKING	ON-STREET PARKING	
SINGLE FAMILY CARRIAGE HOUSES, DUPLEXES, TOWNHOMES AND OTHER DETACHED AND ATTACHED UNITS			X	X	X
APARTMENTS AND MULTIFAMILY HOMESTAY (S-148)	X	X	X	X	X
NON-RESIDENTIAL USES	X	X	X	X	X

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – October 13, 2022

Land Uses

All uses that reference a section of the Albemarle County Ordinance are to include all uses, definitions, and interpretations as specified in the aforementioned ordinance reference unless a use, otherwise listed in the ordinance reference, is separately and explicitly listed in the use lists within this Code of Development. In this case, the zoning administrator shall refer to the separate listing for this specific use.

The zoning administrator, after consultation with the director of planting and other appropriate officials, may permit as a use by-right, a use not specifically permitted; provided that such use shall be similar to uses permitted by-right in general character and more specifically similar in terms of location requirements, operational characteristics, visual impact, and traffic generation.

TABLE 2: RESIDENTIAL USES PERMITTED/PROHIBITED BY LAND USE CLASSIFICATION					
	GREEN SPACE AND BUFFER	NEIGHBORHOOD DENSITY	URBAN DENSITY RESIDENTIAL/VILLAGE	URBAN DENSITY MIXED USE	NEIGHBORHOOD CENTER SPECIAL AREA
RESIDENTIAL USES	BLOCKS 13 – 15	BLOCKS 16 – 20	BLOCKS 21 – 24	BLOCKS 25 – 34	
RESIDENTIAL USES	–	P	P	P	
ACCESSORY USES AND BUILDINGS INCLUDING STORAGE BUILDINGS	–	P	P	P	
HOME OCCUPATION CLASS A (5.2)	–	P	P	P	
DETACHED SINGLE FAMILY	–	P	P	P	
BOARDING HOUSE	–	P	P	P	
FAMILY DAY HOME (5.186)	–	P	P	P	
GROUP HOME (5.107)	–	P	P	P	
MULTIFAMILY	–	P	P	P	
SEMI-DETACHED AND ATTACHED SINGLE FAMILY INCLUDING DUPLEXES AND TOWNHOMES	–	P	P	P	
HOMESTAYS (5.148)	–	P	P	P	
ACCESSORY APARTMENT	–	P	P	P	
FLEXIBLE USE STRUCTURE	–	P	P	P	
HOME OCCUPATION CLASS B (5.2)	–	SP	SP	SP	

The Neighborhood Center Special Area is an overlay in the Urban Density Mixed Use land use classification; therefore, it will have the same permitted/prohibited residential uses as that classification.

Note: All Residential Lots shall be outside of stream buffers, preserved slopes, and floodplains

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – Revised October 13, 2022

TABLE 3: NON-RESIDENTIAL USES PERMITTED/PROHIBITED BY LAND USE CLASSIFICATION

NON-RESIDENTIAL USES	GREEN SPACE AND BUFFER	NEIGHBORHOOD DENSITY	URBAN DENSITY RESIDENTIAL/VILLAGE	URBAN DENSITY MIXED USE	NEIGHBORHOOD CENTER SPECIAL AREA
FARMERS MARKET (S.147)* PUBLIC USES: ELECTRIC, GAS, OIL, AND COMMUNICATION FACILITIES, EXCLUDING TOWER STRUCTURES, OWNED AND OPERATED BY A PUBLIC UTILITY	P	BLOCKS 13 – 15	BLOCKS 16 – 20	BLOCKS 21 – 24	BLOCKS 25 – 24
STORMWATER MANAGEMENT FACILITIES*	P	P	P	P	P
PUBLIC RECREATIONAL FACILITIES*	P	P	P	P	P
TIER I AND TIER II WIRELESS SERVICE FACILITIES (S.140)* PUBLIC PLAYGROUNDS AND PARKS*	P	P	P	P	P
URBAN AGRICULTURE*	P	P	P	P	P
COMMUNITY GARDEN*	P	P	P	P	P
RETAIL STORE OR SERVICE (22.2 A/B) EATING ESTABLISHMENT	–	P	P	P	P
STORAGE YARD	–	P	P	P	P
RELIGIOUS ASSEMBLY	–	P	P	P	P
PUBLIC USES COMMUNITY CENTER (S.104/5.127) OR NEIGHBORHOOD CENTER TEMPORARY CONSTRUCTION USES (S.1.18)	–	P	P	P	P
STAND-ALONE PARKING STRUCTURES	–	P	P	P	P
MIXED USE CHILD CARE CENTER FACILITY (S.106)	–	–	–	–	P
ASSISTED LIVING	–	–	–	–	P
PRIVATE SCHOOL	–	–	–	–	P
LAUNDROMAT	–	–	–	–	P
FINANCIAL INSTITUTION	–	–	–	–	P
MEDICAL OFFICE	–	–	–	–	P
OFFICES	–	–	–	–	P
CLUBS AND LODGES (S.1.02)	–	–	–	–	P
LABORATORIES/RESEARCH/DEVELOPMENT/TESTING	–	–	–	–	P
MANUFACTURING/PROCESSING/ASSEMBLY/FAIRCATION	–	–	–	–	P
EVENT HALL	–	–	–	–	P
INDOOR ATHLETIC FACILITIES	–	–	–	–	P
COMMERCIAL RECREATIONAL ESTABLISHMENT	–	–	–	–	P
FUNERAL HOME	–	–	–	–	P

The Neighborhood Center Special Area is an overlay in the Urban Density Mixed Use land use classification; therefore, it will have the same permitted/prohibited non-residential uses as that classification.

***Note:** The following uses, while permitted in the Green Space and Buffer land use classification, are not permitted in stream buffers: Farmers Market, Storm Water Management Facilities, Public Recreational Facilities, Tier I and II Wireless Service Facilities, Public Playgrounds and Parks, Urban Agriculture, and Community Gardens.

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – October 13, 2022

6.0 Density and Square Footage by Land Use Classification

Table 5 Provides the metrics for development of each Block. These metrics are subject to the following conditions:

1. The final acreage and number of dwelling units per Block may vary by no more than 15% in Urban Density Mixed Use Blocks and no more than 30% in all other Blocks, so long as the number of dwelling units does not exceed the total minimums and maximums allowed across the entire development.
2. The total minimum number of dwelling units shall be achieved
3. The total maximum number of dwellings shall not be exceeded
4. At least two (2) different residential uses (see Table 3) shall be provided
5. The total gross maximum square footage of non-residential uses shall not exceed 60,000 square feet.
6. Retail stores and services in Blocks 16-24 shall not exceed a ground footprint of 1,600 net square feet.
7. Eating establishments in Blocks 16-24 shall not exceed a ground footprint of 1,600 net square feet.
8. The total minimum non-residential square footage shall be achieved.

