

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

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

ABSENT: none.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson (arrived at 3:02 p.m.); 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 said that Supervisor Bea LaPisto-Kirtley of the Rivanna District had requested to participate remotely, as per applicable Board Rules of Procedure, specifically Rule number 8(B)1(d), enacted pursuant to the Freedom of Information Act. He asked Ms. LaPisto-Kirtley to please state her reason for remote participation and her current location.

Ms. LaPisto-Kirtley said that she was in Seal Beach, California, and she was visiting family.

Ms. Mallek **moved** that the Board of Supervisors allow Ms. LaPisto-Kirtley to participate remotely in the meeting. Ms. McKeel **seconded** the motion.

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

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

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley

Mr. Andrews introduced the Albemarle County Police Department Officers present to provide their services at the meeting, Officers Hunter Harmon and Caden Painter.

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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.

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

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

NAYS: None.

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

Ms. LaPisto-Kirtley reported that this morning on the Today Show, Albemarle County was featured regarding their fall foliage. She said that the show discussed Charlottesville, Albemarle County, the Monticello Wine Trail, their 70 wineries, downtown Charlottesville, the University of Virginia (UVA), and hotels. She noted that the Charlottesville Albemarle Convention and Visitors Bureau (CACVB), had assisted with the producers last week to source imagery and talking points. She said that she was quite proud of all that. She said that she watched the segment and it was very nice; she encouraged everyone to watch it when they got the chance.

Mr. Pruitt stated that on a similar note, this weekend he had the honor and privilege of joining two of his elected counterparts in the City and a large group of other members of their regional community to run the Loop de'Ville, celebrating the Rivanna Trail Foundation. He said that this event served as a great reminder, along with the incredible weather they were experiencing today, that this truly was the peak season for their region's outdoor activities that drove their economy and culture. He hoped everyone took advantage of the best that Charlottesville had to offer and remained safe while enjoying their trails.

Mr. Pruitt announced that early voting was currently underway. Anyone could cast their ballot right now at the Fifth Street County Office Building (COB), where they could vote in several contested local offices and three important contested state offices on the ballot. He emphasized that this was an opportunity to have a voice in the people who would be making decisions for their community, including the Board of Supervisors. He said that if they were not registered or had recently moved and were unsure about the process, they could register in person on the day of the election. He encouraged everyone to go vote.

Mr. Pruitt stated that finally, he would be remiss if he did not mention this. Their counterparts on the School Board did a lot of important work. He said that he had a friend who served on the school

board, Allison Spillman, who recently made a somewhat controversial statement on her personal Facebook. Over the past 24 hours, she had received thousands of threatening messages, harassing texts, and statements threatening her children, all sent to her personal cell phone. He said that this was a monstrous reminder of the way that the current moment of intense vitriol in their politics could seep into people's personal lives and deeply chill their ability to do their jobs at the local level.

Mr. Pruitt said that this was grassroots, local work, and it was disheartening to see how national-level Twitter hate could affect their ability to care for their local communities. He said that he continued to hold out for Ms. Spillman and her family, and he was disturbed by the impotence they had as local leaders to address this kind of vitriol.

Ms. McKeel reported that she and Ms. Mallek recently attended Albemarle County Public Schools' (ACPS) event to recognize and celebrate the new scholar's studio. She said that there were all sorts of people from the community, including the Chamber and business members. They broke up into groups based on the studio that they were interested in. She said that she joined the entrepreneur business and innovation group to talk about the work through Albemarle County Public Schools in that area.

Ms. McKeel said that she really enjoyed it, and it was a great event to find out more about what the scholars studios were all about and to give input from the community to the Albemarle County Public Schools system. She particularly wanted to send a shout out because Emily Kilroy, their Director of Economic Development, was one of the keynotes kicking off the event. She said that Ms. Kilroy did a great job with her sector spotlight presentation. She talked to the folks in the room about their workforce development and what they were doing in Albemarle County around workforce development. She thanked Ms. Kilroy for doing such a great job. She said that she looked forward to Ms. Mallek's comments about attending the event, as well.

Ms. Mallek said that it was a wonderful learning experience as someone who was very attached to the environmental sciences academy and having known the children who had gone through the whole four years there. She was delighted to learn the enthusiasm of the students who were entering and also the variety of the options that students would have now to not have to be in for a whole four years, but to pop in and pop out and really have that more liberal arts focus, rather than getting in a tunnel and then not being able to do a U-turn. She was really appreciative of the planning, the faculty who were there and the students.

Ms. Mallek said that she was sitting at a Terra table, which was the environmental side, and next to her was the Nexus table, which was the computer programming. She noted that the Geographic Information System (GIS) kids were going to be working with the Terra students on farm analysis, using drones in Nelson County to assess the fertility of soil. She said that this was something that was available to students in high school, which was pretty outstanding, considering what she remembered when they were studying high school at Albemarle High School in the 1960s. She said that it was a wonderful experience, and she wished them all the luck in the world.

Ms. Mallek reported that she had previously mentioned the Rivanna River Basin Commission Conference, which was a great success. She said that they had more than 100 attendees and Dave Hirschman talked about the water crisis in 1995 and the huge flood and the impacts of the Moormans River, followed shortly by the drought of record and the impacts to the water system from that. She said that his presentation brought back many memories, some painful, some not, but it was enlightening to hear from a former Albemarle County water resources expert.

Ms. Mallek added that speakers from the Rivanna Water and Sewer Authority (RWSA) talked about the state's planning, and a representative from the Department of Environmental Quality (DEQ) talked about the state's regional water planning and the progress that they were making with that, and she learned a tremendous amount with that. She said that there were speakers from the Rivanna Conservation Alliance and Piedmont Environmental Council (PEC) talking about conservation and also some updates on data centers. She said that she thought everyone really felt like they got a lot out of it. She said that hopefully next year when everyone heard that this was coming, they would consider joining.

Ms. Mallek reported that it was now time to collect walnuts. She explained that the Department of Forestry was collecting walnuts this year to grow in their nursery over in the valley. She said that she only found this out by accident because they had walnuts everywhere and could hardly walk in their yard without falling down. She said that she contacted Dave Powell and asked him if they wanted them, and he said, yes, please – there was a bucket or a box at the back door of the Forestry Department over on Natural Resources Drive at the Fontaine Research Park. She added that she thought they would be happy to have oak tree acorns as well, although she personally had less of those to offer this year compared to the walnuts.

Ms. Mallek noted that she was excited to attend the Southwood dedication in a lovely drizzly rain because she thought the rain was a good omen. She said that the event included the celebration of the 25 new homes for the families and the dedication of the Monacan Tribute Park, with the presence of the tribal leaders. She said that it was a very meaningful event for everyone who attended.

Ms. Mallek reported that finally, the Shenandoah, Augusta, Waynesboro, and Thomas Jefferson Planning District Metropolitan Planning Organizations (MPO) met together yesterday, and she had shared the packets with the Board because the programming was so impressive, and the slide decks included in the packets would be very informative for many of the projects that were underway. She said that she

would leave the nitty-gritty details to Mr. Gallaway.

Mr. Gallaway said that he would report on those nitty-gritty details during the Board's committee reports, but at this time he had no announcements.

Mr. Andrews reported that he and Ms. Mallek had attended the groundbreaking for Afton Scientific on Monday, which was also attended by the Governor and Lieutenant Governor. He wanted to note that there was a shout-out by Mr. Thorpe from Afton Scientific to Albemarle's Community Development Department for their excellent work in helping with the planning process and permitting.

Mr. Andrews said that as he was doing lately, he would like to remind everyone that the Rivanna Solid Waste Authority (RSWA) and their Recycling Center was in the process of the fall cleanup. This Saturday, they were collecting appliances. Next Saturday, October 11, 2025, they were collecting tires. He announced that October 11 and October 12, 2025, was the Batesville Apple Butter Weekend, which was always a lot of fun.

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Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6.a. VACo Achievement Award – Albemarle County Pharmacy Project.

Mr. Gage Harter, Director of Communications, Virginia Association of Counties (VACo), greeted the Board and stated that it was his distinct pleasure to present the VACo Achievement Awards. He explained for the benefit of their constituents who were not familiar with the Virginia Association of Counties, VACo had existed since 1934 to serve and support their efforts as county officials. VACo supported Counties in many ways, including through advocacy efforts with the state legislature and at the federal level, educational programs, member services, and communications.

Mr. Harter stated that in 2003, VACo had established the Achievement Award Program, recognizing Counties that had adopted innovative approaches to providing public services and identifying programs that could serve as models for other Counties to emulate. Today, he was proud to present Albemarle with an Achievement Award. He noted that this was their 23rd year of the program, during which they had received 155 entries, breaking the record of 145 set last year. They had selected 57 entries as winners from 33 Counties, which meant only 36% of entries were selected as winners.

Mr. Harter stated that Albemarle County had won 10 Achievement Awards since 2003, and they had done their heavy lifting in the last five years, winning four of the last five years. He said that he would like to turn it over to Fire Chief Eggleston to talk about the pharmacy project.

Mr. Dan Eggleston, Chief of Fire Rescue, expressed his gratitude for this recognition. He said that he wanted to start by saying that he was here today as a substitute for Deputy Chief Puckett, who had spearheaded this effort. He said that as they all knew, the med administration system was a critical component of their Emergency Medical Services (EMS) system. Without it, their operations would be severely impacted. He said that they responded to approximately 20,000 calls per year, with most of those being EMS-related.

