

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on April 2, 2025, at 1:01 p.m. in Lane Auditorium, Second Floor, Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia, 22902.

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

ABSENT: none.

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

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Agenda Item No. 1. Call to Order. The meeting was called to order at 1:01 p.m., by the Chair, Mr. Jim Andrews.

Mr. Andrews introduced the Albemarle County Police Department Officers present to provide their services at the meeting, Officers Eric Ketchum and Lester Clark.

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

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Agenda Item No. 4. Adoption of Final Agenda.

Mr. Andrews stated that they were adding Item No. 17, an Emergency Ordinance changing the polling place for the Branchlands Precinct of the Rio Magisterial District to this evening's agenda. He said that Item 18, now Item 19, on the Agricultural Forestal Districts had been revised, reflecting the additional by-right withdrawal requests received after it was posted. He said that, other than these two changes, there were no other modifications to the final agenda.

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

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

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

Ms. Mallek wished everyone a happy April. She stated that the reconvened session of the General Assembly began today at noon, and she hoped that they would learn more by the end of tonight about the outstanding bills and override choices. She said that for information on the current situation at Shenandoah National Park, including staff freezes, cuts to funding, trail closures, and more, one can visit the new website at [snptrust.org](http://snptrust.org). She said that she was looking forward to the April 9 Budget Town Hall, scheduled to begin at 5:30 p.m., at Western Albemarle High School, as well as the one the following day, April 10, at 5:30 p.m., at North Fork Research Park, which was conveniently located closer to the White Hall District, despite not being within the district itself.

Ms. LaPisto-Kirtley said that she attended the second day of the Police Citizens Academy and thoroughly enjoyed it. She said that she was doing one per year, one day per year, as she was unable to attend all three. She highly recommended it to anyone who had the opportunity. She said that she also participated in an event for Child Abuse Prevention Week. She said that they placed pinwheels at 5th Street Station to raise awareness about the importance of vigilance in preventing child abuse. She said that if a child needed help, they must ensure that the child received the necessary support.

Ms. LaPisto-Kirtley said that she attended an assessment meeting in Rivanna, where they had the opportunity to hear from County Assessor Peter Lynch. He said that he explained the assessment process, and there was a good turnout of 35 to 40 people, which she was pleased to see. She said that while not everyone may be satisfied with their assessments, at least they now understood the process.

Mr. Pruitt said that he would like to start by expressing his gratitude to everyone who had attended their town halls. He said that although he had completed his third and final town hall for his district, they still had three more scheduled for the County.

Mr. Pruitt said that he would also like to bring to everyone's attention a joint Board of Supervisors meeting with the Town of Scottsville, which was scheduled for May 17, 2025. He said that he was looking forward to this meeting and would like to take a moment to mention a few upcoming events in Scottsville.

Mr. Pruitt said that the Scottsville Center for Arts and Nature (SCAN) had opened a new gallery space, formerly the Riverbend Boutique, which was now a nonprofit gallery. He said that the debut show was currently open and would run through the end of the month. He said that this was a great opportunity to visit Scottsville and explore the new gallery space, which offered affordable art for those looking to enhance their homes. He said that SCAN would be celebrating Earth Day with events in their preserved wildland, scheduled for April 19.

Mr. Pruitt emphasized that he would also like to remind everyone that in-person early voting was approaching, with the primary elections likely to be decisive. He said that early voting would begin on May 2, and he encouraged everyone to participate. He said that there were several contested state-level elections, which would be crucial to the outcome. He urged everyone to get involved and exercise their right to vote. He said that unfortunately, the elections website was currently down, so he was unable to provide information on deadlines. He said that although those websites were down, according to Fairfax, which had already posted their election information, early voting was scheduled to begin on May 2.

Ms. McKeel said that as Ms. LaPisto-Kirtley had mentioned, she too attended the Albemarle County Police Department's Citizens Police Academy. She said that it was a wonderful opportunity for their citizens to learn a lot about the police and the operations of the Albemarle County Police Department. She hoped many more people would join it next year.

Ms. McKeel stated that on April 14, at 5:30 p.m., at Journey Middle School, they would be hosting the Jack Jouett District's Budget Town Hall. She said that they were honored to be the final public town hall, so that would be wrapping up all of them. She encouraged everyone to attend, as it will be their last opportunity.

Ms. McKeel noted that furthermore, copies of the 2024 Annual Albemarle County Police Department Report were now available. She said that this report was packed with valuable information, and anyone could pick up a hard copy or access it online. Additionally, the Albemarle County Community Report for 2024 had also been released, providing more information for the community to review.

Mr. Andrews agreed that the annual reports from the Police Department were very thorough and explanatory of their processes and achievements. He said he also wanted to mention a few upcoming events, including spring bulky waste amnesty days, which would take place in April and May. Mr. Andrews said that most importantly, the e-waste collection event was scheduled for April 19 from 9:00 a.m. to 3:00 p.m. at the Ivy Solid Waste and Recycling Center. He said that it was essential to note that online registration was required, so it was crucial for those who wished to participate to plan ahead. He said that he recently received an announcement about kindergarten registration opening on April 7, which was an important date for families with children starting kindergarten.

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Agenda Item No. 6. Proclamations and Recognitions.  
Item No. 6.a. Proclamation Recognizing Dark Sky Week.

Ms. Mallek **moved** to adopt the Proclamation Recognizing Dark Sky Week, which s/he read aloud.

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

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

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### PROCLAMATION RECOGNIZING DARK SKY WEEK

**WHEREAS,** the aesthetic beauty and wonder of a natural night sky is a shared heritage of all humankind. The experience of standing beneath a starry night sky inspires feelings of wonder and awe. Many people in Albemarle County, live under a dome of light pollution—excessive artificial lighting at night that disrupts natural darkness—and may never experience the visual wonder or ecological and health benefits of living under a dark sky; and

**WHEREAS,** light pollution has scientifically-established economic and environmental consequences, which result in significant impacts to the ecology and human health of all communities; and light pollution represents a waste of natural resources amounting to roughly \$3 billion per year of wasted energy in the U.S. and contributes to climate change, and

**WHEREAS,** Albemarle County has adopted the Biodiversity Action Plan to protect the many species which rely on undisturbed night environments to hunt, mate, and thrive. Albemarle County is home to Fan Mountain Observatory operated by the Astronomy Department of the University of Virginia. The southernmost edge of Albemarle County is less than ten miles from the James River State Park which is one of four Virginia State Parks designated as an International Dark Sky Park by the International Dark Sky Association; and

**WHEREAS,** peak spring bird migration falls during Dark Sky Week and 80% of migrating birds fly at night and need starlight to navigate; and

**WHEREAS,** the International Dark-Sky Association is the globally-recognized authority on light pollution, and has created International Dark Sky Week to raise awareness of light pollution, and provide free education, resources, and solutions to the public to encourage the protection of and enjoyment of dark skies and responsible outdoor lighting.

**NOW, THEREFORE, BE IT PROCLAIMED** that we, the Albemarle County Board of Supervisors, do hereby recognize

**April 21-28, 2025**  
**as**  
**INTERNATIONAL DARK SKY WEEK**

and ask each resident to join us, not only in observing and pondering upon this important week, but also in raising awareness and support for protecting our precious dark skies resources.

Signed this 2nd day of April 2025.

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Ms. Christine Putnam, Chair of the Natural Heritage Committee, expressed her gratitude on behalf of the Dark Skies Piedmont Group and as a member of the Natural Heritage Committee for the Board's support of dark skies and their efforts to raise awareness about the growing problem of light pollution. Behind her were all the members of the Dark Skies Piedmont Group, who were all advocates for protecting the night sky. She appreciated the Supervisors' support and recognition of the importance of this issue.

Ms. Putnam said that as the Board of Supervisors was aware, the natural world evolved with a predictable cycle of day and night, and the rhythm of light and darkness was essential to their health and well-being. Unfortunately, the advancement of inexpensive and efficient LED outdoor lighting led to a significant decline in the darkness of the night. Excessive light at night disrupts sleep, confuses migrating birds and nocturnal predators, and has deadly consequences.

Ms. Putnam said that it also obscures the view of the stars and disconnects humans from their place in the universe. She said that the good news was that with proper planning, they can utilize LED technology to create community-friendly lighting that works with their circadian rhythms, saves energy, and keeps them safe. She said that LEDs can last for more than a generation, so it was essential to choose lights that were not too bright and did not cause blinding glare.

Ms. Putnam said that this was why it was crucial to establish an outdoor lighting ordinance that included lumen per acre caps and dark sky compliant light fixtures. She said that the Dark Skies Piedmont Group recommended that Albemarle County follow the lead of other Virginia municipalities, such as the town of Vienna, in hiring a lighting consultant to provide guidance on creating an effective outdoor lighting ordinance, as it could be quite technical. She again expressed her thanks to the Board of Supervisors for being so supportive of their group and taking the time to recognize this extremely important issue.

Ms. Mallek said that 25 years ago, when her children were young, the children from the City would visit their farm to complete their astronomy homework during the spring fourth grade. She said that they would watch the constellations and map them because they could not see them in town. She said that she wanted to ensure that this experience was not lost forever. She said that seeing the Milky Way in one's own backyard was a truly astonishing sight. She said that it was similar to spotting an eagle, which could make one's hair stand on end. She said that she appreciated all the Dark Skies Piedmont Group's and Natural Heritage Committee's efforts to help preserve this experience for future generations.

Ms. LaPisto-Kirtley said that she would like to extend her gratitude for the Dark Skies Piedmont Group's presence. She said that it was a great honor for them to present the Dark Skies Initiative proclamation. She said that this was a very important initiative, not only in urban areas, but also in rural areas, where development was increasing, and they must protect their wildlife.

Ms. LaPisto-Kirtley said that through personal experience last year, she learned about the significance of the bat population, which was crucial for controlling mosquitoes. She said that the lighting could interfere with the bats' nocturnal activities, so it was essential to minimize or eliminate lighting to allow them to thrive. She said that by promoting low-level or no lighting, they could encourage the bat population to continue their vital work. She said that she was very excited about this initiative, and she hoped that they would improve the ordinance to better support this cause.

Mr. Gallaway thanked everyone for being here. He stated that he believed that growing up in an area with minimal light pollution had given him a personal appreciation for the importance of preserving what could be viewed and experienced. He said that having lived in Cleveland, he was unable to see a single star, but since moving here and currently residing in the development area, he was consistently surprised by how much he could see from his front yard. He said that he was aware that this may not be comparable to the experiences of those in the rural area.

Mr. Gallaway said that he was always amazed by the advancements in technology, which allowed for the provision of necessary safety measures in development areas while still enabling residents to enjoy their surroundings without having to travel far. He said that as he had mentioned, technology could provide solutions that met their needs without necessarily requiring residents to be in close proximity to the development. He said that he appreciated the Dark Skies advocates' presence and looked forward to considering their input if an ordinance was proposed in the future.

Mr. Pruitt said that he had shared this with Ms. Putnam before, but he would like to reiterate that

he had had the experience of driving ships in the dead of night, hundreds of miles from land, in the middle of the Atlantic and Pacific Ocean. He said that looking up at the stars and the Milky Way, with their precision and grandeur, was truly extraordinary. He said that growing up in a rural area, he would often watch the stars, but even then, he could not see the level of detail that he experienced on those voyages.

Mr. Pruitt said that seeing the full perspective of the stars in the night sky made him realize two things. The first was that this was a resource that had been lost for most of the world, therefore, they needed to find ways to describe it to people. Currently, only a few individuals, such as mariners, could convey this experience to others. He said that this was a bleak prospect. Secondly, he could attest to the tangible navigational challenges posed by light pollution. Even the smallest amount of light could ruin one's ability to perceive the horizon and judge distances while on a ship.

Mr. Pruitt said that it was so severe that one needed to close one's eyes to avoid spoiling one's night vision, and it took 30 minutes to adjust. When one was just 100 miles from land, the light from the shore could disrupt one's view of the horizon and impair one's ability to perceive relative distances on other landmarks. As someone with normal 20/20 vision, he could only imagine the impact this would have on nighttime predators that relied heavily on their eyesight. He stated that it was clear to him that this was a serious threat to biodiversity. He said that he appreciated the Dark Skies Group's and Natural Heritage Committee's continued efforts to raise awareness about this issue, which would undoubtedly be a pressing concern for years to come.

Ms. McKeel thanked everyone for being here. She asked if Ms. Putnam would like to introduce the advocates who joined her today. She said that she would also like to take a moment to recognize Sally Thomas, a former Albemarle County Supervisor of the Samuel Miller District. She stated that she would like to share a personal anecdote. For the past 50 years, the neighborhood she lived in, in the Jack Jouett District, had been home to many astronomers.

Ms. McKeel said that as a result, they had successfully resisted several attempts to install streetlights, and they currently had a few, but they had managed to minimize their impact. This had allowed them to enjoy the night sky from their backyards. In contrast, when driving through the Pantops area, the light pollution was often overwhelming, particularly radiating out from the University of Virginia.

Ms. McKeel said that she would like to propose that their community, the City, the County, and the University, work together to establish a dark skies ordinance. If they collaborated, they could achieve more than if only one of them took the lead. They currently had an outdated lighting ordinance, and they were all eager for an update.

Ms. McKeel said that she would like to add that the primary source of light pollution in her neighborhood was the technology behind dusk-to-dawn lights. While she had taken steps to minimize her own light pollution by turning off her lights in the evening, many others did not. This technology could be concerning, as it could make it difficult to achieve dark skies in their neighborhoods. She thanked the Dark Skies Piedmont Group and Natural Heritage Committee again for their support, and she hoped they could work together to establish a dark skies ordinance soon.

Mr. Andrews expressed his agreement with the desire to create a new dark skies ordinance. He noted that they had a development chapter action on their agenda later that afternoon, which included updating the County's lighting requirements, specifically Action 1.5, which they would be reviewing this action as part of AC44. He said that he reminded Supervisor Gallaway, having lived in the area himself and grown up there, that Cleveland's frequent cloud cover was one reason why the night sky was not particularly visible. He said that he appreciated this initiative.

Mr. Andrews said that he had previously mentioned that the observatory, which was one of the few places in the area that offered astronomy classes, required students to rise at 4:00 a.m. in the morning to make the most of the available viewing time. He expressed his gratitude to the Dark Skies Piedmont Group and Natural Heritage Committee for all their work and advocacy.

Ms. LaPisto-Kirtley noted that Cleveland may have clouds, but Los Angeles did not, and if one saw a star there, they were quite lucky. She said that this highlighted the consequences of not having a dark skies initiative.

Sally Thomas said that as an old politician, she felt compelled to mention one group that had not been addressed: the aging population. She explained that aging eyes had a particularly difficult time adjusting to sudden changes in light, such as transitioning from a brightly lit service station to the highway. She said that this posed a significant risk to the individual's own safety and that of others on the road. She said that given the Board's control over sign ordinances and lighting, she believed they had a unique opportunity to mitigate this issue, which may not be as easily addressed through other means.

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Item No. 6.a. Proclamation Recognizing Financial Literacy Awareness Month.

Ms. McKeel **moved** to adopt the Proclamation Recognizing Financial Literacy Awareness Month, which s/he read aloud.

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

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

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### **Proclamation Recognizing Financial Literacy Awareness Month**

- WHEREAS,** financial literacy is essential to the economic health and well-being of individuals, families, and communities, empowering people to make informed decisions about budgeting, saving, investing, and managing debt; and
- WHEREAS,** promoting financial literacy equips individuals with the knowledge and skills necessary to achieve financial security, build generational wealth, and prepare for unforeseen financial challenges; and
- WHEREAS,** businesses, schools, community organizations, and government entities in Albemarle County are actively engaged in providing programs and initiatives that foster financial education for residents of all ages, helping to address issues of economic disparity, promote responsible financial decision-making, and enhance overall community stability; and
- WHEREAS,** Albemarle County recognizes the importance of financial literacy in supporting local economic growth, homeownership, and small business success, ensuring that all residents have the tools to thrive financially and contribute to the well-being of the county.

**NOW, THEREFORE, BE IT PROCLAIMED** that we, the Albemarle County Board of Supervisors, do hereby proclaim April 2025 as Financial Literacy Awareness Month, and encourage all residents to engage in financial education opportunities, take steps toward improving their financial literacy, and support initiatives that promote financial empowerment in our community.

Signed this 2nd day of April 2025.

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Ms. Janasha “Jay” Bradford, Founder and CEO of Mahogany and Friends, said that she would like to express her sincere gratitude for this incredible honor. She said that it truly meant a lot to her to be recognized by Albemarle County during Financial Literacy Month. On behalf of Mahogany and Friends, she would like to extend their heartfelt thanks to the entire community for the love and support they had received. She explained that Mahogany and Friends began as a passion project, aiming to make financial literacy fun, creative, and culturally relatable for their youth.

Ms. Bradford said that they believed that teaching kids about money early on was not just about saving or spending, but about building confidence, making smart decisions, and shaping the life they wanted to live. Over the years, they had the opportunity to bring these lessons to life through stories, characters, curriculums, and community events. She said that they had seen firsthand how empowering it was when kids started to see themselves as financially capable. As part of Financial Literacy Month, the nonprofit Mahogany and Friends Foundation was hosting their Budget Does It workshop, which would reach 305 kids across the three Boys & Girls Club locations in Albemarle, Cherry Avenue, and Southwood.

Ms. Bradford said that this workshop provided a fun, hands-on way for kids to learn how to budget, save, and make smart choices with their money. She emphasized that they could not do this without the support of their amazing sponsors, including Custom Ink, CF Bank, SP Global, the City of Charlottesville Office of Social Equity, Albemarle County Office of Equity and Inclusion, Shenanigans, and all of their other community members and local businesses. She stated that their contributions were part of something meaningful, and their impact would be felt for years to come. She thanked the Board again for the recognition. She and her group were honored, grateful, and just getting started.

Ms. Mallek thanked and congratulated Ms. Bradford. She noted that her approach sounded wonderful because it combined joy, success, and accomplishment in a very challenging topic. She said that she appreciated his perspective. This reminded her of her childhood, where they were taught to do their chores first and then maybe, if they worked hard, they might earn some allowance, and if they were lucky, they could even buy a treat at Hunt Country Store, which was previously known as Grover's Store when she was younger. She said that this kind of work for the sake of gratification, rather than expecting everything immediately, was a valuable lesson for people of all ages, but especially children. She said that she appreciated all that Ms. Bradford was doing and thanked her for her efforts.

Ms. LaPisto-Kirtley said that Ms. Bradford was quite inspiring, and she was glad that they were doing what they were doing. She said that financial literacy was extremely important for everyone, but especially for their youth in these trying times. She said that what they were doing was very good work. She commended her on continuing to collect donations to help more and more children.

Mr. Gallaway said that he appreciated the efforts they were making to educate, particularly the way they phrased it as making kids feel financially capable and confident, both psychologically and emotionally. He said that this confidence could have a lasting impact, as one bad financial decision could have long-term consequences, potentially affecting a person for 5, 10, 15 years or more. He noted that the social-emotional stress of dealing with such a situation could be significant. He stated that he believed

that educating and helping people understand the potential long-term effects of their financial decisions, especially when they were young, was a valuable endeavor. He said that he respected the work that Ms. Bradford and her team were doing in this area and appreciated their dedication to helping kids develop healthy financial habits.

Mr. Pruitt said that as someone who appreciated aphorisms, he found short, profound statements to be captivating. He said that he was affiliated with the United States Navy, AA, and the Christian faith, all of which valued aphorisms. He said that one aphorism that resonated with him, although he also strongly disagreed with it, was that the master's tools would never dismantle the master's house.

Mr. Pruitt said that he saw this as an opportunity to challenge that notion, as he believed the tools used to dismantle the master's house may indeed be part of the master's own arsenal. He said that this was particularly relevant, given Ms. Bradford's role as a Black woman serving communities, including the Boys & Girls Club, which often faced financial challenges and were disproportionately represented by people of color.

Mr. Pruitt said that as someone who represented Southwood, he was acutely aware of the difficulties these communities faced. He said that he wanted to express his gratitude for the work Ms. Bradford's organization did and the efforts of those who sponsored her to support this kind of work. He said that he believed dismantling the master's house required critical efforts like Ms. Bradford's, and he was thankful for her dedication to this cause.

Ms. McKeel gave her gratitude to Ms. Bradford and her team for all the hard work they did, especially with their young people. She said that it was truly wonderful. She said that several organizations, including JABA, the Center, and Habitat for Humanity, were doing great work, covering a range of ages. She said that as someone who had been around for a while, she was reminded of her time on the School Board decades ago.

Ms. McKeel said that when she first saw this proclamation, it brought back memories of the UVA Credit Union's branch office at Albemarle High School. She said that at that time, there was talk of opening a branch at Western Albemarle, and it was a great experience for the students, who could participate in rotations to learn about banking. She said that it was an innovative idea, something to think about, and one that she believed could be revived.

Ms. McKeel said that the credit union had enjoyed working with young people, and it was also convenient for the teachers and staff at Albemarle High School, who could easily access the branch. She said that it was a reminder of the old days, but one that she thought was worth considering.

Ms. Bradford said that she had never known about that, but it was something she would definitely consider.

Ms. McKeel said that she could still recall where it was located in the school. She said that she was not sure what the issue was, possibly funding, but it worked well enough that they were considering expanding it. She said that it was worth considering, but regardless, she was grateful to Ms. Bradford for taking the time to be there.

Mr. Andrews said that he wanted to second the comments made by his colleagues and express his appreciation, particularly for the fact that this was a lifelong learning process that should begin at a very young age. He said that he was glad that they were getting them started on the right foot. He said that he wanted to extend his sincere thanks for that.

Ms. Mallek said that Ms. McKeel's comments brought to mind his own elementary school experience. He said that one of the best student jobs was working the supply closet before school, where students could purchase pencils and other supplies for a nickel. He said that this experience taught valuable skills, such as managing a till and balancing it at the end of a shift, which she believed provided excellent preparation for banking.

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

Mr. Gary Grant, Rio District, said that he resided on Bleak House Road. He stated that on March 19, two of the Board members stopped him in the aisle of this auditorium and challenged his suggestion that work sessions be held here instead of in Room 241. He said that the sound volume from Room 241 was so low that it nearly violated public meeting law. He said that it was ironic that today, the Board would hold not one, but two work sessions right here in this auditorium, where he suggested all their work sessions be held.

Mr. Grant stated that on March 19, Supervisors Andrews and McKeel argued that Room 241 allowed the Supervisors to see each other better, but they failed to mention how well the public could hear them in Room 241. He said that he would like to remind them to review his email from March 5, which was relevant to their work session today regarding rural rustic roads. He explained that this Board, through their Community Development Department, had subjected Bleak House Road area residents to a month of hell starting February 16 due to their inefficient process for approving or rejecting paving projects.

Mr. Grant said that 14 families came together to defeat an unwanted paving project on the Rio and White Hall boundary, preserving their peaceful gravel road from becoming a paved racetrack. He said that as a result, they had saved taxpayers \$543,000 by avoiding the paving project. He said that now, they wondered how soon this Board, through the Community Development Department, and their still inefficient process, would put them through hell once again.

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Mr. Neil Williamson, stated that he served as President of the Free Enterprise Forum, a privately funded public policy organization focused on central Virginia's local governments. He said that yesterday was April Fool's Day, and for a brief moment, he considered writing a blog post: Albemarle County announcing a new public-private partnership: the Vlastic Pickleball Sports Complex, that would convert their recently acquired 172-acre Rivanna Futures project into a corporately-sponsored pickleball facility. He said that he even came up with a name for their national championship, which would bring lots of tourism to Albemarle: the Vlastic Classic. He said that after some consideration, he decided not to post it; who would believe Albemarle would squander 100 acres of limited, valuable real estate near their highly restricted development area. He said that this had already happened. He said that the Commonwealth's actions during the Tim Kaine administration had already resulted in the creation of a 1,190-acre park, Biscuit Run, within Albemarle's development area.

Mr. Williamson, said that this was just one example of how governmental actions had reduced the land mass of development areas. He said that by adjusting the boundaries of the development area, as was done during the Nixon era, one could address this issue. He said that regardless of one's views on the value of Biscuit Run Park, it did not align with the long-promised neighborhood model of dense development, interconnected streets, rich amenities, and pocket parks.

Mr. Williamson said that the Free Enterprise Forum's vision for Albemarle was to continue densifying at its core. He said that to achieve this, one must increase height allowances. He said that by combining development expansion with significant by-right height adjustments in the core, one could create taller, more land-efficient development. He said that development was like electricity; it followed the path of least resistance. He said that the Free Enterprise Forum believed that the Board should be bold. He said that they believed expanding the development area from less than 5% to 7% was the right approach. He urged the Board to take this step forward today.

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Agenda Item No. 8. Consent Agenda.

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

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

Mr. Gallaway said that he would like to acknowledge the Electoral Board's efforts, particularly with regard to the consent agenda item concerning Branchlands. He said that as they were both present, he would like to express his gratitude to them for their work in locating a new site for the Branchlands voters in the Rio District.

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Item No. 8.1. Approval of Minutes: July 19, August 2, August 16, and September 6, 2023.

Mr. Andrews had read the minutes of July 19, 2023, and found them to be in order.

Mr. Gallaway had read the minutes of August 2, 2023, and found them to be in order.

Ms. LaPisto-Kirtley had read the minutes of August 16, 2023, and found them to be in order.

Ms. Mallek had read the minutes of September 6, 2023, and found them to be in order.

**By the above-recorded vote, the Board approved the minutes of July 19, August 2, August 16, and September 6, 2023 as read.**

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Item No. 8.2. Fiscal Year 2025 Appropriations.

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

The total change to the Fiscal Year 2025 (FY 25) budget due to the appropriation itemized in Attachment A is \$0. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

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

**By the above-recorded vote, the Board adopted the attached resolution (Attachment B) to approve the appropriation for County government projects and programs described in Attachment A:**

**Appropriation #2025035**

<b>Sources:</b>	Reserve for Contingencies (previously appropriated)	\$95,303
<b>Uses:</b>	Charlottesville-Albemarle SPCA	\$95,303
<b>Net Change to Appropriated Budget:</b>		<b>\$0</b>

**Description:**

This request is to allocate \$95,303 in previously appropriated funds from the FY 25 Reserve for Contingencies for payment to the Charlottesville – Albemarle Society for the Prevention of Cruelty to Animals (CASPCA), based upon the new public animal shelter services contract between the County and the CASPCA approved on March 5, 2025.

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**RESOLUTION TO APPROVE  
 ADDITIONAL FY 2025 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That the FY 25 Budget is amended to increase it by \$0;
- 2) That Appropriation #2025035 is approved;
- 3) That the appropriation referenced in Paragraph #2, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2025.

\* \* \* \*

APP#	Account String	Description	Amount
APP2025035	4-1000-39000-435000-379600-0005	SA2025035 - SPCA Contribution from Reserve for Contingencies	\$95,303.00
APP2025035	4-1000-94000-499000-999990-9999	SA2025035 - SPCA Contribution from Reserve for Contingencies	-\$95,303.00

Item No. 8.3. Fiscal Year 2025 Virginia Department of Health (VDH) Local Government Agreement.

The Executive Summary forwarded to the Board states that Virginia Code § 32.1-31 authorizes local governing bodies to enter into contracts with the Virginia Department of Health (VDH) for the operation of local health departments. It also requires that these contracts specify the services to be provided in addition to those required by law and contain such other provisions as the VDH and the governing body may agree on. The County's contract specifies both the scope and costs for the services to be provided locally.

The Blue Ridge Health District (BRHD), in cooperation with the VDH, is the primary provider of public health services and programs for Albemarle County and surrounding localities. BRHD offers specific health programs targeted at preventing and controlling infectious diseases, as well as initiatives aimed at improving the health of low-income women, children, and infants. In addition, BRHD provides an inspection and monitoring program to ensure the safety of food and private well/septic systems. These services are funded cooperatively by the state, County, and other neighboring jurisdictions. Non-local funding for these BRHD programs is provided by the Commonwealth of Virginia, grants, and fees charged to individual clients. The localities served by BRHD provide matching local funds for the allocations made by the state and allocate resources for Local-Only Programs, such as food safety. The VDH requires that local governments enter into agreements stipulating the scope of health services to be provided by the health districts in their respective jurisdictions. The FY 25 agreement (Attachment A) outlines the respective obligations of the County and VDH.

There is no impact to the FY 25 budget as the funds necessary are included in the current budget.

Based on the vital nature of the services provided by the BRHD, staff recommends that the Board adopt the attached Resolution (Attachment B) to approve the FY 25 Virginia Department of Health (VDH) Local Government Agreement (Attachments A) and to authorize the County Executive to execute the Agreement after it is approved as to form and substance by the County Attorney.

By the above-recorded vote, the Board adopted the attached Resolution (Attachment B) to approve the FY 25 Virginia Department of Health (VDH) Local Government Agreement (Attachments A) and to authorize the County Executive to execute the Agreement after it is approved as to form and substance by the County Attorney:

**RESOLUTION TO APPROVE THE FY 25 AGREEMENT BETWEEN THE COUNTY OF ALBEMARLE AND THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH**

**WHEREAS**, the Board finds it is in the best interest of the County to enter into Agreement with the Commonwealth of Virginia Department of Health for the operation of the local Blue Ridge Health District Health Department.

**NOW, THEREFORE, BE IT RESOLVED** that, pursuant to Virginia Code § 32.1-31, the Board of Supervisors of Albemarle County, Virginia hereby approves the FY 25 Agreement between the County of Albemarle and the Commonwealth of Virginia Department of Health and authorizes the County Executive to execute the agreement on behalf of the County after it is approved as to form and substance by the County Attorney.

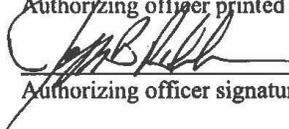
\* \* \* \* \*

Electronic Signature Agreement Page

**STATEMENT OF AGREEMENT TO  
PROCESS NEEDED SIGNATURES OF  
THE VIRGINIA DEPARTMENT OF  
HEALTH (VDH) LOCAL  
GOVERNMENT AGREEMENT  
ELECTRONICALLY**

VDH and The Albemarle County Board of Supervisors agree to use electronic signatures, as authorized in Title 59.1, Chapter 42.1 Uniform Electronic Transactions Act of the Code of Virginia.

Jeffrey B. Richardson, County Executive  
Authorizing officer printed name and title

  
Authorizing officer signature

Dr. Susan Fischer Davis  
Chief Deputy Commissioner, Community Health Services  
Virginia Department of Health

Dr. Susan Fischer Davis  
Authorizing signature

**AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF HEALTH AND  
THE ALBEMARLE COUNTY BOARD OF SUPERVISORS FOR FUNDING AND  
SERVICES OF THE ALBEMARLE COUNTY HEALTH DEPARTMENT**

This agreement ("Agreement") for the services to be provided by the Albemarle County Health Department and the funding therefore is by and between the Virginia Department of Health ("VDH") and Albemarle County Board of Supervisors (collectively "the Parties").

The Agreement is created in satisfaction of the requirements of § 32.1-31 of the Code of Virginia (1950), as amended, in order to operate the Albemarle County Health Department under the terms of this Agreement.

NOW, THEREFORE, in consideration of the covenants and agreements in this Agreement, the sufficiency of which is acknowledged, the Parties agree as follows.

§ 1. VDH, over the course of one fiscal year, will pay an amount not to exceed \$1,092,226.00, from the state general fund to support the cooperative budget in accordance with, and dependent upon, appropriations by the General Assembly, and in like time frame, the Board of Supervisors of Albemarle County will provide by appropriation and in equal quarterly payments a sum of \$893,639.00 local matching funds and \$16,031.00 one-hundred percent local funds for a total of \$909,670.00 local funds for this fiscal year.

*FUT*

In addition, the Board of Supervisors has approved the Albemarle County Health Department to carry forward \$0.00 in local matching funds for a total of \$893,639.00 matching funds and an additional \$57,496.68 in one-hundred percent local funds from the prior fiscal year closing locality balance.

These joint funds will be distributed in timely installments, as services are rendered in the operation of the Albemarle County Health Department, which shall perform public health services in Albemarle County as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

§ 2. The term of the agreement begins July 1, 2024. This Agreement will be automatically extended on a state fiscal year to year renewal basis under the existing terms and conditions of the Agreement unless timely written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective.

§ 3. The Commonwealth of Virginia ("Commonwealth") and VDH shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.

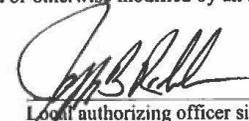
- A. The responsibility of the Commonwealth and VDH to provide liability insurance coverage shall be limited to and governed by the Commonwealth of Virginia Public Liability Risk Management Plan, established under § 2.2-1837 of the Code of Virginia (1950), as amended. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code of Virginia (1950), as amended, or under a policy procured by the locality.
- B. The Commonwealth and VDH will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Commonwealth of Virginia Public Liability Risk Management Plan.

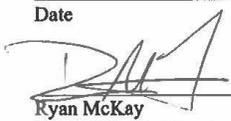
- C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia (1950), as amended, when performed by a state employee, are herewith expressly exempted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Commonwealth of Virginia Public Liability Risk Management Plan, the Attorney General has approved, pursuant to § 2.2-507 of the Code of Virginia (1950), as amended, and the Commonwealth of Virginia Public Liability Risk Management Plan, the legal representation of said employee by the city or county attorney, and, the Board of Supervisors of Albemarle County hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
- D. In no event shall the Commonwealth or VDH be responsible for providing legal defense or insurance coverage for local government employees.

§ 4. Title to equipment purchased with funds appropriated by the local government and transferred to the Commonwealth, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.

§ 5. This Agreement may only be amended or otherwise modified by an instrument in writing signed by the Parties.

Susan Fischer Davis  
Susan Fischer Davis (Apr 27, 2025 18:51 EDT)  
Dr. Susan Fischer Davis  
Chief Deputy Commissioner  
Community Health Services  
Virginia Department of Health

  
Local authorizing officer signature  
Jeffrey B. Richardson  
Authorizing officer printed name

Date  
  
Ryan McKay  
District Health Director  
Blue Ridge Health District  
4/18/25  
Date

County Executive  
Authorizing officer title  
4/17/25  
Date

Approved as to form by the Office of the Attorney General on July 23, 2018

Attachments: Local Government Agreement, Attachment A(1.)  
Local Government Agreement, Attachment A(2.)

