

An annual organizational meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 8, 2025, at 1:00 p.m. in Lane Auditorium on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA, 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; Interim 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 County Executive, Mr. Jeff Richardson.

Mr. Richardson said that this meeting was the annual organizational meeting of the Board of Supervisors. He said that he would be presiding over the meeting until the election of the Chair, after which time he would pass the meeting over to the newly elected Chair.

Mr. Richardson introduced the following Albemarle County Police Department Officers in attendance: Lieutenant Angela Jamerson and Officer Tayvaun Richardson.

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

Agenda Item No. 4. Election of Chair.

Mr. Richardson said that he would conduct the election of the chair and open the floor for nominations for the chair of the Albemarle County Board of Supervisors for 2025.

Ms. LaPisto-Kirtley said that she would like to nominate Mr. Andrews for Chair. Ms. Mallek seconded the nomination.

Mr. Richardson said that hearing no further nominations, the nominations were now closed.

Mr. Richardson asked for a motion to elect Mr. Andrews as Chair.

Ms. Mallek **moved** that the Board of Supervisors elect Supervisor Andrews as Chair. 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. 5. Election of Vice-Chair.

Mr. Andrews said that they would begin by opening nominations for Vice Chair.

Mr. Gallaway said that he would like to nominate Ms. McKeel to serve as Vice Chair. Ms. Mallek seconded the nomination.

Mr. Andrews said that, hearing no additional nominations, they would close the nominations.

Mr. Andrews asked if there was a motion.

Ms. Mallek **moved** that the Board of Supervisors elect Supervisor McKeel as Vice Chair. Mr. Gallaway **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.

Mr. Andrews said that this concluded their elections. He said that he would like to open the floor for any additional comments or remarks, should anyone have a moment to share their thoughts.

Mr. Gallaway said that he was pleased with the leadership that had occurred over the past year. He said that he was glad that they were able to maintain the team together. He said that he looked forward to seeing more of the same good leadership in the future. He said that he wished both of them good luck.

Ms. Mallek said that she appreciated the efforts made to wrangle the cats. She said that this was a very important year, and she was grateful for the consistency in leadership that they had.

Mr. Pruitt said that they would keep getting the job done. He said that he was happy to have them.

Ms. LaPisto-Kirtley said that she was also very happy that they were leading the team, as she believed they had done an outstanding job this past year and she was looking forward to another great productive year.

Ms. McKeel said that she would like to express her gratitude to everyone. She said that with so many exciting initiatives and projects underway this year, they were all eager to see these efforts come to fruition. She said that specifically, she was thinking about the Comprehensive Plan, the new regional transit authority (RTA), and all the other great things happening in their community. She thanked everyone very much.

Mr. Andrews thanked everyone. He said that he appreciated the trust that had been placed in him again this year for this important work. He said that they would do their best to keep things moving and ensure that every voice was heard. He said that he also acknowledged that this was a challenging year ahead, and he understood that every election and budget was significant, but this one was particularly important. He said that he looked forward to working with all of them.

Mr. Andrews said that he was pleased to see a good turnout at this first meeting, which was often not well attended. He said that he appreciated the public's engagement, and he was glad to see many people there. He said that they would get some business done.

Agenda Item No. 6. Appointment of Clerk and Senior Deputy Clerk.

The Executive Summary forwarded to the Board states that the Code of Virginia, in Section 15.2-1538, states that "The governing body of every locality in this Commonwealth shall appoint a qualified person, who shall not be a member of the governing body, to record the official actions of such governing body." Claudette K. Borgersen expresses a desire to be reappointed as Clerk, and Travis O. Morris desires to be reappointed as Senior Deputy Clerk. These positions are reappointed annually.

Mr. Andrews said that the next order of business was to appoint the Clerk, and that he was looking for a motion.

Ms. Mallek **moved** that the Board of Supervisors appoint Claudette Borgersen as the Clerk for 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.

Mr. Andrews asked if there was a motion to appoint the Senior Deputy Clerk.

Ms. Mallek **moved** that the Board of Supervisors appoint Travis Morris as the Senior Deputy Clerk for 2025. 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. 7. Board 2025 Calendar - Set Meeting Times, Dates and Places for Calendar Year 2025.

Mr. Andrews said that the next item was to adopt the 2025 and January 2026 calendar of meetings, which were included in the packet. He said that the usual schedule was the first and third Wednesdays, except not the first Wednesday in July, and the second Wednesday instead of the third in December. He said that they had also included planned work sessions for the FY26 budget and AC44 meetings, as well as public hearings on the budget and tax rate. He said that they would be holding two more meetings in January.

Mr. Andrews said that he was looking for a motion to adopt the calendar.

Ms. Mallek **moved** to adopt the resolution to set the meeting times, dates and places for Calendar Year 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.

RESOLUTION
ESTABLISHING THE DAYS, TIME, AND PLACE FOR REGULAR MEETINGS
FOR CALENDAR YEAR 2025 AND JANUARY 2026

WHEREAS, Virginia Code § 15.2-1416 requires boards of county supervisors to establish the days, times, and places of their regular meetings at their January annual meetings.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia (“Board”) that:

- 1. Days and Times: Regular meetings will be held on the days and at the times set forth in the attached schedule, which is adopted by the Board as its official meeting schedule for 2025 and January 2026; and
- 2. Place: Such regular meetings will be held either in the room identified on the attached schedule in the County Office Building at 401 McIntire Road, Charlottesville, Virginia, or using electronic communication means when authorized by law.

* * * * *

BOARD OF SUPERVISORS REGULAR MEETING SCHEDULE FOR 2025

MEETING DATE	MEETING TIME	PLACE (IN COUNTY OFFICE BUILDING, 401 MCINTIRE ROAD, CHARLOTTESVILLE, VIRGINIA)
January 8 (Annual Organizational Meeting)	1:00 p.m.	Lane Auditorium
January 15	1:00 p.m.	Lane Auditorium
January 22	1:00 p.m.	Lane Auditorium
February 5	1:00 p.m.	Lane Auditorium
February 12 (Work Session)	3:00 p.m.	Room 241
February 19	1:00 p.m.	Lane Auditorium
February 26 (County Executive's Presentation to the Board - Recommended Budget)	12:00 p.m.	Room 241
March 5	1:00 p.m.	Lane Auditorium
March 10 (Budget Work Session)	3:00 p.m.	Room 241
March 12 (Budget Work Session)	3:00 p.m.	Room 241
March 17 (Budget Work Session)	3:00 p.m.	Room 241
March 19	1:00 p.m.	Lane Auditorium
March 26 (Budget Work Session)	3:00 p.m.	Room 241
April 2	1:00 p.m.	Lane Auditorium
April 7 (Budget Work Session)	3:00 p.m.	Room 241
April 16	1:00 p.m.	Lane Auditorium
April 23 (Public Hearing – Board's Proposed Budget)	6:00 p.m.	Lane Auditorium
April 30 (Budget Public Hearing - CY 25 Tax Rate)	6:00 p.m.	Lane Auditorium
May 7	1:00 p.m.	Lane Auditorium
May 21	1:00 p.m.	Lane Auditorium
June 4	1:00 p.m.	Lane Auditorium
June 18	1:00 p.m.	Lane Auditorium
July 16	1:00 p.m.	Lane Auditorium
August 6	1:00 p.m.	Lane Auditorium
August 20	1:00 p.m.	Lane Auditorium
September 3	1:00 p.m.	Lane Auditorium
September 17	1:00 p.m.	Lane Auditorium
October 1	1:00 p.m.	Lane Auditorium
October 15	1:00 p.m.	Lane Auditorium
November 5	1:00 p.m.	Lane Auditorium
November 19	1:00 p.m.	Lane Auditorium
December 3	1:00 p.m.	Lane Auditorium
December 10	1:00 p.m.	Lane Auditorium
January 7, 2026 (Annual Organizational Meeting)	1:00 p.m.	Lane Auditorium
January 14, 2026	1:00 p.m.	Lane Auditorium
January 21, 2026	1:00 p.m.	Lane Auditorium

Agenda Item No. 8. Board Rules, Policies and Operating Guidelines.
Item No. 8.1. Adoption of Board Rules of Procedures.

The Executive Summary forwarded to the Board states that rules of parliamentary procedure

guide public bodies, such as the Board of Supervisors, through the various procedural issues that may arise before and during its meetings.

Rules of procedure exist for the simple purpose of facilitating the Board's official actions in an orderly manner. The Board adopts its Rules of Procedure at its annual organizational meeting each January.

The draft Rules in Attachment A are those adopted by the Board on January 3, 2024, with the following proposed revisions:

1. Recognitions - Revised Rules 5(A)(1), 5(A)(2), 5(B), 6(C), and 9(B)(2)(a) to consistently include recognitions with resolutions and proclamations;
2. Proclamations and Recognitions Proposed by Residents - Revised Rule 5(A)(3) to specify that resident-proposed proclamations must be on a local or regional issue of importance.
3. Public Comment - Streamlined current "From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board" to more concise "Public Comment on: Matters Previously Considered or Currently Pending Before the Board (other than Scheduled Public Hearings)" in Rules 5(B) and 6(D); and
4. Stylistic revisions (such as the replacement of the "shall" with either "must" or "will").

If any amendments are desired, staff will return to the Board at a later meeting with amended Rules for the Board's consideration.

Staff recommends that the Board adopt the draft amended Rules of Procedure (Attachment B).

* * * * *

Mr. Andrews said that the next item was to adopt the Rules, Policies, and Operating Guidelines. He said that these were the Rules of Procedure for 2025. He said that the packet included some minor changes, which had been summarized by the Interim County Attorney. He said that he was looking for a motion to adopt those Rules.

Ms. LaPisto-Kirtley **moved** that the Board of Supervisors adopt the 2025 Rules of Procedure. 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.

* * * * *

Albemarle County Board of Supervisors

Rules of Procedure

Effective January 8, 2025

Rules of Procedure of the Albemarle County Board of Supervisors

1. Introduction

- A. **Purpose.** The purpose of these Rules of Procedure (the "Rules") is to facilitate the timely, efficient, and orderly conduct of public meetings and decision-making, and they are designed and adopted for the benefit and convenience of the Albemarle County Board of Supervisors (the "Board").
- B. **Rules Do Not Create Substantive Rights in Others.** The Rules do not create substantive rights in third parties or participants in matters before the Board.
- C. **Compliance with These Rules.** The Rules that are parliamentary in nature are procedural, and not jurisdictional, and the failure of the Board to strictly comply with them does not invalidate any action of the Board. The Rules that implement the requirements of state law are jurisdictional only to the extent that Virginia law makes them so.
- D. **Applicability.** These Rules apply to all meetings of the Board, as those meetings are defined in these Rules.
- E. **Definitions.** The following definitions apply to the administration of these Rules:
 - 1. **Present.** A person is "present" at a meeting when physically attending on the date, and at the time and place, identified for the meeting, or is connected to the meeting by electronic communication means.
 - 2. **Remote Participation.** "Remote participation" means participation by an individual member of the Board by electronic communication means in a public meeting where a quorum of the Board is otherwise physically assembled.

2. Supervisors

- A. **Equal Status.** Except for the additional responsibilities of the Chair provided in Rule 3(A), all Supervisors have equal rights, responsibilities, and authority.
- B. **Decorum.** Each Supervisor will act in a collegial manner and will cooperate and assist in preserving the decorum and order of the meetings.

3. Officers and Their Terms of Office

- A. **Chair.** When present, the Chair presides at all Board meetings during the year for which elected. The Chair has a vote but no veto. The Chair also is the head official for all of the Board's official functions and for ceremonial purposes. (Virginia Code §§ 15.2-1422 and 15.2-1423)
- B. **Vice-Chair.** If the Chair is absent from a Board meeting, the Vice-Chair, if present, presides at the meeting. The Vice-Chair also discharges the duties of the Chair during the Chair's absence or disability. (Virginia Code § 15.2-1422)

- C. **Acting Chair in Absence of Chair and Vice-Chair.** If the Chair and Vice Chair are absent from any meeting, a present Supervisor must be chosen to act as Chair.
- D. **Term of Office.** The Chair and Vice-Chair shall each be elected to serve for a term of one calendar year, but either or both may be re-elected for one or more additional terms. Such officers shall serve until their successors have been elected and qualify. (Virginia Code § 15.2-1422)
- E. **References to the Chair.** All references in these Rules to the *Chair* include the Vice-Chair or any other Supervisor when the Vice-Chair or any other Supervisor is acting as the Chair.

4. **Meetings**

- A. **Annual Meeting.** The *Annual Meeting* is the first meeting in January held after the newly elected Supervisors qualify for the office by taking the oath and meeting any other requirements of State law, and the first meeting held in January of each succeeding year. At the Annual Meeting, the Board:
 - 1. **Elect Officers.** Elects a Chair and a Vice-Chair.
 - 2. **Designate Clerks.** Designates a Clerk of the Board ("Clerk") and one or more Deputy Clerks who serve at the pleasure of the Board, and who have the duties stated in Virginia Code § 15.2-1539 and any additional duties set forth in resolutions of the Board as adopted from time to time. (Virginia Code § 15.2-1416)
 - 3. **Establish Schedule for Regular Meetings.** Establishes the days, time, and place of regular meetings. (Virginia Code § 15.2-1416)
 - 4. **Adopt Rules and Policies.** Adopts Rules of Procedure and Policies that will apply in the calendar year, subject to amendment under Rule 12.
- B. **Regular Meetings.** *Regular Meetings* are those meetings established at the *Annual Meeting* to occur on specified days and at specified times and places, with instructions for how the public may connect to the meeting by electronic communication means.
 - 1. **Regular Meeting Falling on a Holiday.** If any day established as a Regular Meeting day falls on a legal holiday, the meeting scheduled for that day will be held on the next regular business day without action of any kind by the Board. (Virginia Code § 15.2-1416)
 - 2. **Adjourning a Regular Meeting.** Without further public notice, the Board may adjourn a Regular Meeting from day to day, from time to time, or from place to place, but not beyond the time fixed for the next Regular Meeting, until the business of the Board is complete. (Virginia Code § 15.2-1416) If a quorum was not established or was lost during the meeting, the Supervisors present may only adjourn the meeting (See also Rules 7(B), (C), and (D)).
 - 3. **Continuing a Regular Meeting When Weather or Other Conditions Create a Hazard.** If the Chair finds and declares that weather or other conditions are hazardous for Supervisors to physically attend a Regular Meeting, prevent one or more Supervisors from being present at a meeting, or prevent a reasonably significant portion of the public from being present at a meeting considering, among other things, the items on the agenda, the meeting must be continued to the next Wednesday (one week after the date of the

continued Regular Meeting). The Chair's finding, and the continuation of the meeting, must be communicated by the Chair or the Clerk to the other Supervisors and to the general news media as promptly as possible. All hearings and other matters previously advertised will be conducted at the continued meeting and no further advertisement is required. (Virginia Code § 15.2-1416)

4. **Establishing a Different Day, Time, Place, and Instructions.** After the Annual Meeting, the Board may establish for Regular Meetings different days, times, places, and instructions for how the public may connect to the meeting by electronic communication means by adopting a resolution to that effect. (Virginia Code § 15.2-1416)
- C. **Special Meetings.** A *Special Meeting* is a meeting that is not a Regular Meeting. The Board may hold Special Meetings as it deems necessary at times and places that it deems convenient. (Virginia Code § 15.2-1417)
 1. **Calling and Requesting a Special Meeting.** A Special Meeting may be called by the Chair or requested by two or more Supervisors. The call or request must be made to the Clerk and shall specify the matters to be considered at the meeting. (Virginia Code § 15.2-1418)
 2. **Duty of Clerk to Provide Notice; When Notice May Be Waived.** Upon receipt of a call or request, the Clerk, after consultation with the Chair, must immediately notify each Supervisor, the County Executive, and the County Attorney about the Special Meeting. The notice must be in writing and be delivered to each Supervisor, the County Executive, and the County Attorney at their place of residence or business. Notice will be provided by email to each Supervisor's County email address. The notice may be waived if all Supervisors are present at the Special Meeting or if all Supervisors sign a waiver of the notice. (Virginia Code § 15.2-1418) An email from the Supervisor to the Clerk waiving notice satisfies this requirement. The Clerk must also notify the general news media about the Special Meeting.
 3. **Contents of the Notice Provided by the Clerk.** The notice provided by the Clerk must state the date, time, and place (if applicable) of the meeting, provide instructions for how the public may connect to the meeting by electronic communication means, and specify the matters to be considered.
 4. **Matters That May Be Considered.** Only those matters specified in the notice may be considered at a Special Meeting unless all Supervisors are present. (Virginia Code § 15.2-1418)
 5. **Adjourning a Special Meeting.** A Special Meeting may be adjourned from time to time as the Board finds necessary and convenient to complete the business of those matters identified in the notice of the Special Meeting. (Virginia Code § 15.2-1417) If a quorum was not established or was lost during the meeting, the Supervisors present may only adjourn the meeting (See also Rules 7(B), (C), and (D)).

5. Order of Business for Regular Meetings

- A. **Establishing the Agenda.** The Clerk must establish the agenda for all Regular Meetings in consultation with the County Executive and the Chair. The County Executive and the Clerk will then review the agenda with the Chair and the Vice Chair before the meeting. The Clerk sets the order of business as provided in Rule 5(B), provided that the Clerk may modify the order of

business to facilitate the business of the Board. The draft agenda must be provided to the Board at least six days before the Regular Meeting date.

1. **Resolutions, Proclamations, or Recognitions Proposed by Supervisors.** Resolutions, proclamations, or recognitions may be proposed by a Supervisor requesting the Board to take a position on an issue of importance to the Board, to make a proclamation, or to recognize a person.
 - a. **Initial Notice by Supervisor.** A Supervisor requesting the Board to adopt a resolution, proclamation, or recognition should give notice of the intent to request action on the resolution, proclamation, or recognition on a specified meeting date and submit a draft of the proposed resolution, proclamation, or recognition.
 - b. **When Request Must be Made.** The request must be made at least seven days before the meeting at which the resolution, proclamation, or recognition may be considered.
 - c. **Distributing the Draft Resolution, Proclamation, or Recognition to Supervisors for Comments.** The Clerk will distribute the draft resolution, proclamation, or recognition with background information, if available, to all Supervisors. Any Supervisor may submit proposed changes to the proposed resolution, proclamation, or recognition to the Clerk in a redline format. The Clerk must forward all comments received from any Supervisor to the Board.
 - d. **Preparing the Resolution, Proclamation, or Recognition.** The Supervisor requesting the resolution, proclamation, or recognition will then coordinate with the Clerk to prepare a resolution, proclamation, or recognition for consideration by the Board.
 - e. **Adding the Resolution, Proclamation, or Recognition to the Agenda.** The Clerk will then poll the Supervisors to determine if a majority of the Supervisors supports adding the resolution, proclamation, or recognition to the agenda for consideration. Subject to the following, if a majority of the Supervisors indicates support for considering the resolution, proclamation, or recognition, it will be added to the proposed final agenda:
 - i. **Unanimous Support for Resolution, Proclamation, or Recognition.** If all Supervisors indicate support for the resolution, proclamation, or recognition, it may be placed on the proposed consent agenda unless any Supervisor requests otherwise.
 - ii. **No Recipient of Resolution, Proclamation, or Recognition.** If no person has been identified to receive the resolution, proclamation, or recognition at the meeting of the Board during which the resolution, proclamation, or recognition will be considered, it will be placed on the consent agenda unless any Supervisor requests otherwise.
 - f. **Proclamations and Recognitions Proposed by Residents.** Proclamations and recognitions proposed by residents are subject to Rule 5(A)(3).
2. **Items Other Than Resolutions, Proclamations, and Recognitions Proposed To Be Added to the Clerk's Draft Agenda.**
 - a. **By Supervisors.** Any Supervisor may propose to add items, other than items subject

to Rule 5(A)(1)(a)-(e), to the Clerk's draft agenda for discussion or action if notice of that item has been given in writing or by email to all Supervisors, the Clerk, and the County Executive by 5:00 p.m. two days before the date of the meeting or upon the unanimous consent of all Supervisors present at the meeting. Any item that has been timely proposed and properly noticed will be added to the end of the agenda for discussion or action unless a majority of the Supervisors present agrees to consider the item earlier on the agenda.

- b. **By the County Executive.** The County Executive may add items to the Clerk's draft agenda for action by 5:00 p.m. two days before the date of the meeting if the item requires discussion or action by the Board at its next meeting. In an emergency, the County Executive may add an item at any time with the consent of the Chair and the Vice Chair. In order to add such an item to the agenda, the County Executive must provide information about the item to all Supervisors as soon as practicable and prior to the meeting.
3. **Proclamations and Recognitions Proposed by Residents.** Proclamations or recognitions may be proposed by a resident requesting the Board to make a proclamation on a local or regional issue of importance or to recognize a person. A request by a resident to place a proclamation or recognition on the agenda, whether directed to the Clerk or a member of the Board, must be made as follows:
- a. **When Request Must be Made.** The request must be made at least four weeks in advance of the Board meeting date.
 - b. **Request Made to the Clerk.** The resident must submit the request to advance a proclamation or recognition to the Clerk. If the request is made to a Supervisor, the person making the request will be directed to make the request to the Clerk. The Clerk will advise the person making the request of the process and submittal requirements.
 - c. **Review of the Request for Completeness and Distribution.** Upon submittal of the request, the Clerk will review the submittal for completeness and forward it to the Supervisors for review.
 - d. **Adding the Proclamation or Recognition to the Agenda; Informing the Requester.** The Clerk will poll Supervisors to determine whether a majority of the Supervisors supports adding the proclamation or recognition to the agenda. The Clerk will advise the person requesting the proclamation or recognition whether the proclamation or recognition will be considered by the Board.
 - i. **Unanimous Support for Proclamation or Recognition.** If all Supervisors indicate support for the proclamation or recognition, the proclamation or recognition may be placed on the proposed consent agenda unless any Supervisor requests otherwise.
 - ii. **No Recipient of Proclamation or Recognition.** If no person has been identified to receive the proclamation or recognition at the meeting of the Board during which the proclamation or recognition will be considered, the resolution or proclamation will be placed on the consent agenda unless any Supervisor requests otherwise.
4. **Public Hearings for Zoning Map Amendments; Prerequisites.** Public hearings for zoning map amendments are subject to the following rules in order for the item to be placed on the agenda and heard by the Board:

- a. **Public Hearing May Not Be Advertised Until Final Documents Are Received.** A public hearing for a zoning map amendment may not be advertised until all final documents for a zoning application have been received by the County and are available for public review. To satisfy this requirement, applicants should provide final plans, final codes of development, final proffers, and any other documents deemed necessary by the Director of Community Development to the County so that they are received no later than two business days before the County's deadline for submitting the public hearing advertisement to the newspaper. Staff will advise applicants of this date by including it in annual schedules for applications and by providing each applicant a minimum of two weeks' advance notice of the deadline.
 - b. **Effect of Failure to Timely Receive Final Documents.** If the County does not timely receive the required final documents, the public hearing will not be advertised or placed on the agenda. If the matter is not advertised, a new public hearing date must be scheduled.
 - c. **Receipt of Final Signed Proffers.** Final signed proffers must be received by the County no later than nine calendar days before the date of the advertised public hearing. This Rule is not intended to prevent changes from being made to proffers resulting from comments received from the public or from Supervisors at the public hearing.
5. **Public Hearings; Zoning Map Amendments; Deferral at Applicant's Request.** Zoning map amendments advertised for public hearing must be on the agenda for public hearing on the advertised date, provided that an applicant may request a deferral as provided in County Code § 18-33.11.
- B. **Order of Business at Regular Meetings.** At Regular Meetings of the Board, the order of business will be generally as follows:
1. Call to Order.
 2. Pledge of Allegiance.
 3. Moment of Silence.
 4. Adoption of the Final Agenda.
 5. Brief Announcements by Supervisors.
 6. Resolutions, Proclamations, and Recognitions.
 7. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (other than Scheduled Public Hearings).
 8. Consent Agenda.
 9. General Business.
 10. Closed Meeting.
 11. Certify Closed Meeting.
 12. Actions Resulting from Closed Meeting.
 13. From the County Executive: Report on Matters Not Listed on the Agenda.
 14. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).
 15. General Business, Including Public Hearings.
 16. From the Board: Committee Reports and Matters Not Listed on the Agenda.
 17. Adjourn.
- C. **Closed Meetings.** A *Closed Meeting* is a meeting of the Supervisors that is not open to the public when authorized by the Virginia Freedom of Information Act (Virginia Code § 2.2-3700

et seq.). A Closed Meeting may be held at any point on the agenda, as necessary. Generally, a Closed Meeting will be scheduled either at the midpoint of the agenda or at the end of the agenda prior to adjournment. The Clerk must promptly post and make available for public inspection the motion to convene a Closed Meeting after it is distributed by the County Attorney; provided that: (i) the contents of the motion may be subject to change without further posting or availability; and (ii) the failure of the Clerk to comply with this subsection does not affect the legality of the Closed Meeting.

6. Rules Applicable to the Items of Business on the Agenda

- A. Adoption of the Final Agenda.** *Adoption of the Final Agenda* is the first order of business for a Regular Meeting of the Board. The Board may modify the order of business as part of its adoption of the Final Agenda. The Final Agenda must be adopted by a majority vote of the Supervisors present and voting. No item for action not included on the Final Agenda may be considered at that meeting. Notwithstanding the foregoing, any changes to the Consent Agenda, including removing an item from the Consent Agenda for discussion and separate action, should be made when the Consent Agenda is considered in accordance with Rule 6(E)(3).
- B. Brief Announcements by Supervisors.** *Brief Announcements by Supervisors* are announcements of special events or other items of interest that are not considered committee reports and are not otherwise on the meeting agenda.
- C. Resolutions, Proclamations, and Recognitions.** For purposes of this Rule 6(C), *resolutions* are documents adopted by the Board to take a position on an issue of importance to the Board. *Proclamations* are ceremonial documents adopted by the Board to draw public awareness to a day, week, or month to recognize events, arts and cultural celebrations, or special occasions. *Recognitions* are ceremonial acknowledgements by the Board of a person for service or achievement.
- D. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).** *Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings)* ("Matters from the Public") allows any member of the public to speak on any matter that was previously considered by the Board or any matter pending before the Board that is not scheduled for public hearing on that day's Board agenda. The following rules apply:
 - 1. Number of Speakers.** Up to 10 persons, whether appearing in-person or by electronic communication means, may speak during each Matters from the Public session. The 10 speakers are determined on a first-come, first-served basis, with those persons signing up to speak before the meeting having priority. Only those persons signed up before the Chair or presiding officer opens the Matters from the Public item will be heard.
 - 2. Time.** Each speaker may speak for up to three minutes. Time may not be shared with another speaker.
 - 3. Place.** Each speaker may speak using electronic communication means or, if the speaker physically attends the meeting, must speak from the podium or other location provided for the meeting.