The Center designation and supporting language within the Master Plan specific to Southwood recommends a mixed-use community and a retail and/or services area in the neighborhood. Phase 1 included 50,000 SF of non-residential, however no more than 10,000 SF is expected to be built within that Phase. Phase 2 is proposing up to 60,000 SF of non-residential which will address the recommendations of the Master Plan to provide a mixed-use community and a retail and services area for the neighborhood. It is anticipated that these uses may include such uses as a childcare center, incubation space for resident businesses, a community center, and office space.

TABLE 4: DENSITY REGULATIONS BY LAND USE CLASSIFICATION SUMMARY						
LAND USE DESIGNATION	BLOCKS	DENSITY RANGE (UNITS/ACRE)	APPROXIMATE AREA (AC)	RESIDENTIAL USES		NON-RESIDENTIAL USES
				MINIMUM POSSIBLE DWELLING UNITS	MAXIMUM POSSIBLE DWELLING UNITS	
GREEN SPACE AND BUFFER	BLOCKS 13 - 15	0	20.40	0	0	0
NEIGHBORHOOD DENSITY	BLOCKS 16 - 20	4-18	14.15	57	255	0
URBAN DENSITY RESIDENTIAL VILLAGE	BLOCKS 21 - 24	8-22	17.90	143	394	0
URBAN DENSITY MIXED USE	BLOCKS 25 - 34	8-34	40.93	327	900	10,000
NEIGHBORHOOD CENTER SPECIAL AREA	TOTALS	1071 (GROSS DENSITY)	93.38	527	1,000	10,000
						60,000

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – Revised October 13, 2022

7.0 Built Form Requirements by Land Use Classification

TABLE 5: SETBACK AND BUILDING REGULATIONS BY LAND USE CLASSIFICATION/OVERLAY

REQUIREMENT	NEIGHBORHOOD DENSITY	URBAN DENSITY RESIDENTIAL VILLAGE	URBAN DENSITY MIXED USE	NEIGHBORHOOD CENTER *115' MEASURED ON BOTH SIDES FROM HICKORY STREET ROW
BUILDING HEIGHT MIN MAX	NO MIN 3 STORIES OR 35'	NO MIN 4 STORIES OR 55'	2 STORIES 4 STORIES OR 55'	2 STORIES 5 STORIES OR 65'
FRONT SETBACK MIN MAX	5' 25'	5' 25'	5' 18a	10' 28a
STEPBACK MIN AT BUILDING HEIGHT OF	NA	NA	FRONTS SHALL ORIENT TOWARDS HICKORY	FRONTS SHALL ORIENT TOWARDS HICKORY
SIDE SETBACK MIN MAX	3' NO MAX	3' NO MAX	5' NO MAX	10' NO MAX
REAR SETBACK MIN MAX	NO MIN NO MAX	5' NO MAX	5' NO MAX	10' NO MAX
TRAIL BUFFER SETBACK MIN MAX	NA	NA	20' MIN NO MAX	20' MIN NO MAX
GARAGE SETBACK FRONT ACCESS MIN/MAX	TO COMPLY WITH 4 1/2' NO MAX	TO COMPLY WITH 4 1/2' NO MAX	FRAMWORK'S STREET FACING GARAGE OPENINGS AND/OR GARAGE DOORS ARE NOT ALLOWED IN THESE BLOCKS - ALL GARAGE ACCESS MUST SIDE LOADED, RELEGATED TO THE REAR OF THE BUILDING, OR ACCESSED FROM A NON-FRAMEWORK STREET OR ALLEY	
MAX PORCH AND DECK ENCROACHMENT	4'	4'	4'	9'
MAX EAVES AND OVERHANG ENCROACHMENT	2'	2'	3'	3'
SINGLE BUILDING FOOTPRINT MAX NON-RESIDENTIAL	3,000 SF	3,000 SF	20,000 SF	20,000 SF
STREET FACING BUILDING LENGTH MIN MAX MIN AIR PASSAGE WIDTH	NO MIN 200' 10'	NO MIN 200' 10'	NO MIN 200' 10'	50' 275' 10'

Note: Coops, other agricultural use structures, and other accessory buildings except for Flexible Use Structures and Accessory Apartments must meet accessory structure setbacks (4.11.2).

Note: Flexible Use Structures as defined in the Code of Development have the same minimum setbacks as the principal buildings with which they share a lot except for rear and side setbacks, which shall be a minimum of 3'.

- The wall plane of all street facing garages must be set back a minimum distance of three feet (3') from the primary street facing building facade or from the front porch.
- A setback is not required for buildings with a front setback of at least 15'.
- Stepbacks apply to non-residential and multifamily residential buildings only.

Any building constructed adjacent to Hickory Street should have at least one primary entrance facing Hickory Street, architectural design elements, and/or green space/pocket park that create a front to the street (i.e. wrap around porch and windows, pocket park with gathering area). In no case will the rear of a building face Hickory Street.

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – October 13, 2022

TABLE 6: SETBACK AND BUILDING REGULATIONS BY LAND USE CLASSIFICATION/OVERLAY

NEIGHBORHOOD DENSITY	URBAN DENSITY RESIDENTIAL VILLAGE	URBAN DENSITY MIXED USE	NEIGHBORHOOD CENTER SPECIAL AREA *LLS MEASURED ON BOTH SIDES FROM HICKORY STREET ROW
SUMMARY ILLUSTRATIVE DIAGRAM			
SUMMARY ILLUSTRATIVE SECTIONS			

General Notes Applicable to All Blocks

1. All buildings adjacent to a Framework Street must have a minimum of one primary entrance facing the Framework Street. Corner buildings (facing two Framework Streets) may choose which Framework Street will receive the primary entrance.
2. Building height is defined per Albemarle County Zoning Ordinance.
3. Side and rear minimum setbacks for any primary structure shall be constructed and separated in accordance with the current edition of the building code, side setbacks for buildings that share a common wall may be 0'.
4. Street Facing Building Length is defined as the single or aggregate combined length of any building(s) facing a Framework Street without an open air passage to the rear of the parcel or a courtyard.
5. All maximum building heights shall allow for exceptions and projections per Chapter 18. Sections 410.3.2 and 410.3.3 of the Albemarle County Code. When the maximum height regulation in Table 6 is given in feet and stories, it shall be limited to whichever value is less.
6. Setbacks are measured from any Framework Street right-of-way, or back of sidewalk if sidewalk is outside of right-of-way, lot line, or trail buffer, if one is present, or Old Lynchburg Road.

