A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on February 19, 2025, at 1:00 p.m. in Lane Auditorium, Second Floor, Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia, 22902.

PRESENT: Mr. Jim H. Andrews, Mr. Ned Gallaway, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Mr. Mike O. D. Pruitt.

ABSENT: none.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; County Attorney, Andy Herrick; 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, Mr. Jim Andrews.

Mr. Andrews introduced the Albemarle County Police Department Officers present to provide their services at the meeting, Master Police Officer Jerry Schenk and Officer Hunter Harmon.

Agenda Item No. 2. Pledge of Allegiance.
Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Andrews said they had a request to amend the agenda to include Item 8.3 from the Consent Agenda, the motion to approve the proclamation celebrating the 65th Anniversary of the Founding of The Center at Belvedere as a regular agenda item.

Mr. Andrews said that he would also like to note that the PC minutes for Item 16, Ag-Forestal Districts, were added online yesterday.

Mr. Andrews said that he was looking for a motion.

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

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

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

Ms. Mallek said that they were grateful for the work of their public safety personnel this week. She said that people appreciated the rules the County had adopted regarding weapons in their County buildings and parks. She said that she had also heard from individuals who felt this was a safe place for them, and they appreciated that. She said that businesses could also choose to implement similar measures, and it was up to each to decide how they would proceed.

Ms. Mallek said that on a separate note, the applications were open for the Sorensen's High School Leadership Program. She said that the program would take place from July 12 through July 26. She said that the online application deadline was March 17. She said that for more information, one should visit sorensen.org. She said that participants in the program would engage with current leaders in Virginia's public, private, and nonprofit sectors, exploring how public policy was created and learning about real-world skills. She said that as with many Sorenson programs, she had heard from others that this had been a highly beneficial effort.

Mr. Pruitt said that it was not lost on any of them that their community had recently experienced an incredible tragedy. He said that as a decision maker in this County, he had given this significant weight and consideration. He said that there was always the question of how their social safety nets had failed in this instance. He said that personally, he was thinking about how they could locally implement and facilitate emergency substantial risk orders, and work with the public to address these situations. He said that they knew from publicly available information that the perpetrator in the Harris Teeter shooting had suffered from serious mental health issues and had attempted to go through the court system without success.

Mr. Pruitt said that it was unclear if they had tried an emergency substantial risk order, and whether they had the internal capacity to manage and help process. He said that it was clear that the state did not contribute enough funding and support to their community service boards, which were designed to provide this kind of treatment. He said that this tragedy had highlighted and brought attention to many holes in their system, which would be on his mind as the Board approached their budget process.

Ms. LaPisto-Kirtley said that she had attended the Economic Development Authority's (EDA’s) strategic planning meeting on Thursday. She said that they were working with a consultant to develop a strategic plan, and several people would be involved in the process. She said that they planned to reach out to Board members to gather input and determine the path forward economically. She said that this would help them identify what they wanted to accomplish and create a plan. She said that having a strategic plan would also enable them to tap into governmental opportunities, such as grants. She said that she found the meeting to be very useful.

Agenda Item No. 6. Proclamations and Recognitions.
Item No. 8.3. Proclamation Celebrating the 65th Anniversary of the Founding of The Center at Belvedere.

Mr. Gallaway **moved** that the Board adopt the Proclamation Celebrating the 65th Anniversary of the Founding of The Center at Belvedere. Ms. Mallek **seconded** the motion.

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

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

Proclamation
Celebrating the 65th Anniversary of the Founding of The Center at Belvedere (The Center)

WHEREAS, The Center at Belvedere (The Center), founded in 1960, is an award-winning nonprofit organization supporting older adults in our region and is almost entirely unique in its service and focus on the importance of building community and social connections by promoting holistic, age-friendly environments as a critical component of public health; and

WHEREAS, at the time of The Centers' founding, the work of volunteers in establishing the Senior Center put Albemarle County, Charlottesville, and surrounding counties, ahead of its time by providing one of few centers designed to support older adults to live with dignity and independence and remain one of a relatively small number of non-residential centers supported primarily by individual philanthropy; and

WHEREAS, today, thousands of people gather and embrace new opportunities to be physically active, learn new things, form friendships, pursue hobbies, give back to the community, and take all the small actions that add up to more years in good health; and

WHEREAS, everyone in the community benefits when we close the gap between lifespans and health spans and older adults who maintain active lifestyles and social connections incur lower healthcare costs, support family members as caregivers, and give back to the community as volunteers, and by supporting the spaces and experiences that promote these activities it contributes significantly to community health strategies.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Albemarle County Board of Supervisors, do hereby celebrate the 65th Anniversary of the Founding of The Center at Belvedere (The Center).

Signed this 19th day of February 2025

Mr. Andrews said that Melanie Benjamin, the Executive Director of the Center at Belvedere, was unable to be present in person but was participating in the meeting online.

Ms. Melanie Benjamin, Executive Director of the Center, thanked the Board for honoring the Center on its 65th year of service. She said that as the proclamation stated, the Center had been a part of the community for 65 years, providing support to the healthy aging of adults in the community. She said that this meant that tens of thousands of seniors had been able to take advantage of services that enabled them to support their own health and well-being, build connections to the community, and give back to the community as volunteers. She gave her sincere appreciation to the Board of Supervisors voting for this proclamation in their honor today.

Ms. McKeel said that they certainly appreciated the Center's work in the community. She said that she recalled a time when the Center had asked the County to donate some seed money. She said that she had done some investigating at the time and found that in many communities in Virginia, without a facility like the Center, the Board would have to bear the cost of providing those services themselves.

Ms. McKeel said that they were truly thrilled to have the Center doing this wonderful work with their residents. She said that they were so appreciative of her efforts, and she thought the community needed to understand that by having the Center, they were relieving the Board of Supervisors of that funding burden. She said that they were grateful for that. She said that she would encourage all of their citizens who could do so to use the facility and support it in any way they could. She said that they appreciated the Center's work and thanked Ms. Benjamin.

Mr. Gallaway said that he was pleased to attend the 65th birthday celebration held at the Center last Friday. He said that unfortunately, the snow had hindered their ability to pass this proclamation ahead of the celebration and had also disrupted plans for those who wanted to attend the Board meeting in person. He said that he was glad that she could join virtually.

Mr. Gallaway said that he did not know the full extent of the Center's history, and he learned about it during the celebration. He said that the different locations and the Founding Mothers, including Ms. Gleason, who was 100 years old and attended to celebrate, were particularly interesting. He said that the event was well attended, and it was wonderful to see the community come out.

Mr. Gallaway said that he appreciated the slides and pictures, but what struck him most was the history and how it continued to grow. He said that their parking concerns seemed to be a recurring theme, but he thought the Center's location was a testament to its popularity, with 75% of the lot usually full. He said that this was a great opportunity for them to take advantage of the space and offer more programs simultaneously, whereas before, the limited space had restricted the number of offerings.

Mr. Gallaway said that he had a meeting at the Center yesterday and was hoping to catch the karaoke event, but he would have to figure out when that was so he could schedule future meetings during that time. He said that the Center was a lovely environment, with its artwork and friendly atmosphere, and he knew the Rio District residents appreciated it being located in the heart of the district. He said that congratulations were in order for the Center’s 65th anniversary.

Mr. Gallaway said that he also wanted to express his personal appreciation for all the hard work Ms. Benjamin did with local residents. He said that while it may not always be easy, she had been very attentive to the needs of everyone, and he appreciated the outreach and collaboration with local community members. He gave his congratulations again and said he looked forward to the next 65 years of the Center.

Ms. Mallek said that she was also fortunate enough to attend on Friday and recalled the Founding Mothers, who played a significant role in her upbringing here. She said family, friends, and an example of the early beginnings of the Senior Center, one of the University League's baby projects.

Ms. Mallek said that her mother was involved in the Well Baby Clinic, which was a remarkable initiative. She said that she drove a cab without power steering through the mountains of Western Albemarle, bringing families, mothers, and babies to medical clinics because there were no other options available. She said that this was in the 1950s, and it showcased the determination and dedication of this group of women who cared deeply for their community and came up with a grand idea that has endured.

Ms. Mallek said that she remembered that in 1965, there were 37 members, and today there were over 2,000. She said that that was truly impressive. She said that additionally, she recalled that there were 198 weekly programs. She said that these numbers had stuck with her, and she was proud of the investment the County made in 2017, which allowed nonprofits to maintain this effort without the need for a $6 million to $10 million annual investment in County staff, a significant cost savings compared to other Counties she had researched in 2017. She said that this investment had enabled health spans to align with life spans, a truly spectacular outcome. She thanked Ms. Benjamin.

Mr. Pruitt said that he first gained a true understanding of the scope of work at the Center during his campaign. He said that although he had learned about the work they did through his meeting with Ms. Marta Keane earlier in the campaign, it was not until he visited the Center that he was truly impressed.

Mr. Pruitt said that the large, beautiful building was filled with activity, and he was struck by the numerous signs indicating various projects and events happening simultaneously. He said that the atmosphere was bustling, and he even enjoyed a great sandwich at the on-site cafe. He said that to illustrate this, he had reviewed their website's calendar of events, and he was surprised to see multiple separate events scheduled for a Monday in mid-February.

Mr. Pruitt said that in fact, he believed that if he were to check C-Ville Weekly for upcoming events, he would find that the Center had more activities happening on a Monday than the entire City of Charlottesville typically had in a local newspaper. He said that this was one of the many reasons he was eager to convince his parents to relocate to Charlottesville as they approached their golden years. He thanked Ms. Benjamin for the continued work of the Center.

Ms. LaPisto-Kirtley expressed her gratitude to Ms. Benjamin for attending the meeting today. She said that they truly appreciated all that she did. She said that she first became familiar with the Center through two individuals in her life, Julie Christopher, who was the president, and Michelle Mrdeza, who volunteered with Master Gardeners.

Ms. LaPisto-Kirtley said that she attended the big event where they were planting everything in the back, and she was struck by the beautiful flowers and plants that were on display. She said that although she did not know what many of them were, there were little signs indicating their names. She said that it was a pollinator garden, and she found it truly fantastic.

Ms. LaPisto-Kirtley also said that she learned about the various activities and services offered at the Center, including drumming and acoustic jam sessions, a chorus, and health support. She said that she was told that the Center hosted numerous social events, including chess and other activities. She said hat what she found particularly impressive was the Center's membership, which stood at approximately 3,000 people at that time. She said that she enjoyed the food as well.

Ms. LaPisto-Kirtley said that overall, she wanted to express her gratitude for all that Ms. Benjamin and her organization were doing for the community. She said that their efforts were clearly making a positive impact, filling a vital need for social engagement for many people. She thanked Ms. Benjamin again.

Mr. Andrews said that he would also like to offer his congratulations on the 65th anniversary of the Center and encourage everyone to visit their website to stay informed about various events. He said that Thursday’s (tomorrow’s) list was even longer than Monday’s list. He said that his wife had been scheduled to attend the Wise Women event this morning, but it was unfortunately canceled. He said that she had found a great resource in joining the Center and discovering many activities of interest. He thanked Ms. Benjamin for all that they did. He said that he appreciated it.

Agenda Item No. 7. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).

Ms. Lynn Gebhard, Scottsville District, said that she had lived in Albemarle County for 56 years. She said that she was present that day as a resident and landowner of an equine farm business, as well as representing thousands of equine enthusiasts in Albemarle County. She said that the horse industry was thriving in Albemarle County. She said that she wished to address two key topics. She said that first, she urged the Board to include the economic impacts of the horse industry in Virginia, as outlined in the 2015 Comprehensive Plan's Economic Development section.

Ms. Gebhard said that a relevant quote from the 2015 Comprehensive Plan stated, "Horse farming and equine activities are another long-lasting agricultural use in Albemarle County. Horse farming is a term inclusive of any or all activities such as horse breeding, boarding, training, and riding lessons. The horse industry is a vital part of the economic impact in Albemarle County, continuing agricultural land use for the horse community.”

Ms. Gebhard said that the second item was reinstating horse trails in Biscuit Run Park. She said that the horse community filled the auditorium to voice and secure horse trails in the Biscuit Run State Park. She said that the horse community was appalled to learn that horse trails had been scrapped from the 1,200-acre Albemarle County Biscuit Run Park.

Ms. Gebhard said that the horse community requested that the following be addressed: adding the horse language used in the 2015 Comprehensive Plan to address agricultural use for the horse farming and industry, reinstating horse trails at Biscuit Run Park, and preserving the historical significance of the horse in the Albemarle County seal.

Mr. Mark Gebhard, Scottsville District, said that he had been a County resident for over 20 years. He said that he was also a horse farm owner and equine business owner with his wife, Lynn. He said that he was also a registered professional engineer with over 30 years of experience working for the federal government. He said that his experience included developing master plans, which equated to the County’s Comprehensive Plan. He said that in his experience, the master plan would be fully coordinated at all levels and integrated with construction, maintenance, service contracts, and programs. He said that it would also be coordinated with environmental studies and programs necessary to implement the plan.

Mr. Gebhard said that before he proceeded, he wanted to assure them that his comments were not intended to be critical. He said that he was not here to criticize their staff, and he was not sharing his experience to imply that he knew more about the County’s business than they did. He said that he simply wanted to offer potentially helpful information. He said that his grade for the AC44 Comprehensive Plan, thus far, was mediocre. He said that the reason for this was that it failed to coordinate with the Thomas Jefferson Regional Plan, the Charlottesville City Plan, or the Commonwealth Plan for Economic Development.

Mr. Gebhard said that the second reason was that the plan was rooted in a flawed ideology of diversity, equity, and inclusion. He said that the plan repeatedly mentioned equity and equality, but it was essential to consider the concept of equity at the family level, as researched by Thomas Sowell. He said that he had written extensively on the topic and clearly stated that equity and equality were not achieved at the family level, which raised questions about how to achieve them at other levels. He said that to understand this concept at the County level, the County had over 1,100 employees with salaries ranging from $264,000 to as low as $16,000.

Mr. Gebhard said that if the concept of equity and equality was truly believed in, there should be no disparity in these salaries; everyone should be paid equally, and this was just his opinion. He said that addressing equity and equality, as outlined in AC44, the plan intended to allocate most of the future funds towards spending in the parks and infrastructure within the Development Area. He said that however, 40% of the residents lived in the Rural Area, and their tax money was used to support the developed area. He asked how this fit into an equity and quality model.

Mr. Gebhard said that when it came to the environmental stewardship, the plan did not appear to be coordinated with the 2022 Energy Plan from the Commonwealth, which addressed energy needs, energy production for the Commonwealth, and the integration of renewable energy as environmental stewardship.

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Ms. Paula Beasley, Samuel Miller District, said that she appreciated the opportunity to provide input, which, she noted, had not been fully provided for Attachment C regarding the concept of land swapping between Development and Rural Areas and considerations for expansion of the Development Area. She said that discussion of expansion of the Development Area had been considered previously and should only be decided once the Development Area was fully utilized. She said that the location and type of expansion may differ dramatically over time, and premature predictions and decisions would simply fragment the Rural Areas and deteriorate the County's assets.

Ms. Beasley said that she strongly opposed any discussion of land swapping, citing the same reasons and more. She said that since the first Comprehensive Plan nearly a half century ago, there had been strong support for a clear delineation between the Development and Rural Areas, not only to preserve the benefits of unfragmented landscapes, agricultural and forestal lands, but also to concentrate the Development Area, which preserved the County's resources and financial requirements. She said that research had proven that rural lands were far less expensive for the County, requiring very little infrastructure, which enabled the County to more effectively apply its financial resources.

Ms. Beasley said that residents had made residential decisions and financial expenditures in purchasing and conserving lands based on previous Comprehensive Plans. She said that the Development Areas had benefited not only financially but also from the carbon sequestration, water preservation, and aesthetic contributions of the County's rural lands. She said that agriculture and tourism were the County's primary economic drivers and should not be sacrificed in other pursuits.

Ms. Beasley said that when growing new economic sectors, primary consideration should be given to evaluating whether or not those sectors could be accommodated within existing Development Areas, and what negative impacts the growth of such a sector may have on existing transportation, land use, energy, and environmental and climate-related County objectives. She said that evaluation of new economic sectors should not be made in a vacuum of only financial benefits, but rather offset by potential negative impacts, which would impact all residents of the County in both their work and non-working activities.

Ms. Beasley said that prior Comprehensive Plans had included the concept of sustainability in evaluating the extent of Development Area for the County, and she believed this concept should be reintroduced. She said that preservation of rural lands was essential to the County's heritage, biodiversity, environmental stewardship, local food, and climate initiatives. She said that regarding expansion for small-scale rural uses, they strongly opposed any expansion of by-right uses and did not believe that expansion of special use permits was necessary.

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Agenda Item No. 8. Consent Agenda.

Mr. Andrews asked if other than the removal of the proclamation, Item 8.3, which had already been read, there were any other items to be pulled from the consent agenda. In the absence of any additional items, he said that the floor was open for a motion.

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

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

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Item No. 8.1. Approval of Minutes: February 1, February 15, February 22, March 1, March 8, March 13, March 15, March 22, March 29, and April 26, 2023.

Ms. LaPisto-Kirtley had read the minutes of February 1, 2023, and found them to be in order.

Mr. Gallaway had read the minutes of February 15 and February 22, 2023, and found them to be in order.

Ms. Mallek had read the minutes of March 1, 2023, and found them to be in order.

Mr. Andrews had read the minutes of March 8, March 13, March 22, and April 26, 2023, and found them to be in order.

Ms. McKeel had read the minutes of March 15 and March 29, 2023, and found them to be in order.

By the above-recorded vote, the Board approved the minutes of February 1, February 15, February 22, March 1, March 8, March 13, March 15, March 22, March 29, and April 26, 2023 as read.

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Item No. 8.2. Revitalization Area Designation - Parkview at South Pantops.

The Executive Summary forwarded to the Board states that Parkview at South Pantops apartments (Tax Map Parcel 07800-00-00-020Q0) is an existing 4-story, 90-unit low-income senior apartment building placed in service in 2006. Parkview consists of 54 one-bedroom and 36 two-bedroom senior apartments. It serves a low-income senior population. Enterprise Community Development, Inc. is proposing moderate rehabilitation of all 90 units and common areas. Virginia Housing financing through Low-Income Housing Tax Credits will make this rehabilitation possible and preserve the property as affordable.

To help obtain this financing, Virginia Housing recommends that the local governing body adopt a resolution (Attachment A) designating the development site as a Revitalization Area as defined under Virginia Code Section 36-55.30:2(A). The designation for the proposed project is based on the following conditions: (1) the project is located in area that is blighted, deteriorated, deteriorating, or, if not rehabilitated, likely to deteriorate by reason that the buildings, improvements or other facilities in such area are subject to one or more of the following conditions: dilapidation, obsolescence, overcrowding, inadequate ventilation, light or sanitation, excessive land cover-age, deleterious land use, or faulty or otherwise inadequate design, quality or condition; and (2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or re-habilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

The proposed project qualifies for Revitalization Area designation, and the property rehabilitation will address potential issues such as dilapidation, obsolescence, and overcrowding, and will help preserve the property as affordable housing for low-income seniors.

The proposed Resolution (attachment A) does not involve a direct budget impact for the County.

Staff recommends that the Board adopt the attached resolution (Attachment A) making the determinations requested by Enterprise Community Development, Inc. for the proposed LIHTC project.

By the above-recorded vote, the Board adopted the attached Resolution (Attachment A) making the determinations requested by Enterprise Community Development, Inc. for the proposed LIHTC project:

RESOLUTION

WHEREAS, the County of Albemarle is committed to ensuring that safe, decent, affordable, and accessible housing is available for all residents; and

WHEREAS, Albemarle County is committed to engaging actively in redevelopment and revitalization in the County's Development Areas; and

WHEREAS, the Enterprise Community Development, Inc., proposes to moderately rehabilitate the Park View at South Pantops apartments (Parcel ID 07800-00-00-020Q0) utilizing Low Income Housing Tax Credit (LIHTC) financing; and

WHERAS, pursuant to Virginia Code Section 36-55.30:2(A), Virginia Housing may provide LIHTC financing for projects enhancing economically mixed communities located within Revitalization Areas.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby designates this area within the County of Albemarle, Virginia as a Revitalization Area as the project is located in an area which is blighted, deteriorated, deteriorating or, if not rehabilitated, likely to deteriorate by reason that the buildings, improvements or other facilities in such area are subject to one or more of the following conditions: dilapidation, obsolescence, overcrowding, inadequate ventilation, light or sanitation, excessive land coverage, deleterious land use, or faulty or otherwise inadequate design, quality or condition; and

BE IT FURTHER RESOLVED that the Board of Supervisors has determined that private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

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Item No. 8.3. Proclamation Celebrating the 65th Anniversary of the Founding of The Center at Belvedere.

This item was moved under the adoption of the Final Agenda and was held under Item No. 6. Proclamations and Recognitions.

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Item No. 8.4. FY 25 Second Quarter Financial Report, ***was received for information***.

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Item No. 8.5. Land Use and Environmental Planning Committee (LUEPC) Report - Second Half of 2024, ***was received for information***.

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Item No. 8.6. VDOT Monthly Report (February) 2025, ***was received for information***.

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Agenda Item No. 9. **Work Session:** AC44: RA and DA Land Use Chapter and Growth Management Policy Revisions.

The Executive Summary forwarded to the Board states that Albemarle County is updating the Comprehensive Plan through the Albemarle County 2044 (AC44) project. The project is in Phase 3: drafting language for the four-part Comprehensive Plan document and developing Plan actions.

The revised document language of the following components in Attachment B is built upon community input and reflects the Planning Commission's feedback and Board's direction.

Part II - Growth Management Policy and related sections (portion of Part II), Part III - Rural Area Land Use, Part III - Development Areas Land Use (entire chapters), and Appendix - Community Design Guidelines (portion of the Appendix).

The draft document revisions are based on the feedback received from the Planning Commission and Board of Supervisors when the original text was presented at the following work sessions:

Growth Management Policy: PC 10/08/24 and BOS 10/16/24
Development Areas Land Use: PC 10/22/24 and 11/12/24, BOS 11/06/24 and 11/20/24
Rural Area Land Use: PC 11/19/24 and 12/20/24, BOS 01/08/25
Community Design Guidelines: PC 12/19/23 and 2/13/24, BOS 3/20/24

An updated AC44 outline is provided as Attachment A. As a reminder, the topics within the red box will be the focus of today's work session. This work session focuses on proposed comprehensive plan language within Attachment B, specifically:

1. Does the Board agree with the revisions to the Growth Management Policy?
2. Does the Board agree with the Community Design Guidelines as proposed?
3. Does the Board agree with the revisions to the Development Areas and Rural Areas Land Use chapters?
4. Does the revised DALU Objective 4 and new actions reflect the desire to balance development with nature?
5. What is the Boards direction regarding: Development Areas Boundaries, Transfer of Development Rights, and Small/Rural-Scale Uses?

Based on discussion related to the Rural Area during the January 8 work session, staff has included background information in Attachments C & D related to Development Areas Boundaries. Additional information related to Transfer of Development Rights and Small/Rural-Scale Uses and Rural Communities is provided in Attachment C.

A summary of all revisions is provided in Attachment E.

There is no budget impact associated with this agenda item.

Staff requests the Board review and provide feedback on the revised draft Comprehensive Plan including a portion of Part II, Part III - Rural Area Land Use and Development Areas Land Use chapters, and a portion of the Part IV Appendix.

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Mr. Michael Barnes, Director of Planning, said that at the request of several Board members, staff was bringing back three key sections of the AC44 Comprehensive Plan for their review. He said that these sections include the County's Growth Management Plan, the Development Area Land Use Chapter, and the Rural Area Land Use Chapter. He said that reaching clear consensus on these three sections would enable the County to chart a course forward over the next five, 10, and 20 years. He said that he hoped that, after today's consideration and commentary, as well as other opportunities they would have as they wrapped up the plan in the fall, the Board would be able to achieve clear consensus moving forward.

Mr. Barnes said that first, he would like to express his gratitude to their staff. He said that it had been a significant undertaking on this project, and individuals like Ben Holt and Tori Kanellopoulos had been instrumental in driving it forward. He said that they had enabled them to develop a plan without the need for a consultant, which most counties would be forced to hire.

Mr. Barnes said that he would also like to thank Tanya Swartzendruber, David Benish, Jodie Filardo, and multiple other departments, including Parks and Recreation, Housing, and Economic Development, for their hard work in bringing these chapters and this plan together. He said that this had been a collaborative effort. He said that finally, he would like to thank the Board.

Mr. Barnes said that one of the key goals they had been working towards was to shorten the plan's length. He said that the 2015 Comprehensive Plan was over 900 pages, and it could be overwhelming. He said that they had been trying to strip it down. He said that he appreciated the Board’s efforts in wrestling with the critical issues that needed to be addressed, and he believed that was a key aspect of the plan's design.

Mr. Barnes said that he would like to highlight several key points that were being discussed that day. He said that the first was the Growth Management Policy, which they had attempted to put front and center. He said that this document had three major sections. He said that the first was an introductory section, followed by a section that delved into the Growth Management Policy and their goals for it, which was part of the debate about the boundary and tweaking that to get it right. He said that they would be discussing this section that day.

Mr. Barnes said that the last part were the ten chapters, with the first two being the Rural Area and the Development Area Land Use chapters. He noted that in the Development Area Land Use chapter, the Weldon Cooper Center said that in the next 20 years, they hoped to be able to accommodate an additional 31,000 people in the County, primarily in the Development Area.

Mr. Barnes said that this chapter aimed to outline how they could accommodate this population, including the possibility of integrating them into existing neighborhoods in the Development Area. He said that the concept of activity centers was a key direction they were taking. He said that as they planned to place this population in activity center areas, it was essential that they also provide the necessary services and the infrastructure to support those services to those people. He said that that was imbedded in the chapter, and the idea of making those investments in activity centers was one of the key things that they were trying to do to accommodate their growing population.

Mr. Barnes said that finally, they had been intentional about preserving the Rural Area, while still protecting agricultural and forestry uses, as well as the environment. He said that at the same time, they had been trying to accommodate the changes they were hearing from the Board and the community, particularly regarding non-residential uses that were already present in the Rural Area, and new non-commercial and non-residential uses that they recognize would need to come into the Rural Area. He said that they had tried to provide good guidance to the Board, and they hoped that the discussion would continue to focus on how to get that right, especially as they moved forward with writing a new Zoning Ordinance in their next steps.

Ms. Tanya Swartzendruber, Planning Manager, said that she was present to discuss document revisions and additional topics that had arisen from their previous work sessions. She said that the day's agenda focused on boundary criteria for the Development Areas and Rural Areas, as well as Transfer of Development Rights (TDRs) and small rural-scale uses, design guidelines, and revisions to chapter topics. She said that if it was acceptable to the Board, she would provide a brief presentation to allow time for their comments and questions.