4. **Manner.** In order to allow the Board to efficiently and effectively conduct its business, each speaker may speak at only one Matters from the Public session at each meeting, must address only the Board, and must not engage in speech or other behavior that actually disrupts the meeting. The speaker may include a visual or audio presentation, provided that the presentation is received by the Clerk at least 48 hours before the Matters from the Public session at which the speaker plans to speak.
- E. **Consent Agenda.** The *Consent Agenda* is for items for action that do not require discussion or comment and are anticipated to have the unanimous approval of the Board, and for items provided for the Board's information.
 1. **Questions to Staff.** Supervisors should ask the County Executive or the staff member identified in the executive summary any questions regarding a Consent Agenda item before the Board meeting.
 2. **Discussion and Comment.** There should be either no discussion or comment or only a brief discussion or comment on Consent Agenda items at the meeting except as provided in Rule 6(E)(3).
 3. **Removing an Item from the Consent Agenda.** Any Supervisor may remove an item from the Consent Agenda at the time the Consent Agenda is being considered for adoption. Any item removed from the Consent Agenda should be moved to a specific time or to the end of the meeting agenda for further discussion or action. However, an item removed from the Consent Agenda requiring only brief comment or discussion may be considered immediately after the approval of the Consent Agenda, if necessary. A Supervisor who intends to remove an item from the Consent Agenda will endeavor to notify the Clerk of the Supervisor's intention at least two days prior to the Regular Meeting date.
 4. **Effect of Approval of the Consent Agenda.** A successful motion to approve the Consent Agenda approves those Consent Agenda items identified for action and accepts Consent Agenda items identified for information.
- F. **General Business.** *General Business* includes public hearings, work sessions, appointments, and other actions, discussions, and presentations.
 1. **Public Hearings.** The Board may not decide any item before the Board requiring a public hearing until the public hearing has been held. The Board may, however, at its discretion, defer or continue the public hearing or consideration of the item. The procedures for receiving a presentation from the applicant and comments from members of the public are at the discretion of the Board provided that they satisfy all minimum legal requirements. However, unless otherwise decided by a majority of the Supervisors present during a particular public hearing, the following rules apply:
 - a. **Time.** The applicant is permitted up to 10 minutes to present its application; provided, when as a matter of convenience the Board determines to combine related public hearings, the applicant is permitted an additional five minutes for each additional application, with the total time to be managed by the applicant, in the applicant's discretion, to present all applications. Following the applicant's presentation, any member of the public is permitted to speak once for up to three minutes on the item; provided, when the Board combines related public hearings, a member of the public is permitted an additional one and one-half minutes for each additional application. Time may not be shared with another member of the public. Following comments by members of the public, the applicant is permitted up to five minutes for a rebuttal

presentation; provided, when the Board combines related public hearings, the applicant is permitted an additional two and one-half minutes for each additional application.

- b. **Place.** The applicant and each member of the public presenting and speaking may speak using electronic communication means or, if the speaker physically attends the meeting, must speak from the podium or other location provided for the meeting.
 - c. **Manner.** In order to allow the Board to efficiently and effectively conduct its business, each speaker must address only the Board, speak to issues that are relevant to the item for which the public hearing is being held, and not engage in speech or other behavior that actually disrupts the meeting. The applicant and its representatives may include a visual or audio presentation. Any other speaker may also include a visual or audio presentation, provided that the presentation is received by the Clerk at least 48 hours before the time scheduled for the public hearing.
2. **Public Hearings; Zoning Map Amendments; Applicant's Documents Not Available During Advertisement Period.** If the public hearing is held without the applicant's final documents being available for review throughout the advertisement period because substantial revisions or amendments are made to the submitted documents after the public hearing has been advertised, or for any other reason, it is the policy of the Board to either defer action and schedule a second public hearing that provides this opportunity to the public or to deny the application. In deciding whether to defer action or to deny the application, the Board must consider whether deferral or denial would be in the public interest or would forward the purposes of this policy.
3. **Action Items on Deferred Matters Not Listed on the Agenda for Public Hearing When Public Hearing Previously Held.** On any matter before the Board for action that is not listed on the agenda for public hearing and was previously deferred after the close of a public hearing, the following rules apply:
- a. **Time.** The applicant is permitted up to seven minutes to present its application; provided, when as a matter of convenience the Board determines to combine related action items, the applicant is permitted an additional three minutes for each additional application, with the total time to be managed by the applicant, in the applicant's discretion, to present all applications. Following the applicant's presentation, any member of the public is permitted to speak once for up to two minutes on the item; provided, when the Board combines related action items, a member of the public is permitted an additional one and one-half minutes for each additional application. Time may not be shared with another member of the public. Following comments by members of the public, the applicant is permitted up to five minutes for a rebuttal presentation; provided, when the Board combines related action items, the applicant is permitted an additional two and one-half minutes for each additional application.
 - b. **Place and Manner.** The place and manner rules in Rule 6(F)(1)(b) and (c) apply.
- G. **Report from the County Executive.** The *Report from the County Executive* is a report on matters that the County Executive deems should be brought to the Board's attention and provide updates, if necessary, to the monthly County Executive's Report.
- H. **From the Board: Committee Reports and Matters Not Listed on the Agenda.** *From the Board: Committee Reports and Matters Not Listed on the Agenda* is limited to matters that are not substantial enough to be considered as agenda items to be added to the Final Agenda. Reports include routine committee reports and information updates by Supervisors. Any

matters discussed during this part of the agenda may not be acted upon by the Board at that meeting.

7. Quorum

- A. **Establishing a Quorum.** A quorum for any meeting of the Board is a majority of the members of the Board present, except as provided in Rule 7(B)(2). (Virginia Code § 15.2-1415)
- B. **Quorum Required to Act; Exceptions.** The Board may take valid actions only if a quorum is present. (Virginia Code § 15.2-1415) There are two exceptions:
 - 1. **Quorum Not Established; Adjournment.** If a quorum is not established, the only action the Supervisors present may take is to adjourn the meeting.
 - 2. **Quorum Not Established or Lost Because of a Conflict of Interests; Special Rule.** If a quorum cannot be established or is lost because one or more Supervisors are disqualified from participating in an item because of a conflict of interests under the State and Local Government Conflict of Interests Act (Virginia Code § 2.2-3100 *et seq.*), the remaining Supervisors are a quorum, and they may conduct the business of the Board.
- C. **Loss of Quorum During Meeting.** If a quorum was established but during a meeting the quorum is lost, the only action the Supervisors present may take is to adjourn the meeting. If prior to adjournment the quorum is again established, the meeting shall continue. (Virginia Code § 15.2-1415)
- D. **Quorum Required to Adjourn Meeting to Future Day and Time.** A majority of the Supervisors present at the time and place established for any regular or special meeting is a quorum for the purpose of adjourning the meeting from day to day or from time to time, but not beyond the time fixed for the next regular meeting.

8. Remote Participation

- A. **Applicability of Policy.**
 - 1. **Purposes.** Pursuant to Virginia Code § 2.2-3708.3, the following policy (a) describes the circumstances under which remote participation will be allowed and the process the Board will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and (b) fixes the number of times remote participation for personal matters can be used per calendar year, not to exceed the limitations set forth in Virginia Code § 2.2-3708.3(B)(4).
 - 2. **Application.** This policy will be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the Supervisor(s) requesting remote participation or the matters that will be considered or voted on at the meeting.
 - 3. **Adoption on Behalf of Other County Entities.** This policy is also adopted on behalf of any committee, subcommittee, or other entity (however designated) of the Board empowered to perform delegated functions of the Board or to advise the Board and applies to remote participation by members of any such committee, subcommittee, or other entity.
- B. **Non-Emergency Individual Participation.** Except as provided in Rule 8(C) below, Supervisors may use remote participation instead of attending a public meeting in person only pursuant to and in compliance with the following rules:

1. **Grounds for Remote Participation; Advance Notice of the Chair.** Individual Supervisors may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the Supervisor notifies the Chair that:
 - a. **Personal Medical Condition.** The Supervisor has a temporary or permanent disability or other medical condition that prevents the Supervisor's physical attendance;
 - b. **Family Member's Medical Condition.** A medical condition of a member of the Supervisor's family requires the Supervisor to provide care that prevents the Supervisor's physical attendance;
 - c. **Distant Meeting Location.** The Supervisor's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
 - d. **Identified Personal Matter; Limitation on Use.** The Supervisor is unable to attend the meeting due to a personal matter (such as a family event or business commitment) and identifies with specificity the nature of the personal matter. However, the Supervisor may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
2. **Minutes.** If participation by a Supervisor through electronic communication means is approved pursuant to this Rule, the Board shall record in its minutes the remote location from which the Supervisor participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description.
 - a. **Medical Condition.** If participation is approved pursuant to Rule 8(B)(1)(a) or 8(B)(1)(b), the Board shall also include in its minutes the fact that the Supervisor participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the Supervisor's physical attendance or (ii) family member's medical condition that required the Supervisor to provide care for such family member, thereby preventing the Supervisor's physical attendance.
 - b. **Distant Meeting Location.** If participation is approved pursuant to Rule 8(B)(1)(c), the Board shall also include in its minutes the fact that the Supervisor participated through electronic communication means due to the distance between the Supervisor's principal residence and the meeting location.
 - c. **Identified Personal Matter.** If participation is approved pursuant to Rule 8(B)(1)(d), the Board shall also include in its minutes the specific nature of the personal matter cited by the Supervisor.
 - d. **Disapproval.** If a Supervisor's participation from a remote location pursuant to Rule 8(B) is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.
3. **When Chair Requests to Participate Electronically.** In the event the Chair seeks to participate through electronic communication means from a remote location, the Chair must notify the Vice-Chair or other presiding officer and should notify the Clerk on or before the day of the meeting.

4. **Audibility of Absent Supervisor.** The Clerk will arrange for the voice of the absent Supervisor to be heard by all persons in attendance at the meeting location. If, for any reason, the voice of the absent Supervisor cannot reasonably be heard, the meeting may continue without the participation of the absent Supervisor.
- C. **During a Declared Emergency or When a Continuity of Government Ordinance is in Effect.** The Board may meet by electronic communication means without a quorum of the Board physically assembled at one location when a state of emergency is declared pursuant to Virginia Code § 44-146.17 or a local emergency is declared pursuant to Virginia Code § 44-246.21, subject to the provisions and requirements of Virginia Code § 2.2-3708.2. The Board also may meet by electronic communication means when an ordinance adopted pursuant to Virginia Code § 15.2-1413 to ensure the continuity of County government is in effect. (Virginia Code § 2.2-3708.2 and § 2.2-3708.3)

9. Conducting the Business of the Board

- A. **Enable Efficient and Effective Conduct of Business.** Meetings will be conducted in a manner that allows the Board to efficiently and effectively conduct its business, without actual disruptions.
- B. **Minimizing Disruptions.** To minimize actual disruptions at meetings:
 1. **Speakers.** While speaking during public hearings, members of the public must comply with Rule 6(F)(1). While speaking at all other times during Board meetings (including but not limited to Matters from the Public), members of the public must comply with Rule 6(D).
 2. **Persons Physically Attending the Meeting.** Any person physically attending a meeting must comply with the following:
 - a. **Sounds.** Persons may not clap or make sounds in support of or in opposition to any matter during the meeting, except to applaud during the Resolutions, Proclamations, and Recognitions portion of the meeting. Instead of making sounds, persons who are not speaking at the podium or other location provided for the meeting are encouraged to raise their hands to indicate their support or opposition to any item during the meeting. Cell phones and other electronic devices must be muted.
 - b. **Other Behavior.** Persons may not act in a manner, make sounds, or both, that actually disrupts the Board meeting.
 - c. **Signs.** Signs are permitted in the meeting room so long as they are not attached to any stick or pole and do not obstruct the view of persons physically attending the meeting.
- C. **Guidelines Stated on the Final Agenda.** The Guidelines stated on the Final Agenda apply during each Board meeting. The Board may amend the Guidelines from time to time without amending these Rules provided that the Guidelines are consistent with these Rules.
- D. **Chair May Maintain Order.** The Chair is to maintain order of the meeting, including the following:
 1. **Controlling Disruptive Behavior of Persons Physically Attending the Meeting.** The Chair may ask any person physically attending a meeting whose behavior is so disruptive as to prevent the orderly conduct of the meeting to cease the conduct. If the conduct

continues, the Chair may ask the Clerk to silence the audio of that person and may order the removal of that person from the meeting.

2. **Controlling Disruptive Behavior of Persons Participating Through Electronic Communication Means.** The Chair may ask any person participating in a meeting through electronic communication means whose behavior is so disruptive as to prevent the orderly conduct of the meeting to cease the conduct. If the conduct continues, the Chair may ask the Clerk to silence the audio and hide the video of that person.

10. **Motion and Voting Procedures**

- A. **Action by Motion Followed by a Vote.** Except as provided in Rule 10(B)(2), any action by the Board must be initiated by a motion properly made by a Supervisor and followed by a vote, as provided below:
 1. **Motion Must Be Seconded; Exception.** Each action by the Board must be initiated by a motion that is seconded; provided that a second is not required if debate immediately follows the motion. Any motion that is neither seconded nor immediately followed by debate may not be further considered.
 2. **Voting and Recording the Vote.** The vote on any motion must be by a voice vote. The Clerk must record the name of each Supervisor voting and how each Supervisor voted on the motion.
 3. **Required Vote. Generally Required Vote for Specific Items.** Each action by the Board must be made by the affirmative vote of *a majority of the Supervisors present and voting* on the motion; provided that an affirmative vote of a *majority of all elected Supervisors* of the Board is required to approve an ordinance or resolution concerning the following:
 - a. **Appropriations.** Appropriating money exceeding the sum of \$500.
 - b. **Taxes.** Imposing taxes.
 - c. **Borrowing.** Authorizing money to be borrowed. (Article VII, § 7, Virginia Constitution; Virginia Code §§ 15.2-1420, 15.2-1427, 15.2-1428)
 4. **Tie Vote.** A tie vote defeats the motion voted upon. A tie vote on a motion to approve is deemed a denial of the item being proposed for approval. A tie vote on a motion to deny is not deemed an approval of the item being proposed for denial, and another motion may be made.
 5. **Abstention.** Any Supervisor who will abstain from voting on any motion must declare the abstention before the vote is taken and state the grounds for abstaining. The abstention must be recorded by the Clerk.
- B. **Motion and Vote Required to Act; Exception.** The Board acts on matters as follows:
 1. **Motion and Vote Required.** Any action by the Board to adopt an ordinance or a resolution, and any other action when a motion is required by law or by these Rules, must be made by a motion followed by a vote.
 2. **Motion and Vote Not Required; Unanimous Consent.** On any item in which the Board is not adopting an ordinance or a resolution, or for which a motion and a recorded vote is not

otherwise required by law, the Board may make a decision by unanimous consent. This procedure is appropriate, for example, to provide direction to County staff on an item.

C. Other Motions.

1. **Motion to Amend.** A *motion to amend* a motion properly pending before the Board may be made by any Supervisor. Upon a proper second, the motion to amend must be discussed and voted on by the Board before any vote is taken on the original motion unless the motion to amend is accepted by both Supervisors making and seconding the original motion, respectively. If the motion to amend is approved, the amended motion is then before the Board for its consideration. If the motion to amend is not approved, the original motion is again before the Board for its consideration.
2. **Motion to Call the Question.** The discussion of any motion may be terminated by any Supervisor making a *motion to call the question*. Upon a proper second, the Chair must call for a vote on the motion to call the question without debate on the motion itself, and the motion takes precedence over any other item. If the motion is approved, the Chair must immediately call for a vote on the original motion under consideration.
3. **Motion to Reconsider.** Any decision made by the Board may be reconsidered if a *motion to reconsider* is made at the same meeting or an adjourned meeting held on the same day at which the item was decided. The motion to reconsider may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted on. The effect of the motion to reconsider, if approved, is to place the item for discussion in the exact position it occupied before it was voted upon.
4. **Motion to Rescind.** Any decision made by the Board, except for decisions on zoning map amendments, special use permits, special exceptions, and ordinances, may be rescinded by a majority vote of all elected Supervisors. The *motion to rescind* may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted on. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Decisions on zoning map amendments, special use permits, special exceptions, and ordinances may be rescinded or repealed only upon meeting all of the legal requirements necessary for taking action on the items as if it was a new item before the Board for consideration; otherwise, decisions on zoning map amendments, special use permits, special exceptions, and ordinances are eligible for reconsideration as provided in Rule 10(C)(3).

11. Other Rules: Robert's Rules of Order Procedure in Small Boards

Procedural rules that are not addressed by these Rules are governed by *Robert's Rules of Order Procedure in Small Boards*, which provide:

- A. **Not Required to Obtain the Floor.** Supervisors are not required to obtain the floor before making motions or speaking, which they can do while seated.
- B. **No Limitation on the Number of Times a Supervisor May Speak.** There is no limitation on the number of times a Supervisor may speak to a question, and motions to call the question or to limit debate generally should not be entertained.
- C. **Informal Discussion.** Informal discussion of a subject is permitted while no motion is pending.

D. **Chair; Putting the Question to a Vote.** The Chair need not rise while putting questions to vote.

E. **Chair; Speaking During Discussion.** The Chair may speak in discussion without rising or leaving the chair, and, subject to rule or custom of the Board (which should be uniformly followed regardless of how many Supervisors are present), the Chair usually may make motions and usually votes on all questions.

12. **Amending the Rules of Procedure**

These Rules may be amended only as follows:

A. **Rules Eligible for Amendment.** Any Rule may be amended.

B. **Procedure to Amend.** The Board may amend any Rule by any of the following procedures:

1. **Notice Followed by Action at Next Regular Meeting.** A Supervisor provides notice of an intention to amend the Rules to the other Supervisors present at a Regular Meeting, followed by a majority vote of the Supervisors present and voting to amend the Rules at the next Regular Meeting.
2. **Notice Followed by Action at Later Regular Meeting.** A Supervisor provides notice of an intention to amend the Rules to the other Supervisors present at a Regular Meeting and requests that the proposed amendment be considered at a meeting other than the next Regular Meeting; at the same meeting, a majority of the Supervisors present and voting establish the later Regular Meeting date at which the proposed amendment will be considered; followed by a majority vote of the Supervisors present and voting to amend the Rules at the Regular Meeting.
3. **By Supermajority Vote.** A proposed motion to amend is added to the Final Agenda at any Regular Meeting; at the same meeting, five or more Supervisors vote to amend the Rules. This procedure should be used only to make minor technical amendments deemed to be necessary to allow the Board to efficiently and effectively conduct its business.

C. **Motion.** The motion to amend a Rule may be made by any Supervisor. Upon a proper second, the motion must be discussed and voted on. In deciding whether and how to amend a Rule, the Board will consider that Rules 3, 4, 6(D), 6(F)(1)(a) through (c), 7, 8, 9(B), 10(A)(3), and 10(B)(1) address statutory or constitutional requirements.

D. **Limitation on the Effect of an Amendment.** The Board's approval of a motion to amend one or more Rules does not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

13. **Suspending the Rules of Procedure**

These Rules may be suspended only as follows:

A. **Rules Eligible to be Suspended.** Rules 1, 2, 5, 6, 9(A), 10 (except for Rules 10(A)(3) and 10(B)(1)), 11, and 12 may be suspended.

B. **Procedure to Suspend, Generally.** Any Rule eligible for suspension may be suspended by a majority plus one vote of the Supervisors present and voting. The motion to suspend a

Rule may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted on. The effect of the motion to suspend a Rule, if approved, is to make that Rule inapplicable to the item before the Board.

- C. **Suspending Rules Pertaining to Motions When There is Uncertainty as to Status or Effect.** If one or more motions have been made on an item, and there is uncertainty as to the status or effect of any pending motions or how the Board is to proceed at that point, the Board may, by a majority vote of the Supervisors present and voting, suspend the Rules in Rule 10 for the sole purpose of canceling any pending motions and to permit a new motion to be made. The motion to suspend a Rule pertaining to any pending motions may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted on.
- D. **Limitation on Effect of Suspended Rules.** The Board's approval of a motion to suspend one or more Rules does not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

* * * * *

(Adopted 2-15-73; Amended and/or Readopted 9-5-74, 9-18-75; 2-19-76; 1-3-77; 1-4-78; 1-3-79; 1-2-80; 1-7-81; 1-6-82; 1-5-83; 1-3-84; 1-2-85; 1-3-86; 1-7-87; 1-6-88; 1-4-89; 1-2-90; 1-2-91; 1-2-92; 1-6-93; 1-5-94; 1-4-95; 1-3-96; 1-2-97; 1-7-98; 1-6-99; 1-5-2000; 1-3-2001; 1-9-2002; 1-8-2003; 1-7-2004; 1-5-2005; 1-4-2006; 1-3-2007; 1-9-2008; 1-7-2009; 1-6-2010; 1-5-2011; 1-4-2012; 1-09-2013; 1-8-2014; 7-9-2014; 1-7-2015; 1-6-2016; 1-4-2017; 2-8-2017; 1-3-2018; 3-20-2019; 01-08-2020; 9-2-2020; 12-2-2020; 1-6-21; 1-5-22; 4-6-22; 4-20-22; 8-3-22; 1-4-23; 1-3-24; 1-8-25).

Item No. 8.2. Adoption of Board Policies.

The Executive Summary forwarded to the Board states that the Board's Policies address the Supervisors' reimbursement for travel expenses, the appointment of Supervisors and community members to public bodies, and Supervisors serving without remuneration on the board of trustees of not-for-profit entities. The Board adopts its Policies at its annual organizational meeting each January.

The proposed Policies are the same as those adopted by the Board on January 3, 2024, with only the adoption date revised. If any amendments are desired, staff will return to the Board at a later meeting with amended Policies for the Board's consideration.

Staff recommends that the Board re-adopt the Policies (Attachment A).

* * * * *

Mr. Andrews said that the next item was the Board Policies. He asked if Mr. Herrick had any comments.

Mr. Herrick said that there were no changes to the policies. He said that the only change was the updated date of the readoption.

Mr. Andrews said that he was looking for a motion to adopt the 2025 Board Policies.

Ms. McKeel **moved** that the Board of Supervisors adopt the 2025 Board Policies. 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.

* * * * *

Albemarle County Board of Supervisors

Policies

Re-adopted January 8, 2025

Policies of the Albemarle County Board of Supervisors

1. Travel Reimbursement

Supervisors will be reimbursed travel expenses pursuant to uniform standards and procedures that will allow Supervisors to travel for official County business purposes consistent with the prudent use of County funds as follows:

- A. **Routine Travel Expenses.** Supervisors may be reimbursed for the following routine travel expenses at the County's authorized car mileage reimbursement rate, provided there are available funds:
 - 1. **Mileage to Attend Board and Committee Meetings.** Mileage for travel by personal vehicle or other travel costs to scheduled Board meetings and Board committee meetings for committees to which a Supervisor is appointed, from home or work, if a work day, which is not part of routine personal travel. Travel to use the Board's County Office Building office between other personal travel or meetings, is not eligible for reimbursement.
 - 2. **Mileage to Attend Matters within the Board's Responsibilities.** Mileage for travel by personal vehicle or other travel costs to events reasonably necessary to prepare for matters within the Board's responsibilities (e.g., site visits, informational meetings, local ceremonies to which the Supervisor was invited or that is related to a matter in which the Board or the County has an interest) which is not part of routine personal travel.
 - 3. **Mileage to Attend Parades and Other Community Gatherings.** Mileage for travel by personal vehicle or other travel costs to parades and other community gatherings, that are not campaign events, to discuss County business.
- B. **Additional Travel Expenses.** Supervisors may be reimbursed for the following additional travel expenses, provided there are available funds:
 - 1. **Regional, Statewide, and National Meetings.** All necessary, actual, and reasonable meal, travel, and lodging costs (including gratuity and excluding alcohol) of attending regional, statewide or national meetings at which the Supervisor represents the County, as approved by the Board.
 - 2. **Legislative or Congressional Hearings.** All necessary, actual, and reasonable meal, travel, and lodging costs (including gratuity and excluding alcohol) of attending legislative or congressional hearings relating to official County business.
- C. **Matters for Which Supervisors will not be Reimbursed.** Supervisors will not be reimbursed for the following travel expenses:
 - 1. **Political Events.** Travel to events which are political in nature (i.e., campaign or partisan events).
 - 2. **Personal Expenses.** Personal expenses incurred during travel.
 - 3. **Travel Not Part of Duties.** Other travel which is not part of the statutory governmental duties of the Board of Supervisors that are not provided for in Subsections (C)(1) or (C)(2).
- D. **Implementation.** This policy will be applied and overseen in the following manner:
 - 1. **Reimbursement Requests.** Reimbursement requests shall be made in writing on forms

provided by the Clerk of the Board (the "Clerk") and shall itemize the date, number of miles of travel, and purpose of the meeting. Mileage for use of a personal vehicle shall be reimbursed at the County's authorized car mileage reimbursement rate. Other reimbursements shall be for the amount of costs expended and shall be documented by receipts for actual amounts paid.

2. **Clerk Review.** The Clerk, or their designee, will review all travel reimbursement requests and the Chief Financial Officer will approve all travel reimbursement requests prior to reimbursement. No payment will be made for incomplete submissions or information.
3. **Exhaustion of Funds.** When all allocated funds for Board reimbursements have been expended, there will be no further reimbursement for that fiscal year unless the Board appropriates additional funding.

2. Supervisors Appointed to Boards, Committees, and Commissions

The Board appoints its members to a variety of boards, committees, and commissions to represent the interests of the Board on those bodies. It is important that the Board have confidence that its policies and positions are being reflected in that representation.

- A. **Voting Representatives.** Supervisors who are appointed to boards, committees, and commissions are required to vote on matters that come before those bodies in a manner which is consistent with the policies and positions of the Board as reflected in previously adopted resolutions or official actions of the Board on those matters.
- B. **Non-Voting Liaison Representatives.** Supervisors who are appointed to boards, committees, and commissions as non-voting liaisons are to act as a resource for the board, committee, or commission and are to report to the Board on the activities of the board, committee, or commission.
- C. **Alternates.** Supervisors may serve as alternates for the Board-appointed voting representatives or liaison representatives when the representative is unable to attend a meeting. The organizational documents for the board, committee, or commission must allow alternates to be appointed. Any alternate must be appointed by the Board to serve as an alternate for the particular board, committee, or commission.