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH  
 COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS  
 INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

For Each Service Provided, Check Block for Highest Income Level Served			
COLLABORATIVE COMMUNITY HEALTH IMPROVEMENT PROCESS	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Assure that ongoing collaborative community health assessment and strategic health improvement planning processes are established. To include public health, health care systems and community partners. As provided for in §32.1-122.03 Code Link <a href="#">32.1-122.03</a> State Health Plan Link <a href="#">Virginia Plan for Well-Being 2016-2020</a>			X
COMMUNICABLE DISEASE SERVICES	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Immunization of patients against certain diseases, including Childhood Immunizations As provided for in 32.1-46 Code Link <a href="#">32.1-46</a>			X
Sexually transmitted disease screening, diagnosis, treatment, and surveillance 32.1-57, Districts may provide counseling Code Link <a href="#">32.1-57</a>			X
Surveillance and investigation of disease 32.1-35 and 32.1-39 Code Links <a href="#">32.1-35</a> , <a href="#">32.1-39</a> , <a href="#">32.1-43</a>			X
HIV/AIDS surveillance, investigation, and sero prevalence survey 32.1-36, 32.1-36.1, 32.1-39 Code Links <a href="#">32.1-36</a> , <a href="#">32.1-36.1</a> , <a href="#">32.1-39</a>			X
Tuberculosis control screening, diagnosis, treatment, and surveillance 32.1-49, 32.1-50.1, and 32.1-54 Code Links <a href="#">32.1-49</a> , <a href="#">32.1-50</a> , <a href="#">32.1-50.1</a>			X
FAMILY PLANNING SERVICES	Income A only	Defined by Federal Regulations	All
Clinic services including drugs and Contraceptive supplies Family Planning Population Research Act of 1970, Title X Code Link <a href="#">32.1-77</a> , 42 U.S.C 300 et seq., and 42 CFR Part 59		X	
Pregnancy testing and counseling Family Planning Population Research Act of 1970, Title X Code Link <a href="#">32.1-77</a> , 42 U.S.C. 300 et seq., and 42 CFR Part 59\		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH  
 COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS  
 INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

CHILD HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Children Specialty Services; diagnosis, treatment, follow-up, and parent teaching 32.1-77, 32.1-89 and 32.1-90 Code Links- <a href="#">32.1-77</a> , <a href="#">32.1-89</a> , <a href="#">32.1-90</a>			X
Screening for genetic traits and inborn errors of metabolism, and provision of dietary supplements Code Links- <a href="#">32.1-65</a> , <a href="#">32.1-67</a> , <a href="#">32.1-68</a>			X
Well child care up to age 18 Board of Health Code Link- <a href="#">32.1-77</a>	X		
WIC : Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link 42 U.S.C. § 1786; 7 C.F.R. Part 26		X	
EPSDT: DMAS MOA Social Security Act section 1905(r) (5) Code Link- <a href="#">32.1-11</a>			X
Blood lead level testing Code Link- <a href="#">32.1-46.1</a> , <a href="#">32.1-46.2</a>			X
Outreach, Patient and Community Health Education Code Link- <a href="#">32.1-11</a> , <a href="#">32.1-11.3</a> .			X
Community Education Code Link- <a href="#">32.1-11</a> , <a href="#">32.1-23</a>			X
Pre-school Physicals for school entry Code Link- <a href="#">22.1-270</a>			X
Services for Children with Special health care needs Title V, Social Security Act Code Link- <a href="#">32.1-77</a>			X
Child restraints in motor vehicles Code Link- <a href="#">46.2-1095</a> , <a href="#">46.2-1097</a>			X
Babycare, Child: DMAS MOA			X
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Prenatal and post partum care for low risk and intermediate risk women, Title V, Social Security Act Code Link- <a href="#">32.1-77</a>		X	
Babycare, Maternal: DMAS MOA		X	
WIC: Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link 42 U.S.C §1786 and 7CFR Part 26		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH  
 COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES  
 BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

<p>The following services performed in accordance with the provisions of the Code of Virginia, the regulation of the Board of Health and/or VDH agreements with other state or federal agencies and VDH policies. Data regarding the below services shall be entered in, or exported to, the statewide environmental health database for all available data fields. Local health department staff shall be responsible for responding to all complaints, constituent responses, media inquiries, and Freedom of Information Act request related to the following services.</p>	
<p><b>Investigation of communicable diseases:</b>                  Pursuant to §§ 32.1-35 and 32.1-39 of the Code of the Code of Virginia, the local health director and local staff are responsible for investigating any outbreak or unusual occurrence of a preventable disease that the Board of Health requires to be reported.                  Code Links-<a href="#">32.1-35</a>, <a href="#">32.1-39</a></p>	X
<p><b>Marinas:</b>                  Pursuant to § 32.1-246 of the Code of Virginia, local health department staff are responsible for permitting marinas and other places where boats are moored and is responsible for inspecting them to ensure that their sanitary fixtures and sewage disposal facilities are in compliance with the Marina Regulations (12VAC5-570-10 et seq.)                  Code Link-<a href="#">32.1-246</a></p>	X
<p><b>Migrant labor camps:</b>                  Pursuant to §§ 32.1-203-32.1-211 of the Code of Virginia, local health departments are responsible for issuing, denying, suspending and revoking permits to operate migrant labor camps. Local health departments also must inspect migrant labor camps and ensure that the construction, operation and maintenance of such camps are in compliance with the Rules and Regulations Governing Migrant Labor Camps (12VAC5-501-10 et seq.).                  Code Links-<a href="#">32.1 Chapter 6 Article 6</a></p>	X
<p><b>Milk:</b>                  Pursuant to §§ 3.2-5206, 3.2-5208 of the Code of Virginia and the agency's MOA with VDACS, the local health department is responsible for issuing, denying, suspending and revoking permits for Grade "A" milk processing plants which offer milk and or milk products for sale in Virginia. Local health departments are also responsible for the inspection of Grade "A" milk plants for compliance with the Regulations Governing Grade "A" Milk (2VAC5-490-10).                  Code Links- <a href="#">3.2-5206</a>, <a href="#">3.2-5208</a></p>	X
<p><b>Alternative discharging sewage systems:</b>                  Pursuant to § 32.1-164(A) of the Code of Virginia, local health departments are responsible for issuing, denying and revoking construction and operation permits for alternative discharging systems serving individual family dwellings with flows less than or equal to 1,000 gallons per day on a monthly average. Local health departments are also required to conduct regular inspections of alternative discharging systems in order to ensure that their construction and operation are in compliance with the Alternative Discharging Sewage Treatment Regulations for Individual Family Dwellings (12VAC5-640-10 et seq.).                  Code Link-<a href="#">32.1-164</a></p>	X
<p><b>Onsite sewage systems:</b>                  Pursuant to § 32.1-163 et seq. of the Code of Virginia, local health department staff is responsible for reviewing and processing site evaluations and designs of onsite sewage systems in accordance with applicable state regulations and may perform such evaluations and designs as allowed. Local health department staff is also responsible for issuing, denying and revoking construction and operation permits for conventional and alternative onsite sewage systems. Local health department staff are responsible for assuring that onsite sewage systems are inspected at time of construction for compliance with the Sewage Handling and Disposal Regulations (12VAC5-610-20 et seq.; "SHDR") and the Alternative Onsite Sewage System Regulations (12VAC5-613-10 et seq.; "AOSS Regulations"); local health department staff may perform such inspections as required. Local health department staff is also responsible for assuring the performance, operation, and maintenance of onsite sewage systems are in compliance with the SHDR and AOSS Regulations.                  Code Link-<a href="#">32.1-163</a></p>	X
<p><b>Rabies:</b>                  Pursuant to § 3.2-6500 et seq. of the Code of Virginia, the local health department is responsible for investigating complaints and reports of suspected rabid animals exposing a person, companion animal, or livestock to rabies.                  Code Link- <a href="#">3.2-6500</a></p>	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH  
 COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES  
 BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

<p><b>Restaurants/eating establishments:</b>                  Pursuant to § 35.1-14 of the Code of Virginia, local health departments are responsible for issuing, denying, renewing, revoking and suspending permits to operate food establishments. In addition, local health departments are required to conduct at least one annual inspection of each food establishment to ensure compliance with the requirements of the Food Regulations (12VAC5-421-10 et seq.). These regulations include requirements and standards for the safe preparation, handling, protection, and preservation of food; the sanitary maintenance and use of equipment and physical facilities; the safe and sanitary supply of water and disposal of waste and employee hygiene standards.                  Code Link- <a href="#">35.1-14</a></p>	X
<p><b>Hotels/Motels:</b>                  In accordance with § 35.1-13 of the Code of Virginia, local health department staff is responsible for issuing, denying, revoking and suspending permits to operate hotels. The local health department is responsible for conducting inspections of hotels to ensure compliance with the Hotel Regulations (12VAC5-431-10 et seq.). These regulations include requirements and standards for physical plant sanitation; safe and sanitary housekeeping and maintenance practices; safe and sanitary water supply and sewage disposal and vector and pest control.                  Code Link- <a href="#">35.1-13</a></p>	X
<p><b>Wells:</b>                  Pursuant to § 32.1-176.4, and the resulting authority provided by the Board, local health departments are responsible for issuing, denying and revoking construction permits and inspection statements for private wells. Local health departments are also responsible for inspecting private wells to ensure that their construction and location are in compliance with the Private Well Regulations. (12VAC5-630-10 et seq.)                  Code Link- <a href="#">32.1-176.4</a></p>	X
<p><b>Homes for adults:</b>                  The local health department, at the request of the Department of Social Services (DSS), will inspect DSS-permitted homes for adults to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))</p>	X
<p><b>Juvenile Justice Institutions:</b>                  Pursuant to § 35.1-23 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of juvenile justice institutions in order to evaluate their kitchen facilities, general sanitation and environmental health conditions.                  Code Link- <a href="#">35.1-23</a></p>	X
<p><b>Jail inspections:</b>                  Pursuant to § 53.1-68 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of correction facilities in order to evaluate their kitchen facilities, general sanitation and environmental health conditions.                  Code Link- <a href="#">53.1-68</a></p>	X
<p><b>Daycare centers:</b>                  At the request of DSS will inspect DSS-permitted daycare centers to evaluate their food safety operations, wastewater disposal and general environmental health conditions.                  (22VAC40-80-160(B)(3))</p>	X
<p><b>Radon</b>                  Pursuant to § 32.1-229, local health department may assist VDH Central Office with Radon testing and analysis. Code Link- <a href="#">32.1-229</a>.</p>	X
<p><b>Summer camps/ Campgrounds:</b>                  Pursuant to §§ 35.1-16 and 35.1-17 of the Code of Virginia and the corresponding regulations, local health departments are responsible for issuing, denying, and revoking permits to operate summer camps and campgrounds. The local health department is responsible for conducting inspections of summer camps and campgrounds not less than annually to ensure that their construction, operation and maintenance are in compliance with the Regulations for Summer Camps (12VAC5-440-10 et seq.) and the Rules and Regulations Governing Campgrounds (12VAC5-450-10 et seq.).                  Code Links- <a href="#">35.1-16</a>, <a href="#">35.1-17</a></p>	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH  
 COMMUNITY HEALTH SERVICES

OTHER PUBLIC HEALTH SERVICES  
 BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

The following services performed in accordance with the provisions of the Code of Virginia, the regulations of the Board of Health and/or the policies and procedures of the State Department of Health	
Pre-Admission Screenings (PAS) DMAS MOA Code Link- <a href="#">32.1-330</a>	X
Comprehensive Services Act Community Policy and Management Teams (CPMT) 2.2-5201-2.2-5211 Code Link- <a href="#">2.2-5201</a> , <a href="#">2.2-5211</a>	X
Interagency Coordinating Council (Infants/Toddlers) Early Intervention Services Code Link- <a href="#">2.2-5305</a> , <a href="#">2.2-5306</a>	X
Vital Records Code Link- <a href="#">32.1-254</a> , <a href="#">32.1-255</a> , <a href="#">32.1-272</a>	X
Immunizations for maternity and post-partum patients Code Link- <a href="#">32.1-11</a> , <a href="#">32.1-325</a> , <a href="#">54.1-3408</a> .	X
AIDS Drug Assistance Program (ADAP) Code Link- <a href="#">32.1-11</a> .	X
Emergency Preparedness and Response Code Link- <a href="#">32.1-42</a> , <a href="#">32.1-43</a> et seq., <a href="#">32.1-229</a> .	X
HIV Counseling, Testing and Referral Code Link- <a href="#">32.1-37.2</a>	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH  
 COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
	Income A only	Defined by Federal Regulations	All
<b>COMMUNICABLE DISEASE SERVICES</b>			
Foreign Travel Immunizations			
Other:			
<b>CHILD HEALTH SERVICES</b>			
Disabled disability Waiver Screenings DMAS MOA Code Link-32.1-330Other:			
Other			
<b>MATERNAL HEALTH SERVICES</b>	Income A only	Defined by Federal Regulations	All
Other:			
<b>FAMILY PLANNING SERVICES</b>	Income A only	Defined by Federal Regulations	All
Nutrition Education			
Preventive Health Services			
Pre-Conception Health Care			
Other:			
<b>MEDICAL SERVICES - Please identify services</b>	Income A only	Defined by Federal Regulations	All
Community Education			
Other			

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH  
 COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served

SPECIALTY CLINIC SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All
DENTAL HEALTH SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH  
 COMMUNITY HEALTH SERVICES

PUBLIC HEALTH ENVIRONMENTAL SERVICES PROVIDED  
 UNDER LOCAL ORDINANCE OR CONTRACT

Neither the <i>Code of Virginia</i> nor Regulations of the Board of Health requires the following services to be provided by the local health department	Place an X in this column if service is provided for locality	Local ordinance code cite	Provide a brief description of local ordinance requirements
Water supply sanitation- Inspection of Water Supplies. Code Link- <a href="#">15.2-2144</a> on local regulation			
Other Environmental – identify services below			
Smoking Ordinances	X	Albemarle Code §7-307 Charlottesville Code § 24.1-11	Enforcement
Water Supplies and Sewer System	X	Albemarle County Code, Chapter 18, Section 4.1	Enforcement- Establishes minimum area requirements for original and replacement subsurface drain fields that are more restrictive than state regulations require
Location of Onsite Sewage	X	Albemarle County Code, Chapter 18, Section 4.2.4	Enforcement – In support of Section 4.2(Critical Slopes), intent is to discourage onsite sewage systems on slopes of twenty (20) percent or greater
Types of structures, improvements and activities which may be allowed in a stream buffer by program authority	X	Albemarle County Code, Chapter 17, Section 600	Enforcement – In support of Chapter 17 (Stream Buffers), intent is to provide stream buffers in the development area, water supply protection area and rural area which require sewage disposal systems to be located a minimum of 100 horizontal feet from a perennial or intermittent stream and 200 horizontal feet from the flood plain of any public water supply impoundment. The applicable state regulations require a minimum of 50 horizontal feet.



## 005-Blue Ridge LGA with Albemarle County - Signed

Final Audit Report

2025-04-27

Created:	2025-04-23
By:	Kirk Barbieri (kirk.barbieri@vdh.virginia.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAKJeyH8addHWIgj7Res7aOBO6U0aWIIU

### "005-Blue Ridge LGA with Albemarle County - Signed" History

-  Document created by Kirk Barbieri (kirk.barbieri@vdh.virginia.gov)  
2025-04-23 - 12:53:13 PM GMT
-  Document emailed to susan.fischerdavis@vdh.virginia.gov for signature  
2025-04-23 - 12:55:29 PM GMT
-  Email viewed by susan.fischerdavis@vdh.virginia.gov  
2025-04-27 - 10:50:58 PM GMT
-  Signer susan.fischerdavis@vdh.virginia.gov entered name at signing as Susan Fischer Davis  
2025-04-27 - 10:51:19 PM GMT
-  Document e-signed by Susan Fischer Davis (susan.fischerdavis@vdh.virginia.gov)  
Signature Date: 2025-04-27 - 10:51:21 PM GMT - Time Source: server
-  Agreement completed.  
2025-04-27 - 10:51:21 PM GMT

 Adobe Acrobat Sign

#### Item No. 8.4. Proposed Change of the Branchlands Polling Place Location.

The Executive Summary forwarded to the Board states that *Virginia Code* § 24.2-307 requires that the Board of Supervisors establish polling places by ordinance. *County Code* § 2-101(E) currently establishes the Hillsdale Conference Center as the polling place for the Branchlands Precinct in the Rio Magisterial District. The owners of the Hillsdale Conference Center informed the General Registrar and the Albemarle County Electoral Board in November 2024 that their facility could no longer be used as a polling place.

In addition, *Virginia Code* § 24.2-129 requires that prior to moving a polling place, the governing body solicit public comment on the proposed change for at least 30 days or obtain a certification of no objection from the Virginia Attorney General.

The Albemarle County Electoral Board investigated many polling place locations for the Branchlands Precinct and recommends that the polling place be relocated to the Harvest Church of God at 1025 Rio Red East. The Church meets all of the *Code* and convenience requirements and has agreed to serve as a polling place. The attached map (Attachment A) shows the former Hillsdale Conference Center location and the proposed new Harvest Church of God location.

The County Attorney has prepared a proposed ordinance (Attachment B) for the Board's consideration to reflect this polling place change. The County Attorney has also prepared a proposed

resolution (Attachment C) that would also direct staff to both solicit public comment on the proposed change and seek a certification of no objection from the Virginia Attorney General, pursuant to *Virginia Code* § 24.2-129.

The adoption of the proposed ordinance would have minimal budget impact, as new voter notices would be generated and mailed by the Voter Registration and Elections staff and would not need to be outsourced.

Staff recommends that the Board adopt the attached Resolution (Attachment C) both:

- a) to schedule a public hearing on May 7 to consider the adoption of the proposed ordinance (Attachment B);
- b) to direct staff to solicit public comment on the proposed change for at least 30 days; and
- c) to direct staff to seek a certification of no objection from the Virginia Attorney General.

**By the above-recorded vote, the Board adopted the attached Resolution (Attachment C), which a) authorized the Clerk to schedule a public hearing on May 7 to consider the adoption of the proposed ordinance (Attachment B); b) directed staff to solicit public comment on the proposed change for at least 30 days; and c) directed staff to seek a certification of no objection from the Virginia Attorney General:**

#### **RESOLUTION TO CONSIDER PROPOSED CHANGE OF BRANCLANDS PRECINCT POLLING PLACE**

**WHEREAS**, under *County Code* § 2-101(E), the Branchlands Precinct currently has its polling place at Hillsdale Conference Center, located at 550 Hillsdale Drive;

**WHEREAS**, the owners of the Hillsdale Conference Center have notified the Albemarle County Electoral Board that the Center may no longer be used as a polling place;

**WHEREAS**, the Electoral Board has indicated that the Harvest Church of God, located at 1025 Rio Road, meets all legal requirements, and has recommended its use as the Branchlands Precinct polling place; and

**WHEREAS**, the Board of Supervisors finds it is in the best interest of the County to consider re-locating the Branchlands Precinct polling place to the Harvest Church of God, at 1025 Rio Road;

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby:

- (i) authorizes a public hearing to be advertised and held on a proposed ordinance amendment to re-locate the Branchlands Precinct polling place to the Harvest Church of God, at 1025 Rio Road;
- (ii) directs staff to publish on the County's official website the proposed polling place change and general notice of opportunity for public comment on the proposed change, and to also publicize the notice through press releases and such other media as will best serve the purpose and subject involved, all pursuant to *Virginia Code* § 24.2-129(B); and
- (iii) further directs staff to submit the proposed polling place to the Office of the Virginia Attorney General for issuance of a certification of no objection, pursuant to *Virginia Code* § 24.2-129(D).

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Item No. 8.5. University of Virginia WellAware Program Lease.

The Executive Summary forwarded to the Board states that in March 2018, the Board of Supervisors adopted a use framework for the B.F. Yancey Community Center ("Yancey Community Center") located in Esmont. The use framework provides for public entities, such as Local Government, Community Agency Partners, and human service-oriented non-profits, to occupy space within the Community Center at no cost

WellAware is a grant-funded, geographically-based community health worker program under the fiscal agency of the University of Virginia (UVA) that aims to help medically underserved communities overcome obstacles to good health and healthcare. UVA has taken over as the fiscal agent for the program from CVHS WellAware, and desires to continue implementing the WellAware program using the office space at Yancey Community Center at no charge, to serve area residents more efficiently. A proposed lease (Attachment A) would maintain access to a single secured classroom for the program's use.

Yancey Community Center already has several tenants that provide home-based services to the Southern Albemarle community. A single classroom in the Yancey Community Center would provide the needed space for three WellAware staff members.

Under the proposed lease, the County would forego rent for this improved space. No additional expenditures or revenues are projected.

Staff recommends that the Board adopt the attached resolution (Attachment B), authorizing the County Executive to sign a lease of the Yancey Community Center space to the University of Virginia.

**By the above-recorded vote, the Board adopted the attached Resolution (Attachment B),**

**authorizing the County Executive to sign a lease of the Yancey Community Center space to the University of Virginia:**

**RESOLUTION APPROVING A LEASE TO THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA OF SPACE AT THE YANCEY COMMUNITY CENTER**

**WHEREAS**, the Board finds it is in the best interest of the County to lease a portion of the space at the former Yancey Elementary School, located at 7625 Porters Road, Esmont (TMP 128A2-00-00-01800) to the Rector and Visitors of the University of Virginia (University of Virginia) for the WellAware program;

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute a lease to the Rector and Visitors of the University of Virginia of space at the Yancey Community Center, once approved by the County Attorney as to form and substance.

\* \* \* \* \*

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County of Albemarle  
WellAware  
BF Yancey Community Center

LEASE

THIS LEASE, dated this 1st day of January 2025, is by and between the COUNTY OF ALBEMARLE, VIRGINIA (the "County" or "Owner"), and THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA ("UVA" or the "Occupant")

ARTICLE I. PREMISES AND IMPROVEMENTS

In consideration of the covenants herein set forth, the County hereby authorizes UVA to occupy the premises shown as "Leased Space" on Exhibit A attached hereto and made a part hereof, together with any and all improvements thereon (the "Premises"). Except as otherwise provided herein, UVA will have exclusive use of Room 19 and shared use of the common areas. Upon mutual written agreement of the parties, this Lease may be amended to add additional square footage to the Premises.

ARTICLE II. TITLE: QUIET ENJOYMENT

So long as UVA is not in default hereunder, UVA will have peaceful and quiet enjoyment, use and possession of the Premises without hindrance on the part of the County or anyone claiming by, through, or under the County.

ARTICLE III. TERM

Section 3.1. Commencement and Expiration. The term of this Lease will commence on January 1, 2025 (the "Date of Commencement") and will expire on December 31, 2025. All references to the "term" of this Lease will, unless the context indicates a different meaning, be deemed to be a reference to the term described herein.

Section 3.2. Renewal. This Lease will automatically renew for additional 12-month terms unless written notice is given by either the County or the UVA no later than 60 days prior to the expiration of any term.

ARTICLE IV. RENT

Though the County reserves the right to collect unpaid charges and expenses incurred under this Lease, no rent (other than for utilities and services as provided in Article V) will be charged for UVA's occupancy of the Premises.

ARTICLE V. UTILITIES AND SERVICES

The County will provide water, sewer, electricity, and heating and cooling services at no expense to UVA. The County will further provide custodial services (to common areas only) and arrange for the regular collection of a shared dumpster at no expense to UVA. UVA will exercise

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reasonable and responsible care to conserve these services. Rent may be charged or adjusted to reflect any change in the cost to the County of providing the above services. The County will provide UVA with prompt notice of any such change and will provide evidence of its actual costs. UVA will provide telephone, custodial (including clean-up of shared space(s) when used), and all other services to the Premises.

#### ARTICLE VI. USE OF PROPERTY

Section 6.1. Permitted Use. UVA may use the Premises only for/as the office(s) of its Well Aware Program. No other use of the Premises is permitted without the prior written consent of the County.

Section 6.2. Parking. UVA will have shared use of parking spaces in the parking lot and an access easement to the Premises. The County reserves the nonexclusive right to use the parking lot.

#### ARTICLE VII. ALTERATIONS, IMPROVEMENTS, FIXTURES AND SIGNS

Section 7.1. Installation by UVA. UVA may, from time to time, make or cause to be made any interior non-structural alterations, additions or improvements that do not damage or alter the Premises, provided that UVA has first obtained both (a) the County's written consent and (b) all required governmental permits for such alterations, additions or improvements. All such alterations, additions or improvements will be at the sole expense of UVA

Section 7.2. Signs. UVA may place signs on the interior or exterior of the Premises with the prior written approval of the County.

#### ARTICLE VIII. MAINTENANCE OF THE PREMISES

Section 8.1. Maintenance. UVA will keep the Premises clean, neat, orderly, presentable, and in good repair at all times. The County will deliver the Premises to UVA at the beginning of the term in its present condition. The County will be responsible for all repairs and maintenance for the Premises, except as provided below, whether ordinary or extraordinary, structural or non-structural, foreseen or unforeseen, including, but not limited to, plumbing, heating, electrical, plate glass and windows. UVA will be responsible for routine repairs and maintenance (excluding repairs and maintenance of the building and structural components identified above), except that UVA's obligation for such routine repairs and maintenance will not exceed \$2,500 in any one year of the initial or subsequent term(s). Notwithstanding the foregoing, UVA will be responsible for all maintenance and repairs necessitated by the negligence of UVA, its employees and invitees.

Section 8.2. Right of Entry. The County reserves the right for itself, its agents and employees to enter upon the Premises at any reasonable time to make repairs, alterations or improvements; provided, however, that such repairs, alterations, or improvements do not unreasonably interfere

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with UVA's operations. Such right to enter will also include the right to enter upon the Premises for the purposes of inspection.

Section 8.3. Surrender of the Premises. At the expiration of the occupancy hereby created, UVA will surrender the Premises and all keys for the Premises to the County and will inform the County of all combinations on locks, safes and vaults, if any, which the County has granted permission to have left in the Premises. At such time, the Premises will be broom clean and in good condition and repair, commensurate with its age. If UVA leaves any of its personal property in the Premises, the County, at its option, may remove and store any or all such property at UVA's expense, or after no less than ten (10) days written notice to UVA and UVA's failure to remove such personal property, may deem the same abandoned and, in such event, the property deemed abandoned will become the property of the County, subject to applicable law.

#### ARTICLE IX. INSURANCE

Each Party will be responsible for the payment of claims arising out of any act or omission of its employees or agents in connection with this Agreement for which it may be held liable under applicable law. UVA participates in the Commonwealth of Virginia's self-insured program, as provided in the Code of Virginia, which provides general liability coverage to its institutions, employees and agents for acts or omissions arising out of and in the course of their employment and authorization. UVA, is precluded by law to indemnify or save harmless third parties. Both parties retain their full rights and defenses under applicable state and federal laws. Nothing contained herein shall be deemed an express or implied waiver of the sovereign immunity of the County of Albemarle, the University, or the Commonwealth of Virginia

#### ARTICLE X. WASTE, NUISANCE, COMPLIANCE WITH GOVERNMENTAL REGULATIONS

Section 10.1. Waste or Nuisance. UVA must not commit or allow to be committed any waste or any nuisance upon the Premises.

Section 10.2. Governmental Regulations. During the term of this Lease, UVA must, at UVA's sole cost and expense, comply with all requirements of all County, municipal, state, federal and other applicable governmental authorities, now in force, or which may hereafter be in force, pertaining to the Premises or UVA's use and occupancy thereof.

#### ARTICLE XI. FIRE OR OTHER CASUALTY

If the Premises are damaged so as to render two-thirds (2/3) or more of the Premises untenable by fire or other casualty insured against under the insurance required to be carried by the County pursuant to Article IX, the County may elect either to terminate this Lease as of the date of damage or to repair the Premises. Unless the County elects to terminate this Lease, such damage or destruction will in no way annul or void this Lease. Notwithstanding the foregoing, if

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any damage or destruction from any cause whatsoever has not been repaired and such repairs have not commenced within one hundred eighty (180) days of the date thereof, UVA may, as its exclusive remedy, terminate this Lease upon thirty (30) days written notice to the County.

ARTICLE XII. CONDEMNATION

If the whole or any part of the Premises is taken under the power of eminent domain, then this Lease will terminate as to the part so taken on the day when UVA is required to yield possession thereof, and the County will make such repairs and alterations as may be necessary to restore the part not taken to useful condition. If the amount of the Premises so taken substantially impairs the usefulness of the Premises, then either party may terminate this Lease as of the date when UVA is required to yield possession.

ARTICLE XIII. DEFAULT

Section 13.1. Default. The occurrence of any of the following will be deemed a "default" under this Lease:

(a) UVA fails to pay when due any amounts due under this Lease, including Articles IV and V, and such payment is not received by the County within ten (10) days after written notice of such failure is received by UVA; or

(b) a default in any of the other provisions of this Lease, and such default continues uncured for a period of thirty (30) days after written notice thereof from the County.

Section 13.2. Remedies. In the event of a default hereof by UVA, the County may (in addition to all other rights and remedies provided by law) terminate this Lease. .

ARTICLE XIV. HOLDING OVER, ASSIGNS, SUCCESSORS

Section 14.1. Holding Over. Any holding over after the expiration of the term hereof, with the consent of the County, will be construed to be a tenancy from month-to-month at the same rent herein specified (prorated on a monthly basis) and will otherwise be on the terms and conditions herein specified as far as applicable.

Section 14.2. Showing the Premises. During the last ninety (90) days of the term hereof, UVA will allow the County, or its agents, to show the Premises to prospective tenants or purchasers at such times as County may reasonably desire.

Section 14.3. Successors. All rights and liabilities herein given to, or imposed upon the respective parties hereto, will extend to and bind the heirs, executors, administrators, successors and permitted assigns of the parties. All covenants, representations and agreements of the County will be deemed the covenants, representations and agreements of the fee owner of the Premises.

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The County will be automatically released of any liability under this Lease from and after the date of any sale by the County of the Premises. All covenants, representations and agreements of UVA will be deemed the covenants, representations, and agreements of the occupant or occupants of the Premises.

ARTICLE XV. BROKER'S FEES

UVA and the County hereby warrant that there are no brokerage commissions due in connection with this Lease.

ARTICLE XVI. NO ASSIGNMENT

UVA may not assign this Lease or sublet all or any portion of the Premises, either directly or indirectly, without the prior written consent of the County. No assignment, sublease or transfer of this Lease by UVA will (i) be effective unless and until the assignee, subtenant or transferee expressly assumes in writing UVA's obligations under this Lease, or (ii) relieve UVA of its obligations hereunder, and UVA will thereafter remain liable for the obligations of UVA under this Lease whether arising before or after such assignment, sublease or transfer.

ARTICLE XVII. SUBORDINATION OF AGREEMENT

This Lease and all rights of UVA hereunder are and will be subject and subordinate in all respects to (1) any mortgages, deeds of trust and building loan agreements affecting the Premises, including any and all renewals, replacements, modifications, substitutions, supplements and extensions thereof, and (2) each advance made or to be made thereunder. In confirmation of such subordination, upon the County's request, UVA will promptly execute and deliver an instrument in recordable form satisfactory to the County and UVA and the Commonwealth of Virginia Office of Attorney General evidencing such subordination. If any such mortgagee or lender requests reasonable modifications to this Lease as a condition of such financing, UVA may not withhold or delay its consent thereto provided that such modifications do not impose any additional liabilities or monetary obligations on UVA and such modifications are otherwise in form and substance acceptable to UVA and the Commonwealth of Virginia Office of Attorney General.

ARTICLE XVIII. MISCELLANEOUS

Section 18.1. Waiver. A waiver by either party of any breach of any term, covenant or condition contained herein will not be deemed to be a waiver of such term, covenant, or condition or any subsequent breach of the same or any other term, covenant, or condition contained herein. The subsequent acceptance or payment of any amount hereunder by the County or UVA, respectively, will not be deemed to be a waiver of any breach by UVA or the County, respectively, of any term, covenant or condition of this Lease, regardless of knowledge of such breach at the time of acceptance or payment of such amount. No covenant, term, or condition of this Lease will be deemed to have been waived by UVA or the County unless the waiver be in writing signed by

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the party to be charged thereby.

Section 18.2. Entire Agreement. This Lease, and the Exhibits attached hereto and forming a part hereof, set forth all the covenants, promises, agreements, conditions and understandings between the County and UVA concerning the Premises; and there are no covenants, promises, agreements, conditions or understandings, either oral or written, between them other than as herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Lease will be binding upon the County or UVA unless reduced in writing and signed by them.

Section 18.3. Notices. Any notice, demand, request or other instrument which may be, or is required to be given under this Lease, will be in writing and delivered in person or by United States certified mail, postage prepaid, and will be addressed:

- (a) if to the County, at  
County of Albemarle  
County Executive's Office  
401 McIntire Road  
Charlottesville, Virginia 22902

or at such other address as the County may designate by written notice;

- (b) if to UVA, at  
UVA - Well Aware Program  
P.O. Box 400884  
Charlottesville, Virginia 22902

or at such other address as UVA may designate by written notice.

Section 18.4. Captions and Section Numbers. The captions and section numbers appearing in this Lease are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such sections of this Lease nor in any way do they affect this Lease.

Section 18.5. Partial Invalidity. If any term, covenant or condition of this Lease, or the application thereof, to any person or circumstance to any extent is held to be invalid or unenforceable, the remainder of this Lease, or the application of such term, covenant, or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, will not be affected thereby and each term, covenant, or condition of this Lease will be valid and be enforced to the fullest extent permitted by law.

Section 18.6. Governing Law. This Lease will be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

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Section 18.7. Counterparts. This Lease may be executed simultaneously in two or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

Section 18.8. Commonwealth of Virginia Terms and Conditions.

- (a) The County understands and acknowledges that UVA is an agency of the Commonwealth of Virginia and with respect to tort liability for acts or occurrences on or about the Premises, including product liability, the Commonwealth and UVA are either (i) constitutionally immune (or partially immune) from suit, judgment or liability, (ii) insured, or (iii) covered by a financial plan of risk management that is in the nature of self-insurance, all as determined by applicable laws, government policies and practices.
- (b) The County understands and acknowledges that UVA has not agreed to provide any indemnification or save harmless agreements running to the County. No provision, covenant or agreement contained in this Lease shall be deemed to be a waiver of the sovereign immunity of the Commonwealth of Virginia or UVA from tort or other liability.
- (c) Notwithstanding any other provision of this Lease, if the UVA shall cease to exist, and is not replaced by a successor entity with similar powers and purposes, or its powers and authority are limited so as to not permit the continued use of the Premises for the purpose and use for which same are leased, then this Lease and all responsibility or obligations of the UVA under this Lease shall terminate. In such event, the UVA will endeavor to give as much notice as is reasonably possible of the event resulting in the termination of this Lease and the anticipated termination date, but failure to give such notice shall not affect the termination.
- (d) Agencies of the Commonwealth of Virginia cannot expend funds unless appropriated by the Virginia General Assembly and may not obligate a future session of the Virginia General Assembly. Therefore, notwithstanding any provision in this Lease to the contrary, if any session of the Virginia General Assembly fails to appropriate funds for the continuance of this Lease, this Lease and all obligations hereunder shall automatically terminate upon depletion of the then currently appropriated or allocated funds.

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IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the day and year first above written.

**THE RECTOR AND VISITORS OF THE  
UNIVERSITY OF VIRGINIA,  
An educational institution of the  
Commonwealth of Virginia**

DocuSigned by:  
By: Olga Weider  
Olga N. Weider  
Associate Vice President and  
Deputy Vice President of Finance

Reviewed and Approved  
As to Legal Form and Sufficiency:

Signed by:  
By: Richard Naddeo  
Richard J. Naddeo  
Senior Assistant Attorney General and  
Associate University Counsel

Date: 11/14/2025

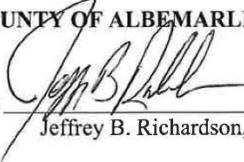
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**COUNTY**

This Lease is executed on behalf of the County of Albemarle by Jeffrey B. Richardson, County Executive, pursuant to a Resolution of the Albemarle County Board of Supervisors.