Ms. Swartzendruber said that provided were the direction topics which were the areas they were seeking input on. She said that she would provide more detail on each topic as needed. She began with the Development Areas and Rural Area Boundary Criteria. She said that they had included these criteria at the Board’s request to look at these criteria, which were originally presented in phase two. She said that staff wanted to hear the Board's feedback on the criteria and whether staff should use them to analyze potential locations for changes based on land area swaps or include them in the Comprehensive Plan for future consideration.

Ms. Swartzendruber said that regarding transfer of development rights, or TDRs, they wanted to revisit this concept, which aimed to promote land conservation. She said that TDRs were typically used to reduce development potential in one location and allow for higher intensity development in another by establishing sending and receiving zones. She said that the idea was to establish these zones within the Rural Area only. She said that she wanted to clarify that TDRs differed from cluster development and rural preservation development that they allowed.

Ms. Swartzendruber said that staff would need to develop the sending and receiving zones, which could be a time-consuming process. She said that they might consider using TDRs to promote more affordable housing in the Rural Area, protect environmental resources, and allow properties to develop that might not normally. She said that staff wanted to know if the Board would like to add an action to the AC44 Rural Land Use Chapter to include TDRs as a potential tool.

Ms. Swartzendruber said that as far as small- and rural-scale uses went, currently, the Rural Areas zoning district allowed some small-scale commercial retail uses by special permit, such as non-historic country stores that were less than 4,000 square feet, daycares, and some others. She said that community input indicated support for additional uses that would support surrounding community members, like doctors' offices, dentist offices, small-scale markets, local artisans, and crafters that could allow access to local and healthy food.

Ms. Swartzendruber said that however, some of these uses, including restaurants and buildings that were not previously used as a restaurant, tavern, or inn, were not allowed even with a special permit. She said that staff were previously asked to clarify small-scale uses in rural communities and to provide more flexibility for those land uses, so staff would like the Board’s feedback on the revised Action 5.1 and direction on how restaurants should be regulated within the Rural Area.

Ms. Swartzendruber said that staff had also made revisions to the Land Use chapter and the Growth Management Plan, and that they had included a summary in the Board's packet. She said that staff had added a major findings and trends in each chapter, and incorporated references to the public water supply and additional characteristics of the Development Areas in the Growth Management Policy. She said that the Future Land Use Map (FLUM) now separated publicly accessible parks and open space from private open space, as requested by the Board.

Ms. Swartzendruber said that they had also included the multimodal strategic plan connection as part of a successful strategy for implementing activity centers. She said that they had added a protecting and increasing access to nature portion in the Development Areas chapter. She said that all actions requested by the Planning Commission (PC) and confirmed by the Board had been updated as requested.

Ms. Swartzendruber said that their schedule for the future was as follows: she was there that day to discuss the revisions to these chapters. She said that in February, they would be working with the PC on the Parks and Recreation and Open Space on February 25 and then returning with that topic to the Board on March 5. She said that they were then scheduled to present Thriving Economy to the PC on March 11, and to the Board on April 2. She said that they would be presenting Community Facilities and Infrastructure to the PC on March 25, and again to the Board on April 2. She clarified that on April 2, they would be reviewing two chapters.

Mr. Andrews said that if that was acceptable, they would begin by reviewing the Development Areas boundary criteria.

Ms. McKeel asked if staff had more slides about this first direction topic.

Ms. Swartzendruber said that she had them available as a backup slide, so she was happy to share those criteria with the Board if they would like. She said that the provided slide outlined the criteria for potential removal, and the following slides provided evaluation criteria that they had previously discussed as part of Phase 2.

Ms. McKeel clarified that the Board would be discussing this rather than making any absolute decisions that day, and that staff would come back to them depending on what their conversation was. She said that this was information for the Board and direction for staff.

Ms. Swartzendruber said that, yes, it was, depending on what the Board would like staff to do. She said that they would follow the Board's direction, and that was what she would anticipate.

Ms. McKeel said that she was very supportive of designating a Development Area and a Rural Area. She said that she was open to adjustments and tweaks, not a complete overhaul. She said that they had seen a significant decrease in Development Area lands, from 48,000 acres to 28,000 acres, since the 1970s.

Ms. Swartzendruber said that sounded about right.

Ms. McKeel said that she was not suggesting that this was a bad thing, but rather that it was a substantial loss of acreage. She said that she thought it was time to explore options for trading or adjusting. She said that she believed that the criteria were appropriate. She said that she would be happy to engage in a discussion with the other Board members to hear their suggestions and consider any additional ideas from staff regarding the criteria.

Mr. Gallaway said that he was pleased with the criteria that had been put forward. He said that he believed it was a good starting point and even exceeded his expectations. He said that he appreciated the effort that had been made to consider it. He said that in the Development Area applications that had come forth, they had discussed having as part of the staff report for any upzoning or similar applications, it would be beneficial to include a section on the current status, such as the score or impact of that particular development.

Mr. Gallaway said that this would be particularly relevant when discussing locations that were not meeting the goals and policies of the Comprehensive Plan. He said that if they were to have this conversation only every five years during a Comprehensive Plan review, they would not be able to effectively address the issues. He said that that was a conversation that they needed to have.

Mr. Gallaway said that he understood that some people may be concerned that this was a backdoor for expanding the Development Area, but he believed that not discussing it or acting as if it did not exist would be a bad idea. He said that by understanding the conflicts, strains, and tensions, they could have a productive conversation about it and move forward. He said that this criteria provided them with the ability to do so. He said that he was satisfied with this.

Mr. Gallaway said that upon reviewing the material, he found that it was a good starting point for moving forward. He said that if it was mentioned and addressed in the Comprehensive Plan, it at least acknowledged that the County was considering and discussing it. He said that as Ms. McKeel had mentioned, no decisions were being made today, and it was a process that would continue.

Mr. Gallaway said that he was supportive of the criteria. He said that he had always considered the concept of identifying potential spots that might come in but also identifying the spots that were already in but could not be. He said that when discussing filling up the Development Area, it was essential to clearly identify those because if they thought there was capacity there and there was not, then they needed to be realistic about that.

Mr. Gallaway said that he was pleased to have this discussion, as he understood that they were not seeking a detailed analysis of every single point. He said that however, he thought this was a great starting point, as it clearly communicated their intention to pressure Development Areas to take on the bulk of the population, services, infrastructure, and economic development. He said that it also addressed the important fact that if there were areas that could not meet this need, they must have a conversation about what steps to take, if any.

Ms. Mallek said that a lot of points were repeated throughout the rural plan and Growth Management Policy regarding the reduction in acres, which was a statewide referendum-approved downzoning that needed to be clearly explained in the text to facilitate understanding. She said that it was not that the door was slammed shut on new residents, but rather it was necessary to protect the Growth Area and the watershed for the reservoir.

Ms. Mallek said that additionally, Ivy had been removed from the Growth Area because it could not be connected to sewer services at the time, and the decision not to provide sewer and sidewalk to Earlysville had led to their no longer being a village, which in turn had prevented the original townhouse and other things that were originally in that plan from being implemented in 1971. She said that she believed it was essential to include this background information, even if brief, to help the 30,000 new residents who had arrived in the last 15 to 20 years had a chance to catch up on what had happened in the past.

Ms. Mallek said that her questions at the top of Attachment C were: What time period were they referring to when discussing the goals, and how was the loss of existing affordable housing on a particular site taken into consideration, particularly in light of the potential demolition of older neighborhoods around those sites?

Ms. Swartzendruber said that she believed that what they were trying to do here was establish the guardrails, not necessarily provide the answer to the question of whether the time frame they were considering for these criteria was feasible. She said that this information would be relevant as the Board considered an addition or removal of a parcel or set of parcels from the boundary areas, serving as a snapshot in time.

Ms. Mallek said that something from the previous five years would be incredibly important to consider because many of the challenges they had created over the last 20 years were not being addressed. She said that Jeff Warner's dashboard, which he had maintained for 20 years, provided a clear picture of the overall community situation. She said that if they had been tracking that data, they would have known immediately that they were not filling all the slots.

Ms. Mallek said that moving on to the draft criteria on the bottom of page one, under the transportation impact section, she thought people may be focusing on the area to the west of 29 North, which was still in a Rural Area. She said that it was essential to note that the $230 million invested in the 29 Solutions funding had been made with the understanding that the land would not be converted into a high-density industrial area. She said that the agreement had been reached with communities in the south, who had expressed concerns that the land would be filled and wasted. She said that she wanted to include this on the record.

Ms. Mallek said that community services and facilities were also a concern, as expanding the geography and diluting resources may exacerbate existing gaps in neighborhoods for sidewalks and things. She said that the water supply watershed was a pressing issue, as protecting water did not align well with feasible alternative locations. She said she would feel more confident if they prioritized ensuring public water for the Growth Area, particularly for the 55-year-olds and older residents, who made up 60% or more of the population.

Ms. Mallek said that this concluded her comments regarding Attachment C. She said she was in favor of adopting a more stringent approach to utilizing the constrained land in the Growth Area, which could potentially be used as a basis for swapping. She said she believed they should avoid bulldozing critical slopes and placing development on them, as this was not a desirable outcome. She said that this was part of the discussion, she would be happy with that.

Mr. Pruitt said that the criteria for removing underperforming areas made a lot of sense. He said that it seemed to have effectively taken what were some strong political intuitions that they were targeting after aggregate blocks of Development Area based on their aggregate understandings. He asked what were the actual factors that they were talking about that led them to have those intuitions into some helpful technical language that they could apply not only to these specific instances that they were thinking about but also to other areas, which he found interesting.

Mr. Pruitt said that as Ms. McKeel had pointed out, there was nothing in his life that he used that he had also used in 1971, as that was 20 years before his birth. He said that the point being, he thought it would be hubris to assume that they had stumbled upon the perfect boundaries of their Development Area before the median Albemarle resident was born. He said that the median age of an Albemarle resident was 39 years old, and most residents had no role in deciding this.

Ms. LaPisto-Kirtley said that to clarify, the Board was discussing a potential swap between a parcel of land in the Development Area and a parcel of land in the Rural Area. She said that if plot A in the Development Area was not conducive to development due to its location and lack of essential services like water and sewer, and plot B in the Rural Area was more suitable because it was closer to these services, then it may be appropriate to swap the two designations. She said that they would be considering swapping areas that were similar in size.

Ms. Swartzendruber said that was correct.

Ms. LaPisto-Kirtley said that she would like to see examples of locations where this might be applicable, and she was particularly interested in ensuring that any environmental constraints were taken into account. She said that she was in favor of exploring this option further to determine if it was a viable solution. She said that flexibility was essential in making land use decisions, as circumstances could change. She said that she was supportive of seeing what could be done.

Mr. Andrews said that he was more skeptical about some aspects of this, starting with the locations that were not meeting the goals and policies. He said that the language felt vague and broad, and he wondered if they could rephrase it to say, "cannot meet" instead of simply "not meeting," and provide more specificity into the reasons why these areas could not meet the goals and policies.

Mr. Andrews said that he was concerned that they might be saying that an area was not meeting its goals without fully exploring ways to make it meet those goals. He said that he was curious about what incentives or reasons why it was not meeting the goals and policies of the Comprehensive Plan.

Mr. Andrews said that he was also concerned about the language regarding significant topographic and environmental constraints. He said that he assumed that, as Ms. Mallek said, this meant that they were considering areas with steep slopes that they would not want bulldozed and other environmental concerns. He said that they would look at these areas and decide that they were not suitable for development, and instead, they would seek alternative locations.

Mr. Andrews said that he was unclear about the concept of "limited public infrastructure capacity and access," and what those areas were. He said that as he reviewed this, he was thinking that the urban ring was the most efficient way to provide public services to people. He said that when discussing the possibility of recognizing areas within the urban ring that were not performing well, he would like to see those areas perform. He said that areas outside the urban ring were less of a concern, as they were not typically places for efficient service delivery.

Mr. Andrews said that he was skeptical about pushing too much into the AC44 criteria, as it may not be the best approach. He said that many people had suggested that a master planning process would be more suitable for addressing this issue.

Mr. Andrews said that he agreed with Ms. Mallek that the opening section of the Growth Management Policy, written in 1971, was insufficient in its description of the history of substantial changes that had taken place since then. He said that those changes were not incremental, and that the change from 48,000 to 28,000 happened very much at one time in 1980. He said that he thought something was lost without that history in there. He said that he believed that this had been relatively static for 45 years, if not 55 years, and it was essential to understand this history.

Mr. Andrews said that he also agreed with Ms. Mallek's suggestion that on slide 16, as she suggested, to remove that there were feasible alternative locations when talking about water supply and watershed. He reiterated that this particular section had not been presented to the PC.

Ms. Swartzendruber said that it was not presented to the PC in this specific form; however, they had reviewed the criteria for potential additions to the Development Areas. She said that the portion they had not seen were the three criteria at the beginning to remove a parcel or parcels from the Development Areas.

Mr. Andrews said that he hoped the Board would have the opportunity to receive feedback from the PC on the new information.

Ms. Mallek said that it was requested to provide examples of swaps that had occurred, and she mentioned one that happened in 2015. She said that if they could visualize the trestle located near Fiesta Azteca on Route 250, where the road made a sharp bend to the south and continued past the southern edge of the Crozet Growth Area, the land immediately to the north was a Rural Area, and was swapped out to be included in the Growth Area in return for acreage north of Route 240, which was surrounding streams that fed into the Beaver Creek Reservoir. She said that this occurred to reduce the impact there and was included in the Crozet Master Plan.

Ms. Mallek said that it was thoroughly discussed and successfully achieved at that time. She said that there had been no argument and that everybody seemed to think that it was a good idea. She said that that was why when the idea was brought forth a few weeks before, she knew of that one place where it had happened, and that she was happy to think about it from that perspective. She said that she felt strongly that the reason the County attracted so many people and many of them had wanted to stay in this community or come to this community was because of the work their predecessors had done over the past 75 years. She said that she was not willing to dismiss that history simply because it was old.

Mr. Andrews said that this also explained why he was more interested in seeing this addressed in a master planning process rather than solely in the AC44 language.

Ms. McKeel said that she appreciated Ms. Mallek's example. She said that they were not saying that because this was old, they were just throwing it out. She said that when discussing public schools, it was critical to work with the Schools' to understand their school capacity projections. She said that these projections had caused significant angst and had led to issues with every proposal they had.

Ms. McKeel said that the spreadsheet that Schools prepared seemed to be inaccurate or unclear in its representation of actual capacities. She said that even when expansions were paid for and included in the process, these capacities were not reflected in the spreadsheet. She said that that was a very good area to work with the School Division to improve their document.

Ms. LaPisto-Kirtley said that from her point of view, it was important to understand that she was not looking to expand the Development Area. She said that if there were a few exceptions, such as the example given by Ms. Mallek, swapping land could make sense. She said that she did not support the staff looking for where swap outs could be done.

Ms. LaPisto-Kirtley said that she believed that this Board had a responsibility to build out higher and denser, so she wanted that to be the focus. She said that however, if a situation arose that made sense, she would be open to considering a swap. She said that ultimately, they needed to do their job of promoting higher and denser development in the Development Areas.

Mr. Pruitt said that for the record, he would like to acknowledge, and appreciated Mr. Andrews' point, regarding factors one and three, as listed. He said that if they did not find a way to isolate those to only when they were affected by factors that were outside of the County's control, it could inadvertently lead them to cut their losses or make decisions because they had not adequately invested in this area, and it was not meeting the Comprehensive Plan.

Mr. Pruitt said that he would like to suggest that they consider language "as influenced by extrinsic factors," such as geography, as Mr. Andrews had mentioned, as well as existing land build out, restricted covenants, patterns of land ownership, and the presence of asphalt. He said that the last major developable parcels in the Village of Rivanna were owned by one person who had expressed his opposition to development, which was an extrinsic factor that should be taken into account. He said that by isolating those factors to only those outside of the County's control.

Mr. Gallaway said that he believed that there were areas within the Development Area that could be considered Rural Area. He said that in his district, the Development Area boundary extended directly to the river, and he had not heard anyone express a desire to see extensive housing development along the river from Route 29 to the City line.

Mr. Gallaway asked how many acres, when considering the floodplain, would be available from Route 29 to the river within the Development Area. He said that these areas could be calculated in the math, but they should not be built on. He said that he thought that many communities had successfully developed along their rivers, utilizing this amenity for various purposes, which may not align with their current ideology.

Mr. Gallaway said that even those who may want to expand the Development Area would likely disagree with doing that. He said that this aspect must be taken into account in the math. He said that the few parks within Development Area boundaries would not be developed. He said that this must also be factored into the math, as it was the basis for their plan to concentrate density and services. He said that if they did not accurately understand where units could be placed, their plan would not work.

Mr. Gallaway said that Mr. Williamson had reminded them about existing commercial areas that could be repurposed for residential use. He said that this concept was similar to that. He said that they should have a conversation about whether residential should be allowed in these commercial areas. He said that he did not disagree with Mr. Andrews' comments regarding the master planning process.

Mr. Gallaway said that the Northern Development Area's Master Plan had not been updated since 2011, with an amendment in 2015. He said that by the time they updated the Development Area master plans based on the current cycle, the Comprehensive Plan would have been revised again. He said that this was not a criticism, but rather a reflection of the reality of the process.

Mr. Gallaway said that he was in favor of considering the criteria and processes within a master planning process, but he believed those plans needed more defined time frames. He said that the Comprehensive Plan served as the master plan, and it was intended to drive the other planning processes. He said that if it was not included in the Comprehensive Plan, what would guide those subsequent master plans?

Mr. Gallaway said that the biggest concern of his Community Advisory Committees (CACs) was that their master plan had not been updated since 2011. He said that all of this had to drive the planning processes that were below it in his opinion, which was why it needed to be included in the Comprehensive Plan.

Mr. Andrews said that, in the context of waterfront and parks, those were the kinds of things he was talking about when he said “cannot meet the goals and policies of the Comprehensive Plan” because of the nature of the property.

Mr. Pruitt said that he did not want to get hung up on the 95% and 5% designation. He said that he had never been comfortable with the idea of describing everything in terms of this percentage. He said that instead, they described areas in terms of an urban ring and satellite areas that they aimed to provide services to in an efficient manner to develop. He said that what bothered him was the notion that because a park fell within the 5% area, they had to find something outside of it to balance it. He said that they always knew that park was in that area. He said that Biscuit Run was newer, but that in some of the other cases, these were areas that they knew existed when they made the designation. He said that he believed this illustrated the challenges of meeting goals.

Mr. Gallaway said that they needed to move away from using the 95% and 5% in their discussions. He said that the reality was that it was not 5%, nor was it 95%. He asked what the reality of it was. He said that if they did not have a clear criteria to identify it, then start discussing it with each application that came forward.

Mr. Andrews said that they were aware of their hard boundaries and understood where they lay.

Mr. Gallaway said that the boundaries were not hard boundaries. He said that the river served as a prime example of this. He said that considering Rio Road, the boundary was located on one side of Rio, while the other side was where the development was taking place. He said that that was where water and sewer went. He said that there may be better places already that existed there that could swap out versus other places in the Development Area that were not ever going to be there.

Mr. Gallaway said that this language could be interpreted as locking out new development in the Rural Area. He said that they were limiting who could engage in new housing in the Rural Area. He said that they have said that if one was not of a certain class, they could not get into the Rural Area as a new development, and this meant that they were essentially dictating which social class segments must live in the Development Area.

Mr. Gallaway said that he did not like limiting that choice in some ways, and that was what the language seemed to say at times. He said that that could be disconcerting. He said that that could go back to the 1970s. He said that, as Mr. Pruitt was well aware, the passage of equal housing laws led to the creation of zoning. He said that it had changed over the years, but the impacts from the 1960s until now had resulted in opportunities for some, but not all.

Ms. Mallek said that she felt grateful for the numerous small, new houses being built around her, as she did not see the same level of prohibition happening. She said that she felt fortunate in this regard.

Ms. LaPisto-Kirtley said that she did not think that they had enough information to fully grasp the situation when they were discussing swaps. She said that Mr. Gallaway had mentioned that in the Development Area, there was land along the river. She said that they did not want to build directly along the river. She said that she would not want staff to suggest replacing that area with something in the Rural Area. She did not believe was the intended solution.

Mr. Gallaway said that was what they were discussing; they needed developable land. He said that if they did not figure out where that developable land would exist and start having conversations about it, given their other driving priorities as a County, they would be repeating the same conversation in seven years.

Ms. LaPisto-Kirtley asked if he was proposing swapping out the land along the river in the Development Area for rural land.

Mr. Gallaway said that it should be called Rural Area. He said that they needed to determine the floodplain boundaries and protect the land along the river and stop putting on the maps that the Development Area went right up to the banks of the Rivanna River. He said that however, there were some places in Pantops where the Development Area did extend close to the river.

Mr. Gallaway said that from Rio Road or 29 North, down to the City line, the Rivanna River corridor in that area could be clearly defined as a Rural Area. He said that he would like to know how the floodplain boundaries encroached on the different sides of the river.

Ms. LaPisto-Kirtley said that she believed they lacked that specific information, particularly from every district, which made it challenging to make a decision or even to look at this.

Mr. Gallaway said that he did not think that it was something that required an overarching decision. He said that was why they established criteria. He said that having this criteria allowed them to start having conversations about the Development Area. He said that the public speaker had mentioned that they should not discuss expanding the Development Area until it was fully developed. He said that he disagreed with that approach; he believed they should discuss it before it was full. He said that if they had multiple applications coming forward and they understood the potential of the Development Area as they moved forward, he thought this criteria was very helpful.

Mr. Gallaway said that it could inform their decisions on other applications, particularly those from developers who had identified potential for their property, but the County had not yet. He said that it was not about making a broad decision to designate swaths of land as Rural or Development Area. He said that rather, by establishing this criteria, others would recognize the values and consider land suitable for zoning that aligned with the Development Area because it was located along the border, rather than somewhere else.

Ms. LaPisto-Kirtley said that the criteria was important. She said that he was correct that they should avoid identifying specific locations, such as maps and details. She said that what they needed was a better understanding of how this would work. She said that she did not necessarily agree with the idea of placing buildings or developments in Rural Areas that were far from amenities.

Ms. LaPisto-Kirtley said that in her view, if they aimed to create affordable housing in Rural Areas, they must consider the availability of essential services like water, sewer, and transportation. She said that in her opinion, they had already decided as a Board that they did not want to see a large-scale expansion.

Mr. Gallaway said that it was a complex issue because it was not a straightforward decision that could be made. He said that in response to that point, if they were to designate the Development Area as the sole location for affordable housing, they were essentially limiting the options available to those individuals and restricting their choice of where they could live.

Ms. LaPisto-Kirtley said that it was limited to where they could access other services.

Mr. Gallaway said that he believed it was a great way to always say that certain people should live in a particular area because of the services available there. He said that they provided a significant amount of services to their Rural Area, and they would continue to receive updates on that through the budget. He said that Fire Rescue Services was a perfect example of how they had to provide services to the Rural Area. He said that even open land that they had conserved was considered a resource that cost money to manage through their programs.

Mr. Gallaway said that it was subsidized, so it was essentially an investment in the community. He said that this was similar to the conversation they would have later about the ACE program and whether they should reinvest funds into it, which was also a form of subsidy. He said that he did not see it as such a black and white decision that they had to have it in the Comprehensive Plan, as he had mentioned earlier.

Mr. Gallaway said that they needed to consider the complexities of directing new growth to a specific area, when they were essentially saying that they wanted to welcome everyone to the County and provide a great quality of life. He said that by concentrating all that growth in one area, they were essentially limiting the choices available to individuals. He said that on paper, it may seem fine for planning purposes, but when they really examined the issue, it was an interesting thought to consider.

Mr. Andrews said that he wanted to move on, as he believed some of these points would come up in the TDR discussion as well. He said that if there were any final thoughts on this topic, he would appreciate hearing them.

Mr. Gallaway said that it was essential that they bring this topic to the forefront and have a public discussion about it. He said that people needed to be aware of their debate and the conversation that needed to take place. He said that if they did not address this issue here, it would likely remain what it had been for the past eight years.

Ms. McKeel said that they needed to acknowledge the pushback they were hearing, as it was rooted in the fact that their districts and areas were different and this could not be applied uniformly. She said that it was not a one-size-fits-all solution, which was why they had established criteria. She said that however, they should not dismiss the concerns of individuals who wanted to live in different areas based on their personal preferences.

Ms. McKeel said that people had the right to choose where they wanted to reside, and they should not be implying that they would restrict individuals from building $3 million or $350 thousand homes. She said that they must find a solution and be willing to engage in open and public discussions about it.

Ms. Mallek said that she wanted to leave one example on the table for consideration. She said that approximately two years before, two young individuals met with her to discuss the possibility of a modular home neighborhood across the street from GE on Dickerson, at Route 29, which would have provided access to existing services in the area. She said that unfortunately, it did not fall under a category where it could be considered.

Ms. Mallek said that this example highlighted an opportunity for them to explore alternative solutions. She said that she was not in favor of incrementally blowing out the service area for the jurisdiction. She said that they had made many good decisions in the past based upon the need to protect the rest of the users.

Ms. McKeel said that they were not attempting to do that, and she believed making statements that scared people was counterproductive. She said that they were not going to be taking bulldozers to steep slopes. She said that they did not want to scare people and give the impression that they were talking about, as that was not what they were talking about at all.

Mr. Andrews said that they would next discuss the TDRs.

Ms. McKeel said that she must admit that she was not an expert on this topic, and this was her first involvement in this discussion. She said that at first glance, she was not opposed to the idea. She said that however, she was wondering how much additional work they were putting on staff, given the numerous new proposals and studies that were being added. She said that it was concerning to her that she was not sure how they could address that.

Ms. Jodie Filardo, Community Development Director, said that regarding the TDRs, it can be a valuable tool for their staff. She said that currently, they had a challenge with a property in the Rural Area that had built more housing units than they had development rights to build, and they had done it without proper permits and other necessary approvals.

Ms. Filardo said that the property owners were facing difficulties in rectifying the situation, except by removing the two extra dwelling units. She said that if they had the option of TDRs, the property owners could purchase additional rural land, transfer the rights to their current property, and bring their development in compliance with County regulations. She said that this would provide an additional tool to help staff address some of the issues they faced in the County.

Ms. McKeel said that Ms. Filardo's explanation was very helpful. She said that she would be supportive of at least exploring the option, however staff saw fit. She said that it mentioned accessing options for housing types other than single-family detached homes in receiving areas, such as duplexes, accessory units, and fourplexes. She said that she had no issue with that. She said that she was wondering, though, if they would ever be able to discuss manufactured homes.

Ms. McKeel said that to be honest, manufactured homes were not the same as the trailers of the 1970s; they were modern and affordable. She said that she would like to at least propose the idea that manufactured homes could be considered in certain circumstances. She said that she was simply putting that on the table.

Ms. McKeel said that while she did not want to revisit the history of trailers, she wanted to establish a clear direction and put a stake in the ground by suggesting that they have discussions about manufactured homes. She said that specifically, she wanted to explore where manufactured homes could be located, and how they could be integrated into their guiding documents.