3. Boards, Commissions, and Committees

A. Review and Creation of Boards, Commissions, and Committees are as Follows:

1. **Annual Report.** By October 1 of each year, all boards, commissions, and committees shall submit a report to the Board covering the prior fiscal year (July 1 to June 30) that includes the key activities that support their mission and a summary of their activities and the attendance of each appointee.
2. **Annual Evaluation.** On an annual basis, the list of active boards, commissions, and committees will be evaluated and purged of all bodies not required by Federal, State, County or other regulations, which have not met at least once during the prior 12-month period.
3. **Combining Functions and Activities.** Whenever possible and appropriate, the functions and activities of boards, commissions, and committees will be combined, rather than encouraging the creation of new bodies.

4. **Short-Term Task Forces and Ad Hoc Committees.** Any newly created task force or ad hoc committee which is intended to serve for a limited duration may be comprised of magisterial or at-large members at the discretion of the Board. The appointment process shall follow that adopted in Section 3(B) for other magisterial and/or at-large positions.

B. Appointments to Boards, Commissions, and Committees

1. **Appointments, Generally.** All appointments to boards, commissions, and committees based upon magisterial district boundaries will be made by the Board. The Board will consider and/or interview candidates recommended by the Supervisor of that district.
2. **Compilation of List of Expired Terms and Vacancies.** Prior to the first regular Board meeting each month, the Clerk will provide the Board a list of expired terms and vacancies that will occur within the next 60 days. The Board will then advise the Clerk which vacancies to advertise.
3. **Advertising Positions.** When the Board advises the Clerk which vacancies to advertise, the Clerk shall, in collaboration with the County's Director of Communications and Public Engagement, distribute notice of the vacancy on any board, commission, or committee through available and appropriate media in order to reach as many citizens as possible. The advertisement shall provide a brief description of the duties and functions of the board, commission, or committee, the length of term of the appointment, the frequency of meetings, the minimum qualifications necessary to fill the position, and the Board's expectations for appointees to attend meetings and to participate in other activities of the board, commission, or committee. An explanation of the appointment process for both magisterial and at-large appointments will also be sent to all applicants.
4. **Application Content.** The application form shall request information in the following areas: (i) the name of the board, commission, or committee to which the applicant seeks to be appointed; (ii) the name, address, and other contact information of the applicant; (iii) employment; (iv) County resident status and resident history; (v) family relationship (natural or legal offspring, parent, grandparent, spouse, or sibling) to any County Supervisor or other officer, employee, or appointee; (vi) education; (vii) offices or memberships in civic, not-for-profit, and similar organizations; (viii) activities and interests; (ix) reasons for seeking to serve on the board, commission, or committee; and (x) how the applicant learned about the vacancy.
5. **Application Period.** All interested applicants will have a minimum of 30 days from the date of the first notice to complete and return to the Clerk a detailed application, with the understanding that the application may be released to the public, if requested. No applications will be accepted if they are received or, if the application is mailed through the United States Postal Service, postmarked after the advertised application deadline; however, the Board, at its discretion, may extend the deadline.
6. **Distribution of Applications.** After the application deadline has passed, the Clerk will distribute all applications received to the Supervisors before the Board meeting at which the applications will be considered. For magisterial appointments, the Clerk will forward applications as they are received to the Supervisor of that district who will then recommend their appointment.
7. **Interviews; Appointments Without Interviews.** From the pool of qualified candidates, the Board, in its discretion, may make an appointment without conducting an interview, or

may select applicants to interview for the vacant positions. The Clerk will then schedule interviews with applicants to be held on the day of a regular or special Board meeting.

8. **Appointments Within 90 Days.** The Board will make all reasonable efforts to interview selected applicants and make appointments within 90 days after the application deadline. For Board-designated agency appointments to boards, commissions, and committees, the Clerk shall ask the agency to recommend a person for appointment by the Board.
 9. **Vacancies Filled as They Occur; Exception.** All vacancies will be filled as they occur, except that vacancies occurring on a Community Advisory Committee will be filled on an annual basis at the time regular terms expire unless there are more than three vacancies on that Committee at the same time and more than three months remaining from the annual appointment date. Except as otherwise provided by law, the terms of citizen members of boards, commissions and committees shall continue, unless such members are otherwise removed, until their successors have been appointed and qualified.
 10. **Appointees Required to File Real Estate Disclosure Form.** As a condition of assuming office, all citizen members of boards, commissions, and committees shall file a real estate disclosure form as set forth in the State and Local Government Conflict of Interests Act (Virginia Code § 2.2-3100 *et seq.*) and thereafter shall file the form annually on or before February 1.
 11. **Termination of Appointment for Excessive Absences.** If a member of a board, commission, or committee does not attend and participate in at least 75 percent of that body's meetings, the Chair of the body may request the Board to terminate the appointment, if permitted by applicable law, and refill it during the next scheduled advertising period. If permitted by applicable law, the Board may establish different attendance requirements and procedures to terminate an appointment for excessive absences for a particular board, commission, or committee.
 12. **Appointees to Advisory Bodies Serve at the Pleasure of the Board.** Any person appointed by the Board to an advisory board, commission, or committee serves solely at the pleasure of the Board.
4. **Supervisors Serving Without Remuneration on the Board of Trustees, Board of Directors, or a Comparable Governing Body of Not-for-Profit Entities; Serving on Non-Governmental Entity's Governing Body**
- A. **State Law.** The State and Local Government Conflict of Interests Act (the "Act") recognizes that a system of representative government depends in part upon: (i) Supervisors representing fully the public in the legislative process; and (ii) the County's citizens maintaining the highest trust in the Board of Supervisors. The Act establishes rules designed to assure that the judgment of any Supervisor is free of inappropriate conflicts of interest. Under the Act, a Supervisor who serves without remuneration as a member of the board of trustees of a not-for-profit entity, where neither the Supervisor nor their immediate family has a personal interest in the not-for-profit entity, is not required to disclose or disqualify themselves from participating in any transaction related to the not-for-profit entity.
 - B. **Board Policy.** A Supervisor who serves without remuneration as a member of the board of trustees, board of directors, or a comparable governing body of a not-for-profit entity must disclose that fact at each meeting of the Board of Supervisors at which a matter pertaining to

the not-for-profit entity is considered or acted upon. The disclosure must be made at the beginning of the Board meeting at which the matter will be considered or acted upon.

- C. **Limitation on Number of Supervisors Serving on a Non-Governmental Entity's Governing Body.** Not more than one Supervisor may be assigned to or sit on a board of trustees, board of directors, or a comparable governing body of any non-governmental entity located or conducting business in Albemarle County. More than one Supervisor may serve as a committee member or a Board liaison to a non-governmental entity if the Supervisors are appointed to either of those positions by the Board of Supervisors.

5. Supervisors' Attendance of Educational and Leadership Programs

- A. **Programs.** Subject to approval by the Board, Supervisors may be reimbursed for tuition or other costs of participating in non-partisan educational or leadership programs that are relevant to and will enhance their service as a member of the Board of Supervisors, provided there are available funds and upon providing proof of successful program completion.
- B. **Related Travel Expenses.** Supervisors may be reimbursed for travel expenses, including all necessary, actual, and reasonable meal, travel, and lodging costs (including gratuity and excluding alcohol) of attending such a program, as approved by the Board.

Item No. 8.3. Adoption of Board of Supervisors Operating Guidelines.

The Executive Summary forwarded to the Board states that on August 8, 2018, the Board approved the Albemarle County Board of Supervisors Operating Guidelines for High Quality Governance, developed during the May 2018 Board Retreat. The Board reviewed and reaffirmed the guidelines at its September 2020 retreat and has adopted the Operating Guidelines at its organizational meeting each year since.

The Albemarle County Board of Supervisors Operating Guidelines for High Quality Governance, most recently adopted on January 3, 2024, continue to provide an effective framework to ensure high quality governance. Annual review and adoption by the Board ensures the guidelines continue to reflect the Board's intentions.

There is no budget impact anticipated with these guidelines.

Staff recommends that the Board consider and adopt the Board of Supervisors Operating Guidelines for High Quality Governance, provided in Attachment A.

* * * * *

Mr. Andrews said that they also had the adoption of the Board of Supervisors Operating

Guidelines, which was a very important document in their relationship with staff.

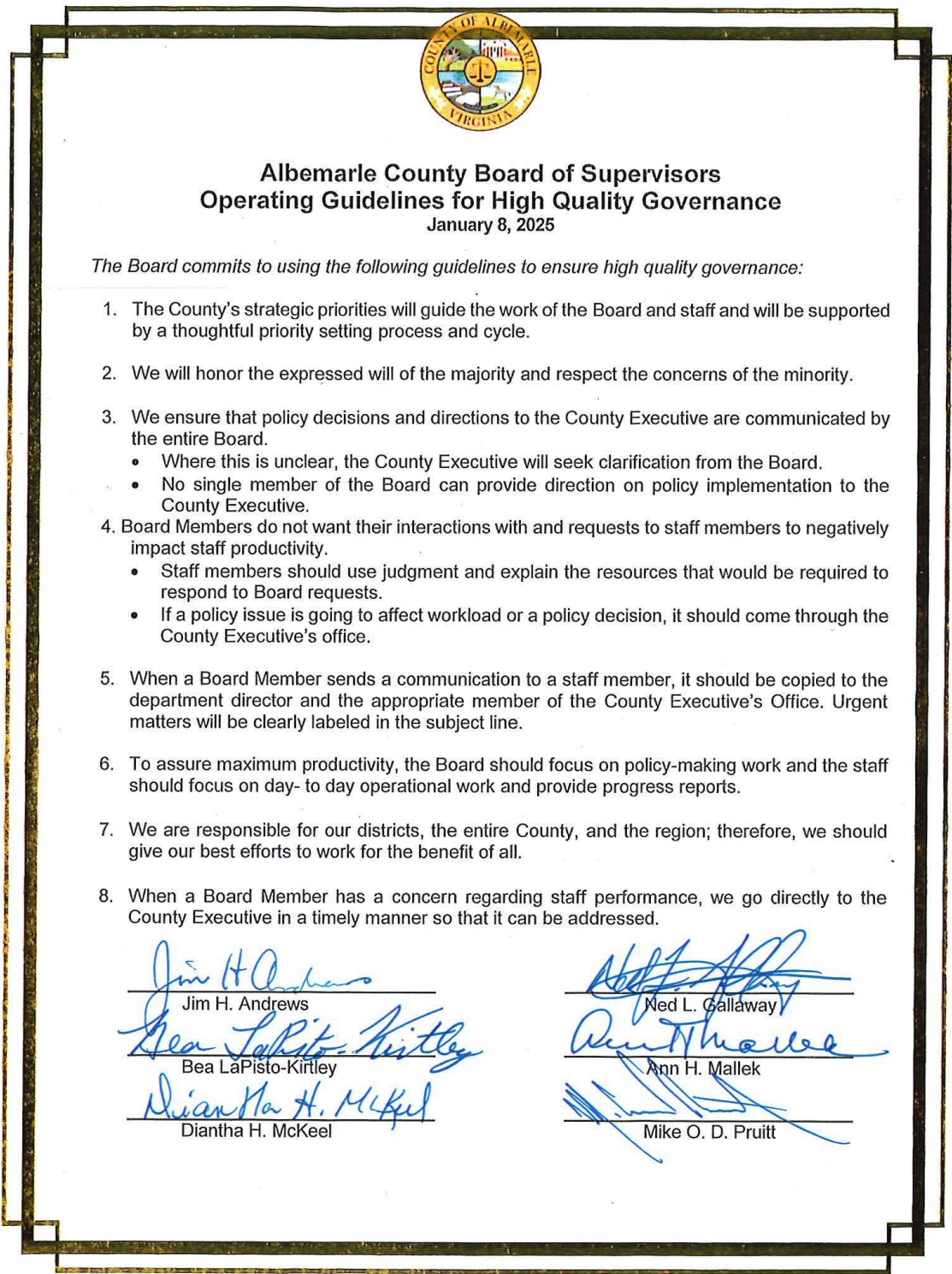
Mr. Andrews said that he was looking for a motion to adopt these Operating Guidelines.

Ms. Mallek **moved** that the Board of Supervisors adopt the 2025 Operating Guidelines. 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.

* * * * *



Mr. Andrews asked if there were any comments or remarks from Board members regarding the rules.

Ms. Mallek said that she believed that planning ahead helped ensure a smooth process, so she thanked them all.

Ms. McKeel said that she wanted to make a comment regarding the location of these documents. She said that if the public was interested in accessing them, they could be found on their website. She said that she was unsure of the specific location within the website.

Mr. Herrick said that when viewing the meeting agenda for today, all of these documents were linked to today's meeting agenda. He said that if they were not located on the Board of Supervisors' page, they could certainly put them there.

Agenda Item No. 9. Adoption of Final Agenda.

Mr. Andrews said that he had not heard of any suggested changes and asked if there was a motion.

Ms. McKeel **moved** to adopt the final agenda. 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. 10. Brief Announcements by Board Members

Mr. Gallaway wished everyone a Happy New Year. He said that it was a good time to remind everyone that VDOT was responsible for clearing County roads, with a few exceptions where agreements were in place. He said that in his district, there was a small section that required going through the City to access the County road, and a memorandum of understanding helped get that cleared.

Mr. Gallaway said that VDOT prioritized primary, secondary, and tertiary roads, with many of their neighborhood roads falling into the tertiary category, which tended to be the last to be cleared. He said that depending on how difficult they are finding it to clear the roads, if someone was concerned about their subdivision's road clearing, he had seen some out in a few today, so they were beginning to get those cleaned up. He said that he had received an email about it just a little bit ago, so he thought he would mention it. He said that he was looking forward to the new year and the challenges that came with it, including the Comprehensive Plan and upcoming budget. He said that he was ready to get to work.

Ms. Mallek said that as they began 2025, it was a critical year for many projects that had been on their agenda for a long time. She said that she was grateful to the voters who had re-elected her last year, as it had allowed her to work on finishing the new Comprehensive Plan, completing it and adding necessary elements while maintaining the character of their County, which had been supported by their voters for over 60 years.

Ms. Mallek said that updates to their ordinance processes for utility sales, solar, and data centers, as well as the adoption of a water protection chapter in the Zoning Ordinance, burn regulations, and reporting requirements for sewage sludge, as well as many others, had been on their list for a considerable amount of time. She said that citizens were eager for answers and closure on these issues, which often hung over them.

Ms. Mallek said that the start of 2025 brought them to a halt, reminding her of a peanut farmer from Georgia who, in 2021, had called upon Americans to reject political violence, polarization, disinformation, and instead, embrace fairness, civility, and respect for the rule of law. She continued that without immediate action, they risked civil conflict and losing their precious democracy, and that Americans must set aside their differences and work together before it was too late.

Ms. Mallek said that another quote from 1979, after a tumultuous era, was about two paths to choose, warning about one path that would lead to fragmentation and self-interest, which would result in a mistaken idea of freedom, the right to grasp for ourselves some advantage over others, leading to constant conflict between narrow interests ending in chaos and immobility, and a certain route to failure. She said that he went on to say that they could do better, and they must, for the sake of their residents today and their grandchildren, as well as the residents of tomorrow.

Mr. Pruitt said that he was thrilled to report that since their last meeting, they had officially opened Biscuit Run Park, located entirely within the Scottsville Magisterial District in the southern part of their urban neighborhood, adjacent to Avon. He said that the parking lot, which was the core feature they had developed for the park, was situated at the intersection of Avon and Scottsville Road, and it was a great park with hundreds of miles of trails.

Mr. Pruitt said that they had experienced heavy rain shortly after opening, and the first few hundred feet of the park trails had clay. He said that once past this section, the trail network became much more beautiful and easier to walk on. He said that the first 20 feet or so were indeed the worst, and he assured them that it was worth persevering. He said that over the next several years, they could expect to see numerous amenities added, including sports fields and additional services for residents.

Mr. Pruitt said that one aspect he was particularly excited about was how this project would connect neighboring neighborhoods and communities through foot traffic and biking, bridging the physical and social gaps between areas that were close by but felt disconnected. He said that this interconnection would undoubtedly be a valuable asset to their community.

Mr. Pruitt said that as an elections enthusiast he wanted to mention that they had had several

special elections since their last meeting, which had significant implications for the legislature. He said that Democrats had narrowly maintained control, thanks to winning two races in Loudoun. He said that locally, Senate District 10 had seen the election of Luther Cifers, a Republican, and Jack Trammell had put up a strong fight, but ultimately lost.

Mr. Pruitt said that he would like to acknowledge the recent snowy weather, which had made travel treacherous in some areas. He urged everyone to be mindful of their travel needs and consider postponing trips until the snow melted. He said that he was grateful to report that their community had been fortunate, with few power outages and no prolonged outages.

Mr. Pruitt said that in contrast, his colleagues from Richmond had faced significant disruptions, with many still without water. He said that in the Scottsville District, they had had fewer than 100 people experiencing power outages, and all had been resolved within 24 hours. He said that he was thankful for the resilience and cooperation of their community during this challenging time. He said that he would like to express his gratitude to the crews and linemen who had worked tirelessly to ensure their community's safety and warmth.

Mr. Pruitt said that he would like to connect this to their previous discussion about the General Assembly. He said that a recent development in his district had become a pressing concern. He said that The Villas at Southern Ridge, located near Fifth Street and the Albemarle County offices, had been sold to a Henrico-based firm. He said that this firm planned to invest millions of dollars in updating and renovating the property, which would likely lead to a significant increase in rents. He said that while this was within their rights, it also posed a risk of displacing hundreds of low-income residents.

Mr. Pruitt said that he had previously raised concerns about this issue at Cavalier Crossing, and he was glad that this Board had approved additional security deposit assistance to help displaced residents find new places to live. He said that however, the dwindling affordable housing inventory was a pressing issue.

Mr. Pruitt said that he was pleased to report that he had had a productive conversation with Delegate Callsen and her team, as well as Legislative Services, about a bill that this Board supported. He said that this bill aimed to explore ways to prevent the loss of affordable housing inventory through redevelopment.

Mr. Pruitt said that he believed this was an under-explored dimension of the issue, and he was excited to see what would become of the bill. He said that he planned to advocate for its passage in Richmond and would appreciate additional support from the community and this Board as they worked to address this issue.

Ms. LaPisto-Kirtley said that she would like to summarize some key events that had occurred in the Rivanna District over the past few months. She said that the expansion of Darden Towe by adding Free Bridge Lane has been extremely well-received, with many people taking advantage of the new walkway. She said that although it was currently inaccessible due to snow, it was a popular destination.

Ms. LaPisto-Kirtley said that the snow, however, was not expected to melt anytime soon, as it refreezes at night, and she strongly advised everyone to exercise caution, particularly those on tertiary roads that had not been plowed yet, as it could be extremely dangerous.

Ms. LaPisto-Kirtley said that she would also like to update the Board on two recent formations: the Albemarle County Parks and Recreation Foundation, which allows donations to support local parks, and the Fire Rescue Foundation, which complements their Fire Department and provides additional support for emergency services. She said that they already had a Police Foundation, and these new foundations would help the County provide more services for their community.

Ms. McKeel said that regarding the foundations mentioned by Ms. LaPisto-Kirtley, she would like to add that Albemarle County Public Schools (ACPS) now has a foundation, making it easier for individuals to donate to ACPS. She said that this information can be found on the ACPS website.

Ms. McKeel said that she would also like to bring to their attention an upcoming seminar on Learn How Not to Become a Victim of Fraud, Scams, or Abuse, scheduled for Tuesday, January 21, from 10:00 a.m. to 11:30 a.m. at the Jefferson Madison Regional Library's (JMRL) central library on Market Street. She said that this event was being provided by the Commonwealth of Virginia Office of the Attorney General, in collaboration with local law enforcement agencies. She said that it was a great opportunity for seniors to ask questions and gain valuable information.

Ms. McKeel said that she would also like to celebrate the recent opening of the Pediatric Neurodevelopmental and Behavioral Healthcare Clinic, a partnership of the University of Virginia Health Children's Hospital and Sentara Martha Jefferson Hospital. She said that the partnership aimed to expand access to behavioral health care for children across Central Virginia, offering services for children with autism, attention-deficit hyperactivity disorder (ADHD), anxiety, and depression. She said that the center was now open on Route 29 North near the bridge, and it was accessible to all children, regardless of their insurance or ability to pay. She said that interpreters would also be available for clinic services.

Ms. McKeel said that on a personal note, she said that she would like to take a moment to acknowledge the passing of Jimmy Carter, the 39th President of the United States. She said that as they updated their Comprehensive Plan, which focused on environmental stewardship, it was a good reminder

of the importance of some of his administration's accomplishments. She said that President Carter believed in harnessing the power of the sun, their most renewable and sustainable energy.

Ms. McKeel said that in 1979, he celebrated the installation of the first solar panels on the White House roof to fuel water heaters in the White House. She said that at that time, he challenged Americans to support the national solar power program, understanding that solar power was clean, economical, and would provide a more secure and self-reliant nation. She said that he established the Department of Energy, mandated the first gas mileage standards for cars, and required cars to have seatbelts and airbags.

Ms. McKeel said that he also doubled the size of lands protected by the National Park Service and was the first president to undertake a federal cleanup of a hazardous waste site. She said that as president, Jimmy Carter urged Americans to protect their most precious possession: the air they breathe, the water they drink, and the land which sustains us. She said that she believed that President Carter would endorse the hard work and expense it takes to accomplish these goals, and given his belief in solar, would endorse their community's new vision of moving numerous public transit vehicles to hydrogen fuel cell technology powered by solar.

Mr. Andrews said that he would like to echo the sentiments expressed by the other supervisors. He said that he looked forward to engaging in challenging yet rewarding discussions this year on budget and challenges related to safety services, social services, housing, economic opportunities, natural resource stewardship, and strengthening their relationships with the City, the University, legislators, and regional partners.

Mr. Andrews said that he would also like to mention the passing of Mr. Chuck Pace, a dedicated educator who stepped up to serve on the Board of Education at a critical time, then won reelection, only to have his term cut short. He said that the Board was deeply sorry to see him go. He said that his seat would be up for election again this year, amidst a full slate of local and state elections.

Mr. Andrews said that regarding the weather, he would like to build upon Mr. Gallaway's comments, noting that VDOT was responsible for road maintenance, but the County could also pass on messages to them. He said that he encouraged the public to use the website feature or call 1-800-FOR-ROAD (800-367-7623) to report issues with road cleanup. He said that he knew the conditions were hazardous, as he had experienced a fall himself yesterday, slipping on a transparent ice step despite their efforts to clean up the area. He said that he urged everyone to exercise caution and be mindful of their surroundings.

Mr. Gallaway said that he appreciated Mr. Andrews bringing up the passing of Mr. Pace. He said that the week before his passing, he had received word from some individuals who expressed their appreciation for the teachers in the School Division, who had enjoyed Mr. Pace's service and the way he listened. He said that it was sometimes easy to just listen, but Mr. Pace would follow up with answers, which was greatly appreciated.

Mr. Gallaway said that he had the opportunity to observe him as a new member of the School Board, and he was impressed by his earnestness in asking questions and seeking understanding. He said that in his own first year on the Board, he learned the importance of asking questions, and Mr. Pace embodied that spirit. He said that the Rio District was indeed at a loss for his passing, as he was poised to serve a full term and continue his dedication. He said that he would like to express his gratitude for Mr. Andrews' acknowledgment of his service and for the opportunity to say a few more words.

Ms. Mallek said that if she may add, the temperature had not gone above freezing today. She said that any substance that appeared liquid at the moment from the sun's heat, at 4:00 p.m., it would again be a sheet of ice. She said that as a result, they all needed to exercise caution, even when walking to their vehicles.

Agenda Item No. 11. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Mr. John Gulley said that he was there to highlight the beauty of the area and the efforts to preserve it. He said that as a member of the Albemarle Gravel and Wine group, he could attest to the unique experiences they created through their weekly gravel rides, which connected people to the area's history and economy in a distinctive way. He said that having moved from North Carolina, where paved roads dominated, he was struck by the beauty and character of Charlottesville. He said that he wanted to make a plea to preserve it.

Mr. Gulley said that research had shown that gravel roads were cost-effective and safer in the long run. He said that paving these roads, however, would increase speeds and work against the very essence of this community. He said that he was reminded of this on Ridge Road that morning, which had become a de facto public park. He said that many of these roads were frequently used by local cyclists, runners, and even UVA cross-country teams. He said that the Albemarle Gravel and Wine group had over 500 members, and they were creating experiences that connected people to the area's history in a way that could not be replicated in some other communities.

Mr. Bob Putnam, Scottsville District, said that he was present to express his support for the

Albemarle County Easement Association (ACEA). He said that he lived in Scottsville and, along with his wife, had been stewards of 67 acres of mixed deciduous hardwoods. He said that in the past 35 years, he had witnessed a significant decline in native habitat, with hardwood forests being converted to pine plantations, and the expansion of rural development, wineries, and industrial ventures such as utility-scale solar.

Mr. Putnam said that their 67 acres was once part of a larger network of natural forest, but now it stood as a small island of native landscape, poised to be engulfed by a large industrial solar complex or project. He said that last year, they had secured their land through a conservation easement, thanks to the ACEA. He said that the staff's assistance was invaluable, and he could not have done it without their expertise. He said that the process was complex and costly, making it inaccessible to most small landowners.

Mr. Putnam said that the ACEA made it possible for him and his wife to preserve this small but important natural place, but they were lucky to have the resources to do this. He said that unfortunately, many small landowners lacked the resources to do the same. He said that that was why it was essential to fund and revitalize the Acquisition of Conservation Easements (ACE) program and continue to support Albemarle County's easement programs.

Mr. Rex Linville, Samuel Miller District, said that he wanted to start by expressing his gratitude to all of them for opening Biscuit Run Park and investing in this project. He said that he was also excited about the bridge that would connect it to Southwood, a project that he had been involved in during its early phases. He said that for nearly 25 years, Albemarle County had been a leader in land conservation. He said that despite their success, threats to their natural resources continued to emerge.

Mr. Linville said that subdivision remained a classic threat, but they were also seeing a rise in land loss due to utility-scale renewable energy facilities. He said that these facilities could consume thousands of acres. He said that given the need to preserve and protect their land base, he was delighted to see that the draft Rural Area section of the Comprehensive Plan proposed the continuation and reactivation of the ACE program.

Mr. Linville said that this program, combined with increased funding and enhanced monitoring and enforcement capacity, as well as the voluntary land conversation in general, would be crucial in achieving their vision for the Rural Area. He said that in the past, the County had invested over \$1.5 million annually in the ACE program, and he encouraged them to maintain or increase this funding to take advantage of matching funds available at the state and federal levels. He said that the ACEA program had grown to become one of the largest land trusts in the Commonwealth, with 210 easements.