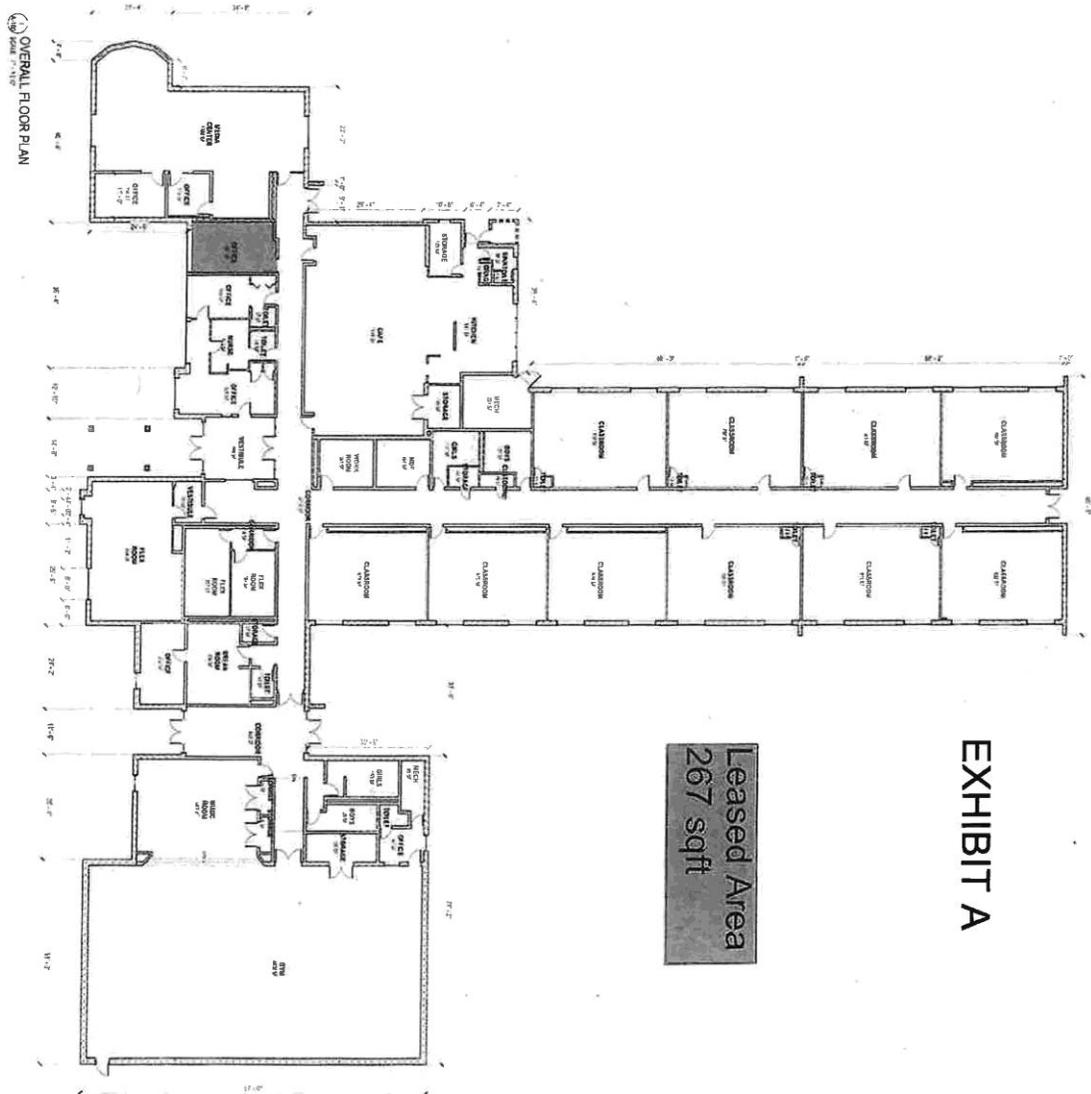
**COUNTY OF ALBEMARLE, VIRGINIA**

By:   
Jeffrey B. Richardson, County Executive

Approved as to form:

  
Albemarle County Attorney

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Item No. 8.6. SE202400038 Oakleigh NMD (Neighborhood Model District) Variations.

The Executive Summary forwarded to the Board states that The applicant requests several variations to the code of development and application plan approved with Oakleigh for yard/lot regulations and changes to the arrangement of uses (Attachment A and B). Under County Code §18-8.5.5.3(a)(1), the Board of Supervisors may grant a variation of an approved plan, code, or standard for minor changes to yard requirements. Under County Code §18-8.5.5.3(a)(2), the Board may also grant changes to the arrangement of uses provided major elements of the application plan remain the same. Variations are proposed within Blocks I, II, and III and include:

1. Eliminate lot width
2. Reduce parking setbacks
3. Reduce rear building setback
4. Allow 4-story buildings (max building height remains 65')
5. Allow the number of units permitted by block to shift within blocks (max number of units remains 109 total)
6. Allow the public park (Veteran's Park) to meet the required minimum non-residential use within the NMD (max non-residential permitted remains 115,000 sq. ft. total)
7. Allow already permitted uses within the NMD in additional blocks (including churches, daycares, drive-in windows, eating establishments, hotels, and retail shops)

Detailed staff analysis is provided in Attachment C.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve variations to the approved code of development and application plan.

**By the above-recorded vote, the Board adopted the attached Resolution (Attachment D) to approve variations to the approved code of development and application plan:**

**RESOLUTION TO APPROVE SE2024-000038  
OAKLEIGH VARIATIONS**

**WHEREAS**, upon consideration of the staff reports prepared for SE2024-000038 Oakleigh Variations and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-8.5.5.3(c) and 18-33.9(A), the Albemarle County Board of Supervisors hereby finds that the proposed variations:

- (i) are consistent with the goals and objectives of the comprehensive plan;
- (ii) would not increase the overall approved development density or intensity of development;
- (iii) would not have any impact on the timing or phasing of other development in the zoning district;
- (iv) would not require a special use permit; and
- (v) are in general accord with the purpose and intent of the approved application plan and code of development;

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby grants the variations proposed in SE2024-000038 Oakleigh Variations to the approved code of development and application plan on Parcels 04500-00-00-026A3, 04500-00-00-026A4, 04500-00-00-026A5, 04500-00-00-026A8, and 04500-00-00-026B.

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Item No. 8.7. Transportation Planning Quarterly Report, ***was received for information.***

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Item No. 8.8. Board to Board, April 2025, A Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors, ***was received for information.***

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Agenda Item No. 9. **Work Session:** AC44: Development Areas Land Use Chapter Revisions and Community Design Guidelines.

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

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

During the February 19, 2025 Work Session, the Board of Supervisors provided feedback on Part II - Growth Management Policy and Part III - Rural Area Land Use chapter. This work session will focus on the remaining items from the February 19 work session: Part III - Development Areas Land Use (entire chapter, Attachment B), and Appendix - Community Design Guidelines (portion of the Appendix, Attachment C). These attachments are the same versions that were provided as backup for the February 19th meeting, no changes have been made.

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

Development Areas Land Use: PC 10/22/24 and 11/12/24, BOS 11/06/24 and 11/20/24  
Community Design Guidelines: PC 12/19/23 and 2/13/24, BOS 3/20/24

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

1. Does the Board agree with the Community Design Guidelines as proposed?
2. Does the Board agree with the revisions to the Development Areas Land Use (DALU) chapter?
3. Do the revised DALU Objective 4 and new actions reflect the desire to balance development with protecting the natural environment and providing access to nature?

A summary of all revisions is provided in Attachment D. The text in red boxes are the revisions that will be the subject of this work session.

There is no budget impact associated with this agenda item.

Staff requests the Board review and provide feedback on the revised draft Comprehensive Plan Part III - Development Areas Land Use chapter and a portion of the Part IV Appendix - Community Design Guidelines.

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Ms. Tonya Swartzendruber, Planning Manager, stated that she was here today to discuss AC44, their Comprehensive Plan, specifically the revisions made to the Development Areas Land Use Chapter and the Community Design Guidelines. She said that they would review the changes, discuss the guidelines, and hear Board feedback. She added that they would also go over the upcoming schedule.

Ms. Swartzendruber stated that their primary question today was whether the revisions and additions to the document met the Board's expectations for both the Development Areas Land Use Chapter and the Community Design Guidelines. As a reminder, their development area's goal was to create a thriving, walkable, and mixed-use community through redevelopment, infill, and adaptive reuse, featuring a variety of house types and multimodal transportation connections, as well as tree coverage and protected natural features.

Ms. Swartzendruber said that they had previously discussed the land use tools, including activity centers, which would likely recommend more mixed-use and higher-density development than the underlying land use designation. Today, they were focusing on the Community Design Guidelines, which outlined transportation, street design, building design, and site layout. To summarize, staff had made several changes to the Development Areas Land Use Chapter: added Major Findings and Trends, as is in other chapters; updated the Future Land Use Map (FLUM) to separate publicly accessible parks from privately-owned open space; incorporated the Multimodal Strategic Plan connections into the idea of the Activity Centers; added a section on nature, as per the Board's direction; and updated some actions based on feedback from the Planning Commission and the Board.

Ms. Swartzendruber said that she would be happy to show them the remaining chapters they would be discussing over the next few months. She said that today, they would be discussing the revisions to the Land Use chapters and the guidelines. She said that they would be addressing the Thriving Economy and Community Facilities and Infrastructure chapters together, with both topics scheduled for April 16. Additionally, they would be meeting with the Board to discuss Housing on May 7, Transportation on May 28, and then would be taking up Cultural Resources and Community Resiliency chapters together for their final meeting on June 4.

Mr. Andrews said that they had allowed a fair amount of time for this, so he did not want to rush through everything at once. He said that it might be best to break it down into smaller sections, if that was acceptable. He said that he would definitely separate out development areas, land use, and the community's design guidelines as they moved forward. He said that with regard to the former, there were many pages leading up to the actual list of objectives and actions. He said that he would look to the Board for a consensus on whether they should tackle everything at once or keep the objectives and actions as a separate discussion.

Ms. Mallek said that it would be sensible to make comments on the paragraphs before returning to the charts.

Mr. Andrews said that they would begin by examining the paragraphs, the narrative, and then focus specifically on the objectives and actions.

Ms. Mallek said that she wanted to reiterate some important points. She said that one point she liked to make was on page four, specifically regarding the Rutgers paragraph, included an entirely conjectural statement that if reduced parking requirements were implemented, rents would decrease. She emphasized that she did not think this was an appropriate inclusion in a Comprehensive Plan.

Ms. Mallek said that she would also like to inquire about page 11, under middle residential, where they discussed smaller lot sizes to make the missing middle concept work. She said that she was glad to see the mention of co-housing in the CCE (Charlottesville Community Engagement) bulletin, particularly with Chris Fuller's return to Housing Labs, as he had previously attempted to bring a project to Crozet that would have been impressive, but the minimum lot sizes were too large, ultimately failing.

She said that she thought it was essential to include this in the Comprehensive Plan. She suggested that they include photographs of Albemarle County, rather than the Navy Yard. She said that she appreciated the discussion on page 37 regarding bringing more nature into the plan, and she recalled their earlier conversation about reducing restrictions and requiring paid tot lots in every circumstance, but alternative options might be more appealing to residents. She noted that appropriate solutions should be identified from the residents' input.

Ms. LaPisto-Kirtley said that she was comfortable with the narrative and did not see any issues with it. She said that she had questions regarding the future land use interpretation policy, as outlined on page 26. She said that she had found that section to be particularly well-written and relevant. Nevertheless, she had concerns about the specific language used, particularly with regards to taller buildings. She said that on page 24, it appeared that the policy addressed cluster development, protection of sensitive environmental features, and other relevant considerations.

Ms. LaPisto-Kirtley said that taller buildings were mentioned, but there was no specified height limit. She asked if it was assumed that they could exceed their current four or five-story limit, potentially reaching eight or nine stories in certain areas where increased height would provide benefit and amenities. This raised the question of whether it would negate the provisions outlined in item number three on page 26.

Ms. Swartzendruber replied no; it would not necessarily negate it. She explained that the idea behind the activity centers was that they would provide an overlay that would recommend the higher buildings, but the text they had included so far was denser and more intensive, so they did not specifically mention taller buildings. However, they could add that detail.

Ms. LaPisto-Kirtley said that it is stated that taller buildings can provide additional density while reducing the area of land impacted by development. She suggested that examples such as Fashion Square, Albemarle Square, or other underutilized commercial areas could incorporate commercial space along with taller buildings, featuring amenities like gathering spaces, swimming pools, and more. She said that she had observed this in Reston, where taller buildings included spaces for people to gather, a swimming pool, and other amenities.

Ms. LaPisto-Kirtley said that it appeared that their previous stance was that buildings could only reach four or five stories, but she was thinking that in suitable locations, buildings of eight, nine, or ten stories could be a crucial aspect of development. She said that this would be particularly beneficial in the development area, especially when close to transit, water, and sewer services.

Ms. Mallek said that she did not disagree. She stated that she believed that this was the framework under which other decisions would be made at the zoning level in the future.

Ms. LaPisto-Kirtley said that she agreed with that, but they must provide the opportunity for taller buildings, otherwise, if they did not mention building height limits, they would not be considered as a recommendation. She said she was clarifying the interpretation of the mention of tall buildings already in the document. She said that she wanted to clarify when people saw "taller buildings," they were not imposing a building height limit. She said that if she understood that correctly, then she was in agreement with those words.

Ms. Mallek said that there was no number there.

Ms. LaPisto-Kirtley said that was good; that was her main concern. She stated that according to the regional centers on page 33, the building height was at least three and up to eight stories. She asked if the eight-story limit would be absolute, with no possibility of extending it to ten stories or even higher, depending on the developer's willingness to build.

Ms. Swartzendruber replied that it could be changed if it was the will of the Board.

Ms. LaPisto-Kirtley said that she was trying to encourage denser development in certain areas, where it would be feasible to have taller buildings, commercial spaces, and mixed-use projects, rather than traditional single-family homes or townhomes. She said that it would be beneficial to developers to have those options and for the County's overall economic development.

Ms. Mallek asked if they could have a map of the regional centers. She said that she was having difficulty recalling which ones they were.

Ms. Swartzendruber said that she did not think she had that with her today.

Ms. Mallek stated that she would only support higher buildings in the core of the development area.

Ms. LaPisto-Kirtley said that they were limited; they were not discussing just any location, only a handful. She said that if they were discussing increasing density in the development area, they needed to consider higher buildings.

Ms. Swartzendruber added that for the Board's reference, the activity centers were located on the map that they had previously viewed, which was on page 30.

Ms. LaPisto-Kirtley asked if that would include the regional centers.

Ms. Swartzendruber confirmed that was correct.

Ms. LaPisto-Kirtley said that she reviewed the map and she believed it would encompass everything that she thought would be feasible for developing taller buildings. She said that they needed to think of those kinds of alternatives, as expanding into rural areas was not a viable option.

Mr. Gallaway said that for the most part, he was satisfied with the writing and draft that had been presented. He said that he was ready to consider this a good draft and move forward to gather feedback. He did not have extensive comments to add, but most of his input would be related to the action items and objectives. Speaking specifically about the upcoming conversation, he was concerned about the height of the proposed development, which appeared to be around eight stories. He said that if it were to be significantly taller, it would likely alter the character of the area.

Mr. Gallaway said that he was unsure if their market support was prepared to accommodate such a height. He said that he would be open to hearing alternatives; he did not want to shut the door on possibilities. He said that it was worth noting that the Small Area Plan for Rio 29 already addressed height in a different manner as an optional overlay. He said that given that, he speculated that some of the other centers may be subject to similar height restrictions.

Mr. Gallaway said that there may be other regional centers that required their own Small Area Plan and optional overlay, which could address height limitations in a similar manner to the Rio 29 plan. He said that affordability was a key consideration when it came to acquiring units, and he believed that this option was on the table. He said that upon reviewing the text, he did not see anything that would prevent them from pursuing that option.

Mr. Gallaway said that he would like to reference the Rutgers study, which supported the opening statement and addressed the other three bullets. He said that to provide a more comprehensive understanding, he suggested including a list of studies or factors that supported this approach, rather than relying on a single study.

Ms. Mallek clarified that the last sentence she was disputing was that there was an automatic connection between fewer parking spaces and lower rents. She said that she was not disputing the Rutgers study that was referenced.

Mr. Gallaway said that reducing the vacant land available for additional units could help reduce rents.

Ms. Mallek said that it could, but it was not directly correlated and could not be relied upon. She said that it was a declarative statement that she did not think was appropriate.

Mr. Gallaway said that it was a factual statement in his opinion. He said that reduced rents, as compared to more typical over-parked residential developments, meant that the financial incentives for developers to prioritize parking over other considerations were reduced.

Ms. Mallek said that it did not preclude the rents from being comparatively higher to other developments.

Mr. Gallaway said that in this particular subject area, it should be backed up by multiple studies that concluded that reducing parking requirements could lead to lower rents. He said that this was a topic that warranted further citation. He said that he believed that when citing sources, it was best to consult multiple sources rather than relying on a single one, as this provided a more comprehensive understanding. He said that if one had multiple sources to draw upon, that was a more concrete conclusion. He said that ultimately, the study's findings suggested that reducing parking requirements could have a positive impact on rents.

Mr. Pruitt stated that for the public who may not be familiar with the regional centers under discussion, he would like to briefly outline the locations. He said that there were five regional centers: Hollymead Town Center, a significant portion of the Rio 29 area, the intersection of Hydraulic and 29, the lower end of Pantops, and a small section of 5th Street, roughly between the County Offices and 5th Street Station. He clarified that these were the areas being considered.

Mr. Pruitt said that to clarify his understanding of the narrative section of the Comprehensive Plan, he would like to compare it to staff's perspective. He said that in his view, this section was not about the zoning code, but rather a descriptive statement about a future vision. He said that it outlined what they might expect in terms of building forms and footprints for different types of development.

Mr. Pruitt said that for example, it stated that neighborhood mixed-use buildings were typically one to three stories in height, and non-residential buildings had footprints less than that. He said that this was not a description of the current zoning code, but rather a vision for what they might achieve if they implemented their plans. If he was correct in his understanding, it was not a normative statement, and it was not suggesting that buildings should be one to three stories in neighborhood mixed-use development.

Ms. Swartzendruber clarified that it was meant to be visionary.

Mr. Pruitt stated that in that case, he was generally comfortable with the bulk of this proposal and had very little to suggest for change. However, he would like to pick up on something Ms. Mallek mentioned earlier, specifically regarding photos. He thought it would be beneficial to clarify the purpose of the narrative section. To him, the narrative section served as a way to engage new members of the County or individuals who were interested in County governance, making it easier for them to understand and become invested. He said that it also helped to spark inspiration and consideration of potential involvement.

Mr. Pruitt said that he believed that humans were simple animals and they liked pictures. He thought it would be helpful to connect the pictures more directly to the goals and objectives of the project. He did not have an issue with Navy Yard being included if it was not feasible to display it in the County. Some of the other examples may be limited or lacking, which was fine. He said that he wondered if it would be prudent to include captions for the images.

Mr. Pruitt said that as someone who was not as familiar with the County's history or landscape, he sometimes found himself confused about the context. He said that for instance, he may not have known where a particular location was or what it referred to. He said that he believed that including captions could increase the utility of the narrative section for the target audience.

Ms. Pruitt said that he had one additional concern regarding the crosswalk and Community Advisory Committees (CAC) as a primary means of zoning decision-making. He said that he was skeptical about how this approach would pay off in the long run and how it would contribute to the overall plan. He was seeking clarification on a matter that he believed should be addressed in this discussion. He said that he was unsure if this topic was already included in an action item, and he would appreciate guidance on whether it should be added to the list.

Ms. Swartzendruber said that she believed that it might be beneficial to approach the topic in a general sense, rather than tying it specifically to this item.

Mr. Pruitt said that he recalled from their previous Board meeting and the discussion that took place there. He said that one of the questions they received was about crosswalking, specifically regarding the unified discussion on the Future Land Use Map, which would detail what was zoned as what. He said that instead, they agreed to relegating that to the CAC level and the master planning process, with the master plans then being incorporated into the Comprehensive Plan, which would directly inform the future land use map.

Mr. Pruitt said that he understood that this was what they had agreed upon when they said yes to crosswalking, and it was currently reflected in this document. He said that he saw that they were nodding in agreement. However, he remained uncomfortable with this approach and wished to reflect that back to the Board. He said that the land use map was a crucial legislative decision, and he had expressed continued frustration that their Comprehensive Plan seemed out of step with their zoning code and what they were saying.

Mr. Pruitt said that this process felt like a way to replicate that issue moving forward. Furthermore, he was concerned that this approach did not elevate this issue politically for public consumption and feedback in a way that they would want, potentially putting it out of the hands of those who did not already live in those neighborhoods.

Mr. Pruitt said that for example, the review and development of the Master Plan for 5th and Avon, which would incorporate fewer views from outside of 5th and Avon, was a case in point. As his CAC, he was not convinced that this was the healthiest or most effective way to plan for a County as large as theirs, serving as many citizens as theirs. If the Board still intended to rely on a crosswalk, he would suggest that they needed a strong subsequent legislative process from the Board.

Mr. Pruitt noted that he would still oppose it, but if they insisted on going through a process where individual CACs developed their own land use policies, which he was opposed to, but if they did that, they needed to have an extensive legislative oversight of those policies. His understanding was that currently, the CACs developed these policies, and they were adopted, incorporating them into their land use policies. If they were going to do that, it needed to be a thorough review of those policies on a scale similar to what they had done here. He said that he would be concerned that the community was writing its own rules, potentially in a way that may not serve the entire County.

Ms. Jodie Filardo, Director of Community Development, stated that with the Zoning Ordinance, they planned to bring each section to both the Planning Commission and the Board in public hearings, and potentially in work sessions prior to the public hearing. She said that they did not intend to use the CACs as an evaluative tool. She said that they were always happy to share their thoughts and seek feedback from the CACs. She said that this process would primarily be handled by the Planning Commission and the Board, and she hoped this alleviated some of Mr. Pruitt's concerns.

Mr. Pruitt asked for clarification. He asked how something got added to his future land use map. He said that to clarify, his understanding was that the proposed changes were coming from the bottom up, based on the current map and then re-evaluated by his CACs. He said that if he was incorrect, he would like to ensure he had a clear understanding of the situation.

Ms. Filardo said that in the past, they had consolidated the small area plan future land use maps. She said that therefore, one way was to consider and evaluate small area plans brought forward by constituents in a specific area. She said that this would allow for community input and evaluation. She said that if a Supervisor wished to propose a change in land use for specific parcels in their district, they could bring it forward to the Board directly. She said that there were at least two ways this normally happened.

Ms. Filardo said that today, because the future land use map was part of this work session, she had reached out to the Board prior to this meeting and offered an opportunity to reconsider specific parcels for a different land use designation. She said that a Supervisor could bring forward their requests at this work session and then through the public process, including public hearings at both the Planning Commission and the Board. She said that although they encouraged community input, they also wanted to ensure that any requests for land use changes received the necessary support from the Supervisors. She said that she hoped this addressed their questions.

Mr. Pruitt said that there would also be zoning changes subsequent to this.

Ms. Filardo said yes.

Mr. Pruitt asked if that would not only involve a future land use map but an actual land use map.

Ms. Filardo clarified that it would include a zoning district map, which would be used as the law.

Mr. Pruitt said that he was concerned that they may fall into the current pattern, which was that their Comprehensive Plan and land use map were not in alignment. He said that he hoped that phrase was not misleading, but he was trying to convey that they often received briefings on zoning map amendments that highlighted the discrepancy between their Comprehensive Plan, which incorporated the master plan, and the actual planning district it was in. He said that he wondered whether they would automatically incorporate changes to the zoning district map into the Comprehensive Plan during the zoning amendment process, or whether they would need to take a more deliberate approach to ensure consistency.

Ms. Filardo said that their goal was that the future land use map they were currently working on would inform the zoning district map that would come before the Board. She said that this was their intention. She said that to achieve this, they planned to couple these two maps together. She said that when they conducted a Comprehensive Plan evaluation during a rezoning process, they started with the Comprehensive Plan.

Ms. Filardo said that therefore, they expected the zoning map to be integrated with the future land use designation for each parcel. She said that in the past, when they had presented both a Comprehensive Plan amendment and a rezoning request, they had had to marry them together. She said that this was their expectation moving forward.

Mr. Pruitt asked if they had done that in the past.

Ms. Filardo confirmed that they had done that.

Mr. Pruitt apologized for misunderstanding. He said that he was reflecting a concern that he had heard from his CACs, which was that their master plans may be outdated. He said that he recognized that they had had the opportunity to provide individual feedback, and he appreciated the effort that had been put into this process. Nevertheless, he was uncertain about his individual parcels and felt that he was not equipped to provide coherent pushback on this issue.

Mr. Pruitt said that Fifth and Avon's last master plan was reportedly in 2015, and they were interested in revisiting it. However, they were about to incorporate it into the Comprehensive Plan, which would serve as the guidance for executing a Zoning Ordinance amendment. He said that he was worried that they may not have adequately addressed public feedback and discussion on this issue, despite their extensive public outreach efforts.

Mr. Pruitt said that this concern was particularly relevant, as Charlottesville's FLUM was a highly publicized and contentious issue that involved extensive public engagement, including multiple rounds of review and input from various stakeholders, including the Legal Aid Justice Center. He said that he did not feel that there had been sufficient public engagement on this issue, although he may be out of step with the Board's perspective.

Mr. Pruitt said that he did not intend to criticize the Community Development process, as he understood that it was following established guidelines. Nevertheless, he would like to pose an open question: was this the path they truly wished to pursue, or were there alternative approaches that could be explored?

Ms. McKeel asked if Ms. Filardo had anything further to share.

Ms. Filardo said that she believed her views differed from Mr. Pruitt's, primarily due to their Small Area plan Process, which involved extensive public engagement. She said that his district's was somewhat outdated, and she understood that. However, revisiting it was a separate process that would follow this one. Given this, she thought they had a timing issue, but they had the necessary tools in place to facilitate modifications if the community were to request changes. She said that while she did not share the same concerns, she brought a distinct perspective to the table, and they ultimately took direction from the Board. She said that therefore, whatever the Board desired, that was what they would implement.

Mr. Pruitt said that this felt like a moment where he would have expected a lot of feedback from his constituents about the land use map, but he had had no one reach out to him about specific details. He said that he understood that this was an unusual way to express his concern, but they were in the decision-making posture today.

Ms. Filardo said that they were still far from the decision-making process.

Ms. Mallek said that it was months away.

Ms. McKeel said that she was currently comfortable with where they were right now. She asked if Ms. Filardo had anything else to add.

Ms. Filardo reiterated that today they were in a work session, but the Board was not making a decision today. She said that the adoption would not occur until October 15, which was their designated adoption day. She said that they still had a bit of time before then, and she wanted to share that with them in the hopes that it would make Mr. Pruitt feel more comfortable with the process for today.

Ms. McKeel stated that in general, she had no real argument or changes that she was requesting with the provided document today. She said that she would appreciate it, for her own understanding, if staff could help her clarify some points. She said that on page four, the narrative mentioned sufficient land available to accommodate 20 years of estimated growth.

Ms. McKeel said that she was trying to understand the estimated growth rate as it related to that available land, as they had experienced a significant shift from 15 years of 1.5% to 2% growth to approximately 5% to 6% growth over a shorter period. Specifically, she was seeking clarification on whether they were averaging the lower growth rate of 1.5% to 2% or the higher rate of 5% to 6% when analyzing the data. She stated that she was trying to grasp this concept, as it was crucial to her, and she believed it was critical to their understanding of the situation.

Ms. Swartzendruber stated that staff did not analyze those numbers together.

Ms. Filardo explained that they were basing these figures on the capacity study conducted in 2022. She said that they were currently in the process of signing final contracts for an amendment to those numbers, so more information would be forthcoming. They were hopeful that they would receive the updated numbers for the Board to consider before the Comprehensive Plan was adopted.

Ms. McKeel said that she had been thinking that this did not align with what she had been hearing from Weldon Cooper and some of their other sources. Additionally, she understood Ms. Mallek's concern about the reliance on the Rutgers study, but she believed that multiple studies had consistently shown the same result. She did not want to go into great detail about listing all the studies because it was clear that numerous studies had found this to be true. She agreed with Mr. Galloway's point that this was indeed an accurate statement.

Mr. Andrews stated that he had some questions that were primarily related to ensuring the document was as clear as possible to its readers. He noted that there were public comments regarding color schemes, and it appeared that the FLUM and regional center maps had different color schemes. However, on pages 7, 31, 32, and 33, there were inset diagrams with multiple colors that did not seem to follow any key elsewhere in the document. To avoid confusion, it would be helpful to make it clear that these diagrams were not intended to follow the key.

Mr. Andrews wanted to ensure consistency between the activity centers map and the future land use map, as well as their descriptions. Specifically, he was concerned about the discrepancy in the number of stories between the two maps. On the future land use map, there were varying numbers of stories, but the regional centers map stated up to eight stories without explaining how this fit with the other map. He was a bit confused about why one map had a different set of stories associated with it based on the activity. He thought it would be helpful to tweak this to ensure consistency.

Mr. Andrews agreed with Mr. Pruitt's comment about captions on photos, as they would greatly enhance the document's clarity. Furthermore, he wanted to ensure consistency in the use of secondary uses throughout the document. One area that caught his attention was on page 14, under urban land use, where single-family detached housing was listed as a secondary use. Given the effort to densify, he wondered if this should be listed as a primary use instead.

Mr. Andrews said that he was curious about the meaning behind the statement that they could have a single-family home in an urban residential area. Were there specific expectations built into this document that he was not aware of? He noticed that in other areas, such as middle residential, secondary, single-family homes were included, but not in others. He was not sure if they were being consistent.

Mr. Andrews said that the document did specify single-family detached and attached homes for neighborhood residential, which was consistent. However, he thought it was worth considering whether they may have inadvertently included other types of homes, such as urban residential, that they may not want to allow. He said that in his experience on the Board, they had had several special exceptions involving step-backs, which often seemed automatic. He said that he wanted to ensure that they were intentional about streamlining the process and establishing standards that would allow them to deny certain requests without needing to review them.

Mr. Andrews said that if there were specific triggers or characteristics that they could look for to determine which homes to prioritize, that would be helpful. He said that he was not suggesting that these homes were not important, but rather that they should be mindful of their decision-making process. He said that he thought the small area plan process involved significant public engagement, and the CACs were well-versed in the geography of the area. He said that he believed they should provide feedback rather than writing the plans themselves.

Mr. Pruitt said that Mr. Andrews' discussion of maps brought to mind page five. He said that the key incorrectly identified Scottsville as an independent city, which it was not. He said that therefore, the key should be revised to include "independent cities and towns."

Ms. Mallek said that she would like to bring up the topic that she had previously responded to in answer to Ms. Filardo's question about changes to the FLUM. She said that it was unclear whether this was a suitable time to discuss it, or whether it would be better to address it at a later point in the morning.

Ms. Swartzendruber said that the decision ultimately rested with the Board, but she could

certainly bring this topic up now, as they were currently discussing land use.

Ms. Mallek said that if they were discussing the FLUM, she would like to provide some context. She said that she had circulated an email in response to a question, which pertained to the intersection of Miller School Road and Crozet Avenue, where Route 250 goes and Brownsville located to the north and south. She said that a small lot was inadvertently left out of the reorganization zone, which was intended to be a mixed-use development featuring large offices and residential units.

Ms. Mallek said that the recession led to its abandonment, and it had remained vacant for many years. She said that currently, a large self-storage facility was being built on the site. She said that the residential lot, however, had become extremely challenging to redevelop. She said that in 2010, the landowner had discussed converting it to commercial use, which would be the only option for future land use changes at the Comprehensive Plan level. She said that this was the element she would like to bring forward to the Board.

Mr. Andrews said that he also provided feedback on the Sieg property, located at the corner of Route 29 and Interstate 64. He said that currently, it had limited accessibility to other areas, with the primary access being by car through Route 29, which was a four-lane road. He said that Interstate 64 was only accessible by the interchange, and the proposed change from regional mixed-use to community mixed-use suggested a level of walkability that he did not believe was present. He said that in light of this, he suggested that the Sieg property would be more suitable for general commercial development, similar to the rest of the regional mixed-use areas that were converted to this designation.

Ms. Mallek asked if some residential uses would still be permitted, even if it were a general commercial designation.

Ms. Swartzendruber clarified that residential would be allowed as a secondary use.

Ms. Mallek asked if this would not impact the application, which was already in process.

Mr. Andrews said that the application was set to be resubmitted, but it was unclear.

Ms. McKeel asked for more information about the impacts of residential as a secondary use at that site.

Mr. Pruitt said that it aligned well with what he had been discussing earlier. He said that the response that this was a secondary use suggested that it may be a less desirable use. He said that if it was a by-right use, then it could potentially lead to residential development, as that was the intended purpose.

Mr. Andrews said that these were still Comprehensive Plans, not the zoning plan.

Mr. Pruitt said that it still informed what they could expect to happen in the future.

Ms. Filardo said that for this particular property, a secondary use would mean that if one wanted to have the majority of the property be residential, it would not be in compliance with the Comprehensive Plan. However, if less than 50% of the entire property was in residential use, that would comply. She added that one could always bring it back for a Comprehensive Plan amendment with a rezoning, if needed. She said that was what they would be setting up on this parcel if they made the change being discussed today. She said that she hoped that clarified the matter.

Mr. Andrew asked if Ms. Filardo could provide more information on the what requirement for this type of facility would be to meet the standards outlined in the current Comprehensive Plan.

Ms. Tori Kanellopoulos, Principal Planner, explained that according to the 2015 Comprehensive Plan, the current mix was part industrial and part regional mixed-use, with residential being one of the primary uses. She said that the density range was 6 units to 34 units per acre, as she recalled.

Mr. Andrews asked if that was the current designation.

Ms. Kanellopoulos confirmed that this was how it was currently.

Ms. McKeel said that she was not very comfortable with changes made midstream, and she may be more so because she was not a land use expert. She said that if they had an application for that property currently and were discussing changes, it made her uncomfortable.

Mr. Andrews said that the issue lay in the fact that they were altering existing categories and moving them in different directions, and this particular category was being split into two distinct paths, leaving them to decide which direction to pursue.

Ms. Filardo noted that they were expecting a resubmittal, but staff did not currently have an application in their possession, so they were not discussing an application that was currently under review.

Mr. Andrews said that with that, he suggested that they move on to the actions. He said that the question was whether they attempted to accomplish all four objectives simultaneously or broke them

down into separate components. He said that to streamline their process, he proposed that they tackle one objective at a time, then combine the next two, as they were presented together on the slide, and finally, they would address the fourth objective. He said that this approach would allow them to visualize their progress as they worked through it.

Ms. Mallek expressed her concern regarding Action 1.2. She asked how the Comprehensive Plan protected the loss of employment space. She said that using the Crozet downtown area as an example, since 2005, the community had been actively seeking to increase job opportunities for residents, which in turn reduced the need for people to drive into town and alleviate traffic issues.

Ms. Mallek said that she was worried about the potential impact of Action 1.2 on the loss of employment space. She said that if it were limited to only Light Industrial (LI) and Heavy Industrial (HI), that would be a concern. She said that if it were limited to commercial, she would have less concern.