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – Revised October 13, 2022

8.0 Green Space and Amenity Requirements by Block

Southwood is surrounded by natural features such as streams, small areas of wetlands, and steep slopes, which residents hope to preserve and honor in the redevelopment of the community. Infrastructure will be planned to carefully preserve these areas and the creation of trail networks and pedestrian connections will provide access to these natural features for the community to enjoy.

Active and passive amenity spaces are also important to the Southwood community. Residents value places to gather and spend time together. During Phase 2, planning meetings, residents shared that they appreciate having several parks dispersed throughout the neighborhood. To ensure that this is achieved, amenity spaces are dispersed throughout every Block with planned residential uses in Phase 2 (Figure 8).

Table 8 provides a detailed summary of the minimum required Green Spaces and Amenity Spaces in each Block. The exact location and size of these spaces will be determined at the site planning stage.

Biscuit Run Park

Biscuit Run Park is a planned County Park immediately adjacent to Southwood Phase 2. There are a number of active and passive recreational amenities planned for the Park. The Biscuit Run County Park Master Plan (Figure 6), approved by the Board of Supervisors in 2018, includes active recreational areas that will be easily accessible to Southwood residents. A paved multi-use trail and an activity area to include elements such as informal play lawns, nature-based playgrounds, walks and paths, and shade shelters are some of the planned amenities in the Biscuit Run Park. This area is within $\frac{1}{4}$ to $\frac{1}{2}$ mile walking distance of the majority of the residents of Southwood Phase 2, and within a mile to all the residents in Phase 2. Southwood Phase 2 is providing pedestrian connections to the planned trail system within Biscuit Run Park.

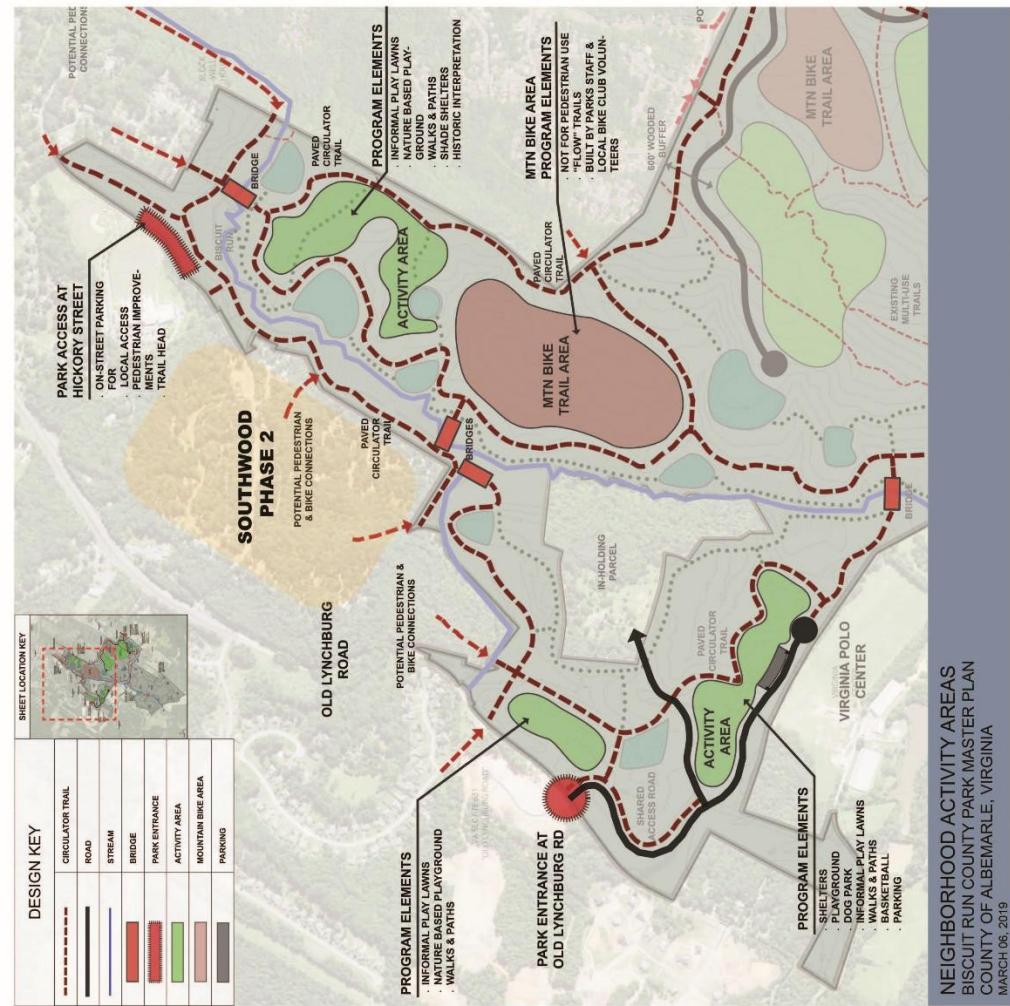


Figure 6: Biscuit Run County Park Master Plan

NEIGHBORHOOD ACTIVITY AREAS
BISCUIT RUN COUNTY PARK MASTER PLAN
COUNTY OF ALBEMARLE, VIRGINIA
MARCH 06, 2019

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – October 13, 2022

Definitions

Trail Amenities

An important amenity of this project is a pedestrian trail originating at the terminus of the primitive trail within the green space area of Block 7. The trail will continue north through Block 13 and will loop around Area B where it will eventually cross Hickory Street and continue along the northern edge of the redevelopment area. The trail will connect to the Phase 1 trail and/or sidewalk network when the trail reaches the north eastern edge of Block 12. The trail located trail amenity is to be roughly within a quarter-mile of any residential unit in Southwood Phase 2 and should be consistent with the County's design standards for a 'Class B type 1 primitive trail' (Figure 7). The general location of the trail is shown in Figure 8; however, exact trail locations shall be determined by the Owner based on site conditions. Once the Phase 1 and Phase 2 trails are linked together, they will create a network that borders and crisscrosses the entire Southwood community. The perimeter trail will be open for public access and is intended to help complete and connect to any potential future regional trails built by others in this southwestern area of the County.