Mr. Gallaway said that he was open to the idea of TDRs and thought it could be beneficial to the County. He said that as they moved forward with their work, he did not see how this would be a bad idea. He said that he thought it was something that should be considered and discussed. He said that this concept aligned with their County's approach to the cluster development model mentioned by Scott Clark a few weeks ago. He said that that type of development as well seemed to make sense and was a smart approach for their County.

Ms. Mallek said that she agreed that it would be a lot of work, and it had certainly been around for 20 years. She said that various counties had success with it, including three or four in Virginia and several in other states. She said that her caveats would be that she would support open land to open land only and Rural Area open land to Growth Area open land only.

Ms. Mallek said that this was a separate question to her on the value of modular manufactured homes as far as transfers. She said that unfortunately, she had been unsuccessful in changing the density giveaway from 6 to 34 for 30 years, because had they had a 6 to 12, 12 to 18, or 18 to 24, they would have set up a beautiful situation for this very thing. She said that it was ancient history, but it may be a way to get some extra use.

Ms. Mallek said that one major problem with small rural lots was that they often lacked the ability to contain water and sewer for more than one or two units, which could lead to failures that cascaded down the aquifer and affected the entire group. She said that they had to be self-sufficient because when it failed, it was on the homeowner. She said that the cost of a septic field had increased from $5,000 to $40,000. She said that this could have a huge impact on families when things got too crowded and failed. She said that she had an open mind and hoped that they could get there, and that she hoped that staff would be successful with it.

Mr. Pruitt said that he thought this may have come to him because of a comment he had made. He said that he had previously discussed TDRs with a developer operating in his district. He said that the developer had mentioned that in New York City, this concept was quite common, where you essentially sold "airspace" to build on a different site.

Mr. Pruitt said that he had a brief moment of insight, and he began to consider how this might relate to their Rural Area's land use policies. He said that he wanted to clarify a point made by Ms. Mallek earlier, as she had mentioned a caveat of going from the Rural Area to the Development Area. He said that he wanted to ensure he understood her statement correctly. He said that he believed that was not what they were talking about; it was from Rural Area to Rural Area for TDRs.

Ms. Mallek said that it was a matter of either/or. She said that this decision was what the Board had to make.

Mr. Pruitt said that the presentation appeared to be Rural Area to Rural Area. He said that for example, if he owned 10 acres scattered across the County, divided into five parcels, and each parcel had one development right, he could build five homes on one parcel or sell the development rights to someone else to build on another parcel. He said that this was his rough understanding of the concept.

Mr. Pruitt said that he thought there was a value there, but that he also wanted to ensure that they were not overestimating what could be achieved with that. He said that one of the main things that stood out to him was the conservation value it offered. He said that it would be a fourth tool for to preserve large tracts of land. He said that what he was trying to convey to the Board was that this model would encourage individuals to hold development rights in isolated parcels, which could be difficult to extract value from.

Mr. Pruitt said that he could clearly see this happening based on how subdivisions had fragmented development rights over time since their Growth Management Plan was implemented. He said that this allowed individuals to extract development rights and preserve parcels without having to build on them, thereby interrupting a forest block, because that was the only place they could use their development right.

Mr. Pruitt said that he saw a lot of value in this approach, and it aligned with their scoring criteria for the ACE program. He said that it would enable them to use land more efficiently. He said that this would somewhat discourage the types of large developments they typically saw in the Rural Area, which were often associated with retirees who had the ability to identify development rights, lawyers, money, and surveyors.

Mr. Pruitt said that he wanted to draw attention to the fact that while the land may not need to be contiguous, the cost of acquiring development rights remained a significant factor. He said that while there might be some cost reduction in new residential developments that could be more concentrated in the Rural Area, this approach may not yield the same benefits as upzoning in the Development Area. He said that the cost of land would still be a factor in the cost of development rights when they were being traded on an individual market.

Mr. Pruitt said that he assumed that the value of an individual development right would be lower than the value of two acres of land with a development right, simply because someone would still want to maintain their front yard. He said that the point was that it would still be quite expensive. He said that an individual development right would remain expensive.

Mr. Pruitt said that he did not believe that they would see affordable fourplexes; instead, they would likely see unaffordable market-rate fourplexes. He said that while this approach may not drive down costs to the level of affordability they desired, it did make it easier. He said that, as a way to support this idea, they had discussed instances where individuals without the necessary expertise do things that are illegal.

Mr. Pruitt said that he had a constituent who frequently called him, and he lived on Glendower Road in the country. He said that his constituent recently told him that, in his opinion, Albemarle County did not favor locals building there and living there. He said that he had shared stories about neighbors and friends trying to build homes for their children on adjacent parcels, only to be unable to figure out the process and lack the necessary development rights. He said that he believed there was more to this issue, and he saw this as an opportunity to explore the barriers that prevented people from pursuing their goals with their land, building a home for their family.

Mr. Pruitt said that for example, a person who wanted to build a home for his daughter next door may not realize that he had exhausted his development rights, despite having the right amount of acres. He said that he may be able to purchase a development, which he currently could not do. He said that he saw value in this approach. However, he did not think they should be naive about the prospect of suddenly achieving deeply affordable housing in the Rural Area through this means.

Ms. LaPisto-Kirtley said that she was supportive of the TDRs within the Rural Area. She said that she believed it made sense, and she did not think it would happen often. She said that she also wanted to address the issue Ms. McKeel brought up. She said that while it was true that individuals could buy land and build a $350,000 home; that was not the problem. She said that the issue was whether large developments with apartments and townhomes could be built in the Rural Area, which would require sewer and water infrastructure.

Ms. LaPisto-Kirtley said that in her opinion, this made those developments quite unlikely, as it would be difficult to justify the cost of providing these services for large complexes. She said that she agreed with Ms. McKeel that manufactured homes and tiny homes should be allowed. She said that not everyone needed or wanted a large house, and downsizing was becoming popular. She said that she supported allowing a variety of home types in the Rural Area or Development Area.

Mr. Andrews said that he wanted to revisit this topic, as it had taken him by surprise. He said that he understood the concern that an existing group of homes had been developed without development rights and now needed to find a way to remedy that without destroying the homes. He said that he was wondering if any building permits had been issued for these developments.

Mr. Andrews said that he was hesitant to create a policy that would allow for such activities without sufficient penalties for this sort of activity to take place without the guardrails they had put in place. He said that this really made him nervous to act on behalf of someone who was not following the proper processes. He said that he did see some appeal in the TDR process they had described.

Mr. Andrews said that he wanted to tie this discussion to the previous one. He said that while he was not in favor of rural-to-rural transfers being made arbitrarily, he did not see that as being proposed here. He said that the idea of developing sending and receiving zones was important; the location mattered tremendously.

Mr. Andrews said that if they had areas in the urban ring that were just over the line, and were ripe for denser development, one mechanism to enable that could be the negotiation of TDRs from other areas. He said that the decisions made in the 1980s regarding development rights had been based on the understanding that not all rights were necessarily usable, and that had been accepted at the time. He said that this TDR process seemed to suggest that it was possible to cash out on something that they did not have before.

Mr. Andrews said that he believed they needed to tread carefully and ensure they understood what they were doing. He said that that was not the idea back in 1980, that necessarily everybody would put five houses on places that had no ability to support them. He said that this was suggesting that there would somehow be a way to do that by selling development rights. He said that that seemed unfair to him, and that those were his primary comments about this. He said that as stated in the attachment, a recommendation would be added to further study TDRs and evaluate their potential feasibility and effectiveness, which was what he hoped they were considering at this point.

Ms. Mallek said that on the second page of Attachment D, it specifically mentions receiving areas in the Rural Area or the Development Area, which was why she made her comments. She said that she believed the Development Area would be the highest preference for her because it would help. She said that she recalled a situation with constituents from Sugar Hollow who experienced the challenges Mr. Pruitt described with the unusual lot sizes of a 150-year-old property and finding a suitable building spot for their son to have a home. She said that although it was a cumbersome process, County staff was helpful and they eventually got it done.

Ms. Mallek said that the other thing was the situation with the lack of permits. She said that in her time on the Board, she had seen at least two instances where people had requested additional development rights. She said that in the Scottsville district, during Ms. Palmer's tenure, two requests were approved: one for a house for an elderly person and another for a young person to care for an elder in the other house. She said that those were approved, and that there were options that already existed. She said that perhaps they needed to do a better job of informing people about these available options. She said that the 2015 statement she thought was relevant was the one that redirected development potential from sections of the Rural Area with high value natural and cultural resources to locations outside the Rural Area. She said that she still supported that.

Mr. Andrews said that they would move on to the next topic, which was small, rural-scale uses, such as restaurants, wineries, and other issues.

Ms. McKeel said that the examples of non-residential uses included daycare, small offices, restaurants at wineries, and country stores. She said that staff was indicating that they would establish criteria, which was very important. She asked if staff would like to address that.

Ms. Swartzendruber said that some of these uses, such as country stores that had historically been used as a tavern or a county store could be redeveloped as a country store with a special use permit. She said that however, if someone wanted to develop a country store in a building or on a property that had not been historically used as a country store, a tavern, or an inn, there was no existing mechanism for them to do that, even with a special use permit.

Ms. McKeel said that at first glance, she was in favor of this proposal. She said that to simplify, she was in favor of exploring this idea and establishing some criteria, as they had previously discussed. She said that the one that gave her pause was the potential increase in traffic for restaurants at wineries. She said that it would be interesting to have a discussion on this topic and consider how it might impact. She said that she was not ruling it out at this time but acknowledged that there were wineries that functioned as restaurants.

Mr. Gallaway said that with what staff was proposing, he was fine with it. He said that he believed that restaurants at wineries were a distinct category from the other three things. He said that they treated wineries and cideries differently than other things, and that they may need to develop their own criteria for that specific type of property.

Mr. Gallaway said that the issue he had with daycare centers, small offices, and country stores was that they were saying they were only allowing reuse of those types of places where they already existed. He said that if one thought of those types of places that already existed in the Rural Area, they probably existed more because of individuals who found ways to make them work, and they owned the property already. He said that they would now essentially require a person to take over a country store as a business investment, and they would have to figure out how to make the business viable, versus allowing a person who could make three or four things work at a location and deciding on a nice little country store.

Mr. Gallaway said that it was difficult to envision how a country store or daycare center could be made to work without a certain level of volume or foot traffic. He said that he was struggling to see how this could be successful. He said that if someone had a plan that did not necessarily require the existing business to be in place, and they had multiple uses in mind for the property, they could decide to run a country store in a great location if they own the land.

Mr. Gallaway said that his understanding was that they did not have any venue to allow that to happen, and that they were essentially extinguishing the flame that existed for that thing to come into existence, which had more to do with personal entrepreneurism than it had to do with individualism than the location where a country store happened to exist. He said that he would be open-minded. He said that unless he was mistaken, this could fall under how they could not necessarily, they could limit something timewise, based on the State code. He said that knowing that they could isolate it to the specific applicant or something, he thought it would have even more appeal.

Mr. Gallaway said that he was not opposed to just the reuse, and he thought that they would at least have to do that, but he was open to considering other thoughts. He said that there were creative people out there who could figure out how to make some of these things that people like. He said that in this day and age, setting up a country store with a small restaurant, and he had read somewhere to allow it to have four tables. He asked how that would be economically possible. He said that it was likely that other factors must come together to make such projects feasible, which was what he thought had happened in the past.

Ms. Mallek said that every example that was in the White Hall District or places that she saw in other districts were all in place before 1980, for the medical offices in Earlysville and the post office in Earlysville, and all of these things that had been there for 45 years. She said that she was surprised to hear that, because she would look at all of those except the third bullet to say that they were already there. She said that she guessed that she did not know, for example, she was not picking on the Jack Jouett District, but she had often wondered how the permanent farmer's market structure with commercial use, including freezers, was allowed in the farmland area when it was initially supposed to be a tent. She said that it seemed that some things had happened that they were not aware of, as people asked her and she said she had no idea.

Ms. Mallek said that that that was a new year-round country store in a Rural Area, right there. She said that she was not sure how the process worked when everyone was now told that it was not possible, so that was a question she had. She said that she had also noticed that no winery in the White Hall District had reached out to her to express interest in opening a restaurant. She said that she knew that 15 to 20 years ago, there was a push for this, and the rules for Virginia Department of Agriculture and Consumer Services (VDACS) were quite clear, with limitations on seating, sinks, and other restaurant requirements, which could be financially unfeasible for many.

Ms. Mallek said that this was why the limitations at the Batesville store became somewhat out of control, with people bringing their own chairs to listen to music on Friday nights because they were not part of the initial 15. She said that overall, she understood how they got to this point, but financial viability remained a major concern, as evidenced by the empty lower level of the medical building in Earlysville, which sat vacant for two years before being occupied. She said that they had established that office in that location, and she believed it was due to the existing commercial zoning.

Ms. Mallek said that she would like to know what the limits would be. She asked if they were talking about large footprint gas stations or fast-food restaurants. She said that these were both things that were previously discussed in the 1980’s and 1990’s in an earlier Comprehensive Plan, because people in the Rural Area did not want them. She said that although it was possible that corporate investment and financial returns could limit these types of establishments, she did not know for certain.

Ms. Mallek said that she would be interested in learning how they could negotiate them, as these were two clear examples that kept coming back in correspondence to her. She said that given that she had not received any outreach from the wineries that they wanted to do this, she was concerned that they were revising the rules to legitimize activities that were not legally or acceptably permitted. She said that she was not interested in going there.

Mr. Pruitt said that at first glance, he seemed to align with his peers' opinions on this matter, as he saw the value in this and had some reservations about restaurants, which appeared to be distinct from some of the others. He said that he believed the criteria they established could mitigate these concerns, but that was where he stood. He said that to clarify, he understood that this discussion was separate from their previous conversation about possible Rural Area commercial use clustering. He said that he was unsure of the specific name of the day, and that they had discussed this under the umbrella of crossroads communities, but that they had a new word for it, and he had forgotten what it was.

Ms. Swartzendruber said that the new term was “rural communities.”

Mr. Pruitt said that this was a discrete conversation from that. He said that it would not be tied to a specific location; it would simply be wherever the entrepreneur felt they could make a financially viable enterprise. He said that he worried that as a community and as a Board, they sometimes took for granted the value they extracted from grandfathered nonconforming uses. He said that they were ubiquitous in their culture and community. He said that if these businesses were to close and remain shuttered for a year, or for two years, maybe someone could not make rent payments, could not figure it out, or passed away and it took time to sort out the inheritance, they were gone forever.

Mr. Pruitt said that he did not think that was good policy. He said that he believed if they had something they liked, they should figure out how to keep it and find a way to make it happen again. He said that when they looked at these types of uses, such as the rural, large animal veterinarian office or the small grocer in the White Hall district, he saw the value in them. He said that he saw the value in their constellation of businesses.

Mr. Pruitt said that if they saw the value in something, they should agree that the value was there. He asked if they saw the businesses that were currently doing it and they liked them, why would they stand in the way of allowing that to happen. He said that was where he came down on this, especially since it seemed they would still have a significant level of discretion. He confirmed that it would still be by special use permit, and that they would continue to exercise discretion and oversight on this. He said that he did not see a significant concern.

Mr. Pruitt said that the logic could still be applied to the restaurants at wineries concept, but he just wanted to note that traffic and water use were specific concerns. He said that he was not a geologist and did not know enough about how their water deposits worked, as he was often reminded when discussing this topic with individuals who had more experience with wells. He said that he was uncertain about the practicality of this concept in many locations.

Mr. Pruitt said that he was also unaware of the specific constraints and stipulations that would need to be addressed. He said that as Ms. Mallek had mentioned, he was aware that there was a significant state regulatory framework governing agritourism and on-farm winery operations, which he did not claim to fully understand. He said that he was unclear about how this framework intersected with restaurant uses. He said that his lack of expertise in this area did not prevent him from saying that he was in favor of it. He said that it was a very different area and would probably be harder for them to grapple with.

Ms. LaPisto-Kirtley stated that she firmly believed that entrepreneurship played a significant role in this, and that she was in favor of examining non-residential examples. She said that she was aware that these were only examples, and that she knew that there were other entrepreneurs out there who were developing businesses, offices, and other ventures that could thrive in Rural Areas. She said that she thought that they should promote these endeavors, rather than stifling them.

Ms. LaPisto-Kirtley said that the EDA (Economic Development Authority) was really pushing agritourism and everyone seems to bring up the wineries. She said that they could set the criteria because she did not think anyone wanted restaurants all over the Rural Area. She said that they could limit it to those who could have a restaurant. She said that the County was losing a lot of business to a winery in another county that was bringing in $8 million annually when we were bringing in $2 million annually because we did not have a restaurant. She said that there was already a location there where they grew and processed their own grapes locally and had a restaurant, rather than just serving finger food.

Ms. LaPisto-Kirtley said that she had been to one winery that was not large enough to have a restaurant, so they served oyster crackers, which she felt was not enough. She said that to be able to have a full-scale restaurant with local wine would be huge. She said that there would not be many of these, and that they would need to consider factors such as noise, lights, and water usage, and these would be subject to a special use permit.

Ms. LaPisto-Kirtley said that rather than simply saying no, she thought they should explore the possibility of allowing these types of businesses to operate. She said that it would be a great economic driver and a big boost for agritourism. She said that as she had mentioned earlier, there would be very few, because that would be very expensive, especially considering the VDACS criteria. She said that she looked forward to seeing other examples that may come through, which could potentially benefit their local entrepreneurs.

Mr. Andrews said that he wished to echo the comments made by his fellow Supervisors, but he believed that one nuance was, because they were talking about a special use permit situation, it would be beneficial to establish clear criteria that staff, the PC, and the Board could use when evaluating these special use permits.

Mr. Andrews said that for instance, the discussion about grandfathering non-conforming uses, but they should consider the implications of allowing a failed business to relocate to a different area. He said that if an entrepreneur identified a grandfathered use that had since gone out of business, it could be seen as a removal of a business from one location to another, rather than an addition to the Rural Area.

Mr. Andrews said that he thought they had discussed the importance of rural communities briefly, and locating businesses closer to rural communities might be a factor to consider. He said that the restrictions on their footprint, environmental objectives, and historic were also important factors to take into account when considering special use permits.

Mr. Andrews said that he appreciated the Piedmont Environmental Council (PEC)'s comments that there were no examples of businesses that were not appropriate, and it might be helpful to take a look at that. He said that he shared the concerns about water and traffic with restaurants, but he was open to looking at the factors and saying that that was one factor that weighed heavily against arbitrarily allowing a restaurant at an area that never had one, but that there may be ways to overcome that.

Ms. Mallek said that she was concerned about how one would justify the process of allowing some individuals to do something while others were not. She said that this was a great concern to her, as it appeared to be a form of picking winners and losers. She said that she was not sure of the answer to this question.

Ms. LaPisto-Kirtley asked for clarification regarding what Ms. Mallek was referring to. She said that she was seeking to understand whether she was referring to the same type of business or only a few individual people.

Ms. Mallek said that Ms. LaPisto-Kirtley had stated that it was too expensive, so there would only be a couple of them. She said that she was simply thinking about how to legitimize to someone how to have that be the basis for a zoning decision.

Ms. LaPisto-Kirtley said that it would be the criteria established through VDACS and the Board. She said that a tasting room would have different criteria than a restaurant. She said that if they have a restaurant, they must meet state standards, such as hoods and fans, which can be costly.

Recess. The Board adjourned its meeting at 3:09 p.m. and reconvened at 3:25 p.m.

Agenda Item No. 9. **Work Session:** AC44: RA and DA Land Use Chapter and Growth Management Policy Revisions, *continued.*

Mr. Andrews said that the AC44 chapters received in the packet were next for discussion, and they would begin with the Growth Management Policy. He said that they would then proceed to the Rural Area Land Use, and so on.

Ms. Mallek said that she wanted to reiterate that the opening paragraph should incorporate watershed protection, as it held significant meaning. She said that this issue had come up multiple times in their discussions, and she was going to keep mentioning it. She said that she believed the rest of the Board had been supportive of this idea. She said that if they required consensus votes or clarification throughout the process, she was happy to request that.

Mr. Andrews said that that was important, and the comment about adding additional history so it was clarified that it was not just incrementally changed.

Ms. Mallek said that at the bottom of page two, it listed Fire Rescue, Police, and healthcare. She said that she was unclear about what the healthcare was based on because County healthcare services were not provided in their Rural Area, and that staff could let the Board know what that determination was. She said that she had mentioned in the first paragraph on page three that they were talking about downzoning so that people would know where it came from, and she was comfortable with the paragraph on page four.

Mr. Pruitt said that to clarify, he was reviewing attachment E, which was a summary of revisions. He said that the question before the Board was whether the document revisions and additions aligned with their expectations. He said that he was looking at the first bullet point under 4 which was the Growth Management Policy. . He said that upon reviewing the revisions, he saw only three things, which appeared to be narrow in scope and did not raise any concerns for him.

Ms. McKeel said that she was confused. She asked if someone could clarify what section they were discussing.

Mr. Andrews said that Attachment E provided a summary of revisions, but since they were revising documents one at a time, they were focusing on the first document, which was the Growth Management Policy. He said that Mr. Pruitt mentioned that the revisions were already discussed in Attachment E, so they did not need to ask what was new. He said that they could still provide comments, even if it was not a new revision.

Mr. Pruitt said that he did not have any additional comments on the remaining portion of the document that he had not already addressed

Mr. Gallaway said that he was good with it as it currently stood to take out and see what kind of response they got as they continued to move forward. He said that he was happy with the draft at present.

Ms. McKeel said that she did not have a lot of specifics to pull out of the document to discuss. She said that she had made a couple of notes for herself, regarding the fact that this particular document contained a lot of valuable information for the public. She said that she had hoped to have a more in-depth discussion about this publicly because she thought it would be good for the public to hear some of this information. She said that it tied back to their broader discussion that day and why they had addressed certain issues; the information and data.

Mr. Gallaway said that he missed a note he had taken regarding page three of the official document, which was part of the Growth Management Policy. He said that he believed it may be best addressed with the budget. He said that according to the document, if one referred to page three, there was a section that summarized updates to the policy text, which included three to four bullet points.

Mr. Gallaway said that the third bullet point mentioned adding language for small-scale businesses and limited public services in the Rural Area. He said that both Development Area and Rural Area residents frequently used these services in certain ways. He said that when he read "limited public services" in quotes, he was unclear about its meaning and definition.

Mr. Gallaway said that he was calling out the language, as he did not expect others to be familiar with it unless it was clearly defined. He asked when programming resources or determining where tax dollars were allocated, how they were doing in some of these types of language and phrases that they put into other guiding documents.

Mr. Andrews said that his only comment was what Ms. Mallek had already stated, which noted that the history section was too short and should include a description of the 1980 referendum.

Ms. Swartzendruber said that the first part of AC44, currently being written, did contain a significant portion of the history in that section.

Mr. Andrews said that the concern was that this particular chapter used that as a discussion point, going from 48 to 23.8, and it misleadingly implied how that change occurred.

Ms. Mallek said that it read like it was being used as a club, and without mentioning the background, which was what concerned her.

Mr. Andrews said that next, they would discuss the Rural Area chapter.

Ms. McKeel said that she would like to start with a question regarding Action 1.1, commercial forestry operations. She said that she would not go through each point, but she was curious about this specific action. She said that in her experience, commercial forestry operations often resulted in moonscapes, with at least several examples that she was aware of. She said that one notable example was the land for a solar farm they had approved. She said that she understood that this was not happening everywhere, but she was wondering about the process for managing commercial forestry operations. She asked if it was correct that the end result was timbering.

Ms. Swartzendruber said that she was not familiar enough with that particular industry.

Ms. McKeel said that she was probably bringing up a topic that she should not bring up at that time, but she got concerned when she saw the outcome of timbering, which resembled the moonscape they had observed in the southern part of the County. She said that when she visited New Zealand, where timbering was their world, that they had specific processes in place, and as one drove down the road, they saw a forest, followed by a plot of land that was in the next stage of timbering, so there were only stumps. She said that the industry was very organized, and that it did not just leave moonscapes. She said that she was seeking clarification on this.

Mr. Bart Svoboda, Deputy Director of Community Development, explained that the regulations were different. He said that in essence, the best management practices through the state were followed for forestry, which was how this process worked.

Ms. McKeel said that therefore, the County had no control over that. She said that it was a sad reality, and many others were aware of it because they had a deeper understanding of forestry or commercial forestry.

Mr. Svoboda said that there were certain things they needed to do and that they did and did not do, like rough stumps and leaving saplings, and they must plant sprigs. He said they did not have a rotation cycle like rotating crops, like other crops that were planted.

Ms. McKeel said that that was what she saw in New Zealand, and it was truly wonderful. She said that she also found it interesting that they logged their steep slopes with helicopters. She said that she found Mr. Svoboda’s answer very helpful and helped cut to the chase.

Ms. McKeel said that regarding Action 1.3, it mentions established routine annual meetings with the University of Virginia and the University Foundation. She said that she thought that was a great idea. She said that she would hope that with those annual meetings, which she supported, they might be conducted through the Land Use Planning and Environmental Committee (LUPEC). She said that she would want to ensure that updates were provided, especially to the Board of Supervisors and also to the public, as they were already receiving updates from LUPEC.

Ms. McKeel said that moving on to Action 2.1 through Action 2.4, for herself, her preference was to adopt the Chesapeake Bay Ordinance. She said it cut to the chase and got it done. She said that given the current climate with federal-level uncertainty, this was already established and was their best bet. She said that smaller counties had successfully implemented this, and that it simplified the process and provided clear criteria, allowing them to adopt it without having to incrementally recreate what staff had already spent time and resources on. She said that it was not that staff would not be involved, but she thought it made the process clearer for the public.

Ms. McKeel said that the text of Action 2.3 discussed evaluating special use permits as identified in the Biodiversity Action Plan, or, alternatively, if a species had been designated as endangered by the U.S. Fish and Wildlife Service. She asked if the recommendation was to use both approaches. She said that she was consistently seeking ways to simplify their processes without compromising the importance of their actions. She said that, therefore, her question was whether the Biodiversity Action Plan localized it more for the County.

Ms. Swartzendruber said that the idea here was to acknowledge that species could fall on or off the endangered list.

Ms. McKeel said that this approach would make it more relevant to their local community, as they were really examining what they might have in this area.

Ms. McKeel said that regarding Action 3, whether they should reactivate the Acquisition of Conservation Easement (ACE) Program, as she had mentioned previously, this was a budgetary decision, and she would like to discuss it during the budget cycle. She said she was not automatically going to agree to this, as it appeared to be a recurring expense for each year. She said she was not interested in supporting it at this time. She said she had questions about the other actions, but in an effort to save time, she would summarize that the ACE Program was a budgetary decision and that she was not interested in supporting that section at that time.

Ms. McKeel said that Action 5.1 worked for her. She said that regarding Action Item 7, she was unsupportive of looking at the Shadwell plan. She said that she believed the Yancey Mills plan was a better option due to the agriculture in that area and the potential for tying in with agricultural industry. She said that seemed like a better location if they were talking about the interstate interchanges.

