

An Open Letter to City and County Residents

This letter is for those City and County residents interested in the public water supply at Ragged Mountain Reservoir, those who have enjoyed walking the trails in the Ragged Mountain Natural Area (“RMNA”), those interested in biking within RMNA, and others. This information has been previously shared with members of City Council and their staff.

The City engaged in a very public process from 2014 to 2016 to determine what activities it wanted to allow at RMNA. With respect to biking, the City received a significant number of comments on both sides of the issue. When City Council adopted its ordinance on December 19, 2016 to allow biking, the controversy surrounding the question was reflected in City Council’s 3-2 vote. The two Council members who voted “no” encouraged delaying the vote based on a written request from the Board of Supervisors.

The City’s ordinance is unique in that it claims to regulate activities outside of the City’s boundaries. Ordinarily, cities and counties are authorized to exercise their powers only within their respective boundaries. There are exceptions, and the City relied on a State law (Virginia Code § 15.2-1725). That law allows the City to adopt regulations pertaining to recreational areas such as RMNA even though it is located outside of the City’s boundaries. The State law restricts how the City’s authority may be exercised. It prohibits the City from adopting any regulations in conflict with the County’s. Unfortunately, the City’s new regulations conflict with a County regulation (County Code § 11-303), which does not allow biking at RMNA. The County’s regulation is intended to prevent pollution of the Ragged Mountain Reservoir by limiting the types of human activities allowed at RMNA.

The Board of Supervisors has contacted City Council to resolve this matter as quickly as possible, offering to hold a facilitated meeting between designated members of the Board and City Council and their respective staffs. The Board acknowledges the desire of the biking community to have greater access to off-road public lands. Indeed, the County promotes properly located recreational activities. Therefore, the Board has proposed to City Council a solution for our community by opening a new County park on the Hedgerow property much earlier than originally planned. Hedgerow Park will have a new entrance and be accessible for biking without the risk of polluting the Ragged Mountain Reservoir, our community’s public water supply.

In December, after City Council adopted its ordinance, it passed a motion asking the Board to consider amending the County’s regulations. The Board has invited the City to share the information that it collected during its lengthy public process for the County’s staff to analyze. This information will complement and accelerate County staff’s own analysis of the issue.

Lastly, readers may wonder why the issue of whether biking should be allowed at RMNA is important to the County. This concern extends beyond only preventing pollution of the Ragged Mountain Reservoir. Imagine if the County purchased land within a residential City neighborhood in order to establish a County-owned urban park. Then, based on its ownership of the park, the County decided to allow a use that was prohibited by the City. As an extreme example, assume that the County decided to allow riding motorcycles in the park at any time. The City would justifiably feel that its authority over the lands within the City was being violated by the County. The Board of Supervisors’ expectation is that City Council will respect the County’s sovereignty and its regulations, regardless of whether the City Council and City staff disagree with those regulations.

Everyone can agree that our community is not well-served when its local governments are in conflict. Everyone can also agree that it is the responsibility of both the City and the County to provide rules that are clear and consistent. The Board of Supervisors looks forward to a speedy resolution of this controversy. In the meantime, the County is bound to enforce its regulations.

Diantha McKeel
Chair, Albemarle County Board of Supervisors