Passive Recreation Area

The Passive Recreation Area includes areas in and around the stream and other unprogrammed areas within Southwood Phase 2. These areas will serve as amenity space for unorganized recreation such as bird watching, picnicking, kite flying, sledding, informal play, water play, walking, frisbee throwing, dog walking, nature photography and the like. These areas may connect to the trail system and other programmed amenities in the community.

Neighborhood Park

A Neighborhood Park is defined as a minimum of 1,000 SF of contiguous land that is suitable for a variety of activities. The specific size of each planned Neighborhood Park is shown in Table 8. The area must have adequate drainage and proper proportions for activities and gathering. This area must be open to the public and must be accessible from a public way by pedestrians and cyclists. The area may be used for passive recreation or a variety of active-use recreational activities, such as a baseball or sport court, sport field, playground, dog park, or other uses. When possible, Resident Planners will design the Neighborhood Parks at the site planning stage and will determine their uses during this process. Amenities and facilities appropriate to the recreational use or uses must be provided. Active recreation areas should have a slope of less than 10%.

Active Use Recreational Area

The Active Use Recreational Area is defined as a minimum of 6,500 SF of contiguous land that is suitable for a variety of recreational activities. The specific size of each planned Active Use Recreational Area is shown in Table 8. The area must have adequate drainage and proper proportions for people to gather. This area must be open to the public and must be accessible from Hickory Street by pedestrians and cyclists. This area may have a variety of functions during any given day, week, season, or year and is intended to be flexible to serve multiple purposes. The area may be used for a variety of active-use recreational activities, such as a basketball or sport court, sport field, playground, dog park, or other uses. Resident planners will design the Active Use Recreational Areas at the site planning stage and will determine their uses during this process.

Central Park

A Central Park is defined as an area more than 50,000 SF that is suitable for a variety of both passive and active recreational uses. A Central Park should be open to the public and may have a variety of functions during any given day, week, season, or year. It is intended to be flexible to serve multiple purposes which will be determined by resident planners at the site planning stage. A Central Park must have adequate drainage and should be accessible from the street by pedestrians and cyclists.

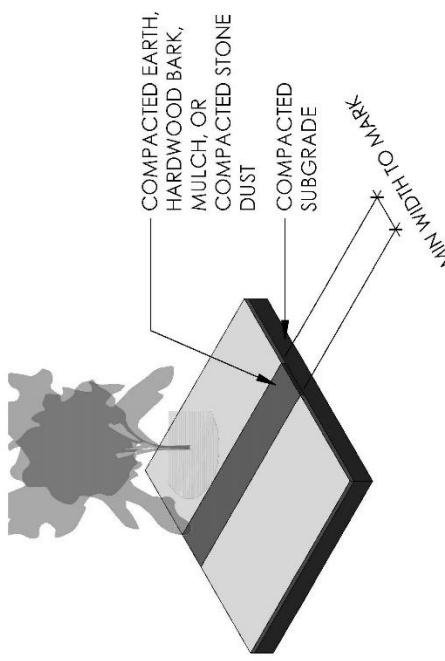


Figure 7: Primitive Trail Section Diagram

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – Revised October 13, 2022

TABLE 7. MINIMUM GREEN SPACE AND AMENITY REQUIREMENTS BY BLOCK

BLOCK	ENVIRONMENTAL FEATURES		AMENITY SPACE		TOTAL MINIMUM GREEN SPACE (ENV FEATURES & AMENITY SPACE (AC))	
	STEEP SLOPES (AC)	TOTAL ENVIRONMENTAL FEATURES (AC)	RECREATIONAL AMENITIES AND CIVIC SPACE			
			AMENITY TYPE AND MINIMUM SIZE (SF)	SIZE (AC)		
13	2.66	2.66	PASSIVE RECREATION AREA	3.47	0.26	
14	2.78	2.78	PASSIVE RECREATION AREA	3.68	0.24	
15	2.72	3.75	PASSIVE RECREATION AREA	4.35	0.24	
16			ACTIVE USE RECREATIONAL AREA (8,000 SF)	0.18	0.18	
17			2 NEIGHBORHOOD PARKS (1,000 SF EACH) + ACTIVE USE RECREATIONAL AREA (6,500 SF)	0.20	0.20	
18			2 NEIGHBORHOOD PARKS (1,000 SF EACH) + ACTIVE USE RECREATIONAL AREA (6,500 SF)	0.20	0.20	
19			NEIGHBORHOOD PARK (1,000 SF) + NEIGHBORHOOD PARK (12,000 SF)	0.30	0.30	
20			2 NEIGHBORHOOD PARKS (1,000 SF EACH) + ACTIVE USE RECREATIONAL AREA (6,500 SF)	0.20	0.20	
21			3 NEIGHBORHOOD PARK (1,000 SF)	0.07	0.07	
22			NEIGHBORHOOD PARK (1,000 SF) + NEIGHBORHOOD PARK (12,000 SF)	0.30	0.30	
23			4 NEIGHBORHOOD PARKS (1,000 SF EACH) + 3 ACTIVE USE RECREATIONAL AREAS (8,000 SF EACH)	0.64	0.64	
24			2 NEIGHBORHOOD PARKS (1,000 SF EACH) + 2 ACTIVE USE RECREATIONAL AREA (6,500 SF)	0.34	0.34	
25			2 NEIGHBORHOOD PARKS (1,000 SF EACH) + 2 ACTIVE USE RECREATIONAL AREA (8,000 SF EACH)	0.41	0.41	
26			NEIGHBORHOOD PARK (1,000 SF) + NEIGHBORHOOD PARK (12,000 SF)	0.30	0.30	
27			NEIGHBORHOOD PARK (1,000 SF) + ACTIVE USE RECREATIONAL AREA (6,500 SF)	0.17	0.17	
28			2 NEIGHBORHOOD PARK (1,000 SF) + CENTRAL PARK (50,000 SF)	1.19	1.19	
29			2 NEIGHBORHOOD PARK (1,000 SF)	0.05	0.05	
30			2 NEIGHBORHOOD PARK (1,000 SF) + ACTIVE USE RECREATIONAL AREA (6,500 SF)	0.20	0.25	
31			2 NEIGHBORHOOD PARK (1,000 SF) + 4 ACTIVE USE RECREATIONAL AREAS (6,500 SF EACH)	0.64	0.64	
32			NEIGHBORHOOD PARK (1,000 SF) + 2 ACTIVE USE RECREATIONAL AREA (6,500 SF)	0.32	0.32	
33			2 NEIGHBORHOOD PARKS (1,000 SF EACH) + 1 ACTIVE USE RECREATIONAL AREA (8,000 SF EACH)	0.23	0.23	
34			2 NEIGHBORHOOD PARKS (1,000 SF EACH) + 2 NEIGHBORHOOD PARK (12,000 SF)	0.60	0.63	
TOTALS PROVIDED	8.16	10.05	11.91	18.03	0.82 (20% OF THE GROSS ACREAGE)	
					18.65 (29% OF THE GROSS ACREAGE)	
					27.04	