Chief Eggleston said that therefore, it was essential for them to not only maintain the system but also leverage this opportunity to re-engineer certain aspects of their operations. He said that he appreciated Deputy Chief Puckett's efforts, and he also wanted to acknowledge that he had some initial design concepts in mind that ultimately contributed to the success of this project. The power of this initiative led to a collaborative effort, which brought together representatives from Finance, Procurement, the County Attorney, and other departments.

Chief Eggleston explained that they had to construct new rooms and develop a distribution process, procure expensive equipment, and establish policies and procedures to ensure the safe management of controlled substances. He was pleased to say that their team, including firefighter Sean, who was in their audience today, had risen to the challenge. They had encountered a few minor issues, but overall, the project had been a resounding success. He was grateful for the leadership displayed by their team and the support provided by VACo, which had taken the time to recognize their efforts.

The Supervisors expressed their gratitude and appreciation for VACo's recognition of Albemarle County staff's hard work and well-earned achievement.

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Item No. 6.b. Proclamation Recognizing National 4-H Week.

Ms. Mallek **moved** to adopt the Proclamation Recognizing National 4-H Week, which she 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 NATIONAL 4-H WEEK**

**WHEREAS**, October 5-11, 2025, is National 4-H Week in the United States, and more than 1,800 students aged 5 to 19 are involved in 4-H in Albemarle County and the City of Charlottesville; and

**WHEREAS**, Virginia Cooperative Extension System conducts 4-H programs through the state land-grant universities, Virginia Tech and Virginia State, with the mission to help young people acquire knowledge, develop skills, and form attitudes which will help them become self-directed, productive members of society; and

**WHEREAS**, 4-H addresses issues facing youth wherever they live – in inner cities, suburbs, and rural communities and helps break barriers by focusing on learning-by-doing, building self-esteem, leadership, and citizenship skills, and focuses on critical issues such as protecting the environment; and, provide programs on food and nutrition, science and technology, natural resources, substance abuse prevention, animal and plant sciences, career education, community pride, citizenship, and leadership.

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

Sunday, October 5 through Saturday, October 11, 2025, as

**NATIONAL 4-H WEEK**

and encourage community youth and families to participate fully in the wide range of available programs and activities Albemarle/Charlottesville 4-H provides.

Signed this 1st day of October 2025.

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Mr. Sam Leech, Extension Agent, 4-H Youth Development, Albemarle/Charlottesville Virginia Cooperative Extension, said that he was also joined by Sarah Brown, who also worked for them here in 4-H in Albemarle County.

Ms. Sarah Brown, 4-H Program Assistant, greeted the Board and said that they would like to express their gratitude for the County's continued support of youth in their community. Because of their investment, their 4-H'ers were not only prepared for life, but they were beyond prepared to lead, to serve, and to thrive. She said that this past year, Albemarle Charlottesville 4-H continued to experience significant growth. She reported that they saw a 26% increase in their enrollment in their year-round 4-H clubs and a 60% increase in their summer 4-H camp program. She said that 4-H is gaining momentum in Albemarle County.

Ms. Brown said that they had expanded their embryology program, which involved hatching baby chicks, to more schools and introduced new programs such as a livestock leadership educational program and financial literacy programs. She said that what set 4-H apart was their unique blend of hands-on learning, mentorship, community connection, and the university connections of Virginia Tech and Virginia State University. She said that youth did not just study leadership, science, and agriculture; they lived it by applying their skills to real-world challenges with the support of caring adult mentors.

Ms. Brown said that their community partners played a vital role in making this possible. She said that they worked closely with Charlottesville City Schools, Albemarle County Public Schools, private schools, Extension Master Gardener Programs, and Extension Master Naturalists, Virginia Career Works, and James Monroe Highland, among others. Together, these partners provided opportunities for youth to serve, grow, and lead.

Ms. Brown said that in a time when many young people felt uncertain about the future, 4-H provided a place where it was fun to try, safe to fail, and possible to grow. She said that with Albemarle's continued support, they were building a generation that was not just ready for tomorrow, but beyond ready to shape it. She thanked the Board for their support.

The Supervisors shared some of their favorite memories and events hosted by 4-H and expressed their deep appreciation to Mr. Leech and the Cooperative Extension.

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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. Tom Olivier, Samuel Miller District, said that he was here to speak about revisions to the County's Data Center Ordinance. They should be concerned about the number of and spread of data centers in Virginia. Data centers made noise and emitted gases that reduced the quality of life in adjacent residential neighborhoods. He said that the artificial intelligence (AI) bubble may burst, and quantum computing may make them obsolete.

Mr. Olivier said that data centers also consumed vast quantities of energy. Dominion Energy's peak summer energy demand was projected to double by 2045, and according to the PEC, most of the increase would be driven by new data centers. He added that rate payers would foot the bill for the electricity grid updates required for these new data centers. Most importantly, much of the newly needed electricity generation would be provided by burning fossil fuels. Already, climate change was a threat to humanity and the rest of the biosphere.

Mr. Olivier emphasized that data center growth in Virginia would undermine their efforts to become carbon neutral and worsen climate change. Given the many negative consequences and risks surrounding data centers, caution in any new ordinance seemed required. He said that allowing large data centers by right in the County was reckless. He said that a special use permit should be required for any proposed large data center, coupled with an analysis of the climate and other environmental impacts.

Mr. Olivier said that for a moment, he would like to consider the development of this Ordinance in a broader perspective. He said that at the recent work session on the County climate program, some of them expressed concern that members of the public doubted the County's commitment to climate action. He said that he would like to explain why. He explained that the Rivanna Futures Project was hatched and approved by the County, seemingly without any consideration of its likely large climate impacts.

Mr. Olivier said that similarly, the eight-mile military-industrial complex they were promoting on Route 29 North was brought forward, along with this Data Center Ordinance, with no analysis of its climate consequences. He said if the Board wants the public to regard the County as committed to effective climate action, they should require analysis and weighting of climate impacts in development-related decisions.

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Mr. Tom Loach, White Hall District, stated that with regard to AC44, the question he would like to ask was why the County felt it necessary to employ an outside consulting firm to complete a land use review when a similar review was completed in 2022. He would also like to point out from the report that the consultants used a value of 58% in three instances, representing the total number of approved percentage of the maximum number of units allowed and recommended in the comp plan.

Mr. Loach said that if this was true, and if they did in fact find that when all factors were considered, the percentage was actually 70%, it suggested that the consultants used erroneous data in their decision-making process and conclusions. There was one area in the consultant's report that he did agree with, and that was the data relating to rural development. He had already presented data to the Board regarding the County's land use subsidy program and the fact that since 1991, it had cost residents approximately \$250,000,000, with at least \$65 million over the last five years.

Mr. Loach said that yet, there was not one word about this program anywhere in either the consultant's report or the entire AC44 document. It was not that he did not support rural preservation; he did. It was not that he was not willing to pay for rural preservation; he was. Unfortunately, the fact was that the consultant's report showed that an average of 17% of development was occurring in the rural area each year. He asked if any of them would invest their money in a stock with an annual 17% loss rate. The simple truth was that land use was not protective, but equated to a very expensive land rental program for rural residents.

Mr. Loach said that they should make no mistake; if this issue was not debated within the Board during the AC44 deliberations, it must be construed to the public to be a sign of acceptance by the Board of the program at a continuing cost of millions of dollars to the taxpayers. In a recent podcast, Sean Tubbs reported that a total of 400 comments were submitted regarding AC44, this from a population of 112,000 residents in Albemarle County. What should have been done to ensure adequate input and statistical relevance on important AC44 topics was for the County to employ the UVA Center for Research and to conduct a series of questionnaires sent to each household to ensure adequate input.

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Mr. Neil Williamson, President of the Free Enterprise Forum, a privately funded public policy organization focused on local governments of central Virginia, said that last night, he gave the Planning Commission the FEF's thoughts on AC44, and there were several areas that he thought the document failed. He would leave those for the Board's review later. One area that he thought was worthy of note was an opportunity for the Board. Staff presented, and the Board endorsed, and the Planning Commission subsequently followed their lead, to not make any significant changes to their Future Land Use Map (FLUM).

Mr. Williamson said that they consolidated some topics and changed some colors, but did not change the uses, did not change any of the comp plan designations really of any significance, ultimately keeping what was in place in 2015. He added that he had a discussion with someone yesterday evening about this, and they said, the Board could do that anytime. They did not have to wait five years. He asked if the Board could think about the Future Land Use Map and whether 2015 accurately represented what they wanted to do now. There was nothing that said they could not consider it.

Mr. Williamson noted that perhaps taken out of the Comp Plan discussion, that discussion would be clearer. He knew they had a lot of choices and decisions here regarding land use and development. He said that when they talked about all of these choices and decisions, staff did a very good job providing the balance of things. He was hopeful that they could take the FLUM out of the Comp Plan process and simply look at the map. He requested the Board to work with their Planning Commission, and get it done

in 24 months. Their Planning Commission and staff took, he believed, four plus years on the last Comp Plan, so that was clearly too big of a bite. He requested the Board to focus on and update the FLUM now.

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Ms. Christina Libre, Attorney with the Southern Environmental Law Center (SELC), said that she appreciated the opportunity to provide brief comments regarding Phase 2 of the data center regulations. She thanked the Board and County staff for their leadership and engagement with the public through this process. She said that the SELC wished to again express their strong support for the current requirement that data centers over 40,000 square feet go through the special use permit process. She said that data centers threatened significant disruption to communities and harm to the environment.