Ms. Kanellopoulos said that in the Comprehensive Plan, they had intended to keep the action level at a higher level, to be determined in conjunction with the upcoming Zoning Ordinance update. She said that this approach was meant to be flexible, and they had not yet mapped out the specifics to particular zoning districts.

Ms. Mallek requested that staff keep her note in mind when they got to that point. She said that she was supportive of the rest of Objective 1. She agreed that structured parking was a high priority, as they needed it throughout the area to achieve increased density.

Ms. LaPisto-Kirtley said that she did not have any issues with this page. She said that she was particularly happy about seeing Action 1.7 included.

Mr. Gallaway said that for Action 1.9, monitoring the proportion of development occurring within the designated development areas, compared to the rural area. He asked if the 17% baseline referred to the percentage of new units that went into the rural area.

Ms. Kanellopoulos said that was correct; it was referring to the proportion of new development.

Mr. Gallaway asked if they did not know or did they know in the rural area the maximum capacity of the by-right building that could occur there. He asked if that was information they should be aware of.

Ms. Kanellopoulos said that she believed there had been estimates over time, but it was challenging to determine the exact number due to the complexities of development rights and the difficulty in tracking usage.

Mr. Gallaway asked if they were aware of each parcel and the number of development rights that existed on a parcel.

Mr. Andrews noted that the 21-acre rule made it very difficult to know for certain. He said that while they could attempt to find out the number of small lot development rights available, this process was substantial and complex.

Mr. Gallaway said that if it was proportional, they were analyzing it based on the number of units built in an area compared to the development area, and he was not comfortable with using that method. It seemed to him that they would have a better chance of determining what was allowed in the rural area, even based on their current rural area standards, and considering the existing development rights, he understood that there were complications, but it would be much easier to get a ballpark number in the rural area than in the development area for potential building out.

Mr. Gallaway said that if they said they had 17% new units, but that 17% was just because those new units came online, how could they proportionally analyze that they needed to push things to the development area? He said that if they considered the by-right activity, perhaps 40% was allowed in the rural area, or they had 40% new retail units out there. However, he thought that if that was all by-right and allowed under rural area zoning, then he believed it could vary in a way that he was not confident in, leading them to push for increased density in the development area.

Mr. Gallaway stated that there must be a way to figure out a ballpark estimate, such as counting the number of properties that were not developed, the number of development rights that had not been utilized. For example, the mobile home application they recently reviewed had a by-right development right for six units on the property. If that six developed out by right, and another ten properties built six units, they would have sixty new units, which was acceptable based on their rules. He asked why should that trigger a proportional analysis that forced the development area to have more density?

Ms. Swartzendruber said that it did make sense, and she thought when they said 17% of the new dwelling units, it was being compared to the overall number of dwelling units built in 2024. She said that the percentage was actually based on the proportion of rural area units built plus development area units built, so that was the basis for the comparison.

Mr. Gallaway said that he understood the point, but it seemed to suggest that they needed to monitor the proportion of development within the designated development areas compared to the rural area, and if residential development increased in the rural area, they should consider options to encourage and direct growth towards the development areas. He said that if the increase in residential

development in the rural area was solely due to by-right-based zoning, he did not understand the rationale behind their approach here.

Ms. Swartzendruber said that she believed that it may be one indicator that development was becoming more prevalent.

Mr. Gallaway said that he understood that they did not want development in the rural area, and they did not want the individuals who held by-right development rights to build their units. He said that in essence, that was what they were doing. He said that they did not want residential units or development in that area. However, it was allowed, and there were by-right development rights in place for the rural area. As a result, individuals could still build their units there.

Mr. Gallaway said that the County did not have the authority or will to prevent that from happening. He said that his concern was that if individuals took their by-right right and built single-family detached homes in the rural area, and they started stating what was already permitted to happen placed an undue burden on the development area, he had difficulty following the logic behind this approach and had concerns about it.

Ms. Filardo said she believed this was a blunter instrument than she initially anticipated. She said that their goal was to establish a litmus test to gauge whether people were choosing to build in the development area. She said that her understanding of this particular item was not to be punitive or restrictive, but rather to provide a clear message to the Board. She said that they wanted to encourage people to develop in the development area, making it a desirable place to live, work, and play.

Ms. Filardo said that they were not seeing the desired growth in the development area, and instead, they were witnessing significant development in the rural area. She said that it was their intention to use this item as a blunt instrument to highlight this disparity and encourage the Board to revisit the development area's strategy. She said that she hoped this clarified the intention behind this item, and they could review the wording to better reflect their intention.

Mr. Gallaway said that he appreciated that, and he did not think it was appropriate to use a single year as a baseline. He said that that choice was arbitrary and based on the last year, which may not have been representative of the overall trend. He said that that was not a viable way to form a baseline for proportional analysis.

Mr. Gallaway said that the fact was, there were very few projects currently underway in the development area that were single-family detached homes, with only two examples. He said that the type of home that could be built in the rural area could not be built in the development area, and if it was a rezoning, it would never happen. He said that they were essentially putting all that density into the development area. He said that it seemed they had a baseline number that would always be allowable in the rural area, regardless of what they did.

Mr. Gallaway said that they should be able to back into that number in a more straightforward way or through theoretical analysis, just as they determined their capacity in the development area. He said that this would allow them to compare the pressure to exceed the allowed number in the rural area to what they already knew was possible in the development area.

Mr. Gallaway said that they were currently assuming they would do something that exceeded what was allowed in the development area, but they wanted the reverse in the rural area. He said that they should be realistic about what was already allowed in the rural area and figure out a ballpark estimate of how many homes could be built there based on available property and development rights.

Ms. Filardo requested that staff take that guidance and return to the Board with information as a follow-up.

Mr. Gallaway said that he was most concerned with the perceived intent, which appeared that it was somehow concerning that people were doing what the County allowed them to do. He asked why it was framed as if it was something to be concerned about without any type of analysis.

Ms. Filardo acknowledged that it was a meaningless number when viewed from that perspective.

Mr. Gallaway said that he may be overly concerned that Action 1.9 appeared to be a trigger, because it mentioned monitoring the proportion of development, and if the proportion of residential buildings increased in the rural area, it suggested developing options to encourage and direct growth towards development areas. He said that this aligned with the overall plan, which seemed to be addressing this issue. He said that he was puzzled as to why they were adding an extra layer of complexity by stating that since this by-right activity was occurring in the rural area, they needed to take additional steps beyond what they were already doing by designating development and rural areas.

Md. Mallek said that she had been interpreting it as referring to the snapshot they received quarterly about the building progress, which was her initial understanding. She said that she now understood that it may be referring to a different aspect. She said that when he began explaining, she realized that it may not be necessary to include this.

Mr. Gallaway said that with a proportional analysis, it was suggesting that they were allocating too much resources to this area and not enough to others. He said that while this may be true, it was not

solely due to the growth of units in the rural area. He said that some attributed the issue to their developer incentive program, while others pointed to the lengthy process of getting projects approved. He said that there were multiple factors contributing to the lack of progress in the development area. He said that he believed they should address these concerns comprehensively, rather than adding another layer of complexity based on by-right development activity.

Mr. Pruitt said that he was going to speak to this action item as well. He said that he agreed with Mr. Gallaway on most matters related to land use, but he strongly disagreed with him on this point. He said that he believed this issue may have been brought up by him before, so it might have been included based on those discussions. He said that he wanted to make the case for this Action 1.9, as it addressed two distinct sets of constituent concerns that he heard from different areas of the district.

Mr. Pruitt said that those involved with advocacy for equity in the urban area were concerned about the density in their development area and whether they could continue to achieve the desired density and housing units without expanding the border. On the other hand, constituents in the rural areas were concerned about preserving the rural character and working-class character of the area, particularly in his district on the south side of the County.

Mr. Pruitt said that it was essential to note that as the urban area became less desirable, it could have a ripple effect, disrupting the rural constituency's desire for a rural working-class area that preserved its natural environment. He said that the new housing units being deployed in the rural area were of a different character than those historically present in these areas. He acknowledged that it was by right, but in terms of their desired outcome, he believed it was crucial to have a warning light when their policies were not working as intended.

Mr. Pruitt said that what was happening with their development area and the availability of by-right uses was resulting in the consumption of the rural communities and a significant shift in the character. He said that he saw this as an opportunity for staff to highlight a warning light when the character of their rural area was changing dramatically and faster than they might expect, prompting them to reevaluate whether they were accomplishing what they needed to be in the development area. He recognized that this was somewhat duplicative with a standard already in their growth management plan, but he believed it was a pressing and central concern in many southern Albemarle residents that warranted highlighting in the Comprehensive Plan's actual actions.

Mr. Pruitt said that he did not see this as creating a punitive element, but rather as a way to highlight to staff that they deserved a report when this became serious or untenable. The language in the draft left it to staff's discretion as to when the ratio was triggered, which he did not think was inordinate. He said that if they had a year where 50% of all developments were in the rural area, that would be alarming, indicating that they were fundamentally failing in how they were deploying incentives, and that something was wrong with their development incentives, available land, or overall approach.

Mr. Pruitt said that this warranted a report to the Board so they could reevaluate it. He said that he believed revisiting this was necessary, and he had no issue with Action 1.9 as drafted. He said that if the content needed to be revisited, he was not sure there was enough substance to justify it, but rather clarification was needed to address potential misinterpretations about a punitive element or restriction that might be associated with this policy. He said that he believed this was an evaluative tool for the Board.

Mr. Pruitt said that one other thing he would like to raise, and he thought it was prudent to do so, was Action 1.5. He said that he thought this standard informed their approach and may not trigger a language change, but he would like to voice this concern.

Mr. Pruitt said that when the Natural Heritage Committee discussed dark skies with the Board earlier, he wanted to ensure that their implementation was smart. He said that Action 1.5 significantly increased development costs if he wanted to build a public garage, requiring a special use permit, surveys, and additional upfront costs, including legislative reviews and studies on lighting and spillover. He said that while the desired outcome was good, he wondered if this should be included in the implementation, as it created an upfront burden on development and planning.

Mr. Pruitt said that clear standards would be preferable rather than requiring studies or surveys that could be reviewed legislatively. He proposed that they establish clear standards for lighting types and penetration, rather than creating an additional burden on development and planning, which could affect economic development tools, job creation, and residential development costs. He emphasized that he was committed to retaining the goal and ensuring that any language they used captured this, without requiring ongoing studies or reviews.

Mr. Pruitt said that he did not want a lengthy list of studies that a developer must complete and present to them, as he was unlikely to read it. His concern was that they were being asked to approve a special use permit without sufficient information. He said that he had brought this to their attention initially because it was the first instance he encountered. Although he may have related it to other issues throughout the document, he simply wanted to highlight it. He said that he was unsure if any language needed to be added to address this concern.

Ms. McKeel said that she agreed they were losing the opportunity for working-class individuals to live in their community; she agreed with Mr. Pruitt that this was a significant issue. She said that they were losing the ability for people who worked hard to call this community home. She said that the property costs in the rural area were significantly lower, and she believed a manufactured home proposal

could have been a viable solution, but the Board voted not to approve it because it was not in the Comprehensive Plan.

Ms. McKeel said that she was not sure how they had could resolve that issue, but their community had become increasingly unaffordable, and as a result, workers were being forced to live outside and commute in, which had negative environmental and health impacts. She said that she was concerned that they were failing to provide a solution for these workers. She said that they were the ones who taught, fought fires, and kept their communities safe, and they were also the ones who worked in their stores and maintained their cars.

Ms. McKeel said that it was unacceptable that they could not live in their community. She said that she was not suggesting they needed to expand their development area, but they did need to find a way to make their community more affordable. She said that another frustration of hers was the abundance of empty parking lots in their development area. She said that many of these lots had signs that prohibited parking, yet they were not being used whatsoever. She said that she would like to explore the possibility of working with the property owners to find a solution.

Ms. McKeel said that it was wasted land in the development area. She said that some of these parking lots bordered their parks, so it was possible that people could park their bicycles or cars and use their trails if they could park, but they would be towed away if they did. She wondered if they could work with the landowners to find a better way to utilize these areas. She said that she knew they often discussed the issue of incentives and trying to figure out what incentives would work. She said asked if there was there a way they could establish criteria that would allow some of these parking areas to be repurposed for residential use or other purposes.

Ms. McKeel also said that she wanted to revisit some of her previous comments, particularly regarding LUPEC and the third-party agreement. She said that the LUPEC process had been working well, and she thought it could be strengthened, if they looked at issues like lighting ordinances and dark skies from a Charlottesville, Albemarle County, and University perspective, they could address some of the problems that arose with its predecessor. She said that the main issue was that it became a meeting where people were just reporting the same information over and over again. She said that her hope was that LUPEC would get to the heart of these issues and allow the three localities to work together to solve problems.

Mr. Andrews said that he agreed that simply establishing a baseline for one year may not be sufficient. He said that he believed that encouraging and directing was insufficient, as it did not convey a clear sense of action. He said that he found this section somewhat unclear, particularly in relation to comparing the situation in the rural area. He said that he was also sensitive to the fact that the recent effort to assess development rights in the Ag-Forestal Districts was a significant undertaking that had been postponed due to the complexity of the task, involving County deeds and other documentation. He emphasized that asking staff to undertake a similar effort for the entire rural area, more than just the Ag-Forestal Districts, seemed excessive at this point.

Ms. LaPisto-Kirtley said that regarding Action 1.9, she agreed with Mr. Gallaway. She said that she was not convinced that a one-year study was beneficial. She said that to be honest, she was not entirely sure why they were monitoring this. Whatever was happening in the rural area was inevitable, as most of the land was privately owned. She said that the County did not own a significant amount of land in the rural area, so they had limited control over the outcome.

Ms. LaPisto-Kirtley said that if they were going to develop that land for affordable housing, that was one thing. She said that in the rural area, people would continue to do what they were doing. She said that she was not sure why they were tracking this. She said that moving on, with Action 1.5, she agreed with Mr. Pruitt regarding lighting requirements. She said that they did have a lighting ordinance that developers were required to follow, stating that these were the recommended lighting options. She asked if a study was necessary.

Ms. Filardo said that they did have standards, and they were specific, but they currently lacked a comprehensive list, unlike their native plant list, which included specific species. She said that their Lighting Ordinance, as part of their Zoning Ordinance, did not currently include such a list. She said that as part of their Zoning Ordinance modernization, this information would be incorporated.

Mr. Andrews said that moving forward, they would discuss Objectives 2 and 3, as they could be covered on a single page. He said that Objective 2, which pertains to parking, had already been the subject of some discussion.

Ms. Mallek said that Action 2.3 was the high priority for the success of the middle density and smaller units. She said that as they were already accomplishing 2.6 starting this afternoon, she did not need to raise any issues with that. She said that she was supportive of Objective 3 as presented.

Ms. LaPisto-Kirtley stated that she had no comments regarding Objectives 2 and 3.

Mr. Gallaway stated that he was set on these proposed standards.

Mr. Pruitt said that he had no concerns about the text currently in place, but he did have something that occurred to him in his work that was not captured here. He said that in a different county's comprehensive plan, he came across an issue that he would like to bring to their attention.

Mr. Pruitt said that it was possible that they may not have enough support for it, but he wanted to share it with them for their consideration. He said that the concern was that their standards could create barriers to affordability for non-traditional family and household structures. He said that specifically, this applied to boarding houses, cohabitation, and group homes.

Mr. Pruitt said that while they did have regulations in place for some of these, the issue lay in how they defined single-family homes, group homes, and boarding houses, and whether their definitions were consistent with their goals. He said that this could also lead to additional cost burdens on individuals, particularly in certain residential districts where cohabitation was restricted to related individuals. He said that this restriction did not apply uniformly across all districts, and there were cross-cutting issues related to zoning designations.

Mr. Pruitt said that additionally there were fair housing concerns that could arise from group homes and recovery residences. He said that this issue had previously been raised via email, but he was not aware if the Board had ever thoroughly discussed it. He brought this to the Board's attention for consideration, and it was not a requirement that they adopt any changes. However, he believed it was an important aspect to include in their zoning review and Comprehensive Plan, particularly as a priority. He said that this would likely be most effectively addressed in Objective 3.

Ms. McKeel said that at this time, she did not have a strong opinion on these objectives. She said that she appreciated the mention of transit, walking, and biking, and she was satisfied with what was presented.

Mr. Andrews said that he had no additional comments, but he would like to second Mr. Pruitt's comment. He agreed that discussing how they reviewed requirements and whether they presented a barrier or not was important. He said that he believed that there would also be a need for legal review, and that state law already required certain types of group homes to be allowed to exist, regardless of the relationships among the residents.

Mr. Andrews said that this information should be brought before the Board at some point to determine if they needed to expand their possibilities. He said that he had mentioned in connection with the Housing Summit that they had seen a significant increase in empty bedrooms across the country, which he believed was eight times higher than what it had been when the population was half the size. He said that with no additional comments, they could move onto Objective 4.

Ms. Mallek said that she had marked high priority next to Action 4.1, and with 4.4, she remained concerned about the need for enforcement and penalties in situations where someone accidentally bulldozed down forests, trees, and buffers. She said that the first instance was not addressed, and now it seemed like everyone was disregarding the rules. She said that this was undermining their stated and subtle intent to allow trees to grow.

Ms. Mallek said that she was unsure of the solution to this issue, as she was not certain they had the authority to effectively address the problem. She said that they needed to find a way to hold individuals accountable for their actions, which would likely deter them from engaging in this behavior. She said that she did not want to see this become a mere paper exercise, as it would reflect poorly on the County.

Ms. LaPisto-Kirtley said that her only concern with this objective was regarding Action 4.4. She said that she appreciated the fact that they had trees, and she would plant trees everywhere if possible. However, street trees could be problematic, especially when they obstructed commercial signage. She said that for instance, if they placed trees directly in front of commercial areas, they could block the view of the signs.

Ms. LaPisto-Kirtley said that she had experienced this issue in her own area, where a restaurant struggled to attract customers because the trees were hiding the sign. She said that she thought they should consider alternative solutions that included trees in combination with other landscaping features. She said that this way, they could support the need for shade canopy and trees while also ensuring that commercial businesses could thrive. She said that striking a balance between these competing needs was essential.

Mr. Gallaway said that he wanted to bring up a point that he thought of in relation to Action 4.3, Action 4.5, and somewhat Action 4.7. He said that he believed the County should take the initiative to streamline the application process, whether it was a by-right or rezoning application, and coordinate with all the different utilities, VDOT, and County engineers. He said that this would involve coordinating the various stakeholders to ensure a smooth process.

Mr. Gallaway said that he thought of this while considering the example of stormwater infrastructure being placed under sidewalks rather than in the road. He said that this led him to wonder what types of plantings would be feasible in areas with this infrastructure. He said that without delving into the specifics of the project, it was clear that this was a by-right application. Nevertheless, the process seemed to be slowing down due to disagreements between the parties involved.

Mr. Gallaway said that he thought there needed to be a way to establish clear guidelines and agreements among the stakeholders to avoid making judgment calls on every application. He said that if their tree ordinance was in conflict with the need for infrastructure under sidewalks, they must accept that

different plantings would be required in certain areas. He said that the County should establish a process that prioritized coordination and speed, rather than protecting specific interests.

Mr. Gallaway said that by getting everyone on the same page, they could reduce bickering and get the process moving faster. He said it would be beneficial if they could establish a similar agreement in the future, where they strove to come to a consensus without requiring everyone to be present in the room every time. He said this would allow them to work more efficiently and effectively, as they were all trying to achieve the same goals.

Mr. Pruitt said that he supported the text provided. He said that one thing he would like to raise is what he previously mentioned when discussing the first section. He said that this point seemed to align with Mr. Gallaway's perspective, but he would like to emphasize the importance of having clear, articulable standards that did not require discretionary review over surveys over processes.

Mr. Pruitt said that he understood that this may be a complex issue to implement, and he acknowledged that it may not require a change in language. However, he would like to reiterate this concern. He said that he had a question that may not be directly related to the topic, but it was something that this chapter brought to mind. He said that they often discussed green infrastructure, and he wondered if they should also consider energy costs and energy burden in the Comprehensive Plan.

Ms. Swartzendruber replied that they did not.

Mr. Pruitt said that as a local authority, they may not have the power to regulate energy, but he believed it was essential to acknowledge the impact of environmental policy on working families, particularly in rural areas. He said that he was thinking about the implications of different energy policies on the environment and the types of harm that could result.

Mr. Pruitt said that he wanted to recognize that there were burdens that were difficult to control, which could have a significant impact on certain populations, particularly those with extraordinary energy costs. He said that this issue was not unique to urban areas, but rather affected several parts of the County. He said that he was bringing this to the Board's attention but had no other comments.

Ms. McKeel said that she definitely agreed with Action 4.1, but would like to offer a couple of thoughts. She said that upon reviewing this page, she was led to believe that they may not be far from needing a Public Utilities Department, as some of the tasks they needed to perform would be better handled by one. She said that she was not suggesting it would happen tomorrow, but rather that it was a possibility.

Ms. McKeel said that for instance, when they discussed planting trees, she often found herself disappointed in the spring when driving through Charlottesville, particularly areas not in Albemarle, and seeing the bags placed around the trees when they were planted. Unfortunately, the trees often died shortly after, which was a frustrating issue. She thought it was essential to consider how to ensure the trees thrived.

Ms. McKeel said that when updating street requirements, spacing, soil, and buffers, she believed they should also think about the long-term survival of the trees. She said that at some point, they would need a Public Utilities Department to handle some of these tasks, which addressed their frustration with maintenance and upkeep in urban areas. Regarding Action 4.6, she would add the UVA Architectural School to the list.

Ms. McKeel said that the school's work in integrating nature with urban design was exemplary, particularly in their recent developments at the university. They had a great understanding of daylighting and had successfully worked in tight spaces. She thought their expertise would be valuable in addressing some of the other points discussed.

Mr. Andrews said that he had no additional comments, so they could proceed to review the Community Design Guidelines and go through the order.

Ms. Mallek said that she did not think that she had any issues with the presented guidelines. However, she did have a comment regarding the transportation page, regarding separating bicycle infrastructure listed at number four on the left. She said that she was thinking about Route 29, where it was not feasible to create dedicated bike lanes in that area, but there were parallel roads like Berkmar that could serve as alternatives. She said that by including such options in their language, they could convey that they were committed to providing infrastructure for all users, even if they could not achieve that in every situation. She said that they should refine their language on page four to better reflect this goal.

Ms. Mallek said additionally she would like to suggest some improvements to the best practices page. She said that under number one on page nine, she asked if they could include a percentage of very small houses. She said that they discussed mixed-use developments, and other community-driven elements that residents and communities wanted may not be prioritized by developers. She said that this would help ensure that their policies better served the needs of their residents.

Ms. Mallek said that regarding proffers, could they require developers to include amenities like benches, shelters, and other public spaces as part of their rezoning applications, rather than relying on the County to come back later and provide them?

Ms. Mallek said that under number five, she did not quite understand what was included and wanted to make sure public safety measures were considered. She said that under Parks and Recreation, she would recommend adding a section on sustainable trail design, as their current approach was causing erosion and destruction of natural habitats. She said that the Forest Service had excellent guidelines for this type of design, and incorporating them would help mitigate these issues.

Ms. Mallek said that under number three with parks, her suggestion would be to restore or replace, period. She noted that it was often said "where possible;" however, it was rarely possible, so she would recommend establishing some rules and sticking to them.

Ms. LaPisto-Kirtley said that under land use number three, she suggested that the plan include a full range of housing choices and types throughout development areas, such as high-rise apartments in suitable locations. She said that she wished to clarify if this assumption was correct. She said that she inquired about the number of applications received with the new 20% affordability requirement.

Ms. Swartzendruber said that there had been one.

Ms. LaPisto-Kirtley said that this was somewhat off-topic, but she appreciated the information. She also said that for number eight, to emphasize the importance of reusing existing development area sites, especially those with outdated uses and large parking lots, as Ms. McKeel had mentioned. She said that she had previously emphasized the high-rise concept, noting that they only had a few in the development area.

Ms. LaPisto-Kirtley said that under transportation, number seven, she would suggest additional roundabouts, including mobile roundabouts, which were smaller and less expensive. These would be effective safety and traffic calming measures.

Ms. LaPisto-Kirtley said that on page nine, under references and best practices, she appreciated the inclusion of trees and pedestrian protection. However, it also mentioned transparent windows along the first floor of buildings, particularly along major corridors, and she would prefer it to also refer to businesses, specifically covering signs that they wanted to avoid covering, to allow businesses to thrive.

Mr. Gallaway said that he was generally satisfied with most of this. He said that he would like to make a small comment. He said that throughout several chapters, he had noticed a consistent issue with inadequate spacing between words. He said that he was not sure if it was the spacing used, but he was concerned that it may be overlooked by the final editor. For example, he had seen instances where a single space was used instead of a proper space, making the text appear as if it was a single word. Additionally, certain types of fonts and spacing could make the text appear as if there was no space between words.

Mr. Gallaway said that on page three, number three, he agreed with the rationale presented; they had used it in other applications. He appreciated the emphasis on flexibility in the approach mentioned in number seven, as it was essential in everything they did. He said that he did have one concern regarding page nine. When discussing best practices under land use, he thought it would be beneficial to explicitly state that applications with a maximum amount of affordable units were a positive aspect.

Mr. Gallaway said that they aimed to encourage and strongly invite that, but if they did not, this seemed to be a place where they should examine best practices to follow. Upon reviewing the document, it did not mention affordable in the same way that Housing Albemarle had previously highlighted. However, under the best practices section for land use, there could be a statement added to support the County's goal of including affordable units in development projects, which should be encouraged to include as many affordable units as possible.

Mr. Pruitt agreed with Mr. Gallaway's latter comment regarding best practices for affordable housing. In terms of articulating the Board's expectations, he saw this document as a standing guide for their policy and decision-making processes. He said that it would serve as a resource for new developers, allowing them to understand their region's values and priorities. He said that this would enable them to make informed decisions about their projects, even if they were not explicitly stated in individual policies.

Mr. Pruitt said that in that sense, he believed it was essential to clarify their stance on affordability and density. He said that they generally aimed to incorporate as much affordability as possible, and as much density as permitted. Overall, he was in agreement with the guidelines for the most part. However, he would like to draw two additional points to their attention.

Mr. Pruitt said that on page seven, items two and three appeared to suggest that every person was expected to walk around the building, park in the back, and enter through the front. He interpreted this as a requirement, but he wondered if it was something they actually wanted to enforce. He said that it was an aesthetic consideration, and it may be suitable for their entrance corridors, but it may not be practical or desirable in other areas, such as Pantops, where people may need to quickly enter and exit the building.

Mr. Pruitt said that additionally, he had a minor concern regarding the list of potential best practices in the Parks and Recreation chapter. He said that he believed this list was not internally consistent with other parts of the Comprehensive Plan. Specifically, he was not sure if ninja play equipment was mentioned in the Parks and Recreation section, which he thought was a great idea. On

the other hand, splash parks were not mentioned, despite them being consistent with the expectations outlined in the chapter.

Mr. Pruitt said that they often mentioned the amenities that people expect in urban and rural parks, and he believed it was essential to be consistent in these descriptions so that it was clear what they were offering. He said that for example, they should be building water features, natural playscapes, or American Ninja Warrior courses. He said that they were sending mixed messages.

Ms. McKeel said that under transportation, she particularly liked items eight and nine when discussing connectivity. However, the issue was that they often discussed connectivity, but ultimately sacrificed it due to pushback. She asked how could they ensure that connectivity was incorporated into their actual projects. Unfortunately, neighbors and communities often expressed opposition to connectivity, resulting in projects like this one.

Ms. McKeel said that Fairfax County, for instance, had faced a similar challenge and had resolved it by stating that connectivity was non-negotiable. While that approach may not be feasible for them, it was essential to find a way to connect these communities. Notably, many proposals faced opposition from neighbors, who expressed concerns about being connected to specific areas. However, she firmly believed that connectivity was crucial.

Ms. McKeel said that to achieve certain best practices, she proposed that they coordinate with VDOT, Water and Sewer Authorities, and the City to ensure that projects were well-planned and executed. This coordination would not only reduce costs but also minimize the impact on neighborhoods. In her district, she had seen instances where VDOT invested in a project, only to revisit it two months later to install water or sewer pipes.

Ms. McKeel said that by bringing together businesses, organizations, and utilities, they could avoid such duplication and create more efficient projects. She could name four instances in the Jack Jouett district where they had had to revisit projects within six months due to conflicting interests. She strongly believed that LUPEC's model, which brought people together twice a year to review and coordinate projects, was a great starting point for addressing these challenges.

Ms. McKeel acknowledged that they had made significant improvements over the past five or six years, but there was still substantial work to be done in terms of construction and infrastructure development. She agreed with Ms. LaPisto-Kirtley that smaller roundabouts, which were less expensive, could be a viable option. VDOT often prioritized features that worked well on interstate highways, but in urban areas, smaller was often better, extending to the size of roads and other infrastructure elements.

Ms. McKeel said that she wanted to reiterate that this discussion brought back the importance of best practices. She said that she believed that eventually, they would need to have a more comprehensive Public Utilities Department to handle some of these tasks. She said that however, she did not want to lose sight of the importance of parking garages and public art, especially in certain areas.

Ms. McKeel said that it was not necessary to have dedicated spaces for artists in every parking garage, but when done thoughtfully, it could be a wonderful addition. She said that for example, in Greenville, they had successfully integrated public art into parking garages in strategic locations. She said that if they were planning to encourage people to live in the development area, they should also consider incorporating activities that made it desirable to reside there.

Mr. Andrews said that he wanted to bring two points to their attention. He said that on page three, he wanted to draw staff's attention to another map that appeared to be a complex diagram with various colors and shapes, but he was unclear about its meaning. He said that on page four, he asked that they please explain the distinction between sections five and thirteen. He said that section five discussed housing units, while section thirteen focused on commercial employment and mixed-use development. He said that he was having difficulty understanding the difference between these two sections.

Ms. Swartzendruber said that 13 was specifically for multi-family residential.

Mr. Andrews said that five was for housing units without garages.

Ms. Swartzendruber acknowledged that was true. She said that they could probably combine the two.

Mr. Andrews asked if staff had received sufficient feedback from the Board.

Ms. Swartzendruber said that she would like to revisit the proposed updates to the FLUM to ensure that they had a clear consensus among the Supervisors regarding the need to make those changes. She clarified that they did not need to make a final decision today.

Mr. Gallaway said that the current designation was regional, mixed-use, and industrial, and it would be changing to community mixed-use and industrial. He said that he was having trouble understanding Mr. Andrews' point.

Mr. Andrews said that the translation of regional mixed-use development often resulted in the new system being referred to as general commercial, rather than community mixed-use designation.

Mr. Gallaway asked if the residential aspect became secondary.

Ms. Swartzendruber said that they could revisit this decision at a later time if they wished to have further discussion.

Mr. Gallaway said that he was currently undecided, but he believed it was worth considering, and he would like to give it some thought.

Ms. Mallek said that she had a clarifying question. She asked if there were specific uses that were either permitted or prohibited between these two alternatives, or were they largely the same with varying proportions. She said that she was not aware of other differences in uses. She said that she believed that the basis for changing this was to make it more connected to itself, and to recognize that it was more vehicular than pedestrian.

Ms. Swartzendruber said that the only difference was that the residential component would be secondary to the commercial component.

Mr. Gallaway said that his concern was that they had other areas that were commercial, where residential was not proportionally necessary; they were seeking to reduce the need for residential areas in these locations. He said that he struggled with this issue because they required certain commercial sites of a specific size to accommodate certain needs that they did not. He said that these sites were currently classified as Tier 1, economic development-wise.

Mr. Gallaway said that they needed to improve upon these, but on the other hand, areas designed to be Tier 1 were not successfully generating commercial activity and were now requesting the County to convert them to residential use. He said that this was a challenge for him. He reiterated that he was undecided on this matter.

Mr. Pruitt said that he did not have a strong issue with either of the requests. He said that he was aware of the concerns being raised about the one located catty-corner from Fontaine Avenue. He said that he was familiar with the location, as he was walking through the area. He said that he thought he heard the concerns others were raising, but he was having trouble fully grasping the issue because they had not established specific zoning requirements for these types of projects.

Mr. Pruitt said that Mr. Andrews had made a valid point that they were essentially splitting the concept of zoning into two separate categories, and they needed to decide which one to apply to this particular project. He said that in his opinion, it would be a bad location for a large-density residential development, as it would be difficult to get in and out of safely. He said that he did not think that was an unfair assessment. He said that, therefore, he was willing to support the proposal as it stood, but he deferred to the vote.

Ms. McKeel said that she was happy to support the Crozet location, but she shared Mr. Gallaway's sentiment, so she was not yet ready to support the Sieg property. She said that she would like to see more discussion on the matter before making a decision, or they would have to proceed as they went along.

Ms. LaPisto-Kirtley stated that she supported the Crozet location but not the other. She requested more information be provided before making a decision.

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**Recess.** The Board adjourned its meeting at 3:45 p.m. and reconvened at 4:00 p.m.

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Agenda Item No. 10. **Work Session:** VDOT/Albemarle County FY 26-31 Draft Secondary Six-Year Plan.

The Executive Summary forwarded to the Board states that this agenda item is intended to present information on the Albemarle County Secondary Six-Year Plan (SSYP) and road paving priorities in advance of action on the FY 2026-2031 SSYP in May 2025.

The SSYP allocates funding for construction, maintenance, and improvement of roads in the state secondary system. The funds allocated to Albemarle County through the SSYP include state and federal funds for a variety of improvement programs. The SSYP for Albemarle County is updated and approved annually and identifies the specific funding source, use, and levels allocated for the immediate fiscal year. The SSYP also identifies projected funding allocations for the next five fiscal years.

The Secondary Six-Year Plan Report April 2025 (Attachment A) provides more detailed background on the SSYP. This report is used to inform the development of the SSYP Draft. The report provides recommendations for projects and the methodology for project ranking. The Draft Secondary Six-Year Plan (Attachment A.1) from VDOT provides cost projections and fund allocations for projects in the SSYP. The Albemarle County Unpaved Road Policies and Review Process (Attachment A.2) describes the process used to develop the SSYP Draft. The Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads (Attachment A.3) is a listing of all Secondary Roads that either the public, a County department, or the Board of Supervisors has requested be paved. This list is reviewed and approved by the Board annually and forms the basis of the SSYP for Albemarle County. The list has been organized by staff and prioritizes projects that have been added to the paving list by the Board but

still need signature approval or were requested by a community member that received enough signatures and now need Board approval to be formally added to the SSYP. In its discussion, the Board may recommend changes to the Draft SSYP. Working with VDOT, County staff will use the feedback to finalize the SSYP for public hearing and adoption in May.

The SSYP outlines the expenditure of State/VDOT secondary Road construction funds allocated to the County. The SSYP does not require the expenditure of County funds, unless the Board directs additional funding be appropriated to a project.

Staff recommends that the Board review the Draft Secondary Six-Year Plan report and provide feedback in advance of Board action in May 2025.

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Mr. Alberic Karina-Plun, Transportation Planner, said that this presentation will cover the draft Secondary Six-Year Plan (SSYP) for this year, as well as the draft list of roads that are to be paved under the Rural Rustic Program. He said that to provide some background, the Secondary Six-Year Plan is a document that applies to roads in the secondary system, identifying the funding allocated for the next fiscal year and estimating the available funding for the next five fiscal years.