Notes: Proposed Amenity and Civic Spaces may be relocated to other Blocks within the same Area at the time of final engineering as long as the total minimum Amenity and Civic Space acreages in each Area are maintained. These spaces may also vary in size, but in no case will reductions in any size of a particular space lower the total provided green space below the minimum. Amenity and Civic Spaces may be aggregated together within Areas. One hundred percent of the residential units in Phase 2 will be within a one-quarter mile walk of an Amenity and Civic Space.

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – October 13, 2022



Figure 8: Conceptual Location of Amenity Areas

Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – Revised October 13, 2022

9.0 Framework Streets

The street and pedestrian system for Southwood Phase 2 shall extend the connective framework of the community developed in Phase 1. The Phase 2 framework will extend east along Hickory Street beyond the intersection with Horizon Road. All buildings along Hickory Street must face the road, creating the "main street" of the community. A Neighborhood Center Special Area is located along the initial section of Hickory Street in Phase 2, and the streetscape becomes more residential to the east. The internal street systems to the North and South of Hickory Street have a variety of on-street parking options, with block dimensions that reinforce the scale and configuration of the community, maximizing connection and minimizing dead-ends and cul-de-sacs. Internal roads should connect to existing roads in Phase 1 either for automobile or pedestrian traffic when possible.

Associated with the street system is a network of sidewalks and pedestrian connection areas that separates pedestrians from vehicles. This system provides safe and coherent connections between various areas of the community and links the network of internal sidewalks to the trail system at specifically identified pedestrian connection areas.

The scale and configuration of road types vary in relationship to the density of development. If additional roads are designated at the site planning stage, these additional roads will not be considered Framework Streets and will serve more utilitarian purposes. These non-Framework Streets are intended to be public right-of-way where possible; however, some may be private and secondary. The road sections on the following page conform to Albemarle County and VDOT standards. The location and the design of Framework Street sections are intended to provide the Southwood neighborhood with safe, pedestrian and neighborhood-friendly streets.

Possible Waiver Streets

In addition to the Framework Street sections provided within this Code of Development, the neighborhood is considering waivers to allow for road elements that deviate from current County and VDOT Standards. These modified road sections will continue to provide safe streets while integrating specific resident values and site constraints. As shown in Figures 10–12, these possible road waiver sections focus on two values: a Yield Street to provide safe pedestrian experience and appropriately reducing the width of the right-of-way to allow more space for housing and amenities.

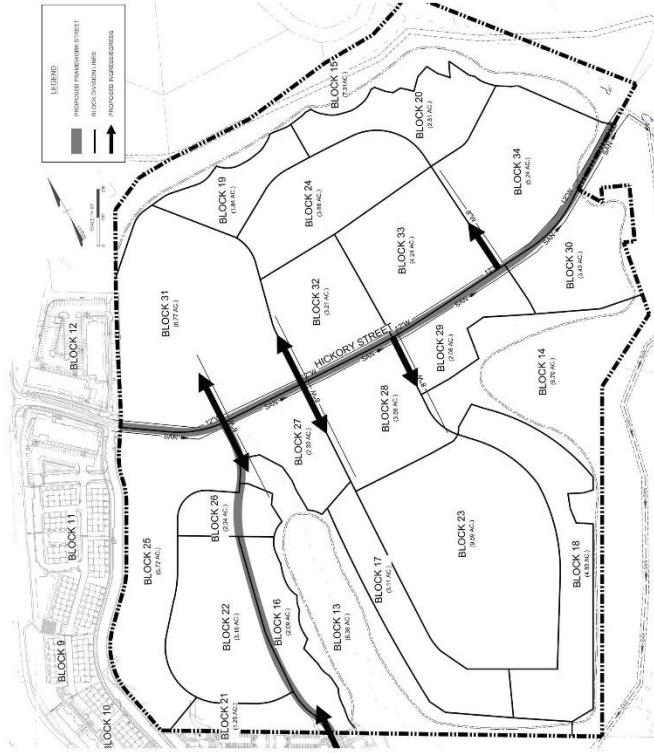


Figure 9: Framework Streets Technical Plan

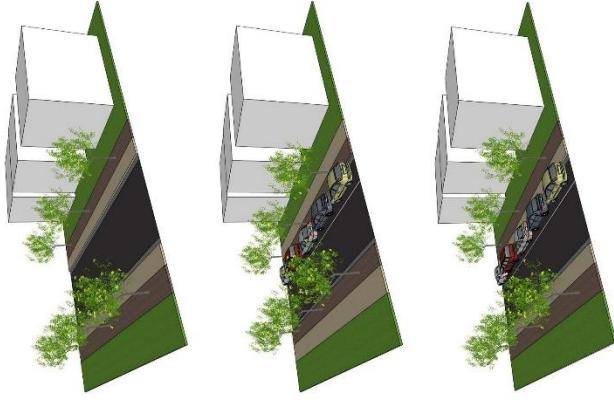


Figure 10: Waiver Diagram
Reverse location of the planting strip and the sidewalk provides the perception of larger front yards and increased green space.



Figure 11: Waiver Diagram
A Yield Street allows for a reduced travel lane and provides on-street parking to calm traffic.