Ms. Libre said that a special use permit (SUP) requirement ensured that the public had the opportunity to weigh in on these uniquely impactful projects. She said that it ensured that the Board of Supervisors had the opportunity to review proposals on a case-by-case basis and approve only those that adequately minimized the harm to residents and the environment. She said that it ensured that they were able to maintain oversight of aggregate impacts from these projects.

Ms. Libre stated that should the County decide to pause consideration of the currently proposed data center amendments, the SELC urged that any future reconsideration only include adding performance standards. Furthermore, they urged that the current SUP requirement for data centers over 40,000 square feet be maintained indefinitely.

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Mr. Doug Holladay, Samuel Miller District, said that he was here today with his friend and partner, Dick Payne. Together, they were owners of SweetSpot of Albemarle LLC., which was also in the Samuel Miller District. He said that they were addressing Parcel 7548 that was located southwest of the interchange of US 64 and US 29. It bordered the Sieg property, which was to the east, and the future Hedgerow Park land, which was to the west.

Mr. Holladay explained that they were here to ask the Board to consider an adjustment to the parcel's designation from industrial, indicated by the color purple, to community mixed use, indicated by the color pink on the AC44 Future Land Use Map. He said that they thought this adjustment to a less intensive designation was consistent with the County's vision for a variety of desired uses. Community mixed use was more appropriate for this area than uses supported by the current more intensive industrial designation.

Mr. Holladay said that by way of background, in 2015, Deschutes Brewery of Bend, Oregon, had an interest in purchasing property to build an east coast brewery. At the time, there was a shortage of industrial land. The land use map required adjustment of their property. They agreed with the County's request for an industrial designation on the land use map. As events unfolded, Deschutes did not come to Albemarle County, but their parcel was still designated for industrial use on the Comprehensive Plan map.

Mr. Holladay said that for the last 10 years, there had not been one indication of interest for industrial use for this property. However, there had been and continued to be interest in developing this property for other uses. He clarified that they were not asking for rezoning of the property, but for an adjustment to the Future Land Use Map. This modification would support a future zoning application for a mixed-use community.

Mr. Holladay said that adjusting the parcel's designation as part of AC44 advanced the County's goals and avoided unnecessary delay. It also preserved opportunity for public engagement on the details of how the property would be developed during a future zoning application. He said that Mr. Payne would address the rationale for the adjustment.

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Mr. Dick Payne said that he would like to briefly summarize the reasons they believed their suggested adjustment in the Future Land Use Map made sense. He said that they wanted to emphasize that they were not asking for a zoning change, but rather an adjustment to the Future Land Use Map from industrial to community mixed use. He said that the adjustment from industrial to community mixed use made sense for several reasons. First, the industrial designation was outdated.

Mr. Payne explained that their land was first designated industrial in 2015 in an effort to attract Deschutes Brewery, which ultimately went to Roanoke, as Mr. Holladay mentioned. Since then, there had been no interest from industrial sources. Second, the supply of industrially designated land on the Future Land Use Map had increased substantially since 2015, to include large tracts of acreage at North Fork, Rivanna Futures, and other locations. Their parcel was not competitive with these other locations, which were larger, had flatter land, and easier access to existing roads and utilities.

Mr. Payne said that third, there was a community benefit to their land being designated community mixed use. This designation supported a wide variety of uses, including commercial, office, retail, light industrial, R&D, residential, and institutional. In other words, everything except heavy industrial for which it was designated. Fourth, this adjustment would make their land compatible with the Sieg property's proposed community mixed use development project, which was contiguous to their parcel. Fifth, there were locational advantages to a designation adjustment.

Mr. Payne explained that community mixed use was more appropriate than industrial at the edge

of the development area. Mixed use at their location could also provide opportunities to integrate with Sieg's sidewalks, trail networks, shops, and employment centers. Finally, this map adjustment as part of AC44 supported the County's goals of efficient future development and a diversified tax base. Importantly, it allowed for active public engagement during any future rezoning applications. At last night's Planning Commission meeting, there seemed to be some support for this adjustment. He said that they were hopeful that the Board would also see the merits of this proposal.

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Mr. Brian Carlton, Samuel Miller District, said that he had moved to Albemarle from Lynchburg about eight and a half years ago. He said that he loved this County and all its natural environments and trails for running and biking. He said that thinking about the potential development of data centers in the County really gave him concern. He thanked the Board for pausing the proposal that would allow data center buildings larger than 40,000 square feet, which instead required special review. He said that he hoped this would be permanent in the future.

Mr. Carlton noted that he recently flew out of Dulles airport over Loudoun County and saw the tons of large white buildings. He said that furthermore, they used incredible amounts of water and electricity, and while he was not opposed to development, he wanted their County to look at data centers on a case-by-case basis to see how they would affect their County.

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Ms. Emily Smith, Housing Attorney with the Legal Aid Justice Center (LAJC), said that she was here to make a statement about the AC44 process and specifically about affordable housing. She stated that affordable housing was an urgent issue that was impacting residents' health and safety. She said that as the Board was aware, rents continued to rise in the County, causing homelessness and displacement. She said over the past six years, rents had risen over 35%. The economic impact on lower-income communities was often dire. Supportive services were decreasing, food benefits had been cut, and many families were losing health coverage.

Ms. Smith said that affordable housing, preservation, and expansion were the best tools available to prevent a crisis. They needed AC44's housing strategies to be as ambitious as possible. She said that the LAJC encouraged the Board to adopt the points that they had separately submitted in an email, which included implementing strategies to support low-income home buyers with the support of community partners, a mandatory inclusionary zoning policy, and an increased by-right density allowance for the inclusion of affordable housing.

Ms. Smith noted that the barrier to affordable housing solutions was always funding. In addition to their work on AC44, they commended the County's significant progress in this area, including the dedicated revenue stream. She said that they were looking forward to hearing if the percentage of tax dollars could be increased in the coming budget year.

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Ms. Sadhbh O'Flynn, Climate Justice Policy Manager with the Community Climate Collaborative (C3), said that the Community Climate Collaborative was very glad to see the staff recommending a pause in the development of the Data Center Ordinance. As Bill Fritz accurately pointed out in today's letter addressed to Supervisors that was attached to the agenda, there was no one standard set of requirements that would address every by-right application of data centers, which had drastically differing resource needs depending on the use case.

Ms. O'Flynn said that they already knew that data center development was directly responsible for proposals to build out 15 gigawatts of new gas-fired power plants across Virginia, which was the data center capital of the world. She said that as she wrote to the Supervisors on Monday, that data center-driven gas infrastructure build-out was threatening Albemarle residents at this current moment. She explained that just over the County line with Fluvanna, right by Scottsville, an enormous 1.5 gigawatt gas-fired power plant had been proposed by the Nebraska-based Tenaska in Fluvanna.

Ms. O'Flynn said that his plant would more than double the existing one gigawatt gas plant that had been operating there for about 20 years. If built, it would further lock their region into decades of additional fossil fuel pollution, with impacts on air quality, water resources, climate goals, and public health that directly affected Albemarle residents. The Southern Environmental Law Center estimated that the health impact costs from the proposed plant would be \$13.6 million annually, rising to \$21.1 million annually by 2040, for a cumulative cost of \$270 million by 2040.

Ms. O'Flynn said that it would unavoidably include Albemarle County residents whose Board of Supervisors was not being included in this decision-making process. At a town hall in Fluvanna County last night, residents nearby the existing gas plant reported increased rates of cancers, asthma, unmitigated noise, and disregard by this multi-billion dollar privately held company, Tenaska. She said that C3 understood that the Albemarle County Board of Supervisors was not involved in approving this enormous gas plant, but they would ask that the Board consider reaching out to their peers on the Fluvanna County Board of Supervisors before next week's October 7, 2025 Planning Commission meeting to express their alarm on behalf of their constituents who would unavoidably be impacted by this if it went ahead.

Ms. O'Flynn said that across the Commonwealth, the health of the small communities was being directly threatened by the fossil fuel build-out being done merely to support data center growth. She said that they thanked the Board and staff for their keen attention to the climate and environmental impacts of

data center growth in the County and asked them all to stay vigilant and think both long-term and broad scale.

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Mr. Randy Fleitman, Scottsville District, said that for 33 years, he was a Foreign Service officer, specializing in environment, science, technology, and health, as well as economic development. He thanked the Board for pausing the consideration of the Data Center Ordinance. He strongly opposed the idea of allowing larger centers to get by without a special use permit. His colleagues had already described most of the problems, but he wanted to focus on something else.

Mr. Fleitman noted that these centers all had huge diesel generators as backups. These generators had to be tested on a regular basis, because they must ensure the generators would work when they were needed. The neighbors got to hear these things clattering away, and they got to smell the fumes from these as well. These centers did not create jobs; they were not an economic development. There were some construction jobs and then a few people were left on staff. He emphasized that these claims that these things boosted the economy were wrong.

Mr. Fleitman said that, however, what they did was increase the demand for electricity and citizens' bills as they paid for the infrastructure. As one of his colleagues had pointed out, they could not even trust these things to go up. They were very speculative, with a lot of assumptions being made. Some of these were being proposed by real estate companies who wanted to get in on it. He said that if their proposal failed and Dominion had already spent the money to build the infrastructure, the community got the bills.

Mr. Fleitman said that he continued to think the special use permit was a good way to have the County consider all the implications of any data center being based here in Albemarle. When he lived in Fairfax County, he had biked along the Washington Old Dominion Rail Trail for 40 years and he had gotten to watch the growth of the data centers, which now outnumbered the horse farms. That was not the character he wanted for Albemarle County, and he hoped it was not what the Board wanted either.