Mr. Karina-Plun explained that Telefee funding, which comes from utility companies paying a fee to VDOT to install lines in their right-of-way, was being used to help fund the Berkmar Drive extension by Airport Road. This plan was updated and adopted by the Board annually each spring. The SSYP was heavily informed by the Albemarle County Priority List for Secondary Road Improvements – Unpaved Roads, which was included as an Excel spreadsheet attached to the meeting materials.

Mr. Karina-Plun said that this document was updated in May 2022 to require demonstration of support from two-thirds of residential property owners along the road segments. He said that he would like to walk the Board through the current rural rustic process, so they have a better understanding of the context. When a paving request is received from either a resident or a Supervisor, VDOT evaluates the road and provides a report stating whether it is eligible for paving under rural rustic. He said that the requirements include geometry, safety, curves, and drop-offs, among other factors. Staff identifies affected owners and sends letters to inform them of the paving request, asking for their support or opposition.

Mr. Karina-Plun noted that this year, he placed signs at the end of the roads to improve awareness of the process, which was found to be successful. Staff then tracked phone calls and emails from the residents, recording their support or opposition to paving and answering any questions. Prior to the Board work session, staff determined whether roads met the two-thirds threshold of support to be recommended for addition to the draft secondary six-year plan, and works with VDOT to draft that list, which is currently being presented.

Mr. Karina-Plun said that following Board directives, staff had prepared the new draft secondary six-year plan for the May public hearing. He said that after the public hearing, the secondary six-year plan was adopted, and staff returned in June with resolutions for paving each of the roads as a consent agenda item. He said that there were the nine roads that had been requested for paving as part of this year's Secondary Six-Year Plan.

Mr. Karina-Plun said that five had received enough signatures to move forward. He said that Sutherland Road had received enough signatures the previous year. He explained that the scope of paving had been expanded to include the end of the road, but it already had the necessary support, including VDOT approval, and only required a separate resolution to be added. He said that Sharon Road demonstrated nine out of 14 affected residents supporting paving, with no residents opposing it. He said that he had been working to gather signatures on Sharon Road.

Mr. Karina-Plun said that there had been a situation with Burton Road and Burton Lane that was noteworthy. He said that despite both roads falling one vote short of the threshold the previous year, staff had recommended that they be added to the list. He said that both roads had been requested the previous year and had failed to reach the necessary support, so letters had been sent again. He said that the section of Burton Road that could be paved was the section from Burton Lane going southeast towards North Garden Lane.

Mr. Karina-Plun said that a portion of that road was already paved, but it was in poor condition. He said that all responses received for Burton Road were in favor of paving, as were responses from Burton Lane. He said that staff had documented numerous instances of residents expressing concerns about the state of the road, particularly this year with the significant snowfall.

Mr. Karina-Plun stated that Burton Lane was a short dead-end road, and the paving effects would be limited to the residents who lived on that road and Vest Walker Road. He said that however, it was not a larger road network that would impact other residents from North Garden Lane or Burton Road. Additionally, VDOT did not recommend paving a road solely to connect to a substandard unpaved road, which could have been the case if Burton Lane had received enough votes and Burton Road had not.

Mr. Karina-Plun said that staff had recommended that the proposal be added to the list due to safety concerns, the state of the road, and the demonstration of support from residents. He said that a resident of Fosters Branch had worked with him to gather signatures, but had fallen short of the two-thirds requirement. He said that the Board of Supervisors could now recommend changes to the draft

Secondary Six-Year Plan before its final adoption at the May 21 public hearing.

Mr. Karina-Plun said that staff had raised several questions regarding the process and wished to discuss them at the work session. He said that he would now read the questions and they could return to the slide after the presentation was complete. He said that the first question was: Would the Board like to see a Do Not Pave list, and if so, would it be appropriate to affirm the list through a vote to create a clear record and registry?

Mr. Karina-Plun said that the second question was: Should the responsibility for gathering signatures be shifted more towards residents, or should staff continue to manage the process with voluntary contributions from those who wished to help? He said that the third question was: What changes did the Board want to see from the Rural Rustic Program? He said that finally staff requested the Board to provide directions on recommendations for paving, so they could update the draft Secondary Six-Year Plan.

Mr. Karina-Plun said that staff would return on May 21 for a public hearing on the Secondary Six-Year Plan, where the Board would consider a resolution to adopt the FY26 SSYP. He said that the SSYP could be revised until it was adopted at the public hearing. He said that the Board would return in June with resolutions for each of the roads on the SSYP.

Ms. Mallek said that before they delved into the discussion, she would like to ask a question regarding the chart in Attachment A3. She said that upon reviewing the chart, she noticed that almost all the roads had fewer than 100 cars per day, which fell below the standard threshold of 400 cars and above. She said that she was trying to understand the reasoning behind the decision to pave any of them. She said that the standards for rural rustic facilities were typically over 400 vehicles per day, and the traffic, if she was reading the chart correctly, was significantly lower than what they saw here, with some properties handling as few as 40 cars a day.

Mr. Andrews said that he believed the 400 was only for the 18-foot pavement, not for the entire program.

Ms. Mallek said that the two roads in the White Hall District, which were of greatest concern, had been resolved through the information gathering process. Nevertheless, she would like to clarify one point. According to Mr. Karina-Plun's staff report, Lakehouse Road was previously determined not to be paved, yet it was somehow reactivated without coming back to the Board for further consideration. She said that she would like to understand how this will be handled in the future for other roads that have already had their fate established.

Mr. Karina-Plun said that that question was related to the first question he had. He said that he was not sure if they had had a chance to read Kevin McDermott's email to the Board, which addressed the questions about the do-not-pave list. He said that as a result, they were seeking more direction from the Board. He said that staff was requesting direction on how the do-not-pave list was created, through a Board vote or through a demonstration of support from one-third of the community that did not want a particular road paved, as well as the typical duration of roads staying on the list, and whether roads could be removed from the list if they were no longer needed.

Ms. Mallek said that for historical context, Dick Woods Road was a shared use area by many residents, the Western Albemarle track team, and concerns about speed, which was a Board decision made around 2008 or 2009. She said that as far as she knew, nothing had changed. She said that her concern was that Mr. Karina-Plun was spending excessive time addressing this issue, whereas in the past, neighbors would discuss and collaborate to resolve issues, rather than burdening staff with neighborhood disputes.

Ms. Mallek said that if there was a concern about someone requiring special assistance, they could reach out to their Supervisor or staff for support. However, she was concerned about the burden on their staff, who had multiple responsibilities. She said that going back to a process that had worked well for over 20 years this was not a step in the right direction from her perspective. She brought it up for consideration, but none of these were arbitrary.

Ms. Mallek said that Decca Road was mentioned as an aside, and Joel DeNunzio, the previous VDOT Residency Engineer, deemed it ineligible due to geometrical reasons. The road was split between the Samuel Miller and White Hall Districts, and it was not qualified for paving. She said that it should be included on a list of areas that did not require frequent review.

Ms. Mallek said that she aimed to simplify this process, ensuring it did not become a recurring issue that exhausted neighborhoods and streets where residents had lived for 30 years. This response came from a homeowner who was told by their agent or the seller that the property would be paid for, a situation reminiscent of the Dick Woods case.

Ms. Mallek said that she believed a process was necessary to prevent such conflicts. She was happy to have the roads adopted by a Board vote, which provided predictability for people. It was essential to respect the existing collection efforts, which had already been completed. The Board could reassess and make changes in the future, but for now, it was crucial to have a clear process. She apologized for the difficulties staff had faced due to their current mixed-up process.

Mr. Karina-Plun said that to clarify, the roads that did not qualify for paving, such as Decca and

other roads that had received requests for paving, he had a list of roads that VDOT advised against paving, which was separate from the issue of people not wanting paving. He said that according to VDOT, there were approximately eight roads that could not be paved under the rural rustic designation. He said that what they were looking for was a list of roads that can be paved, but should not be paved.

Ms. LaPisto-Kirtley said that as she reviewed the list, she did not believe in a do-not-pave list, and she would like to explain why. She said that in five years, 10 years, or 15 years, residents' preferences can change. She said that what some people want today may not be what they want tomorrow. She said that the Board's decision to require two-thirds of the people living on that street to agree on paving was a good one. She said that if a gathering of signatures was necessary, she would suggest that the residents on that street be responsible for collecting and delivering the signatures to the County.

Ms. LaPisto-Kirtley said that sending a follow-up letter to inform everyone that nine out of ten signatures were collected would help ensure that the signatures were genuine. She said that this way, if someone's name was added to the petition without their consent, they would be notified. She said that she believed this approach would provide valuable feedback. She said that she understood that some comments mentioned that elderly residents may not be able to collect signatures. However, someone else on the street should be able to help them, or at least provide an opportunity for them to participate.

Ms. LaPisto-Kirtley said that ultimately, she thought it was the responsibility of the people living on that street to provide feedback. She did have one question. If she owned multiple homes on a street like Fosters Branch, including one that she rented out, and she paid the taxes, how many votes did she get?

Mr. Karina-Plun said that she would get one vote.

Ms. LaPisto-Kirtley asked if renters would be voting.

Mr. Karina-Plun clarified that the property owners would vote.

Ms. LaPisto-Kirtley said that if one person owned a majority of the homes, they would serve as the two thirds required to approve paving.

Mr. Karina-Plun said that there were instances where a parcel was owned by a person with a house on it, and the adjacent parcel was owned by the same individual without a house, resulting in that person receiving only one vote. He said that when decisions were made regarding issues like this, that person still received one vote, as he believed it was the fairest approach without delving into complexities such as owning multiple houses or families owning multiple properties. He said that in this scenario, if an individual owned ten half-parcels on a road, they still received one vote.

Mr. Gallaway said that he could not recall the action taken to remove the do-not-pave list.

Mr. Karina-Plun said that he was not working here at the time of the action that may have occurred May 2022, so he would have to rely on Mr. McDermott for that specific information.

Mr. Gallaway said that regardless of the specifics, he would like to use Bleak House Road as an example. He said that from a pragmatic standpoint, there were a couple of things they could do to ease various issues. He said that when HOAs or neighborhoods approached him about traffic calming, he always told them to start by going to their community, conduct a survey, and gather petitions.

Mr. Gallaway said that this was the first step he took with them. Although he was not sure if this was the correct process, he was certain that without community support, the request would not move forward. He said that he believed it was essential to avoid other people's time on unnecessary steps unless the community was behind the request.

Mr. Gallaway said that he did not see why this burden could not be placed on the community. If staff verified that there was general interest and support, that should be the starting point of the request. For instance, if he were to request that his road be paved, he would suggest that the community be consulted first. Then, staff would verify the number of residents affected and gather their opinions. This would provide a snapshot of the situation at the time.

Mr. Gallaway noted that in the case of Bleak House Road, he had always thought of it as a road that would never be paved. However, as time passed, opinions may change, and the number of residents may shift. If someone requested that the road be paved six months from now, they should be told that they did not receive the necessary support six months ago, and the number of residents had not changed. In this case, staff should not spend time on the request.

Mr. Gallaway said that he believed there was a reasonable way to determine that, as they had just gone through this process with Bleak House Road, where the individual who had recently moved in was requesting that the road be paved. He thought it would be more efficient to inform them of the process that occurred and how it typically played out, which would only take 10-15 minutes, rather than determining the specific concern with the road.

Mr. Gallaway said that if they had a concern with a shoulder, washout, or maintenance, they should come forward with that specific request, rather than asking for the road to be paved as a resolution. He said that he recalled that residents along Bleak House had requested maintenance-type

issues in the past, which was acceptable. He said that there was another road in Earlysville that he had observed was unlikely to be paved, and no one had brought it forward for consideration.

Mr. Gallaway said that in his opinion, it would be beneficial to establish a point in time when the process was captured, and if there was no support for paving, it should be added to a do-not-pave list. He said that however, the list should be revisited after a reasonable amount of time, allowing citizens to still come forward and request it if they wished. He said that he believed it was essential that they discuss their request with their neighbors before presenting it to the community. He said that the community's feedback, including signatures, should be collected to ensure that the process was fair and representative of the residents' concerns.

Mr. Andrews noted that these were gravel roads.

Mr. Gallaway said that what he was saying was that he would not want the community association or the HOA to revisit the situation and claim that staff must verify these signatures. He said that he would imagine that the burden on a gravel road was significantly less than that of a 300 or 400 resident community, such as Woodbrook, which did not have a community association. He said that if they were to want some traffic coming in, he would suggest that they take the initiative to organize and decide on their own before investing a lot of time and money. He said that he believed that they would understand the importance of this approach, as it had been successful in the communities he had worked with, where residents were encouraged to take the lead and meet the burden before seeking public resources.

Mr. Gallaway said that this way, the community could decide what they wanted to do without wasting time and resources on something that may not gain support. He said that he did not have any other suggestions for changes to the program, and he had been supportive of the projects that went through the process and received community approval. He said that he would continue to support projects that met the community's needs and threshold, and he would not be hesitant to express opposition if he believed it was necessary.

Ms. LaPisto-Kirtley asked Mr. Karina-Plun if the do-not-pave list was intended to be permanent or temporary as suggested by Mr. Gallaway.

Mr. Karina-Plun clarified that it was part of the discussion they were having, regarding the Board's preference for the duration of the do-not list.

Mr. Gallaway said that he thought it should take two to three years, although that probably was not a realistic timeframe. He said that if they brought him a request from Bleak House Road, and 40% of the residents had supported it but they could not reach the two thirds mark, and if they brought that back for review and all the residences were the same, it would remain on the do-not-pave list. He said that however, if the ownership had changed and there were double the homes built out, that was a different scenario. He said that he believed that was all beside the point.

Mr. Gallaway said that if a new resident moved in nine months from now, and they read that they must meet the threshold before paving, they would quickly discover from their neighbors that they had just rejected a similar request nine months ago. He said that he thought it was reasonable to require neighborhoods to submit a petition before coming to the County, as it would save time and put less burden on staff.

Mr. Karina-Plun said that he would like to clarify how the process currently works. He said that when they received a request, VDOT first evaluates the road to determine if it could be paved. He said that if it could not be paved, he informs the resident that it could not be paved, and the matter was closed. He said that he only sends letters to roads that could be paved. He said that Mr. Gallaway mentioned that residents should come forward with the votes already done, but one concern they had was that they did not want residents to also have to go through the additional work of collecting signatures and verifying the votes.

Mr. Gallaway reiterated that in his opinion, the residents should confirm the support for the paving before staff or VDOT evaluates the road at all. He said that he had informed residents that he did not want staff to waste time on certain issues, including the traffic calming requests. He said that if 60% of the community did not support it, he did not want VDOT to invest time and resources into it. He said that as their representative, he was comfortable speaking on their behalf and telling them that. He said that the process he would like to support was similar to what he often told residents regarding traffic calming.

Mr. Gallaway said that paving was a time-consuming and effort-intensive process. He said that he would rather know that there was support before investing time and effort. However, having support did not guarantee that the desired outcome would be achieved. He said that the process then had to unfold. He said that they should not waste resources on initiatives that were unlikely to succeed.

Mr. Pruitt said that prior to a minute ago, he generally agreed with the existing pattern, finding it logical and beneficial to residents. He said that he also appreciated the point Mr. Gallaway made, which may have swayed him to support the development of signatures as the first step. He said that however, he did have a concern regarding the process. He said that specifically, he was wondering if they would provide a detachable form that residents could mail back with their position, or if they would require them to submit it in person.

Mr. Karina-Plun said that in the letter, he instructed them to either email or call him back. He said that he preferred to be contacted via email or phone call, but he had received physical letters previously.

Mr. Pruitt said that the one thing that gave him pause was that people generally preferred to know what to do if there was a formal process in place, such as a form to fill out or a checkbox to mark; it provided a level of comfort. He said that he was not sure if having a standard form on their website would be the solution, but he thought some type of standardized response form was worth considering.

Mr. Pruitt said that unsolicited letters could be complicated to process, requiring residents to associate them with specific addresses and determine if they met the necessary requirements. He said that this could make the process more complicated than it needed to be and continue to be onerous for the department. He said that if the County were going to rely on the public to be the first movers, he believed that they needed to provide them with some structure and guidelines to make it work.

Mr. Pruitt said that if the County was unable or unwilling to do so, he thought the existing system was more suitable. He said that in fact, it seemed not much more onerous than sorting through unsolicited letters from a wide range of individuals. He said that he appreciated the point about the value of a do-not-pave list, which could help prevent unnecessary resources from being wasted on requests that were likely to be denied. However, he was not sure if a time-limited list, such as five years, would be a better solution.

Mr. Pruitt said that he would suggest a five-year timeline, as it was unlikely that they would see rapid turnover in such a short period, so it may be reasonable. He said that he believed it was essential that they maintain some level of legislative oversight on these projects, even when there was broad community support. He said that the example of Dick Woods Road was well-taken. He said that Dick Woods Road was a major regional asset, providing significant value as an unpaved road. He said that he thought it was crucial that they retain some level of legislative oversight on these projects, even when there was broad community support.

Mr. Pruitt said that every parcel on Dick Woods Road could be developed tomorrow, but he was not convinced that this would outweigh the regional value that Dick Woods Road currently offered. He said that in contrast, Glendower did not possess the same regional significance as Dick Woods Road. He said that while Glendower served a similar purpose, he did not believe that its value was comparable to that of Dick Woods Road. He said that for instance, every regional track team trained on Dick Woods Road, and paving it would pose a significant safety risk.

Mr. Pruitt said that therefore, there was a clear value in retaining the ability for legislative oversight and discretion on these projects, even when they had approval. However, he did not believe that this meant that Dick Woods Road or similar roads should be permanently exempt from paving. Conditions could change, and it was possible that future generations may not require these roads for the same purposes.

Ms. McKeel said that in her 28 years of serving the public, she had never had a constituent call her about paving or not paving a rural road. She said that perhaps her district did not have any that applied. She said that she saw this situation in the same light as VDOT's approach to road design. She said that VDOT typically required approval from local governments before investing in design work, as it was often a lengthy and costly process that may not result in the project being built.

Ms. McKeel said that this approach was similar to how Dominion Energy handled requests for streetlights, requiring permission from neighbors within a certain distance. Considering this, she thought that a do-not-pave list was a reasonable concept. She said that for her, the list would include roads that VDOT has deemed impassable due to certain conditions. If VDOT revised the road in the future, the road would be removed from the list. She said that this approach seemed straightforward and easy to understand, based on the conditions that prevent paving. She asked Mr. Karina-Plun if he was asking for Board direction on a do-not-pave list that included roads that physically could not be paved or if they were roads the community did not want to be paved, or both.

Mr. Karina-Plun clarified that he had separate lists; there was a cannot-be-paved list and a do-not-pave list.

Ms. McKeel said that five or ten years would be a good timeline for a do-not-pave list. She asked if staff verified the addresses and residents that submitted responses.

Mr. Karina-Plun confirmed that they did verify them.

Ms. McKeel reiterated that she did not think that gathering the signatures should be staff's responsibility; it should rest with the community to gather enough signatures.

Mr. Karina-Plun said that for clarification, he would like to reiterate that the temporary list to be reviewed would be the list of roads that residents did not want paved. He said that he was asking the Board for feedback on how to add and remove roads from that list, as well as how frequently to review the list.

Mr. Andrews said that he wanted to clarify a point regarding the current process, starting with slide four. They had outlined the process as follows: request, VDOT, staff identifies owners, and staff receives feedback from residents. He said that in the packet, it stated that County staff determines

specific concerns, verifies two-thirds support, and goes to VDOT. He said that he preferred the other process to the one in the packet.

Mr. Andrews said that in his view, the first step should be to determine if the road could be paved, and if not, inform residents that it was not eligible for the program. If it was eligible, they would need to go through a different process and have a compelling reason to move forward. He said that the second step would be to assess the history of the road, particularly if it had been requested in the past and not approved. He said that he would consider this a "do-not-pay" list, based on the fact that residents had been asked about it in the past and there was no two-thirds support, rather than something initiated by the Supervisors.

Mr. Andrews said that he would prefer a review of the do-not-pave list to be reviewed every six years, since it would align with the Secondary Six-Year Plan. He said that he would leave the possibility open for a resident to petition for approval if they could gather the necessary signatures, but he would not encourage or publicize the inquiry to avoid upsetting residents, as had been the case at Bleak House. If the road had not been previously evaluated and lacked a history, then VDOT should still review it.

Mr. Andrews proposed that they proceed with notifying the owners and determining if there was two-thirds support. This was the case if there was no prior history. However, if there was prior history, then it took precedence, with a specific time frame, which he suggested be six years with the secondary plan. He agreed that it was the residents' responsibility to sign forms, but he appreciated the staff's efforts in addressing communication issues among residents on Burton, particularly since he believed there was no opposition to the project; the difficulty lay in obtaining responses from some residents, who may not have email or preferred not to use it.

Mr. Andrews acknowledged that being flexible with forms was helpful, especially considering the age and mobility of some residents. While this flexibility may pose a risk, he appreciated the consideration. He believed this was a significant challenge that would be more difficult to address. He said that when verifying responses, it was crucial to be confident that they were hearing from the individuals they believed they were. He said that being flexible on this aspect was appreciated.

Mr. Andrews said that this addressed the questions he had raised. He said that regarding Ms. Shephard, who was in attendance, he had previously discussed the number of years required to meet traffic counts, but he had received many inquiries from Old Sand Road residents in the past month, and the answer had been that in 2018, a traffic count did not meet the requirements, and therefore it was not being considered.

Mr. Andrews said that he was receiving pushback from them, who argued that 2018 was a long time ago. They said that school buses now used the road regularly, and it remained a cut-through. However, there was also concern that the traffic count had not been conducted at the correct location. He wondered how often traffic counts occurred in determining eligibility for such projects.

Ms. Carrie Shephard, VDOT Resident Engineer, said that it was a good question, and when they examined the traffic counts from 2018, they agreed that they were outdated. She said that as a result, they were collaborating with their traffic department to attempt to re-count the road, which would provide them with a more current record. She said that following that, they would continue to conduct their routine traffic counts. She said that she was not certain why this particular count had not been updated since 2018. She said that to answer the question, yes, they could re-count the road to obtain a more accurate data point.

Mr. Andrews said that he did not intend to criticize their counting techniques, but he would like to point out that his road had only been counted once, and it was well past two-thirds of the residents' homes on the road, so they were not yet accounted for. He said that as a result, the count was not accurate, as there was only one house present at the time.

Ms. LaPisto-Kirtley said that she wanted to clarify whether Mr. Karina-Plun was referring to a petition that they could generate and distribute.

Mr. Karina-Plun replied that currently, no. He said that he got the list of houses from their GIS web tool, and kept track of signatures with that.

Mr. Andrews said that he hoped this process was not excessively burdensome for staff.

Mr. Karina-Plun said that for clarification, Mr. Andrews stated that a six-year period could be used to determine whether a road should be included on the do-not-pave-list. He asked, if a road was added to the list due to insufficient support, but a resident later returned to the area and demonstrated support within the next two or three years, would that road then be removed from the list despite the initial six-year designation?

Mr. Andrews said that yes, that would be his view on it. He said that if there was sufficient support demonstrated by the residents at a later time, then it could potentially come off the do-not-pave list. He said that if not, they would be informed that there had been a request within the past six years, which unfortunately had not succeeded.

Mr. Jeff Richardson, County Executive, said that to move forward, they needed to develop a standardized form, ensuring that Ms. Wall got feedback from the department management to create a

modernized form that was user-friendly for residents. He had heard the Board's concerns loud and clear: the responsibility for this process lay with the neighborhood and residents. They would work on establishing this process and navigating the steps involved.

Mr. Richardson said that additionally, he recalled Mr. Andrews suggested that if, at some point in the future, the numbers on the road changed, and a re-evaluation was desired, there was no prohibition on revisiting the process. He said that he believed they had a framework in place to move forward with this, revisit the details, and allow the Board to progress. With the framework proposed, he thought staff had what they needed.

Ms. McKeel said that she worried that they should have something in writing to document the process, rather than relying on phone calls. She said that while not everyone may have access to email, people could still mail something or drop it off. She said that she believed that there should be a written record.

Ms. Mallek said that her understanding from what Mr. Richardson said was that the form could be generated, but she personally preferred a signature rather than a check-the-box system, as it provided a level of verification and duplication that could be publicized, ensuring that people were aware that this was a public commitment and they were signing to pave it, thereby preventing them from later claiming they did not intend to do so. She said that as long as the form included the name, address, and signature portions that the current petitions did, that would be enough verification.

Ms. Mallek said that she did not think it was necessary for the County staff to notify property owners ahead of time when a petition was submitted. She said that that was just an additional burden, and she knew they had already put in a lot of effort to handle that. She said that Ms. Shephard could address how much effort was involved in determining whether a road could be paved or not. She said that if the process of evaluating a real development right versus a theoretical one was lengthy, taking dozens of hours to develop and determine, then she still thought it was reasonable to require the neighbors to take the lead on that process.

Mr. Andrews said that his understanding was that the Rural Rustic Paving Program was partly in place because it cost as much or more to maintain a gravel road as it did to maintain a paved road, so it was not just an expense if there were additional problems with the road. He said that this was contrary to a comment made during the comment period earlier about the cost of paving, in reality the cost of maintenance of a gravel road may be just as great.

Mr. Andrews said that he also wanted to make a comment regarding the process of informing people and soliciting opinions of signatures. He said that staff may want to consider creating a list of the benefits and drawbacks of paving a road, as there were both positive and negative effects. He said that for example, while the dust from gravel roads could be significantly reduced by paving, there may be an increase in speeds.

Ms. Mallek noted that even paved roads could end up with very high maintenance costs.

Mr. Karina-Plun said that he would review and begin brainstorming all the topics discussed, and he would return for the public hearing on May 21, with the adoption of the Secondary Six-Year Plan.

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Agenda Item No. 11. **Presentation:** VDOT Quarterly Report 2025.

Ms. Carrie Shephard, VDOT Resident Engineer, stated she would provide Albemarle County's VDOT Quarterly Report for the first quarter of 2025. She said that she wanted to provide an update on their preliminary engineering progress; they were making significant strides on various projects. She said that the Route 29 shared use path was currently in final design, with a scheduled spring ad date of June. She said that construction was expected to follow shortly after, with a projected timeline of six to eight months.

Ms. Shephard said that they were also moving forward with the Exit 107 park and ride on I-64, where a limited access change was pending approval from the Commonwealth Transportation Board (CTB), with a target approval date of April. She said that they remained on track for a fall 2025 ad date. She said that for Route 250 and Route 20 intersection improvements and corridor improvements, they were still on schedule for a spring 2026 ad date.

Ms. Shephard said that next, they would be entering the right-of-way phase, with plans to begin this process within the next couple of months. She said that they were aiming to meet the spring 2026 ad date. She said that the Route 702 Fontaine Avenue bridge replacement had been a challenge, but they were planning to re-advertise it in June, with the goal of completing the bridge replacement before the Fontaine interchange improvements as part of a design-build bundle.

Ms. Shephard said that for Route 680, Browns Gap, Turnpike, she had mentioned this before, but it had been included in the Albemarle bundle 2. She said that moving on to the bundles, for the Hydraulic package, the final element, the pedestrian bridge, was still under construction. She said that the rest of the project had been substantially completed.

Ms. Shephard said that as for the next bundle, bundle number two with the five elements, the Route 240/Route 250 project was expected to start construction in early May, coinciding with the

reconstruction of the bridge on Route 680. She said that they would use the time frame after school was out to minimize disruption by implementing a detour for Route 680. She said that the other elements and aspects of this project would follow shortly thereafter. The next element would be the 5th Street/Old Lynchburg Road roundabout, which they expected to be completed by fall. She said that the Belvedere Green-T and John Warner Parkway/Rio roundabout would follow.

Ms. Shepherd said that as for their next design-build bundle, they had three elements to that one. The first was the Hydraulic/District Avenue roundabout, which would follow the bridge replacement she mentioned on the last slide. She said that the second was the Fontaine interchange improvements, which would be completed after the bridge replacement. She said that the third was the shared use path into the City of Charlottesville. She stated that a public hearing had been scheduled for May, and a design-build request for qualifications was currently underway.

Ms. Shepherd said that regarding rural rustics, these projects were temporarily on hold until the plan was approved. She said that Old Dominion Road was already complete, and Sutherland Road was under construction. She said that once the plan was finalized and funding was secured, they would proceed with the remaining projects, including Glendower Road phase one and phase two, as well as a few others based on feedback from Mr. Karina-Plun. As for their other bridge projects, these were state force bridge projects. She said that they had the Stillhouse Creek emergency bridge replacement, which was still ongoing due to damage from Hurricane Helene.

Ms. Shepherd said that unfortunately, the winter snow had delayed the reopening, and they now expected it to be completed by mid-April, rather than March. She said that the crew was working diligently to complete the project as quickly as possible. She said that they also had the Route 601 Old Ivy Road superstructure replacement, which was ongoing and expected to be completed in the summer of 2026.

Ms. Shepherd said that additionally, they had a few traffic engineering-related requests that were still pending. She said that the Route 29/Route 250 bypass from Barracks to Fontaine Avenue was under review for reflectivity. She said that she had previously mentioned this. Although they had not yet addressed this corridor, it was included in their plans to do so. She said that they would inform the Board once the project was complete and provide details on the signs that would be replaced. She appreciated that.

Ms. Shepherd said that they had been reviewing all truck restricted routes in Albemarle County to ensure their validity. Recently, they had completed a review of 22-231 for the over-length restriction, verifying that the restriction remained valid. She said that two curves on that road were not large enough to accommodate trucks over a certain length.

Ms. Shepherd said that they were currently completing a study for pedestrian facilities on 20 Stoney Point Road, which was still in the conceptual phase. She said that they were seeking County feedback, hopefully within the next couple of weeks, to continue moving the project forward. She said that they were addressing parking signs on Ridge Road and were scheduled to conduct another site visit to discuss this issue.

Ms. Mallek said that she noticed a column on the charts from their SSYP that indicated SF had hired a contractor. She said that she was inquiring whether that referred to state forces or if there had been a shift in the approach. She said that her alarm bells went off when she saw hired contractor listed, given the issues that had arisen with contractors on the Blufton Mill project, which had resulted in a \$600,000 expenditure that was never resolved. She said that she had assumed that VDOT was reverting to using state forces for smaller jobs.

Ms. Shepherd said that currently, they had a rural rustic crew that was dedicated to rural rustic projects. She said that they were responsible for the prep work once the road was funded, which included ditching, tree trimming, and any necessary pipe replacements. She said that after that, a contractor was brought in to lay the base stone and asphalt. She explained that the Blufton project, which used a surface treatment, was another factor in its poor performance. She said that since they were now using asphalt, they had been using a contractor for the final surface. She reiterated that VDOT's crews did the prep work, and the contractor did the final surfacing.

Ms. Mallek said that the drainage issue that was not addressed beforehand was a contributing factor to the failure.

Ms. Shepherd confirmed that yes, that was one of the factors contributing to the problem.

Ms. LaPisto-Kirtley said that she had one question regarding Stony Point Pass. She asked if the approximately 0.2-mile section planned to be completed during the spring or summer.

Ms. Shepherd said that they had not run through the priorities as they currently stood in the Secondary Six-Year Plan, so she assumed that one was still on there. She said that she did not know how the two-thirds vote affected it.

Mr. Gallaway said that since the Hillsdale/Rio intersection project did not receive funding through Smart Scale, he was wondering if VDOT had any plans to revisit the timing of the lights or address the safety concerns associated with the dual-lighted intersection. He said that he knew that when they previously discussed the issues in the Smart Scale application, some of the concerns, such as the dual roundabout and the peanut roundabout in Hillsdale, still existed. He said that he was hoping Ms.

Shepherd could provide some insight into whether there were any plans to address these issues, even if it was not a priority at this time.

Ms. Shepherd said that at this point in time, since the project was not funded, she believed there was an opportunity to re-examine the design and consider it again for the next round of funding. She said that it may be worth exploring whether the peanut roundabout was still the preferred solution, or if there were alternative solutions that could be more likely to be funded.

Mr. Gallaway said that he was unsure about the analysis of the current lighting system, and he was wondering if it had been researched or reviewed in a while. He said that if there were any potential improvements, such as adjusting the lighting programming, he would like to know if that had been considered. He said that he may have missed this, but he was hoping for a follow-up on this matter.

Mr. Gallaway said that he would also like to know the current status of the two items he typically inquired about. He said that specifically, he was wondering if the Greenbrier/Hillsdale modular roundabout project was still planned for the next fiscal year, or if there had been any changes to the timeline.

Ms. Shepherd answered that they were still in the process of working through the various materials they could use and finalizing some design elements, which was moving forward. She said that they were hoping that the next fiscal year would be the time frame for that project.

Mr. Gallaway said that the other item they had previously discussed was the Penn Park Road speed limit change from 35 to a lower speed. He said that he recalled that there were some questions raised about this issue. He said that to clarify, were they currently analyzing this, or had they moved forward with the change?

Ms. Shepherd said that she would provide follow-up information on that one.

Mr. Pruitt asked what season and year they would be finishing the paving of Glendower Road.

Ms. Shepherd said that if it was fully funded and on the approved plan for this year, then they should be able to do it this summer. She said that it was their plan, unless priorities changed, in which case they would need to reassess their timeline.

Ms. McKeel expressed her gratitude to Ms. Shepherd for always responding to her requests and providing assistance whenever possible. She noted that she had heard rumors from legislators that the next session of the General Assembly would focus on transportation funding. She said that they would see how that played out. She believed that they could all agree that transportation funding was needed.

Ms. McKeel said that regarding Georgetown Road, across from the veterinarian, it was experiencing flooding issues again, which was an ongoing problem. She said that it was definitely flooding during heavy rainfall, although she was not sure if there was a swale. She added that she appreciated the update on the signage, as some of the signs had become so deteriorated that they were not visible at night and appeared dirty and unkempt.

Ms. McKeel stated that she would like to bring up the Smart Scale project on Barracks Road in Georgetown. She expressed concern that some of the projects in that area, including those not currently funded, may be too large to tackle as a single package. She said that breaking them down into separate projects would be beneficial. She said that she would like to inquire about any progress on synchronizing traffic lights between the City and the County. The City had promised to do this years ago, so she was interested in hearing if there were any updates or discussions at LUPEC regarding this matter.

Ms. Shepherd said that there had been discussions with the City, including a recent one that she was not a part of, which was more technical in nature. She said that she was aware that they had a phasing program currently underway to upgrade their signals and review their signal timings. She said that she did not have any further updates to share at this time, and she was not aware of the current status of this process.

Ms. McKeel said that LUPEC was a great opportunity for improvement because VDOT was often present at the table, and both the City and County were represented. She noted that a significant portion of their traffic congestion and backup issues, particularly within the city and county borders, could be alleviated if VDOT's traffic signals were better synchronized and maintained. She encouraged them to move forward with this initiative.

Ms. McKeel said that she also wanted to bring up the issue of tree debris, which was a significant concern. She said that some of this debris was located right at the edge of the roads in urban areas, and she assumed they were waiting for July to receive additional maintenance funding.

Ms. Shepherd replied that they were trying to get that cleaned up, but there had been so much.