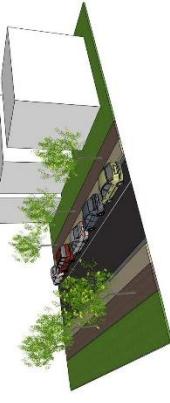


Figure 12: Waiver Diagram
To allow for a reduced sidewalk next to the curb adjacent to the parking lane will reduce the actual width of the right-of-way and provide protection for the pedestrian

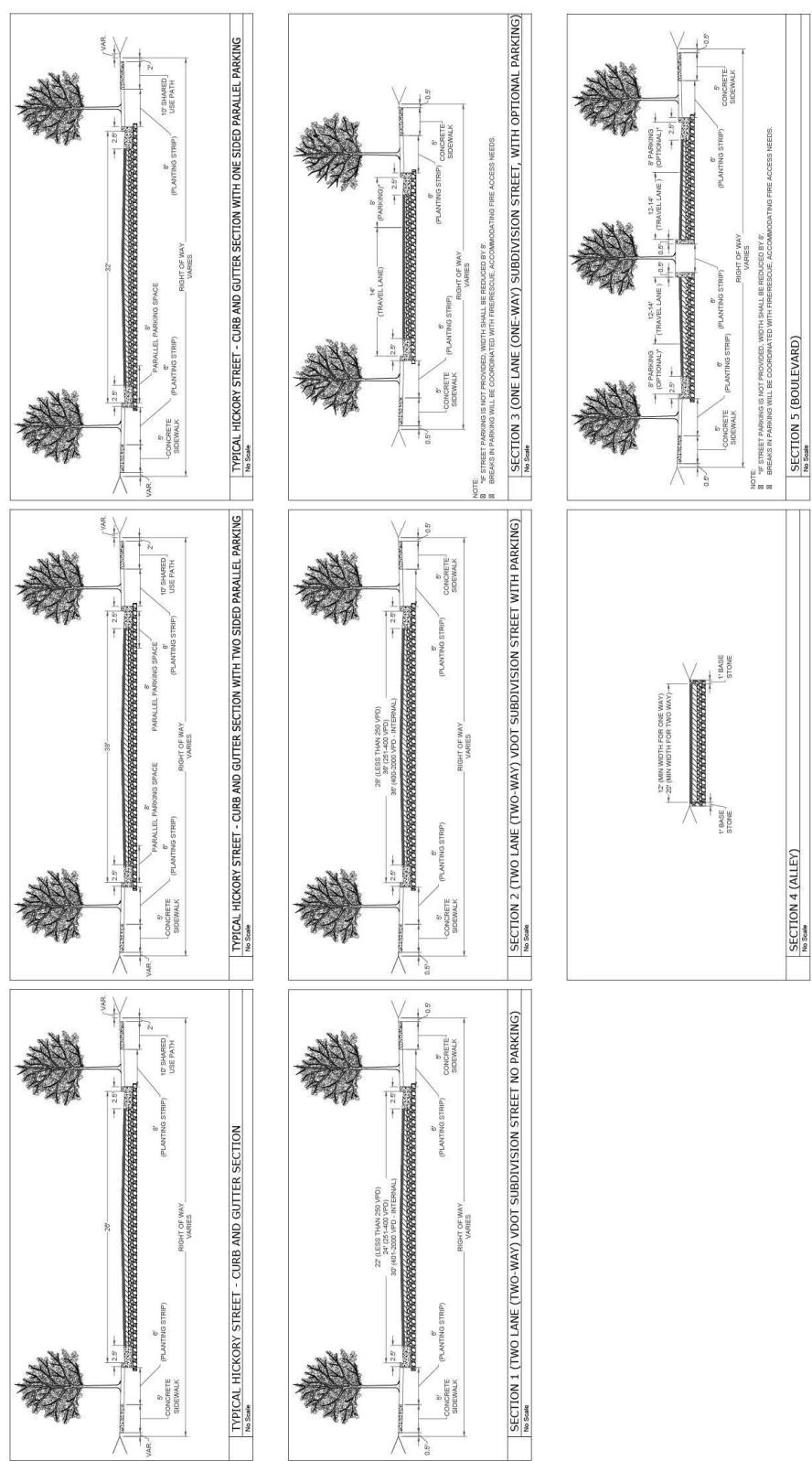
Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – October 13, 2022

Traffic Impact

The maximum trip generation referenced in ZMA 2018-003 is no longer valid with the approval of this rezoning. The Traffic Impact Analysis dated February 2022 prepared by Timmons Group, supersedes those generic generation numbers stated in ZMA 2018-003.

Street Sections

Typical VDOT street sections are shown below; however, Habitat hopes to incorporate guidance from the Virginia Department of Transportation's (VDOT) *Transportation and Efficient Land Use and Design: A Guide for Local Governments* document when designing the community's streets.



Southwood Phase II – A Neighborhood Model District | Code of Development | October 18, 2021 – Revised October 13, 2022

10.0 Affordable Housing

The Owner shall provide affordable housing equal or greater to 227 residential dwelling units constructed on the Southwood Property, subject to the conditions listed below. The 227 unit count equates to 23% affordable units if 1,000 homes are constructed in Phase 2 and up to 43% affordable units if the minimum number of homes (627) are constructed. The affordable unit lots shall be identified on the plats and site plans. Additionally, the Owner will reserve a parcel or parcels, the exact location and acreage to be determined, for the development of at least 50 LIHTC units by a third party.

11.0 Attachments

Attached as a part of this Code of Development is a set of Technical Documents for the project to illustrate Existing Conditions, the Application Plan and Green Space Plan, Infrastructure Plan, Typical Road Sections, and the Conceptual Grading Plan.