Mr. Linville said that one of the key recommendations embedded in the Land Trust Alliance's standards and practices for how to operate a land trust legally and ethically in the public interest was annual monitoring of every conservation easement held by the land trust. He said that investing in the capacity to monitor and enforce the stewardship obligations inherent in these 210 easements was vital to the success of the conservation program and Rural Area preservation.

Mr. Linville said that he wanted to address some unfounded concerns that protected land reduced the County's net tax revenue. He said that in reality, protected lands were revenue positive, as they reduced the County's cost to community services and increased school funding through the composite index calculation at the state level and paid less to the City of Charlottesville through the revenue sharing agreement. He said that finally, a recent survey showed that 92% of voters nationally believed that they needed to do more to protect land, water, and wildlife.

Mr. John Moore, Samuel Miller District, said that he had lived in and around Albemarle County four separate times since 1972, including his time at the University of Virginia in the early 1980s, where he earned a master's degree in land use and environmental planning. It was an exciting time for planning in Virginia, as Albemarle County took a deep look at both its natural resources and its capacity to absorb growth in a fiscally and environmentally responsible manner.

Mr. Moore said that the results of the studies and analyses to determine how the County should grow were two-fold. First, a Comprehensive Plan that established both well-defined areas to accommodate growth and resource protection areas that collectively became the Rural Area. To implement the plan, the County revised its Zoning Ordinance to direct development into the Growth Areas and away from the more sensitive and vulnerable Rural Area.

Mr. Moore said that studies show that the economic activities, including agriculture and tourism, conducted in and enabled by the Rural Area were a significant portion of the County's economy and worth protecting. He said that the Rural Area can be thought of as the nest of the goose who laid her golden egg in Charlottesville. He said that protecting the Rural Area from the deleterious effects of sprawling and higher density growth had been a paramount tenet of the County planning ethos for over 40 years.

Mr. Moore said that this was because the natural resources on which they depended (clean air, clean water, agricultural soils, forests, and rivers) depended on their stewardship of those resources. He said that he serves on the board of directors of the ACEA, a body that owes its existence to the County's enlightened commitment to protecting the Rural Area by providing a means for its citizens to voluntarily and permanently protect their land from excess or inappropriate development.

Mr. Moore said that he was also a member of the ACE Committee, whose purpose was to help equalize the financial benefits of easement donation for those families unable to make meaningful, direct use of both federal and state tax incentives. He said that unfortunately, the ACE program has remained unfunded by the County during his entire tenure on the authority and the ACE Committee.

Mr. Moore urged the Board to fund the ACE program and, to that end, to establish an Albemarle County Conservation Fund as a conduit for other conservation-related projects. He also strongly urged the Board and Planning Commission (PC) to deepen their commitment to the importance of the Rural Area. He urged them to continue a successful and enlightened approach to the management of future growth in the County, which had been 40 years in the making. They worked together to foster and promote sustainable growth that enriched their citizens and protected their valuable natural resources.

Mr. Dan Bieker, Samuel Miller District, said that he had been a resident of the County for over 40 years. He said that 18 years ago, he placed his farm in North Garden under easement with the ACE program, and he can attest that it has been a lifesaver for him. He said that he did not have sufficient income to fully capitalize on the tax credits. He said that the direct payments from the County to facilitate the easement had been a significant benefit.

Mr. Bieker said that he wanted to protect his property in perpetuity, and he was pleased to find an easement holder with the County, which provided a level of confidence and perpetuity that he would not have found with another organization. He said that the process was also extremely straightforward, with the County handling all the necessary survey assessments, baseline data reports, title searches, and more. He said that if he had gone through another easement organization, he would have had to pay for and handle these tasks himself.

Mr. Bieker said that he had since placed an overlay easement on the property through the 500-Year Forest Foundation, and his neighbor and he had also done the same, protecting almost 300 acres on the east side of Cook Mountain. He said that this had all been possible and jump-started by the ACE program. Like the other speakers before him, he encouraged the County to continue and expand this program. He also agreed with the suggestion of incorporating an Albemarle Conservation Fund, which would allow the County to utilize available federal and state grants that were currently not being utilized. Additionally, the County could use funds from proffers under special use permits to support the ACE program and other conservation measures. He said that such a fund would present numerous creative opportunities. As they faced increased traffic pressure and development encroaching on Rural Areas, which were powerful forces, it was vital to protect these areas.

Ms. Stuart Overbey, Samuel Miller District, said that she was here representing a group of landowners in that area. She said that they were brought together by the recent large-scale applications of biosolids, also known as sewage sludge, in their area this past spring and summer. She said that they called their group Don't Spread on Me.

Ms. Overbey said that through their research, they had learned that sewage sludge was being marketed to farmers as free or low-cost fertilizer, despite being full of toxins, including pharmaceuticals, heavy metals, industrial chemicals, hormones, pathogens, and per- and polyfluoroalkyl substances (PFAS), also known as forever chemicals. She said that it was essential that the Board of Supervisors, the PC, and PC staff understood that this practice undermined the laudable goals of the AC44, including environmental stewardship, supporting agriculture and biodiversity, and the pursuit of clean water.

Ms. Overbey said that it also undermined the tax base because PFAS-contaminated land was worthless, unable to be farmed or lived on, but potentially suitable for an industrial solar farm. She said that she was aware that Ms. Mallek had been aware of this issue for years and had identified several places in the environmental stewardship chapter where mention of biosolids could be inserted. She said that she encouraged the Board to accept and adopt those suggestions.

Ms. Overbey said that she hoped they would work with her group in 2025 to help craft a biosolids ordinance for the County. She said that they had a wealth of information about this issue on their website, DontSpreadOnMe.org, which was still a work in progress. She said that she hoped they would be willing to meet and engage in conversation on this issue. She said that they would be in touch.

Mr. Peter Dutnell said that he had been a farmer in North Garden for 34 years, a passion that had been with him his entire life. He said that he had entered agriculture primarily due to his interest in nature and conservation, which spanned both sides of the Atlantic. He said that it had been a privilege to own land, but that it was a challenge to protect and steward his land. Unfortunately, he felt that there was a lack of stewardship in Albemarle County, which seemed to have given way to greater development.

Mr. Dutnell said that the people who came to his area often lacked a deep understanding of country ways, which was a problem. He said that he believed education was key to addressing this issue, particularly among young people, as they were the future of agriculture. He said that they needed to produce good, healthy food without chemicals, preferably organically. He said that Albemarle County's clay soil was particularly sensitive to erosion, exacerbated by the recent droughts and severe floods.

Mr. Dutnell said that he thought that education from local schools and perhaps Piedmont could be

beneficial here. He said that he appreciated the opportunity to be here in this County, and he had truly enjoyed his time there. At 80 years old, he said that he was trying to retire, but it was not happening easily; he was still fighting.

Ms. Peggy Gilges said that the phrase "think global, act local" has never been more relevant than it was today. She said that they are living in a time when they must address many human-caused problems, including crises that threaten their future. Although Albemarle may seem far removed from the chaos of climate disturbance, resource scarcity, species extinction, and pollution, they must recognize what was happening around them to effectively address these problems locally. She said that land conservation and stewardship are key solutions.

Ms. Gilges said that the Rural Area, which she cherishes for its scenic beauty, plays a crucial role in sequestering carbon, moderating temperatures, slowing and absorbing unprecedented rainfalls, protecting water quality and quantity, and preserving biodiversity. She said that she knows this was well understood, but it bears repeating. She said that they should protect this vital resource, and she urged the County, through AC44 to strengthen its land conservation programs, reinvigorate its Easement Authority, and reactivate its ACE program. Furthermore, she recommended that climate change action, including natural solutions, become a whole-of-government pursuit.

Ms. Kim Biasioli, Piedmont Environmental Council (PEC), said that she would like to make a few comments regarding the AC44 Rural Area Chapter. She said that they were pleased to see the emphasis on land conservation and the objectives and actions that supported the County's own programs. She said that land conservation was a critical tool for implementing the Growth Management Policy and achieving the plan's goals for environmental stewardship and climate action.

Ms. Biasioli said that preserving rural land was, in itself, a natural climate solution, providing public benefits like carbon sequestration and flood resiliency to their entire community. She said that they were undervaluing these benefits. She said that economic analyses consistently showed a return on investment in land conservation in the form of natural goods and services and by reducing the cost of providing additional services to the Rural Area, such as schools, fire and rescue, water and sewer. She said that these were just some of the considerable costs that came from allowing sprawl.

Ms. Biasioli said that the intact natural landscape was also a major component of their area's billion-dollar tourism industry. She said that people did not come to their community to breathe in smog and stare at the pavement. She said that by establishing and supporting its land conservation programs, Albemarle had long been viewed as a leader in the Commonwealth. She said that this success was widely recognized in the conservation community, where Albemarle County's programs were regarded as exceptional and as models for other localities to follow, however, resources for these programs had fluctuated over time, and the ACE program had not been active in recent years. She said that when this program was active, it had conserved land and water with an equitable approach, providing more support to farms at risk and to landowners who needed it most.

Ms. Biasioli said that as the Board reviewed the Rural Area chapter today, she hoped they would focus on two things. She said that first, please remove the language proposing a target for a percentage of the Rural Area that may be conserved, as this would effectively allow for sprawl and contradict the County's own vision for their community. She said that second, she urged the County to re-establish Albemarle as a conservation leader by establishing stable and dedicated funding and staffing for the land conservation programs. She said that these were a critical investment for their community.

Agenda Item No. 12. Consent Agenda.

Ms. McKeel **moved** to approve the consent agenda. 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.

Item No. 12.1. Resolution to Approve License for Training Activities.

The Executive Summary forwarded to the Board states that Albemarle County Department of Fire Rescue (ACFR) and Albemarle County Police Department (ACPD) are planning joint training exercises to enhance operational readiness. Music Today, LLC has offered to provide its facilities for the joint exercises, requiring a License Agreement and Release (Agreement) to reflect the parties' respective responsibilities that include a provision for a conditional release and waiver of liability for County property damage and personal injury of participants.

The County does not have a facility capable of accommodating the joint training exercises during normal business hours. Music Today, LLC, a private business in the community, has offered its facility, which meets these requirements, at no cost to the County. This venue provides the necessary size and privacy for the exercises, ensuring realistic training scenarios in a secure environment. To proceed, Music Today, LLC requires execution of the attached Agreement, in a form approved by the County Attorney, and the County Executive requires authorization to execute the agreement on behalf of the Board.

There is no budget impact associated with this item.

Staff recommends the Board approve a License Agreement and Release and authorize the County Executive to execute the Agreement on behalf of the Board.

By the above-recorded vote, the Board approved a License Agreement and Release and authorize the County Executive to execute the Agreement on behalf of the Board:

* * * * *

RESOLUTION TO APPROVE LICENSE FOR TRAINING ACTIVITIES

WHEREAS, Albemarle County Department of Fire and Rescue (ACFR) and Albemarle County Police Department (ACPD) wish to conduct training activities in joint exercises to continue to improve operational readiness; and

WHEREAS, Music Today, LLC has offered to provide a location for the joint exercises and requires a license agreement and release to reflect the parties’ respective responsibilities that includes a provision for a conditional release and waiver of liability for County property damage and personal injury of participants (“the Agreement”); and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves an Agreement, in a form as approved by the County Attorney, and authorizes the County Executive to execute the Agreement on behalf of the Board.

* * * * *

LICENSE AGREEMENT AND RELEASE

THIS LICENSE AGREEMENT AND RELEASE (this "Agreement") is made as of 11-26-24 by and between the ALBERMARLE COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia ("the County"), on behalf of its Department of Fire and Rescue ("ACFR") and Department of Police ("ACPD"), and MUSIC TODAY II, LLC (SCC No. S6652202), a Virginia limited liability company ("Owner"), collectively (the "Parties").

RECITALS

WHEREAS, Owner is the owner of a facility located at 5391 Three Notch D Rd located in Grozet, Virginia (the "Location");

AND WHEREAS, ACFR and ACPD intend to hold an event consisting of training exercises for its employees at the Location during the period of January 21st, 2025, through and including January 31st, 2025;

NOW, THEREFORE, in consideration of the foregoing recitals, mutual agreements, covenants and promises contained in this Agreement and other good and valuable considerations, the receipt, sufficiency and validity of which are hereby acknowledged, Owner and the County hereby agree as follows:

AGREEMENTS

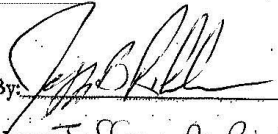
1. **Licensed Property.** Owner represents that the Location area as described in Exhibit A ("Licensed Property") is available for training activities and is the area that is licensed to the County during the License Term.
2. **License term.** For the period January 21st – January 31st, 2025 ("License Term"), Owner licenses the Property to the County for use consistent with ACFR and ACPD training activities.
3. **Training activities.** ACFR and ACPD intend to engage in non-destructive exercises ("Training Activities"). ACFR and ACPD personnel will not use live ammunition or simulated munitions and will not engage in breaching activities.
4. **License payment.** Owner will not require the County to pay for use of the Licensed Property during the License Term.
5. **Owner responsibilities.** Owner acknowledges that, although unlikely and unintended, the County may damage the structure during the Training Activities. As such, prior to the License Term, Owner will remove any personal property, fixtures, or other items that Owner does not want to be damaged. Further, Owner will ensure that no other persons will be permitted in the Licensed Property during the License Term, including but not limited to Owner's employees, contractors, or agents. The County agrees to use reasonable care to avoid any unnecessary damage to property in connection with the Training Activities. Owner acknowledges and agrees that neither the County nor any of its boards, employees, volunteers or agents, including any volunteer fire and rescue department that is part of the Albemarle County Coordinated Fire and Rescue system, shall be liable for any property damage the County, its employees, or volunteers may cause to the Licensed Property as a result of the Training Activities.

- A. Prior to the License Term, Owner will make available the Licensed Property for inspection by representatives of the County. Owner will make known to County representatives of any known hazards present on the Licensed Property. It will be the responsibility of the County to determine the safety and fitness of the Licensed Property for the training exercises.
- B. If Owner has complied with this Section (5), Owner shall not be responsible for any property damage or personal injury suffered by the County or its employees, agents, or volunteers. This is expressly a conditional release.
6. No waiver of immunity. Nothing set forth within this Agreement is intended, or shall any provision be construed, as a waiver of any sovereign or governmental immunity to which the County, its officers, volunteers, and employees may be entitled.
7. Termination. Notwithstanding anything to the contrary contained herein, Owner may terminate this Agreement at any time prior to the License Term, orally or in writing, delivered to any representative of the County.
8. Binding effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors, and assigns.
9. Governing law and venue. The validity, interpretation and effect of this Agreement shall be governed by and construed according to the laws of the Commonwealth of Virginia, without regard to any conflicts of law provisions. Venue for any action under this Agreement will be made in a court of competent jurisdiction for Albemarle County, Virginia.
10. Entire agreement. This Agreement is the complete agreement of the parties with respect to the subject matter hereof and may not be changed, waived, discharged, or terminated orally, but only by an instrument in writing signed by the party against whom enforcement of the change, waiver, discharge, or termination is sought.

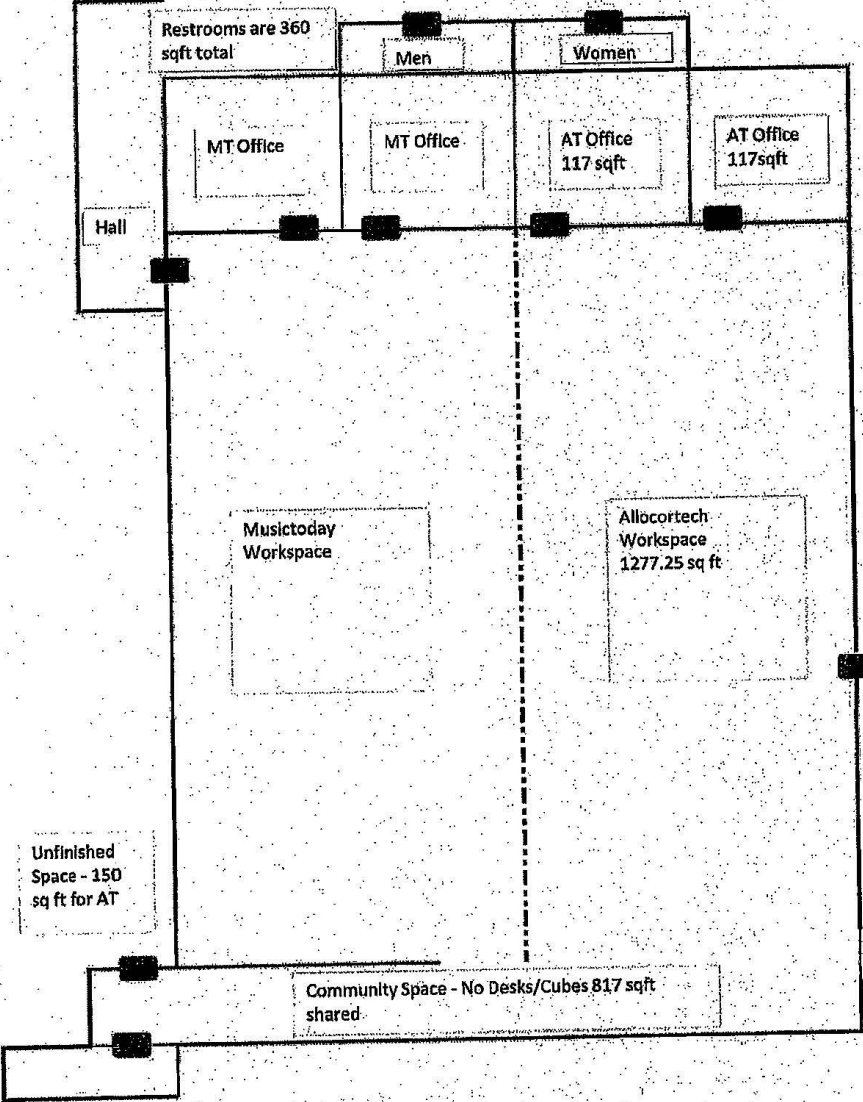
IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above. By their signatures below, the individuals represent that they have authority to bind their respective organizations.

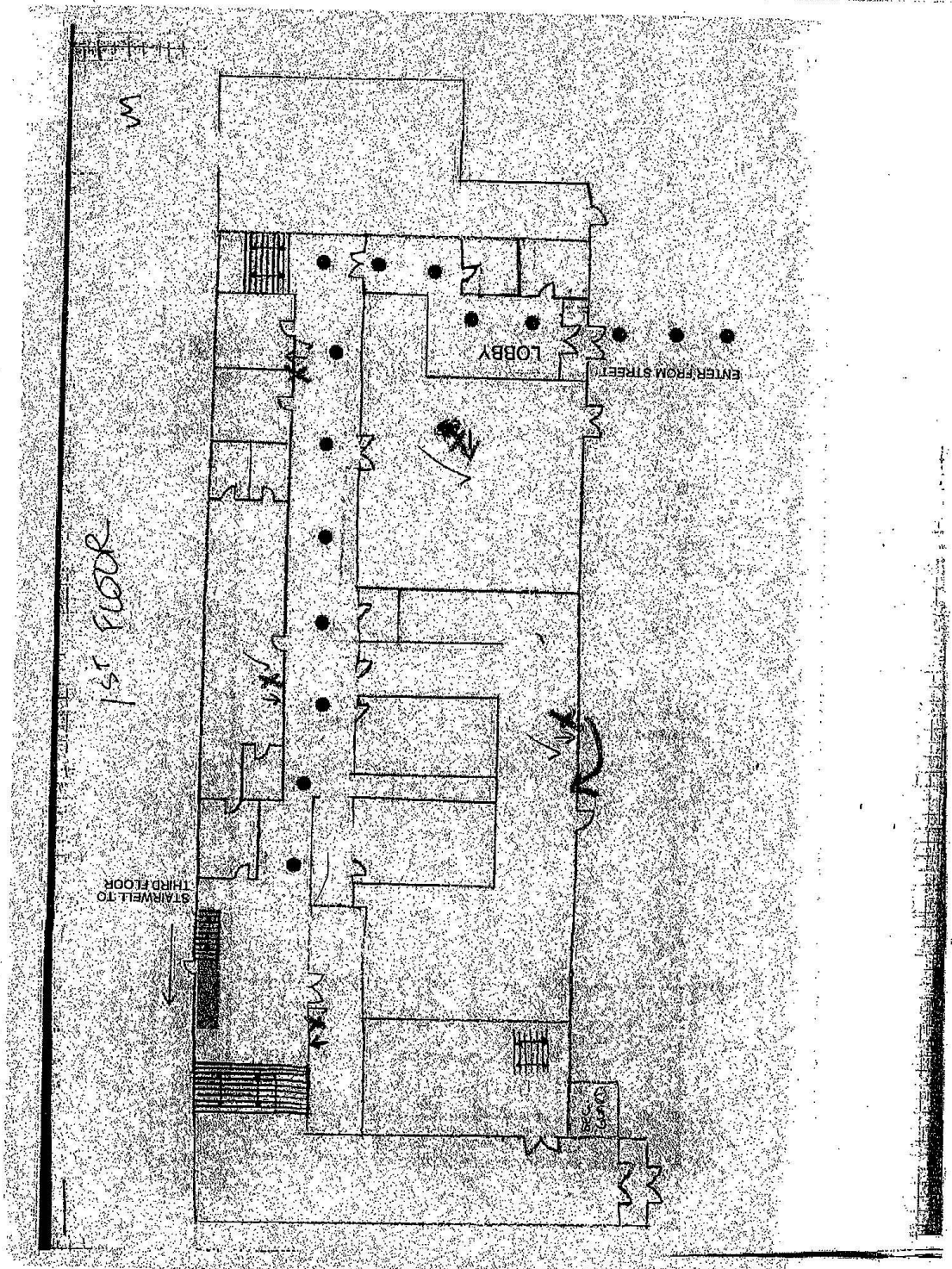
ALBERMARLE COUNTY, VIRGINIA

MUSIC TODAY II, LLC, a Virginia limited liability company

By: 
Name: Jeffrey B. Richardson
Title: County Executive

By: 
Name: Del Worn
Title: CEO





Recess. The Board recessed its meeting at 1:57 p.m. and reconvened at 2:11 p.m.

Agenda Item No. 13. **Work Session:** AC44: Rural Area Land Use Chapter.

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 draft language for the Part III - Rural Area Land Use (RA LU) chapter in Attachment B is built upon community input and reflects the Planning Commission's and Board's initial feedback.

The work session topics focus primarily on preserving Rural Area land for preferred Rural Area land uses (agriculture, forestry, and conservation) and clarifying the recommendations for rural communities (previously called 'crossroads communities'). Across the United States, significant amounts of farmland are being converted to low-density residential subdivisions, especially where subdivision requirements are less stringent. Updating the County's subdivision requirements and reactivating the ACE program are two ways the County can protect Rural Area land and discourage subdivision and residential development.

Action 2.1 is intended to keep residential lots smaller, as larger parcels are needed for agriculture

and forestry. Keeping residential lots smaller allows for more land to be reserved for agriculture, forestry, and land conservation, especially where subdivisions are already allowed per development rights. Action 3.1 recommends reactivating ACE to make land conservation possible for lower-income landowners whose rural land is most at risk of sale for development. The ACE program would allow lower-income landowners to have an alternative to selling their land and promote conservation best practices.

The overarching AC44 Rural Area land use approach and guidance for updating the Rural Area Zoning District are found on Page 3 of Attachment B. The Rural Area land use approach continues the Rural Area recommendations from the 2015 Comprehensive Plan, including protecting the natural environment, land conservation, and large unfragmented parcels. The AC44 guidance for updating the RA Zoning District is an update to the 'Criteria for Review of New Uses' section of the 2015 Comprehensive Plan (Page 7.5, PDF page 191). New or updated secondary uses in the Rural Area should support primary uses (agriculture/forestry/conservation) and/or support surrounding existing communities and should not generate significant demands for service or infrastructure.

At the November 19, 2024, Planning Commission work session, the Commission indicated that additional guidance may be needed in the Comprehensive Plan regarding future area plans for rural communities. Staff is asking for additional feedback from the Board on what changes may be needed to the Rural Area chapter.

For reference, a summary of previous Planning Commission and Board of Supervisors feedback on Rural Area land use is provided as Attachment D.

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:

- Whether the chapter provides sufficient recommendations and context for updating the County's Zoning Ordinance related to Rural Area land uses;
- If anything is missing from the proposed content for the Rural Area land use plan (Action 1.1);
- If the Board supports reactivating the Acquisition of Conservation Easements (ACE) program, prioritizing making land conservation possible for lower-income landowners;
- If the Board supports Actions 2.1 and 3.1 (and related conservation easement programs) to reduce parcel fragmentation and support land conservation;
- What additional considerations or criteria (if any) should be added to the area planning process for rural communities (refer to Actions 5.1, 5.2, 7.2, and 7.4); and
- If anything is missing from the Actions.

There is no budget impact associated with this agenda item.

Staff requests the Board to review and provide feedback on draft Rural Area Land Use chapter.

Ms. Tori Kanellopoulos, Principal Planner on the Long-Range Planning Team, said that she was joined today by several colleagues from the Planning and Zoning Department to help answer questions on the Rural Area chapter of the Comprehensive Plan. She said that today, they will be discussing the topics that require specific Board direction, as outlined in the packet.

Ms. Kanellopoulos said that they will also provide a brief summary of the PC's feedback from their recent work sessions on the Rural Area chapter, a quick overview of community input themes, and present the goal, objectives, and actions for this chapter. She said that they will cover preferred land uses in the Rural Area, ways to protect large and unfragmented parcels, non-residential land uses, rural communities, and the upcoming schedule for the Comprehensive Plan.

Ms. Kanellopoulos said that staff are seeking feedback on whether the chapter provides sufficient recommendations and context for updating the Zoning Ordinance related to the Rural Area, and if the Board supports reactivating the Acquisition of Conservation Easements (ACE) program or if additional information was needed for making that decision. She said that they also are seeking the Board's input on whether the Board supports related Actions 2.1 and 3.1 to reduce parcel fragmentation and support land conservation, and if any additional considerations or criteria should be added to the area planning process for rural communities. She said that they would also like to know if anything seems to be missing or if other changes are needed in general.

Ms. Kanellopoulos said that before they begin, she would like to provide a brief overview of the Rural Area. She said that as they may be aware, the Rural Area comprises approximately 690 square miles, accounting for about 95% of the County's land area. She said that approximately 46% of Rural Area land was within water supply watersheds for their public drinking water supplies. She said that was the main reason for establishing the Rural Area in the County's first Comprehensive Plan. She said additionally, about 31% was located within National Register Historic Districts, and 38% was within farmland, which has remained relatively consistent over time.