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Agenda Item No. 8. Consent Agenda.

Mr. Andrews said that there had been a request to pull the January 15, 2025, minutes from the Consent Agenda. If there were no other proposed changes, he would ask for a motion to approve the Consent Agenda.

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

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

NAYS: None.

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Item No. 8.1. Approval of Minutes: November 6, and December 11, 2024; January 8, January 15, and February 26, 2025.

Mr. Gallaway had read the minutes of November 6, 2024, and found them to be in order.

Ms. McKeel had read the minutes of December 11, 2024, and found them to be in order.

Mr. Andrews had read the minutes of January 8, 2024, and found them to be in order.

Mr. Pruitt had read the minutes of February 26, 2024, and found them to be in order.

**By the above-recorded vote, the Board approved the minutes of November 6, 2024; December 11, 2024; January 8, 2025; and February 26, 2025 as read.**

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Item No. 8.2. Fiscal Year 2026 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 2026 (FY 26) budget due to the appropriations itemized in Attachment A is \$4,108,767. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

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

**Appropriation #2026010**

<b>Sources:</b>	General Fund – Climate Action Reserve	\$300,000
	General Fund’s Fund Balance	\$221,604
<b>Uses:</b>	General Fund – Facilities & Environmental Services	\$521,604
<b>Net Change to Appropriated Budget:</b>		<b>\$221,604</b>

**Description:**

This request is to re-appropriate \$221,604, which is the balance remaining in the Climate Action Pool at the end of FY 25, and to allocate \$300,000 in previously appropriated funding from the Climate Action Reserve to the Environmental Services Division of the Facilities and Environmental Services Department (FES). These funds will be used for the projects that were discussed with the Board of Supervisors as part of the State of Climate Action in Albemarle County at the Board’s September 17, 2025 regular meeting.

**Appropriation #2026011**

<b>Sources:</b>	Water Resources Fund’s Fund Balance	\$1,511,564
<b>Uses:</b>	Capital Improvements – Mint Springs Dam	\$1,230,000
	Capital Improvements – Drainage Infrastructure M/R	\$281,564
<b>Net Change to Appropriated Budget:</b>		<b>\$1,511,564</b>

**Description:**

This request is to appropriate \$1,511,564 from the Water Resources Fund’s Fund Balance for the following:

- \$1,230,000 to the Mint Springs Dam capital project budget to support the planned improvements of the dam at Mint Springs Valley Park.
- \$281,564 to be allocated towards the Drainage Infrastructure Maintenance & Replacement program to conduct additional assessments of underground drainage infrastructure and address critical issues discovered by those assessments.

**Appropriation #2026012**

<b>Sources:</b>	State Revenue	\$811,591
<b>Uses:</b>	DCJS Comprehensive Community Corrections and Pretrial Services Act	\$811,591
<b>Net Change to Appropriated Budget:</b>		<b>\$811,591</b>

**Description:**

This request is to appropriate \$811,591 in DCJS Comprehensive Community Corrections and Pretrial Services Act grant funding. In July 2025, Albemarle County received \$1,507,672.00 in DCJS Comprehensive Community Corrections and Pretrial Services Act funds to support Offender Aid and Restoration (OAR) Jefferson Area in their provision of local probationary and pretrial services for Charlottesville, Albemarle, Nelson, Fluvanna, Orange, Greene, Louisa, Madison, and Goochland (probation only) counties. The actual grant award was higher than the anticipated award amount reflected in the FY 26 Approved Budget, so this request is to appropriate the additional DCJS grant funding. The County serves as the fiscal agent for these grants as outlined in an MOU with OAR.

**Appropriation #2026013**

<b>Sources:</b>	State Revenue	\$125,489
<b>Uses:</b>	Virginia Opioid Abatement Authority (VOAA) Individual Distribution and Cooperative Grants	\$125,489
<b>Net Change to Appropriated Budget:</b>		<b>\$125,489</b>

**Description:**

This request is to appropriate the following in grant and special revenue funding:

- \$61,774 in state revenue as a pass-through grant to the Albemarle Charlottesville Regional Jail to purchase Sublocade medication for inmates with opioid use disorder. Programming of this grant will continue under the signed memorandum of agreement.
- \$63,715 in state revenue as a pass-through to the Emergency Communications Center to partially fund an embedded Mental Health Clinician position. Programming under this grant will commence upon the signed memorandum of agreement by all parties.

**Appropriation #2026014**

<b>Sources:</b>	Special Revenue Funds' Fund Balances	\$813,519
<b>Uses:</b>	Special Revenue funds	\$813,519
<b>Net Change to Appropriated Budget:</b>		<b>\$813,519</b>

**Description:**

This request is to re-appropriate the following Special Revenue Funds:

- \$325,716, the remainder of the American Rescue Plan Act (ARPA) Reserve fund's fund balance, for the continuation of expenses related to support additional ARPA aligned projects that may include items for public health or continuation of operations for the County. Of this amount:
  - \$187,123 for AHIP to serve households with a septic to sewer conversion.
  - \$138,593 for the Albemarle County Emergency Relief Program, providing funds to residents with an eviction or shut-off notice.
- \$10,823, American Rescue Plan (ARPA) State and Local Fiscal Recovery Funds (SLFRF) from the City of Charlottesville to the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) for tourism recovery. The County serves as the fiscal agent for CACVB.
- \$476,980 for the Opioid Direct Settlement Fund, comprised of the fund's fund balance from the prior year. Funds will be released based on programming proposals approved by the County Executive, consistent with prior appropriations of these revenues.

**Appropriation #2026015**

<b>Sources:</b>	General Fund's Fund Balance	\$625,000
<b>Uses:</b>	General Fund: Non-Departmental	\$625,000
<b>Net Change to Appropriated Budget:</b>		<b>\$625,000</b>

**Description:**

This request is to appropriate \$625,000 in the General Fund's fund balance to the Non-Departmental category. This amount will provide payment for Non-Departmental contractual expenses that spanned that prior fiscal year and the current fiscal year, that under financial reporting guidelines, should be reported in FY 26.

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

**RESOLUTION TO APPROVE  
 ADDITIONAL FY 2026 APPROPRIATIONS**

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

- 1) That the FY 26 Budget is amended to increase it by \$4,108,767;
- 2) That Appropriations #2026010; 2026011; 2026012; 2026013; 2026014; and #2026015 are approved;
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2026.

\* \* \* \* \*

Account String	Amount (\$)	APP#	Description
1000-9-94000-499000-0000-9999-00000-00000-999962-	-\$300,000.00	SA2026010	Reduce Climate Action Contingency
1000-4-41230-482000-0000-9999-00000-00000-592100-	\$521,604.00	SA2026010	Increase Program Support
1000-9-99000-352000-0000-9999-00000-00000-510100-	\$221,604.00	SA2026011	FY25 Reappropriation
5802-9-99000-352000-0000-9999-00000-00000-510100-	\$1,511,564.00	SA2026011	Appropriate fund balance
5802-9-99000-493000-0000-9999-00000-00000-939300-	\$1,511,564.00	SA2026011	Transfer to Stormwater CIP
9100-9-99000-351000-9279-0000-00000-00000-512050-	\$1,230,000.00	SA2026011	Revenue transfer from 5802
9100-4-41209-494800-9279-0000-00000-00000-800605-	\$1,230,000.00	SA2026011	Construction Mint Springs Dam Improvements
9100-9-99000-351000-9271-0000-00000-00000-512050-	\$281,564.00	SA2026011	Revenue transfer from 5802
9100-4-41200-494800-9271-0000-00000-00000-344400-	\$281,564.00	SA2026011	Consulting & Mgmt for Drainage Inf. M/R
5440-1-15001-324000-0000-9999-00000-00000-240440-	\$811,591.00	APP20260012	Department of Criminal Justice Services (DCJS) Grants

5440-1-15001-431000-0007-0000-00000-00000-593000-	\$811,591.00	APP20260012	Department of Criminal Justice Services (DCJS) Grants
5332-5-51100-324000-0000-9999-00000-00000-240500-	\$61,773.60	APP20260013	VOAA Individual Distribution Grant
5333-5-51100-324000-0000-9999-00000-00000-240500-	\$63,715.00	APP20260013	VOAA Individual Distribution Grant
5332-5-51100-452000-0000-9999-00000-00000-593000-	\$61,773.60	APP20260013	VOAA Individual Distribution Grant
5333-5-51100-452000-0000-9999-00000-00000-593000-	\$63,715.00	APP20260013	VOAA Individual Distribution Grant
5811-9-99000-352000-9730-0000-00000-00000-510100-	\$118,743.24	APP20260014	Use of Fund Balance - Walmart
5811-9-99000-352000-9731-0000-00000-00000-510100-	\$19,547.93	APP20260014	Use of Fund Balance - Walgreens
5811-9-99000-352000-9732-0000-00000-00000-510100-	\$12,184.93	APP20260014	Use of Fund Balance - Teva
5811-9-99000-352000-9733-0000-00000-00000-510100-	\$16,994.87	APP20260014	Use of Fund Balance - CVS
5811-9-99000-352000-9734-0000-00000-00000-510100-	\$13,482.57	APP20260014	Use of Fund Balance - Allergan
5811-9-99000-352000-9735-0000-00000-00000-510100-	\$88,339.27	APP20260014	Use of Fund Balance - Distributor
5811-9-99000-352000-9736-0000-00000-00000-510100-	\$152,251.59	APP20260014	Use of Fund Balance - Janssen
5811-9-99000-352000-9737-0000-00000-00000-510100-	\$19,657.90	APP20260014	Use of Fund Balance - Mallinckrodt
5811-9-99000-352000-9738-0000-00000-00000-510100-	\$35,778.09	APP20260014	Use of Fund Balance - McKinsey
5811-9-99000-499000-0000-9999-00000-00000-999999-	\$476,980.39	APP20260014	Opioid Contingency Fund
1106-9-99000-352000-0000-9999-00000-00000-510100-	\$325,715.82	APP20260014	Use of Fund Balance ARPA Reserve
1106-5-51100-453000-0000-9999-00000-00000-570900-	\$138,593.00	APP20260014	ACERP ARPA Reserve
1106-5-51100-453000-1312-0000-00000-00000-379600-	\$187,122.82	APP20260014	Septic to Sewer AHIP
4609-7-73000-333000-0000-9999-00000-00000-330055-	\$10,823.22	APP20260014	ARPA City CACVB
4609-7-73000-481000-0000-9999-00000-00000-379300-	\$10,823.22	APP20260014	ARPA City CACVB Advertising
1000-9-99000-352000-0000-9999-00000-00000-510100-	\$625,000.00	SA2026015	Use of GF Fund Balance
1000-9-94000-499000-0000-9999-00000-00000-999989-	\$625,000.00	SA2026015	Contractual Payment