Ms. McKeel said that it seemed that every year, they were seeing an increase in the number of trees that had fallen and were being removed from heavily trafficked urban areas. She said that in these areas, the trees that were cut down were often simply pulled to the side, leading to significant accumulation. She said that VDOT had picked up some of these for them, and she really appreciated it. She said that they had thanked her for acknowledging the issue in areas where it was causing problems.

Mr. Andrews said that he appreciated the report. He said that he had also sent them some questions and emails regarding concerns from the public. He said that one thing he would like to follow up on is the process for repairing roads. He said that when individuals reported that a repair attempt was unsuccessful, it was often due to a cold patch, which was typically done in cold weather. He said that he wondered if they had made the transition to permanent repairs, and if so, what was the typical timeframe for this transition to occur.

Ms. Shepherd explained that they were currently patching. She said that they had made a significant effort to complete a substantial amount of patching work. She said that this included addressing the winter breakups that occurred. She said that in addition to the winter breakup patching, they were also conducting finishing patching in preparation for the upcoming paving schedule. She said that as a result, they had multiple patching efforts underway simultaneously.

Mr. Andrews asked if some of those roads may be resurfaced when the weather became more consistently favorable.

Ms. Shepherd stated that it depended on the specific roads being discussed.

Ms. Mallek said that she had a quick follow-up question. She said that she wanted to know who was responsible, either the County or VDOT, for maintaining the "Your Speed Is" signs in Earlysville. She said that she believed the issue with the solar collector was due to dirt and debris, which was causing it to malfunction.

Ms. Shepherd replied that it was VDOT's responsibility.

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Agenda Item No. 12. Closed Meeting.

At 5:05 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 to various boards and commissions including, without limitation: the Citizens Transportation Advisory Committee, the Crozet Community Advisory Committee, the Economic Development Authority, the Rivanna Solid Waste Authority, and the Rivanna Water and Sewer Authority; and
- under subsection (8) to consult with legal counsel regarding specific legal matters requiring the provision of legal advice, including:
  - a proposed agreement regarding payments in lieu of taxation; and
  - the actions required prior to enactment or administration of covered practices under Virginia Code § 24.2-129.

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

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

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Agenda Item No. 13. Certify Closed Meeting.

At 6:00 p.m., Mr. Pruitt **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

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

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

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Agenda Item No. 14. Boards and Commissions.  
Item No. 14.a. Vacancies and Appointments.

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

- **Reappoint** Mr. Peter Thompson to the Citizens Transportation Advisory Committee (CTAC) with said term to expire April 3, 2028.
- **Appoint** Ms. Grace Spalding to the Crozet Community Advisory Committee with said term to expire March 31, 2027.
- **Appoint** Mr. William Mechnick to the Economic Development Authority as the Rivanna District representative to fill an unexpired term ending on January 19, 2026.
- **Reappoint** Mr. Jeff Richardson to the Rivanna Solid Waste Authority with said term to expire on April 1, 2027.

- **Reappoint** Mr. Jeff Richardson and Mr. Quinn Lunsford to the Rivanna Water and Sewer Authority with said terms to expire on April 1, 2027.

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

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

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Agenda Item No. 15. From the County Executive: Report on Matters Not Listed on the Agenda.

There was no report from the County Executive.

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Agenda Item No. 16. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).

Ms. Kathy Kuhlmann, Rivanna District, said that she was here to advocate for the reinstatement of horse trails at Biscuit Run Park. She said that the original state plans for Biscuit Run Park unambiguously designated the park for horse trails. She said that a County representative informed her that in 2018, a survey was conducted and the results indicated there was no interest in horse trails at Biscuit Run. She said that she had personally spoken with numerous local horse enthusiasts, the Virginia Horse Council, and the Albemarle County Extension Agent, and only one individual recalled any type of survey.

Ms. Kuhlmann said that it was clear that this survey did not reach the majority of local horse enthusiasts, the Horse Council, or the Extension Agent. She said that they had all been eagerly awaiting the opening of the horse trails at Biscuit Run, only to be disappointed to find that they were eliminated. She respectfully requested that the horse trails at Biscuit Run be reinstated as originally planned.

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Agenda Item No. 17. **Action Item:** Emergency Ordinance Changing the Polling Place for the Branchlands Precinct of the Rio Magisterial District.

Mr. Andy Herrick, County Attorney, stated that this matter was before the Board this evening due to the need to change the Branchlands polling place for the Rio Magisterial District. He explained that the current polling place for that district was the Hillsdale Conference Center, which had informed County staff that it was no longer interested in serving as a polling place. Therefore, the Electoral Board and County staff had searched for alternative polling places and had selected the Harvest Church of God, located at 1025 Rio Road East, as the new polling place.

Mr. Herrick said that the Board was being presented with a proposed emergency ordinance this evening, which was required by law to initiate the Attorney General's review period, as the Attorney General would consider this polling place only if it had been adopted by ordinance by the Board. He said that the Board had agreed to commission staff to begin the process of providing public notice for a permanent ordinance, which would be considered on May 7.

Mr. Herrick said that the Board was taking a two-pronged approach, with one part involving the adoption of an emergency ordinance this evening to initiate the Attorney General's review period, and the other part involving soliciting public comment for a permanent ordinance, which would come before the Board on May 7. He said that he had with him tonight representatives from the Election Office, Jeania Pace and Erin Davis, as well as members from the Electoral Board, Clara Belle Wheeler and Bucky Walsh. He said that he was also available to answer any questions from the Board.

Mr. Gallaway said that he was grateful for those involved in the effort to find a new location; he was thankful for their hard work in locating a suitable site.

Mr. Pruitt also wanted to express his gratitude to the community at Harvest Church for allowing the County to utilize this space and provide a solution.

Mr. Herrick said that if the Board was in consensus, a suggested motion would be to adopt the emergency ordinance, changing the polling place for the Branchlands Precinct of the Rio Magisterial District.

Ms. LaPisto-Kirtley **moved** that the Board of Supervisors adopt the Emergency Ordinance changing the polling place for the Branchlands Precinct of the Rio Magisterial District. 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.

**AN EMERGENCY ORDINANCE CHANGING THE POLLING PLACE FOR  
THE BRANCLANDS PRECINCT OF THE RIO MAGISTERIAL DISTRICT**

**WHEREAS**, *Virginia Code* § 24.2-307 requires that each polling place be established by ordinance;

**WHEREAS**, *Albemarle County Code* § 2-101(E) establishes the Hillsdale Conference Center, 550 Hillsdale Drive, as the polling place for the Branchlands Precinct of the Rio Magisterial District;

**WHEREAS**, the Hillsdale Conference Center has recently declined further service as a polling place;

**WHEREAS**, the Harvest Church of God, 1025 Rio Road East has very recently agreed to make its buildings available as a polling place;

**WHEREAS**, after a polling place is changed by an ordinance adopted by the Board of Supervisors, the County is required to meet additional requirements of *Virginia Code* § 24.2-129 before changing a polling place;

**WHEREAS**, under normal circumstances, such a change would be submitted at least 90 days prior to an election to allow the Virginia Attorney General to review the request and to allow the Albemarle County General Registrar sufficient time to notify voters of the polling place change;

**WHEREAS**, primary elections will be held on June 17, 2025 and there is inadequate time to provide the notice required by *Virginia Code* § 15.2-1427 before adopting an ordinance changing the polling place, obtaining expedited Attorney General review, and notifying voters of the polling place change; and

**WHEREAS**, the Board of Supervisors finds that an emergency exists requiring the adoption of this Ordinance without prior public notice pursuant to *Virginia Code* § 15.2-1427.

**NOW, THEREFORE, BE IT HEREBY ORDAINED THAT:**

**Section 1. Amendment of *Albemarle County Code* § 2-101(E).**

*Albemarle County Code* § 2-101(E) is hereby amended to read: "Branchlands Precinct is comprised of census blocks 510030106031000 through 510030106031004, and 510030106032000 through 510030106032013, and has its polling place at Harvest Church of God, 1025 Rio Road East."

**Section 2. Change of polling place for the Branchlands Precinct.**

The polling place for the Branchlands Precinct of the Rio Magisterial District is changed from the Hillsdale Conference Center, 550 Hillsdale Drive to the Harvest Church of God, 1025 Rio Road East.

**Section 3. Immediate effect; emergency.**

This Ordinance shall take effect immediately, being adopted under emergency procedures pursuant to *Virginia Code* § 15.2-1427, except that Section 2 above will be given effect after completion of the procedures set forth in *Virginia Code* § 24.2-129. This Ordinance shall remain in effect not longer than 60 days unless readopted in conformity with the applicable provisions of the *Virginia Code*.

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Agenda Item No. 18. **Public Hearing: 25-3(2) – Agricultural and Forestal Districts.** Ordinance to amend County Code Chapter 3, Agricultural and Forestal Districts, Article 2, Districts of Statewide Significance, Division 2, Districts, to review the Buck Mountain, Buck's Elbow, Fox Mountain, Keswick, Kinloch, Moorman's River, and Sugar Hollow Agricultural and Forestal Districts:

- a) **AFD 2024-15 Buck Mountain – District Review.** The proposed ordinance would amend Section 3-209, Buck Mountain Agricultural and Forestal District, to modify it by removing Tax map 8, parcels 44 and 44A; Tax map 17, parcels 2D6 and 26B; and adding Tax Map 8, parcel 44R and would continue the district for all other parcels identified in the district regulations, to set the next district review deadline date of April 2, 2035, and to remove any parcels in the district for which a request for withdrawal is received before the Board acts on the proposed ordinance.
- b) **AFD 2024-13 Buck's Elbow – District Review.** The proposed ordinance would amend Section 3-210, Buck's Elbow Agricultural and Forestal District, to modify it by removing Tax map 38, parcel 20; Tax map 39, parcels 1D, 1F, 1F1, 1G, 2B, 21Q, 21R, and 21Z ; and would continue the district for all other parcels identified in the district regulations, to set the next district review deadline date of April 2, 2035, and to remove any parcels in the district for which a request for withdrawal is received before the Board acts on the proposed ordinance.
- c) **AFD 2024-12 Fox Mountain – District Review.** The proposed ordinance would amend Section 3-214, Fox Mountain Agricultural and Forestal District, to modify it by removing Tax map 14, parcel 26A; Tax map 15, parcel 1; and would continue the district for all other parcels identified in the district regulations, to set the next district review deadline date of April 2, 2035, and to remove any parcels in the district for which a request for withdrawal is received before the Board acts on the proposed ordinance.

- d) **AFD 2024-08 Keswick – District Review.** The proposed ordinance would amend Section 3-223, Keswick Agricultural and Forestal District, to modify it by removing Tax map 65, parcel 14A1; Tax map 80, parcels 2, 3I, 61D, 88, 115, and 176; Tax map 81, parcels 72 and 73; by adding Tax map 63, parcels 39A (part); Tax map 80, parcel 2E; to continue the district for all other parcels identified in the district regulations, and to set the next district review deadline date of April 2, 2030, and to remove any parcels in the district for which a request for withdrawal is received before the Board acts on the proposed ordinance.
- e) **AFD 2024-10 Kinloch – District Review.** The proposed ordinance would amend Section 3-224, Kinloch Agricultural and Forestal District, to modify it by removing Tax map 49, parcel 5C; Tax map 50, parcel 19; Tax Map 65, parcels 84A, 86, 94, 94A, 95, 95A; by adding Tax Map 65, parcel 86B and would continue the district for all other parcels identified in the district regulations, to set the next district review deadline date of April 20, 2030, and to remove any parcels in the district for which a request for withdrawal is received before the Board acts on the proposed ordinance.
- f) **AFD 2024-09 Moorman’s River – District Review.** The proposed ordinance would amend Section 3-226 Moorman’s River Agricultural and Forestal District, to modify it by removing Tax map 27, parcel 42; Tax map 28, parcels 6, 12B, 17A, 30A1, 30B, 31A, and 32D; Tax map 29, parcels 2C, 8E1, 40B, 40C, 40D, 69F, 70B, 70K, 70L, 70M, and 84; Tax map 30, parcels 12C1 and 12D; Tax Map 41, parcels 8, 8B, 8C, 8D, 50C, 72, 72D, 72E, and 72F; Tax map 42, parcels 10D and 41; Tax map 43, parcels 9, 18E4, 25B, 30N, 32H, 41, 42, 45, 45C, and 45D; Tax map 44, parcels 26B, 29D, and 31H; Tax map 58, parcels 65A4, 65E, and 65I; Tax map 59, parcel 32A; and by adding Tax map 29, parcels 8H1, 63D (part), and 70A1 (part); Tax map 41, parcel 65A1(part); Tax map 43, parcel 19P (part); Tax map 44, parcels 30B1 and 30B2, to continue the district for all other parcels identified in the district regulations, and to set the next district review deadline date of April 2, 2030, and to remove any parcels in the district for which a request for withdrawal is received before the Board acts on the proposed ordinance.
- g) **AFD 2024-14 Sugar Hollow – District Review.** The proposed ordinance would amend Section 3-231, Sugar Hollow Agricultural and Forestal District, to modify it by removing Tax map 25, parcel 24; Tax Map 27, parcels 8E, 24A, 25, and 26; Tax map 39, parcels 13C and 25A; Tax map 40, parcels 9D (part), 9E, 10A, 10B, 10C, 12A, and 46C1; by adding Tax map 27, parcels 8E6 (part), 26A, and 26B; and would continue the district for all other parcels identified in the district regulations, to set the next district review deadline date of April 2, 2030, and to remove any parcels in the district for which a request for withdrawal is received before the Board acts on the proposed ordinance.

The Executive Summary forwarded to the Board states that the Agricultural and Forestal Districts (AFD) program is a voluntary rural land conservation program in which landowners can limit the development potential of their land to help protect the rural landscape. The program is structured to protect the following public interests: production of food and other agricultural and forestal products; provision of essential open spaces; strong agricultural and forestal economies; and protection and preservation of natural resources and retention of continuous and unfragmented land. The County currently has 27 districts across the Rural Area.

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

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

During the 2016 update of Chapter 3 of the County Code, which establishes and regulates the AFDs, § 3-201(F)(7) was added. This section states that “...the policy of the County is to not include any parcel determined to have no development rights and [that] cannot be further divided to create one or more parcels less than 21 acres in size.” In reviewing a District, the Board “shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in County Code § 3-201(F)(2), (3), (4), (5), and (7), and any other relevant factors when it reviews a district. County Code § 3-204(E)(3).

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

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

The AFD Advisory Committee recommended (3:2) that the Fox Mountain, Buck’s Elbow Mountain, Sugar Hollow, and Buck Mountain AFDs be renewed for five years, and that the Keswick, Moorman’s River, and Kinloch AFDs be renewed for ten years. The Advisory Committee’s recommendation was to renew the AFDs without the removal of parcels lacking development rights.

Some members of the Committee believe that such removals are unfair to landowners, are not in keeping with the purposes of the AFD program and will erode the AFDs. The Advisory Committee's recommendations were outlined in a letter emailed to the Board on February 17, 2025 (Attachment B).

The Planning Commission recommended (6:0) renewal of all seven districts with the staff-recommended removals in line with the policy established in County Code section 3-201(F)(7).

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

District	Current Size	Withdrawals	Removals	Resulting Size	Parcels Needing 5-year Renewal	Renewal Period
<b>Keswick</b>	73 parcels	-	8 parcels	65 parcels	9 parcels	5 years
	7,017 acres	-	152 acres	6,866 acres	179 acres	
<b>Moorman's River</b>	228 parcels	8 parcels	33 parcels	187 parcels	5 parcels	5 years
	11,045 acres	175 acres	644 acres	10,225 acres	88 acres	
<b>Kinloch</b>	33 parcels	2 parcels	6 parcels	25 parcels	2 parcels	5 years
	1,710 acres	107 acres	49 acres	1,554 acres	33 acres	
<b>Fox Mtn.</b>	5 parcels	-	2 parcels	3 parcels	-	10 years
	437 acres	-	28 acres	409 acres	-	
<b>Buck's Elbow Mtn.</b>	17 parcels	-	9 parcels	8 parcels	-	10 years
	3,210 acres	-	169 acres	3,042 acres	-	
<b>Sugar Hollow</b>	64 parcels	2 parcels	10 parcels	52 parcels	1 parcels	5 years
	4,978 acres	95 acres	152 acres	4,731 acres	8 acres	
<b>Buck Mtn.</b>	14 parcels	-	5 parcels	9 parcels	-	10 years
	476 acres	-	54 acres	422 acres	-	

Please note that these figures may change slightly between now and the date of the public hearing. Staff will update the Board on changes during the staff presentation.

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

Staff recommends that the Board adopt the proposed ordinance (Attachment A) to continue the Keswick, Moorman's River, Kinloch, Fox Mountain, Buck's Elbow Mountain, Sugar Hollow, and Buck Mountain AFDs.

Mr. Scott Clark, Conservation Program Manager, stated that the item before the Board for a public hearing tonight was a set of seven Agricultural and Forestal Districts (AFD), which were up for their periodic reviews. He said that he had a brief presentation, and staff was available to answer any follow-up questions they may have. He said that Agricultural and Forestal Districts were a voluntary land conservation program used across the state of Virginia to protect rural areas.

Mr. Clark said that for each district, it was required that they go out for a public hearing every 10 years, before they were renewed for another 10-year period. He said that during reviews, staff used the provided criteria to analyze the districts as they were on the landscape now. He noted that item seven on the list regarding development rights had been of particular interest in the last year or two, as it stated that the County policy was not to include any parcel determined to have no development rights.

Mr. Clark explained that this was because the subdivision limitations of the district program only restricted small lot development rights, so a lot without those rights was effectively not regulated by the districts. He said that staff and the Planning Commission had made recommendations for the renewal of these seven districts in accordance with that policy. However, the Agricultural and Forestal District's Advisory Committee had recommended differently, which was reflected in the displayed table.

Mr. Clark said that he would run through it in detail. The middle column showed the staff and Planning Commission recommendation broken down into four categories of parcels. He said that parcels with development rights would remain in the districts. He said that parcels requested for withdrawal would be removed. He said that parcels without development rights under the staff and Planning Commission recommendation would be removed. He said that parcels without development rights that were in the open space land use taxation category would be renewed for five years and then put up for removal.

Mr. Clark said that the purpose of this was to avoid hitting those landowners with immediate rollback taxation through their removal from the districts. In contrast, the Advisory Committee recommendation would be the same for the first two categories. He said that they would maintain the

parcels with development rights and accommodate the requested withdrawals, while keeping the parcels without development rights in the districts.

Mr. Clark said that the next table was an update of the table from their executive summary for tonight's hearing. He said that a few rows had changed, with the numbers shifting. He said that for the Keswick and Moorman's River District, the changes were due to late withdrawal requests that had arrived since their report was released.

Mr. Clark noted that the State Code allowed for withdrawals up to the moment of this hearing, so they must accommodate these requests until the last minute; this adjustment reflected the withdrawn parcels in those two districts. He said that in Fox Mountain, they would notice a decrease in removals when comparing the two tables.

Mr. Clark said that this was because two parcels under the same ownership, one with rights and one without, were combined in the last couple of months, making the removal of one parcel unnecessary. He said that the resulting sizes for each of the seven districts were shown on the right. He said that this recommendation was based on the Planning Commission and staff's proposal.

Mr. Clark said that at this point, Mr. Lynch and he were happy to address the Board's questions. He said that as a reminder, there were seven districts, but there was only one public hearing for a single ordinance amendment. He said that the ordinance recently sent by Mr. Herrick incorporated the most recent updates and would be included in the motion.

Mr. Herrick added that the most up-to-date ordinance had been printed on blue sheets and distributed, so it was available on blue sheets with a revised date of April 2, and this represented the most current draft ordinance.

Ms. Mallek asked if Mr. Clark could explain the distinction between the AFDs and the land use program. She stated that when they began discussing the development rights criteria for AFDs, approximately seven years ago, it was because the AFD membership was being allowed to circumvent with validation and get people access to the land use program, and there did not seem to be a better way to do it.

Mr. Clark said that to summarize, parcels in rural areas could be categorized into three groups: those not in any conservation program, those in periodic land conservation programs such as AFDs and open space use agreements, and those in permanent conservation easements. He said that the displayed chart illustrated how parcels in these categories were taxed. He said that to clarify, AFDs were not tax programs themselves; being in a district did not automatically qualify a parcel for tax benefits. He said that many AFD parcels were simply paying full rate taxes.

Mr. Clark said that staff's concern was with parcels in AFDS that had at least 20 acres of open space land, which could qualify for open space taxation. However, if a parcel lacked development rights and could not be subdivided, the district membership did not provide any conservation benefits. Instead, it created a route to open space taxation without any conservation value. As a result, parcels without development rights had been recommended for removal to prevent future use of the open taxation route.

Mr. Peter Lynch, County Assessor, added that the two programs, AFDs and land use program, were two distinct programs. He said that they did have a mutually beneficial relationship, where participation in the AFD program could contribute to the qualification of open space and land use.

Mr. Andrews said that they had distinguished some parcels, which would be removed, one or two of which had been notified more than five years ago, but others that somehow only found out within the past five years would be recommended for a five-year renewal if they were in open space. He said that he was looking at a parcel in the Fox Mountain area, which was currently designated as open space but was being removed. He said that he wondered if they had been previously notified about this change.

Mr. Clark said that at this point, there was only one parcel that would be removed from Fox Mountain, which was a very small parcel. He said that the label specifically identified the parcel as 14-26A, located in the middle of Fox Mountain.

Mr. Andrews said that the reason for parcels was that, instead of removing the parcels in open space, they were given a five-year window to either switch to a different type of taxation or to begin paying their taxes.

Mr. Clark said that if they were currently in open space and qualified for reduced rates by being outside the district, giving them a five-year exemption allowed them to either qualify differently through AFD taxation or revert to full-rate taxation for a five-year period, effectively rolling back the reduction.

Mr. Andrews opened the public hearing.

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Ms. Madeleine Rafferty said that she was here to share her support for Agricultural and Forestal Districts, and to request the Board of Supervisors to not remove parcels from the AFDs without a thorough parcel-by-parcel analysis. She stated that the AFDs offer numerous benefits, and she would like to highlight two that are particularly important to her. She said that the AFDs were a vital conservation program that contribute to the rural character and beauty that defined their County. She said that it was

noteworthy that, even within a 15-minute drive from the City, they had areas of open farmland that were uniquely special.

Ms. Rafferty said that the additional notification and review process associated with AFDs served as a crucial tool for community awareness and engagement. She said that for these reasons, among others, she respectfully requested that the Board act to preserve the integrity of the AFDs and only remove parcels that have been proven, based on individual analysis, to be managed inconsistently with the purposes of AFDs. She said that by preserving AFDs, they were not only protecting their agricultural heritage and natural resources but also ensuring the character and beauty of their County remained intact for future generations.

Ms. Rafferty said that the open spaces, rolling hills, and forests preserved by these districts were a defining feature of our landscape and contribute significantly to their quality of life. She said that the distinctive beauty, fresh air, clean water, and productive soils that we all benefit from are the direct result of decades of thoughtful conservation and protection of these values. She said that moreover, the additional notification and review requirements associated with the AFDs served as a crucial mechanism for community awareness and engagement.

Ms. Rafferty said that this additional checks and balance system was unique to AFD's and should be supported and protected. She said that any special requests or exceptions to land use should be thoroughly considered and that the community should have a voice in the decisions that affect their collective future. She said transparency and inclusivity fosters trust and cooperation among residents, developers, and local government, which were essential in today's fast-paced world where community involvement was often overlooked. She said that removing parcels from these districts undermined the principles that have made conservation efforts successful in their County. She said that it not only diminished the environmental benefits but also eroded the community's ability to participate in decisions about the future of their land.

Ms. Rafferty urged the Board to consider the long-term implications of eroding their Agricultural and Forestal Districts. She said that instead of voting to remove the parcels today, she recommends exploring ways to enhance and support these districts, ensuring they continue to thrive as a vital part of our county's identity and conservation strategy.

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Ms. Melanie van Roijen, chair of the Agricultural Forestal District Advisory Committee, said that she had a statement prepared but did not have it with her. She said that however, the statement would have reiterated what the Supervisors already knew. For instance, two-thirds of the parcels being removed were not in the land use program, and those parcels already paid full market rate taxes. Additionally, 98% of the parcels in total would not be subject to any tax implications from removing them. She questioned the reasoning behind removing them to begin with.

Ms. van Roijen said she would like to share a personal story to illustrate her point. Growing up, she came from modest means, but she worked hard to achieve her current position. She said she was very fortunate and privileged. She wanted to assert to the Board that she would be the first to admit that she would not have been able to afford the work she had done on her land, investing thousands of dollars every year to return it to forestry. She explained that when they purchased their property seven years ago, they were dismayed to find that a significant portion, estimated to be around a quarter to a third, had been deforested to convert it into a dirt biking trail system.

Ms. van Roijen stated that upon moving in, they lacked the equipment to move the heavily compacted dirt, which would have taken years for the forest to regrow. They did not want those mounds to remain, as they posed a risk of erosion. They were fortunate to be in an Agricultural and Forestal District, surrounded by parcels in the same district. A neighbor, who was also in an AFD, kindly offered their large tractor, and other neighbors had offered their equipment as well.

Ms. van Roijen noted that because the land was protected, combined with the risks associated with farm equipment accidents, made it a priority for them to maintain the forest. They had an agreement that allowed them to cross equipment across these unfragmented, continuous parcels of land. Before she ran out of time, she would like to mention that one of the things that became apparent three years after they purchased their property was that their next-door neighbor decided to sell their property and relocate.

Ms. Van Roijen said that the value of the AFD played a significant role in this situation, and it was actually the reason she joined the committee, and it provided her with valuable experience. She said that one of the potential sellers, who offered a significantly higher price than any other, expressed interest in developing the property.

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

Ms. LaPisto-Kirtley said that she was curious about the potential consequences of not removing the parcels in question. She said that she assumed that others may have a more in-depth understanding of the situation, but she would like clarification on what would happen if they were to leave the parcels intact. She said that she wondered whether it would result in additional financial burdens for the County, or if it would have some other impact.

Mr. Clark said that it was impossible to predict what would happen on all of these parcels. He said that the landowners would ultimately decide what to do with the proposed removal parcels. He said that the AFD's did not impact their ability to develop. He said that the parcels that were recommended to remain in the districts were subject to additional restrictions on development. He said that in addition to rural area zoning, which already limited development, the AFD imposed further restrictions on the amount of development allowed. He said that this only applied to the smaller lots.

Mr. Clark said that for the parcels recommended for removal, there was no difference in terms of residential development. He said that the difference lay in that if those parcels had remained in the districts, there would be additional restrictions for special use permits or a higher level of review for special use permits on those parcels or adjacent parcels.

Ms. LaPisto-Kirtley asked if the landowners would have more freedom to do things with their property in this case.

Mr. Clark explained that the districts imposed additional restrictions. He said that for parcels intended for removal, these restrictions regarding subdivision were relevant. He said that since those parcels could not be subdivided, there was little to no difference between being located within a district or outside of it for those specific parcels.

Ms. LaPisto-Kirtley asked if those parcels had requested to be removed.

Mr. Clark clarified that there was a separate category of parcels that landowners could request for withdrawal by themselves, a right they could exercise during the review process. He said that for the seven districts currently under review, the green areas on the chart represented the acreage that would remain in the districts. He said that the yellow bars indicated the acreage that would be withdrawn due to the landowner's request. He said that the pink areas showed the acreage of parcels that would be removed as a result of applying the policy to parcels without development rights.

Mr. Pruitt said that he wanted to ensure that he understood correctly. He said that according to the memorandum submitted in their report, the Agricultural and Forestal District Advisory Committee stated that there was a \$6,000 annual revenue difference resulting from the removal of these parcels. He said that he assumed that this also included parcels that were being involuntarily removed. He asked if staff knew the tax difference for the parcels that they were removing.

Mr. Lynch said that at this point, it was challenging to calculate the exact savings because some parcels that were notified five years ago and voluntarily withdrew from the program were no longer under land use. He said that if they had not taken this action five years ago, those parcels would currently be under land use, which would significantly alter the calculation. He said that therefore, it was not possible to simply consider the potential savings in tax dollars by comparing the current situation to a hypothetical scenario where they had not taken this action five years ago.

Mr. Pruitt said that several people had already withdrawn themselves in anticipation of the Board's decision.

Mr. Lynch said that was correct; they did so over time to avoid having all the taxes on a single rollback bill.

Mr. Gallaway **moved** that the Board of Supervisors adopt Proposed Ordinance 25-3(2), as revised on April 2, 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.

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#### **ORDINANCE NO. 25-3(2)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

**By Amending:**

Sec. 3-209	Buck Mountain Agricultural and Forestal District
Sec. 3-210	Buck's Elbow Agricultural and Forestal District
Sec. 3-214	Fox Mountain Agricultural and Forestal District
Sec. 3-223	Keswick Agricultural and Forestal District
Sec. 3-224	Kinloch Agricultural and Forestal District
Sec. 3-226	Moorman's River Agricultural and Forestal District
Sec. 3-231	Sugar Hollow Agricultural and Forestal District

## CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS

### ARTICLE II. DISTRICTS OF STATEWIDE SIGNIFICANCE

#### DIVISION 2. DISTRICTS

##### **Sec. 3-209 Buck Mountain Agricultural and Forestal District.**

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

A. *Date created.* The district was created on January 4, 1989.

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

1. Tax map 8: parcels 16A, 16C, 17E, 17F, 37, 44R.

2. Tax map 17: parcels 26C1, 26C2, 26C3.

C. *Review.* The district is reviewed once every ten years and will next be reviewed prior to April 2, 2035.

(4-12-95; Code 1988, § 2.1-4(o); § 3-209, Ord. 98-A(1), 8-5-98; Ord. 99-3(1), 1-13-99; Ord. 99-3(5), 10-6-99; Ord. 09-3(2), 9-2-09; Ord. 09-3(4), 12-2-09; Ord. 18-3(1), 11-7-18; Ord. 19-3(3), 12-18-19; Ord. 25-3(2), 4-2-25)

##### **Sec. 3-210 Buck's Elbow Mountain Agricultural and Forestal District.**

The district known as the "Buck's Elbow Mountain Agricultural and Forestal District" was created and continues as follows:

A. *Date created.* The district was created on December 2, 2009.

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

1. Tax map 25: parcel 1.

2. Tax map 38: parcels 4, 7, 8, 10.

3. Tax map 39: parcels 1, 8, 10A.

C. *Review.* The district is reviewed once every ten years and will next be reviewed prior to April 2, 2035.

(§ 3-209.5, Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(2), 7-6-11; Ord. 11-3(4), 12-7-11; § 3-210, Ord. 18-3(1), 11-7-18; Ord. 19-3(3), 12-18-19; Ord. 25-3(2), 4-2-25)

##### **Sec. 3-214 Fox Mountain Agricultural and Forestal District.**

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

A. *Date created.* The district was created on December 2, 2009.

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

1. Tax map 14: parcels 26B, 26C.

2. Tax map 15: parcel-10A.

C. *Review.* The district is reviewed once every ten years and will next be reviewed prior to April 2, 2035.

(§ 3-212.5, Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 10-3(3), 12-1-10; § 3-214, Ord. 18-3(1), 11-7-18; Ord. 19-3(3), 12-18-19; Ord. 25-3(2), 4-2-25)

##### **Sec. 3-223 Keswick Agricultural and Forestal District.**

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

A. *Date created.* The district was created on September 3, 1986.

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

1. Tax map 48: parcels 30, 30A, 30B, 30C, 30D, 30E, 45, 46.

2. Tax map 63: parcels 39, 39A (part), 40, 42A.

3. Tax map 64: parcels 5, 7, 7A, 8A, 10, 10A, 10B, 10C, 10D, 11, 12, 13, 13A, 14.

4. Tax map 65: parcels 13, 14A, 31C1, 31C3, 31D, 32.

5. Tax map 79: parcel 46.

6. Tax map 80: parcels 1, 2A, 2C, 2E<sub>1</sub>, 3A, 3A1, 3G, 3H, 4, 114A, 164, 169, 169A, 169C, 169C1, 174, 176A, 182, 183A, 190, 194.

7. Tax map 81: parcels 1, 8A, 11H, 15A6, 15B, 63, 69, 74, 79.

C. *Review.* The district is reviewed once every five years and will next be reviewed prior to April 2, 2030. (10-12-94; 4-12-95; 8-13-97; Code 1988, § 2.1-4(e); § 3-219, Ord. 98-A(1), 8-5-98; Ord. 04-3(3), 11-3-04; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(4), 12-7-11; Ord. 12-3(1), 7-11-12; Ord. 13-3(1), 12-4-13; Ord. 14-3(2), 11-12-14; Ord. 15-3(1), 12-2-15; § 3-223, Ord. 18-3(1), 11-7-18; Ord. 25-3(2), 4-2-25)

**Sec. 3-224 Kinloch Agricultural and Forestal District.**

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

A. *Date created.* The district was created on September 3, 1986.

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

1. Tax map 49: parcel 6A1.
2. Tax map 50: parcels 13.
3. Tax map 65: parcels 7, 7A, 8, 86B, 89, 90, 91, 91A, 92, 93A, 93A1, 94B, 94C, 100, 121.
4. Tax map 66: parcels 2, 3C, 3G, 32, 32D, 32E, 34 (Albemarle County portion only), 34B.

C. *Review.* The district is reviewed once every five years and will next be reviewed prior to April 2, 2030.

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

**Sec. 3-226 Moorman's River Agricultural and Forestal District.**

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

A. *Date created.* The district was created on December 17, 1986.

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

1. Tax map 27: parcels 32, 34, 34A, 40, 40A, 40A1, 42A.
2. Tax map 28: parcels 2, 2A, 3, 4, 5, 6A, 6B, 7A, 7A1, 7B, 8, 12, 12A, 13, 13A, 17C, 18, 30, 30A, 31, 32B, 33, 34B, 35, 35B, 37A, 37B, 37C, 38.
3. Tax map 29: parcels 4E, 8, 8B, 8E, 8H1, 8J, 9, 10, 15C, 45, 45H1, 45H2, 49C, 50, 54A, 61, 62, 63, 63A, 63D (part), 67C, 70A1 (part), 70C, 70F, 70H1, 71, 71A, 74A, 76, 78, 78A1, 79C, 79E, 79F, 85.
4. Tax map 30: parcels 10, 10A, 10C, 12, 12C, 23.
5. Tax map 41: parcels 9E, 15, 15A, 17C, 18, 19, 41C, 41H, 44, 50, ~~50C~~, 65A1 (part), 67B, 70, 72B, 72C, 89.
6. Tax map 42: parcels 5, 6, 6B, 7, 8, 8B, 8C, 10, 10A, 37F, 37J, 38, 40, 40C, 40D, 40D1, 40G, 40H2, 41B, 42B, 42B1, 43, 43A, 44.
7. Tax map 43: parcels 1, 1F, 2A1, 2B, 3A, 4D, 5, 5A, 10, 16B2, 16B3, 18G, 18J, 19I, 19N, 19P (part), 20A, 20B, 20C, 21, 21A, 24A, 24B, 24C, 25A, 30, 30A, 30B, 30B1, 30B2, 30B3, 30B4, 30G, 30H, 30M, 33, 33E, 34D1, 43, 44.
8. Tax map 44: parcels 1, 2, 24, 26, 26A, 26C, 27B, 27C, 28, 29, 29A30, 30A, 30B1, 30B2, 31, 31A, 31A1, 31D, 31F, 31G.
9. Tax map 57: parcel 69.
10. Tax map 59: parcels 32, 34, 35, 82A.
11. Tax map 60: parcels 2A1, 2A2.
12. Tax map 60E3: parcel 1.