Ms. Kanellopoulos said that the PC's work sessions in November and December on the Rural Area included discussion of the conservation easements, where they mentioned there were different types of easements providing protection for different resources, and emphasized the importance of resources in the Biodiversity Action Plan. She said that the PC did not recommend including a specific target for a percentage of land to conserve in the Rural Area, which she would elaborate on. She said that

the PC supported industrial uses which also supported local agriculture and forestry, but the PC suggested more restrictive language may be needed in the Comprehensive Plan to ensure they were emphasizing local agriculture and forestry rather than a broad range of industrial uses, as well as considering potential impacts.

Ms. Kanellopoulos said that for the Rural Area land use plan, the PC recommended different layers and data for evaluating the Rural Area and addressing Action 2.1 for lot size in the Rural Area plan. She said that the PC also asked them to consider where housing may be appropriate in the Rural Area in very limited locations and to continue to discourage subdivisions and their impacts to natural resources and habitat connectivity. She said that the PC also asked them to address potential impacts related to tourism in the Rural Area.

Ms. Kanellopoulos said that for rural communities, they asked staff to more specifically list out what types of uses could be appropriate, providing examples of arts and craft uses and small engine repair for farm vehicles. She said that the PC also requested they consider more criteria or guardrails for these types of uses and their impacts.

Ms. Kanellopoulos said that they had received significant community input over time on the Rural Area, and the brief summary on the screen highlighted the main themes they had heard. She said that these included protecting and restoring the natural environment, including land conservation, implementing a community engagement process specific to individual rural communities, examining small-scale businesses and services, and establishing resilience hubs that support community members, as well as protecting historic, cultural, and scenic resources and ensuring that adaptive reuse uses similar building footprints.

Ms. Kanellopoulos said that as they drafted each chapter of the Comprehensive Plan, they incorporated input from community members, the PC and Board, and staff. She said that they reviewed the current Comprehensive Plan and carried forward work that remained relevant. She said that they incorporated best practices and used the AC44 guiding principles, developed in Phase 1, to guide their efforts.

Ms. Kanellopoulos said that each chapter included a goal, objectives, and actions. The goal represented the high-level vision for the community, objectives outlined what they aimed to achieve, and actions described how they implemented the plan to achieve those objectives.

Ms. Kanellopoulos said the provided summary for the Rural Area Land Use goal reflected the community's input and priorities, which were similar to those in the 2015 Comprehensive Plan, including thriving farms and working forests, protected natural, historic, scenic, and cultural resources, rural communities, and large, unfragmented parcels.

Ms. Kanellopoulos said that the objectives for this chapter included seven key areas: protecting rural land use patterns and associated resources, improving the effectiveness of land conservation, supporting local agriculture and forestry, adaptive reuse in rural communities, planning for and managing non-residential uses and existing development. She noted that they were not including actions that had already been completed or were already ordinance requirements. Relevant actions could be found in other chapters related to the Rural Area, such as transportation and environmental stewardship.

Ms. Kanellopoulos said that the preferred land uses in the Rural Area, consistent with the 2015 Comprehensive Plan, included land conservation, agriculture, and forestry. She noted that a significant portion of the Rural Area had important soil for these uses.

Ms. Kanellopoulos said that analyzing the Rural Area landscape, approximately 13% had been converted to non-rural uses, including residential uses. She said that about 25% was protected, and about 4% was within park land. She said that this left over half of the Rural Area that was not protected and not yet developed. She said that the chapter emphasized the importance of avoiding intermediate parcel sizes that were too small for farming or forestry but too large for residential development, as well as avoiding subdivisions that broke up habitat connectivity.

Ms. Kanellopoulos said that to keep these parcels unfragmented, they would be emphasizing conservation easements. She said that conservation easements were voluntary and permanent agreements to protect Rural Area land and natural and cultural resources. She said that about 25% of the Rural Area was protected in permanent conservation easements through a variety of easement programs. She said that they limited subdivision and residential and commercial development, and they could focus on the protection of different resources, which could include stream buffers, agricultural land, historic sites, or wildlife habitats.

Ms. Kanellopoulos said that the ACE program was a purchase of development rights program with an equity focus, which provided financial incentives for landowners of modest means to protect their family farms from future development. She said that this was an important tool from both an equity and climate action standpoint, as it reduced residential development in the Rural Area and helped landowners, especially those with lower income, hold on to their land and reduce pressure to sell.

Ms. Kanellopoulos said that another related action to keeping parcels unfragmented was Action 2.1, which would have a maximum lot size for residential development. She said that she would talk a little bit more about how subdivisions and development rights worked in the Rural Area, because it was somewhat complicated. She said that the purpose was to have residential lots be smaller and have more

land left over for land conservation, agriculture, or forestry. She said that currently, subdivisions in the Rural Area typically featured 6-acre lots, with a minimum requirement of 2 acres.

Ms. Kanellopoulos said that they had two examples to walk through. She said that the first example was from the 2015 Comprehensive Plan, a theoretical example. On the left-hand side, it illustrated the development allowed by right today. Currently, one could have a subdivision of 21 acres or more by right in the Rural Area. For lots with development rights, assigned with the 1980 rezoning to Rural Area, one could have up to five residential lots, each at least two acres. Once subdivided, they could not exceed 31 acres in total. In this example on the left, there was a parcel that was about 11 acres, some that were about 6, and one that was 3, totaling 31 acres, and the other lots were 21 acres by right. She said that that was how subdivisions worked today.

Ms. Kanellopoulos said that the example on the right was a theoretical representation which showed what could happen if the maximum lot size for development right lots was 4 acres. This would use 20 acres for those development right lots, resulting in smaller residential parcels with more land left over for other uses. She said that the slide showed a second example of what that could look like if the maximum lot size for development right lots divisions was 2 acres, leaving even more large parcels available for other uses.

Ms. Kanellopoulos said that these were just theoretical examples, and the recommended action simply recommended establishing a maximum lot size, without specifying what that should be yet.

Ms. Kanellopoulos said that a priority recommendation in AC44 that was not included in the current Comprehensive Plan was the Rural Area Land Use Plan, which recognized multiple geographic areas within the Rural Area with specific conservation needs. She said that instead of treating the Rural Area as just one land use, this plan would consider multiple land uses and conservation focus areas, involving community engagement, geographic analysis, and mapping analyses.

Ms. Kanellopoulos said that the PC mentioned that multiple tools could be drawn from, such as the Biodiversity Action Plan, environmental features in GIS (Geographic Information System), and other areas to show priority protection places. She said that one thing to note was that, based on the PC's feedback, the percent target for conservation had been removed from this slide and was recommended to be removed from Action 1.1.

Ms. Kanellopoulos said that another important area for the updated Comprehensive Plan was guidance for updating the Zoning Ordinance with the zoning modernization project. She said that currently, most Rural Area zoning district uses related to agriculture and forestry, with supporting uses and small-scale businesses and services allowed for rural communities. She said that the current Comprehensive Plan had a criteria for new uses section in the Rural Area chapter. She said that those were considerations for what new uses could be allowed in the Rural Area zoning district, either by right or by special use permit, for uses not currently allowed in the Rural Area zoning district.

Ms. Kanellopoulos said that the AC44 chapter had an updated section, summarized on this slide and included on page three of the draft chapter, to guide the zoning modernization project. She said that these recommendations were similar to the 2015 plan recommendations, ensuring that new uses supported agriculture and forestry or rural communities, and minimized significant infrastructure or environmental impacts.

Ms. Kanellopoulos said that this summary included other land uses besides agriculture and forestry and land conservation, which may be suitable in Rural Areas but were not appropriate in all locations and had impacts that should be mitigated, such as through performance standards or special use permit process. She said that these could include uses that supported local agriculture and forestry and rural communities, low-impact outdoor recreation, low-impact economic development, and utility-scale solar, which would be covered in a future chapter. She said that one area that had received a lot of feedback since sharing this chapter was making the actions clearer regarding industrial uses that supported local agriculture and forestry.

Ms. Kanellopoulos said that this included Action 4.2 for light industrial and commercial uses that supported local processing and retail sales, as well as the actions under Objective 7 regarding commercial and industrial uses and interstate interchanges. She said that they would be making updates to this section, including based on feedback received today. She said that industrial uses were important from a location standpoint due to their impacts. She said that they were uses that could be appropriate for interstate interchanges and also inform future Zoning Ordinance and land use updates, such as changes during a Rural Area land use plan. She said that one example of an industrial use mentioned by the PC was commercial kitchens.

Ms. Kanellopoulos noted that the rural interstate interchange recommendation was similar to the 2015 Comprehensive Plan, which also recommended studying the Shadwell interchange, particularly for uses that could support agriculture and forestry. She said that the AC44 Plan update recommends studying the Yancey Mills interchange, but prioritizing studying Shadwell first, and this study would include community input and Commission and Board work sessions.

Ms. Kanellopoulos said that one of the main reasons for studying these areas was that they already have existing commercial and industrial development and underlying zoning districts with the potential for additional by-right development. However, this was a recommendation for future study and not a change to land use with the Comprehensive Plan update.

Ms. Kanellopoulos continued that existing rural communities were referred to as crossroads communities in the 2015 Comprehensive Plan and that their purpose was to provide access to essential public services and basic service needs for rural residents, and that could include community resilience hubs. She said that these hubs focus on equitable service provision without encouraging additional residential development.

Ms. Kanellopoulos said that the current Comprehensive Plan recommends potential land uses for crossroads communities, such as country stores, offices, daycare, doctor or dentist offices, community centers, and public institutional uses like post offices. Similar uses are listed in the Rural Area chapter for AC44 on page five, including additions such as fire rescue and police services, job training programs, community gathering spaces, emergency shelters, and access to affordable and healthy food.

Ms. Kanellopoulos said many of these uses already exist in rural communities, and the Comprehensive Plan was needed to provide guidance for potential additional locations and adaptive reuse of existing buildings. She said that further study was recommended, which could be through a Rural Area land use plan or another process. She said that the chapter recommends engagement with individual communities prior to land use changes, if any are desired, specific to each community, and development should primarily be through adaptive reuse or replacing existing structures with a similar building footprint. She said that the majority of non-residential uses would still be through the special use permit process.

Ms. Kanellopoulos said that it appeared that there was interest in the community resilience hub concept in existing buildings and potential interest in other changes. She said that this will not occur until there was further engagement specific to individual communities, which was similar to the current Comprehensive Plan recommendations.

Ms. Kanellopoulos said that next up was a quick recap of the schedule. She said that they met with the PC on the Environmental Stewardship chapter in December and the Board work session for that chapter was scheduled for January 22, 2025. She said they also met with the PC on the Rural Area chapter in November and December. She said that today's work session on the Rural Area will be held, and they will be revising the Development Areas Land Use Chapter and Rural Area Land Use Chapter, as well as the Growth Management Policy. She said that they would return to the Board in February for further input on these chapters, including based on their input today. She said that the Parks and Recreation chapter will be presented to the PC later this month and then to the Board in February.

Ms. Kanellopoulos said that provided on the slide was a brief reminder of the direction topics for today. She said that staff would be happy to answer questions and take comments on other sections. She said that the objectives and actions are queued up on the following slides. She said that if the Board prefers to walk through one at a time and answer questions along the way, they could definitely do that.

Mr. Andrews said that he was unsure which topics to address first and how to organize their discussion to ensure they covered everything in a logical and coherent manner. He said that specifically, he was considering whether to tackle the first topic, which involved evaluating whether the chapter provided sufficient recommendations and context for updating the County's Zoning Ordinance. He said that he was wondering if this topic was well-connected to an objective and if it was clear how it contributed to their overall goals.

Ms. Kanellopoulos said that she believed the issue was partially related to the objectives and actions, as well as the section on the third page of the guidance for uses in the Rural Area. She said that if it would be helpful, she could also pull up that section for further reference.

Mr. Andrews said that he was a bit apprehensive about starting with that particular item, as it was quite broad in scope and may not be the best place to begin updating the County Zoning Ordinance without considering the broader implications of other comments. He said that he recommended holding that item for now.

Mr. Pruitt said that they decided to discuss topics two through four and then revisit the first topic.

Mr. Andrews said that he suggested they tackle number two first, as it would complement objective three well. He said that if the Board supported reactivating ACE, additional information was needed to evaluate this.

Mr. Gallaway said that he would first address topic two. He said that fundamentally, he would not be able to answer this question today because it pertained to the budget. He said that he believed additional information was needed, and he would be supportive of it. He said that in the past, they had instances where they had referred to certain items as "parking lot" items, but in years past, before the budget process even began, they knew they had to discuss some significant topics. He said that he thought they needed to do that.

Mr. Gallaway said that through the public comments today, in the Board's past conversations about ACE, there were a lot of statements about the concept of return on investment and its relationship to revenue for the County, as well as the actual costs and returns. He said that he thought a lot of this information could be clarified so they were all on the same page. When considering programming funds, they needed to weigh the cost against the return and prioritize accordingly, considering the needs of other items.

Mr. Gallaway said that he was not questioning the merits of the program or its environmental benefits; he was simply stating that he needed a specific budget conversation before he could support reactivating it. He had some questions about the program that he would like clarified, including the criteria for "modest means," which he believed should be clearly defined and not subject to interpretation. He said that he would like to know if the program addressed equity in other ways, such as racial diversity and land ownership.

Ms. Kanellopoulos said that she would ask Scott Clark to provide a bit more context regarding that question.

Mr. Andrews said that as Mr. Clark approached, it was notable that item three specifically mentioned Action 3.1, which was about revising the ACE ordinance to clarify the scoring requirements. He said that given that they were discussing the ACE program, it seemed fitting to address the scoring requirements mentioned in item three.

Mr. Gallaway said that he was unsure if this was a requirement. He said that the Comprehensive Plan had been directed to consider issues through an equity lens and an environmental lens. He said that specifically, he would like to know if the equity lens in this plan focused solely on socioeconomic equity or if it addressed other elements of equity as well.

Mr. Scott Clark, the Conservation Program Manager in Community Development, said that the ACE Ordinance, developed around 2000, addressed equity solely in terms of income. He said that the approach had remained consistent throughout the program. He said that the process worked by allocating the amount offered to a landowner based on the value they were giving up in the easement.

Mr. Clark said that for individuals at the lower end of the income scale, which was \$55,000 adjusted gross income (AGI), they received 100% of the value of what they were giving up. He said that the percentage then gradually decreased as income increased, until it reached a point where it was no longer worth their time for someone with significantly higher income. He said that the ordinance was based solely on income and not on other factors, such as race.

Mr. Gallaway said that in terms of getting into the program, he would like to know how they had performed. He asked if they had analyzed their land use and easement program of how they had done beyond just helping lower-income, and how it had helped minority landowners.

Mr. Clark said that he did not believe that they had done that analysis.

Mr. Gallaway said that if they were going to examine this issue through an equity lens, they may want to investigate that further. He said that he wanted to know how they had performed in Albemarle. He said that the state had previously reviewed this and called them out on it, although he was not sure if they had used certain data to support their findings. He said that he was curious about the results because if they were going to claim to be examining something through an equity lens, they needed to be clear about the actual information.

Mr. Gallaway said that if they were only considering socioeconomic factors, then they needed to be transparent about what data they were using. He said that he was not trying to catch anything; he was simply seeking clarification. He said that it was essential that they looked at this from an equity angle, especially when considering other programs they offered. He said that he wanted to know more about this and thought it was something they should take the time to research.

Mr. Gallaway said that he was not suggesting they should have had this information, but sometimes he asked questions without knowing if they did, and someone responded that they did actually have that information. He said that they needed to clean up for clarity opinions about how easement programs impact the County's composite index and revenue sharing. He said that they needed to get on the same page and ensure they were not presenting conflicting information. He said that it would delay him on Action 2.1.

Mr. Gallaway said that for 3.1, that was dealing with...

Mr. Andrews said that revising the ACE Ordinance by revising the requirement to reactivate it was necessary.

Mr. Gallaway said that he believed more information was needed to look at that program. He said that he wanted to be clear for everyone listening that they needed to consider the total cost and what they could expect in return, then stacking that up against the other funding priorities they would have. He said that as others had mentioned in their opening statements that this year was expected to be challenging, so that was where he was at.

Ms. Mallek said that she had been involved with the ACE program since the year 2000 and seeing how it had evolved over the past 20 years before it went into remission, the criteria was being developed over time to ensure it remained effective. She said that one key aspect was that the program reduced costs to the general fund when services were not needed on a property due to its use or easement or lack of development.

Ms. Mallek said that the program's natural resource protection aspect was a driving force behind

its creation. She said that her predecessor, Walter Perkins, a former supervisor from White Hall, had led the effort in the late 1990s to establish the ACE program. She said that he had emphasized the need for a significant annual budget of \$1 million to make the program successful. She said that he believed it was essential to keep costs down for taxpayers while preserving the area for water protection, forestry, and agriculture.

Ms. Mallek said that the matrix for the program meant that people who had income that could be sheltered through a tax credit would not find the ACE program beneficial to them, so they would not participate. She said that the majority of participants fell within the 20%-50% easement value range, and that some in the 10% range had chosen to donate instead. She said that the process protected taxpayers while providing an opportunity for those who could not benefit from tax credits to participate in protecting their farms in perpetuity.

Ms. Mallek said that she strongly supported the program's continuation and looked forward to discussing how Albemarle County Easement Authority (ACEA) and the ACE committee could work together to cover more biodiversity and natural heritage resources in their easements. She said that the committee had requested using the Department of Conservation and Recreation (DCR) mapping for critical resources as a backdrop, which had not been adopted previously but could be implemented in the future.

Ms. Mallek said this would broaden the scope of protections and increase the value of their easements. She said that she would certainly support funding the easement program, which had been underfunded by the state in recent years. She said that in previous years, the County had benefited from other localities not having a match, resulting in significant savings for Albemarle taxpayers because Albemarle County had the match.

Ms. Mallek said that the maximum lot size was an interesting concept that warranted further discussion. She said that this brought back the clustering that had been in operation for several years despite being told it was not legitimate at present. She said that it had been in operation for at least a decade, and she was not sure why it was not already showing. She said that small lots could be clustered around a very short street and then have larger lots of 80 and 100 acres to meet the subdivision in a Rural Area.

Ms. Mallek said that one example that came to mind was the property behind her, which was a great example of the benefits of this approach. She said that the two large lots were protecting the streams that ran through the property, and there were many advantages to this design. She said that however, the theoretical maps of the property did not always accurately reflect the topography issues that could arise.

Mr. Andrews said that this was a topic that they would revisit.

Mr. Pruitt said that he would begin by acknowledging that they all approached problems with different perspectives and fundamental lenses. For him, the first lens he considered when thinking about policy issues was the class lens, which was his core operating language for analyzing any problem. He then accounted for other factors, such as race equity, climate justice, and the views of his constituents. However, his primary concern was the class impact of a policy and how it affected issues of socioeconomic status and how people were sorted in their society.

Mr. Pruitt said that given this perspective, he would note that he had written down almost everything mentioned by Mr. Gallaway, because he believed those were the right questions to ask about the ACE program. While he supported the concept, he was grateful to hear the thoughts of community members during public comment, and he was surprised to learn about the impact on their revenue sharing element.

Mr. Pruitt said this reminded him of their previous discussion on the elderly and disabled tax exemption, where they had considered a modest change that would have cost them money in tax revenues. They had undergone thorough analysis to understand the impact on revenue, the state of assets, income, and the distribution curve of the community. They had also examined the nature of the homes being preserved, whether they were mansions, historic farmsteads, or individual small shotgun ranch-style homes.

Mr. Pruitt said that he believed a similar analysis was necessary to ensure he fully understood the ACE program and its impact on the community. He trusted that the program prioritized farms and parcels of modest means and helped preserve rural character. However, he also believed it was essential to verify this through thorough analysis, especially when making decisions with public funds.

Mr. Pruitt said the fact that the only current criteria was income raised an alarm bell, as it was common to have modest income and robust assets. He said that many farmers might have income in the five digits and unencumbered assets in the tens of millions. He thought it was crucial to understand how they thought through, setting aside farmers, while acknowledging that they knew what this community looked like. They were aware that there were individuals with limited or no income who also possessed substantial assets.

Mr. Pruitt believed it was essential to ensure that they were serving communities of modest means, rather than those who were reliant on social security and also had millions of dollars in their retirement accounts. These were distinct communities, and he thought it was crucial that they understood

which type of community they were serving. He said that he may be mistaken, but he was not aware of previous discussions on this topic within the ACE program framework.

Mr. Pruitt said that he was not present during those discussions and was not familiar with the background. He said that if he was to support the reactivation of the program and the allocation of public funds, he would need this information. He said that he apologized if this may require additional effort, but he believed it was critical to providing thoughtful commentary on whether this program was achieving its intended goals.

Ms. LaPisto-Kirtley said that as a member of the ACE Committee for the past two years, the committee had not met, which spoke to her effectiveness in that area. She said that she was interested in reactivating this program, but she thought they needed to be realistic. She said that she agreed with Mr. Pruitt that this program should benefit people with modest incomes and lower incomes, not those with significant financial resources.

Ms. LaPisto-Kirtley said this brought them back to the scoring sheet. She said that she believed the scoring sheet used previously needed to be revised to ensure they could verify the potential recipients. She said that she would like to ask Ms. Swartzendruber a question. She asked if the amount offered to a landowner would be the same as what a developer would offer.

Mr. Andrews said that it was based on the value of the easement.

Mr. Pruitt said that the easement versus the value of the land. He said that it would be different things they would be buying.

Mr. Clark said that he would like to clarify two points. He said that regarding the scoring sheet for ACE applicants, the sheet evaluates the property's conservation value based on factors such as soil quality, stream footage, and other relevant considerations. He said that the land value, or the purchase price for the easement was a separate matter.

Mr. Clark said that when they conducted the conservation ranking, they considered the land in different classes within a given year, with the top-scoring properties emerging as potential purchases. He said that at that point, they evaluated the price, which was prorated based on income. He said that he was not sure if the price offered by a developer would be the same, but they did know that the cash value given up by limiting the property's uses was a predetermined percentage, as indicated in the prorated table.

Ms. LaPisto-Kirtley said that she was thinking that, if she was of modest or low-income means and she was at the point where she wanted to retire, sell, or move away, she would consider whether it would be more beneficial for her to offer her land to a developer or to participate in the ACE program, and therefore whether the financial incentives were essentially the same.

Mr. Clark said that there were numerous factors at play, so he believed they were relying on the independent appraisal to determine the purchase price, rather than speculating on what the purchase might be based on a developer's desires.

Ms. LaPisto-Kirtley said that she understood. She said that she believed it was essential to consider the needs of individuals with lower incomes and to take into account various factors, including race and other aspects. She said that she also thought it was important because these were taxpayers' dollars, and the public was paying for this. She said that she wanted to ensure that the taxpayers benefited from the land being placed into a conservation easement that would benefit the entire County.

Ms. LaPisto-Kirtley said that what she meant by this was that if a parcel of land was adjacent to another conservation easement parcel, it could increase connectivity. She said that if the land had wildlife habitat, riparian areas that needed protection, or other features worth preserving, it was worth using taxpayers' dollars.

Ms. LaPisto-Kirtley said that on the other hand, if the land was isolated or surrounded by residential areas and lacked significant impact, she had concerns about using public funds for its purchase. She said that she thought the scoring sheet would be very beneficial in ensuring that the Board considered using monies in the future to benefit the County as a whole, since they were using taxpayers' dollars.

Mr. Clark said that staff would bring back more information to respond to the Board's questions, they could definitely share that. He said that the factors he mentioned, such as adjacency to conservation land, stream frontage, and soil quality, all contributed to the scoring system. He said that as a result, a property with these factors was likely to score higher and be more likely to get an offer for purchase. He said that in contrast, a property without adjacent easements and of low quality was likely to score lower and be less likely to receive an offer at all.

Ms. LaPisto-Kirtley said that she would be very concerned that they, with this program, did their due diligence, given that they had already discussed the use of taxpayers' dollars. She said that she had an understanding that, and someone may correct her, that the scoring process in the past or the decisions made in the past may not have been as beneficial as they could have been.

Mr. Clark said that they could certainly provide the Board with more information on that topic and

have more in-depth discussions.

Ms. McKeel said that she agreed with several supervisors who had already expressed concerns about not having enough information. She said that she was not ready to make a decision on this matter. They had paused the ACE program for a few years and were now reviewing it again. She said that she believed it was a budgetary issue, as it involved dedicating dollars to a program. That made it a budgetary issue for her.

Ms. McKeel said that she would review some of the notes she had made. They had discussed the program's purpose, which was to support family farms. She said that she would like to have more data about this. She said that she was not seeing family farms in Albemarle County or the way they typically thought of. She said that she needed more information about the pressure on properties that required setting aside funds for these specific properties. She asked what types of crops were being grown on these properties.

Ms. McKeel said they knew that 95% of agricultural land in the County was used for hay or pasture for cows or horse grazing, according to Peter Lynch, their assessor. She said that she was questioning what the definition of low-income or modest income was, which had been mentioned. She asked if these folks were threatened with hardships, or if they were assuming that poor people would automatically develop.

Ms. McKeel asked what modest or poor meant in this context. She also needed to understand what federal and state programs would benefit this concern. In 2012, a Joint Legislative Audit Review Commission (JLARC) report had addressed this issue, but she had not heard any discussion about the recommendations from that study. She had real concerns about whether the ACE program was truly equitable and provided equity for their community. This had been addressed in 2021 by the Virginia Secretary of Natural Resources in the Northam administration.

Ms. McKeel thought looking at that information could bring different perspectives to their discussion. She said that ultimately, she had no idea how she would come down on this issue, but she needed more information before she could confidently support funding for the ACE program as a line item for the annual budget. She said that 25% of the Rural Area in Albemarle County was already protected in permanent easements, and they were number three in Virginia for the amount of property in conservation easements. That was something to be commended.

Ms. McKeel said she was not saying it was a bad thing, and she did want to celebrate it. Having said that, and as everyone had heard her say before, she believed that when they had done something for so many years without reevaluating it, they risked assuming it was working as intended 20 years ago. She said that she needed more data and a deeper understanding of the issue.

Ms. McKeel said that it appeared that Albemarle County may be an outlier in the state. She said that if that was the case, she would like to know why. She would like to understand the Virginia position and how it compared to other jurisdictions, some of which had an ACE program. She would also like to review the JLARC report and other information that addressed this issue.

Ms. McKeel said that she agreed with Mr. Gallaway, who said that there was a lot of confusion around the composite index. The ACE program and how it affected school funding were two issues that needed to be clarified. She said they had received an email in 2021 from Greg Kamptner that shed some light on this, but they needed to settle this issue the next time it came before the Board. She said that they knew that the revenue sharing with the City was not calculated in their composite index. She was not saying any of this was good or bad; she just thought they needed to have the same set of facts to make informed decisions. She would like to discuss this further. Therefore, she was not ready to support reactivating the ACE program at this time.