Mr. Andrews said that regarding Action 7.4, there was a map that was at his location that showed the areas being considered for interchanges were smaller than what was shown in the earlier draft. He said that the first interchange, the Shadwell interchange, was marked with the dashed line, and was smaller than previously displayed in their packet.

Mr. Gallaway said that in the interest of time, he did not have any major concerns to address here. He said that he wanted to bring up a point regarding page five. He said that the section discouraging new residential development in terms of subdivisions, rather than just residences, because in the bullets it said discouraging residential growth and development and the related demand for increased public services.

Mr. Gallaway said that this was because the idea was that increased population density led to increased demand for services. He said that he wanted to make the point that they had been discouraging new residential development in the Rural Area for quite some time, and the increase for public services had only increased, which was unrelated to population density. He said that he brought this up to avoid buying into the assumption that population density was the sole driver of increased demand for public services. He said that the reduction of volunteerism in the Rural Area had increased the demand for public services.

Mr. Gallaway said that the section on the source of predictable funding for easement purchases seemed to be a budgetary decision rather than a Comprehensive Plan item. He said that it was clearly a budget decision because of how they had handled it over the past four or five years. He said that he was open to including land conservation programs, but if they included this section, it implied that they would budget for it annually. He said that he had a problem with that.

Mr. Gallaway said that similarly, the affordable housing chapter did not explicitly state that they would source predictable funding for affordable housing initiatives. He said that he was calling out to those who would like to see this phrase included, as they would be discussing this in other places as well, where they needed to source predictable funding. He said that this statement was intended to convey that they would take action, without any qualifiers about budgetary constraints or future decisions. He said that he was uneasy about planning documents making budgetary or budget-type decisions.

Ms. Mallek said that on page five, she noticed a bulleted list that mentioned encouraging the use of distributed power sources. She said that she was unclear whether this referred to private property for personal use or if it was related to utility solar without using those terms. She said that she was specifically trying to understand the third bullet point from the bottom of page five.

Ms. Swartzendruber said that the statement was that they would encourage the use of distributed power sources to enhance the reliability of power.

Ms. Mallek said that she was unclear about the County's role in encouraging people to install solar panels in their backyards, but she supposed it was fine. She said that she was wondering if there might be a program she was not aware of, but she was not sure.

Ms. Mallek said that regarding the last bullet point about adjusting the Development Area boundaries, the Board had made it clear several months ago that this decision would not be part of the Comprehensive Plan, yet it kept appearing. She protested this because the Board had made its decision, and perhaps they needed a vote.

Ms. Mallek said that she would like to discuss marketing local foods. It was not dependent on the factors mentioned, but it was helped by them. She said that in fact, there were many direct sales and sales that had taken place here historically. She said that this was creating a problem where there was not necessarily one. She said that she was also concerned that they keep the scale of things in mind, such as where it was appropriate, so as not to be a burden to the neighborhood.

Ms. Mallek said that regarding 1.1, adding biodiversity was an essential consideration that they had mentioned several times. She said that it was important to have that in the list. She said that on 2.1, they had discussed the need for a clearer description of the 21-acre minimum and five 2-acre exemptions because for smaller lots, it was the five 2-acre exemptions that would count, not the 21-acre minimum. She said that this left little guidance for smaller developments, such as those with fewer than 50 acres. She said that that was why she continued to bring up the use of language from 1980, as described by Bill Fritz, which clearly stated that the minimum was 21 acres, with five 2-acre exemptions possible on some lots. She said that it was not a two-acre minimum, but rather a 21-acre minimum, and using this language would help people understand.

Ms. Mallek said that someone had already mentioned 2.3; if they had the authority to do it for all building permits, she would be happy. She said that she believed that everyone needed to buy into doing their bit.

Ms. Mallek said that on page 10, 3.1, they talk about climate, but without continued conservation efforts, they would not be able to have a climate program that was affordable and meaningful. She said that she hoped they would continue to value the ecological benefits of conserved land, well-managed open land, and forestry land. She said that she did not consider the third bullet point a must-do. She said that Comprehensive Plans were aspirational and that she had always understood them to be so. She said that if they could, in the future, she would be delighted to revisit dedicated funding for this purpose; however, she did not see that happening that year.

Ms. Mallek said that scale was a significant concern in Action 4.2, as a moderate-sized processing plant was one thing, but a concentrated animal feeding operation (CAFO) with a processing plant on the side posed a much greater impact on roads, water, and neighboring communities. She said that the situation in Mr. Pruitt's district, where 12,000 turkeys or chickens were raised, was a clear example of this.

Ms. Mallek said that in Action 4.3, performance standards and special permits were necessary to protect the workers who would be living in the housing. She said that in Action 4.4, this was another situation of scale. She said that she was not interested in implementing regulations on small-scale, local businesses, such as kitchen-based jam makers, craft people, or Chuck Pinnell, the renowned leather crafter. She said that there were four big locations which had a significant impact on their surrounding area.

Ms. Mallek said that regarding 5.1, "if adaptive reuse was not feasible" was a concerning phrase because it implied that it was acceptable to buy something and tear it down. She said that if they did not intend to maintain it, then they should not purchase it. She said that she would wholeheartedly support the renovation of the historic structure. She said that if it was not feasible due to various factors, including critical slopes, it would lead them down a path that she worried about.

Ms. Mallek said that the last line in Action 5.1 had been mentioned before, and she thought it was essential to consider that some uses should be prohibited. She said that it was not just about meeting performance standards for any project, but there must be boundaries on what could be done.

Ms. Mallek asked whether Action 6.2 included glamping. She said that glamping had not been successful in the past when people attempted to bring something that was entirely on top of the land. She said that if that was something that could be included, there was no attachment to the property at all.

Ms. Mallek said that on page 12, the last bullet at the top, economic vitality for heritage properties. She said that this was somewhat related to what she had previously mentioned. She said that it was not the County's responsibility to ensure that buyers made a profit when purchasing heritage property. She said that she would leave it at that. She said that she did not think they should guarantee that to anyone.

Ms. Mallek said that emphasis in Action 7.1 on schools, firehouses, parish houses, country stores, and existing buildings where people gathered could be improved. She said that after the 2011 derecho, they had discussed improving firehouse facilities to make them better gathering places during power outages, such as the 99-degree heat for seven days where people could go get a shower. She said that this was what she had in mind when discussing resilience hubs in existing facilities rather than building new ones.

Ms. Mallek said that she would strongly oppose starting what was mentioned in Action 7.3 again, as they had been stuck on this issue several years before and had made little progress. She said that she hoped they could set this aside and consider each proposal on a case-by-case basis as a landowner came forward.

Ms. Mallek said that regarding Action 7.4, she was not pleased about taking up either one of the exits. She said that the work had been completed in 2015 on Yancey. She said that this area fell within the drinking water watershed. She said that the map indicated that the white area below the blue sloped directly down to Stockton Creek, which then flowed into the Mechums, and ultimately into the Rivanna. She said that that would need to be considered if they were thinking about doing anything in that white zone.

Mr. Pruitt said that reviewing the list of changes, he did not see anything that he would disagree with. He said that he would like to offer a few brief comments. He said that he respectfully disagreed with Ms. Mallek on the adaptive reuse element. He said that he appreciated the narrowly-construed caveat carve out in that action item that would allow for the demolition and reconstruction of a historic building, provided it could not be used for the new purpose.

Mr. Pruitt said that this was because he feared that if a historic building could not be repurposed, it may contribute to additional rural blight. He said that if a building was not viable for its original purpose and could not be repurposed, he worried that it may be left to decay, and they would ultimately be responsible for its destruction, as had happened in some instances in the Rural Area recently. He said that he would respectfully push back on that one piece.

Mr. Pruitt said that additionally, an issue that the public frequently inquired about, and it was something he was passionate about, was regarding the preservation of rural communities, Action 7.2, which he believed were essential to the thriving success of their Rural Areas. He said that during a recent visit to one of their neighboring communities, he had the opportunity to discuss this issue with Supervisor Reed in Nelson County, and they met at the Rockfish Valley Community Center.

Mr. Pruitt said that Nelson was primarily a Rural Area, but it had a network of small, private non-profit community centers that were not currently receiving government support. He said that these centers were low-impact and offered various services, such as a coffee shop, multiple rooms available to rent for events, a small restaurant, a mineral store, and a thrift store, all compactly contained. He said that they served as a focal point for the community in this Rural Area, which was a truly excellent initiative.

Mr. Pruitt said that he believed they had similar examples in their community that had emerged incidentally. He said that one example that came to mind was the crossroads in the Samuel Miller district, particularly Dr. Ho's Pizza, which was doing something similar. He said that it would be great if they could intentionally develop projects like this. He said that he wanted to reiterate his strong support for this concept, and he would like to emphasize it from the dais.

Mr. Pruitt said that he knew that some community members may push back on this idea, and he wanted to acknowledge the valuable input from those who opposed it. He said that their concerns should be heard and considered. He said that he also wanted to highlight the needs of the hundreds of rural residents who would benefit from a community center or similar gathering space, where they could socialize and access opportunities available in other communities. He said that was his little flag in the ground on this.

Ms. LaPisto-Kirtley said that she did not disagree with Mr. Pruitt's comments. She said that regarding Action 3.1, she agreed on not having source predictable funding for easement purchases. She said that she was in favor of reconstituting the ACE Committee. She said that she had received numerous questions and concerns from her constituents regarding this issue, and she believed it was essential to include the completion of the scoring system. She said that this was a missing component from the previous ACE Committee, and she believed it needed to be instituted, as it would greatly benefit the process. She said that she understood that it was a budget issue, and she agreed with that.

Ms. LaPisto-Kirtley said that for Action 4.5, she understood that it stated that if a special event was held on a historical property or heritage property, ingress and egress onto a VDOT road was required. She suggested revising this to allow for the possibility of doing this by right or special use permit.

Ms. LaPisto-Kirtley said that regarding Action 7.4, develop the small area plan, she agreed and upon reviewing the plan for Shadwell, she did not see any agricultural or silvicultural-related industries available in that area. She said that she appreciated the revised map, because that was causing anxiety among residents due to concerns about sprawl. She said that upon examining the map, the red area, located at the upper right-hand corner, was already designated as highway commercial, with the Comfort Inn and three adjacent homes nearby.

Ms. LaPisto-Kirtley said that the circle now extended to Hunter's Way, which was where the UPS facility was. She said that she would like to see the subject area narrowed to the Comfort Inn, the three homes adjacent to it, and the area south of that, including Lego Drive South and the Coors building. She said that this area was already designated as highway commercial and that studying it would demonstrate that they were not expanding further east. She said that in her opinion, narrowing the study area would be the most effective approach if they were going to do it. She said that her preference was not to do the study at all; however, if they were going to proceed with the study, she recommended limiting it to this specific area.

Ms. LaPisto-Kirtley said that she had one other question for Ms. McKeel. She asked if the forestry practices she had observed in New Zealand were so different because Albemarle's local forestry areas were owned by different people.

Ms. McKeel said that no, the land was all owned by the government.

Ms. LaPisto-Kirtley said that she wanted to confirm that she was not suggesting eliminating forestry, which was a big industry.

Ms. McKeel clarified that her main concern was about some of the moonscapes that she had seen following timbering operations.

Mr. Andrews said that he would like to reiterate Ms. Mallek's comment about taking out the considerable adjustments to Development Area boundaries on page five of the list of bullets. He said that that was discussed elsewhere, and he did not want to suggest that that was what they were trying to do here. He said that he was better with the map. He said that the way that he treated the bullet points, such as "update the zoning code," was that they did not mean they needed to discuss the details of those updates now; there would be time for that when the updates were presented to them.

Mr. Andrews said that he would like to comment on sourcing predictable funding for easement purchases. He said that in the past, they had often leveraged external funds for this purpose, and he believed they were trying to identify ways to do this again.

Mr. Andrews said that he had a concern regarding Action 4.1, and he may be the only one on this point, but the mention of using land conservation tools to reduce the conversion of rural land to residential and commercial, that large-scale utility jumped out at him as contradictory to what they said elsewhere about how they reviewed these projects. He said that he was not sure why this was treated the same as reducing conversion.

Mr. Andrews said that additionally, he had a concern about Action 5.1, as it was referenced a page number that had changed from one document to the next; if they were going to list a page number, they needed to be careful to ensure accuracy.

Ms. McKeel said that regarding the document page numbers, if they could include a date on the drafts, it would greatly facilitate referencing and would be very much appreciated.

Ms. Swartzendruber said that she would like to request clarification on the Shadwell study. She said that she was under the impression that there was a split opinion on whether to study it, with some members expressing a desire not to pursue it and others not commenting on the matter. She said that she would appreciate guidance on whether staff should proceed with the Shadwell study or not.

Mr. Andrews said that this was referring to Action 7.4, with the new study areas described on the map.

Mr. Gallaway said that he did not think that they should remove either option. He said that he believed that they should be studying both, as they were presented. He said that in his previous comments, he had expressed a preference for Shadwell over Yancey, but that was a one-time consideration, focusing on the order of implementation. He said that he thought that both should happen, and that he did not feel strongly about which one should be prioritized.

Ms. McKeel said that she would prefer to start with Yancey, but she agreed that both should be studied.

Ms. Mallek asked if the consideration now was to change the map area, given that the proposal to modify the map in the top section had led her to realize that removing the white area below the blue in Yancey would remove the critical resources in that section, rendering the study more meaningful. She said that the steep slopes and watershed, and there was no use in spending a lot of time or effort or community upset where it would not be prone for this kind of use.

Ms. Mallek said that the blue area, which was the active lumber yard, clearly demonstrated the commercial timber operations prevalent in Albemarle and surrounding counties. She said that if a vote on map changes was necessary, that was acceptable, but if they wanted to revisit this at a later time, this was what she was putting on the table for now.

Mr. Pruitt said that when he stated that he had no comments on the revisions as presented, that included this. He said that he was in agreement with proceeding with the study, with the prioritization order and boundaries listed.

Ms. LaPisto-Kirtley said that she preferred to eliminate the study, at least for Shadwell, because the potential for sprawl was causing significant concern. She asked if the red line on the map was a new addition.

Ms. Swartzendruber said that was for discussion purposes as a potential means of narrowing the area. She said that it was not intended to be taken as a final proposal.

Ms. LaPisto-Kirtley said that if the Board decided that a study was necessary, she would definitely support the red line going west to that smaller area. She said that her first preference was to remove it altogether, rather than conducting a study.

Mr. Andrews said that he was in favor of studying the areas and appreciated the new designation. He said that he hoped the study would take into account any sensitive environmental areas, such as the I-64 area in Yancey, which extended significantly beyond the intersection. He said that he was not sure why this area was all being considered an interchange area at that point. He said that he believed the study could help address some of the concerns. He said that if they study it and appropriately do it, he thought that they could determine how to avoid sprawl and instead utilize the land more effectively.

Ms. LaPisto-Kirtley said that she would like to bring to attention the large area in both Yancey and Shadwell, which is predominantly rural. She said that the concern was that this area may attract commercial and light industry, which would push the Development Area border, and the Board had been against doing that.

Mr. Andrews said that the Board had another presentation scheduled at this time. He said that if they proceeded with the presentation, they would need to revisit this discussion on the Development Area chapter and the community design guidelines at a later time. He said that if that was acceptable to staff at this point, he proposed that they move forward with the next item.

Agenda Item No. 10. **Presentation:** Presentation on Conservation Easements.

The Executive Summary forwarded to the Board states that on January 8, 2025, the Board of Supervisors discussed the Rural Area Land Use Chapter of the AC44 Comprehensive Plan. During this discussion, several board members expressed an interest in a presentation about the uses and impacts of conservation easements in Albemarle County.

At the February 19, 2025 meeting, County staff will present an overview of conservation easement programs in use in Albemarle County. The presentation will include a review of each conservation easement program, including its purpose, methodology, and benefits, and describe the financial implications of the easement programs. As a part of the presentation, County staff will explain the differences between conservation easements and the land use taxation program.

There are no budget impacts associated with the presentation.

This is for presentation purposes only. No action of the board is required.

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Ms. Jodie Filardo, Community Development Director, said that she and Peter Lynch, County Assessor, were present that day to discuss a request from the Board to summarize conservation easements, their purpose, and a brief history. She said that she would provide a general overview of conservation easements and the various types they had in the County, then she would hand it over to Mr. Peter Lynch to explain the financial implications.

Ms. Filardo said that conservation easements involved Rural Area parcels, and they would focus on three primary areas of consideration. She said that first, they had regular parcels not part of a conservation program. She said that next, they had periodic conservation easements that were periodically reviewed based on a time limit. She said that these included Ag-Forestal District parcels and parcels held in open space use agreements. She said that finally, they had parcels in permanent conservation easements. She said that based on the type of conservation placed on these parcels, they imposed varying levels of restrictions and protected different things in each type of easement.

Ms. Filardo said that the Ag-Forestal Districts restricted small lot development rights, open space use agreements restricted all development, but these were temporary restrictions, and conservation easements generally restricted all development and were permanent. She said that to better understand conservation easements, she would delve into their nature. She said that conservation easements were permanent legal agreements between a landowner and an easement-holding organization. She said that they would discuss the easement holder organizations in Albemarle County in more detail shortly.

Ms. Filardo said that the purpose of these easements was to protect rural open space and resources, whether natural or historic, in the Rural Area. She said that easement holders could either accept a donation of land or purchase the development rights through programs like ACE. She said that the easement holder was responsible for enforcing all restrictions associated with those easements. She said that the legal authority was based on Virginia state law, and the parameters must comply with their Comprehensive Plan.

Ms. Filardo said that she would now walk the Board through a constructed example to illustrate this concept. She said that they would be discussing areas outlined on the slide in the yellow lines. She asked them to assume these were three separate parcels owned by the same person. She pointed out the parcel at the top, then a larger parcel under it, and one smaller parcel located to the east. She said that if each of these parcels had five development rights in 1980, when they granted small lot development rights, the total number of potential small lot development rights for the three parcels would be 15.

Ms. Filardo said that with their easements, they could limit the number and size of dwellings. She said that also on the map, she added additional features to this parcel to demonstrate how they could limit development. She said that the blue area was a floodplain, and the white area was a forested area. She then indicated the location of the no-build area above that and said that it was part of the watershed of South Fork Rivanna and had riparian buffers. She indicated in the white area where it was designated as high-priority habitat, potentially limited through the Biodiversity Action Plan, and in the largest parcel where it was limited due to a setback requirement from a scenic byway.

Ms. Filardo said this illustrated how they could limit development in Rural Areas on large parcels. She said that all of these areas could be considered floodplains, critical slopes, historic sites, or mountain protection areas, or be adjacent to other easements.

Ms. Filardo said that as she had mentioned earlier, they had compiled a list of the easement holders within Albemarle County. She said that the Virginia Outdoors Foundation was the largest, which should come as no surprise. She said that the County itself, or rather, the Albemarle Conservation Easement Authority (ACEA) was also an easement holder. She said that ACEA held both ACE easements and donated easements, and it was their second-largest easement holder. She said that in addition, there were eight other easement holders. She said that in total, these easement holders held 603 easements that represented 1,481 parcels of land, covering approximately 109,000 acres - about 25% of Albemarle's Rural Area.

Ms. Filardo said that to clarify the difference between ACEA and ACE, ACEA was a County-established easement holder that accepted donated easements from individual property owners or held easements purchased through the ACE program. ACEA was founded in 1989 and was funded by the Virginia Land Conservation Fund to a limited extent. She said that the Board appointed authority members to govern this program, who work with easement holders to provide reciprocal support, including research or on-site field work to ensure compliance with easement obligations. She said that they currently held easements totaling 32,528 acres.

Ms. Filardo said that the ACE program, established in 2000, was a County-funded initiative that purchased development rights for lower-income landowners who could not benefit from tax credit programs or donations. She said that they currently held 52 easements across 113 parcels totaling 9,623 acres.

Ms. Filardo said that the Board had previously raised questions about the effectiveness of the ACE program in achieving its intended goals. She said that based on their research, it appeared that 70% of the properties acquired through the program were still held by the same families. She said that this suggested that the program has been successful in its objectives. She said that nearly 81% of the participants come from the lowest two income brackets, with incomes under $65,000. She said that they had also leveraged over $2 million in state grants to reduce the County’s cost of purchasing those easements.

Ms. Filardo said that these easements supported the Comprehensive Plan goals, as they protect their public water supply, maintain their agricultural and forest economy, preserve scenic landscapes for tourism and historic preservation, limit scattered development, thereby reducing demand for services and infrastructure, and maintained rural land cover for climate action privileges.

Mr. Peter Lynch, County Assessor, said that he was present because he handled both the land use program and administered it, so he was somewhat versed on how these programs affected the taxation of properties. He said that he would like to share that with the Board. He said that he would like to discuss the various programs that Ms. Filardo shared with the Board, including Ag-Forestal Districts, open space use agreements, and conservation easements. He said that these were all tools in their toolbox, along with Rural Area zoning, to control development in Rural Area.

Mr. Lynch said that one of the major effects of conservation easements on County finances was that properties under conservation easement were typically assessed at land use rates. He said that in most cases, this resulted in a significant reduction in assessed value, with the majority of properties being assessed at land use rates rather than market value. He said that this reduction in assessed value translated to lower taxes collected on properties under conservation easement.

Mr. Lynch said that conservation easements could have a positive impact on the local composite index, as opposed to the same parcel being under the land use program, which he would demonstrate in his examples. He said that he would like to connect these programs to land use programs, ensuring they understood how those different things connected, because they were not the same thing. He said that regular parcels not in a conservation program may be assessed at market value or under active uses like agriculture or forestry, which could qualify them for land use designation.

Mr. Lynch said that they also had parcels under Ag-Forestal Districts and open space use agreements, which were temporary programs from which they could be removed from the program and were not permanent like conservation easements. He said that these parcels could either be fully taxable or qualify for agriculture, forestry, or an added open space category of land use. He said that under these two programs, parcels could qualify for any of the four categories: agriculture, horticulture, forestry, and open space, as long as they met the minimum acreage requirements. He said that alternatively, they may not be part of the land use program at all.

Mr. Lynch said that conservation easements, as he mentioned earlier, were typically assessed at land use rates, except for a small number of cases where the reduction in value due to the restrictions was assessed. He said that in some instances, the value was reduced by 50%. He said that for the majority of parcels, however, they were assessed at land use rates.

Mr. Lynch said that the state enabled the land use taxation program, and the Board in the past had adopted all four categories for the County. He said that this was a temporary reduction in taxes, a deferment created by the program, and if the use ended or the qualification ended, rollback taxes would be assessed. He said that the key difference between these programs and conservation easements, which were permanent, was that there could be rollback taxes. He said that with a conservation easement, there was never a rollback because the qualification could never end.

Mr. Lynch said to illustrate the difference, he would show a map of a 35-acre parcel, which included a two-acre home site and 33 acres of active forestall and agricultural use, qualifying it for land use. He said that this parcel also contained five small-lot development rights.

Mr. Lynch said that as they could see in the picture, the parcel already had a house on it, allowing for the construction of four additional structures and the subdivision of parcels as small as two acres for those structures. He said that this was the ability they were trying to restrict through their land use program. He said that there were no 21-acre parcels available for by-right subdivision due to the parcel size. He said that for this example, the home site valued at $100,000 was worth $100,000 in value. He said that the residual land, if this parcel were not under land use, would be valued at the market value of $15,000 per acre. He said he would provide further details in a moment.

Mr. Lynch said that on the land use side, they would assess the agricultural portion, which in this case was 10 acres, at $300 per acre, as set by the State Land Evaluation and Advisory Council (SLEAC). He said that the same applied to the forestry, with 23 acres valued at $504 per acre, a value set by SLEAC. He said these values were based on the state land evaluation guidelines, known as SLEAC, which were set by the state law and analyzed by a group at Virginia Tech for all jurisdictions in the Commonwealth. He said that when he mentioned SLEAC, he was referring to this source. He said that they were required to consider these SLEAC values, and in Albemarle’s case, they adopted them.

Mr. Lynch showed an aerial photograph of the example parcel. He said that the circle showed the home site, approximately a two-acre area valued at $100,000. He said that if this parcel were not in land use, its market value would be $595,000, based on the residual land valued at $15,000 per acre times the 33 acres. He said that the total value would be $595,000, and the assessment would be approximately $5,081 based on the overall land assessment.

Mr. Lynch said that they were ignoring improvements because, regardless of whether the parcel was in a land use designation, conservation easement, or regular taxable status, the improvements would be taxed and valued exactly the same way. He said that for this example, he was focusing on land. He said that the true tax value they reported to the state, which matched the market value, was $595,000. He said that this was the amount listed in their land book.

Mr. Lynch said that the next example involved valuing this parcel under land use. He said that it did not matter if it was used for active forestry and agriculture, or if it were in an Ag-Forestal District receiving open space, the valuation would be the same. He said that the agricultural areas, as indicated by the arrows, could be used for hay production, cattle, horses, or any other active agricultural use. He said that they were assuming a qualified use for this example. He said that the forested areas were valued at 10 acres of agriculture and 23 acres of forestry, plus the 2-acre homesite. He said that the total land use value, based on the SLEAC rates, added to the $100,000 homesite value was $114,600. He said that this parcel would be assessed for taxes at $114,600 annually under land use, with taxes of approximately $979. He said that however, when they reported this value to the state, the true tax value for the local composite index was $595,000, the full market value of the parcel.

Mr. Lynch said that his third example involved valuing this parcel under a conservation easement. He said that they would value the homesite at $100,000, and the remaining 33 acres would be valued based on the same land use rates as if they were actively qualified for forestry and agriculture. He said that the taxable value would be the same as if it were under land use, and the calculations were the same. He said that they came up with $114,600 with the annual taxes of $979.

Mr. Lynch said that the difference was, when they reported to the state, the true tax value on their land book was $114,600, instead of $595,000. He said that as a result, when calculating the local composite index, they used the full true tax value. He said that for parcels in land use, they used the full market value. He said that for parcels under conservation easement, they used reduced land use values. He said that this difference lowered the true tax value, thereby increasing their share of the LCI (Local Composite Index). He said that a lower true tax value would increase their share.

Mr. Lynch said that it was a positive outcome in terms of the County’s local school funding, but that it was essential to note that they were receiving less actual tax revenue on both parcels in land use and parcels under conservation easement than they would if they were assessed at full market value. He said that this presented a trade-off. He said that there was a cost associated with these programs, but they worked in two different ways, affecting local taxation and the LCI.

Mr. Lynch said that before proceeding with questions, he wanted to add a few points. He said that they had discussed Ag-Forestal Districts, and they would be discussing them further that evening. He said that several emails had been sent to the Board and the Ag-Forestal Committee, including some that were sent directly to him since he was on the committee. He said that there had been a lot of information circulating, which may be causing misinformation or misunderstanding about Ag-Forestal Districts and how they worked. He said that he had run some calculations he had provided to the Ag-Forestal District Committee several weeks ago to address this issue.