- a. These units may be created as for-sale or rental. The Owner reserves the right to meet the affordable housing objective through a variety of housing types, including but not limited to single family detached, single family attached, multifamily, accessory units, and Flexible Use Structures ("Affordable Units").
- b. "For-Sale Affordable Housing Units" shall be a residential unit offered for sale to Qualifying Families with incomes at or below eighty percent (80%) of the area median income. All purchasers of for-sale affordable units shall be approved by Greater Charlottesville Habitat for Humanity or Albemarle County Office of Housing or its designee. The Owner shall provide Habitat or the County or its designee a period of 120 days to identify and pre-qualify an eligible purchaser for the affordable units. The 120-day period shall commence upon written notice from the Owner that the units will be available for sale. This notice shall not be given more than 90 days prior to the anticipated receipt of the certificate of occupancy. If Habitat or Albemarle County or its designee does not provide a qualified purchaser within this 120-day period for such For-Sale Affordable Housing Units, the Owner shall have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s). All affordable homes sold by Habitat to homebuyers at or below 80% of the area median income will have, at minimum, 30-year deed restrictions consistent with Habitat's program, which may include a right of first refusal, appreciation share, and a final forgivable mortgage. Housing costs include principal and interest of a mortgage, real estate taxes, and homeowner's insurance.
- c. "For-Rent Affordable Housing Units" shall be a residential unit offered at an initial rent that does not exceed the then-current and applicable maximum net rent rate approved by the Albemarle County Housing Office. "Net Rent" is defined as the amount of rent not including any tenant-paid utilities Maximum allowance for utilities is to be those adopted by the Housing Office for the Housing Choice Voucher Program (OR-based on Virginia Housing utility allowances¹). Notwithstanding the foregoing, the monthly Net Rent may be increased by three percent per year following the first year of tenancy and still be deemed affordable. For Habitat rental units, rent plus utilities should not exceed HUD Fair Market Rents. All designated affordable rental units shall remain affordable for a minimum of 10 years after initial occupancy.
- d. Affordable Units shall also be defined as any residential unit rented or sold to a current resident of the existing Southwood community with housing costs capped at 30% of the family's income.
- e. Each subdivision plat or site plan shall designate the number of affordable units provided and the minimum number of required affordable units per the Code of Development.
- f. Further, if the County does not purchase the School Site pursuant to the provisions of Proffer No 4 associated with this ZMA202100013, the Owner shall provide at least 20 Affordable Units within Southwood in addition to the 227 units discussed above (and distinct from the 50 units discussed in Proffer No. 5) under the under the same terms and conditions set forth in this Section 10.0.

¹ There are currently 317 Southwood residents with GIINs. Habitat will construct 90 affordable units in Southwood Phase 1, leaving a remainder of 227 families in the existing mobile home park. Phase 2 will construct a minimum of 227 homes in Phase 2 to ensure that each family with a GIIN is rehoused without displacement

Original Proffers X
Amendment

PROFFER STATEMENT

Project Number: **ZMA202100013**

Project Name: **Southwood Phase 2**

Parcel ID Numbers: **090A1-00-00-01D0 (86.80 acres), 090A0-00-00400 (4.00 acres), 090A0-00-001C0 (0.46 acre)**

Owner of Record: **Southwood Charlottesville, LLC**

Date: September 12, 2022

Approximately 93 acres to be rezoned from R2 Residential to NMD – Neighborhood Model Development

Southwood Charlottesville, LLC, a Virginia limited liability company, is the sole owner (the “Owner”) of Parcel Numbers 090A1-00-00-01D0, 090A0-00-00400, and 090A0-00-001C0 (the “Property”), which is the subject of an application for the amendment of ZMA 2018-0003, a project known as “Southwood Phase 1.” This proffer statement does not amend, supersede, or replace the proffer statement for Southwood Phase 1 and applies only to the Property.

Pursuant to *Albemarle County Code* § 18-33.7, the Owner hereby voluntarily proffers the conditions listed below, which will apply to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the requested rezoning. The Owner specifically deems the following proffers reasonable and appropriate, as conclusively evidenced by the signature below. Reference to the “Plan” means the Southwood Phase II Redevelopment Application & Green Space Plan, dated October 18, 2021, as last amended June 27, 2022, prepared by Timmons Group, approved by the County as part of the rezoning.

1. Public Trail and Trail Connections:

(a) As part of the subdivision plat approval for each section of the Property for which a site plan is approved, the Owner will grant an easement for public use of that portion of the Southwood pedestrian perimeter trail included in the section (the “Trail”). The Owner or its successor-in-title will maintain the Trail. In addition, the Owner will grant an easement for public use of the Southwood pedestrian perimeter trail located in Phase 1; deeds of easement for public use will be recorded in conjunction with subdivision plat approvals or as segments are completed.

(b) Along with the deeds of easement for public use, the Owner will grant one or more easements over the Property to provide public pedestrian rights of way between public sidewalks and the Trail. The conceptual location of such pedestrian connections between public sidewalks and the Trail are shown on Figure 8 in the Code of Development.

(c) Upon written request by Albemarle County, the Owner shall dedicate to the County, at no cost to the County and within three (3) months of the aforementioned request, public easements over trail connections between the Trail and any trail constructed by the County on abutting County property (Parcels 09000-00-00-00500, 090A1-00-00-00100, and 090A0-00-00-00300), the location of such trail connections to be determined by the Owner and the County. Following conveyance of such easement(s), the Owner and its successors will not be responsible for maintaining the land under the easement(s), associated trail connection(s), associated signage, or any associated structures.

2. **Transit Stops.** Following commencement of construction of the Project, upon request by the County of Albemarle, the Owner will construct two public transit stops (the "Transit Stops") on the Property in locations to be determined within the Hickory Frontage Overlay or Neighborhood Center Special Area shown on the Plan. The location and design of the Transit Stops will be planned in coordination with, and are subject to the approval of, the appropriate County and transit authorities. The Transit Stops will incorporate pedestrian access, signage, shelters, benches, and trash receptacles consistent with similar existing transit stops. The Owner must either (a) dedicate any portions of the Transit Stops located on the Property to public use or (b) grant any easements necessary to allow public access and usage of the Transit Stops.
3. **Off-Site Hickory Street Engineering.** The Owner will provide to the County certain road design drawings of that portion of Hickory Street extending from the eastern terminus of Hickory Street at the southeastern boundary of the Property to the intersection of Hickory Street with Oak Hill Drive (the "Hickory Street Section"). Specifically, the Owner will provide the following:
 - a. construction drawings for basic improvements to bring the roadway within the Hickory Street Section up to minimal functional standards (such as milling and repaving and drainage improvements) (the "Construction Drawings") in the interim period prior to the construction of the road contemplated by subparagraph (b); and
 - b. engineered road plans of 30% completion (the "Road Plans") for construction of the Hickory Street Section to VDOT secondary public road standards and County requirements, which will tie into the design for Hickory Street on the Property.

The Owner will provide the Construction Drawings and the final version of the Road Plans, which will incorporate revisions to the previously-submitted Road Plans based on County comments, within six (6) months of the County's request, or sooner if agreed to by the parties. The Owner will provide the Construction Drawings and the Road Plans in CAD form for use by the party(ies) who may construct the Hickory Street Section.