Mr. Andrews said that he was in favor of reactivating the ACE program, as he believed they had put it on pause a couple of years ago due to concerns about funding and property availability. He said that it seemed that now there were issues with the program's scoring and criteria due to a lack of familiarity among staff and a potential loss of connection to its purpose. He said that he believed they would need to revisit that and ensure everyone was comfortable with the purpose of the program.

Mr. Andrews said that it was his understanding that the purpose of the ACE program was to protect parcels, and the scoring was related to the value of those parcels and the easements in the view of the County. He said that he understood the concern that the term "equity" may be misused, but he believed it was intended to help landowners who were unable to get help simply by the donation of their easements. He said that he also thought they should revisit and clarify the composite index and effects, as land use taxation were distinct concepts from permanent conservation easements, which permanently change the value of the property and therefore did not treat the property any differently with the composite index than if it were not under land use or a conservation easement.

Mr. Andrews said that similarly, it reduces the value, which reduces the revenue sharing potential. He said that he was in favor of this, but when it comes to making budget decisions, he did not see the Comprehensive Plan as asking for a budget commitment, which was appropriate; however, he would like to see more information on the opportunities for match and the needs for properties that they could identify as being important for conservation, so that they could know what they were funding. He said that that was a budget discussion and not a discussion for today, in his opinion.

Mr. Jeff Richardson, County Executive, said that he would like to confirm that the staff was clear on the discussion regarding number two. He said that several Board members had specific questions about the ACE program. He said that he would like to confirm whether the Board was expecting staff to provide more details on the program, including its criteria and how it worked, and if so, if they should set aside time for that discussion separately from the budget discussion, for the Board's consideration.

Mr. Andrews said that he believed that would be valuable, and it would also be beneficial when going forward with this section of the chapter.

Mr. Richardson said that he would work with Ms. Wall, who was connected to Community Development, and they would work on putting that together and then scheduling it at a time that would likely make sense to the Board.

Ms. Mallek said that Scott Clark had made a presentation to the Board two years ago, which had some wonderful background information. She said that perhaps staff could dig that up again.

Mr. Andrews said that another option was to refer back to their previous discussions on this topic, allowing people to be reminded of the conversations they had.

Ms. Mallek said that she would greatly appreciate it if they could provide the homework, including any references to studies that she may not have had the opportunity to review.

Mr. Andrews said that the JLARC study was indeed important.

Mr. Pruitt said that he had a question. He said that as he considered the tasks being asked of staff, he was also trying to place this in the context of an AC44 process, which it appeared they were asking to be continuously contingent on, requiring more information to make a decision on this Action Item 2. He said that he wondered if there was a way to conceive of what they were trying to get this information from without creating a roadblock in the AC44 process.

Mr. Pruitt asked if they could say that they were notionally in favor of moving forward with refining the conservation easement program and then have the process of discernment on the ACE program emerge as an action item from the Comprehensive Planning process, rather than a roadblock in the Comprehensive Plan.

Mr. Andrews said that he agreed. He said that if they believed that concerns were primarily centered around budget numbers, they could revisit and gain a better understanding of that. He said that if there was significant concern about reactivating this project, they needed to hear that now, as it did impact the Comprehensive Plan.

Ms. LaPisto-Kirtley said that it could be a subject for another meeting or workshop.

Mr. Richardson said that staff would consider this an action item to work through the comments made today and then review the existing committed meetings to examine how that might look coming back, all points noted.

Ms. Mallek said that to clarify, she would like to address a question regarding the payment made by developers versus the easement of value. She said that even during the peak of the development boom prior to the recession, the County's highest payment per development right was \$25,000. She said that the only one that was higher due to the state match of \$500,000 was for the easement of the land around Beaver Creek Reservoir, which was part of the Clayton easement.

Ms. Mallek said that a developer who purchases the property takes ownership of it, while the easement person retains ownership, maintains the property, pays taxes, and has an easement that restricts the development of the land. She said that she did her easement in a separate process in the 1990s, but it was essential to distinguish between these two categories.

Mr. Andrews said that before proceeding, he would like to remind everyone that riparian easements are an important aspect of the environmental stewardship chapter. He said that this may provide an opportunity to revisit easements in that context.

Mr. Andrews said that he suggested they now address Action 2.1, as it was another significant item, which involved implementing a maximum lot size for development right lots to reduce the acreage used for residential lots. He said that currently, the maximum lot size was 31 acres for five lots. He said that staff had shown them examples, and he believed that was the current point of consideration for the Board.

Mr. Gallaway said that he would be interested to hear what other people had to say. He said that it seemed that if the goal was to preserve the Rural Area and prevent development, this seemed to be a tool to achieve that or a way to implement that goal. He said that it would be an ordinance they would put in place, which did not require funding, so it was a way to accomplish what they were trying to achieve in the larger context. He said that he did not have an issue with it from that standpoint. He said that he would bring up at a different point some of the potential issues that he believed may arise, but he did not see this action as an obstacle to those concerns, so he did not have an issue with it.

Ms. Mallek said that she thought it was an excellent idea. She said that as she had mentioned

earlier, it was going to be a bit more challenging than it appeared on flat terrain due to topography, and there may be some loss of development rights as a result. She said that however, that was acceptable. She said that when purchasing land that was steep or swampy, it was essential to understand that it was not comparable to a flat field. She said that the owner's responsibility was to acknowledge this.

Ms. Mallek said that it was not the County's responsibility to maximize absolutely everything. She said that one thing she had noted was that when the downzoning occurred in 1980, the exceptions to get it passed were 21-acre minimum for the Rural Area. She said that five 2-acre lots were the exceptions. She said that she was not sure how it evolved from there to the current six-acre and 25-acre lots.

Ms. Mallek said that if this was a step in the right direction get it back where it belongs so that there was maximum open space left and minimizing 21- or 25-acre front yards, which was not anticipated in 1980, then she was supportive. She said that in 1980, it was assumed that the land would be cultivated and if there was any land around the houses, then the neighboring farmer would be able to make use of all of those. She said that, however, that was not how it panned out, and now they had 25-acre front yards, which had to stop.

Mr. Pruitt asked to see the example slide again. He said that in his opinion, this decision seemed easy. He said that he had stated before that he believed every large residential community or large residential property in the Rural Area was a policy failure. He said that they were actively working to prevent that. He said that their goal was to make the Rural Area amenable to residents while discouraging residential use and making it affordable and desirable to live in the Urban and Development Area.

Mr. Pruitt said that this proposal seemed like a convenient way to achieve that. He said that if there was no significant political opposition, he was not clear why they would not reduce residential use in the Rural Area through subdivision reform. He said that one thing he would add was that every time he tried to grasp the acreage and subdivision requirements in the Rural Area, he felt like a dummy. He said that looking at the example, he was confused. He said that he was not entirely sure what they were agreeing on here, except that they were aiming to reduce overall residential usage in large rural subdivisions.

Mr. Pruitt said that the actual rules governing this were Byzantine, and he was surprised how many members of the public might understand them better. He said that if someone could provide a simple one-paragraph explanation of how the current rules worked and what this proposed change entailed, he would greatly appreciate it. He said that he knew that staff had attempted to explain it earlier, but he remained confused and apologized for his confusion.

Ms. LaPisto-Kirtley said that Mr. Pruitt was not the only one. She said that upon reviewing this, she initially thought, "what?" She said that after speaking with staff, she had gained a better understanding, and her understanding was that clustering the smaller acreage allowed for a larger piece to be part of their Climate Action Plan because it preserved the entire area, which preserved wildlife habitats, including riparian areas. She said that by doing so, it prevented the destruction of natural habitats and wildlife, causing them to potentially relocate elsewhere.

Mr. Clark said that he would like to offer a clarification, if he may. He said that he believed they were discussing two different things. He said that one pertained to the lot size, which, in the grand scheme, was a refinement of how subdivisions were currently conducted. He said that they were exploring the concept of setting a maximum lot size, rather than solely a minimum. He said that in this example, the development lots would utilize 20 acres, whereas previously they would have used 31.

Mr. Clark said that this was a purely lot size issue, and it did not alter the overall amount of development or its form. He said that instead, it uses up less land on the smaller lots. He said that what Ms. LaPisto-Kirtley had mentioned earlier regarding clustering was actually a separate program. He said that they had a clustering ordinance in place for the Rural Area, known as Rural Preservation Developments.

Mr. Clark said that although the name may be unusual, this type of subdivision allowed for the grouping of small lots from adjacent parcels, with one remaining parcel under easement. He said that this was a distinct form of subdivision from what was being presented. He said that if they were interested, they had additional slides that explained this separate program in more detail, which they could revisit at a later time. He said that these were two distinct issues, each a different form of subdivision in the Rural Area.

Ms. LaPisto-Kirtley asked which form was being referred to with this item.

Mr. Clark said that the one in front of the Board was an example of a conventional subdivision. He said that this was typical of what most subdivisions in the Rural Area looked like. He said that essentially, what they were seeing on the left was that smaller lots could total up to 31 acres, while the remaining land was divided into 21-acre parcels. He said that this was their basic Rural Area zoning. He said that the clustering form was a separate, optional program that did not occur frequently in modern times.

Ms. LaPisto-Kirtley said that if the one on the right did not occur frequently, then they were looking at the one on the left.

Mr. Clark said that the one on the left was where they were now. He said that the one on the right

was a proposed modification to the current layout for conventional subdivisions. He said that what was being seen on the right was a potential option that they might consider, but it was not what the rules currently said.

Ms. LaPisto-Kirtley said that this was what she thought, and she was glad that he had clarified that because she had assumed the one on the right would provide more open space as well.

Mr. Clark said that it did a bit.

Ms. LaPisto-Kirtley said that if the impact was minimal, she questioned the necessity of implementing this change.

Ms. Mallek said that all those little bits added together.

Ms. LaPisto-Kirtley said that there were a lot of little bits here.

Mr. Clark said that to clarify, the slides they were looking at presented the existing and possible scenarios for conventional subdivision. He said that the existing scenario showed a single parcel being converted into two sizes of residential lots: small ones, such as 2-acre lots, and larger ones, like 21-acre lots. He said that the clustering program or rural preservation development option for subdivision was a different form of subdivision that allowed developers at their request to create smaller, more dispersed residential lots, rather than taking an entire property and dividing it into only residential uses.

Mr. Clark said that, for example, consider a property made up of three large parcels. He said that it could be divided as shown, with the red lots being the small development right lots, the two-acre lots, and the larger ones in gray were the 21-acre lots. He said that the roads and access points were also distributed across the property, and all of these small lots were created on their parcels of origin. He said that again, the entire property had been converted to residential lots, and the northeastern corner was on top of a ridge, so those lots were very visible and had a lot of impacts to slopes in order to get there.

Mr. Clark said that the next image showed the clustering option they currently had, the rural preservation development. He said that 19 of them had been converted to small lots, while one remained as a farm parcel under a conservation easement. He said that this was a different optional form of development in the Rural Areas, and it had several advantages. He said that from the developer's perspective, it resulted in a shorter road and improved water quality, as the stream was preserved on the preservation tract.

Mr. Clark said that by grouping all of the lots but one into a cluster, the overall impact was reduced, and the area affected was smaller. He said that they still had just as many lots and just as many houses. He said that this approach also allowed for the possibility of farming or managing for forest on the preservation tract. However, this option only worked for properties of a certain size, as one needed at least 40 acres to make it viable for the preservation tract.

Ms. LaPisto-Kirtley asked if this was the current option the County had.

Mr. Clark said that this was an option they already had. He said that many other communities had successfully implemented clustering subdivisions like this to reduce their overall impact area. He said that their approach, however, was not particularly efficient compared to some for the Rural Areas, mainly due to the 6-acre average lot size for small development lots, which posed a challenge because it was not a very efficient clustering method. He said that nevertheless, it still preserved more land for actual land uses than conventional subdivisions.

Ms. Jodie Filardo, Community Development Director, said that this topic was quite complex and was just one aspect of the Comprehensive Plan, but it was particularly relevant to environmental sustainability. She said that given the feedback from the Board today on the ACE Program questions and additional information regarding the parcel subdivisions, they might be able to repackage this for the next iteration.

Ms. Filardo said that there were numerous other topics in the Rural chapter that she knew the Board wished to address, and she was concerned that if they delved too deeply into this issue, they may not have time to discuss the other matters the Board wanted to cover.

Ms. LaPisto-Kirtley said that she would greatly appreciate that.

Ms. McKeel said that this was an example of re-examining what they had always done, in her opinion, when they said they needed to tweak it to address parcel fragmentation, and she absolutely supported this change. She said that what it may look like was likely another discussion, and it was not within her expertise.

Ms. McKeel said that she agreed wholly with Ms. Mallek that huge front yards were not what they had intended. Perhaps it was the invention of the riding lawnmower that made this easier to happen, and the financial resources to buy riding lawnmowers. However, big yards were not what she considered good conservation practices. Many open lawns were treated with chemicals, although not all of them. She said that to summarize, yes, she supported this change.

Mr. Andrews said that he likely would be the outlier in this discussion. He said that he supported

the notion but that the examples provided were simplistic. He said that the example given for clusters was more detailed and showed that parcels were often subject to pressures that forced them to be placed at the back or front of the lot, taking into account road frontage requirements. He said that this could sometimes lead people to make the lot larger.

Mr. Andrews said that the issue of 25-acre or 21-acre lots with bigger front yards was a separate concern, as it was the way those other lots were being used that created questions about what to do with the remaining 19 acres when they only needed 2 acres for their house. He said that when it came to whether a parcel had 6 acres or an average of 6 acres for its five development rights versus only allowing two, his concern was that this could be a de facto reduction in development rights, making it more difficult for some people to find a way to fit a development on the parcel if they were only allowed to use 2 acres, rather than a bit more.

Mr. Andrews said that he was nervous about this and would like to know if there were any mechanisms in place for a parcel owner to request a waiver from the Board if they needed to use a development right that did not quite fit. He said that he understood that the goal was to prevent development on slopes and in areas where it should not be built, near streams, and other sensitive areas. However, the examples provided were simple, and the lots they were actually dealing with were often very complicated. He said that limiting development to a 2-acre maximum would severely restrict how a property could be used for a house site.

Mr. Barnes said that to clarify, he would like to confirm that the standard ordinance currently allowed up to 31 acres. He said that staff were seeking to determine whether it was possible to reduce this number. He said that whether the final number was two, three, or even lower, they would need to work on revising the ordinance once they reached that point. He said that it appeared that there was a consensus among the Board members that this was a worthwhile pursuit, as evidenced by the discussion during the development of the new ordinance.

Mr. Andrews said that he may be more in favor of reducing the 31 rather than limiting it to each particular lot, as this would provide more flexibility in using the space without necessarily doing the same thing.

Ms. Mallek said that this was putting the residue back to the original 80-acre footprint, which was where it was initially located, while currently, it appeared to be down to 40 acres. She said that there were ways to do that. She said that she was in favor of exploring all available options.

Ms. McKeel said that she appreciated Mr. Andrews' response, as it was very helpful, and she thought what he mentioned was very worthwhile. She said that she also thought the cluster piece was a great concept, as it made a lot of sense to her. She said that she was wondering if there were any communities that were considered best practices in this area, that they could look at or have looked at. She said that she often thought that there were other communities that may be doing things better, and she was sure they were not always the best at everything. She said that she would agree with exploring the potential options.

Ms. Mallek invited everyone to join her for a tour of Tanager Woods, which was located just around the corner.

Mr. Andrews said that if it was acceptable, he would like to move on to question four, which he would like to combine with 5.1 and 5.2, discussed adaptive reuse of existing structures in rural communities for small-scale uses, and 7.2 and 7.4, part of managing non-residential land uses in the Rural Area with respect to small-scale uses. He said that they did not have anything in there about interchanges, so he assumed it was a separate question that they would not address in these comments, but they may when they returned to look at the objectives.

Mr. Andrews said that at this point, they were looking at the criteria for planning rural communities and small-scale uses. He said that staff had listed quite a few in the introductory materials with minor tweaks from the existing 2015 Comprehensive Plan, but this was an opportunity for the Board to give feedback on that.

Mr. Gallaway said that when it says additional considerations or criteria, he did not think of any specific ones that needed to be included. However, there were no conditions and criteria listed out for him to review and consider what may be missing. He said that he did not know what was already there, so it was challenging for him to identify what was missing. He said that there were some examples, like small-scale professional offices. He said that the PC's page mentioned that the PC had recommended listing out specific land uses that would be suitable for future planning. He said that he agreed with that, as well as to have clear evaluation criteria.

Mr. Gallaway said that in their conversations about future development, he thought there was another note from the PC, but he was not seeing it. He said that he believed it would be helpful to identify specific considerations for Rural Areas, as they thought about not just residential development, but also other possibilities. He said that this was similar to his previous comments about activity centers in the Development Area.

Mr. Gallaway said that for example, an activity center on Pantops was quite different from one on Rio 29, and the differences in location could significantly impact how they approached planning. He said that he thought this was also relevant to the Rural Area, where different locations could lead to different

planning approaches. He said that for instance, a facility near a Development Area might be considered differently than one located in a more remote area. He said that he would also like to mention a project that was approved last year, involving a company that stored landscaping materials in a Rural Area, where the workers showed up to work at the site and then left for specific jobs.

Mr. Gallaway said that that was a perfect use in the Rural Area, and that the community was supportive, and the neighbors even appreciated the positive impact it had on the area. He said that this made him wonder how they could encourage similar types of uses in Rural Areas, rather than just focusing on one-ups. He said that maybe that was how they had to deal with it and just accept good ideas as they come along. He said that he was thinking about the folks who bought the house by the airport, who were expanding next door to the lot and turning it into offices. He said that that development made sense with what they were trying to do, so they may as well try to encourage that and allow that. He said that he did not have recommendations on identifying rural zones like they do with activity centers.

Mr. Gallaway said that light industrial uses may sound like scary language for folks who thought of the Rural Area, but light industrial was what that landscaping company would fall under. He said that they may as well start talking about some of those things and identifying what was appropriate and where they could get it done. He asked if this was what Action 5.1 was referring to. He said that he did not disagree with the content listed, such as the small-scale professional offices, adaptive reuse of historic structures, and the benefits they brought, including low impacts, economic support for local businesses, and alignment with the Comprehensive Plan. He said that he thought that they should be doing what they could do to help that along with the Comprehensive Plan.

Mr. Gallaway said that for 7.1 and 7.2, that he thought that the resilience hubs were a beneficial objective, so they had existing structures that could be leveraged during emergencies. He said that he did not have any additional items, other than to encourage the organic things that had happened already that would make sense in the Rural Area.

Ms. Mallek said that regarding Action 5.1, she saw it as examples of what they already had, so she would appreciate clarification on what was meant by "update." She said that she believed that these examples represented existing villages and crossroads, such as medical offices in Free Union and Earlysville, and country stores in those locations, as well as Free Union.

Ms. Mallek said that these areas had been traditional gathering places for residents, dating back to a hundred years ago. She said that as long as these existing villages and crossroads remained within the designated parameters, she was comfortable with that.

Ms. Kanellopoulos said that those uses were not currently permitted in the Rural Area zoning district, so allowing some of those uses in existing rural communities would be the update. She said that she believed that most of the properties where they were today would have been zoned for commercial zoning, which was already in place.

Ms. Mallek said that she wanted to clarify that there was no commercial development in Free Union. She said that they would deal with that, and that she was not going to argue about that. She said that regarding adaptive reuse, it could be used as an excuse to take something that should be respected as a historic property and use it as an income-producing item by completely obliterating it was something that bothered her, and she would be questioning the rationale behind such projects in the future. She said that for the small-scale uses that they had today, she could accept it.

Ms. Mallek said that, for example, dry cleaners and EV charging stations had been mentioned in the surveys, and those suggestions could pose significant risks to the environment and public health. She said that support of that adaptive reuse would depend on the next phase of the writing.

Ms. Mallek said that someone in their correspondence had made some great suggestions regarding the Actions 7.1 through 7.6. She said that these were land use planning items, so they should be part of the number one Rural Area plan rather than separately dealt with in a way that would not get as much attention or public input. She said that regarding 7.1, the schools and firehouses were what they should be using. She said that the 2011 derecho had highlighted the need for upgrades to those facilities in order to better operate as emergency shelters in the country, and she still supported that. She said that she was unclear about the meaning of 7.2, and she would appreciate clarification on this point.

Ms. Mallek said that when it came to 7.3, the legacy commercial uses, she believed it was best to consider each proposal on a case-by-case basis, rather than reopening the debate that they had five years ago in which they did not get anywhere because each of the 19 parcels was so different from the others. She said that if something came up, they would need to deal with it as a single application.

Ms. Mallek said that in terms of 7.4, she thought it was essential to prioritize the needs of the local community.

Ms. Mallek said for human health, property values, and ecosystem health from the impacts of extraction, that these were contradictory, and that these concerns should be addressed separately to avoid conflicting priorities so that they did not say they were going to make people a little bit sick so that they could get at something in a mine or they were going to ruin the quiet of people in order to put a data center there.

Ms. Mallek said that the economic value of mineral resources was related to the economic value

of industrial uses, and they must be mindful of the rights of rural residents who were affected by these developments.

Ms. Mallek said that regarding 7.6, the 2015 Crozet Master Plan had additional efforts based upon Yancey at the direction of the Board of Supervisors, and nothing had changed in her view regarding that, so she would not support moving forward anything there. She said that at least a year and a half was spent doing that work, with a proposal to come in and take the lumber yard and turn it into Fashion Square Mall was untenable. She said that their lumber yard was a heavy industry that was very supportive of local forestry businesses and was a thriving enterprise. She said that to maintain its viability, it was essential that such industries were not undercut by ventures that may have a higher interest level from out-of-state venture capitalists.

Mr. Pruitt respectfully requested the Board's patience as he introduced this topic with a brief vignette to frame their discussion. He said that recently, before the PC, a proposal for the Shull garage was presented, which sparked significant controversy among the public. He said that this body received one to two dozen pieces of feedback, almost entirely negative, opposing the proposed repair center in the Keene area.

Mr. Pruitt said that the proposal received unanimous opposition when it went to the PC and was ultimately withdrawn. He said that interestingly, just one day later, a thread on the Scottsville Facebook page garnered 90 responses from outraged individuals regarding the proposal not going forward, expressing frustration over the lack of investment in the south side, inadequate service provision, and limited employment opportunities in their community.

Mr. Pruitt said that while he would not comment on whether he would have voted in favor of the garage, his point was that there was a substantial voice that the Board of Supervisors was insulated from, which was the voice of the rural working and middle-class residents who had lived in this community and wished to remain there, and who desired access to essential services, amenities, and employment opportunities in their place of residence. He strongly believed that this approach was at odds with the Board's stance on the Rural Area, and they needed to take it seriously.

Mr. Pruitt said that he appreciated the shift in focus from crossroads communities, as the pivot allowed them to explore a new framework for non-residential uses and rural focal points in rural communities. He said that he believed they should actively work to locate and encourage non-residential uses, including light industrial and commercial uses, in a limited and controlled manner that supported local communities.

Mr. Pruitt said that a photo in the package caught his attention, featuring a commercial facility in the Samuel Miller district that included Dr. Ho's Pizza. He said that he believed that the Board of Supervisors would never have approved such a use as a body, and there would have been outrage if it were proposed today. He said that this facility served as a major community hub, a social gathering place, and a source of employment for young people. He said that in his hometown, he saw firsthand how community gathering places, such as old ballfields and cheerleading team photos, were preserved and cherished. He said that these places worked as a third space for young people, providing employment opportunities.

Mr. Pruitt said that when considering the south side, they must be mindful of the existing, grandfathered-in uses, such as veterinary offices, law offices, and country stores. He said that by focusing solely on preservation, they inadvertently limited the potential for new uses in areas that had historically been underinvested. He said that in his district, there were limited existing commercial uses due to the lack of investment during that time.

Mr. Pruitt said that he supported the idea of identifying small area plans and moving forward with them. He said that when they talked about the crosswalk for zoning generally in the urban area chapter, he had concerns that when they focused that in their community advisory committees (CACs) and small area plans, because there was a potential anti-democratizing factor, as this approach may only engage a select group of people who followed local news and events.

Mr. Pruitt said that he worried that they may miss opportunities to engage with the broader community, particularly those who may not be as active in local politics. He said that to mitigate this, they needed to exercise oversight in locating and controlling non-residential uses. For example, a laundromat would be a poor fit for the Rural Area due to its water usage and potential environmental impact.

Mr. Pruitt said that he recognized that restaurants would also be challenging to address due to their water usage, but he believed that these uses were essential for rural communities, and they needed to find ways to control and modify the concerns. If the best thing they could do was a small area plan to isolate that, then that may be correct. He said that as a County, they needed to be extremely thoughtful and forward-thinking in how they identified and engaged with the input from the community.

Mr. Pruitt said that he was concerned about how they would move forward with that, whether or not they were hearing from the same voices that they typically did. This was something they had been very thoughtful about in the AC44 process, and the Engagement Office had done an excellent job of ensuring that they were bringing in a diverse range of voices. He said that he hoped they could apply the same level of scrutiny to this issue and make a concerted effort to engage with communities that they did not typically hear from.

Mr. Pruitt said this could involve using novel engagement methods, soliciting feedback in ways that did not require in-person meetings, and meeting people where they were, whether that was remotely or in person. He said that that was where he stood on this issue. He said that he apologized for not being able to distill his thoughts into a single, clear action, but his intuition on this at a macro level was strong.

Ms. LaPisto-Kirtley said she had some concerns, and she echoed Mr. Pruitt's sentiments regarding the ability to provide services to the Rural Areas. She said that she was aware that in Scottsville and other areas, and in her own area, the lack of basic services could lead to increased trips, traffic, and other issues.

Ms. LaPisto-Kirtley said that on Action 5.1, she would like to see a greater balance and flexibility in their Comprehensive Plan to allow for more innovative and forward-thinking solutions. She said that Mr. Gallaway had mentioned that they had previously approved a proposal for a store, which was an unexpected but successful outcome. She said that she thought it was essential that they consider the possibility of new ideas and proposals in the future, even if they may not have been considered before. She said that her overall concern for this plan was that they strike a balance and have flexibility. She said that she would like to see them approach each proposal on a case-by-case basis, or at least have staff assess the feasibility of each idea.

Ms. LaPisto-Kirtley said that, for example, a laundromat in the southern area might not be feasible due to water usage concerns. She said that existing restaurants or facilities would not use more water. People in the Rural Areas were seeking places to eat and socialize, and the current situation was causing them to travel extensively.

Ms. LaPisto-Kirtley said that she would like to address 7.3, as she believed it was essential to consider the potential for eliminating or limiting the size of data centers as an industrial use. She said that she did not see any provisions in the Comprehensive Plan to limit data centers to small or medium sizes.