Mr. Lynch said that many of the claims being made were incorrect, including the notion that reducing the number of parcels in Ag-Forestal Districts would increase development in Rural Areas and would limit agriculture and prevent forestal activities in those areas. He said that none of that was true. He said that that evening, they would be discussing the removal of parcels with no development potential.

Mr. Lynch said that some information he had provided to the Ag-Forestal District committee was that only 8.7% of the land they qualified in Albemarle County for forestry and agriculture was actually located within an Ag-Forestal District, and that 91.3% of land that qualified for agricultural and forestry was outside of Ag-Forestal districts. He said that this did not include any of that activity that might take place on conservation easement land. He said that he wanted to share this information with the Board to provide context, as this was one of the tools they used to restrict development in the Rural Areas.

Ms. McKeel said that she had come to realize that some of the information she had gained over the past few years may be inaccurate. She said that she believed it would be beneficial for the Board to have a refresher on this topic periodically to ensure everyone was on the same page. She said that the state law set the values, which were established by the organization in Virginia Tech. She asked what the name of that organization was.

Mr. Lynch said that it was the State Land Evaluation Advisory Council (SLEAC).

Ms. McKeel said that she had a question on page six. She said that the ACEA program was self-regulating. She said that the authority members governed the program, which she would consider self-regulating. She asked if that was correct.

Ms. Filardo said that, yes, the Board had appointed members to the ACEA.

Ms. McKeel said that they then worked with the holders to provide support.

Ms. Filardo confirmed that was correct; that support could also involve ensuring that easements and the regulations associated with those easements were adhered to on individual properties. She said that they actually had one part-time staff member in her department who conducted field inspections of these easements to verify that no unauthorized structures were being built, or that the forest was not being removed or altered in any way, as specified in the conservation agreements.

Ms. McKeel said that this answered her question, as she was trying to determine who was overseeing and ensuring that the intended process was being followed. She said that she understood now that it was a staff person responsible for that. She said that she had a broad question. She said that they had multiple rural and zoning requirements in place, which included ordinances and regulations that protected lands.

Ms. McKeel said that these regulations stated that certain actions could not be taken, such as building or altering the existing structure. She said that from a high-level perspective, she would like to understand how these multiple layers of protection worked together and why there were so many layers in place. She said that she understood the purpose of these protections, but she was curious about the redundancy that existed among them.

Mr. Lynch said that there were redundancies in this. He said that when it came to Ag-Forestal Districts, the inclusion of parcels that did not have any development rights was unnecessary, as the zoning already restricted the ability for them to develop.

Ms. McKeel said that she was wondering why they did that then. She asked if the advantage outweighed the redundancy.

Mr. Lynch said that he did not want to step on the Community Development Department's toes, but he believed there was a historical context worth considering. He said that in the past, there was a desire to place a large number of parcels in Ag-Forestal Districts. He said that these districts were popular in the 1970s for reasons such as blocking road takes and other purposes. He said that it was very popular at the time, but over the past 50 years, many things had changed, and he believed that the Ag-Forestal Districts may not be as useful as they once were.

Ms. McKeel said that helps clarify things for her, as she had been trying to understand why there was so much redundancy and layering in the process. She asked if Mr. Lynch could clarify the context of these districts.

Mr. Lynch said that the actual districts were developed in the 1970s, originally. He said that over the course of the 1980s, they were further refined. He said that he was not certain how the latest ones were established, but his understanding was that protection for road takes was one of the primary motivations for placing parcels in the Ag-Forestal District at that time.

Ms. McKeel said that just because something was historically necessary did not mean it remains relevant today. She said that the Virginia Department of Transportation (VDOT) and the commissioners had been clear that those land takes would no longer occur. She said that while there was no guarantee, they had been explicit about it because they could no longer afford it. She said that they would rather not engage in costly battles with localities, and it was likely a more efficient approach.

Ms. McKeel said that she appreciated the clarification. She said that it seemed they were acknowledging redundancy, and the Ag-Forestal piece was less useful than it once was, mainly due to its historical significance. She said that she had heard from the community that they were preserving something without development rights, which was unnecessary. She asked if Mr. Lynch could address that.

Mr. Lynch said that the purpose of their discussion that evening was to remove parcels that did not have development rights included in Ag-Forestal Districts. He said that they aimed to follow the County code, which stated that only parcels with those small lot development rights could be included in Agricultural-Forestal Districts. He said that therefore, the move that evening was to remove parcels that did not have development rights.

Ms. McKeel said that they had individuals who were very careful to ensure they no longer qualified.

Mr. Lynch confirmed that was correct.

Ms. McKeel said that this was a fairly recent development, but she was unsure.

Mr. Lynch said that if she was referring to ensuring that parcels did not have development rights, which was part of the conversation they had five or six years ago before the Board. He said that at that time, they only had enough information to determine the development rights for parcels in the open space category, as it required significant research. He said that the Community Development Department and Scott Clark undertook that work and determined the development rights for open space parcels.

Mr. Lynch said that since then, they had expanded their capabilities, and through collaboration with the County Attorney's Office and the County Executive's Office, they had determined that it was essential to follow the County code, which stated that no parcels should be allowed in these districts without development rights. He said that as a result, they had expanded their capability to conduct development rights checks on all parcels before they came up for district review.

Mr. Andrews said that he wanted to interrupt for a moment because they had a public hearing tonight on these districts. He said that given that there would be a number of people present, possibly speaking at the public hearing, he thought it would be best to postpone any extensive discussion about small-lot development rights and Agricultural-Forestal Districts review until that evening, so that the public could hear it.

Ms. McKeel said that she had one more question to clarify. She said that to help her better understand, could staff please provide a high-level overview of the differences between the programs that affected the Local Composite Index.

Mr. Lynch said that parcels under the land use program were assessed at both market and land use values to determine the deferred amount in the event that rollback taxes needed to be assessed. He said that as required, they would report the full market value to the state, which would be the number used to determine the LCI. He said that they would then tax at the lower land use amount. He said that in contrast, conservation easement parcels were only valued at the reduced amount, and what they reported to the state was that reduced value.

Ms. McKeel said that the local composite index is affected or not affected by the different programs. She said that it was amazing how attorneys had different answers to this issue.

Mr. Lynch said that he understood that when discussing the County Attorney's Office, the law encompassed all open space, which meant that the Ag-Forestal District's open space use agreements and conservation use agreements were actually addressed in the same section of the code. He said that, however, the practice and assessments were handled differently, which was the key distinction.

Mr. Gallaway said that he wanted to clarify the terminology used in this document. He said that he was trying to map out the different terms, including easements, parcels, acres, properties, and participants. He said that specifically, he would like to know how many people or property owners were involved in the Acquisition of Conservation and Easement Program, also known as the ACE Program, which was listed on the right-hand column. He said that he would like to clarify the distinction between properties and parcels.

Mr. Scott Clark, Conservation Program Manager, said that the 52 easements encompassed approximately 56 different landowners, as some of the larger ACE properties had been subdivided into smaller parcels, resulting in a total of 56 owners.

Mr. Gallaway said that when he stated 80.8% of participants, he believed the correct number should be 56. He said that he would like to calculate the correct figure.

Mr. Clark said that the 52 easements mentioned were only related to the original applicants.

Mr. Gallaway said that 70% of properties were in the same families. He asked what the total number of those properties was.

Mr. Clark said that it was 52 properties, some of which had multiple parcels in them.

Mr. Gallaway said that a property could equate to the property owner.

Mr. Clark said that in some cases, yes.

Mr. Gallaway said that they may have four parcels on one property. He asked if this was a fair estimation.

Mr. Clark said yes.

Mr. Gallaway said that when they stated that 80% of the participants fell within the lowest two income brackets, under $65,000, he assumed their program was based on a sliding scale of adjusted gross income. He said that he wondered what the breakdown of the other 20% that participated in this program was, and what was their corresponding income bracket.

Mr. Clark said that he was not aware of the specific details, but staff could research that further.

Mr. Gallaway said that they knew that 80% of the 52 easements were under $65,000. He asked how much had been invested in this program since the year 2000.

Mr. Clark said that the total County expenditure was $13.9 million, a figure he could verify later.

Ms. Mallek said that she was grateful for the explanation, as it became clearer every time she heard it. She said that she was glad to have the way staff described it to help her understand it better. She said that as someone who was involved in the Ag-Forestal District where she lived, the goal in the 1980s was to encourage more people to be interested in conservation and stewardship because there was not much.

Ms. Mallek said that having a larger club with a 19-acre parcel next to her wanting to join her core was a significant achievement. She said that they had, at one point, over 2,500 acres. She said that then one farm near the airport came out because they were going to do something else. She said that many parcel owners felt a sense of camaraderie, wanting to be part of the effort despite not receiving any direct benefits. She said that some of the smaller parcels were not in agriculture and had no financial benefits, and the ones who were in qualified in some other way.

Ms. Mallek said that the main challenge she remembered from seven years ago was the 21-acre lots, which were initially qualified as open space to avoid the revalidation program. She said that she spent 20 years working to adopt this program, which ensured accountability by requiring parcels to qualify every two years. She said that it seemed they had regressed to a point similar to before. She said that when she had a turn on the Ag-Forestal District, she was disappointed to find that many subdivision lots had been developed across the street from her. She said that she repeatedly raised this issue, and after numerous discussions, the development rights issue was ultimately decided as a way to segregate one. Mr. Clark may recall this better than she did.

Ms. Mallek said that if there was another way to do it that required a contract to participate, she believed that was a good idea. She said that it demonstrated that an open space landowner was making a commitment to the community by dedicating the land for a longer period, which was the whole point. She said that she would also support stewardship requirements, where individuals or organizations would need to meet specific standards to maintain their qualification. She said that she was not certain about their authority to implement this, but she wanted to share her perspective as an Ag-Forestal District founder and someone who had worked extensively to improve stewardship and conservation of their open lands.

Mr. Pruitt said that he wanted to begin by saying that this was a great presentation. He said that he believed he had gathered most of the information he had learned today in a piece-meal fashion in the past, but this presentation was a comprehensive one-stop shop.

Mr. Pruitt said that he planned to recommend it to people interested in Albemarle land politics who came to him with questions, as it provided a great primer on how these programs worked and interacted with each other. He said that he would like to thank staff for that. He said that one thing that was confirmed for him was the clarification on the composite index element. He said that he appreciated the clarification and the explanation of how it differed across their various programs.

Mr. Pruitt said that the only question he had was, and it may be a bit pointed, when considering policy, he always examined it through the lens of class and its impact on class struggle. He said that two key aspects of the ACE program were apparent: one, it permanently conserved land, and two, it helped lower-income families preserve and stay on their land, which they might otherwise struggled to afford. He said that given his previous comments, he would like to focus on the second aspect.

Mr. Pruitt said that it appeared that this was also accomplished when land was donated, as the program primarily changed the land's tax value, effectively providing the equivalent of land use value without the need for farming. He said that this reduced the pressure on families to sell their land due to financial constraints. He said that he was still unclear on the policy justification for paying for this program, and he would appreciate it if someone could help him understand this aspect.

Ms. Filardo said that many of these folks who participated in the ACE program were looking to sell their land for cash. She said that in order to receive cash, it was natural for them to consider selling their land to distribute the funds among their family members. She said that the goal of the ACE program was, that by buying development rights, to provide cash to those families, which should reduce the incentive to sell their land for subdivision or development.

Mr. Pruitt said that answered his question.

Mr. Lynch said that it was also worth considering the other side of the issue. He said that the majority of properties or conservation easements that were donated were typically donated in exchange for income tax credits. He said that these properties also reduced local taxation on their real estate and also received tax credits they could use or sell. He said that only people who had that income at that level could benefit from utilizing those.

Ms. LaPisto-Kirtley asked if it was correct that the Schools' would get more money when the County received less due to the ACE program.

Mr. Lynch said that was correct. He said that the LCI was a calculation for school funding at the state level. He said that it was true that if they reported a lower true tax value to the state, it increased the County's relative share of that money. He said that any property under a conservation easement, such as an ACE or ACEA holder, would be assessed and reported at a lower level.

Ms. Filardo said that if they reported a high tax value for their land, the state may respond by saying that the County could locally contribute more to Schools. She said that if they reported a lower tax value, the state would make up for that difference. She said that this is what Mr. Lynch is referring to. She said that as a result, their portion of the school's funding would change if their tax base was lower.

Ms. LaPisto-Kirtley said that the state would contribute more to their Schools than the County would.

Ms. Filardo confirmed that was correct.

Ms. LaPisto-Kirtley said that she wanted to clarify that point. She said that she knew they had previously discussed 56 properties in total, with 52 of them at 80.8%. She said that she would like to consider the location of these properties. She said that for instance, on one of the maps presented, a property was located right next to a scenic byway. She said that to her, that would be valuable, particularly for the tourism bureau or generally speaking, due to its proximity to a scenic byway. She said that in contrast, a piece of land located in the interior, with limited visibility, was not as valuable to them.

Ms. Filardo said that she thought Mr. Lynch was going to walk them through the ACE scoring criteria, which might be helpful in this context. She said that actually, it might take them too far into the details.

Ms. LaPisto-Kirtley said that she understood that a scoring criteria was being developed, and what she was trying to convey was that she believed some properties may be worth more due to their scenic value, biodiversity, or other factors. She said that the final decision to purchase, whether through the ACE program or otherwise, rested with the Board. She said that this added layer of protection allowed them to confidently say that a particular property was worth investing in, or that it was not a suitable investment opportunity.

Ms. Filardo confirmed that was correct; the decision regarding the purchase of development rights through the ACE program was at the discretion of the Board. She said that all properties considered for this program were assessed by an outside assessor, and a range of criteria were evaluated for each property, resulting in a ranking. She said that the ACE Committee then selected the properties they were interested in purchasing, prioritizing those with the highest ranking and sufficient funding to cover the costs. She said that there were many additional complexities involved that they had not fully discussed today but could have been. She said that the process was indeed multifaceted.

Mr. Andrews said that he had several questions and comments. He said that he would like to clarify the local composite index reference to school calculations. He said that he had a question regarding the revenue sharing agreement with Charlottesville. He asked if the calculation of land values factored into this agreement, and he wondered if it would imply that land use and conservation easements were treated differently.

Mr. Jacob Sumner, Chief Financial Officer, said that it would be handled in the same manner because it was based on the true market value. He said that this was the same comparison that he was seeing here for the LCI as it would be for the revenue sharing.

Mr. Andrews said that the benefits of a conservation easement compared to land use would also apply to this scenario. He said that he would save this question for later, but he wanted to highlight why someone would put their parcel in an Agricultural-Forestal District. He said that this was also tied to why the County wanted people to do this, which meant that instead of having a two-year no development period, it was actually locked up for four to ten years.

Mr. Andrews said that this had a benefit to the County in terms of locking up the land, but he also wanted to explore the benefits to the owner. He said that they could discuss this later. He said that to clarify, he wanted to emphasize that the value of the home was treated the same way, regardless of whether the rest of the property was in land use, conservation easement, or not at all.

Mr. Lynch said that was correct; the home and home site are assessed the same way.

Mr. Andrews said that the home site circle in the example was somewhat misleading when it came to dividing up the property, as there were numerous restrictions on determining the home site based on road frontage and other factors that could not be accurately represented on that map. He said that there was a question regarding the ACEA program's governance by the authority. He said that when an application was submitted for any activity, including building permits, on a parcel with an easement, the CDD (Community Development Department) was indeed involved in reviewing it.

Ms. Filardo confirmed that was correct.

Mr. Andrews said that the CDD was aware of these restrictions.

Ms. Filardo said yes.

Mr. Andrews said that the County was required by law to consider SLEAC. He said that he wondered if there had been any discussions about modifications since SLEAC was based on a statewide program that did not account for County-by-County differences. He said that he wanted to know if they had considered this, as it seemed like a required consideration, but not necessarily an explicit adoption without any modifications.

Mr. Lynch said that they were required to consider it, but they were not obligated to use it. He said that while it was done by Virginia Tech and was statewide, they took into account local agricultural activity. He said that they created a market basket consisting of typical agricultural commodities found in Albemarle County and used that to determine the income value. He said that they used a rental rate, which was the actual number the County used to determine agricultural values based on the rental rate. He said that they had two different criteria, and that the County used the rental rate criteria. He said that it was tailored specifically for Albemarle County, and that those values would change drastically across the state because of what commodities were in different jurisdictions.

Mr. Andrews said that he appreciated the clarification. He said that he would like to push back on a comment that the 20% of properties identified here may not necessarily be in the lowest two income brackets. He said that they also acknowledged that there were properties with critical resources that might otherwise score better on a scoring system. He said that he mentioned why people engaged in this practice, and he argued that, yes, there could be tax credit benefits to donating a conservation easement.

Mr. Andrews said that nevertheless, based on numerous experiences with various individuals, he thought it was a bit cynical to assume that people did not also want to permanently protect their properties. He said that some people chose to do this regardless of potential tax benefits, as they wished to permanently protect the natural resource they had grown to love. He said that people became attached to land in this way and used conservation easements to safeguard it. He said that it was not simply a matter of receiving something for it in all cases. He said that he would like to push back against the idea that this was always a straightforward quid pro quo.

Mr. Lynch said that he was not intending to make that argument. He said that his intention was to highlight the difference between individuals who could not afford to take advantage of a tax credit who would need to receive financial assistance through the ACE program, versus higher-income individuals who could, for whatever reason, choose to donate and take advantage of those tax credits.

Mr. Andrews said that he appreciated that clarification. He said that he also wanted to add that he noticed a discussion about a Weldon Cooper study, which would address the cost of community services. He said that this topic would be a valuable follow-up to their conversation, particularly in relation to land that was not developed.

Ms. Filardo said that the study would be sent to the Board under consent for information on the March 5 agenda.

Ms. McKeel said that she was wondering how they typically handled issues related to Limited Liability Companies (LLCs) in this context. She asked if they had a standard process for identifying LLCs in the context of ACE and ACEA.

Mr. Clark said that while they did have some easements owned by LLCs, they were typically family groups. He said that in these cases, the local owning family may consist of a couple and their children, or brothers and sisters, who had formed a small LLC and owned the property. He said that what they did not typically see was an LLC formed by a group of investors, which was what she may have heard of. He said that in other parts of the country, there had been instances where LLCs had been formed by groups of investors to purchase land and take advantage of federal or state tax credits, although this was not a common practice in their area.

Ms. McKeel asked if they had not seen an increase in that in this area.

Mr. Clark said that no, they had not.

Agenda Item No. 11. Closed Meeting.

At 5:19 p.m., Mr. Pruitt **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- under subsection (3), to discuss and consider the acquisition of real property in the Scottsville

Magisterial District for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County and the Board; and

- under subsection (29), to discuss the renegotiation of a public contract with the Charlottesville-Albemarle Society for the Prevention of Cruelty to Animals involving the expenditure of public funds, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the County and the Board

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

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

Agenda Item No. 12. Certify Closed Meeting.

At 6:02 p.m., Mr. Pruitt **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. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Agenda Item No. 13. From the County Executive: Report on Matters Not Listed on the Agenda.

There was no report.

Agenda Item No. 14. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).

Mr. Michael Monaco, White Hall District, said that he lived within the Crozet Development Area. He said that he is the chair of the Crozet Community Advisory Committee. He said that he was unable to attend in person tonight due to weather. He said that he would like to speak to the Board about affordable housing. He said that he and his wife had successfully purchased a designated affordable unit in Albemarle County. He said that they narrowly met the Area Median Income (AMI) requirements of 80%, and affordability requirements at the time.

Mr. Monaco said that this was only possible with access to down payment assistance, which enabled them to secure a mortgage that brought the cost down to an affordable level. He said that he hoped that others would have similar opportunities, and he was concerned that Albemarle County was not building enough housing and creating enough affordable housing to meet the demands of the metropolitan area. He said that he respectfully requested that the Board of Supervisors consider establishing a housing trust fund with at least $10 million in dedicated annual funding, specifically for affordable housing needs, including new construction and preservation.

Mr. Monaco suggested increasing the real estate tax to expand available resources. He said that the real estate tax has not been raised in five years, providing an opportunity to invest in inclusionary zoning and other affordable housing measures that could truly make affordable housing a reality in Albemarle County. He said that furthermore, he proposed that the Future Land Use Map be improved, and that they explore ways to accelerate density increases, particularly in the urban ring around Charlottesville, to meet the market's demands. He said that he would appreciate the Supervisors' continued focus on affordable housing and hoped that they would demonstrate this commitment through tangible actions and decisions that they can all support and applaud.

Mr. Matthew Gillikin, representing Livable C-Ville, said that he was present on behalf of the 50 organizations that had signed a letter urging the Board to take bold action to address housing affordability in Albemarle County. He said that he hoped that they would all have a quick evening meeting and could get home safely, as the roads were particularly hazardous tonight. He said that he wished to begin by explaining why his group had organized. He said that they believed that housing was a fundamental human right for all, and without it, individuals could not truly thrive. He said that this shared conviction drove their efforts and informed their priorities. He said that until their community fully embraced this belief, they would not achieve their goals.

Mr. Gillikin said that there was a piece to this. He said that it was not just about rallying behind a slogan. He said that this meant saying yes to housing and implementing policies that enabled affordable housing. He said that it required significant funding, such as the Housing Trust Fund, which had been a priority for years. He said that allocating $10 million annually could result in an additional $70 million in funding for affordable housing each year. He said that additionally, they must build more housing.

Mr. Gillikin said that anyone who entered the rental market in the Charlottesville area was quickly confronted with a series of barriers, both financial and otherwise, as there was currently a lack of rental stock available, which gave landlords control rather than renters, their constituents, the power they needed to secure housing and remain in that housing. He said that this was a policy issue, as well as a political one. He said that they were operating in a context where more than just housing was being denied, and their values were being challenged on a broader scale.

Mr. Gillikin said that this presented an opportunity for each of the Board members to establish a legacy within this context of fascism in their country right now, to say yes to their community members and to housing. He said that as many people were wondering what they could do within this broader context, the Board of Supervisors could have an incredible opportunity to say yes to housing.

Mr. Gillikin said that locally, there was significant support for pro-housing policies, although this had not always been the case. He said that in the County, there had been considerable anti-housing organizing. He said that they were there to tell the Board that they had their back, and they urged them to take bold action to support housing policies that would benefit their entire community.

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Mr. Todd Cone, Rio District, said that he was a retired resident of Albemarle County, having lived there for nearly nine years. He said that he rented an apartment near Route 29 and Rio Road in the Rio District. He said that in the Rio District rent had increased by 30% over the eight years he had been there, averaging 3.8% per year. He said that it may have been more, but that he had been able to negotiate with his property manager to avoid higher increases. He said that although it may not seem significant, this represented a substantial burden, especially considering his limited income from Social Security, which was not increasing at the same rate. He said that even Social Security was in jeopardy, and that it could go away at any time.

Mr. Cone said that in light of this, he had applied for the lottery to secure a spot on the waiting list for a housing voucher. He said that the odds of winning were uncertain, as no one knew how many applicants would participate. He said that he estimated the odds to be unfavorable. He said that he believed it was worth a chance to gain access to the waiting list. He said that once on the list, the wait time for a voucher was unpredictable.

Mr. Cone said that this was why he was there to emphasize that the current response to the housing crisis was inadequate, and the situation was likely to worsen exponentially. He said that he wanted to support the Housing Coalition's letter and express gratitude to the organizations that backed it. He said that he urged the Board to pay close attention to the information being presented to them.

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Ms. Victoria Veliky said that she was a farm owner in the Scottsville district, and she was there that night to discuss the land use program. She said that earlier that evening, they had touched on conservation, easements, and land use. She said that she was in the land use program, and that she applied every other year for an agricultural use of her land. She said that she and her husband had owned their farm for 22 years. She said that she was a suburban mom from Forest Lakes who had turned to farming, and she operated an equine boarding business.

Ms. Veliky said that the Comprehensive Plan currently in effect, which was from 2015, included language that supported equine activities such as boarding, training, breeding, or riding lessons. She said that she recently discovered that these words were not included in the next Comprehensive Plan. She said that she believed that other agricultural animals, such as cattle, were included, but that she would like to see the words stay in the next Comprehensive Plan. She said that she was grateful for the land use program, which had enabled her to establish a thriving equine business, providing services to the horse people in the community. She said that they were growing rapidly, with inquiries coming from out of state, including Ohio and New Jersey. She said that the equine industry was thriving in their County, and she believed it would be wonderful to have the land use program support that use.

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Mr. David Veliky, Scottsville District, said that he was there today to support his wife. He said that he was born and raised in Albemarle County, and he actually grew up quite close to Dr. Huckle in Arbor Park. He said that he had fond memories of the rural aspects of growing up in that area, where they had a large cow farm behind them, all the way down to the reservoir. He said that it had been preserved, he believed.

Mr. Veliky said that he would like to see the language in the Comprehensive Plan reinstated to allow for equine businesses to be included in land use. He said that was the essence of his request, and he suggested that if it was not included in the language, they should remove the little horse from the County seal.

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Dr. Matthew Allen, Rivanna District, said that he was a physician in the community. He said that he had multiple roles, but one of them was supervising a student-run free clinic operating out of the Haven, which supported patients experiencing homelessness. He said that he had met over 100 individuals in the community experiencing homelessness, and he was there to broadly support the measures outlined in the Housing Coalition letter. He said that he would like to speak to the experiences of people who were homeless.

Dr. Allen said that among the people he had met, many were struggling with serious mental health issues or substance use disorders, which could exacerbate their challenges with becoming housed. He said that the majority of people he worked with had become suddenly homeless due to economic shocks related to the unaffordability of living in the County and City. He said that he strongly supported expanding the budget for the Albemarle County Emergency Relief Program and increasing the limit per household.

Dr. Allen said that in medicine, it was often said that an ounce of prevention was worth a pound of cure. He said that he believed that focusing on prevention and helping individuals get through one crisis could make a significant impact in cutting the homelessness in the community. He said that providing assistance with a single rent bill during difficult times could be a game-changer.

Dr. Allen said that it was easy for someone to fall into homelessness, and it was a major challenge to get out of homelessness once they had found themselves there. He said that he would advocate for prevention above all else, but supporting permanent supportive housing in the community would also be hugely beneficial.

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Mr. Michael Crenshaw, White Hall District, said that while Matthew was more eloquent about the general necessity of housing and the specifics of how to make it happen, he would like to share some personal anecdotes from his experiences living in Crozet. He said that during his visits to local businesses like the Mudhouse, the gym, and the local bar, he had noticed that almost all the employees lived outside of Crozet.

Mr. Crenshaw said that when he mentioned the possibility of living in Crozet, they often chuckled, as everyone was aware of the extreme cost and the idea of owning was out of reach for most, and renting was an impossibility unless one had a large amount of disposable income. He said that he recalled a conversation he had at the coffee shop a few months ago. The baristas were discussing their struggles to find a place to rent in Crozet, and they had started looking in Waynesboro and Staunton.