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Item No. 8.3. Boards and Commissions Annual Reports, ***were received for information.***

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Item No. 8.4. Facilities and Environmental Services (FES) Quarterly Report, ***was received for information.***

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Item No. 8.5. Board to Board, October 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. **Presentation:** VDOT Quarterly Report.

Ms. Carrie Shephard, Charlottesville Residency Administrator, said that she would first outline the preliminary engineering updates. She said that first, the Route 29 Shared Use Path was put out for advertisement but received bids that were too high. It would be going back out for advertisement on November 12, 2025, and they were hoping to get bids that were more in line with their estimates after they got those bids back early next year.

Ms. Shephard said that for the Exit 107 Park and Ride project, the advertisement was currently out, and they hoped to have bid openings in December. She said that there were a couple of other projects that were still in progress, including the 5th Street Hub and Trails, the Route 250-Route 20 intersection and improvements along the Pantops Corridor. Their advertisement dates were spring 2026. She said that regarding the Route 702 Fontaine Avenue replacement bridge over Morey Creek, the project was going to construction, starting October 7, 2025, and expected to be complete spring of 2027. During that time, it would be a single lane with temporary traffic signals on either side.

Ms. Shephard stated that moving on to their design build bundles, the last element for their Hydraulic build bundle was that pedestrian bridge, and they expected completion October 31, 2025, and they were currently planning a ribbon cutting on November 13, 2025. She noted that this was a big milestone for that project. Their next bundle was the four roundabouts and the Belvedere Green-T. Currently, the Route 240-250 roundabout was under construction. The Old Lynchburg/5th Street roundabout was under review and right-of-way plans with the remaining elements.

Ms. Shephard said that limited access control change that she mentioned at the last meeting for the John Warner Parkway-Rio Road roundabout was approved by the Commonwealth Transportation Board (CTB), which was just a minor change. She said that their final bundle, which included the Hydraulic/District Avenue roundabout, the Fontaine Avenue interchange improvements, including the Fontaine streetscaping that went into the City of Charlottesville. They had the public hearing on March 22, 2025, and design/build request for proposals was issued to the shortlisters on June 27, 2025. Technical

proposals were due today and price proposals were due November 3, 2025. The CTB award was still anticipated for December of this year.

Ms. Shephard said that as far as their Rural Rustic projects, they made a lot of progress this year. She said that Glendower Road phases 1 and 2 were complete; Sutherland Road was complete; Stony Point Pass was complete; and Starlight Road was under construction, and they hoped to have that surface down before the end of the season, so that one would soon be complete, also. She said that next, she would review their construction activities. She reported that Route 712 Plank Road reconstruction of a headwall ran a little late past the August 28, 2025, deadline, but was finally complete.

Ms. Shephard said that regarding the 601 Old Ivy Road Bridge project, that bridge was hit on Monday. They had to close the bypass shortly after noon, and they were luckily able to reopen the bypass around 6:45 p.m. that evening. The bypass did remain open; however, Old Ivy Road was still closed because the bridge did suffer considerable damage and they were unsure of what they could allow to drive across it at this point in time. They were still doing a lot of investigation.

Ms. Shephard said that they were going to have to probably do load rating analysis with all the repairs to determine when they can open that back up. They had put out a lot of signage to help motorists understand that Old Ivy was closed. There was additional signage put out just last night because there was some confusion from citizens or parents and teachers and students coming from St. Anne's-Belfield (STAB) who had not realized that Old Ivy was closed.

Ms. Shephard said that they had also been communicating with as many business partners as they could in the area. She said they had talked to STAB and to UVA. They were trying to figure out a good plan moving forward while this bridge was shut down completely before they could get a lane back open. She said that of course, they were continuing to respond to citizen requests and calls that came in through their office and through Board members. She said that she would be glad to take any questions or concerns from the Board.

Ms. LaPisto-Kirtley gave her thanks to Ms. Shephard and VDOT for the report and all their hard work. She said that she was particularly appreciative that Stony Point Pass, and the extra 0.2 miles were now completed. She was grateful for how responsive their local VDOT staff was and it was impressive how quickly they resolved issues concerning County roads.

Mr. Pruitt expressed his appreciation for VDOT's response and handling the situation at Old Ivy Road. He said that additionally, he had received overwhelmingly positive feedback about Glendower Road now that it was completely paved, and he wanted to commend both VDOT and the Board of Supervisors for making this improvement possible. He thought their approach of using resident feedback to inform the process had delivered excellent results. He said that on another note, he had been made aware of a constituent who had moved into a property adjacent to the planned roundabout at Thomas Jefferson Parkway. He explained that the constituent had moved in after the initial outreach for that project, so he was wondering if there would be opportunities for further community engagement as the project progressed.

Ms. Shephard said that it was going to be the last element that they did because of the events that were going on at Monticello. She said that generally speaking, once they handed the project off to the design builder, they would take over the design and right-of-way. That was when communication should be made with that property owner about any needs that they might have to finish the project. She said that if they had any questions, VDOT's team, Hal Jones and Will Stowe, would be happy to have a conversation with the citizen if they would like more information about that.

Ms. McKeel acknowledged the community had experienced some agitation due to the Old Ivy Road bridge, and VDOT had done a yeoman's job in handling it; she gave them her sincere gratitude for that. She also wanted to thank their emergency responders who had to respond and resolve that situation. She expressed concern that there had been three very recent instances in Virginia where a truck had hit a bridge in that same way. She commented that those types of accidents were seriously disruptive for traffic, expensive for VDOT, and dangerous.

Ms. McKeel said that she was unsure of what the recourse was for those situations, but it seemed like the trucks were being irresponsible about making sure their truck heights were appropriate for the routes they were taking. She asked Ms. Shephard if VDOT had communicated with STAB to coordinate different release times to control the traffic along that road while it was closed. She knew that staggered start and stop times for the school had been considered in the past, and it might be worth bringing up as a source of relief for the current traffic situation. She said that on another note, a project they chose not to pursue was on Angus Road, and she was wondering if there were future plans for pursuing that project in some other form.

Ms. Shephard said that it was part of the Strategically Targeted Affordable Roadway Solutions (STARS) study of that quarter. She said that there was a recent meeting to talk about the interchange and that section in particular, and now they were in conversations presenting the concepts that the engineers had come up with and talking through those to get different stakeholders' opinions on what might work. She said that it was mostly brainstorming essentially based on these concepts, then the consultant was going to go back and refine those and then come back, and they were going to have another meeting about it. She reiterated that yes, that area was part of the conversation.

Ms. Mallek said that she had a few items she would like to ask about, and Ms. Shephard could

provide follow-up information when possible. She said that someone texted her today to ask about the status of sign removal on Ridge Road. She said that second, regarding the Plaza in Crozet, she received a question about moving the light, which was currently at the square in Crozet Avenue down to Library Avenue, which had been discussed for about 15 years. She said that she would like to hear about that as it arrived for VDOT's review in the future.

Ms. Mallek said that there had been lots of commendations about the work at Routes 680, 240, and 250, and she just wanted to mention how great it was. She said that regarding the Fontaine streetscaping, she wanted to confirm that it would not impact the budget and ability to proceed with the highway portion.

Ms. Shephard confirmed that it would not impact it.

Ms. Mallek said that was important to know. She said that regarding Angus Road, she had heard many suggestions for it to become a parallel access road. She wanted to ask that VDOT consider that as a potential solution.

Mr. Gallaway said that he had two items to bring up to Ms. Shephard, the first of which was the Hillsdale Drive modular roundabout.

Ms. Shephard said that they did not think they had enough time to get this done by the end of this year, so they were planning to implement it in the construction year, next year in spring. They were going to do the rest of their planning and prep work over the winter so that they were ready to go. It would essentially be pavement markings, delineators, new signage, and the last element that they were still determining was what they were going to use in the center. There were a couple of different options, so they were weighing the pros and cons with those.

Mr. Gallaway said that the only other project he would like an update on was Pen Park Road. He said that his concern about the additional 300 units of housing leading to issues on that curvy road remained; however, he also suspected the pedestrian activity going into Pen Park would also increase. This was an area where sidewalk requests had come in, but they had no sidewalk leading into Pen Park. He said that the speed limit was of even greater concern because of the pedestrian activity, so he would love to get an update on that at some point.