Mr. Barnes said that they were addressing it as a separate matter. He said that they were currently working on a resolution for intent to study data centers and developing regulations related to this topic. He said that this information would be provided to the Board fairly soon.

Ms. LaPisto-Kirtley said that that sounded perfect. She said that she would like to see more flexibility in Action 5.1, which mentioned small-scale professional offices. She said that she would like to see if there was room for other types of offices or businesses. She said that she did not want people to be automatically eliminated. She said that she would like to see a thorough review process, where staff could assess whether a particular business was worth considering in terms of providing services to the community.

Ms. LaPisto-Kirtley said that she believed she had adequately addressed Action 5.2. She said that they had discussed country stores in rural communities, but there may not be a country store, rather another business that gives people the opportunity to purchase something without going all the way into town, and without straining the water resources in the Rural Area. She said that she was glad that the data centers would be addressed.

Ms. LaPisto-Kirtley said that she agreed with Action 7.1, utilizing existing buildings and community facilities, that she totally supported resilience hubs. She said that she thought they would also be discussing the Shadwell-Yancey issue, which was a separate matter. She said that she appreciated the community input, but she believed that they needed a more effective way to reach out to the public, as they could not rely solely on hearing from the same individuals repeatedly.

Ms. LaPisto-Kirtley said that they needed to hear from a broader range of people. She said that she was not sure how to achieve this, but she knew that the Board members all talked to many people via email. She said that she thought it would be beneficial to find a way to talk to more people to see what they truly wanted and needed.

Ms. McKeel said that she agreed with Mr. Pruitt's comments. She said that it was essential to recognize that they often heard from a specific segment of their community, but there was a larger part of their community that they did not hear from. She said that when she visited her district's Rural Area, she found that many residents did not live in their homes year-round; instead, they had a second home and often used private planes to travel to and from Albemarle.

Ms. McKeel said that while she understood that it was a personal choice, she believed they needed to consider the needs of their regular community members, like herself. She said that she drove her own car, did her own laundry, and enjoyed local services, just like many others. She said that she would like to see more restaurants and services available in their area, even in the Rural Area. She said that it was not necessary to have everything everywhere, but they did need to strike a balance.

Ms. McKeel said that she would like to clarify the definition of "historic" as mentioned in Action 7.2. She asked if they were protecting the 1932 homes on the Shenandoah Parkway, which they had previously discussed losing, or the privately owned 1860 plantation homes.

Ms. McKeel said that there was a significant difference between these two, and she would like to better understand what they were protecting. She said that she had nothing else to add, but she appreciated Mr. Pruitt's comments on the importance of serving their community's regular residents, who often went unrepresented.

Mr. Andrews said that he wanted to focus on the Comprehensive Plan update, which involved reviewing and updating language such as "review and update." He said that they were asking the Board whether they agreed that they wanted to review and update, and he believed that he did. He said that he saw no reason to object to this process, particularly with the emphasis on reusing existing structures and adapting to existing ones.

Mr. Andrews said that his only concern lay in the legal implications of the Comprehensive Plan, specifically when it came to small-scale uses. He said that he was unclear about the meaning of terms like "low impact" and other words like that. He said that he was apprehensive that once they included these in the Comprehensive Plan, it may be misinterpreted as approving a small-scale use, whatever it may be. He said that his understanding was that this was merely a review process, and he believed it was a good use of a Comprehensive Plan.

Ms. Mallek said that she had a comment about moving some of those items from the 7.2 designation to the number one Rural Area plan. She said that that was a suggestion they had received in an email, and she thought it was a good idea. She said that she was unable to locate the suggestion.

Mr. Andrews asked if she was requesting that they move Action 7.2 to Objective 1.

Ms. Mallek said that Actions 7.3 through 7.6 were suggested to be moved to Action 1.1, primarily due to the overall differences in aspects. She said that by addressing Rural Area planning in conjunction with some of those issues, they risked receiving less attention.

Mr. Andrews said that was something that staff could review when reviewing the rewritten text to ensure everything was in its correct place. He said that regarding the guidance slide he would like to make a suggestion, if he may. He said that at this point, they had not yet discussed updating the County Zoning Ordinance related to Rural Area uses, nor had they evaluated whether this chapter provided sufficient recommendations.

Mr. Andrews said that rather than delving into that topic, he would like to ask if individuals could provide their thoughts on each page of the objectives and provide additional comments. He said that they were still trying to determine whether they needed to update the zoning portion. He said that this page currently only addressed Objective 1. He asked if there were any additional comments that had not been made about this page, knowing that they would move on to the subsequent pages.

Mr. Gallaway said that as he reviewed the information, he said that he did not see anything missing. He said that the comments he had made earlier seemed to be addressed in Action 1.1. He said that when Ms. Mallek brought up the movement of one to the other, he had reacted positively to that initially, thinking that it made sense. He said that he forgot to write it down, but he assumed it still made sense.

Mr. Gallaway said that overall, the objective and the actions taken to achieve it appeared to be in line. He said that he did not see anything missing here. He said that Action 1.1 was attempting to address some of the concerns that were raised by the PC, which he also supported, and he appreciated that effort.

Ms. Mallek said that in the second bullet point, she wanted to reiterate that healthy water supplies should be the top priority, as the entire County and specifically the Urban Area relied on them. She said that she was glad to see it included, but she thought it should be placed higher up in the list.

Ms. Mallek said that the map of the Rural Areas focused on conservation, critical resources from DCR, 1.2 location standards, and the solar ordinance were all crucial because they required a high level of detail to effectively protect the Rural Area and prevent the same mistakes other counties had made. She said that she had placed the solar ordinance under 1.2 to call that out.

Mr. Pruitt said that he recalls members of the public from PEC (Piedmont Environmental Council) speaking out in opposition this point.

Mr. Andrews said that it had already been addressed and removed.

Mr. Pruitt said that was what he initially thought, but upon reviewing the screen, he wanted to confirm that his recollection was accurate. He said that he had no further comments to add.

Ms. LaPisto-Kirtley said that she had a question regarding page five of the document. She said that it stated that the support for low-impact uses was intended to encourage the economic viability of rural properties, with the goal of helping to preserve those rural properties. She said that she was wondering if this was one of the objectives outlined in the document.

Ms. Kanellopoulos said that this was not an objective but rather intended as overarching guidance for evaluating the Zoning Ordinance update to determine suitable uses.

Ms. LaPisto-Kirtley said that this would include a wide range of considerations. She said that she understood.

Ms. McKeel said that she did not have any other comments on what they were seeing here. She

said that she believed they may have already discussed the percentage target for land conservation in the County, which was mentioned in the fifth bullet point. She said that she wanted to confirm that he had mentioned it earlier.

Mr. Andrews said that it was being removed.

Mr. Andrews said that he had a quick question regarding the term "target." He said that he wondered if the word was always intended to mean a maximum, because it had certainly been interpreted that way. He said that to be honest, it never really resonated with him as necessarily meaning that.

Ms. Mallek said that the word in question was "cap," which was included in the original text.

Ms. McKeel said that it was on the page, so she wanted to make sure they were all clear on it.

Mr. Andrews said that he had no additional comments, so they should move onto the next page. He asked if there were any additional comments on Objectives 2 and 3.

Mr. Gallaway this because he had agreed with the PC's position on this matter. He said that it was located under the section "Land Conservation and Keeping Rural Area Parcels Large and Unfragmented." He said that the PC noted that different types of conservation easements protected different resources and that conservation efforts should be focused on areas identified in the Biodiversity Action Plan. He said that this had been discussed before. He asked if this was the right place for that item.

Mr. Andrews said that that would be addressed in reviewing the scoring requirements and ensuring that they were met.

Mr. Gallaway said that this would not necessarily be part of any of these actions or objectives.

Mr. Andrews said that 3.1 addressed the scoring requirements for the ACE, a topic that they had already discussed.

Mr. Gallaway asked if it should not be under Objective 2.

Mr. Andrews said that he was asking Board members to comment on anything they had not already discussed regarding the information on these pages.

Mr. Gallaway said that in light of their conversation about rural preservation developments and this cluster piece, it had piqued his interest. He said that he would like to explore the possibility of making it even better for their goals. He said that if that was a possibility, as Ms. Filardo had mentioned, he would be interested in hearing more about it. He said that he would like to know what they needed from the state to make this happen, and what they were hoping that it would allow them to do. He said that he had made a connection that they had not been actively pursuing these opportunities before, and he was curious about any obstacles that may be preventing them from doing so. He said that this was a side conversation, but he believed it was worth exploring further. He said that he understood they had already discussed the ACE program, so he did not have anything else to add.

Ms. Mallek said that she had already discussed 2.1. She said that 2.2 referred to the old language from the 1980s was residential in the Rural Areas associated with primary agricultural and forestry uses. She said that this language was a subject of debate every five years to maintain its inclusion, and it appears to have gone away and was now open residential. She said that she would like to bring this to future consideration.

Ms. Mallek said that 2.3 addressed rare habitats and species during the special permit process, which was a high priority for her. She said that she believed the biodiversity impact should be part of the site review to prevent it from being ignored, as it had been since the Biodiversity Action Plan was adopted and even before that, 20 years ago. She said that she hoped they could make some progress on this this time.

Ms. Mallek said that 2.4 was unclear to her, as she was not sure why legislation was necessary when they already had the ability to cluster development. She said that she would appreciate an explanation for this point, as it had caused confusion for her.

Ms. Mallek said that on 3.2, it was essential to coordinate with non-governmental organizations (NGOs) already working in this space to avoid duplicating efforts. She said that this coordination would help ensure that they were not duplicating existing work to make sure to help participate in outreach to make sure they were reaching more of the unaccessed landowners, informing them about opportunities to participate in various programs. She said that by working together, they could create an additive effect.

Ms. Mallek said that they had previously discussed the sale of tax credits on donated easements, as a way for individuals with higher means to participate without the ACE program.

Mr. Pruitt said that he did not see anything that he would identify as being missing. He said that he was excited about 2.3. He said that they could discuss biodiversity and its importance at length, but writing plans were not enough; they must ensure that these principles were incorporated into the site review process.

Ms. LaPisto-Kirtley said that they had previously discussed the scoring and the Ace Committee with 3.1, but she believed they would receive more information on that topic at a later time, so she had nothing else to add.

Ms. McKeel said that she agreed with 2.4. She said that she was intrigued by the cluster and would appreciate more information on that topic at some point. She said that would be greatly appreciated.

Mr. Andrews said that he would like to request clarification on how riparian conservation easements, which would be in the environmental chapter, fit into the discussion of Objective 3.

Mr. Pruitt said that he realized that Objective 2 involved describing the reduction and mitigation of impacts from natural systems and cultural resources from development. He said that they had touched on the former, but he was unclear about the latter. He said that specifically, he was unsure if Objective 2.3 adequately addressed cultural resources, as it appeared to focus on natural systems. He said that he would appreciate clarification on this point. He said that there could be a separate component specific to cultural resources.

Mr. Andrews said that he thought it was a fair comment. He said that cultural resources were in the objective, but the actions taken did not actually address these resources. He said that they could have easily added the actions that did address these resources.

Mr. Pruitt said that Objective 2.3 was a framework, as it specifically addressed the natural resources component. He said that a similarly phrased framework could be developed for cultural resources.

Mr. Barnes said that they could remove the cultural resources component, and they could find it with the historic cultural resources separately.

Mr. Andrews said exactly; they had a chapter on that later.

Mr. Barnes thanked Mr. Pruitt for catching that. He said that they would remove those words from this section of text.

Mr. Gallaway said that regarding Action 4.1, which pertained to using land conservation tools to reduce the conversion of rural lands, in a similar fashion, it said as residential, commercial, and large-scale utility uses. He said that this essentially relied on earlier easement conversations. He said that specifically, he was thinking of the large-scale utility project that they had previously approved, where there was significant discussion about the soil conditions prior to the project.

Mr. Gallaway said that this did not change the scrutiny that would be applied to a future large-scale utility application. He said that if lands were placed in easement, they would not need to scrutinize future applications for large-scale utilities or residential or whatever. He said that regarding Action 6.2, he thought that was a good idea. He said that he thought that places that were already up and running, and if they could add small things, and he was pretty liberal in what he thought of as recreation, that could add to the economic viability for someone doing something like this was wise, so he encouraged that.

Ms. Mallek said that regarding 4.1, reduce the conversion of rural land and the soils, she asked how they would do this. She said that in her opinion, preventing the loss of prime soils should be the goal there. She said that with 4.2, she thought there was a significant difference between a small meat processor smaller than the room they were currently in versus a data center. She said that they needed to do a better job delineating for the County before some application came to ensure they were meeting all of the legal tests when making decisions by category. One-offs could lead to problems, and they could not stand up behind them.

Ms. Mallek said that with 4.3, if they were considering by-right worker housing, she knew they had a special use permit for the Chile's Orchard a year or so ago, they needed strong performance standards in place. She said that she was not prepared to say do whatever they wanted until those standards were established. She said that regarding 4.4, she thought requiring a special permit was necessary, and this was a matter of scale. She said that there had been instances in the past where food distribution operations had been shut down due to safety concerns, so she believed a special permit application process was necessary to prevent similar issues.

Ms. Mallek said that regarding 4.5, she thought this seemed to be a one-off for one application. She said that all properties in this circumstance should have their own frontage on a public road. She said that singling it out for historic properties only so that a particular place could come back again, she thought that their Comprehensive Plan should be more broad-brushed than that.

Ms. Mallek said that with 4.6, she thought it should be for home occupations only, as opposed to big industrial, if they were going to put it out in the country where narrow roads and big deliveries could be a safety concern.

Ms. Mallek said that regarding Objective 6 and noise regulations, she would like to reiterate that reducing the limit to 40 decibels would be beneficial, as 50 and 60 decibels can be overwhelming. She said that Objective 6.2 was also intriguing, although she was unsure if it specifically addressed glamping.

Ms. Mallek said that one specific example out at a winery in Greenwood involved 10 fully self-contained units, complete with its own water and septic systems, without any infrastructure. She said that they were told they would need a \$2,500 special permit, so they decided not to pursue it at all. She said that that was what came to her mind when reading this, when they were talking about small-scale, low-impact outdoor uses, as long as they did not involve lighting, new roads, water, or sewer infrastructure.

Mr. Pruitt said that upon reviewing Objective 4, he believed there were several points that had not been thoroughly addressed, some of which may have significant impacts. He said that he would like to echo Ms. Mallek's comments on 4.3. He said that to better understand the scope of this objective, he would like to know the extent of the ask involved. He said that before providing further input, he would like to engage in serious conversations with local justice centers, such as the Farm Worker Program, to discuss the quality of lodging, the context in which it was provided, and the populations being served.

Mr. Pruitt said that on-site farm worker housing was often a problematic and exploitative practice, and he would like to know the standards they would establish and how they aligned with the issues identified by local legal services. He said that he would be hesitant to move forward with this objective until he had had more in-depth conversations with these stakeholders.

Mr. Pruitt said that regarding 4.4 and 4.6, he saw how those would be critical for those economies to be able to scale. He said that they would be able to provide greater economic vibrancy. He said that however, he had concerns about the potential for scale and whether special use permitting would be more suitable. He said that by interpreting the language liberally, it could lead to large-scale industrial development, such as a massive poultry shipping and distribution center for Tysons. He said that he believed they should focus on supporting local farmers and finding ways to scale services, rather than allowing for large-scale industrial development. He said that he thought they could capture that with some refinement in language.

Mr. Pruitt said that he appreciated 4.2 as drafted and was pleased with 6.2, which he was interested in seeing how they would capture in an ordinance. He said that they often discussed preserving the beauty and natural value of the Rural Area, but it was all private. He said that he was excited about the prospect of finding ways that they would collaboratively participate in and enjoy.

Ms. LaPisto-Kirtley said that she would like to know the explanation for 4.3. She said that she understood the concerns raised by Mr. Pruitt, but she would like to know what brought this issue to light.

Ms. Kanellopoulos said that Mr. Clark could clarify if she missed anything, but her understanding was that there were differences between the local requirements they currently had and the state requirements, and this was an effort to bring those together and ensure consistency.

Ms. LaPisto-Kirtley said that the state had priority over their local ordinances.

Ms. Mallek said that the County could have more stringent regulations than the state if they chose to do so.

Ms. LaPisto-Kirtley said that was right; they could be stricter. She asked if this was brought up because she believed the state may have lower standards than they do.

Mr. Barnes said that one key thing to remember was that allowing this to be included in the Comprehensive Plan as something that could be considered could have a significant influence on them when as they wrote the Zoning Ordinance. He said that standards of quality for the housing, they could talk about those particulars when they talked about agricultural worker lodging.

Mr. Barnes said that their questions were very specific, and he believed they would be able to address them when they discussed ordinance changes. He said that what the Board was signaling to them was that this was a topic worth considering and addressing in the Comprehensive Plan, rather than dismissing it entirely and removing it from the Comprehensive Plan.

Ms. LaPisto-Kirtley said that that was helpful to know, and she appreciated the clarification. She said that her only other concern was regarding Action 5.1, which allowed small-scale professional offices. She said that she would like to include businesses with existing operations in that category.

Mr. Andrews said that they had already discussed Actions 5.1 and 5.2.

Ms. LaPisto-Kirtley said that she was proposing this as an addition to that item. She said that she had no further comments.

Ms. McKeel said that they often discussed how they were an agricultural community, and it was true that they were limited in their agricultural opportunities compared to other communities. She said that she appreciated this plan because it would support agriculture in their community and potentially allow for more agricultural activities beyond just vineyards, which often focused on weddings and parties. She said that she enjoyed visiting vineyards, but she believed they could support agriculture in a more diverse way.

Ms. McKeel said that staff had clarified the farmworker housing, which addressed one of her concerns. She said that the state always had a pretty low bar, and she was not sure that that was what they would want to match. She said that overall, she agreed with most of the language and previous

comments, so she would leave it at that. She said that the proposed Action 4.5 was a good idea, as they had struggled with traffic issues on private roads in her district recently.

Mr. Andrews said that he would like to start with 4.1 and draw attention to the language in 1.2, which he strongly supported. He said that that section advocated for developing location standards for renewable energy projects in the Rural Area protecting forests and all. He said that this one says using land conservation to reduce the conversion of lands with soils important for agriculture and forestry to other uses, such as residential, commercial, and large-scale utility.

Mr. Andrews said that he finds this was an odd mix of language and was unclear, and he was not convinced that large-scale utility belongs here. He said that he was unclear as to what this would do, and whether it would be interpreted as saying no large-scale utility on any land that could be farmed or has forests. He said that they had already gone that route with Woodbridge. He said that they had trees on it, and they had been harvested, and he did not want to go back on that.

Mr. Andrews said that he appreciates the updates in 4.2, which allow for rural, light industrial, and commercial uses. He said that he noticed that this was one of the places where they did not use the words small scale or low impact. He said he was cautious about the potential for large-scale processing facilities to become huge because they failed to state those uses should be on a small scale. He said that as they review the regulations, they would have to face that. He said that he was generally supportive of exploring additional possibilities, but he did have concerns about the potential for glamping, but they would discuss it again as a low-impact use.

Ms. Mallek said that following their discussion, she intended to withdraw her support for Action 4.3. She said that she did not want to align with the lowest common denominator because the reason they had special permits was due to the poor conditions that had existed in previous decades.

Mr. Andrews said that he viewed 4.3 as an opportunity for them to review what they had, rather than to commit to doing something specific.

Ms. Mallek said that they had already established reasonable things in place. She said that she was not sure why they were devoting more time after the Comprehensive Plan was adopted to tasks that they were already handling well. She said that this was just a comment. She said that she wanted to bring up a point that Ms. Kanellopoulos had mentioned at the beginning about how things that had already been done were no longer included.

Ms. Mallek said that, in her opinion, it was essential to state that it was important to have elements, even if they were currently in process, was a protection measure in case a future Board decided to abandon everything that had been done for the past 60 years and pursue a completely different direction without having to modify the Comprehensive Plan. She said that to that end, she identified two categories of things: those that were already done and something else, and she just wanted to make that point.

Ms. LaPisto-Kirtley said that the vineyards were agricultural and that they contributed significantly to their economy, with millions of dollars added annually. She said that she believed this was an important point, and she did not think anyone intended to convey any other meaning. She said that it was crucial to recognize the significance of their wine industry, as they were the wine region of the world, as recognized by Wine Enthusiast Magazine in 2023. She said that this was a vital and lucrative agricultural business for their County.

Ms. McKeel said that she agreed that it was, but that she would still prefer to see more diverse agricultural practices in the County. She said that she would like to better support them.

Mr. Andrews said that he thought they were ready to move on to the next page. He said that they had previously discussed some of these topics, and some supervisors had commented on them. He said that others had expressed concerns that they were limited to 7.2 and 7.4.

Mr. Gallaway said that he would like to add a few thoughts before moving on to the next item. He said that this was more of a general statement than specific to the 4.3 item, but he would use it as an example. He said that if they could eliminate the special use permit process and replace it with strong performance standards, it would streamline their process and gain efficiency.

Mr. Gallaway said that he had been reading about the challenges local farmers faced, and the expense of their special use permit process could be onerous for them. He said that if performance standards could be met, it would give them more opportunities to operate by right, without needing to go through the special use permit process. He said that he was in favor of this approach whenever they were confident that performance standards could replace the special use permit process. He said that for instance, looking at their homestay ordinance, many items received blanket approval by them, which could be identified as performance standards and eliminate the need for a special use permit.

Mr. Gallaway said that these were his two cents on that particular item. Moving on to 7.6, he would like to focus on the interchanges. He said that while he had mentioned some comments earlier, he was particularly thinking about Shadwell rather than Yancey Mills. He said that it was true that the small area plan was focusing on this area and listing out specific items. He said that he believed an economic development component should be included, given the area's economic significance, especially in Shadwell. He said that the County had invested in economic development in this area, and it should be

part of the process.

Mr. Gallaway said that this seemed like a way to guide the work being done, as Mr. Pruitt had mentioned earlier that existing businesses out there were facing issues with their ordinances that allowed them to do things. He said that it sounded like they would all be supportive of allowing them to operate more freely. He said that he recalled one existing in this area, but there were folks coming out from other areas of the County as well.

Mr. Gallaway said that this was bigger work than just this particular interchange. He said that however, the small area plan could be the perfect place to address this issue and potentially lead to a bigger fix throughout some of the areas in the Rural Area to allow for that activity. He said that a furniture store could be a good example of this. He said that this could be a good avenue to correct the issue, as he did not think anyone was necessarily opposed to the change itself, but rather the means by which they were trying to achieve it. He said that that was all he had for now. He said that he thanked them.

Mr. Pruitt said that he did not feel like he had any additional comments on these that he had not already expressed in some of his broader comments. He said that he wanted to briefly concur with their position on 4.1. He said that he thought it was helpful that they acknowledged the fundamental tension between agricultural soil preservation and the expansion of their renewable energy resources. He said that his intention was not to stand in the way or prevent the expansion of renewable energy resources in the County, but rather to prioritize how they located and sited these resources in a way that balanced competing interests. He said that by acknowledging this tension, they could make more informed decisions about how to proceed. He said that he appreciated the point they had made on this matter.

Ms. LaPisto-Kirtley said that she was not sure about Yancey. She said that they were currently focusing on the Shadwell interchange, and that there were certain areas within that section of Shadwell between I-64 and Hunter's Way or VDOT, where issues may arise. She said that for instance, there was a highway commercial area adjacent to the Comfort Inn, and there were also two properties that were initially commercial but were later converted to rural and were now requesting to change back to commercial.

Ms. LaPisto-Kirtley said that these types of situations could potentially be addressed with what they have. She said that there were light industrial areas, which were by-right, with their legacy. She said that the main concern and what many people were worried about was the same issue that arose during the Exit 129 exit, specifically regarding the use of water and sewer. She said that there was an agreement by a previous Board that water and sewer services would be provided for Glenmore and beyond, but not in that area.

Ms. LaPisto-Kirtley said that this was something to consider when evaluating potential developments at the interchange. She worried that she would not want to see that area studied for any additional commercial because it was currently zoned rural. She said that what they would be doing was expanding the Development Area, and they had all previously stated that they did not want to expand the Development Area at this time.

Ms. McKeel said that she did not have much to add to this discussion. She said that she had a question regarding section 7.6. She said that she was under the impression that the PC had prioritized Yancey Mills.

Ms. Kanellopoulos said that the PC had prioritized studying the Shadwell Interchange.

Ms. McKeel said that she must have misremembered that. She said that she recalled their discussion focused on Yancey Mills having more property than Shadwell.

Ms. Kanellopoulos said that they had provided specific comments regarding Yancey Mills, including potential uses that might be appropriate for the area. She said that they had supported conducting a study at Shadwell first.

Ms. McKeel said that she may be influenced by a conversation she had with her Planning Commissioner, but it was true that Yancey Mills had more property than Shadwell. She said that it was a larger area.

Ms. Kanellopoulos said that she was not certain of the total acreage difference between the two of them, but they could definitely explore that further.

Ms. McKeel said that she had no further comments, and that she just had that one questions because she had her head wrapped around it a little differently.

Mr. Andrews said that he had very little additional to add here. He said that he appreciated that the process in 7.6 prioritized land use and zoning opportunities supporting agricultural, silviculture-related industries at these locations. He said that he was glad that was included. He said that he did not see it in 7.3 where it simply stated to review and update legacy commercial uses for zoning districts, specifically mentioning Shadwell and Yancey.

Mr. Andrews said that this lack of clarity made him a bit nervous that 7.3 was too open-ended. He said that it did not clearly state what they were trying to accomplish by that. He said that he would like to see it expanded to limit the types of additional uses that might be brought in under that.

Ms. LaPisto-Kirtley said that in the 7.6, the public water and sewer feasibility, the term "feasibility" was problematic and may lead to backlash from both Mr. Pruitt's district and her own district, due to the promises made prior. She said that as she had mentioned earlier, what they had now could be done by right, and there were existing commercial and industrial areas, and they could do that now. She said that Mr. Richardson could confirm, but she recalled reading somewhere that if a business or residence had a well that dried up, they were eligible to connect to local water and sewer if there was an existing pipe in place.

Mr. Richardson said that he would like someone in the Community Development Department to address that issue.

Mr. Pruitt said that the last clause would be a big "if," and would only apply to places like Shadwell.

David Benish, Development Process Manager, said that under the current policy for extending water and sewer service in the Rural Area, there were two criteria that must be met. He said that firstly, there must have been a documented health or safety issue. He said that secondly, the service must have been adjacent to a water line. He said that it was these two criteria that allowed for the extension of water and sewer service.

Ms. LaPisto-Kirtley said that it was a health and safety concern when they had no more water supply.