C. *Review.* The district is reviewed once every five years and will next be reviewed prior to April 2, 2030.

(4-14-93; 12-21-94; 4-12-95; 8-9-95; Code 1988, § 2.1-4(g); § 3-222, Ord. 98-A(1), 8-5-98; Ord. 99-3(4), 5-12-99; Ord. 00-3(1), 4-19-00; Ord. 04-3(4), 12-1-04; Ord. 05-3(2), 7-6-05; Ord. 08-3(2), 8-6-08; Ord. 09-

3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 14-3(2), 11-12-14; Ord. 15-3(1), 12-2-15; § 3-226, Ord. 18-3(1), 11-7-18; Ord. 19-3(2), 9-18-19; Ord. Ord. 21-3(2), 9-1-21; Ord. 25-3(2), 4-2-25)

**Sec. 3-231 Sugar Hollow Agricultural and Forestal District.**

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

A. *Date created.* The district was created on September 6, 1989.

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

1. Tax map 25: parcels 11C, 12, 13, 14, 14A, 14B, 14C, 18, 18A, 18B, 21, 21A, 25, 26, 27, 28.

2. Tax map 26: parcels 5A, 10, 10B, 10D, 10F, 10G, 11C, 11D, 12A, 13, 14F, 19, 40B, 40C, 41A, 52, 52D.

3. Tax map 27: parcels 8, 8E6 (part), 26A, 26B.

4. Tax map 39: parcels 2, 2A, 3, 4, 14, 15, 25.

5. Tax map 40: parcels 1, 9, 9C, 10, 22, 22A, 27A, 49.

C. *Review.* The district is reviewed once every five years and will next be reviewed prior to April 2, 2030.

(11-17-93; Code 1988, § 2.1-4(q); § 3-226, Ord. 98-A(1), 8-5-98; Ord. 99-3(5), 10-6-99; Ord. 02-3(1), 1-9-02; Ord. 02-3(2), 4-3-02; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(4), 12-7-11; § 3-231, Ord. 18-3(1), 11-7-18; Ord. 19-3(3), 12-18-19; Ord. Ord. 21-3(2), 9-1-21; Ord. 25-3(2), 4-2-25)

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Agenda Item No. 19. **Public Hearing: ZTA202400002 Data Centers Phase 1**. To receive comments on proposed regulations for data centers.

The Executive Summary forwarded to the Board states that the Planning Commission held a public hearing on February 25, 2025, and by a vote of 6:0 (Commissioner Clayborne absent) recommended approval of ZTA202400002, with a revision to state that Section 18-5.1.65(a)(1) is not eligible for modification or waiver.

During the Planning Commission public hearing, concerns were raised about the potential for increased setbacks from residential property lines, the suitability of the Downtown Crozet District for data centers, and the total square footage of accessory data centers.

The Planning Commission also discussed the potential for multiple buildings of less than 40,000 square feet on a single parcel being used by-right for data centers. The intent of the ordinance was to limit any lot to a total of 40,000 square feet of data center use. The ordinance has been amended to clarify this limit. Since the Planning Commission meeting, staff has also made other minor changes to the ordinance that are for consistency of language only.

Staff recommends that the Board of Supervisors adopt the ordinance included as Attachment D.

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Mr. Bill Fritz, Development Process Manager, stated that this item was a proposed zoning text amendment for data centers, and it was the first of two phases. He said that he would first elaborate on why were they proposing these regulations. He explained that data centers had unique impacts that differed from other land uses. He said that they could generate sounds at frequencies not typically found in other uses and may consume excessive amounts of water.

Mr. Fritz said that since data centers did not have a large number of people working in the buildings, the need for windows was reduced, while the need for cooling facilities was increased, resulting in distinct building appearances compared to other uses. He said that additionally, the need for energy may lead to off-site impacts on the power grid. He said that what was proposed was a follow-on approach.

Mr. Fritz said that the first step was limited in scope. He said that to allow for regulations to be put in place quickly, these regulations would enable the County to review applications and mitigate the impacts of any project. He said that the follow-on step was more comprehensive and would involve researching potential impacts and methods of mitigation.

Mr. Fritz said that the proposed amendments were not intended to discourage or prevent data centers from coming to the County. He said that the current ordinance amendment simply gave the County the ability to review applications to determine if there were impacts that required mitigation. He said that the Phase 2 amendments were intended to identify those possible impacts and methods of mitigation and to codify those mitigation techniques.

Mr. Fritz said that this should make processing data center applications easier and prevent undue

impacts on the community. He noted that currently, there were no specific performance regulations for data centers. He said that the only time the County could evaluate a request and potentially establish conditions was in commercial districts when the data center was over 4,000 square feet.

Mr. Fritz said that the proposed ordinance continued to allow accessory data centers and data centers under 40,000 square feet in the industrial districts. He said that the Planning Commission had recommended that the ordinance prohibit any provisions allowing the modification of the accessory data center regulations, so staff had made that change, which was included in the proposed ordinance. He said that the proposed ordinance allowed accessory data centers with limitations.

Mr. Fritz explained that allowing accessory centers was necessary because many businesses and organizations operated computer systems that qualified as data centers. He said that this building and the services operated by the County exhibited characteristics of a data center, but without the significant impacts generated by large centers. He said that due to the nature of data centers, staff opinion was that accessory data centers would not generate impacts greater than those generated by the primary use.

Mr. Fritz said that during the Phase 2 zoning text amendment, this issue could be further evaluated, as could the by-right size. He said that larger facilities would be subject to a special use permit, allowing for a detailed analysis of the specific applications. He said that during the Planning Commission public hearing, there was concern that multiple buildings could be placed on a lot, resulting in more than 40,000 square feet on any individual lot.

Mr. Fritz said that the ordinance had been revised to make it clear that the gross floor area could not exceed 40,000 square feet per lot in existence today. He said that the proposed ordinance allowed data centers by special use permit in the downtown Crozet district. He said that the Planning Commission discussed allowing data centers in the DCD but made no recommendation to remove it from the DCD.

Mr. Fritz said that, however, he wanted to note that it was a topic of conversation. He continued that there were some performance standards proposed for this text amendment. He said that these standards were in addition to the existing performance standards for all industrial uses. He said that the current ordinance included regulations for issues such as electrical interference, sound, and emissions.

Mr. Fritz said that the Phase 2 evaluation may indicate a need to modify these regulations and may include additional regulations. For example, the Planning Commission discussed establishing setbacks from residential property lines, which would be one of many items evaluated in Phase 2. He said that the Planning Commission had recommended unanimous approval (6-0).

She said that she thought she had mentioned that the over 4,000 square feet was where the ability to establish rules began. She asked if there was a state prohibition below 4,000 square feet.

Mr. Fritz clarified that it was 40,000 square feet.

Ms. Mallek said that that was different from what he had mentioned in his staff report and mentioned just now.

Mr. Fritz said that according to the current ordinance in commercial districts, a data center exceeding 4,000 square feet was regulated.

Ms. Mallek asked for the reasoning behind allowing a ten-fold increase before regulations applied.

Mr. Fritz said that based on the information available, a 40,000-square-foot building would not generate the potential adverse impacts that would require a special use permit before the Board of Supervisors. He said that they had increased regulations in place, including a 200-foot setback from any lot line and a 500-foot setback from any rural property. He noted that currently, if a property was adjacent to another commercial or industrial property, there was no setback requirement. He said that by establishing a 200-foot setback, combined with the limited size of the building, staff believed that 40,000 square feet would not have adverse impacts.

Ms. Mallek noted that it would still be a very big building.

Amelia McCulley, Community Development Department Project Manager, clarified that the current regulations in the industrial districts permitted a data center of any size by right. She said that staff's proposed draft, which was before the Board, represented a 40,000 square foot tipping point, where a data center would require a special use permit in the industrial districts and all sizes would require a special use permit in the commercial districts.

Mr. Fritz confirmed that was correct.

Ms. Mallek asked if there were regulations for multiple stories of a building.

Mr. Fritz said that they were not proposing any new height regulations. He said that instead, the district's regulations would apply, which would be the standard.

Ms. Mallek said that she was confused as to why there would be so much by-right development

when they required special permits for veterinary clinics and preschools with 25 children. She said that she failed to see why a 40,000 square foot data center would be given by-right consideration anywhere.

Mr. Fritz said that in the commercial districts, they are currently allowed up to 4,000 square feet before requiring a special exception. He said that what they were doing was eliminating that, so if someone wanted to build a stand-alone data center in a commercial district, they now required a special use permit, regardless of size.

Mr. Fritz said that in contrast, in the industrial districts, data centers of any size could be built without additional regulations. He said that their proposed changes would impose a 40,000 square foot cap for by-right developments and require a 200-foot setback from lot lines, along with some other regulations. He reiterated that this was not an expansion of uses in the commercial districts; they could already apply through special exception.

Ms. Mallek said that she understood that special exceptions would not provide a solution because they could not impose conditions on them. She said that as a result, they would need to rely on special permits to be effective. She said that personally, she was still struggling with the proposed size. She said that from her perspective, she would prefer a much lower cap for the industrial districts.

Ms. Mallek stated that other counties had been struggling with this issue for a long time, and they were now universally acknowledging that everyone should have a special permit for this type of project. She said that they had come to regret their previous practice of handing out building permits without proper oversight, and they had learned from their mistakes. She said that she was trying to learn from the experiences of others as they moved forward.

Ms. Mallek said that given the small geography and limited area of the Crozet DCD, it was keenly interested in employment, and therefore, it was not a suitable location for a large building with a small number of employees. She said that there was no community benefit to be gained from such a project. She said that perhaps in the future, when ACME became available, the situation may be different.

Ms. Mallek said that she would respectfully request that the Board not include the Crozet Downtown District (DCD) as a potential site for a stand-alone data center. She said that the data centers she had seen in Loudoun were far more extensive and had had devastating impacts on the surrounding communities, causing years of conflict among neighbors. She said that she believed it was essential to consider these factors before making decisions about future projects.

Ms. McCulley said that one thing she would like to follow up on was that Phase 2 would provide them with additional time to study and refine their approach. She said that this would enable them to better right-size the number of right versus special use permits, develop a more comprehensive array of performance standards, and ultimately minimize the impacts of the use when properly located.

Ms. McCulley said that it could also offer a range of options for implementation in Phase 2. She said that they had not yet fully scoped out the process, but they would be discussing it in more detail at their meeting next week. She said that she was looking forward to exploring the various options and discussing the process and scope. Some localities had successfully implemented overlay districts, and the main point was that this was an attempt to establish a number that balanced different perspectives, with the understanding that they would revisit and refine it with Phase 2.

Ms. Mallek said that she appreciated all the effort that had gone into it. She said that it was often easier to make adjustments in a more lenient direction than to try to tighten things up. She said that based on this, she suggested starting with a smaller scale and, if necessary, reverting to the 40,000 square foot limit in the next phase, which might be more effective. She said that over the years, they had struggled to tighten their standards, but they had been successful in loosening them.

Ms. LaPisto-Kirtley asked if, currently, in the commercial area, any development exceeding 4,000 square feet required a special use permit from the County.

Mr. Fritz clarified that it would need a special exception.

Ms. LaPisto-Kirtley asked if the intent was to change that to zero so they would have to come to the County for a special use permit for any size of data center in the commercial area.

Mr. Fritz confirmed that was correct. He said that the key difference between the two was that a special exception did not require approval by the Planning Commission, whereas a special use permit did require approval by the Planning Commission.

Ms. LaPisto-Kirtley said that it would also include the setbacks. She asked if in the rural area, they currently had the flexibility to install any size of facility.

Mr. Fritz clarified that no; they were not allowed in the rural area. However, they were allowed in the industrial area.

Ms. LaPisto-Kirtley asked if over 40,000 square feet in the industrial area would require a special use permit.

Mr. Fritz confirmed that, yes, that would be a special use permit.

Ms. LaPisto-Kirtley asked if there would be no data centers allowed to be built in the rural area.

Mr. Fritz confirmed that no, they would not be allowed in the rural area.

Ms. McCulley said that to provide further clarification, it was worth noting that the Comprehensive Plan does include rural areas that had legacy zoning that was industrial. She said that the performance standards they had suggested, which included the requirement that the property be served by public water and sewer, actually limited the availability of these properties and their sizes for this particular use.

Ms. LaPisto-Kirtley said that she saw that one of the conditions was to have water and sewer, and that would include the legacy areas.

Ms. McCulley confirmed that was correct.

Mr. Gallaway asked if it was at all discussed to allow some square footage by right in the commercial zoned districts.

Mr. Fritz said that he was not aware of any conversations the Planning Commission had regarding allowing by-right usage in the commercial districts, and staff did not propose it either.

Mr. Gallaway asked if they approved the current staff layout, would they create any non-conforming uses in either the commercial or industrial districts.

Mr. Fritz said that he was not aware of any data centers that were 3,999 square feet. He said that there may be accessory uses, and those would still be permitted as accessory uses. He said that he would also be surprised if there were any that comprised more than 25% of the gross floor area.

Mr. Gallaway asked if that particular accessory use created any non-conforming elements.

Mr. Fritz said that he was unaware of any for that either.

Mr. Gallaway said that it appeared that the Fairfax ordinance had been closely examined in the discussion, particularly with regards to the numbers involved.

Ms. McCulley stated that most localities were not using a square footage tipping point, but they did examine Fairfax's approach. She said that Fairfax's tipping point was 80,000 square feet, while 40,000 square feet was more applicable to Albemarle County, given the scale and character of their development, which was significantly less urban compared to Fairfax's.

Mr. Gallaway asked if they arrived at that number not simply because another location used it, but rather because the impacts that people were concerned about did not appear to be present at that scale.

Mr. Fritz said that when considering the size, they determined that 40,000 square feet was a reasonable amount, taking into account the need for cooling equipment and setbacks. He said that this size was chosen to mitigate the impact of other regulations they had in place.

Mr. Gallaway said that over 40,000 the impacts would grow, which was why they had further regulations.

Mr. Fritz confirmed that was correct. He said that as part of Phase 2, they would continue to examine that further.

Mr. Gallaway asked if the 200-foot setback was specified for the commercial district or applied to all developments.

Mr. Fritz said that it was a 200-foot setback for everything.

Mr. Gallaway said that the outside generator was the main issue in terms of noise pollution. He said that a Tier 3 or level three container box, meaning that 25 feet away from that box would be 75 decibels (dBA).

Mr. Fritz confirmed that was correct.

Mr. Gallaway said that with a 200-foot setback, there would be another 175 feet from the 75 dBA to the property line. He asked if those distances were the reasons they arrived at those numbers. He said that their noise ordinance required a certain decibel level at the lot line. He asked if the proposed setup, which included 200 feet plus a level three box and 23 feet at 70 decibels, met those requirements.

Mr. Fritz said that they established a uniform setback of 200 feet and incorporated the generator into that design. He also recognized that the generator noise had been a concern in other localities, so staff was being conservative with the approach, but it should be revisited in the future. He noted that one possible solution was using a level two enclosure but opted for a level three enclosure instead.

Mr. Fritz explained that level three was the industry standard for generators in sensitive areas, such as hospitals, nursing homes, and government buildings in residential neighborhoods. He said that

this standard required careful consideration, as the generators may need to be run for extended periods without causing undue impacts. He said that this was why he borrowed the level three generator enclosure and 75 dBA. He said that even though a building may not have an enclosure, a courtyard would achieve the same level of sound attenuation.

Ms. McCulley noted that a secondary reason for the increased setbacks above the minimum industrial setbacks was that some of the sound, particularly the low-frequency hum, was difficult to attenuate at the property line if the building was too close. She said that this ongoing, continuous hum was particularly bothersome to neighbors. She said that many localities had found it difficult to obtain accurate readings to apply to the noise ordinance. She said that to address this issue, they had increased setbacks to minimize the impact of the hum on nearby residents.

Mr. Gallaway asked if there was a reason they chose 200 feet as the appropriate setback distance.

Ms. McCulley said that it was a commonly proposed setback for data centers, which she wish she had tallied across the 16 localities she had researched. She said that she had seen it repeated multiple times.

Mr. Gallaway said that he felt nervous when they considered uniform setbacks, as they had previously implemented uniform setbacks for other special exceptions.

Mr. Fritz said that this would be processed through a special use permit if over 40,000 square feet. He said that in that case, it would be reviewed by the Board. He said that the applicant could request a special exception to reduce the setback, which would be evaluated concurrently with the SUP.

Mr. Gallaway asked if they could come back in the future to amend that special exception.

Mr. Fritz replied that if it were a by-right use, they could request a special exception to reduce the setback, which would come before the Board of Supervisors in a public hearing. He said that if staff were recommending approval, they would place it on the Board's consent agenda. He said that if the project exceeded 40,000 square feet, it would be processed under a special use permit, and the special exception would be handled concurrently with the permit application.

Mr. Gallaway asked if it would only apply to the industrial zoning.

Mr. Fritz said no; it would apply to any size.

Mr. Pruitt said that he agreed with Ms. Mallek's concerns about this matter. He said that if they were viewing this as a holding pattern while waiting for additional comments on the final product, then it made sense to be more restrictive rather than less restrictive. He recognized that the proposal before them imposed new restrictions, but he did not think that should prevent them from being more cautious.

Mr. Pruitt said that recognizing that their current level of restrictions was inadequate, they could actually be more restrictive than what was proposed. He said that being more cautious and prudent would be beneficial. He said that he would recommend reducing the industrial district's by-right level to 4,000 square feet, with the possibility of exceeding that through special use permits.

Mr. Pruitt said that this would provide the Board with a level of oversight that would be prudent. He said that he believed this recommendation would be wise, especially as they continued to navigate new issues in this part of Virginia. He said that it was also appropriate to restrict data center development in downtown Crozet, both geographically, economically, and politically.

Mr. Pruitt said that he wanted to share this perspective. He said that he wanted to bring to their attention a point that the Planning Commission and Piedmont Environmental Council (PEC) had raised, which he believed was not fully incorporated into their discussion. Specifically, PEC had highlighted the potential issues with the by-right accessory element in some of their larger facilities.

Mr. Fritz said that currently, 49.9% of a building's square footage could be classified as an accessory use. They were proposing a 25% limit to be more restrictive than what was currently allowed. He said that their concern was that with very large buildings, the accessory use must be solely for the primary user. He said that they were not concerned about the 25% limit because they did not have many large buildings that would require such a significant amount of space for data center needs.

Mr. Fritz said that however, they did have a concern that the data center use would need to mitigate any negative impacts it caused, in order to continue the other 75% of activity. He said that by requiring the 25% to be solely for the primary user, they believed that these two uses would naturally mitigate each other's impacts, so they were not concerned about the 25% limit.

Mr. Pruitt said that they had three examples from PEC, and he thought two of them may not be directly impacted by this issue, given that they were mixed-use facilities. He said that the third example, however, could be a work-around and potentially exploited. He said that the Raytheon facility, which had a significant presence, could justify a large hyperscale data center.

Mr. Pruitt said that depending on how they defined the primary use of that facility, it could be argued that it served Raytheon's mission. He said that Raytheon might claim that they needed a 57,000-

square-foot facility to explore a qubit-enabled quantum data center, and before long, they could have a massive power sink with a substantial footprint that might be difficult to regulate.

Mr. Pruitt said that he also mentioned the possibility of quantum computing because it was essential to remember that this field was rapidly evolving. He said that the energy costs associated with mainstream quantum computing could multiply exponentially, and the demand for new space could shrink dramatically. He said that the entire industry could be upended when these technologies became commercially available, leading to a surge in demand for existing facilities and a corresponding decrease in demand for new ones.

Mr. Pruitt said that this could result in a significant inversion of their current situation. He brought this up to suggest that it would be prudent to limit the accessory cap to the industrial district, which under his own proposal would be quite limited. He said that this would be 4,000 square feet but if that was not accepted, he would propose at most 40,000 square feet.

Ms. McKeel asked if staff had input on Mr. Pruitt's recommendations to scale down the size of the regulations.

Mr. Fritz clarified that the Commission had discussed the issue. He said that they considered whether there should be a cap on both the percentage of use and an absolute cap, such as no more than 40,000 square feet. He said that the board could limit the accessory use to 25% and not exceed 20,000 or any other number.

Mr. Fritz said that he did not have any additional comments to add beyond what they had already discussed. He said that staff was not concerned that the accessory use would generate significant impacts, because the existing 75% of the building would require them to mitigate those effects in order to operate, so they would have to minimize noise and other disturbances.

Ms. McCulley said that if considering the current building they were in, if a data center were to be constructed here, its size could potentially impact the other services and activities taking place in the building. She said that in that case, they would need to address the issue. She said that she did not think the primary user, the business hosting the data center, would allow it to become a problem, because it would affect their main business operations. She said that was staff's line of thinking. She said that however, they could certainly draft language that included a cap, which made sense in the context of their discussion.

Mr. Fritz said that considering all that had been said, this issue could also be evaluated in the context of Phase 2. He said that the right numbers and whether a cap was necessary were part of those considerations. He said that they had been trying to find a balance that would allow data center activities to occur without excessive regulation, while still providing enough oversight for the Board of Supervisors to review. He said that they had been attempting to strike a balance between these competing interests.

Ms. McKeel acknowledged staff had put a lot of thought behind trying to strike that balance. She asked if they could adjust the balance in Phase 2, considering it would be harder to scale things back down from a higher starting point than the other way around. She said that when discussing buffering and noise concerns, as well as other issues that were commonly raised, those would be addressed in Phase 2 as part of the review.

Mr. Fritz confirmed that they would continue to review those issues.

Ms. McCulley said that she believed what they had drafted so far, with the current performance standards, attempted to address some of the issues. She said that for example, it included requirements such as using a recycled cooling system. She said that they would revisit and refine those standards in Phase 2.

Ms. McKeel said that for the sake of interest and to address a question that was raised, she would like to provide an example. She said that one of the Planning Commissioners had asked if they could compare a building to help illustrate the scale of the project. She said that specifically, she had inquired about comparing a building to 40,000 square feet. She asked if they could provide an example or a comparable building to help put that into perspective.

Mr. Fritz said that the grocery store in Crozet was approximately 40,000 square feet.

Ms. McCulley said that the Grand Furnishings was the one discussed by the Planning Commission.

Mr. Andrews said that he appreciated their efforts in getting this done, allowing them to begin the process and address the loopholes that previously allowed industrial data centers of any size. He said that he noticed that they had a requirement for both water and sewer, as well as closed cycle cooling. He said that he was trying to understand how the decision was made to combine these two requirements.

Mr. Fritz said that using the water and sewer infrastructure served as a proxy for eliminating potential consideration of putting these uses in the rural area as identified in the Comprehensive Plan, as they did not provide extensive water and sewer services to properties in the rural areas. He said that this approach aimed to follow the Comprehensive Plan, and the closed-loop system was designed to minimize the draw on the water supply.

Mr. Andrews said that he understood the distinction between a special exception and a special use permit, but with respect to requirements such as this, where it stated that these could not be waived by special exception, it did not necessarily mean that they could be waived by special use permit.

Mr. Fritz confirmed that was correct.

Mr. Andrews said that he supposed they would have further discussion, but he appreciated the balance that had been struck. He said that he thought there may be a good reason to limit the 40,000 to 25% solely because it closed off that possibility, but otherwise, he was satisfied.

Mr. Fritz clarified that staff was not opposed to that; they simply needed to provide the Board with a baseline and there was a justification for the 40,000 square feet. He said that the reasoning behind the cap was just as logical.

Ms. LaPisto-Kirtley stated that she wanted to confirm that with the closed loop system, there would not be any additional strain on the water supply.

Mr. Fritz confirmed that was correct.

Ms. LaPisto-Kirtley said that she was wondering about the electricity requirements for data centers.

Mr. Fritz said that they were inherently heavy draws on power and Dominion would provide them with power. One of the challenges they were currently facing was determining how to address this issue and whether they could address it. The County lacked the authority to regulate high-voltage power lines, but there was a certain voltage they did have control over. Furthermore, they could review substations by special use permit. It was possible they could be reviewing a special use permit for a data center along with a special use permit for a substation to supply power to it.

Ms. LaPisto-Kirtley said that one of the concerns she had was the high voltage lines that would need to be augmented or installed, if any data centers were approved, and the type of electricity they would require.

Mr. Fritz said that that information would have been available during a special use permit review, allowing them to understand the potential impacts.

Ms. LaPisto-Kirtley asked if the 25% limit for an accessory data center was at all related to the 40,000 square foot figure.

Mr. Fritz stated that the 25% had no relation to the 40,000 square feet. He explained that the 40,000 square feet was a number staff had recommended based on their experience with building sizes and the size at which they began to impact adjacent properties, taking into account setbacks and other regulations they were proposing.

Ms. LaPisto-Kirtley said that the 4,000 square feet would be considered a small data center.

Mr. Fritz clarified that the 4,000 square feet would be eliminated with the new restrictions. He explained that any size of data center in the commercial districts would be subject to special use permits. He did agree that 4,000 square feet would be considered a small facility.

Ms. LaPisto-Kirtley asked if 40,000 square feet would be considered a medium or large data center.

Mr. Fritz replied that he had difficulty making an estimate in that regard; it was somewhat subjective. He noted that there did not seem to be a unified definition for size.

Ms. McCulley said that at this point, there were no established industry standards for defining small, midsize, and large data centers. She said that midsize could range from 165,000 square feet, and large could exceed 1 million square feet. She said that this was a broad range, and it varied based on numerous factors.

Ms. McCulley said that to quickly revisit Ms. LaPisto-Kirtley's concern about the power requirements, some localities were considering the proximity to existing substations and high-voltage power lines when evaluating special use permits. She said that as they began to think about where these facilities could be located and mitigate their impacts, there may be places where they were deemed acceptable by right, either through an overlay or an overlay district, an industrial park, or other areas that met the necessary criteria to minimize the impact on the community.

Ms. LaPisto-Kirtley said that if the County did not have control over them, they would have control over the County.

Ms. Mallek said that the discussion had given her some confusion. She said that to clarify, page 13 and 14 in one of the handouts was italicized. She said that it discussed planned industrial parks, including uses and other relevant information. She said that they were aspects that appear to be outside of their control. She said that there were special districts that were established in 1980. She asked if

these districts had certain rights that they could not control.

Ms. McCulley said that this section was directly related to the Zoning Ordinance governing planned industrial parks and proffered industrial districts that were approved prior to April 3, 2013. She said that in essence, it was a vesting of rights, allowing certain uses to be permitted, and then later, through proffering, they agreed to allow a certain use. She said that however, if they were to later change the Zoning Ordinance and remove that use from that district, the original approval would still entitle the parties to the rights granted at the time of rezoning. She said that therefore, the question was whether there were existing industrial parks that had vested rights to this specific use.

Ms. Mallek said that she was trying to recall any specific sites or policies that came to mind, but one instance that stood out was the one on Pantops, where they were unable to do anything due to it being approved in 1980.

Mr. Fritz said that he was familiar with the specific ordinance that Ms. Mallek was referring to. He said that the short answer was that when the Board approved a planned development, it granted the property owner certain rights to rely upon the ordinance that was in effect at the time of the planned development's approval. He said that this meant that they were not impacted by subsequent amendments, including those from 1980, 1988, 1992, and two weeks ago, as they were effectively "locked in" at the time of their approval.

Ms. Mallek said that at some point, she would appreciate if staff could inform them about the locations of these items that seemed significant enough to warrant their knowledge. She said that there appeared to be a discrepancy now regarding certain items that could not obtain waivers, which she initially thought were setbacks. She said that someone had just mentioned a few minutes ago that they could come in for a special permit and receive a waiver from the setback, which she believed was a significant change.

Ms. McCulley said that the question was, regarding the section they had written, which limited special exceptions for things like setbacks and connection to public water and sewer. She asked if someone came in through a special use permit process, would they be entitled to seek an exception to that limitation, and the Board would be limited to grant exceptions.

Mr. Herrick said that under the draft ordinance, subsections A-1 and B-1 were the only provisions that could not be addressed through a special exception. He said that subsection A-1 pertained to size limits, while subsection B-1 required that the development be served by public water and sewer. He said that these two subsections were not feasible to be waived or accepted through a special exception, whereas all other regulations in Chapter 5, unless specifically prohibited, could be either waived or accepted.

Mr. Andrews said that the question he had was whether those waivers could be granted by a special use permit.

Mr. Fritz said that if he understood the question correctly, if someone were to request a 100-foot setback instead of the standard 200-foot setback, they would apply for a special use permit for the 40,000 square foot facility along with a special exception to reduce the setback from 200 feet to 100 feet. He said that he would review both applications and make recommendations on both. He said that for instance, staff could recommend approval of the special use permit but not the special exception. He said that in that case, the Board would take two separate actions: one on the special use permit and one on the special exception.

Mr. Andrews asked if the special use permit would be considered if the property was not located in the water and sewer service area.

Mr. Fritz clarified that it was not permitted for an applicant to request a special exception to be off public water and sewer. He reiterated that they had to be connected to public water and sewer; there was no exception that would allow them to opt out of this requirement.

Mr. Herrick said that the jurisdiction for special use permits was different, as it pertained to uses rather than setbacks and other factors.

Ms. Mallek asked if in this phase, the Board had the discretion to decide whether to offer waivers. She said that she believed it would be reasonable to consider reducing it to 20,000, because otherwise they would have a huge by-right allowance. She said that she proposed that they refrain from allowing such a large square footage for data centers as a by-right use.

Mr. Andrews opened the public hearing.

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Mr. Rob McGinnis, representing the Piedmont Environmental Council (PEC), said that he first wanted to thank the Board of Supervisors, the Planning Commission, and staff for moving forward with the Phase 1 Data Center Zoning Text Amendment. He said that the first phase zoning amendment was a positive step in addressing the potential impacts of data centers, particularly large data centers. He said that the PEC supported the draft Phase 1 Zoning Text Amendment and looked forward to the development of the more comprehensive Phase 2 Text Amendment.

Mr. McGinnis said that he had previously transmitted his comments to the Board earlier this week, and he would only highlight one point. He said that PEC's position was that either a data center should not be allowed in the Downtown Crozet District or only accessory data centers would be permitted within a primary use in that Downtown Crozet District. He said that larger data center facilities and standalone accessory data center buildings were typically windowless, warehouse-type structures with associated site development that, if developed in downtown Crozet, would not contribute positively to a thriving and vibrant small-town environment.

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Ms. Christina Libre, Attorney with the Southern Environmental Law Center (SELC). She said that the SELC appreciated the County's attention to patching a concerning hole in the Zoning Ordinance, and they strongly supported the Data Center Phase 1 Zoning Text Amendment the Board was considering this evening. She stated that it was clear that data centers were an important part of their modern digital economy, and they did provide valuable benefits. However, as they had seen elsewhere in Virginia, without thoughtful zoning protections, data center development could cause significant harm to communities and the environment.

Ms. Libre said that currently, the Zoning Ordinance was being interpreted to allow data centers as a by-right use in all industrial zoning districts, regardless of the size or other characteristics of the individual project. As a result, the County had no ability to deny a proposed data center in those districts or even to add common sense protective conditions to a project. She said that this proposed zoning text amendment would address this issue by requiring a special use permit for any data center proposal above 40,000 square feet in an industrial zoning district.

Ms. Libre said that this would ensure that the Board of Supervisors gets to review any proposal above that size, decide whether to approve or deny, and if approved, to place protective conditions on the project. This was a simple and sensible short-term solution while the County undertook a more comprehensive look at how to regulate data centers. Although the SELC strongly supported the proposal as a whole, there were two important changes they urged the Board to consider.

Ms. Libre said, first, they echoed the concern about the potential size of accessory data centers. She said that because the only limit on size is that an accessory data center cannot exceed 25% of the gross floor area of the primary use it serves, an accessory data center could exceed 40,000 square feet by right if the size of the primary use happens to exceed 160,000 square feet. For consistency, they recommend including the 40,000 square foot size limit on accessory data center uses. Second, they echoed the concern with permitting data center development in certain commercial districts, even if only allowed with a special use permit.

Ms. Libre said that in particular, they had concerns about permitting data center development in the Downtown Crozet District, which was intended to promote traditional downtown development. In closing, the SELC would like to express their appreciation for the County's proactive approach to addressing this issue and developing this proposal and requested the Board to adopt it.

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Mr. Andrews asked if there were any other questions from the Board.

Mr. Gallaway asked if there were buildings larger than 40,000 square feet in the County.

Mr. Fritz confirmed that yes, there were.

Mr. Gallaway said that from a visual standpoint, they had the size that was available. He said that they had used a grocery store and a furniture store as examples. He asked how many employees a grocery store would have.

Mr. Fritz said that he was unsure.

Mr. Gallaway said that additionally, the traffic generated by retail customers coming and going would be significant. He said that a data center building would likely have fewer employees if it were used solely for data centers, and they did not have the same level of retail activity. He said that he had been hearing concerns about the visual impact of large data centers, but a 40,000 square foot facility already existed in their County.

Mr. Gallaway said that they were concerned about sound and energy impacts, and it appeared they were addressing those. However, they did not have the same traffic impacts as a large retail facility, such as a Home Depot. He said that he was trying to keep the discussion focused on the actual impacts, rather than hypothetical large facilities.

Mr. Gallaway said that he would appreciate everyone to stay focused on the actual impacts, rather than getting caught up in scare tactics. By regulating with this step forward, Mr. Fritz said that they had clearly set caps on what they were regulating. It seemed that they would even scrutinize their regulations further in the second phase. In his opinion, the 40,000 square foot facility struck a balance between mitigating concerns and minimizing its impact compared to retail facilities.

Mr. Fritz said that, yes, Mr. Gallaway's evaluation certainly aligned with staff's thinking. He said that he had wished he had written it that way. He said that the reason they had come up with the setbacks and size requirements was to mitigate the impact on adjoining properties, as this type of facility

had unique characteristics that set it apart from other industrial uses, which in turn had different transportation, parking, and loading zone impacts.

Mr. Gallaway said that he believed it was essential to put this into perspective and context, considering some comments made earlier tonight. He said that it was worth noting that they did not hesitate to approve Home Depot, and the focus with that was primarily on the fencing.

Mr. Pruitt said that he would like to revisit the discussion about the water systems, which reminded him of a question he had previously wanted to ask. He said that he was having trouble finding it in the document, but he believed his concern was that the text in the staff report appeared to be a draft ordinance that specified the type of cooling system, rather than the consumption level. He said that specifically, it required the cooling system to be closed-loop or recycled water.

Mr. Fritz confirmed that was correct.

Mr. Pruitt said that he had mentioned earlier that the technology was rapidly evolving, and as someone who had experience with closed-loop water systems in a marine environment, he could attest that his system actually consumed water as a heat sink. He said that it was possible to create a closed-loop water cooling system that used water from another source, or even non-water-cooling systems such as air or freon. He said that he brought this up because he worried that their current standard may inadvertently limit the technology and create unnecessary requests for special exceptions. He said that he suggested they consider revising the standard to focus on non-water consumption rather than technology-specific requirements.