Mr. Andrews expressed his gratitude for Ms. Shephard's responsiveness to requests and concerns from the County, including the Board. He also appreciated the communications regarding Old Ivy Road. He asked if the light at Fontaine and Morey Creek would have a sensor to know when someone was waiting at the light, considering the heavy traffic at different points during the day.

Ms. Shephard replied yes; they would have to make adjustments based on time of day, specifically during those peak hour times.

Mr. Andrews thanked her for that information. He said that regarding the bridge, the situation at Old Ivy brought everyone's attention to critical infrastructure and the ramifications all over the inner area of the County when something like that happened.

Mr. Trevor Henry, Deputy County Executive, thanked Ms. Shephard and her staff for their response, including representation at a command post that they had, with the County Police, City representation, Emergency Management, and Fire Rescue. That level of coordination was critical. He explained that, more broadly on infrastructure, they had a regional emergency communication center and a Computer-Aided Dispatch (CAD) system that really was what routed responses.

Mr. Henry said that the Emergency Communications Center (ECC) had to lean in to update that system throughout the day, not just because of the closure, but because of the traffic. They were then able to identify the most reachable units for any other issues that occurred. He knew it was incredibly disruptive to the community and to folks passing through, so he wanted to publicly thank VDOT and their public safety folks and ECC for all that they did just to manage them through that afternoon and evening.

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Agenda Item No. 10. **Presentation:** Data Center Phase 2 Zoning Text and Zoning Map Amendment Update Presentation.

The Executive Summary forwarded to the Board states that on April 2, 2025, the Board of Supervisors adopted limited regulations for data centers. On May 7, 2025, the Board of Supervisors adopted a resolution of intent to consider additional regulations and the creation of an overlay district. On August 8, 2025, the Board of Supervisors held a work session to discuss potential regulations and overlay districts for data centers.

At the August 8, 2025 work session the Board of Supervisors provided comments on the potential ordinance regulations and overlay districts. The Board expressed concern over the locations and regulations associated with overlay districts that would allow data centers up to a certain size by-right. Staff has also identified concerns with regulations associated with noise and with water consumption.

Given the rapidly changing nature of the data center regulatory environment, staff believes it is prudent to pause further work on this topic to allow new industry regulations to coalesce. Attachment A provides more detail on staff's findings.

No adverse budget impact is anticipated.

Staff recommends the Board of Supervisors indefinitely defer further action on the text amendment and zoning map amendment.

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Mr. Bill Fritz, Development Process Manager, stated that he would provide the Board with an update following their August work session on data centers. He said that to review, in April 2025, the Board of Supervisors adopted what they were at that time calling Phase 1 of the data center regulations. Those regulations and the related Ordinance allowed data centers up to 40,000 square feet by right in the industrial districts, over 40,000 square feet in the industrial districts by special use permit, and of any size in commercial districts by special use permit.

Mr. Fritz said that additionally, there were some regulations also associated with accessory data centers, closed loop cooling systems, and generators. He explained that what staff were presenting today was a recommendation that the County pause its work on the map and text amendments and to just retain the existing regulations. He said that he would elaborate on what led to that recommendation, what that meant, and what they would be doing.

Mr. Fritz stated that considering the guidance given by the Board of Supervisors in August, staff determined that the districts that they were considering for the overlay districts for large data centers by right were not, for the most part, viable. They had been unable to develop standardized regulations or systems to allow for administrative review of the environmental impacts and the mitigation of those impacts. They could not create a standardized set of conditions that would take into account all by-right applications.

Mr. Fritz said that as they continued to do research, data centers and data center design and operations were evolving. Staff was concerned that any ordinance that they adopted now risk becoming out of date, or that as data centers evolved, the County may not have regulations that addressed those new impacts that they may cause. He said that therefore, what they were recommending was to allow regulations and a regulatory environment to develop. They would continue to follow the best practices of other jurisdictions.

Mr. Fritz explained that at this time, they did not know what the General Assembly might do in the upcoming legislative session, so they would monitor that and update the Board with any regulations that they may need to adopt or discuss to address any legislation that the General Assembly may enact. He noted that the existing ordinance would, for anything over 40,000 square feet, and anything in commercial districts, would be a special use permit, which allowed for a public input as part of that public process.

Mr. Fritz said that it also allowed for the review to be based on the most up-to-date information, both by the County and the applicant in terms of the regulatory environment and best technologies that would be available at the time any application came forward. Furthermore, if any application were approved by the Board of Supervisors, the Board could impose conditions that would address any of those potential impacts. He said that taking all that together, staff recommended that the best course of action would be to pause, work on this, and wait and see what happens.

Ms. LaPisto-Kirtley thanked Mr. Fritz and the rest of staff for listening to the Board and monitoring best practices regarding data centers. She noted that the science behind this industry changed a lot and continuously monitoring it and learning was a good thing. She agreed that they needed to take a pause to see how things unfolded in the future, as well as what the County may pursue in the future. She expressed her confidence in the approach staff had recommended.

Mr. Pruitt expressed his gratitude to staff for maintaining a sober view and attempting to get the most concrete data as possible, especially considering the strong and varied opinions people had about it. He noted that from his perspective, he saw one of the reasons they did not have much concrete data was because there was a striking lack of transparency from some of the firms they were working with. He also was considering that, while it was no longer a decision point of the Board, it may have been better to have a smaller footprint than 40,000 square feet.

Mr. Pruitt said that the Board did not have much experience in reviewing data center developments, so he thought it may be beneficial for them to be able to see how they worked from the inside out. He also thought they should have serious conversations about community exchange and what the impacts of those were going to be. Furthermore, he wanted to notify the public that the University of Virginia was building a data center of approximately 35,000 square feet. He noted that the County would not get any of the tax dollars associated with that development, nor would they get any input at what that looked like.

Mr. Pruitt said that he thought with a lower by-right limit, the Board could have analyzed the possibility of cash in lieu of taxes and other aspects of learning about data center development. He hoped that as they continued to learn more about this problem, they may consider reviewing and revising their current by-right thresholds.

Ms. McKeel gave her thanks to Mr. Fritz and Ms. McCulley for bringing forward this update, as well as to staff for all the time and work they put into this. She said that there seemed to be prominent concern from the public regarding the term "by-right," and she wanted to clarify that even if a development

was "by-right," the County could still enforce performance standards. She asked if staff could explain more about how by-right applications would still be subject to a review process by County staff. She noted that this was not only true of data centers; this was about terminology of their planning and zoning processes.

Mr. Fritz said yes, he would be glad to explain. He stated that accessory data centers were by-right, they were permitted provided that they met the requirements of the ordinance; they had to be accessory to a primary use. He said that the McIntire County Office Building was a perfect example of that; they operated servers that would qualify as a data center, but it was within this building and it provided only County services. Additionally, accessory data centers were limited to 2% of the building that could be occupied by the servers.

Mr. Fritz said that also, data centers had to be on public water and sewer. If they had a water-cooled system, that system needed to be in a closed loop. For the generators, they had a requirement that limited the hours of operation for their routine maintenance, which was the running of the generators to make sure they operated. Furthermore, they were requiring that the sound dampening be the highest available.

Mr. Fritz said that for setbacks, they had increased them to be greater than any other industrial uses they might have. They must be 200 feet from all lot lines, industrial districts were 50 or 100 depending on whether it was heavy or light industrial, and 500 feet from Rural Area zoning, and the industrial districts did not have a differentiation between rural and residential, they treated them the same.

Ms. Amelia McCulley, Special Projects Manager, added that for uses of an industrial character, which included data centers and other industrial uses, they had an entire section of performance standards within the Zoning Ordinance. This generated the need for an engineer's report that went to their County Engineer, and it addressed things like noise, vibration, air pollution, and things that would be anticipated as potential byproducts or impacts from an industrial use. This was in addition to what Mr. Fritz had mentioned.

Mr. Fritz said that also, any data center application that came in for construction of a new data center would have to go through the normal site plan review process, which would pick up all the stormwater, setbacks, landscaping requirements, as well as Architectural Review Board assessment if it was in the entrance corridor district. He said that this was the same set of requirements any other type of use may have.

Ms. McKeel emphasized that the term "by-right" did not indicate all of those review components. She said that the public's perception was that when something was "by-right," it was the wild west. She requested staff to come up with a better description of what the County was doing with these by-right developments.

Mr. Fritz agreed that they needed to do better, and he affirmed that they would do better.

Ms. McKeel said that she felt the basic thought people had about what constituted by-right development was overwhelming the actual specifics that were going into staff's development of the County's data center regulations. She felt that so far, staff had been incredibly thoughtful and had performed extremely thorough research in order to fully protect their community from any potential impacts of this type of development, but the public was most focused on the term "by-right" and did not seem to understand everything else that went along with it.

Ms. McKeel said that similarly, performance standards sounded like standards that were analyzed after a development was completed. She asked Mr. Fritz if performance standards were considered before or after something was built.

Mr. Fritz said that it was both. He explained that for example, the performance standard for the generators gave a limited number of hours of operation for routine maintenance, which was an ongoing performance standard. He said that an example of a pre-development standard would be that it had to be 500 feet from a Rural Area lot line, which staff would look at during the site plan stage and measure to ensure compliance. He said that depending on what was being measured, performance standards could be reviewed prior, during, and after development.