Mr. Crenshaw said that when he returned a week later, they told him they could not find anything in Waynesboro and were now looking beyond. He said that he had also driven I-64 and tried to avoid the area in bad weather. He said that he did not want the people who made Crozet special to be forced to live 45 minutes away and make a potentially arduous drive to contribute to the community. He said that he thought about the Oak Bluff development that was proposed recently, which aligned with the Crozet Master Plan.

Mr. Crenshaw said that, however, it had been deferred due to concerns about infrastructure work. He said that he believed that affordable housing was not a luxury, but a necessity. He said that it was a necessity, and for many people in Albemarle County, it was a very urgent necessity. He urged the Supervisors all to do everything in their power to meet that need, utilizing any available tools.

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Ms. Ann Tuzson, Jack Jouett District, said that she lived near Georgetown and Barracks, which was just barely within the County boundaries. She said that as the Board was aware, their area was experiencing growth. She said that she believed that Charlottesville would continue to grow, and where she lived would continue to grow. She said that the question was, how it would grow, and that ultimately rested with the Board.

Ms. Tuzson said that if they allowed development to proceed without careful planning, she feared that they would end up with numerous communities that resembled the out-of-bounds community built at Georgetown and Barracks in 2017. She said that this luxury villa and elevator townhome community featured houses with prices around $800,000. She said that although some were as low as $400,000, the majority were out of reach for most people.

Ms. Tuzson said that as someone who worked at the hospital, and that the following day, all of the hospital employees would have to find their way into work. She said that she was concerned about if they were forced to live far from the hospital, which may hinder their ability to get there. She said that she strongly believed that they needed to prioritize growing smartly and providing affordable housing options for their hospital employees, university staff, firefighters, and other essential workers.

Ms. Tuzson said that they could not be expected to live in distant areas like Lake Monticello, Fluvanna, or Nelson County. She said that they must ensure that their communities were built with thoughtful planning, benefiting everyone involved. She said that she put her faith in the Board, and she hoped that they would make the right decisions for their County's future.

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Mr. Pruitt said that he wanted to clarify that the voucher waitlist had been briefly mentioned. He said that currently, until Monday, several project-based voucher waitlists were open, and this was distinct from the general voucher waitlist. He said that if someone on the voucher waitlist was eligible, they would not be automatically enrolled in these project-based waitlists.

Mr. Pruitt said that he would like to encourage those in precarious situations who qualified for a housing voucher to also explore the open waitlists on the County's website for three specific projects, which were Crozet Meadows, Scottsville School Apartments, and Treesdale, which had to be applied for separately. He said that two of these projects were specifically designed for older age communities. He said that if someone was eligible for a housing voucher and urgently needed that support, there was an additional avenue available currently before Monday. He said that the public could find this information on the Albemarle County website or by contacting the County Office Building, and they would assist them with the application process.

Agenda Item No. 15. **Public Hearing: Proposed Easement Across County-owned Parcel 046B5-00-00-001C0.** To Consider an Easement across County-owned Parcel ID 046B5-00-00-001C0 (83 Ashwood Blvd). To consider granting a 20' public utility easement to the Albemarle County Service Authority across County-owned property (Parcel 046B5-00-00-001C0). This easement is to facilitate the development of the Archer North, located north of the property across Ashwood Blvd.

The Executive Summary forwarded to the Board states that the County-owned subject parcel (046B5-00-00-001C0) is located at the southeast corner of Ashwood Boulevard and Seminole Trail and is currently 3.94 acres in size. It was offered as a proffer with the rezoning of Forest Lakes South (ZMA199600012) for public facilities and was conveyed to the County on October 23, 2000. Since County ownership of the parcel, the Brookhill rezoning was approved (ZMA201500007/ZMA201800011) to the south of the County-owned parcel, which allowed a road (Archer Avenue) extension across the property to connect that development to Ashwood Boulevard to the north (Attachment A-Location Map). The plat allowing the extension of Archer Avenue and associated public drainage easements, as well as temporary grading easements, was recorded on July 11, 2024.

The current request is for a public utility easement to allow a 20' Albemarle County Service Authority sewer line extension from Forest Lakes to serve the Archer North development located at the northeast corner of Ashwood Boulevard and Seminole Trail.

Virginia Code § 15.2-1800 requires a public hearing prior to the conveyance of most County-owned property, including this proposed easement interest. A proposed subdivision plat and deed of easement (Attachments B and C), both currently under review with staff, show the location of the proposed public utility and previously-approved easements on County-owned Parcel 046B5-00-00-001C0.

The County would receive the estimated fair market value for the easement. However, given the limited assessed value of the parcel as of January 2025 ($2,800), that value ($14.22) is minimal.

Staff recommends that, after holding the public hearing, the Board adopt the attached resolution (Attachment D) to authorize conveyance of the proposed easement, once all documents are approved as to form and substance by the County Attorney.

Mr. Kevin McDermott, Deputy Director of Planning, said that he was presenting this in Rebecca Ragsdale's absence. He said that this was an easement request across a County-owned parcel, identified as ID 046B50000001C0. He said that the specific request was to allow a 20-foot Albemarle County Service Authority (ACSA) easement on a County-owned parcel, intended to allow sewer connection from the Forest Lakes neighborhood to Archer North.

Mr. McDermott said that the Board may recall that a public hearing had been held for a portion of Archer North recently. He said that this request was required under Virginia code prior to the conveyance of public property. He said that the parcel, located at the corner of Seminole Trail and Ashwood Boulevard, was initially proffered with the rezoning of Forest Lakes for public facilities and had been conveyed to the County in 2000.

Mr. McDermott said that following County ownership, the Brookhill rezoning south of there allowed for the road connection that cut through the parcel, resulting in the parcel being separated into two areas. He said that the plat allowing that extension was recorded in 2024, and license agreements had previously been approved by the Board to allow grading and construction and stormwater. He said that the provided aerial image showed the area, with the blue section indicating the approximate location of the 20-foot ACSA sewer line extension, which would connect Forest Lakes to Ashwood Boulevard and ultimately to Archer North.

Mr. McDermott said that the draft plat provided included the existing sanitary sewer easement on the back of the Forest Lakes parcel, and this would be able to connect to that. He said that this had been reviewed by ACSA and the County engineering team to ensure it was in the correct location. He said that staff's recommendation was to approve the easement request, as it would support the approved infrastructure and allow development consistent with the uses and density recommended in Places 29 Master Plan. He said that the developer would reimburse the County for the fair market value of the easements, which amounted to a nominal $14.22.

Mr. Andrews opened the public hearing. Seeing no speakers, he closed the public hearing and said the matter rested with the Board and that Ms. LaPisto-Kirtley could make a motion.

Ms. LaPisto-Kirtley **moved** that the Board of Supervisors adopt the Resolution attached to the staff report as Attachment D. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

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RESOLUTION APPROVING CONVEYANCE OF A SEWER EASEMENT ACROSS COUNTY-OWNED PARCEL 046B5-00-00-001C0

WHEREAS, the County owns Parcel 046B5-00-00-001C0 adjacent to Archer Avenue and Ashwood Boulevard;

WHEREAS, the developer of the Archer North project has requested a sewer easement across Parcel ID 046B5-00-00-001C0, and has offered to compensate the County for the easement's estimated fair market value of $14.22; and

WHEREAS, a public hearing was held pursuant to *Virginia Code* §15.2-1800 to consider the proposed conveyance of this easement;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the County's proposed conveyance of a sewer easement across Parcel 046B5-00-00-001C0 and authorizes the County Executive to sign any documents needed to effect this conveyance on behalf of the County once those documents have been approved as to form and substance by the County Attorney.

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202500004353 001

VIRGINIA LAND RECORD COVER SHEET
Commonwealth of Virginia VA. CODE §§ 17.1-223, -227.1, -249

FORM A – COVER SHEET CONTENT

Instrument Date: 5/13/2025
Instrument Type: OTHER
Number of Parcels: 1 Number of Pages: 6
[ ] City [X] County ALBEMARLE CIRCUIT COURT
Tax Exempt? VIRGINIA/FEDERAL CODE SECTION
[X] Grantor: 58.1-811(A)(3) AND 17.1-266
[X] Grantee: 58.1-811(A)(3) AND 17.1-266

RECORDED IN
ALBEMARLE COUNTY, VA
JON R. ZUG
CLERK OF CIRCUIT COURT
FILED May 16, 2025
AT 02:57 pm
BOOK
START PAGE
END PAGE
INST # 202500004353
TOTAL NUM PAGES 7
MEB

(Area Above Reserved For Deed Stamp Only)

Business/Name
1 X Grantor: COUNTY OF ALBEMARLE, VIRGINIA
Grantor:
1 X Grantee: ALBEMARLE COUNTY SERVICE AUTHORITY
Grantee:

Grantee Address
Name: ALBEMARLE COUNTY SERVICE AUTHORITY
Address:
City: State: VA Zip Code:
Consideration: $0.00 Existing Debt: $0.00 Actual Value/Assumed: $0.00

PRIOR INSTRUMENT UNDER § 58.1-803(D):
Original Principal: $0.00 Fair Market Value Increase: $0.00
Original Book No.: Original Page No.: Original Instrument No.:

Prior Recording At: [ ] City [ ] County Percentage In This Jurisdiction: 100%
Book Number: Page Number: Instrument Number:
Parcel Identification Number/Tax Map Number: 46B5-1C
Short Property Description:

Current Property Address:
City: CHARLOTTESVILLE State: VA Zip Code: 22911
Instrument Prepared By: MARY KATHERINE MCGETRICK Recording Paid By: WILLIAMS MULLEN
Recording Returned To: WILLIAMS MULLEN
Address: 323 2ND ST. SE, STE. 900
City: CHARLOTTESVILLE State: VA Zip Code: 22902

FORM CC-1570 (MASTER, PAGE ONE OF ONE) 10/19

Cover Sheet A

202500004353.002

TMP 46B5-1C
PREPARED BY:
Mary Katherine McGetrick, Esq.
VSB No. 47084
Williams Mullen
200 South 10th Street, Suite 1600
Richmond, VA 23219

This Deed is exempt from recordation taxes and fees pursuant to §§58.1-811 (A) (3) and 17.1-266, respectively, of the Code of Virginia (1950) as amended and the Constitution of Virginia, Article X, Section 6 (a) (1).

This **DEED OF EASEMENT**, made as of this 13th day of May, 2025 by and between **COUNTY OF ALBEMARLE, VIRGINIA** ("**Grantor**"), and the **ALBEMARLE COUNTY SERVICE AUTHORITY** (the "**ACSA**"), whose address is 168 Spotnap Road, Charlottesville, Virginia 22911, Grantee.

WITNESSETH:

WHEREAS Grantor is the owner of real property located in Albemarle County, Virginia, acquired by deed dated October 23, 2000, and recorded in the Clerk's Office of the Circuit Court of Albemarle County (the "Clerk's Office") at Deed Book 1973, page 437 (the "Grantor's Parcel");

WHEREAS Grantor has agreed to grant to the ACSA a permanent sewer line easement to construct, install, operate, maintain, repair, replace, relocate, and extend such line and any appurtenances thereto. This easement is shown on the plat attached hereto as Exhibit "A" and recorded herewith entitled "Plat Creating a 20' ACSA Easement, 'PARCEL A', a Portion of Forest Lakes South, Tax Map 46B5 Parcel 1C, Rivanna Magisterial District, County of Albemarle, Virginia", dated October 30, 2024, last revised January 23, 2025 and prepared by Roudabush, Gale & Associates, Inc. (the "Plat").

NOW, THEREFORE, for and in consideration of the sum of ONE DOLLAR ($1.00) and other good and valuable consideration, receipt of all of which is hereby acknowledged, the Grantor does hereby GRANT and CONVEY with GENERAL WARRANTY and ENGLISH COVENANTS of TITLE unto the ACSA, its successors and assigns, a perpetual right of way and easement to construct, install, operate, maintain, inspect, protect, repair, replace, relocate, remove, change the size of and extend sewer lines consisting of pipes, equipment, and appurtenances to such pipes and equipment, over, under and across the real property of the Grantor located in Albemarle County, Virginia, and to access any other adjacent easement held by the ACSA, the location of the easement hereby granted and the boundaries of the property being more particularly described on the Plat as "NEW 20' ACSA UTILITY EASEMENT – 3,551 SF" (the "Easement"); PROVIDED HOWEVER, that it is expressly understood and agreed that the ACSA shall not be deemed to have accepted the conveyance set forth hereinabove until such time as the same shall have been evidenced by the affirmative acceptance thereof in accordance with the usual and customary practices of the ACSA.

Reference is made to the Plat for the exact location and dimension of the Easement hereby granted and the property over which the same crosses. Notwithstanding anything to the contrary in the Plat, the exact location of the Easement is twenty (20) feet in width centered on the as-built location of the sewer lines.

As part of the Easement, the ACSA shall have the right to enter upon the above-described property within the Easement for the purpose of installing, constructing, operating, maintaining, inspecting, protecting, repairing, replacing, relocating, removing, changing the size of and extending sewer lines and appurtenances thereto within such Easement, and the right of ingress and egress thereto as reasonably necessary to construct, install, operate, maintain, inspect, protect, repair, replace, relocate, remove, change the size of and extend such sewer lines within the Easement. If the ACSA decides in its sole discretion that it is unable reasonably to exercise the right of ingress and egress over the right-of-way, the ACSA shall have the right of ingress and egress over the adjacent property of Grantor.

Whenever it is necessary to excavate earth within the Easement, the ACSA agrees to backfill such excavation in a proper and workmanlike manner so as to restore surface conditions as nearly as practicable to the same condition as prior to excavation, including restoration of such paved surfaces as may be damaged or disturbed as part of such excavation; provided, however, that the ACSA shall have no obligation to restore permeable pavers, stamped concrete, or similar surfaces within the Easement.

Grantor, its successors or assigns, agrees that no trees, shrubbery, fences, structures, buildings, over-hangs or other improvements or obstructions shall be placed within the Easement conveyed herein.

The Easement provided for herein shall include the right of the ACSA to trim, cut, and remove any trees, shrubbery, fences, structures, buildings, over-hangs or other improvements or obstructions and take other similar action reasonably necessary to provide economical and safe sewer line construction, installation, operation, maintenance, inspection, protection, repair, replacement, relocation, removal, and extension. The ACSA shall have no responsibility to the Grantor, its successors or assigns, to replace or reimburse the cost of said trees, shrubbery, fences, structures, buildings, over-hangs or other improvements or obstructions that are removed or otherwise damaged.

The facilities constructed by ACSA within the Easement shall be the property of the ACSA and its successors and assigns, which shall have the right to inspect, rebuild, remove, repair, relocate improve and make such changes, alterations and connections to or extensions of its facilities within the boundaries of the Easement as are consistent with the purposes expressed herein.

[signature on following page]

202500004353.005

WITNESS the following signature and seal:

GRANTOR:

COUNTY OF ALBEMARLE, VIRGINIA

By: ______________________________(SEAL)
Jeffrey B. Richardson
County Executive

STATE OF VIRGINIA
~~COUNTY~~/CITY OF Charlottesville, to wit:

The foregoing instrument was acknowledged before me this 13th day of May, 2025, by Jeffrey B. Richardson as County Executive of the County of Albemarle, a political subdivision of the Commonwealth of Virginia, on behalf of the County.

Cheryl L. Skeen
Notary Public

My Commission Expires: Oct. 31, 2027

Approved as to Form:

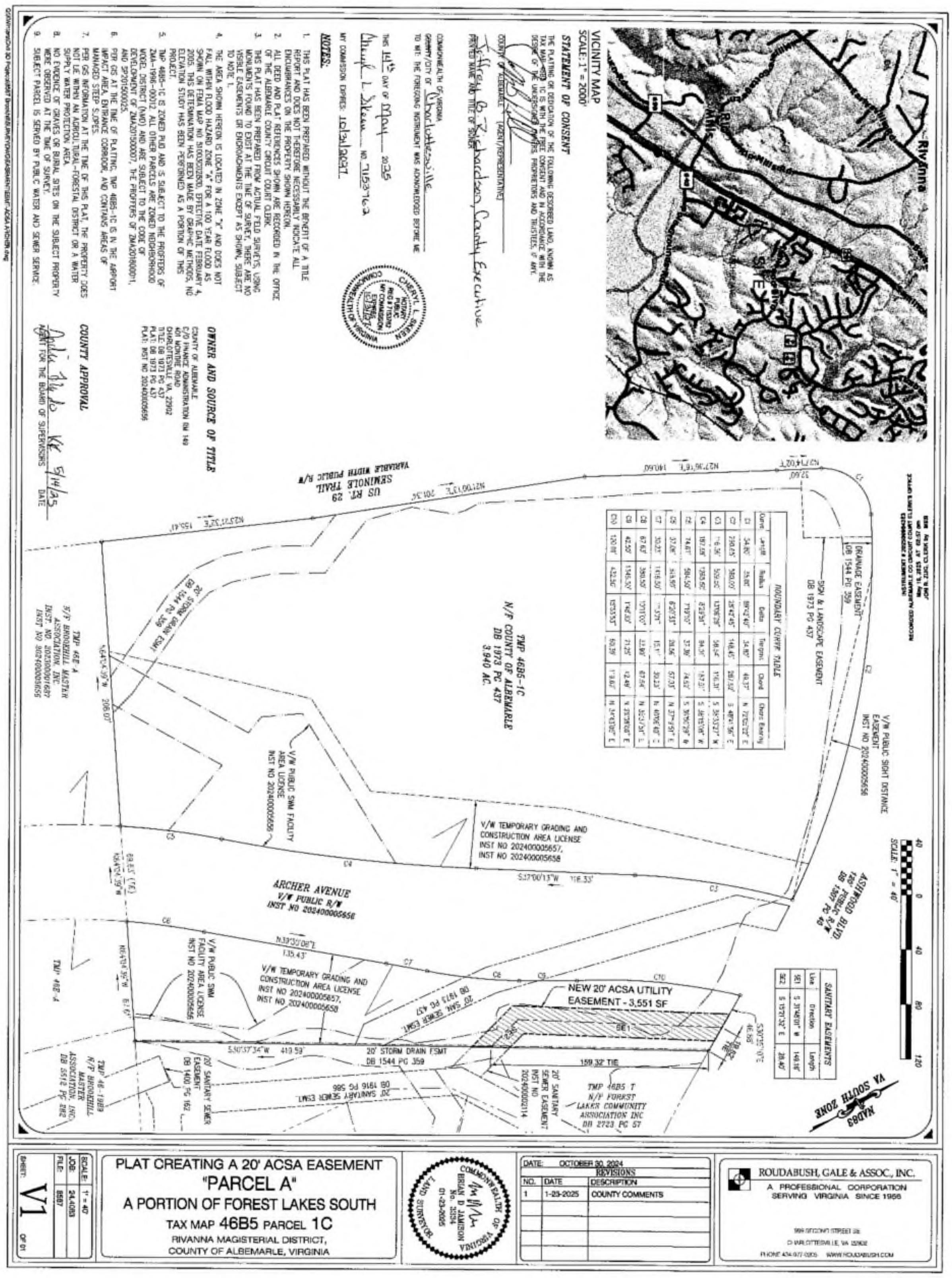
____
County Attorney

CHERYL L. SKEEN
NOTARY PUBLIC
REG # 7153762
MY COMMISSION EXPIRES 10/31/27
COMMONWEALTH OF VIRGINIA

202500004353.006

EXHIBIT "A"

EASEMENT PLAT TO BE ATTACHED



Agenda Item No. 16. **Public Hearing: <u>25-3(1) - Agricultural and Forestal Districts.</u>** - Ordinance to amend County Code Chapter 3, Agricultural and Forestal Districts, Article 2, Districts of Statewide Significance, Division 2, Districts, to review the Carter's Bridge, Eastham, Free Union, Hardware, Ivy Creek, Jacobs Run, North Fork Moorman's River, and Pasture Fence Mountain Agricultural and Forestal Districts:

- **a) AFD 2024-07 Carter's Bridge – District Review**. The proposed ordinance would amend Section 3-211, Carter's Bridge Agricultural and Forestal District, to modify it by removing Tax map 112, parcel 16K; Tax map 113, parcels 11F, 11F1, 11F2, 11F3, 11H, 11I, 11J, and 11K; Tax map 114, parcels 25A, 31B, 31C, 67C, 67D, 67E, 67F, and 67I; Tax map 122, parcels 12D, 12E, 12N, and 33A; and would continue the district for all other parcels identified in the district regulations, to set the next district review deadline date of February 19, 2030, and to remove any parcels in the district for which a request for withdrawal is received before the Board acts on the proposed ordinance.
- **b) AFD 2024-03 Eastham – District Review**. The proposed ordinance would amend Section 3-213, Eastham Agricultural and Forestal District, to modify it by removing Tax map 63, parcels 14G, 14H, 14I, 26A, 28A, 30F, 41A1, and 41A2; and would continue the district for all other parcels identified in the district regulations, to set the next district review deadline date of February 19, 2030, and to remove any parcels in the district for which a request for withdrawal is received before the Board acts on the proposed ordinance.
- **c) AFD 2024-06 Free Union – District Review**. The proposed ordinance would amend Section 3-

215, Free Union Agricultural and Forestal District, to modify it by removing Tax map 16, parcels 15A3, 30B, and 36; Tax map 17, parcels 8C and 18H; Tax map 29, parcels 1D, IH, and 31A; and would continue the district for all other parcels identified in the district regulations, to set the next district review deadline date of February 19, 2035, and to remove any parcels in the district for which a request for withdrawal is received before the Board acts on the proposed ordinance.

d) **AFD 2024-01 Ivy Creek – District Review**. The proposed ordinance would amend Section 3-221, Ivy Creek Agricultural and Forestal District, to modify it by removing Tax map 44, parcels 20, 20A, 20B, 20C, 20D, 20E, 20F, 20G, and 21C; Tax map 45, parcels 5F and 5F4; and would continue the district for all other parcels identified in the district regulations, to set the next district review deadline date of February 19, 2035, and to remove any parcels in the district for which a request for withdrawal is received before the Board acts on the proposed ordinance.

e) **AFD 2024-11 Jacobs Run – District Review**. The proposed ordinance would amend Section 3-222 Jacobs Run Agricultural and Forestal District, to modify it by removing Tax map 19A, parcels 9, 22, and 31; Tax map 20, parcels 6J and 6S; and Tax map 31, parcels 4K and 8E; to withdraw Tax map 31, ordinance, to continue the district for all other parcels identified in the district regulations, and to set the next district review deadline date of February 19, 2035.parcels 1 and 8, and any other parcels in the district for which a request for withdrawal is received before the Board acts on the proposed

f) **AFD 2024-05 North Fork Moorman's River – District Review**. The proposed ordinance would continue the district for all parcels identified in the district regulations, to set the next district review deadline date of February 19, 2035, and to remove any parcels in the district for which a request for withdrawal is received before the Board acts on the proposed ordinance.

g) **AFD 2024-04 Pasture Fence Mountain – District Review**. The proposed ordinance would amend Section 3-229, Pasture Fence Mountain Agricultural and Forestal District, to modify it by removing Tax map 13, parcel 12; by adding Tax map 13, parcels 12A and 12B; and would continue the district for all other parcels identified in the district regulations, to set the next district review deadline date of February 19, 2035, and to remove any parcels in the district for which a request for withdrawal is received before the Board acts on the proposed ordinance.

h) **AFD 2024-02 Hardware – District Review**. The proposed ordinance would amend Section 3-218, Hardware Agricultural and Forestal District, to modify it by removing Tax map 72, parcel 51C; Tax map 73, parcel 41B2; Tax map 74, parcels 6H and 6N; Tax map 86, parcels 16A, 16D, and 16H; Tax map 87, parcels 13A2 and 16A; Tax map 88, parcels 2A, 3M, 3R, 3T, 3U, 3V, 20A, 20B, 20D, 23F, 24, 24A, 26B; and Tax map 99, parcel 52B; by adding Tax map 86, parcels 27B and 27C; Tax map 87, parcel 13E in its entirety; Tax map 88, parcel 26B2; to withdraw Tax map 88, parcel 20C and any other parcels in the district for which a request for withdrawal is received before the Board acts on the proposed ordinance, to continue the district for all other parcels identified in the district regulations, and to set the next district review deadline date of February 19, 2030.

The Executive Summary forwarded to the Board states that the Agricultural-Forestal Districts ("AFD") program is a voluntary rural land conservation program in which landowners can limit the development potential of their land to help protect the rural landscape. The program is structured to protect the following public interests: production of food and other agricultural and forestal products; provision of essential open spaces; strong agricultural and forestal economies; and protection and preservation of natural resources and retention of continuous and unfragmented land. The County currently has 28 districts across the Rural Area.

While there are several limitations to uses within the districts, the restrictions on subdivisions are the most notable. In Albemarle County, District parcels may not use "development rights" to subdivide off lots smaller than 21 acres (except in the case of land transfers to immediate family members). Subdivision of District properties into 21-acre or larger parcels is not restricted by the AFD ordinance.

However, while the districts impose development limitations, they do not confer any automatic tax benefits. Parcels in the districts are taxed in a variety of categories and include many properties that are taxed at the full fair-market value.

During the 2016 update of Chapter 3 of the County Code, which establishes and regulates the AFDs, section 3-3-201(F)(7) was added. This section states that "…the policy of the County is to not include any parcel determined to have no development rights and [that] cannot be further divided to create one or more parcels less than 21 acres in size." While the District regulations have little or no conservation impact on such parcels, those parcels can still qualify for the "open space" tax category. This confers a private tax benefit with no corresponding benefit of restricting the usage of development rights. This policy is the reason for the discussion (see below) of removing parcels from some specific districts.

Eight districts are included in the current round of reviews. The renewal of these districts would be accomplished through adoption of the proposed ordinance amendments included in Attachment A.

Pursuant to the review criteria established in Chapter 3 of the County Code, the proposed ordinance would remove all parcels without small-lot development rights from the AFDs under review, except for those currently enrolled in Open Space use valuation. Those open-space parcels are recommended for five-year renewals, rather than immediate removal, to comply with the Board's 2018 direction. These five-year renewals allow landowners to change their properties' tax categories before removal and avoid immediate roll-back taxation. (The immediate removal of parcels not currently enrolled in Open Space taxation would not affect their taxes.)

The Advisory Committee recommended (3:2) that the Free Union, Jacobs Run, Carter's Bridge, and Hardware AFDs be renewed for five years, and that the Ivy Creek, Eastham, North Fork Moorman's River, and Pasture Fence Mountain AFDs be renewed for ten years. The Advisory Committee's recommendation was to renew the AFDs without the removal of parcels lacking development rights. Some members of the Committee believe that such removals are unfair to landowners, are not in keeping with the purposes of the AFD program and will erode the AFDs.

The Planning Commission recommended (6:0) renewal of the Pasture Fence Mountain and North Fork Moorman's River district, and renewal of the remaining AFDs (4:2), with those removals, in line with the policy established in County Code section 3-201(F)(7).