4. **School Site.**

- (a) Through July 1, 2027, the Owner will reserve for sale to the County an area comprising up to seven (7) acres on Block 34 and/or Block 20 abutting a public right-of-way (the "School Site") under the following terms and conditions:

(1) **Site Condition.** The School Site will be a graded and compacted pad site with water, sewer and electricity utility connections constructed to the edge of the parcel to accommodate an elementary school according to standards of the County School Division's Building Services Department. At closing on the sale, the land comprising the School Site will have been remediated pursuant to the Owner's environmental consultant's recommendations as to underground tanks, water and sewer infrastructure, and known underground dry utilities (e.g. electricity, cable, telephone); all trailers will have been removed, and current residents will have been relocated according to applicable sections of the Uniform Relocation Act; and existing structures and parking lots (Community Center, Rental Office and Boys and Girls Club, etc.) will have been razed and removed.

(2) **Sale Price.** The sale price will be the amount equal to (a) Eighty percent (80%) of the as-is, where-is appraised value of the land at the time of the effective date of the purchase and sale agreement (the "Contract"); plus (b) Owner's expense to achieve the conditions set out in subparagraph 4(a)(1) above and to construct any additional site improvements (other than the School building itself) required by the site plan for the School Site (such as curb and gutter, landscaping, street lights, and storm water management facilities) to such standards as the purchaser may specify, as set out in the Contract, less Owner's administrative overhead expenses for managing the work (the "Sale Price").

(3) **Schedule.** Upon receipt of written notice from the County that the County desires to purchase the School Site ("Notice"), the County will specify the standard to which the School Site shall be delivered, as provided in Proffer 4(a)(2), and the parties shall enter into the Contract within one hundred eighty (180) days of the Notice, or a time period that is mutually agreed upon between the parties. The Owner shall deliver the School Site, and the parties shall close on the sale on or before the four (4)-year anniversary of the effective date of the Contract. (For example, if the County provides Notice by December 31, 2022, the parties will enter into a Contract by June 29, 2023, and the Owner will deliver the site by June 29, 2027.) If the County does not provide Notice to the Owner to purchase the School Site by July 1, 2027, or if the County does not enter into the Contract within the time period specified, the Owner shall be under no further obligation to sell the School Site to the County, this proffer shall be of no further force and effect, and the Owner may develop the School Site consistent with the Code of Development for ZMA202100013, as it may be amended.

5. **Additional Affordable Units.** In addition to the affordable housing commitment set out in the Code of Development for ZMA202100013, until July 1, 2025, the Owner will at a minimum, reserve sufficient land within the Property to allow 50 or more affordable dwelling units to be constructed and will discuss the sale of such land for the development of such units with one or more affordable housing developers ("AH Developers") at terms that would allow the development of 50 or more affordable units, on the following terms and conditions. The Owner will pursue an agreement with a third-party Low Income Housing Tax Credit (LIHTC) or other AH Developer for Owner to sell a parcel or parcels within the Property, the exact location and acreage to be determined, for the development of at least 50 affordable units (as defined by County Code and policy). If the Owner is unable to enter into a contract with an AH Developer and/or the Owner contracts with a LIHTC Developer that does not apply for credits and/or is not awarded Low Income Housing Tax Credits for 50 or more affordable

dwelling units during the 2025 LIHTC grant cycle, then this proffer will expire and be of no further force or effect.

6. **Stream Restoration Easement(s).** At the request of Albemarle County, the Owner will grant to the County a permanent drainage and access easement 50' on either side of the Biscuit Run tributary on Block 13 for the County stream restoration project and subsequent maintenance of Biscuit Run.
7. **Business Days.** All deadlines referred to in this Proffer Statement shall mean the Business Day that immediately follows the deadline, should the deadline fall on a Sunday or a holiday, and shall mean the Friday that immediately precedes a deadline that falls on a Saturday. For the purposes of the preceding sentence, "Business Day" means any day that is not a Saturday, Sunday, or Federal, State, or County holiday.

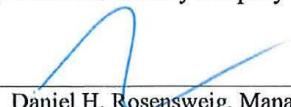
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Signature Page for Proffer Statement for Southwood Phase 2, ZMA 2021-0013
Parcel ID Numbers: 090A1-00-00-01D0, 090A0-00-00-00400, 090A0-00-001C0

OWNER:

SOUTHWOOD CHARLOTTESVILLE, LLC,
a Virginia limited liability company

By:


Daniel H. Rosensweig, Manager

#100958515v2

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Agenda Item No. 20. From the Board: Committee Reports and Matters not Listed on the Agenda.

Ms. McKeel said the Board had been receiving emails expressing frustration regarding a home-business landscaping permit. She requested the Board review the home occupation business list and discuss what was an appropriate home occupation. She requested the other Board members state their support for that.

Ms. Price, Mr. Gallaway, Mr. Andrews, Ms. Mallek, and Ms. LaPisto-Kirtley said they supported that.

Ms. LaPisto-Kirtley clarified there was a difference between a home occupation home office that doesn't cause a disturbance to neighbors, and a home occupation that required heavy equipment transportation. She said she concurred with Ms. McKeel's request.

Ms. Mallek said teaching piano lessons was her original idea of home occupations. She said she had questions regarding the types of vehicles that were allowed in the ordinance at that time. She said she respected the efforts to run a business, but neighbors had rights, too.

Ms. McKeel said the idea of home occupations was that they were not to be seen or heard.

Ms. Mallek added that inside the building was the primary rule.

Ms. Price said there was consensus the item would be added to the discussion plan.

Ms. Price announced that she attended a TJPDC Chairs and Executives meeting. She announced the per-capita rate would be increasing from \$0.62 to \$0.64 per person, adding about \$5,000 to the total TJPDC budget and increasing the County's share by about \$2,200 the following year.

Ms. Price announced that in the first 6 months of the year, 4.8 million packs of cigarettes, or 480,000 cartons, were sold in the newly formed cigarette tax region.

Ms. Price noted that, as a result of the magisterial district changes, she and Ms. LaPisto-Kirtley had both attended the Pantops CAC (Community Advisory Committee). She explained that the location had been redistricted from the Rivanna District to the Scottsville District.

Ms. McKeel mentioned she was requested to provide a report on the Greenville trip. She said she could provide the report at another date in consideration of the time.

Agenda Item No. 21. Adjourn to November 4, 2022, 9:00 a.m., Lane Auditorium.

At 7:44 p.m., the Board adjourned its meeting to November 4, 2022, 9:00 a.m. in Lane Auditorium on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902. Ms. Price said information on how to participate in the meeting will be posted on the Albemarle County website Board of Supervisors homepage and on the Albemarle County Calendar

Chair

Approved by Board
Date 08/21/2024
Initials CKB