Ms. Mallek said that that was not the same thing. She said that he simply needed to drill another well at a cost of \$40,000, which would be a personal expense.

Ms. LaPisto-Kirtley said that there may be limitations to that. She said that she would want them to drill an additional well and provide access to water. She said that if something were to happen, such as a business, they would not be able to drill another well in that area.

Mr. Benish said that the practice was to assess whether a reasonable and feasible private option existed before considering a public option. He said that this was a policy, and the Board determined when staff conducted an analysis. He said that the Board could then weigh in on the importance of an issue and whether service should be provided. He said that it was not a matter of meeting a performance standard that was checked off and granted administratively, but rather a Board action. He said that the decision was based on this criteria.

Ms. LaPisto-Kirtley said that she would like to omit the mention of public water and sewer feasibility.

Mr. Richardson said that Mr. Benish stated that it was a two-prong test, and he also quickly hit the second prong, which stated that public water needs to be available.

Mr. Benish said, yes, the term was adjacency, so it would be measured across the street as adjacent. He said that over time, the Board had allowed for a certain flexibility due to unique situations such as their topography. He said that the word "adjacency" was used to describe a situation where there must be an existing line. He said that the principle behind this was that one did not want to continuously extend lines, only to find oneself a mile away from the original intended development location.

Ms. LaPisto-Kirtley said that if they stayed with what they had, they could limit potential growth. She said that for instance, Edgehill had a substantial acreage, and they wished to develop it, allowing for homes to be built. She said that the potential traffic on Route 250 would be huge. She said that, in her opinion, keeping it as it was would be the best option.

Ms. Mallek said that since she had jumped over Objective 7, at the top in the blue, it mentioned special events in the Rural Area. She said that she would not support having anything other than the special permit process they currently had in place for events like these. She said that there were categories that had the state waiver, but since the 1970s, they had a special permit requirement, most recently for Panorama, which allowed weddings and funerals in the old barn.

Ms. Mallek said that she believed these events should not be permitted under a new process. She said that the availability would take away the ability for customers and property owners who had invested in their farms to continue hosting these events. She said that for example, the winery bill. She said that she wanted to keep these events as limited as possible.

Ms. Mallek said that for the economic vitality of landmark properties, she had previously expressed this concern, but she urged them not to encourage the purchase of historic properties without the resources to restore them. She said that they should not come to their County to save their property. She said that this approach would divert the essence of their efforts to preserve these properties through adaptive reuse and other means.

Ms. LaPisto-Kirtley said that she had a quick question regarding special events in the Rural Area. She asked if that would include weddings.

Ms. Mallek said that on a private property, then yes. She said that private properties could not

operate as a commercial wedding venue; it was not allowed under local regulations. She said that typically, commercial venues required a separate permit or license, and it was usually only permitted for events open to the public, not just family gatherings.

Ms. Mallek said that there was state legislation that required them to have that for wineries. She said that it was essential to note that there was already a state bill passed last year that considers the impacts of solar installations on agricultural and forest land. She said that to avoid unnecessary effort, it was crucial to conform to this state law.

Mr. Andrews said that going back to the slide with the direction topics, he believed they had addressed a lot of them at this point. He said that one aspect that had been skipped over was whether the chapter provided recommendations and context for updating the County's Zoning Ordinance. He said that he was aware that there was a Zoning Ordinance guidance slide, but he was unsure if it was relevant at this stage.

Mr. Andrews said that the answer to this question may depend on the specific point being discussed as to whether they had said they should consider for a Zoning Ordinance update. He said that he agreed with Mr. Gallaway that incorporating performance standards and finding a way to zone the area without requiring special use permits would be beneficial. He said that he noticed that many of them were nodding in agreement. He said that he was looking for clarification on whether the Board had provided the necessary guidance, or if there was anything else staff were looking for in terms of direction.

Ms. Kanellopoulos said that she believed they had. She said that staff had taken a lot of notes. She said that she would like to propose revisiting this topic in more detail at their next work session after they had a chance to revise this chapter. She said that she thought they had shared many helpful comments that could clarify some of these actions. She said that she also believed that this would help answer the first question in more detail as well.

Mr. Andrews asked what was next on staff's agenda for this presentation today.

Ms. Kanellopoulos said that this was all that staff had to present today.

Mr. Andrews asked if the supervisors had any final comments.

Mr. Gallaway asked if they had addressed direction topic number five.

Mr. Andrews said that they had not. He said that now would be a good time to address it.

Mr. Gallaway said that he was not seeking a response today regarding direction topic number five, but he would like to share some thoughts. In April and May, he had discussed this topic with his Planning Commissioner, focusing on understanding the concept of a strong rural economy, as outlined in the chapter, and the state of what that meant, and what the analysis was regarding whether they were there or not.

Mr. Gallaway said that he was unclear about the understanding of the economic activity of their local farm, and he needed to understand that. He had requested a tutorial, which was offered to him, but he could not schedule it. The Farm Bureau had agreed to help him better understand the topic. He said that he would like to re-engage with them. He said that he believed it was essential to consider the phrase "strong rural economy" in a Countywide context to points that were made earlier about wineries and some other things, rather than viewing economic development as a Development Area activity.

Mr. Gallaway said that they should encourage and support local economic growth in the Rural Area, rather than seeing it as a competition or a counterpoint to anything they had discussed. He said that he was curious about the current state of their farming situation in the County, from small-scale to upscale operations. He said that if they were going to say they would support and go after and encourage a strong rural economy, that he did not know what this meant for Albemarle County and where they currently stood, and that he would like to know these things, and what they were trying to achieve. He said that he thought this was an important question to address as they moved forward and suggested that it might be done with their economic development plan update.

Mr. Gallaway asked if they had a database or an understanding of the economic activity in their Rural Area, including the types of farms and businesses that existed.

Mr. Gallaway said that to his points about the composite index and things like that, those comments just got thrown out. He said that someone mentioned earlier that cows did not go to school and asked what that meant. He said that he thought an important question they should contend with when they were thinking about the Rural Area and how they planned for it moving forward was what existed out there and what the economic activity was.

Mr. Gallaway said that he would like to reiterate his concerns about the demand for services in the Rural Area, particularly regarding fire services. He believed this was an issue that would need to be addressed in the future. He said that he would like to revisit the idea of potentially reverting certain parts of the Development Area back to the Rural Area and they could pick up different Development Area so that the percentage stayed the same.

Mr. Gallaway said that he thought this was an interesting theoretical concept, and he would like to

explore it further, particularly in areas defined as rural that had the infrastructure when they were dealing with the needs being put on the Development Area, both service-wise and for other reasons. He said that he would like to propose that they consider some criteria for a potential swap, as it was not feasible to randomly select a location. He said that it would need to be a thoughtful and informed decision. Although it had been discussed, he was not sure if there was a clear appetite for it, but it had been mentioned in their conversations.

Mr. Gallaway said that this was more of a theory, and he was aware that it may be perceived as a step towards increasing the Development Area. He said that he believed that the Development Area was under significant pressure to protect the remaining 95%, and if they did not maximize its use, they may face serious issues. He said that if they had some places that could revert back and others be found to be added, he thought it was worth considering this as an exercise, but they did not need to make a decision today.

Mr. Gallaway said the Board may want to take some time to think about it. He said that he was not sure what the Village of Rivanna's actual percentage was, but if it was 1%, they would need to identify what would replace that 1% of land. He said that he was not suggesting that they identify a specific area but rather think about what criteria would be used to make that decision. He said that he thought this was something good from a planning perspective, given the demands on the Development Area.

Mr. Gallaway said that he would also like to highlight the affordable housing crisis they were facing. He said that they had not discussed how the remaining 95% of the area would contribute to solving this issue. He said that they had a significant number of long-time residents who were struggling to afford their properties due to increasing property values and tax burdens. On the other end of the spectrum, they needed to consider how the Rural Area was helping them with folks coming in. He said that they were not stopping residential development, and the PC had endorsed the idea of limited residential development in some appropriate places in the Rural Area, to be evaluated with the future Rural Area plan.

Mr. Gallaway said that he endorsed this thought, but only in the context of finding creative solutions to maximize the new lot development in the Rural Area. He said that perhaps with the preservation piece that Mr. Scott Clark explained to them they could explore ways to create the possibility of new, affordable residential options, thus recreating the possibility that people could buy affordable homes as people had done in the past. He said that it was becoming problematic for long-time residents to continue living in the area to continue to afford them. He asked who got to start out and wanted to live out there, to Mr. Pruitt's point about having services nearby, and who wanted to live out there.

Mr. Gallaway said that anecdotally, he had seen that some lots in the Rural Area were selling for more than homes in the Development Area, which raised concerns about affordability. He said that there would be new residential development in the Rural Area, and they needed to figure out how to emphasize making them affordable. He said that they should prioritize affordable units to avoid the high costs of \$800 to \$1 million and \$1.5 million homes. He believed that affordable housing options should be available to everyone, not just those who preferred townhomes and apartments.

Mr. Gallaway said that while some people may want that, it could not be the sole solution to the affordable housing crisis. Solving it solely in the Development Area was foolish thinking. He said that they needed to consider how the Rural Area could contribute to solving this issue. He said that he did not bring up affordable housing in their objectives or goals, but he wanted to highlight that affordable housing had not been explicitly mentioned as a related chapter to this one, as environmental protection or parks and recreation were.

Mr. Gallaway challenged the Board and staff to consider how they could achieve their goals for the Rural Area without putting affordable housing in direct competition with them. He said that it was essential that they find a way to balance their desires for the Rural Area with the need for affordable housing. This was a complex issue that required discussion and consideration during their review of the affordable housing chapter.

Ms. Mallek said that regarding the swapping of Development Area land with Rural Area land, one idea she would like to throw out there was the land swap in the Crozet Master Plan, where a parcel was moved from just north of Route 250 by the trestle to just north of Route 240 across from Highlands. She said that access to sewer and water was the primary consideration at the time. She said that this was one of the criteria that should be included in their discussion. She said that they could also reach out to Albemarle County Service Authority (ACSA) for assistance in identifying potential locations for such swaps, as she was not aware of the exact number or size of these parcels.

Ms. Mallek said that regarding affordable housing in the Rural Area, she was concerned about the naturally occurring affordable houses (NOAH) that were scattered throughout the countryside. She said that these were often single-car garage-size homes that had been occupied by families for generations, and it was essential that they find a way to not force them out. She said that many of these properties had million-dollar views, but they were under immense pressure to sell to individuals willing to pay top dollar for the views.

Ms. Mallek said that it was crucial to include a plan to address this issue, whether through mapping or other means. She said that for example, she recalled a group that wanted to develop 20 modular homes across Dickerson Road from GE, but was told it was not feasible, even though they had water and sewer, and everything was right there. She said that this was just one potential solution, and

she would like to explore ways to locate and preserve these affordable houses in the future when they discussed the affordable housing chapter.

Mr. Pruitt said that he largely endorsed Mr. Gallaway's comments. He had previously expressed similar concerns regarding the Rural Area, recognizing the challenge of doing that without encouraging sprawl. He said that it would be a tricky needle to thread, and a good answer did not come to mind. He said that one idea he had been considering was the concept of transferable development rights, particularly in the context of the Development Area. He said that he had been thinking about how this might apply to the Rural Area, as it could potentially help encourage more affordable uses and allocation of development rights for residential uses.

Mr. Pruitt said that for example, if a developer had four development rights, each requiring two acres, they could theoretically combine them into a single area, allowing them to build a single fourplex, while leaving surrounding land without development rights. He said that this could result in a more affordable residential option, reducing the housing cost for development in the Rural Area. He said that he would be interested in exploring this idea further, as it could potentially help new people coming to the Rural Area and could address the strain on the environmental community and preserve the character of the Rural Area.

Ms. LaPisto-Kirtley said that she wanted to clarify that when Mr. Gallaway was referring to Rivanna, he was referring to the Village of Rivanna, which was actually located in the Scottsville District. She said that in the Rural Area, there were numerous smaller homes where residents had lived for years, and she had observed structures equivalent to double-wides and single-wides.

Ms. LaPisto-Kirtley said that these homes were not typically associated with large land parcels, which were typically the historic properties that had been around longer. She said that they could look at something like that. She said that by being flexible and open to new ideas, they may uncover opportunities to increase density in certain areas of the Rural Area, like the one near Route 29 North. She said that this corridor, despite being in a Rural Area, had seen growth above Polo Grounds Road.

Ms. LaPisto-Kirtley said that she had mentioned this to her constituents, and she believed it was worth exploring further, particularly in the context of future development. She said that areas with existing infrastructure, such as roads, water and sewer systems, and with bus service coming, were ideal for increasing density. She said that they did not want to have a lot of affordable homes way out in the middle of nowhere, and that she did not think that would help. She said that having them located closer to the infrastructure would be best.

Ms. McKeel said that Mr. Gallaway's suggestion was appreciated, as they had discussed the possibility of swapping out certain areas. She said that in her opinion, what they needed was for staff to come back to the Board with some criteria that they could discuss. She said that she thought that was exactly right - they needed infrastructure, roads, water, and sewer, among other things.

Ms. McKeel said that she would be very interested in staff looking at some criteria that they might be able to use to evaluate potential sites. She said that she was certain they each knew of specific spots in their district that might be suitable, such as Lambs Road. She said that it was also essential to consider the surrounding areas, including density and build-out. She said that she believed there were many criteria that they could come up with.

Ms. McKeel said that she would also like to further review manufactured homes, which she thought were a great option. She said that they were not the old trailers of yesteryear. She said that she thought they needed to have an open discussion about allowing manufactured homes in their community, as they could provide much-needed affordable housing.

Ms. McKeel said that she would like to bring up a note she had regarding the Comprehensive Plan. She said that in 2015, the plan reiterated the lower level of service expectation and response time in the Rural Area and Development Area. She said that it was essential to acknowledge that the demand was not static, and that they were growing. She said that they had folks out in different parts of their County that they did not have before. She said that they take this into consideration when rewriting the plan, and that they needed to ensure that their response times were realistic and that they were leading people to understand what to expect. She said that she would like to see some way to express this in the Comprehensive Plan.

Ms. McKeel said that additionally, she was curious about the lack of a baseline for their aquifers in the Rural Area. She asked if they relied on the health department for this information.

Mr. Andrews said that it varied significantly from location to location.

Ms. McKeel said that she understood that their unique rock formations meant that they varied from place to place, but she would like to know if there was a way to establish a general baseline so that they knew what was happening. She said that she was not an expert in this matter, and that perhaps Ms. Mallek had more insight on this topic, but she was curious about the connection between the Rural Area, wells, and aquifers. She said that someone had mentioned to her that the health department was responsible for this, which she found interesting. She said that it was just something to consider, and she was wondering if Ms. Mallek had any additional thoughts on the matter.

Ms. Mallek said that there used to be a well in the Mechums area that was regularly measured

until the recession in 2009, when it was discontinued due to staff considerations. However, there was no reason why it cannot be restarted as a baseline measurement. Simply knowing what it was 20 years ago and what it was today would be a good starting point.

Ms. Mallek noted that Albemarle County Fire Rescue Chief Dan Eggleston mentioned that having more measurements of stream flows and river gauges throughout the County would help Fire Rescue anticipate floods better. She said that similarly, that connection between river flow and stream flow was directly connected to groundwater as well. She said that it could take 15 years for groundwater to recover, and they have experienced five droughts since 2000.

Ms. Mallek said that she would strongly support bringing back the well and incorporating language about restoring it into the environmental stewardship chapter. This would provide valuable insight into their water situation, and the state may ultimately require them to do this due to their current focus on water conservation.

Mr. David Benish, Development Process Manager, said that he believed that this issue was too complicated for him to try to delve into. He noted that they were monitoring wells and the program had been worked on, and he could provide some of that information. When it was mentioned that a baseline of information was desired, he was wondering if they meant well failures or the number of wells.

Ms. McKeel said that she did not want to overcomplicate this, but it seemed to her that they lacked reliable information for the people in the Rural Area and for them on the status of their aquifers. She said that she used the term "baseline" somewhat loosely.

Mr. Benish said that as a precursor to the community facilities section, they were recommending a study on the impacts of septic systems and wells in their Rural Area. He said that if they were seeking a baseline to justify such an action item, they could prepare that information. He said that he simply wanted to gain clarity on what type of information was being requested.

Ms. McKeel said that she was glad to hear Mr. Benish's explanation. She said that it sounded great. She said that she was unaware of the well mentioned by Ms. Mallek.

Mr. Benish said that he was unable to recall the exact number of wells. He said that it was either 20 or 40 wells that they had used to monitor but were no longer being monitored.

Ms. McKeel said that given their current concerns about water, coupled with the changing climate dynamics, it seemed to her that they should do something. She said that it sounded like staff would be bringing them something.

Mr. Benish said that in the community facilities section, they would be discussing the need to conduct those types of studies. He said that they could also incorporate some of the groundwater information with that section.

Mr. Andrews said that they were still in the early stages, and they had many chapters to go. He said that he believed that some of these issues, such as housing, would be addressed in the future chapters. He said that he would like to use this opportunity to express his appreciation for the fact that a significant portion of this chapter focused on preserving their natural resources in the Rural Area and promoting conservation in the Rural Area. This was his top priority for the Rural Area.

Mr. Andrews said that he understood that there were pressures on housing, but they had decided to allocate a 5% Development Area they were trying to use as best as possible. He said that they noted today that approximately 13% of the 95% had already been developed, and this may impact their discussion of potential properties adjacent to the Development Area that could be suitable for the density of development in the Development Area.

Mr. Andrews said that the highest priority for him was focusing on preservation and conservation of their natural resources in the Rural Area. He said that he understood that there were pressures on housing, and that they had decided that there was 5% and 95%, and that they were trying to use the 5% Development Area as well as possible. He said that he was not interested in any topic that would allow for tapering or increased development on the outskirts of the Development Area. If any swaps were considered, they must be done at the same density as the Development Area.

Mr. Andrews said that in the Rural Area, he could see the potential for accessory units, also known as auxiliary units, as a way to increase affordability without subdividing parcels. He said that this would allow someone to live on the property next door without subdividing or allowing other uses on that property, which was a pressure on their conserved areas, but would afford some opportunities for people.

Mr. Andrews said he was aware of the inequity of allowing someone to build a \$2 million house in the Rural Area, but those individuals were paying taxes on that property. He said that land use did not cover dwellings, so he had no interest in telling them that they were not wanted in their County. He said that they were a very wealthy County, and they also had a lot of need in the County, so he hoped they could find a way to accommodate both.

Mr. Jeff Richardson, County Executive, said that with the Board's permission, he would like to allow Ms. Kilroy to further discuss a comment made by Mr. Gallaway about farming agriculture and economic development.

Ms. Emily Kilroy, Director of Economic Development, said that Mr. Gallaway's list was long. She said that as part of their current work on the Economic Development Strategic Plan, they were currently in the background phase, which would be launched publicly over the next couple of weeks. She said that agriculture had traditionally been one of the target industries in their County's economic development program.

Ms. Kilroy said that therefore, they had been examining the state of the agricultural sector in their community. She said that the U.S. Census recently released the 2022 Data Year Agricultural Census, an update that they had been eager to see. She said that the previous one was conducted in 2017, and it had taken some time for the data to become available.

Ms. Kilroy said that the newly released data provided a lot of answers to some of the questions the Board members had raised during their discussion this afternoon. She said that she would send this data to them all so that they could become familiar with it and understand that they were considering agricultural as part of their economic development strategy moving forward.

Ms. LaPisto-Kirtley said that she wanted to reiterate a point she had been thinking about, particularly in the context of expansion of the Rural Area. She said that if they did implement swap-outs, such as those suggested by Mr. Pruitt in his district, they must also consider the impact on their services. She said that for instance, if there was a significant increase in development, it could lead to a greater demand for police and fire services. She said that this was something to keep in mind as they moved forward.

Ms. LaPisto-Kirtley said that her approach had been to prioritize higher and denser development in the Development Area, as long as they could, and that she did not think they were there yet. She said that she believed they must also be prepared to adapt to changing circumstances. She said that they would need to accept what was given to them by developers regarding affordable housing and unit numbers. She said that she did support manufactured housing, including tiny houses, as they could be a viable option for families of small sizes.

Mr. Andrews said that he had mentioned earlier that they would have opportunities to revisit some of these topics, but with respect to the rural chapter, they could expect to see some of these issues again. He asked whether staff had received the feedback he needed for today's discussion.

Mr. Barnes said that staff appreciated the wide-ranging and informative discussion that the Board provided, and they valued their input.

Agenda Item No. 19. 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 (1):
 - to discuss and consider appointments of Supervisors as members or liaisons to various County authorities, boards, and other public bodies, including, without limitation:
 - various community advisory committees;
 - the Acquisition of Conservation Easements (ACE) Committee;
 - the Audit Committee;
 - the Chamber Public Policy Committee;
 - the Solid Waste Alternatives Advisory Committee (SWAAC) ;
 - the High Growth Coalition;
 - the Regional Transit Partnership;
 - the Metropolitan Planning Organization (MPO) Policy Board;
 - the Thomas Jefferson Planning District Commission;
 - the Virginia Career Works (VCW)-Piedmont Council;
 - the Regional Housing Partnership;
 - the Agricultural and Forestal District Advisory Committee;
 - the Blue Ridge Committee for Shenandoah Park Relations;
 - the Historic Preservation Committee;
 - the Economic Development Authority;
 - the Police Department Citizens Advisory Committee;
 - the Regional Housing Partnership;
 - the Hazardous Materials Local Emergency Planning Committee; and
 - the Regional Transit Authority; and
 - to discuss and consider appointments to various boards and commissions including, without limitation:
 - the Economic Development Authority
 - the Equalization Board, the James River Alcohol Safety Action Program
 - the JAUNT Board, the Joint Airport Commission, the Natural Heritage Committee, and
 - the Thomas Jefferson Emergency Medical Services Council.

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. 20. Certify Closed Meeting.

At 5:57 p.m., Mr. Pruitt **moved** that the Board 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. 21. Boards and Commissions.
Item No. 21. a. Board Member Committee Appointments.

Ms. McKeel **moved** that the Board make the following Board Committee appointments for 2025:

Jim Andrews:

- 5th & Avon Community Advisory Committee with said term to expire December 31, 2025.
- Audit Committee with said term to expire December 31, 2025.
- Solid Waste Alternatives Advisory Committee with said term to expire December 31, 2025.
- Virginia Career Works (VCW) – Piedmont Council with said term to expire December 31, 2025.
- Agricultural and Forestal District Advisory Committee with said term to expire December 31, 2025.
- Hazardous Materials Local Emergency Planning Committee with said term to expire December 31, 2025.

Ned Gallaway:

- Darden Towe Memorial Park Committee with said term to expire December 31, 2025.
- Places 29 (Rio) Community Advisory Committee with said term to expire December 31, 2025.
- Audit Committee with said term to expire December 31, 2025.
- Chamber Public Policy Committee with said term to expire December 31, 2025.
- Metropolitan Planning Organization (MPO) Policy Board with said term to expire December 31, 2026.
- Thomas Jefferson Planning District Commission with said term to expire December 31, 2026.
- Regional Housing Partnership with said term to expire December 31, 2025.

Bea LaPisto-Kirtley:

- Darden Towe Memorial Park Committee with said term to expire December 31, 2025.
- Pantops Community Advisory Committee with said term to expire December 31, 2025.
- Places 29 (North) Community Advisory Committee with said term to expire December 31, 2025.
- Acquisition of Conservation Easements (ACE) Committee with said term to expire December 31, 2025.
- Solid Waste Alternatives Advisory Committee (SWAAC) with said term to expire December 31, 2025.
- Economic Development Authority with said term to expire December 31, 2025.

Ann Mallek:

- Crozet Community Advisory Committee with said term to expire December 31, 2025.
- High Growth Coalition with said term to expire December 31, 2025.
- Metropolitan Planning Organization (MPO) Policy Board with said term to expire December 31, 2026.
- Virginia Career Works (VCW) – Piedmont Council designee in absence of Chair with said term to expire December 31, 2025.
- Blue Ridge Committee for Shenandoah Park Relations with said term to expire December 31, 2025.
- Historic Preservation Committee with said term to expire December 31, 2025.

Diantha McKeel:

- Places 29 (Hydraulic) Community Advisory Committee with said term to expire December 31, 2025.
- Chamber Public Policy Committee with said term to expire December 31, 2025.
- Regional Transit Partnership with said term to expire December 31, 2025.
- Police Department Citizens Advisory Committee with said term to expire December 31, 2025.
- Regional Transit Authority with said term to expire December 31, 2025.

Mike Pruitt:

- 5th & Avon Community Advisory Committee with said term to expire December 31, 2025.
- Pantops Community Advisory Committee with said term to expire December 31, 2025.
- Village of Rivanna Community Advisory Committee with said term to expire December 31, 2025.
- High Growth Coalition with said term to expire December 31, 2025.
- Regional Transit Partnership with said term to expire on December 31, 2025.
- Thomas Jefferson Planning District Commission with said term to expire December 31, 2026.
- Regional Housing Partnership Alternate with said term to expire December 31, 2025.
- Regional Transit Authority with said term to expire December 31, 2025.

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.

Item No. 21. b. Vacancies and Appointments.

Ms. McKeel **moved** that the Board make the following appointments to Boards and Commissions:

- **Appoint** Mr. Stephen Hood to the Economic Development Authority as the White Hall district representative, with said term to expire on January 19, 2029.
- **Reappoint** Mr. David Norford as the Rivanna District, Mr. Bob Beard as the Samuel Miller District, and Mr. Evan Mayo as the Scottsville District representatives to the Equalization Board, with said terms to expire on December 31, 2025.
- **Reappoint** Sean Reeves to the James River Alcohol Safety Action Program with said term to expire on January 1, 2028.
- **Appoint** Mr. Jason Eversole to the JAUNT Board to fill an unexpired term ending on September 30, 2025.
- **Appoint** Mr. Francis Caruccio to the Joint Airport Commission with said term to expire on December 1, 2027.
- **Appoint** Ms. Laurel Gillette to the Natural Heritage Committee with said term to expire on September 30, 2028.
- **Reappoint** Mr. Meade Whitaker to the Thomas Jefferson Emergency Medical Services Council, with said term to expire on January 1, 2028.

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. 29. From the County Executive: Report on Matters Not Listed on the Agenda.

There was no report from the County Executive.

Agenda Item No. 28. From the Board: Committee Reports and Matters Not Listed on the Agenda.

There were no reports from the Board.

Agenda Item No. 30. Adjourn.

At 6:00 p.m. the Board adjourned its meeting to January 15, 2025, 1:00 p.m. in Lane Auditorium, 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.

Approved by Board
Date:10/01/2025
Initials: CKB

Chair