The table below summarizes the proposed changes to the eight districts currently under review. The column titled "Removals" addresses the parcels recommended for removal due to lack of development rights. "Parcels Needing 5-year Renewal" addresses parcels without development rights that are currently in Open Space taxation. More details on the individual districts are included in the Planning Commission staff reports for these reviews (Attachment B).

District	Current Status	Withdrawals	Removals	Resulting Size	Parcels Needing 5-year Renewal	Renewal Period
Ivy Creek	19 parcels	-	12 parcels	7 parcels	-	10 years
	249 acres	-	123 acres	141 acres	-	
Hardware	59 parcels	1 parcel	22 parcels	36 parcels	1 parcel	5 years
	3,225 acres	7 acres		2,831 acres	46 acres	
Eastham	22 parcels	-	8 parcels	14 parcels	3 parcels	5 years
	1.029 acres	-	109 acres	920 acres	74 acres	
Pasture Fence Mountain	6 parcels	-	-	6 parcels	-	10 years
	1,222 acres	-	-	1,222 acres	-	
North Fork Moorman's River	4 parcels	-	-	4 parcels	-	10 years
	270 acres	-	-	270 acres	-	
Free Union	35 parcels	-	7 parcels	28 parcels	-	10 years
	1,524 acres	-	131 acres	1,406 acres	-	
Carter's Bridge	73 parcels	2 parcels	21 parcels	50 parcels	1 parcel	5 years
	6,099 acres	28 acres	457 acres	5,657 acres	29 acres	
Jacob's Run	20 parcels	2 parcels	7 parcels	11 parcels	-	10 years
	1,105 acres	296 acres	128 acres	681 acres	-	

The renewal of AFDs has no budget impact. The removal of parcels will have a small impact on revenue reductions by reducing the number of parcels eligible for use-value taxation.

Staff recommends that the Board adopt the amended ordinance (Attachment A) to continue the Carter's Bridge, Eastham, Free Union, Hardware, Ivy Creek, Jacobs Run, North Fork Moorman's River, and Pasture Fence Mountain AFDs.

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Mr. Andrews said that his understanding was that they would treat this as a single public hearing. He said that if anyone wished to provide comments regarding any of the parcels or all of the parcels, those comments could be made during the one public hearing, and they could consider the possibility of a single ordinance that incorporated all of these parcels.

Mr. Andrews said that at the outset, he would like to disclose that he owned real property in the

Hardware Agricultural and Forestal District with a value exceeding $5,000. He said that he believed he could consider this item fairly, objectively and in the public interest. He said that he had filed a written disclosure with the Clerk for this purpose.

Ms. Mallek said that she also had a property in the Jacobs Run Agricultural and Forestal District, but she believed she could make an objective decision here.

Mr. Scott Clark, Conservation Program Manager, said that he was joined by Peter Lynch, County Assessor, to present this item. He said that, as Mr. Andrews had mentioned, this was a public hearing item regarding eight agricultural and forest districts that were up for review.

Mr. Clark said that these districts were a voluntary conservation program that limited development in Rural Areas, providing an additional set of restrictions on top of the existing Rural Area zoning, which remained on the parcels. He said that they had a brief initial presentation to cover the basics, and they were prepared to answer any follow-up questions that might be asked.

Mr. Clark said that by state code, these districts had to be reviewed periodically before they were continued for another 10-year period. He said that tonight, they were discussing eight districts covering 238 parcels and approximately 15,000 acres in Rural Areas. He said that as a reminder, these review periods were the only time when landowners in the districts could withdraw by right.

Mr. Scott said that when reviewing the districts, they followed specific criteria which were outlined on the screen. He said that he would not read them all, but he would highlight that item seven had been the subject of recent discussion. He said that according to the County code, their policy was not to include parcels with no development rights in the districts. He said that staff and the PC had made recommendations on the renewals of these districts based on this policy.

Mr. Clark said that, however, the Agricultural and Forestal Districts Advisory Committee had proposed a different recommendation. He said that he would summarize their recommendations momentarily. He said that in the middle column, they could see the staff and PC recommendation, which would allow most parcels in the districts to remain, and the requested withdrawals would be removed. He said that the two recommendations were the same to that point.

Mr. Clark said that staff and the PC were recommending that parcels without development rights be removed from the districts if they were not in open space land use taxation and would not be affected. He said that in tax terms, these parcels could be removed immediately. He said that if they were in open space taxation, they could be removed in five years if they were not subjected to rollback taxation. He said that the committee's recommendation would be to keep those two latter categories of parcels within the districts and not be removed at all.

Mr. Clark said that before he proceeded to summarize the statistics on the eight districts currently under review, he had an update on the Ivy Creek District. He said that landowners were permitted to apply to withdraw from the district until the moment of the Board’s action, so they could potentially withdraw during the public hearing. He said that as these districts came up for review, they occasionally received late requests to withdraw, and that was what happened with the Ivy Creek District.

Mr. Clark said that the parcels on the map in light green had been requested for withdrawal, but the good news was that those parcels were already under a conservation easement, so they were protected. He said that the parcels in pink, as they could see, were the ones recommended for removal from the district. He said that if the staff and PC recommendation was acted upon, the Ivy Creek District would be terminated because there would be no parcels left in it.

Mr. Clark said that next was a summary of the eight districts under review. He said that he could answer any questions they had about these, and he would not read all the statistics out, but they could see the information for each district, including its current size, requested withdrawals, parcels recommended for removal, and the resulting district size. He said that, as Mr. Andrews had mentioned, a single public hearing could be held for all eight districts, and individuals could participate in that hearing for any given district.

Mr. Gallaway asked if the PC chose not to follow the code’s suggestion about the non-development rights.

Mr. Lynch said that the Ag Forestal District Committee had voted to recommend to this body that they should not follow the code.

Mr. Gallaway said that the code was enacted in the year 2016.

Mr. Andy Herrick, County Attorney, said that the ordinance underwent two phases of amendment. He said that in 2016, it was modified to prohibit parcels without development rights from being added to a district. He said that in 2018, the Board further amended the ordinance to also apply this criterion to district reviews, so it was amended in two distinct stages.

Mr. Clark said that he had intended to include an additional point in his presentation, which was related to the two recommendations presented on this slide. He said that in addition to the committee's suggestions for individual districts, which included not removing parcels without rights, he wanted to bring to their attention that the committee had sent a letter to the Board on Monday evening. He said that the letter recommended that the County not follow its current review process of the apparent focus on development rights and instead revise the process and amend the code as necessary.

Ms. Mallek said that she was reviewing the map for Jacob's Run, as it was the one she was most familiar with. She said that upon examination, she noticed that none of the small lots were receiving any beneficial tax consideration. She said that these five lots, which were suggested to be removed, were listed on page 34 of this document.

Mr. Clark said that here in this table, they can see the tax status of the parcels being recommended for removal. He said that she was correct. He said that for Jacob's run, there were five parcels in regular taxation. He said that these parcels would be removed because they did not have development rights. He said that additionally, there were two parcels that were in other land use, which could be agriculture, forestry, or both.

Ms. Mallek asked if the green properties were requested for removal by their owners.

Mr. Clark said that the owners requesting removal were the two under withdrawals. He said that the other two under removals were those that would be removed per policy, as they did not possess the development rights.

Ms. Mallek said that this brought them back to their earlier discussion about supporting conservation. She said that she understood the reasoning behind it. She said that there was a significant shift from the adoption of the code, which initially focused on properties that had accessed the land use program through open space, but they were not willing to do a contract and provide stewardship.

Ms. Mallek said that now it seemed that that had been transferred to everyone. She said that she was not sure if this was a legal requirement to limit the focus to the original intent of the Board, which was where they were, and to do it more broad-based. She said that there was no financial impact to the County from removing these entities that were more like cheerleaders than beneficiaries.

Mr. Lynch said that he could share that, as he recalled, five or six years ago when they discussed this at this level, the Board had wanted to close the loophole that allowed open space taxation. He said that specifically, open space taxation required a minimum of 20 acres of land. He said that, however, it became more complicated when parcels smaller than 20 acres were involved, as they could be aggregated together.

Mr. Lynch said that they currently had 29 parcels of less than 20 acres that were qualified for open space, ranging from 1.55 to 18.77 acres. He said that simply restricting it to parcels that were 20 acres or more, or parcels that were currently under open space, did not solve the problem. He said that instead, it only addressed the issue for parcels that were currently getting open space benefits but lacked development rights.

Mr. Lynch said that as Greg Kamptner, a former County Attorney, had pointed out at that time, parcels could be kept in the program for another five to 10 years, then they could switch between agricultural and forestry and open space designation, and this had happened several times since then. He said that therefore, all of these scenarios were possible.

Mr. Andrews said that he had some questions. He said that if they could return to the slide comparing the committee and staff recommendations, he would appreciate that. He said that he would like clarification on the asterisk, dagger, and notification, and how that played into what to include and not include. He said that as he understood it, the policy adopted in 2018 included criteria for reviewing small lot development rights. He said that at that time, no parcels were removed, and he asked to whom notices were sent.

Mr. Lynch said that at that time, they sent notices to the owners of 30 properties that were qualified under open space and had no development rights. He said that out of those 30 letters mailed in 2019 and 2020, 15 properties were removed from land use and subsequently paid full regular taxes from that point forward.

Mr. Lynch said that 13 were switched from open space to agriculture or forestry. He said that one property was combined with another to obtain development rights, and one remained unchanged, facing potential rollback taxes. He said that in total, only one property would be affected, and that was the one that failed to take action after their communication five years ago.

Mr. Andrews said that the properties that were notified at that time were those in open space and that this policy had been adopted for review. He said that upon reviewing the minutes, he found a discussion about notifying all property owners of this new policy. He said that he was unsure if all property owners had been notified.

Mr. Andrews said that what they were doing now was removing properties with no small lot development rights, regardless of whether they were in open space, land use, or any other land category. He said that these properties were being proposed for removal, which aligned with the code, but notice had not been provided until recently for this action.

Mr. Lynch said that was correct. He noted that five years ago, they did not have accurate information on the development rights of parcels. He said that it was not until recently, and Mr. Clark could likely provide more details, that Mr. Clark's office gained the capability to conduct development rights research. He said that this allowed them to determine which properties had development rights and which did not. He said that as a result, they were unable to notify the relevant parties five years ago, except for the initial list of 30 property owners.

Mr. Andrews said that as stated in the minutes, they were supposed to notify all owners about the policy change, but it appears that did not occur. He said that he would like to know how the small lot development rights were determined. He asked if it was according to the County records, so this information could be found by searching the land records parcel by parcel.

Mr. Clark said that he and James Van Vranken had conducted plat research, following the same process that would be used for a zoning determination for development rights. He said that although it was not a full zoning determination, they verified the information by consulting the original plats on record at the courthouse to ensure accuracy.

Mr. Andrews said that a significant amount of work was involved in the process. He asked when the notices were sent out regarding tonight's determination to remove the small lot development rights from those proposed parcels.

Mr. Clark said that he apologized that he did not recall the exact date, but at the beginning of the review process, they had started reviewing two of these districts, Hardware and Ivy Creek, but they had to pause that review after reaching a certain point. He said that they later restarted the entire review process for those two districts, as well as six additional districts, approximately six months ago. He said that at that time, they had updated the notification letter content to address the policy issue that Mr. Andrews was inquiring about, specifically the potential removal of those districts.

Mr. Andrews clarified that there was an earlier notice sent to a couple of individuals, which did not include this information. He said that a more recent notice was issued, informing people about this. He asked what the response to the more recent notice had been.

Mr. Clark said that there had been phone calls from individuals seeking clarifications.

Mr. Andrews asked if there had been any arguments or disagreements regarding the determination of small-lot development rights. He asked if there were individuals who disputed the determination of their small-lot development rights.

Mr. Clark said that a few individuals questioned whether they had done it correctly, so they went back through and verified it. He said that he believed most of the callers requested more of a general explanation, rather than a specific concern about their own property, and they wanted to understand the implications for them, rather than a particular issue with their land.

Mr. Andrews asked if anyone had stated they did have small lot development rights, which the County did not determine. He said that he was wondering if anyone had contested their determinations.

Mr. James Van Vranken, Natural Resource Planner, said that he could clarify the details regarding Mr. Clark's explanation. He said that he had received approximately a dozen phone calls from landowners in response to the notification letters. He said that the first set was sent out in October, but it did not mention that parcels would be removed or recommended for removal.

Mr. Van Vranken said that a second notification was sent out in November to all landowners, informing them about the recommendations and whether they were included in the recommendations or not. He said that he had received phone calls from about a dozen landowners, although he did not have specific details. He said that one landowner claimed to have small lot development rights, so they had re-verified and were confident that they did not have small lot development rights.

Mr. Van Vranken said that this was the only instance of such a claim. He said that he had not had conversations with anyone who had been upset over the recommendations, as most had been seeking clarification that the recommendations would not affect their taxes.

Mr. Andrews asked if there was no recourse mechanism in place if an error in this determination were to be discovered after the fact.

Mr. Clark asked if he was referring to a situation where someone was removed from a district and later discovered that they had development rights.

Mr. Andrews said that he feared that people would find out later as a surprise.

Mr. Clark said that he would defer to Mr. Herrick on any potential legal solutions, but it was worth noting that the landowner could also consider reapplying to the district.

Mr. Andrews said that he wished to clarify the inclusion of properties under conservation easement that lacked small lot development rights.

Mr. Clark said that staff were not recommending the removal of any parcel that was in a conservation easement. He said that Mr. Van Vranken could correct him, if necessary, but they did not to development rights research on parcels under conservation easement. He said that if they had little or no development potential, they were typically more strictly protected under the easement than in the AFD (Agricultural-Forestal District) program.

Mr. Andrews said that made sense. He said that from the County's perspective, when a landowner agreed to put their land with development rights into a district, they were saying to the County that they did not want to use the rights for the duration, and the County had benefited from that. He said that however, for landowners who did not have small lot development rights or were not in a land use designation, he would like to know what benefits they received from being in a district if they were not in open space.

Mr. Clark said that there was very little regulation of those parcels, so to answer the question, a parcel with no development rights in a district was subject to very few limitations. He said that the district program put very little limitations on them. He said that if they could not be subdivided anyway, then the district restrictions did not matter. He said that they may face limitations on short-term rentals, but that was about the extent of their restrictions.

Mr. Clark said that in terms of what they received, as mentioned earlier, there were some restrictions, although not a total prohibition on State land takings for roadway improvements on land designated as AFDs. He said that this provided some level of protection. He said that being in the districts was often perceived as a sense of mutual reassurance among neighbors, who were focused on land conservation, even if some smaller parcels without development potential were not actually giving up any development by being in the districts.

Mr. Andrews asked if there was consideration given to the number of parcels that would be in these districts before and after, as well as whether they would be contiguous and create any synergies in terms of wildlife corridors or restrictions on other criteria.

Mr. Clark said that he would like to show them a couple of slides that compared the before and after in different terms. He said that he would also like to address the question about wildlife corridors. He said that in terms of the graph and the other one he would show them, the green parcels were those that would remain in.

Mr. Clark said that the yellow parcels were being withdrawn by landowners, and the pink parcels would be removed under the staff and PC recommendation. He said that this was based on the number of parcels. He said that when viewed in terms of acreage, the impact on the district was a smaller.

Mr. Clark said that the parcels view may appear more dramatic, while the acreage view showed a less dramatic overall change. He said that there was limited control over the contiguous nature of individual districts, as they were comprised of volunteer members, so there was no particular pattern. He said that over the years, many of their districts had undergone changes, with cores forming and dissolving, leading to less contiguous land.

Mr. Clark said that to answer the question about wildlife corridors and other forms of management, there was a common misconception that being part of the districts required implementing land cover protection, such as retaining forest cover or specific land management practices. He said that this was not the case. He said that the County code restrictions, which governed the districts, primarily limited uses and prevented subdivisions, rather than mandating land cover protection or specific land management practices. He said that the land cover aspects of parcels within the districts were not controlled by the district program.

Mr. Lynch said that before they proceeded to the public hearing, if he may, he would like to share a brief update and repeat some information from earlier, if that was acceptable to the Board.

Mr. Lynch said that Ms. McKeel asked about different and redundant layers of protections in the Rural Areas. He said that Mr. Clark had pointed out that the Rural Area zoning already controlled development in the Rural Area. He said that the Ag-Forestal District added another layer of protection to parcels that had not used their development rights.

Mr. Lynch said that however, in the case where those development rights had already been used, and staff was recommending for removal, it was redundant because the County zoning code already protected those parcels. He said that he had also wanted to mention earlier that there had been a misunderstanding about Ag-Forestal Districts. He said that there were two categories. He said that the Board and he, as a member of the Agricultural-Forestal District Committee, had received some emails about this topic.

Mr. Lynch said that he wanted to point out that the people who sent those emails were not present tonight, but he wanted to highlight a couple of points they made and explain why they were not accurate and why they would not be affected by the actions of the Board tonight. He said that Ms. Martin had discussed equestrian sports, stating that without these districts, the risk of equestrian sports in Albemarle County would be at risk. He said that she stated that she had seen many properties that had been converted from farms to neighborhoods and housing developments, resulting in permanently lost agricultural and forestry land. He said that she further stated that the County did not have the infrastructure to support increased population growth, which would be a consequence of changing these districts.

Mr. Lynch said that Mr. Drumheller had expressed concern about removing parcels from the Ag-

Forestal Districts, fearing it would lead to development encompassing the entire County. He said that Ms. Fox stated that they should stop filling up every corner of the County with homes, apartments, and storage units.

Mr. Lynch said that all of these emails were focused on development, and none of the parcels being recommended for removal from the Ag-Forestal Districts that night had any development potential. He said that therefore, removing them would not allow any development in the Rural Areas. He said that he believed that this part of what these people were saying was not accurate, and they simply did not understand the impact of the Ag-Forestal Districts on these parcels.

Mr. Lynch said that in one of their previous meetings, a committee member had spoken with a farmer, who stated that if his parcel were removed from the Ag-Forestal District, he would not be able to afford to farm in Albemarle County. He clarified that in reality, if the farmer qualified under agriculture and forestry, either one or both, he would continue to qualify outside of the Ag-Forestal District. He emphasized that this change would have no effect on his taxes as long as he continued to engage in agricultural activity. He said that this appeared to be a common misconception, but the truth was that removing parcels from the Ag-Forestal District would not prevent them from qualifying for land use, as they would still follow the same agriculture and forestry qualifications as any other parcel, regardless of whether it was in an Ag-Forestal District or not.

Mr. Lynch said that as he had previously mentioned, 90.3% of agricultural and forestry active uses in the County were outside of an Ag-Forestal District, with only 8.7% being in an Ag-Forestal District. He said that this was because a small number of parcels were qualified for these programs within the Ag-Forestal District, and the district itself had no bearing on qualification. He said that farmers could qualify while they were in the district or while they were out of the district, and this change would not have a significant impact. He said that he wanted to reiterate this point to clarify that it was not widely understood throughout the community.

Mr. Pruitt said that to further clarify, he would like to revisit the chart of recommendations. He said that while they were at it, he would like to clarify a point regarding the staff recommendation with the asterisk. When Mr. Andrews asked about the asterisk, staff mentioned there was a range of owners that had been notified about the potential change. He said that several of them took proactive steps to adjust their land use category, and some even voluntarily withdrew at that point. He said that there was one other person who would be the exception. He asked if he was correct in understanding that the staff recommendation for the category with the asterisk involved a single entity that had a five-year rollback provision.

Mr. Lynch said that no; actually, the asterisk applied to anyone else who may have been notified in the process. He said that as he had mentioned earlier, a few parcels had been changed after prior communications from another program to open space. He said that those parcels would now require notification and give an additional five-year period. He said that the gentleman who had been previously notified five years ago would face rollback taxes at this point and was not part of those noted by the asterisk.

Ms. Mallek said that she had one follow-up. She said that to confirm, she understood that there were no parcels left in the open space category from where they had started six years ago, as those were the ones of concern because they were receiving benefits for not developing them.

Mr. Lynch said that there was one.

Ms. Mallek said that was the one under notification. She said that everyone else had either chosen an alternative or withdrawn from consideration. She said that she would like to make a comment rather than an argument. She said that it was a question about conservation easements. She said that although there was no development potential, there was no real reason to worry about them. She said that the same was true of those small lot parcels; there was no financial benefit, and they were not causing any issues, so she had difficulty distinguishing between the two categories.

Mr. Gallaway said that this was the situation where, as he had mentioned earlier, the state required the collection of rollback taxes for individuals who came out of the AFD and did not qualify elsewhere.

Mr. Lynch said that was correct.

Mr. Gallaway said that he was recalling their previous conversation regarding the County's ability to waive these taxes, but they did not have that option; it was a state requirement.

Mr. Lynch said that according to the state code, they were required to rollback these taxes. He said that alternatively, they could qualify in a different way so they were not rolled back, or the 15 who had paid regular taxes for five years, so rollback taxes were not necessary.

Mr. Gallaway said that the switch enabled them to qualify for other programs, allowing them to effectively transition. He said that he recalled their conversation from 2018.

Ms. Mallek said that it was not the removal from the Ag-Forestal District, but rather that they were not qualifying for land use in some other way.

Mr. Lynch said that it was the combination of being removed from the Ag-Forestal District without an alternative means of qualification.

Mr. Lynch said that the Board had done a commendable job of providing those 30 property owners with an opportunity over the course of five years to avoid rollback taxes while still achieving the goal of closing the loophole.

Mr. Andrews opened the public hearing and invited member of the public who were signed up to speak.

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Mr. David van Roijen, Samuel Miller District, said that as some of them may be aware, he was a strong supporter of Agricultural-Forestal districts and believed that they protected Rural Areas and fostered a sense of community. He said that he was concerned by the actions taken tonight. He said that he had expected this meeting to focus on agriculture and supporting agriculture in the Rural Areas, but the discussion of small lot development rights and the potential removal of parcels from the district, even if it had no economic impact on the County, seemed to be diverting them from their original goal.

Mr. van Roijen said that he thought they were getting confused and losing sight of what was truly important. He said that in his opinion, the committee had made a good-faith effort to provide recommendations. He said that the best course of action would be for the Board to act in favor of the Ag-Forestal Districts and the parcels within them, and to demonstrate their support for these districts.

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Mr. J.C. Wolf said that he had a small business on Pantops Mountain with a building, and he also owned land south of town in the Hardware District. He said that he was made aware of the removal of these agricultural districts, and he agreed with David's sentiments. He said that he supported the committee's recommendations, and he did not support or agree with the staff's and the PC’s recommendations.

Mr. Wolf reason was that, at the bottom line, the County was facing a deficit, while the City of Charlottesville was in a surplus. He said that he was not here to engage in the ongoing debate between Albemarle and Charlottesville. He said that in his view, the issue was not about generating revenue through the removal of these farms or parcels from the Ag-Forestal District, as he did not believe this would generate the revenue that they needed. He said that instead, changes were needed within these entities that were non-profit or tax-exempt.

Mr. Wolf said that one of the biggest concerns he had was the university. He said that he would not delve into this topic further, as it was a significant issue. He said that the university's lands, if taxed at 1% of their land value, amounted to approximately $20 million. He said that this was a substantial amount, and that the fundraising efforts and endorsements of the university was far more than what the farmers in the Ag-Forest Districts had, and what they had to do with their two hands.

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Ms. Melanie van Roijen said that she was speaking that day not as the chair of the Ag-Forestal District Advisory Committee, but as a private citizen. She said that she was present because she strongly believed in the importance of Agricultural and Forestal Districts, or AFDs, and was concerned about the direction they were heading with the current district reviews. She said that Virginia state had adopted the Agricultural and Forestal Districts Act in 1977 in response to growing pressure to convert farmland and forest into residential and commercial developments, as well as concerns about the irreversible loss of valuable agricultural land, vital open space, and the state's rural identity.

Ms. van Roijen said that she believed Albemarle County's districts, created primarily in the 1980s, remained as relevant today as they were then. She said that AFDs served as a testament to the community's commitment to preserving cherished rural character, agricultural and forestal economies, and protecting irreplaceable natural resources. She said that they contributed to the local sense of culture and the natural beauty that everyone cherished.

Ms. van Roijen said that she was particularly concerned by the County staff's recommendation for parcel removals. She said that as outlined in the Ag-Forestal District Committee's memo to the Board of Supervisors on February 17, the committee believed this approach conflicted with the purpose and policies of State of Virginia and Albemarle County and served to undermine the very purpose of Ag-Forestal Districts.

Ms. van Roijen said that in addition to the eight districts before them today, there were seven more scheduled for review on April 2, and 13 more that would eventually come before the Board. She said that the County staff's recommendation for the first 15 districts would result in County-initiated removal of 153 parcels totaling 2,503 acres. She said that those numbers would likely be significantly more if they were to consider all 28 of the County's districts.

Ms. van Roijen said that furthermore, the potential financial benefit were estimated at less than $30,000 upfront and $6,000 annually from only two of the 153 parcels, did not justify the potential negative consequences. She said that what was also troubling was that this approach treated conscientious landowners who were actively engaged in agricultural forestal activities the same as those who might consider converting their land to other uses in the future. She said that this approach punished good stewardship based on speculation and perception.

Ms. van Roijen said that the Board of Supervisors' decision to remove parcels not requested for withdrawal by the landowner will be the first such decision in the program's 40-plus year history, setting a significant precedent. She said that the Ag-Forestal District Committee had developed an alternative district review policy consistent with existing County code, which she believed offered a more balanced and sustainable approach.

Ms. van Roijen said that the Committee's recommendation considered a range of factors, including but not limited to development rights, and focused on whether a parcel was genuinely contributing to the purpose of the AFD program. She said that this targeted approach would result in significantly fewer parcel removals, protecting the integrity of their districts. She said that this approach was aligned with the County's Comprehensive Plan, including the AC44 Comprehensive Plan updates and progress.

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Ms. Shawnee Baker, White Hall District, said that she was here representing the thriving horse community in Central Virginia, which had made significant contributions to the County and State through economic development and sales taxes. She said that to maintain this industry, it was essential to allow the AFDs to continue, particularly for equine and farm-related activities, such as boarding farms and riding lesson programs.

Ms. Baker said that the information provided tonight had given them a better understanding, but it needed to be kept simplified. She said that this was also tied to the affordable housing discussion earlier. She said that the support staff and community that helped sustain this industry were facing significant challenges in finding affordable housing. She said that she believed their tax revenue from this industry should be considered when evaluating both affordable housing and land use.

Ms. Baker said that there was a lot of data and statistics supporting the equine industry in their community, which could be provided to them after this meeting if desired. She said that the third topic she would like to address was the readdressing of the Biscuit Run Park issue, which was also related to how their community was utilizing its land.

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Mr. Mike Haas, Rivanna District, said that he was Vice Chair of the Ag-Forestal District Advisory Committee. He said that he would like to clarify some points that he felt were misstated during the meeting. He said that the answer that the committee had chosen to ignore the County code was incorrect. He said that they had thoroughly deliberated on how to respond to the County code without simply following the staff's recommendations without exception.