Mr. Fritz said that the limitation was that if a water-cooling system was used, it had to be closed-loop. He said that if a water-cooling system was not used, then the regulation did not apply, and there was no requirement to use a water-cooling system. He said that they had included this language because it was the best available option at this time, and they would continue to explore alternative approaches for the coolant.

Mr. Pruitt said that he did not believe that this would be a particularly burdensome task, but he wanted to bring it to their attention as it may not align with their desired outcome.

Ms. McKeel asked if Mr. Fritz had anything further to add in response to the public comments they had received.

Mr. Fritz said that he believed they had addressed those issues, but if they had specific concerns or items they would like him to address, he would be glad to do so. He said that the concerns he had previously raised were discussed at the Planning Commission meeting, and he had already addressed them. He said that if they would like him to provide further input, he would be happy to do so.

Ms. McCulley said that she believed they had addressed most of the topics, but she would like to specifically address the Downtown Crozet District. She said that this unique commercial district had a distinct character in its setting, which was worth considering. She understood the concern about allowing this use by special use in that area.

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

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Ms. Mallek said that the comments she made earlier about the Downtown Crozet District were in response to the community's focus on creating spaces for jobs. She said that the comparison of the large building with four jobs versus smaller buildings with more opportunities for employment was relevant. She said that she was still uncertain about a point mentioned in the staff report, which she was currently unable to locate. She said that it appeared that the data center might be more expedient in a different building or parcel, although she was not certain about this. She said that this concern was even more significant, as it suggested an adjacent parcel or a more financially feasible option. She asked about the intention behind the draft and if it was to have the data center on the same parcel.

Ms. McCulley asked if Ms. Mallek was referring to an accessory data center.

Ms. Mallek asked if it would be allowed for a standalone data center, potentially an accessory data center, to be located on a parcel adjacent to the parcel on which the main business was located.

Ms. McCulley clarified that it must be on the same parcel, as defined by both primary and accessory use in the Zoning Ordinance and as stated in the performance standard 5.1.65.A.1. She said that according to the data, the data center was located on the same site as the primary use. She said that this was one of the three uses that could not be modified by a special exception.

Ms. Mallek asked if there was a planned timeline for resuming these meetings or addressing the applications that may be submitted in the near future. She said that she was always considering the upcoming applications and the potential impact on their schedule.

Ms. McCulley said that staff was unable to provide a timeline that night. She said that they would be meeting next week with County Executive staff, Economic Development staff, the County Attorney, and Community Development staff. She said that they would discuss the scope, process, engagement needed, and plan for Phase 2.

Ms. McCulley said that once they had a better understanding of these elements, they would be able to estimate the time required. She said that it was possible that they would need to revisit this in a Board work session, and potentially conduct a scoping plan with the Board, as this process could take significantly longer. She said that as noted in the original staff report, many localities were currently working on similar regulations, with six having completed the process and nine or ten still in progress out of the original 16. She said that their goal was to right-size the process, schedule, and scope to achieve a reasonable timeline for completion.

Ms. Mallek said that as she had mentioned earlier, she appreciated staff's dedication to studying and analyzing the work of others, which enabled them to learn from their efforts and refine their approach to better suit their needs.

Ms. LaPisto-Kirtley said that she would like to express her gratitude for the important work staff was undertaking. She said that the decisions the Board would be making would have significant economic implications for their County and tax diversification benefits. She said that she believed this initiative would be a valuable driver for their local economy.

Ms. LaPisto-Kirtley said that she appreciated the thoughtful approach staff was taking, carefully considering the industrial and commercial areas, while protecting their County and residents, as well as opening up new possibilities. She said that their judicious decision-making was commendable, and she appreciated the efforts to navigate this new endeavor.

Mr. Gallaway asked what the three items were that could not be requested for special exceptions.

Mr. Fritz said that there were three requirements for the accessory data center. He said that the requirements included that the accessory data center must be on the same site as the primary use, serve only the primary user, and be limited to 25% of the total area. Additionally, it must be on public water and sewer.

Mr. Gallaway said that implementing a temporary solution would help address the free-for-all that existed. He said that he appreciated this being a good first phase. He said that in Phase 2, he planned to scrutinize specific aspects that he would be considering more closely and questioning.

Mr. Gallaway said that he was not a fan of blanket rules with no exceptions. He said that he believed there were instances where exceptions may be warranted. Specifically, he was concerned about the uniform 200-foot setback requirement was the main one he was wondering about. He was also concerned about the impact of this rule on site-specific situations. For example, in areas where a setback would be beneficial, the use may be disallowed due to existing residential development. This had raised concerns for him, and he would like to discuss this further in Phase 2.

Mr. Gallaway said that the staff report appeared to address the sound mitigation aspect of the setback, but he would like to delve deeper into this. He also said that allowing a certain size of development in commercial zones, with oversight from the SUP, could be a fair compromise. He said that he was not sure if 40,000 square feet was the right figure, as it seemed disproportionate to the site size.

Mr. Gallaway said that however, there could be a by-right amount that might be suitable for smaller circumstances. He said that he was not aware if staff had encountered such situations or had the chance to study them. They had likely been focused on larger sites and scaling up, but if there were smaller places that could meet some needs, that would be of interest to him.

Mr. Gallaway said that he believed they should consider these smaller facilities, as they would likely have a smaller impact if properly mitigated. If a 20,000 square foot or 15,000 square foot facility was feasible and met the necessary conditions, then it should not be a barrier to allowing them. He said that he was just throwing out these thoughts for the future, but he would support the draft that had been presented today.

Mr. Pruitt said that he remained less optimistic. He said that he appreciated the efforts being made here, as they were addressing a pressing issue that needed to be resolved in the short term. However, he must express his concern that their focus was on impacts rather than optics. He said that he was not familiar with the research on tipping points for generator sizes and cooling systems, nor did he know where to find it. It was not publicly available, and in the meantime, they were discussing a highly predatory industry.

Mr. Pruitt said that the returns from these centers were not being made available to the public, but rather were being captured by three corporations that were accumulating cheap land and using it as a means to exert control. He said that this was a boom-bust industry that would eventually bust. He would prefer a more conservative approach while soliciting public feedback.

Mr. Pruitt said that it would not be a generous interpretation, but it would be a fair statement that the Albemarle Board of Supervisors was allowing hyperscale data centers to be built by right without public input. He said that he would like to propose three specific changes that he would like to have either an informal count of votes or a voice vote on. He said that he would like feedback on the size of by-right industrial zoned uses, which he felt should be smaller. Second, he would like a determination about allowing them in Crozet, and third, an absolute square footage cap on accessory uses in addition to the 25%.

Ms. McKeel noted that while Mr. Pruitt had mentioned cheap land being exploited, Albemarle County had no affordable land, so that ruled out a lot of possibilities. She said that she was very supportive of the work staff had brought to the table. She appreciated the work and knew that changes were forthcoming. She said that this was the first phase, and she thought the characterization Mr. Pruitt had suggested could be stated by the press was not accurate, but of course could be published nonetheless. She said that she felt the County was doing their due diligence and appreciated staff's swiftness in bringing forward a solid first step.

Ms. McKeel said that she agreed with Mr. Gallaway about maintaining flexibility on the site. She said that they had a significant number of data centers in this community, including small ones that were not well-known. She said that they could list these data centers, and she thought they were all concerned about the large ones that took up acres of land.

Ms. McKeel said that she felt it was clear that they were not interested in those types of projects. She stated that she felt comfortable waiting to see what staff brought back in Phase 2, and then they could make adjustments as needed. She said that she did not want to make any decisions or say anything tonight that might limit the potential for good recommendations in Phase 2.

Mr. Andrews said that he was supportive of the proposed ordinance. He said that he would be happy to see a 40,000 square foot limit on the 25%, as it would be consistent, but he did not see it as having a significant impact. He said that other than that, he thought the rest of the ordinance aligned with the special use permit, and he was willing to move forward with what they had.

Ms. Mallek **moved** that the Board of Supervisors change the accessory data center size to be limited to 25%, up to 40,000 square feet of the main business. Mr. Pruitt **seconded** the motion

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

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

Ms. Mallek **moved** that the Board of Supervisors not allow standalone data centers in the Downtown Crozet District. Mr. Pruitt **seconded** the motion

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

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

Mr. Gallaway **moved** that the Board of Supervisors adopt the Ordinance included as Attachment D. 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. Gallaway said that for the record, hyperscale data centers, as studied by the Joint Legislative Audit and Review Commission (JLARC), were purpose-built facilities designed to serve the world's major technology companies, including Amazon, Google, Meta, and Microsoft, commonly referred to as hyperscalers. He said that if anyone suggested that this was what they approved tonight, that was incorrect and not factual.

Mr. Pruitt said that he would suggest that hyperscale did not have a fixed definition and his basic research indicated they were greater than 10,000 square feet.

Mr. Gallaway said that according to the state's study, which defined hyperscale facilities as those with the largest operational capacity and power requirements, he would rely on this definition. He said that living in this Commonwealth, the State had identified these characteristics. He said that co-location data centers and enterprise data centers were also included in this definition. He said that he trusted this vocabulary and disagreed with the notion that their approved regulations would be considered allowing any by-right hyperscale facilities.

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#### ORDINANCE NO. 25-18(1)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, AND CHAPTER 18, ZONING, ARTICLE II, BASIC REGULATIONS, AND CHAPTER 18, ZONING, ARTICLE III, DISTRICT REGULATIONS OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions and Chapter 18, Zoning, Article II, Basic Regulations and Chapter 18, Zoning, Article III, District Regulations are hereby reordained and amended as follows:

**By Amending:**

Sec. 3.1	Definitions
Sec 20.8	Downtown Crozet District
Sec 22	Commercial – C-1
Sec 23	Commercial Office
Sec 24	Highway Commercial -HC
Sec 26	Industrial Districts - Generally
Sec 30.7.5	Design Standards

**By Adding:**  
Sec 5.1.65 Data Centers

## Chapter 18. Zoning

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### Article I, GENERAL PROVISIONS

#### Sec. 3.1 Definitions

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#### Section 3.1 – Definitions

...

*Data center.* "Data center" means a facility whose primary services are the storage, management, and processing of digital data.

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*Storage/Warehousing/Distribution/Transportation.* "Storage/warehousing/distribution/transportation" means an establishment used primarily for the safekeeping, selling or transferring of saleable goods or raw materials to be incorporated into saleable goods including, but not limited to, storage facilities, call centers, or transit; an establishment used as a privately owned and operated waste transfer station; and towing services and the storage of vehicles in conjunction with that service.

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## Chapter 18. Zoning

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### Article II, BASIC REGULATIONS

#### Sec. 5.1.65 Data Centers

...

#### Sec. 5.1.65 Data centers.

##### A. Accessory data centers.

1. Data centers serving a permitted primary use are permitted as an accessory use if:
  - i. The data center is on the same site as the primary use;
  - ii. The site's primary user operates the data center for its own data; and
  - iii. The aggregate area devoted to the data center and its support systems and structures does not exceed 25% of the gross floor area of the primary use.
2. Accessory data centers are not subject to subsection (c).

##### B. Minimum development requirements for data centers.

1. Data centers must be served by public water and public sewer.
2. Any water cooling must use a closed loop or recycled water system.

C. *Setbacks* – Data center buildings and all associated equipment and accessory structures (such as generators, HVAC, and battery backup) must be set back at least (i) 200 feet from all lot lines and (ii) 500 feet from the Rural Areas zoning district.

##### D. Generators

1. Routine generator exercise maintenance is limited to Monday – Friday between the hours of 10 a.m. and 4 p.m.
2. Generators must be enclosed in a level 3 enclosure or other enclosure limiting sound to 70 dBA measured 23 feet from the generator. All equipment onsite must comply with Section 4.18, including maximum sound levels at all lot lines.

E. *Special exceptions.* Subsections (a)(1) and (b)(1) may not be modified or waived by special exception.

## Chapter 18. Zoning

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**Article III District Regulations**  
**Sec 30.7.5 Design Standards**

...

**SECTION 20B - DOWNTOWN CROZET DISTRICT - DCD**

*Sec. 20B.2 Permitted uses.*

The following uses shall be permitted in the DCD, subject to the regulations in this section:

- A. *By right uses; retail and service.* The following retail and service uses are permitted by right:
1. Antique, gift, jewelry, notion and craft shops.
  2. Automobile, truck repair shops excluding body shops.
  3. Barber, beauty shops.
  4. Clothing, apparel and shoe shops.
  5. Commercial recreation establishments including, but not limited to, amusement centers, bowling alleys, pool halls and dance halls.
  6. Assisted living facilities and skilled nursing facilities (reference 5.1.13).
  7. Convenience stores.
  8. Department stores.
  9. Drug stores, pharmacies.
  10. Factory outlet stores, clothing and fabric.
  11. Farmers' markets (reference 5.1.47). (Amended 5-5-10)
  12. Feed and seed stores (reference 5.1.22).
  13. Financial institutions.
  14. Fire extinguisher and security products sales and service.
  15. Florists.
  16. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
  17. Funeral homes.
  18. Furniture and home appliances sales and service.
  19. Hardware stores.
  20. Health spas.
  21. Hotels, motels and inns.
  22. Indoor athletic facilities.
  23. (Repealed 12-11-13)
  24. Laundries, dry cleaners.
  25. Musical instrument sales and repair.
  26. New automotive parts sales.
  27. Newspaper publishing.
  28. Newsstands, magazines, pipe and tobacco shops.
  29. Nursing homes (reference 5.1.13).
  30. Office and business machines sales and service.
  31. Optical goods sales and service.
  32. Photographic goods sales and service.
  33. (Repealed 12-11-13)
  34. Restaurants.
  35. Retail nurseries and greenhouses.
  36. Service stations.
  37. Sporting goods sales.
  38. Tailors and seamstresses.
  39. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
  40. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
  41. Tourist lodging.
  42. Visual and audio appliances.
  43. Laboratories/Research and Development/Experimental Testing.
  44. Drive-through windows (reference 5.1.60). (Added 3-2-16)
- B. *By right uses; office.* The following office uses are permitted by right:
1. Offices.
  2. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
- C. *By right uses; public and civic.* The following public and civic uses are permitted by right:
1. Religious assembly use. (Amended 8-9-17)
  2. Clubs, lodges (reference 5.1.02).
  3. Conference centers, outdoor auditoriums, public art or kiosks.
  4. Cultural arts centers.
  5. Child day centers (reference 5.1.06).
  6. Water, sewer, energy and communications distribution facilities.
  7. Fire, ambulance and rescue squad stations (reference 5.1.09).
  8. Libraries.
  9. Outdoor performance areas.
  10. Parking structures and stand alone parking structures (reference 4.12 and 5.1.41).
  11. Private schools.
  12. Public uses (reference 5.1.12).
  13. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
  14. Theaters, live and movie, including multi-screen movie theaters.

- D. *By right uses; residential.* The following residential uses are permitted by right, provided that the first floor of the building in which the residential use exists is designed for and occupied only by a use permitted by subsections 20B.2(A), (B), (C) or (E):
1. Apartments, either as a single-family dwelling or as a multiple-family dwelling.
  2. Attached single-family dwellings such as townhouses.
  3. Boarding houses.
  4. Condominiums.
  5. Group homes (reference 5.1.07).
  6. Tourist lodging within detached single-family dwellings existing on June 4, 2008.
  7. Dwellings occupied by the owner or employees of a permitted commercial use, and their families (reference 5.1.21).
  8. Family day homes (reference 5.1.56). (Added 9-11-13)
  9. Homestays (reference 5.1.48)
- E. *By special use permit; non-residential uses.* The following non-residential uses are permitted by special use permit:
1. (Repealed 12-11-13)
  2. (Repealed 12-11-13)
  3. (Repealed 12-11-13)
  4. Car washes.
  5. (Repealed 12-11-13)
  6. (Repealed 12-11-13)
  7. (Repealed 3-2-16)
  8. Energy and communications transmission facilities (reference 5.1.12).
  9. Hospitals.
  10. (Repealed 12-11-13)
  11. (Repealed 12-11-13)
  12. Preparation of printing plates including typesetting, etching and engraving.
  13. Stand-alone parking (reference 4.12).
  14. (Repealed 12-11-13)
  15. Tier III personal wireless service facilities (reference 5.1.40).
  16. Towing and storage of motor vehicles (reference 5.1.32).
  17. Veterinary offices and animal hospitals.
  18. Storage/Warehousing/Distribution/Transportation.
  19. Manufacturing/Processing/Assembly/Fabrication and Recycling.
  20. Data centers (reference 5.1.65).
- F. *By special use permit; residential uses.* The following residential uses are permitted by special use permit without the restriction on first floor uses required by subsection 20B.2(D), provided that there is no other use permitted by subsections 20B.2(A), (B) or (E) on the same lot:
1. Apartments, either as a single-family dwelling or as a multiple-family dwelling.
  2. Attached single-family dwellings such as townhouses.
  3. Boarding houses.
  4. Condominiums.
  5. Detached single-family dwellings.
  6. Group homes (reference 5.1.07)
  7. Tourist lodging within detached single-family dwellings existing on June 4, 2008.
  8. Dwellings occupied by the owner or employees of a permitted commercial use, and their families. (reference 5.1.21)
  9. Family day homes (reference 5.1.56).
- G. *Accessory uses and structures.* Accessory uses and structures are permitted, including but not limited to: (i) home occupations, Class A and Class B (reference 5.2) for primary residential uses; (ii) storage buildings for primary residential and non-residential uses; (iii) outdoor performance areas for primary cultural arts center uses; and (iv) prototype manufacturing for research and development uses.

## **SECTION 22 - COMMERCIAL - C-1**

### **Sec. 22.2.2 By special use permit.**

The following uses shall be permitted only by special use permit approved by the board of supervisors:

1. Commercial recreation establishments including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Energy and communications transmission facilities.
3. Hospitals.
4. (Repealed 8-9-17)
5. Veterinary office and hospital (reference 5.1.11).
6. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
7. Hotels, motels and inns.
8. Motor vehicle sales and rental in communities and the urban area as designated in the comprehensive plan.
9. Stand alone parking and parking structures (reference 4.12, 5.1.41).
10. (Repealed 3-2-16)
11. Except as provided in subsection 22.2.2(16), uses permitted by right that are either:

- a. Not served by public water, involving water consumption exceeding 400 gallons per site acre per day; and/or
- b. Not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

Any use authorized by a special use permit approved before February 6, 2019 under this subsection continues as a special use, provided that: (i) the use complies with all conditions of the special use permit; and (ii) any amendment to the special use permit is processed as an application under either this subsection or subsection 22.2.2(16), as applicable.

12. Body shop.
13. Animal shelter (reference 5.1.11).
14. Tier III personal wireless service facilities (reference 5.1.40).
15. Storage/Warehousing/Distribution/Transportation.
16. If the use is not served by either public water or an approved central water supply:
  - a. Automobile service stations (reference 5.1.20).
  - b. Convenience stores.
  - c. Restaurants.
17. Data centers (reference 5.1.65).

## **SECTION 23 - COMMERCIAL OFFICE - CO**

### **Sec. 23.2.1 By right.**

The following uses shall be permitted in the CO district, subject to the applicable requirements of this chapter:

1. Administrative and business offices.
2. Offices, including medical, dental and optical.
3. Financial institutions.
4. Religious assembly use. (Amended 8-9-17)
5. Libraries, museums.
6. Accessory uses and structures incidental to the principal uses provided herein. The aggregate of all accessory uses shall not occupy more than 20 percent of the floor area of the buildings on the site. The following accessory uses shall be permitted:
  - Newsstands;
  - Establishments for the sale of office supplies and service of office equipment;
  - Central reproduction and mailing services and the like;
  - Ethical pharmacies, laboratories and establishments for the production, fitting and/or sale of optical or prosthetic appliances on sites containing medical, dental or optical offices;
  - Sale/service of goods associated with the principal use such as, but not limited to: musical instruments, musical scores, text books, artist's supplies and dancing shoes and apparel;
  - Barber shops;
  - Beauty shops.
7. Water, sewer, energy and communications distribution facilities.
8. Public uses (reference 5.1.12).
9. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
10. Dwellings (reference 5.1.21).
11. Industrialized buildings (reference 5.8).
12. Child day center (reference 5.1.6).
13. Stormwater management facilities shown on an approved final site plan or subdivision plat.
14. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
15. Farmers' markets (reference 5.1.47).
16. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
17. Drive-through windows (reference 5.1.60). (Added 3-2-16)
18. Restaurants, provided that they: (i) are served by either public water or an approved central water supply; and (ii) comply with the accessory use requirements of subsection 23.2.1(6).
19. Uses permitted by right in the Rural Areas (RA) district pursuant to section 10.2.1, provided that the use is not served by either public water or an approved central water supply.
20. Any use listed in subsections 23.2.1(1)–(18) not served by either public water or an approved central water supply, provided that: (i) the use is within a structure lawfully existing or vested on February 6, 2019; (ii) no external change on the property occurs other than maintenance or signage changes; and (iii) the use is not subject to a special use permit issued under subsection 23.2.2(8).

### **Sec. 23.2.2 By special use permit.**

The following uses shall be permitted only by special use permit approved by the board of supervisors:

1. Hospitals.
2. Funeral homes.
3. Energy and communications transmission facilities.
4. Stand alone parking and parking structures (reference 4.12, 5.1.41).
5. (Repealed 3-2-16)
6. School of special instruction.
7. Clubs, lodges (reference 5.1.2).
8. Except as provided in subsection 23.2.2(18), uses permitted by right that are either:
  - a. Not served by public water, involving water consumption exceeding 400 gallons per site acre per day; and/or

- b. Not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

Any use authorized by a special use permit approved before February 6, 2019 under this subsection continues as a special use, provided that: (i) the use complies with all conditions of the special use permit; and (ii) any amendment to the special use permit is processed as an application under either this subsection or subsection 23.2.2(18), as applicable.

- 9. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential R-15, in compliance with regulations set forth therein.
- 10. Hotels, motels and inns (reference 9.0).
- 11. Supporting commercial uses (reference 9.0).
- 12. (Repealed 8-9-17)
- 13. (Repealed 8-9-17)
- 14. Indoor athletic facilities.
- 15. Tier III personal wireless service facilities (reference 5.1.40).
- 16. Storage/Warehousing/Distribution/Transportation.
- 17. Manufacturing/Processing/Assembly/Fabrication/Recycling.
- 18. Restaurants not served by either public water or an approved central water supply, provided that the restaurant complies with the accessory use requirements of subsection 23.2.1(6).
- 19. Data centers (reference 5.1.65).

**SECTION 24 - HIGHWAY COMMERCIAL -HC**

**Sec. 24.2.2 By special use permit.**

The following uses shall be permitted by special use permit in the HC district:

- 1. Commercial recreation establishment including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
- 2. Septic tank sales and related service.
- 3. Livestock sales.
- 4. Veterinary office and hospital (reference 5.1.11).
- 5. Drive-in theaters (reference 5.1.08).
- 6. Energy and communications transmission facilities (reference 5.1.12).
- 7. Hospitals, nursing homes, convalescent homes (reference 5.1.13).
- 8. Auction houses.
- 9. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
- 10. Commercial kennels - indoor only (reference 5.1.11).
- 11. Stand alone parking and parking structures (reference 4.12, 5.1.41).
- 12. (Repealed 3-2-16)
- 13. Except as provided in subsection 24.2.2(18), uses permitted by right that are either:
  - a. Not served by public water, involving water consumption exceeding 400 gallons per site acre per day; and/or
  - b. Not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

Any use authorized by a special use permit approved before February 6, 2019 under this subsection continues as a special use, provided that: (i) the use complies with all conditions of the special use permit; and (ii) any amendment to the special use permit is processed as an application under either this subsection or subsection 24.2.2(18), as applicable.

- 14. Warehouse facilities not permitted under section 24.2.1 (reference 9.0).
- 15. Animal shelter (reference 5.1.11).
- 16. Tier III personal wireless service facilities (reference 5.1.40).
- 17. Body shops.
- 18. If the use is not served by either public water or an approved central water supply:
  - a. Automobile service stations (reference 5.1.20).
  - b. Convenience stores.
  - c. Restaurants.
- 19. Data centers (reference 5.1.65).

**SECTION 26 – INDUSTRIAL DISTRICTS – GENERALLY**

**Sec. 26.2 Permitted primary and accessory uses and structures; prohibited uses and structures.**

Uses and structures within the industrial districts are permitted as follows:

- a. *Primary uses and structures.* Primary uses and structures within the industrial districts are permitted by right, by special use permit, and by special exception as provided in the following table, subject to the applicable requirements of this chapter:

Use	LI	HI	PD-IP Cat. 1	PD-IP Cat. 2
<b>Manufacturing/Processing/Assembly/Fabrication/Recycling*</b>	BR	BR	BR	BR
Asphalt mixing plants.	N	SP	N	SP
Brick manufacturing, distribution.	SP	BR	SP	BR
Cement, lime gypsum manufacture or processing.	N	SP	N	SP
Chemical, plastics manufacture or processing.	SP	SP	SP	SP

Dry cleaning plants (reference 5.1.49).	SP	BR	SP	BR
Foundries (reference 5.1.50).	N	SP	N	SP
Inorganic fertilizer manufacture or processing.	N	SP	N	SP
Materials recovery facilities, privately owned and operated.	SP	BR	SP	BR
Organic fertilizer manufacture or processing.	SP	BR	SP	BR
Petroleum, gasoline, natural gas and manufactured gas bulk storage (reference 5.1.20).	SP	BR	SP	BR
Petroleum refining, including by-products (reference 5.1.20).	N	SP	N	SP
Pulp or paper manufacture or processing.	N	SP	N	SP
Recycling processing center.	SP	BR	SP	BR
Rendering plants (reference 5.1.53).	SP	BR	SP	BR
Sawmills, temporary or permanent; planing mills; wood yards (reference 5.1.15).	SP	BR	SP	BR
<b>Storage/Warehousing/Distribution/Transportation*</b>				
Airports.	SP	SP	SP	SP
Heavy equipment and heavy vehicle parking and storage yards.	SP	BR	SP	BR
Heliports (reference 5.1.01).	SP	SP	SP	SP
Helistops (reference 5.1.01).	SP	SP	SP	SP
Junk yards (reference 5.1.10).	N	SP	N	SP
Warehouse facilities where there may be the storage of gasoline, kerosene or other volatile materials, dynamite blasting caps and other explosives, pesticides and poisons, and other materials which may be hazardous to life in the event of accident.	SP	BR	SP	BR
Wholesale businesses where there may be the storage of gasoline, kerosene or other volatile materials, dynamite blasting caps and other explosives, pesticides and poisons, and other materials which may be hazardous to life in the event of accident.	SP	BR	SP	BR
Data centers with an aggregate gross floor area not exceeding 40,000 square feet per lot.	BR	BR	BR	BR
Data centers with an aggregate gross floor area greater than 40,000 square feet per lot.	SP	SP	SP	SP
<b>Laboratories/Research and Development/Experimental Testing</b>				
<b>Offices**</b>				
Independent offices; within structure existing or vested on or before April 3, 2014.	BR	BR	BR	BR
Independent offices; within structure not established or not vested until after April 3, 2014.	SP	SP	SP	SP
Independent offices; within expanded portion of structure where expansion not established or not vested until after April 3, 2014.	SP	SP	SP	SP
Industrial offices.	BR	BR	BR	BR
<b>Public Uses, Utilities and Services, and Telecommunications Uses**</b>				
Energy and communications transmission facilities (reference 5.1.12).	SP	SP	SP	SP
Fire, ambulance and rescue squad stations (reference 5.1.09).	BR	BR	BR	BR
Personal wireless service facilities, Tier I (reference 5.1.40).	BR	BR	BR	BR
Personal wireless service facilities, Tier II (reference 5.1.40).	BR	BR	BR	BR
Personal wireless service facilities, Tier III (reference 5.1.40).	SP	SP	SP	SP
Public uses (reference 5.1.12).	BR	BR	BR	BR
Stormwater management facilities shown on an approved final site plan or subdivision plat.	BR	BR	BR	BR
Water, sewer, energy, communications distribution facilities (reference 5.1.12).	BR	BR	BR	BR
<b>Temporary Uses**</b>				
Temporary construction headquarters (reference 5.1.18).	BR	BR	BR	BR
Temporary construction storage yards (reference 5.1.18).	BR	BR	BR	BR
Temporary events sponsored by local nonprofit organizations (reference 5.1.27).	SP	SP	SP	SP
Temporary industrialized buildings (reference 5.8).	BR	BR	BR	BR
<b>Commercial Uses**</b>				
Uses permitted by right or by special use permit in the Commercial (C-1), Commercial Office (CO) and Highway Commercial (HC) districts (collectively, "general commercial uses" as used in section 26.3) not otherwise expressly authorized by this section either by right or by special use permit; within structure existing or vested on April 3, 2013.	SP	SP	SP	SP
Farmers' markets conducted in a permanent structure established after May 5, 2010 (reference 5.1.47).	SP	SP	SP	SP
Farmers' markets conducted outdoors or within a temporary or a permanent structure existing on May 5, 2010 (reference 5.1.47).	BR	BR	BR	BR
Hotels, motels, inns.	SP	SP	SP	SP
Outdoor storage, display and/or sales serving or associated with a permitted use, other than a residential, agricultural or forestal use, any portion of which would be visible from a street within the entrance corridor overlay district to which it is contiguous or from any other	SP	SP	SP	SP

street within the entrance corridor overlay district which is located within 500 feet; provided that review shall be limited to determining whether the outdoor storage, display and/or sales is consistent with the applicable design guidelines.				
Subordinate retail sales for any use permitted by right; use does not exceed 25% of the gross floor area of the primary industrial use.	BR	BR	BR	BR
Subordinate retail sales for any use permitted by right; use exceeds 25% of the gross floor area of the primary industrial use.	SE	SE	SE	SE
Supporting commercial; use does not exceed 25% of the gross floor area of the freestanding building or multiple buildings on an industrial site.	BR	BR	BR	BR
Supporting commercial; use exceeds 25% of the gross floor area of the freestanding building or multiple buildings on an industrial site.	SE	SE	SE	SE
<b>Parking**</b>				
Parking structures, as part of an occupied structure (reference 4.12, 5.1.41).	BR	BR	BR	BR
Parking structures, stand alone (reference 4.12, 5.1.41).	SP	SP	SP	SP
Parking area, stand alone (reference 4.12, 5.1.41).	SP	SP	SP	SP
<b>Uses Not Served By Public Water or Public Sewer**</b>				
Uses permitted by right in the Light Industry (LI) or Heavy Industry (HI) districts, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.	SP	SP	SP	SP
Uses permitted by right in the Light Industry (LI) or Heavy Industry (HI) districts, not served by public water, involving water consumption exceeding 400 gallons per site acre per day.	SP	SP	SP	SP
<b>Miscellaneous</b>				
Dwellings and sleeping quarters, on-site (reference 5.1.21).	BR	BR	BR	BR
Fill areas (reference 5.1.28)	BR	BR	BR	BR
Waste areas (reference 5.1.28)	BR	BR	BR	BR

\*Applies to all uses within this use classification, as defined, except for those uses expressly identified in unshaded text below that use classification.

\*\*Heading is for organizational purposes only and is not a use classification.

BR: The use is permitted by right.

SP: The use is permitted by special use permit.

SE: The use is permitted by special exception.

N: The use is not permitted.

- b. *Planned industrial parks and proffered industrial districts approved prior to April 3, 2013.* Within the following planned industrial parks and proffered industrial districts, the uses permitted by right, by special use permit, and by special exception shall be as follows:
1. *Uses in planned industrial parks.* The uses permitted by right and by special use permit in any planned development -industrial park (PD-IP) district approved prior to April 3, 2013, any industrial park approved as a planned development prior to December 10, 1980 are those uses permitted by right and by special use permit in effect when the zoning map amendment was approved and those uses delineated in subsection (a), regardless of any election made for a planned development district under subsections 8.5.5.2(a) and (b).
  2. *Uses in proffered industrial districts.* The uses permitted by right and by special use permit on any site within an industrial district for which proffers either specifying or prohibiting particular uses were accepted prior to April 3, 2013, are those uses permitted by right and by special use permit in effect when the zoning map amendment was approved and those uses delineated in subsection (a), provided that any use not allowed by right or by special use permit by a proffer shall be prohibited.
  3. *Certain non-industrial uses in planned industrial parks and proffered industrial districts.* In the planned industrial parks and proffered industrial districts delineated in subsections (b)(1) and (2), no supporting retail sales or subordinate commercial use that would exceed the by right thresholds in subsection (a) shall be expanded without a special exception as required by subsection (a).
- c. *Accessory uses and structures.* Accessory uses and structures are permitted within each industrial district, subject to the following:
1. *When accessory use is permitted.* No accessory use is permitted until the primary use to which it is accessory has been established.
  2. *When accessory structure is permitted.* No accessory structure is permitted until either construction of the primary structure or the primary use to which it is accessory has commenced.
  3. *Prohibited accessory uses and structures.* Parking structures, stand alone parking and drive-through windows are permitted only as provided in subsection (a) and not otherwise as accessory uses. The storage of sludge or toxic wastes, or both, is prohibited as an accessory use; provided that the temporary storage of sludge or toxic wastes awaiting proper disposal is a permitted accessory use.
- d. *Prohibited primary uses and structures.* The following uses and structures are prohibited as primary uses within each industrial district:
1. *Incinerators.* The establishment or use of an incinerator.
  2. *Manufacture of certain products.* The manufacture of acetylene gas, acid, ammonia, bleaching powder, chlorine, detergent and cleaning preparations made from animal fats, explosives,

- fireworks, fish meal, nitrogenous tankage, paints, varnish, shellac that requires distillation or heating ingredients, vinegar that is not derived from an agricultural product, phosphates, and turpentine.
3. *Sludge*. The storage of sludge.
  4. *Toxic wastes*. The disposal or storage of toxic wastes regulated under the federal Toxic Substances Control Act (15 U.S.C. § 2601 *et seq.*), provided that placing toxic wastes for their lawful collection and disposal by a third party is not prohibited.
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Agenda Item No. 20. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek reported that the Historic Preservation Committee had a productive discussion about several historic marker proposals. She said that one of the approved markers was for the Yancey School, which was now entering the production phase. She said that several other markers, including those for the old Browns Gap Turnpike walking path, Colored School No. 8, and the original site of Michie Tavern in Earlysville, were being considered for the work program. She said that these markers recognized the historical significance of the locations, including the Revolutionary Era roadway and the site of Longwood Farm in Earlysville.

Ms. LaPisto-Kirtley expressed her gratitude to the staff for their excellent presentation at the Pantops CAC meeting. She said that they did a wonderful job of presenting the budget to the CAC members in attendance. She said that the meeting had a good turnout, and she was also joined by Mr. Pruitt and herself, where they both had the opportunity to speak to their audience.

Mr. Gallaway said that he had nothing to report.

Mr. Pruitt said that the Regional Transit Authority had adopted its bylaws, which was a significant development since their last meeting. He said that he wanted to bring that to everyone's attention.

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Agenda Item No. 21. Adjourn.

At 7:54 p.m., the Board adjourned its meeting to April 7, 2025, 3:00 p.m. in Room 241, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA, 22902. Mr. Andrews said information on how to participate in the meeting would be posted on the Albemarle County website Board of Supervisors home page and on the Albemarle County calendar.

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Chair

Approved by Board
Date: 01/21/2026
Initials: CKB