Ms. McCulley noted that the engineer's report was a pre-development, pre-construction document, submitted right before the use was approved to be constructed and began.

Ms. McKeel said that she did not want to change the way staff was working; however, she wanted to make sure the County was communicating using appropriate terminology that would clearly explain the situation to the public. She said that people understood the concept of regulations, but she felt like most of the feedback she had received from the public was indicating that they felt the County was not regulating anything when something was "by-right." She thought it was critical going forward that they clarify this and assuage the worries from their constituents in all areas. She understood the general opposition to data centers as an industry, but she wanted to make sure the County was being descriptive and clarify their terminology. She reiterated that she was deeply thankful to staff for being so considerate of the timing of where they were with data centers and how to keep them accountable.

Ms. Mallek agreed that all of the work that had been done was beneficial. None of it had been wasted, because what the Board and staff had learned so far would prepare them, whether it was in this

particular sector or in some other area, on how to engage when things evolved and when things came up. She noted that Ms. McKeel's terminology question was certainly a good one that she was going to ask, so she was very glad that it had been brought up. She said that another example was regarding the water-cooled system; a closed loop system would still consume water, even if it was a reduced amount. She said that when people learned those types of technical details, it reduced their faith in staff's expertise.

Ms. Mallek said that therefore, all the extra detail that the County could learn and present to the public was best, because they were going to find out regardless. She thought that they needed to continue to do the very best job they could. She added that there was a lot of concern about diesel generators due to the particulates. This was an issue where the federal government was not stepping up to protect citizens now, so, this was something that fell to local regulation to try to make it as safe as possible for the environment.

Ms. Mallek said that the cumulative impacts were something that other Counties in Virginia had been worrying about locally for 10 years, and she was personally very grateful that Albemarle was taking this step. She expressed her full support for staff's recommendation because she did not want to see them galloping into something where they were going to be worrying about themselves for the next 10 years. She thought staff had presented an excellent choice, and she thanked them for it.

Mr. Gallaway said that if the pause had not been recommended at the last time, they had a discussion about data centers, there were questions and some things they were all going to go do and then the Board would have anticipated that coming back to them. He said that to build on Ms. Mallek's point, he did not know what would be appropriate to ask for, but he would like to receive some sort of summary wrap-up of where they were at currently, with that remaining information that they would have received had they not taken this step. He knew staff had done some other work and research, and he still was interested in having that relevant information.

Mr. Gallaway stated that he thought as part of that, given what they did in phase one, it may just be useful to remind them why they chose the 40,000 square feet while they discussed other square footage amounts. He said that regarding one of the points Mr. Pruitt mentioned, UVA was an ongoing organization, but there would be a new entity that did not currently exist that would be bringing that one online.

Mr. Gallaway said that his focus would be concerned about existing businesses that also had them. He said that he could not imagine they had others that reached or strived to get to 40,000 square feet, but he did not know that for certain. He said that just like he would be in other areas when existing businesses, if they, as they say they want them to, thrive and grow and expand in their County, and if data center operations were something they needed for their internal operations, he wanted to understand what they were doing.

Mr. Gallaway acknowledged that the 40,000 square foot piece was more about these new things coming in and being unregulated, but he was still curious about the things that already existed here, thrived here, and needed to continue to do so. He did not want to be adding extra burden onto them or process onto them to be able to continue and be a successful business in their area. However, he said that without knowing whether they had any that even reached that level.

Mr. Gallaway said that if they had some that might wanna expand and go beyond 40,000 square feet, this was going to require them to come through a special use permit process. He emphasized that this was the point that he would like to focus on and thought it was worthy of some more discussion because he could not imagine local businesses growing out to the sizes that people were concerned about.

Mr. Andrews said that he was also supportive of the pause, which he thought was unanimous at this point; he did not know if the Board needed a motion on that. He said that with that, he would also note that there had been some caveats. He very much appreciated Ms. McKeel's point that there had been a lot of confusion on the part of the public as to what they meant when they said performance standards and by-right. The fact that there were pre- and post- development location standards as well as other regulations. He thought that this had been lost on a lot of people.

Mr. Andrews said that had emails saying they were going to cover the Rural Area with these, and he could confidently say that they would never, ever do anything like that. He said that there had been a couple of questions about the 40,000 square foot cap. He was also aware that as they had done research on this, they may have looked at performance standards that would apply to those data centers that might be proposed under the 40,000 cap. He would like to also hear what those performance standards might be and how they would differ from the ones that were currently in place, because if they needed to add additional performance standards, he would like the opportunity to do so. That was a possible further follow-up, but he still fully agreed with the pause on anything over 40,000 square feet at this time.

Ms. McKeel said that again, when discussing performance standards, those were regulations. She said that furthermore, she heard members of the public emphasizing the need for the County to approve each data center on a case-by-case basis. She noted that even if something was by-right, staff would still be looking at the applications in that case-by-case manner. She asked if staff could explain that point as well.

Mr. Fritz explained that what he was trying to talk about with the pause was the regulations they were looking to try to adopt would be those that apply in every case. He said that regarding the by-right,

permitted applications, those were administratively reviewed. Staff went through case-by-case, for every single one of them, they went down a checklist to make sure that it was meeting all of the requirements for that particular use on that particular property in that particular zoning district with whatever regulations there might be.

Mr. Fritz said that then, they had things that were by special use permit, and those were discretionary. They had to come before the Board, and the action was up to the Board's discretion. Whereas with the administrative process, if staff went down that checklist and everything got checked, the applicant got their approval. If staff went down the list and there was one thing missing, the applicant did not get their approval until they fixed it. That was the difference between administrative by-right and discretionary special use permit.

Mr. McKeel reiterated that in either scenario, they were being looked at case by case, whether it was by staff or the Board, and they were looking at regulations to make sure that they were following the regulations that they had established. She felt it was crucial to clarify this aspect because she had gotten so many emails that really led her to believe that they were really misinforming the public on what they were trying to do.

Ms. McCulley added that with the scenario in which a data center, either freestanding, independent, or accessory, was built, they would have a site plan review, and all of the staff and all of the regulations associated with that, design and otherwise. They would have a building permit and all the building code requirements and staff review associated with that. Then, they would have the zoning inspection to make sure the site was built according to that site plan, and the zoning clearance to make sure that all of the regulations were met before that use could begin.

Ms. McKeel said that was right; it was not a free-for-all. She said that she would share a theory, that their community was concerned about these huge data centers that they saw in many communities, and they were popping up all over the state. She emphasized that no one was going to be able to afford to build one of those really huge mega centers in Albemarle County because they would not be able to afford the land.

Ms. McKeel said that this was why they were going to Counties where land was cheap. She was not saying that she agreed with that practice; she was just saying that people were so anxious about these huge data centers that they were seeing, but she did not think they were even realistic for development in Albemarle County, given the cost of their land. She said that however, she qualified that by saying this was her own personal theory, and it was possible that one may pop up, but she did not think it was likely.

Ms. Mallek said that to add to what Mr. Pruitt mentioned, dialing back to their original discussion, she was very much interested in the smaller square footage. She said that when there was a further discussion about that, she was very interested in looking at it again, because she knew in her mind what 4,000 looked like and what 40,000 looked like, so she was interested to learn.

Ms. Mallek said that she also appreciated all this discussion about terminology, because "permitted if all requirements were met," was a phrase that she thought applied to one of these terms, and that was the way she tried to explain it to people when they asked. Lastly, she wanted to say that in Loudoun and Prince William, \$4 million an acre was what people paid for land up there. She said that for a lot of large venture capital firms, money was no object. She said that she was very glad that Albemarle had many other rules that had nothing to do with money.

Ms. McKeel said that she did not disagree with Ms. Mallek, but she knew many data centers were moving into places where the land was very cheap, and Albemarle was not.

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**Recess.** The Board adjourned its meeting at 2:48 p.m. and reconvened at 3:02 p.m.

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Agenda Item No. 11. **Work Session:** AC44: Final Draft Work Session.

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 4: finalizing the language for the four-part Comprehensive Plan document and developing Plan actions.

Over the past year, staff brought AC44 chapters to both the Planning Commission and Board of Supervisors during work sessions. The feedback obtained during these work sessions along with feedback from the community has been incorporated into the initial complete draft of AC44.

Staff will make a brief presentation at this work session to summarize the revisions to the document. The intention is to provide ample time for the Supervisors to discuss the document. Staff seeks final input on the current draft of AC44 in preparation for the public hearing to adopt on October 15, 2025.

A summary of the changes to the AC44 document from the initial draft presented at the September 10 work session is included in Attachment A. This work session will focus on any necessary edits to the document as provided in Attachments B-E. Currently the Board of Supervisors is scheduled to consider adoption during their Public Hearing on October 15, 2025. Once AC44 is adopted, staff will

communicate with the entire community regarding the updated Comprehensive Plan. AC44 is targeted to take effect on January 1, 2026.

There is no budget impact associated with this agenda item.

Staff requests the Board of Supervisors review the final draft of AC44 and provide any necessary edits to the document.

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Mr. Jeff Richardsdon, County Executive, joined the meeting at 3:02 p.m.

Ms. Tonya Swartzendruber, Planning Manager, stated that she and her team were here to talk about AC44. She said they would go through the schedule, go through any notable updates that had happened since the last draft in this one, then they would go through the Planning Commission resolution and feedback that they had heard yesterday and finally open it up to discussion. She explained that they had kicked off phase four with a public input open house on August 21, 2025, and then came to the Board and PC in late August and September 10, 2025. She said they did not quite finish everything on September 10, and that was why they were here today.