Mr. Haas said that their letter, approved on Monday, urged the Board of Supervisors to change the review process, as Ms. van Roijen had previously discussed, or to change the County code. He said that it was essential to note that they never suggested ignoring the staff's recommendations entirely. He said that he had been on the committee for a year, and they had been discussing this topic for a year. He said that they took this issue seriously and did not take it lightly.

Mr. Haas said that they appreciated the staff's recommendations, but they also believed that there were unintended consequences that needed to be considered, particularly the overall harm to the districts. He said that they believed that over time, if they followed the staff's recommendations, the Agricultural-Forestal Districts would be decimated, as evidenced by the example of Ivy Creek. He said that he was also surprised to learn that Ivy Creek was at risk of being eliminated, which he found particularly telling, given his involvement on the committee and his attendance at every meeting for the past year.

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Ms. Annie Campbell, Jack Jouett District, said that she was also surprised to hear that the Ivy Creek District would be eliminated. She said that she could see her own property on the map of Ivy Creek that had been presented. She said that this issue was deeply personal to her. She said that she considered herself well-informed on this topic and did not have misconceptions about the policy. She said that she wanted to express her concern that it was telling that when the Board made the decision five years ago to consider land use within the policy, they did not anticipate the implications of districts being eliminated.

Ms. Campbell said that she was shocked to learn that their Ivy Creek AFD would be completely gone, and she was concerned about the acreage and parcel impact this would have on other districts over time. She said that if the Board had foreseen this five years ago, they would have recognized that it was in conflict with the overall purpose of the Ag-Forestal Districts and made a different choice. She said that she supported the committee's recommendation to preserve the Ag-Forestal Districts in a realistic manner yet also supports the state's purpose in creating them.

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Mr. Andrews closed the public hearing and said the matter rested with the Board.

Ms. McKeel asked if staff could address some of the concerns raised by members of the public.

Mr. Lynch said that Mr. Clark had mentioned earlier in his presentation that they had also just discovered that the Ivy Creek district would have no parcels left, due to a last-minute withdrawal by one of the property owners. He said that this unexpected change was surprising to them because of the timing, because it was possible for the property owners to request a withdrawal up until this hearing.

Mr. Clark said that as Mr. Lynch had mentioned earlier, he would like to reiterate that while parcels were recommended for removal from the districts, they would not be removed from their Rural Area Comprehensive Plan designation or their Rural Area zoning. He said that these Rural Area parcels would remain in that zoning district and lack additional development potential, they would not be freed up to undergo extensive residential or commercial development as a result of the categorical change of use. He said that the removal from the districts did not involve a shift in their Comprehensive Plan designation or zoning. He said that it would only remove them from the additional restrictions of the voluntary conservation program.

Mr. Lynch said that one of the speakers mentioned equestrian use, which was similar to an email he had previously referenced. He said that the equestrian use would not be impacted by the parcel being removed from the Agricultural-Forestal District. He said that they could still qualify as equestrian by engaging in stabling, training, and other normal equestrian activities, and would still be eligible for land use designation.

Mr. Clark said that in zoning use terms, the same by-right uses were permitted regardless of whether the property was located in the district or outside of it. He said that this included agricultural, forestry, and other 40-some uses that were permitted by right in the Rural Area zoning district. He said that these uses were equally available whether a farm was located within the district or outside of it.

Ms. Mallek said that she had become increasingly troubled by the numerous arguments that said it was the same whether the project was in or out. She said that if people still wished to be part of the conservation group, she did not see the harm in it. She said that she wondered if there was an opportunity to refine the process that was adopted without the clarity that they now had, which was lacking in the past. She said that specifically, the transition from an open space without a contract to a more broad-scale approach had been lost on her for the past several years.

Ms. LaPisto-Kirtley said that she would like to clarify a perception that seems to exist regarding the parcels taken out of the conservation of the AFD that it would reduce the land available for agriculture and forestry use.

Mr. Clark reiterated that regardless of whether the land was within or outside the district, it would be able to carry out agricultural or forestry use by right. He said that this was not a requirement or mandate imposed by being in the district.

Mr. Pruitt said that they would also be eligible for the tax benefits associated with those land uses.

Mr. Lynch said that was correct. He said that there was no apparent advantage for those uses by farmers or foresters whose properties fell within the Ag-Forestal District.

Ms. LaPisto-Kirtley asked if those property owners could potentially leave the district and then re-enter if needed.

Mr. Clark said that yes, provided they met the acceptance criteria, which included being located in a Rural Area, having important agricultural land or soils, and other criteria as previously displayed, plus having some degree of small lot development rights that must be given up for the duration of their time in the district.

Mr. Lynch said that if he understood the question, those parcels that were being removed would not be able to return to the district unless they somehow acquired a development right.

Ms. LaPisto-Kirtley said that they were being removed because they did not have the necessary development rights. She said that from what she had gathered, the equine situation was mentioned in terms of the Comprehensive Plan, but it appeared that the applicants were seeking a separate statement or clarification regarding it. She said that the equine issue was already included in the Comprehensive Plan.

Mr. Lynch was unclear about what they were referring to in the Comprehensive Plan, but if they had a qualified equine use on their property and had gone through the qualifying process with his office, the Comprehensive Plan would have had no bearing on that. He said that as long as they met the minimum acreage requirement, the activity, revenue, and other factors, that they would qualify.

Mr. Andrews said that he would like to probe one more time regarding the Ivy Creek withdrawal. He asked if there was indication that the landowner was aware that they were the only remaining property in the district. He said that this knowledge may have influenced their decision to withdraw. He asked if there were any discussions or any information that could be related to the Ivy Creek landowner who decided to withdraw after learning that everyone else was being thrown out.

Mr. Van Vranken said that the landowner's representative contacted them on Monday to express their desire to withdraw from the program. He said that the seven parcels in question were all owned by the same individual, under a single conservation easement. He said that according to his understanding, there was some back-and-forth regarding the current owner's recent purchase of the property and potential sale, as well as the prospective buyer's reluctance to include the Ag-Forestal District.

Mr. Van Vranken said that he did not have a detailed understanding of the specifics. He said that the clarification they discussed centered on the differences between the conservation easement and the Ag-Forestal District, as well as the benefits they would receive from being in the district, given their existing conservation easement. He mentioned to them that they were currently the only parcels being recommended to continue in the district, which did not seem to influence their decision.

Mr. Andrews asked if that was after they had already expressed their intention to exit the district.

Mr. Van Vranken said that no, it was before they made that statement.

Mr. Andrews clarified that a significant portion of this issue stemmed from the inability to validate open space use in a way that was comparable to forestry or agricultural activities. He said that if there were a way to do that under the code, it would be possible to consider an open space, regardless of whether it fell within an Agricultural-Forestal District or not, based on some form of validation.

Mr. Lynch said that the state code required a parcel to be either in an Ag-Forestal District or under an open space use agreement, or a conservation easement, to be considered open space qualified under land use. He said that that first piece must be in place. He said that they had no other criteria to judge it by.

Mr. Lynch said that for instance, simply being in an Ag-Forestal District did not necessarily mean a parcel was open space, as it may not meet certain requirements. He said that they were limited in what they could base it on. He said that ultimately, a parcel must be either in an Ag-Forestal District or under an open space use agreement.

Ms. Mallek asked if they still had the opportunity to enter into an open space contract.

Mr. Lynch said that the open space use agreement contract was more restrictive than the Ag-Forestal District. He said that if they had a larger parcel, such as a 200-acre property with no small lot development rights, it would be recommended for removal from the Ag-Forestal District because they were not actually restricting anything. He said that they could still build or subdivide all 21-acre lots they wanted, even within the Ag-Forestal District. He said that however, the open space use agreement restricted all development, so they could place an open space use agreement on that same property because it would have a clear benefit to the County.

Ms. McKeel said that in general, she was supportive of staff recommendations.

Mr. Gallaway said that with all due respect to some of the comments they had heard, he did not fully agree with the premises that were fueling some of the fears here. He said that the districts did not drive their land use policies. He said that there was also some equating the AFD with the Rural Area, which was not the case. He said that therefore, he would be supporting the recommendation.

Ms. Mallek said that a very important distinction she had learned was that the open space agreement way to achieve open space participation would prevent the 21-acre subdivision, as it currently had no restrictions due to being by right. She asked if she understood that correctly.

Mr. Lynch confirmed that was correct.

Ms. Mallek said that she understood how many factors were at play. She said that she felt deeply troubled because she thought that in the 1980s, she was very much a part of and still felt that there was a community of ideas and support value that the County received from participation in this activity, which nobody seemed to gain from and without causing harm to the County. She said that she was having a great deal of difficulty in that regard.

Ms. Mallek said that she completely understood where staff was coming from on all of this and acknowledged the distinctions and protections, as well as the fact that this change would not hinder people's ability to continue with their current roles. She said that she was just having a hard time letting go of the fact that they were telling people they did not need them, which felt like a self-inflicted wound that she was truly sorry about.

Mr. Pruitt said that he agreed that he was somewhat conflicted regarding this decision. He said that as Mr. Gallaway pointed out, he did not believe that anyone was being significantly harmed in a material way by the staff recommendation because land use policy on these properties remained unchanged. He said that if individuals wished to make a broader statement towards conservation, they could still donate their land in a conservation easement, as they had discussed earlier that day.

Mr. Pruitt said that they could also take other steps to conserve their land. He said that the decision did not have a direct pecuniary impact on people, except for those receiving an open space land use valuation, who could still receive the associated taxation value advantage if they engaged in agriculture, which he considered a reasonable request.

Mr. Pruitt said that he was in agreement with the staff recommendation on all tangible aspects. He said that he was moved by a painting at the Virginia History Museum, which depicted a historic building in Albemarle County, which was a barn in a specific location. He said that this experience made him realize that they could not look up that place anywhere; it was a culturally understood place at the time it was painted and was not retained in the public consciousness through any institutions.

Mr. Pruitt said that he understood what Ms. Mallek meant about her conflicted feelings about this; there was a shared cultural placemaking involved in the Agricultural-Forestal District, which was retaining a kind of metaphysical significance. He said that he acknowledged the value in that, and he believed it was the most earnest critique that he heard from the public members who had expressed concerns. He said that as a result, he would need to carefully consider his vote in the next few minutes.

Ms. LaPisto-Kirtley said that she had a question regarding the Rural Area. She asked if someone were to purchase a large piece of land, such as 20 acres, and wanted to farm, engage in agriculture, or raise animals, would they be able to do so?

Mr. Lynch confirmed that was correct,

Ms. LaPisto-Kirtley said that this was not what the staff was recommending; rather, these were development rights being applied to a specific piece of property that should have already been there. She said that she was having trouble seeing the connection between this and the Ag-Forestal designation. She said that if a property did not have development rights, would that mean they could not have conservation easements?

Mr. Lynch said that if they did not possess any development rights, then it was reasonable to conclude that they should not be part of an Ag-Forestal District.

Ms. LaPisto-Kirtley said that if they possessed development rights, they could be in the Agricultural-Forestal District.

Mr. Lynch said that was correct. He said that if they possessed development rights, they had options. He said that they could either join the Ag-Forestal District or actively engage in farming or forestry on their property to receive the same tax benefits.

Ms. LaPisto-Kirtley said that those were her concerns because it did not seem like they were taking away, which was important to her. She said that they were not eliminating that ability but rather following within the established guidelines. She said that she would be supporting this.

Mr. Andrews said that he would like to address it now that he was a member of the Ag-Forestal District Advisory Committee, appointed by this Board. He said that as a designated member from the Board, he would like to clarify that when this issue first arose, they reviewed the policy and he made it clear that, based on the current ordinance, he could not vote against the staff recommendation because it seemed clear that parcels without small lot development rights would not be recommended for renewal in the review process.

Mr. Andrews said that as their deliberation progressed and Mr. Haas mentioned, it was not a question of ignoring the law, but rather whether they should ask for a more thorough review process that considered other criteria. He said that he found that, in 2011, before the change, Mr. Kamptner stated that it was not a hard and fast rule about having development rights. He said that he believed that became a hard and fast rule at some point.

Mr. Andrews said that that there was enough that he began to abstain from votes because he felt it was essential to be present and listen. He said that there were extensive deliberations on this topic. He said that the PC also voted 4-2 to recommend the staff's proposal, and he made sure to provide the minutes so that everyone could see the discussion about this at the PC as well.

Mr. Andrews said that it was challenging for him to say he would vote against the current code, as he believed that was what it said. He said that if they were to take action tonight, they would be recommending that they revisit the code provision and decide whether parcels without small lot development rights could still be in Ag-Forestal Districts.

Mr. Andrews said that his only other concern was the notice issue. He said that he had always felt that better notice could have been provided to homeowners and landowners, ensuring they were aware of the changes. He said that at this point, he was not hearing an overwhelming number of complaints about the notice or the determination, so he was weighing that a little less heavily.

Ms. Mallek asked if there were members of the Board who would be interested in reviewing this criteria and considering alternative approaches, rather than a hard and fast rule.

Ms. McKeel said that she believed that topic would be better discussed at a later time. She said that if they wished to revisit that subject, that it should be in the future.

Mr. Andrews said that he believed the question was relevant to the decision that they had to make regarding this item.

Ms. Mallek said that if people voted yes on this, then that would be the end of it as far as these parcels were concerned. She said that she was asking this now because she would like to know if there was a reason to hold up and take a closer look at it briefly.

Mr. Andrews said that as a representative on this committee, he felt that there was so much discussion of this issue, which prevented the committee from thoroughly examining each district and parcel. He said that they did not consider whether, under the review criteria, they should have been able to evaluate whether certain parcels had particularly valuable soils or were crucial to the district's functionality, and whether they should have weighed these factors against the presence of small lot development rights.

Mr. Andrews said that to his knowledge, this consideration was not really brought up in the process. He said that although the review criteria included multiple factors, only one – the availability of small lot development rights – was extensively discussed, as the other criteria were assumed to have been met prior to the parcels joining the districts.

Mr. Lynch said that he was just remembering those meetings, and that he had brought up in those meetings the focus on small lot development rights. He said that development patterns, Comprehensive Plan, and zoning regulations were all interconnected. He said that specifically, three of the five criteria were based on the Board's ability to guide development in the Rural Areas.

Mr. Lynch said that restricting development rights was one of these important factors, but that they were also considering development patterns and the Comprehensive Plan, as well as the zoning regulations, when discussing the restriction of development rights or the denial of parcels in the district that did not have development rights. He said that he believed these factors were all closely tied together.

Mr. Gallaway said that while he empathized, this issue had been thoroughly vetted by the Board in 2018. He said that it was a work session, and the outcome had been later brought back for a decision.

Mr. Andrews said that in 2018, there were two meetings.

Mr. Gallaway said that this was not a consent agenda item that flew under the radar. He said that three of them were on the Board, and that he had voted for the code change in 2018.

Mr. Gallaway said that this change had received a thorough vetting, and that they did not put things into the code for feel. He said that there were many items in the codes and ordinances that people were upset that they were not getting done or handling.

Mr. Gallaway said that if the Board started allowing changes to be included in the code simply because they felt good, that was not what should be in the County code. He said that those things could be in the Comprehensive Plan, guiding vision, and mission statements, where philosophical considerations dictated, but not in the code itself.

Mr. Gallaway said that he was not prepared to say that the code was wrong, given that the Board had thoroughly reviewed and deliberated on it in a public process. He said that he empathized with the camaraderie of being in there, but he had been through budget cycles where people had said that dollars were nominal. He said that it was interesting what the threshold was to say they were nominal.

Mr. Gallaway said that as a Board, all six members had advocated for various budget items in the previous budget cycle, where tens of thousands of dollars mattered based on other things that they were purposefully and strategically trying to get done. He said that if the Board cast a blind eye to one issue, it could lead to problems in other areas, compromising the Board's integrity.

Ms. McKeel said that for her it was in the code, and that they needed to follow what they had in the code. She said that if they wished to modify the code, they would need to revisit the topic at a later time. She said that she was not prepared to make changes to the code tonight to accommodate this.

Mr. Andrews said that he was looking for a motion.

Mr. Herrick said that he wanted to clarify that there was a last-minute revision to the Ivy Creek District, which was reflected in the February 17 revised ordinance, which was at the dais and had been uploaded. He said that he also understood that the motion had been uploaded, but it specifically referenced the February 17 version of the ordinance, as that was the most recent one, reflecting the proposed termination of the Ivy Creek Agricultural-Forestal District.

Ms. McKeel moved that the Board of Supervisors adopt the proposed Ordinance No. 25-3(1), as revised February 17, 2025. Ms. LaPisto-Kirtley seconded the motion.

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

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

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ORDINANCE NO. 25-3(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, 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 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:
Sec. 3-211 Carter's Bridge Agricultural and Forestal District
Sec. 3-213 Eastham Agricultural and Forestal District
Sec. 3-215 Free Union Agricultural and Forestal District
Sec. 3-218 Hardware Agricultural and Forestal District
Sec. 3-221 Ivy Creek Agricultural and Forestal District
Sec. 3-222 Jacobs Run Agricultural and Forestal District
Sec. 3-227 North Fork Moorman's Agricultural and Forestal District
Sec. 3-229 Pasture Fence Mountain Agricultural and Forestal District

CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS

ARTICLE II. DISTRICTS OF STATEWIDE SIGNIFICANCE

DIVISION 2. DISTRICTS

Sec. 3-211 Carter's Bridge Agricultural and Forestal District.

The district known as the "Carter's Bridge Agricultural and Forestal District" was created and continues as follows:
A. *Date created*. The district was created on April 20, 1988.
B. *Lands within the district*. The district is composed of the following described lands, identified by parcel identification number:
   1. Tax map 101: parcels 55A, 60.
   2. Tax map 102: parcels 17A, 17B, 17B1, 17C, 17D, 18, 19, 19A, 19C, 20B.
   3. Tax map 111: parcel 48.
   4. Tax map 112: parcels 1, 3, 3, 15, 15A, 16E, 16E1, 16E2, 16F2, 16J, ~~16K~~, 18H, 19E, 19F, 20, 21, 33A, 37D.
   5. Tax map 113: parcels 1, 1A, 6A.
   6. Tax map 114: parcels 2, 30, 31D, 57, 57C, 57D.
   7. Tax map 122: parcels 4, 4A, 6, 7, 8, 9, 10, 12, 18, 18D, 33~~.~~
   8. Tax map 123: parcel 13B.
C. *Review.* The district is reviewed once every five years and will next be reviewed prior to February 19, 2030.

(Code 1988, § 2.1-4(j); § 3-210, Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(2), 2-10-99; Ord. 99-3(4), 5-12-99; Ord. 08-3(1), 7-9-08; Ord. 09-3(4), 12-2-09; Ord. 12-3(2), 12-5-12; Ord. 15-3(1), 12-2-15; Ord. 16-3(1), 10-5-16; § 3-211, Ord. 18-3(1), 11-7-18; Ord. 19-3(2), 9-18-19; Ord 25-3(1), 2-19-25)

Sec. 3-213 Eastham Agricultural and Forestal District.

The district known as the "Eastham Agricultural and Forestal District" was created and continues as follows:
A. *Date created*. The district was created on October 2, 1985.
B. *Lands within the district*. The district is composed of the following described lands, identified by parcel identification number:
   1. Tax map 46: parcels 91B, 91C, 91E.
   2. Tax map 47: parcel 17B.
   3. Tax map 63: parcels 1, 1A, 1A1, 2, 4, 26 27, 28, 30G, 41A.
C. *Review*. The district is reviewed once every five years and will next be reviewed prior to February 19, 2030.

(12-8-93; 5-11-94; Code 1988, § 2.1-4(c); § 3-212, Ord. 98-A(1), 8-5-98; Ord. 04-3(2), 4-14-04; Ord. 09-3(4), 12-2-09; Ord. 14-3(1), 8-6-14; Ord. 15-3(1), 12-2-15; § 3-213, Ord. 18-3(1), 11-7-18; Ord 25-3(1), 2-19-25)

Sec. 3-215 Free Union Agricultural and Forestal District.

The district known as the "Free Union Agricultural and Forestal District" was created and continues as follows:
A. *Date created*. The district was created on September 21, 1988.
B. *Lands within the district*. The district is composed of the following described lands, identified by parcel identification number:
   1. Tax map 7: parcels 6, 7, 8A, 9,9A, 9B, 9B1, 9C, 26B, 33.

2. Tax map 16: parcels 4B, 4C, 13A, 13D,15A, 15C, 15E, 15G, 16B, 17, 26, ~~30B, 36~~, 37, 52B1, 52B2, 54.
3. Tax map 17: parcels 17C~~,~~ 20A2, 22.

C. *Review*. The district is reviewed once every ten years and will next be reviewed prior to February 19, 2035.

(Code 1988, § 2.1-4(m); § 3-213, Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 08-3(3), 10-8-08; Ord. 09-3(4), 12-2-09; § 3-215, Ord. 18-3(1), 11-7-18; Ord. 19-3(2), 9-18-19; Ord. 21-3(3), 12-1-21; Ord 25-3(1), 2-19-25)

Sec. 3-218 Hardware Agricultural and Forestal District.

The district known as the "Hardware Agricultural and Forestal District" was created and continues as follows:

A. *Date created*. The district was created on November 4, 1987.

B. *Lands within the district*. The district is composed of the following described lands, identified by parcel identification number:

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1. Tax map 73: parcels 38, 41A, 41B1, 42, 42A, 43, 44.
2. Tax map 74: parcels 26, 28, 28B.
3. Tax map 75: parcels 4A, 5.
4. Tax map 86: parcels 16, 16C,16F, 16F1, 16F2, 27, 27A, 27B, 27C.
5. Tax map 87: parcels 10, 13A1~~,~~ 13E.
6. Tax map 88: parcels 6A, 20F, 23, 23E, 24B, 26B2, 29, 40, 42.
7. Tax map 99: parcels 10 (part), 29, 52.

C. *Review*. The district is reviewed once every five years and will next be reviewed prior to February 19, 2030.

(Code 1988, § 2.1-4(h); § 3-214, Ord. No. 98-A(1), 8-5-98; Ord. 00-3(2), 7-12-00; Ord. 07-3(2), 9-12-07; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 10-3(3), 12-1-10; Ord. 12-3(1), 7-11-12; Ord. 13-3(1), 12-4-13; Ord. 14-13(2), 11-12-14; Ord. 15-3(1), 12-2-15; § 3-218, Ord. 18-3(1), 11-7-18; Ord. 19-3(1), 3-20-19; Ord 25-3( ), 2-19-25)

Sec. 3-221 Ivy Creek Agricultural and Forestal District [terminated].

The district known as the "Ivy Creek Agricultural and Forestal District" was terminated on February 19, 2025.

(4-14-93; 2-14-96; Code 1988, § 2.1-4(n); § 3-217, Ord. 98-A(1), 8-5-98; Ord. 03-3(1), 7-9-03; Ord. 09-3(4), 12-2-09; Ord. 13-3(1), 12-4-13; Ord. 17-3(1), 12-13-17; § 3-221, Ord. 18-3(1), 11-7-18) ; Ord 25-3(1), 2-19-25

Sec. 3-222 Jacobs Run Agricultural and Forestal District.

The district known as the "Jacobs Run Agricultural and Forestal District" was created and continues as follows:

A. *Date created*. The district was created on January 6, 1988.

B. Lands within the district. The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 18, parcel 16C.
2. Tax map 19: parcels 25, 25A.
3. Tax map 30: parcel 32B.
4. Tax map 31: parcels 1B, 16, 16B, 44C, 44G2, 45, 45B.

C. *Review.* The district is reviewed once every ten years and will next be reviewed prior to February 19, 2035.

(3-2-94; Code 1988, § 2.1-4(i); § 3-218, Ord. 98-A(1), 8-5-98; Ord. 00-3(1), 4-19-00; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 11-3(2), 7-6-11; Ord. 13-3(1), 12-4-13; Ord. 15-3(1), 12-2-15; § 3-222, Ord. 18-3(1), 11-7-18; Ord. 19-3(2), 9-18-19; Ord. 19-3(3), 12-18-19; Ord. 21-3(2), 9-1-21; Ord 25-3(1), 2-19-25)

Sec. 3-227 North Fork Moorman's River Agricultural and Forestal District.

The district known as the "North Fork Moorman's Agricultural and Forestal District" was created and continues as follows:

A. *Date created*. The district was created on November 17, 1993.

B. *Lands within the district*. The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 4: parcels 1, 2, 3, 4.

C. *Review*. The district is reviewed once every ten years and will next be reviewed prior to February 19, 2035.

(11-17-93; 10-12- 94; Code 1988, § 2.1-4(f); § 3-220, Ord. 98-A(1), 8-5-98; Ord. 00-3(3) , 9-13-00; Ord. 04-3(3) , 11-3-04; Ord. 09-3(5), 12-9-09; Ord. 10-3(2), 7-7-10; Ord. 14-3(2) , 11-12-14; § 3-224, Ord. 18-3(1) , 11-7-18, Ord. 23-3( ), 12-6-23; Ord 25-3(1), 2-19-25)

Sec. 3-229 Pasture Fence Mountain Agricultural and Forestal District.

The district known as the "Pasture Fence Mountain Agricultural and Forestal District" was created and continues as follows:
A. *Date created*. The district was created on November 17, 1993.
B. *Lands within the district*. The district is composed of the following described lands, identified by parcel identification number:
1. Tax map 13: parcels 1, 5, 8, 10, 12A, 12B.
C. *Review*. The district is reviewed once every ten years and will next be reviewed prior to February 19, 2035.

(11-17-93; 7-13-94; Code 1988, § 2.1-4(u); § 3-225, Ord. 98-A(1), 8-5-98; Ord. 04-3(2), 4-14-04; Ord. 14-3(1), 8-6-14; § 3-229, Ord. 18-3(1), 11-7-18; Ord 25-3(1), 2-19-25)

Agenda Item No. 17. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Gallaway said that he would be attending the National Association of Counties (NACo) legislative conference in D.C., which was a first for him. He said that this conference was focused on the federal level and its impact on their local issues, specifically legislation. He said that he was looking forward to reporting back on that. He said that he planned to return the morning or evening before the next March Board meeting, so he wanted to give everyone a heads up on that event.

Ms. Mallek said that she would also be attending the NACo event in D.C. on Saturday and Sunday.

Mr. Pruitt said that he wanted to share with the Board that this Saturday, he had attended a beautiful event hosted by Habitat for Humanity at the Southwood Development, where they had dedicated a block of new homes. He said that these were some of the affordable homes that had been constructed specifically for current Southwood residents to relocate into, and he believed it marked the first tranche of actual relocated residents from the current mobile home park. He said that the event was truly lovely.

Agenda Item No. 18. Adjourn.

At 7:53 p.m., the Board adjourned its meeting to February 26, 2025, 12:00 p.m. in Room 241, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA, 22902. Mr. Andrews said information on how to participate in the meeting would be posted on the Albemarle County website Board of Supervisors home page and on the Albemarle County calendar.

Chair

Approved by Board

Date: 11/05/2025

Initials: CKB