Ms. Swartzendruber said that they were hoping to hear those last comments before they came to the Board for their public hearing on October 15, 2025. She said that the PC had had their public hearing last night and they had in front of the Board the resolution that they had passed, as well as the comments that they would like to weigh in on. She said that a few notable changes that occurred between the last draft and this one was a general edit for consistency and tone, and they were doing another edit to make sure all of that followed all the way through.

Ms. Swartzendruber said that they updated all the references to the land use buildout analysis and included the data from 2025. They clarified that title for the table for the criteria of assessing the adequacy of land in the development areas. She noted that the PC recommended a further title, which was just a small change. They also added some enlarged Future Land Use Maps (FLUM) and removed the rural interstate interchange content per their request, as well as the action that was later in that chapter. They also added an action to address lack of childcare in the Thriving Economy Chapter.

Ms. Swartzendruber said that they also added actions to promote awareness of affordable housing options and supporting aging in place in the Housing Chapter. Then, in the Parks and Recreation Chapter they updated the chart for existing parks and facilities to include the equestrian trails and biking trails, as well as if a park was accessible by transit. For Cultural Resources, they added a call out box to clarify what historic resources were. Finally, in Implementation, they revised the seventh Big Move just slightly to strengthen social connection and community well-being.

Ms. Swartzendruber said that regarding the PC resolution, the Commission had voted six to zero to recommend approval with the following amendments. She noted that she had paraphrased here on the slide, but if they looked on that second page of the resolution, the Board had the exact language and detail to what those amendments were. She explained that in part two for Growth Management, they suggested some adjusted language regarding the boundary revisions, which was what she referred to earlier. In part three for Environmental Stewardship, they suggested that they add an action that required planting of 80% locally native species.

Ms. Swartzendruber said that in the Development Area Land Use Chapter, they suggested that they add a sentence to address water quality and in Community Facilities similarly added in action about opportunities to add stormwater best practices. There was a little bit of feedback from the PC on some comments that they had received over the preceding days, and the PC decided to bring forward two items. They generally agreed with the housing comments that were received on September 25 from Legal Aid, and the Board also had a copy of that information for their review.

Ms. Swartzendruber said that they generally agreed with the intent of the SweetSpot request; though they felt like they did not get to benefit from the full analysis from staff as well as public input. She said that staff had provided the Board with the full details of that request and the PC feedback. She said that in terms of staff's request from the Board today, they were looking for any edits that the Board might have for this draft. For the small edits and Scrivener errors, the Supervisors were welcome to send those to staff to be incorporated. She said that staff would be glad to hear any other thoughts or things they would like to see included in the document.

Mr. Andrews said that they could review each section and focus on what important aspects needed to be changed, if any. He asked Supervisors if they first had any concerns about language in the Policy section and the Growth Management section.

Ms. LaPisto-Kirtley asked the other Supervisors to share their comments first, and they could circle back to her.

Mr. Pruitt said that for the Policy and Growth Management section, he did not have any issues with the Planning Commission's requested revisions. He said that he would be curious to hear about what specific criteria the Commission was thinking about adding for the removals section but had no further edits or suggestions.

Ms. McKeel said that she had no problem at all with the Planning Commission amendments. She

thought they were appropriate and the language was fine. She said that going through the first chapter, on page 22, she was so impressed. She said that she had one edit to make, which was in the third paragraph down, where it said jurisdictional area remains in place and had been "amended time," and she believed that should read, "amended over time." Other than that, she had no edits for the rest of the document.

Ms. McKeel said that she did have a couple of questions. She noticed on page 23, neighborhoods one through seven, they talked about actually qualifying or quantifying, whichever the right word was, what those neighborhoods were. She said that it would seem like to her if they were not putting them where they first talked about them, if they were in the back, if they could put some connection as to where somebody could find the information for what those neighborhoods were.

Ms. Swartzendruber confirmed that yes; they could put a map on that page.

Ms. McKeel said that would be great. She said that she wanted to thank staff for incorporating some of her earlier suggestions, which she sincerely appreciated. She thought that while this final draft had added some content, she believed they were good additions, and compared to the previous version, this was much more readable and much more succinct. She said that she wanted to reiterate that she did not see the Lambs Lane Campus Master Plan mentioned, so she would like to request that it be referenced.

Ms. Swartzendruber clarified that it was referenced in the Community Facilities Chapter on page 6. It was mentioned in the last sentence of the first paragraph.

Ms. McKeel said that she missed it in her reading, so she would take time to go back and review that.

Mr. Barnes added that they did not want to confuse what was going on at a school site with the larger neighborhood master plans.

Ms. McKeel said that she agreed with that. She thought that was appropriate because it was a school, but she just did not want it to get lost, either. She felt it was an important plan, and she appreciated it being included in that Chapter.

Ms. Swartzendruber noted that it was also included in the reference document.

Ms. McKeel said that she had no further comments on this document, but she would like the Board to talk about the SweetSpot request at a later point in their discussion.

Ms. Mallek thanked staff for incorporating many of the things she was going to ask about today already. She said that regarding the list from the Planning Commission, she thought their suggestion for "potential criteria for assessing adequacy of land," was very clear language and she thought it was appropriate to include on page 13 in addition to page 12. She agreed with their suggestion for native species and stormwater management, as well.

Ms. Mallek asked if the land swap information was included in Growth Management.

Ms. Swartzendruber replied yes; it was on page 12 at the bottom.

Ms. Mallek said that this was a topic that she had heard a lot of concern about due to the lack of detail. She said that there was mention of a future objective that was in response to the Transfer of Development Rights (TDR) topic. She thought the similar language for the swap that was already in the document for the transfer of development rights would be appropriate, so they would acknowledge it as a future consideration that they could explore.

Ms. McKeel said that she was comfortable with the language that was there already as it was.

Mr. Andrews noted there was a proposal from the Planning Commission that would discuss potential criteria for assessing removing underperforming areas from the Development Areas, including but not limited to the following. Then, in the previous paragraph, it mentioned inclusion of robust community engagement as part of that process.

Ms. Mallek said that she would try to find the section she was thinking of.

Mr. Barnes said that the information about swapping land was in this second part of the Growth Management Policy section, page 12. He recalled that the TDR discussion staff had with the Board concluded with them deciding to potentially assess it at some point in the future. He thought the content that was in this chapter here was intended to give them some sort of guideposts as they moved forward, if there was ever a proposal for removing land from the Development Area.

Mr. Barnes acknowledged that it was a bit broad; however, it was partly that way by necessity, because they would find the individual circumstances would dictate what they should be talking about with a specific parcel, and it was something they would work their way into as the future required it. He said that the Board had discussed that there may be portions of the Development Area that may not end up being developed for a host of reasons, so they may consider taking them out of the Development Area at some point in the future; therefore, they wanted to develop criteria for assessing that.

Ms. Mallek said that she would like to clarify that one person had asked about that, but the Board had not had a full discussion about that at the time. She thought that it had resulted in greater concern from the public than necessary. She thought Mr. Andrews had suggested a couple of meetings ago about changing the original language, assessing underperforming areas in the Development Areas, and what they should be doing to improve those areas' performance in the Development Area.

Ms. Mallek said that instead of doing that, they jumped to taking land from somewhere else, taking something that may even have amenities already on it, like water and sewer, and sticking it in the Rural Area where it would not be conforming. She thought that lack of definition meant it should be a future consideration as opposed to something that had a whole page dedicated to itself. She also thought this would result in staff processing endless applications from people who came out and asked for their 20 acres over here to be moved over there. She was concerned that this would impact future Boards as well, as they would be trying to work through it before doing the required homework to improve the performance in the areas they had now before taking on anything else.

Ms. Mallek said that on another note, she did not have adequate time to review the public comments from the Planning Commission hearing.

Mr. Gallaway said that he apologized for missing the Board's previous AC44 work session, as he did not have the opportunity to review the document thoroughly in that setting. He said that he would make some comments that he had not made at that time. He noted that the information from Ms. Dreyfus was sent to the Board on September 10 via email, and he wanted to address those comments during the Board's work session and regretted that he could not attend. He said that he would discuss those when they discussed the chapters relevant to her comments.

Mr. Gallaway said that he did not have any further comments on the Policy section. He said that he would be remiss if he did not express his concern that this issue would likely come up during their budget conversation. He was feeling the tension between the Policy language, which consistently emphasized that service delivery was not expected or should not be delivered in the same manner in Rural Areas as in Development Areas. However, the reality was that when it came to Police and Fire services, the expectation was the same.

Mr. Gallaway said that more than 50 positions of the 90 positions they recently added were meant to fill positions they had lost due to decrease of volunteers in the Rural Area, and it was not as if they could just not provide services in the Rural Area; they had to provide fire service out there. He was worried about the tension between their policy language, which stated that service delivery was not expected or should not be delivered in the same manner in Rural Areas as in Development Areas.

Mr. Gallaway said that while they could discuss the details of varying response times, when volunteer losses occurred, they had to take over the operations for that day, which was a significant resource draw. He was calling this out, not because he necessarily had any suggestions for change in wording, but if they started addressing this in the budget, the document implied that prioritization should be given to areas of high density in terms of providing resources and services. He did not think they had ever really approached it that way in budgeting.

Mr. Gallaway noted that this would be on his mind during the upcoming budget cycle, because they were essentially endorsing that notion in the Comprehensive Plan. He said that between page 4 and page 6, it sounded like they were trying to have both, but they had to contend with that in some manner as they dealt with limited resources for delivery of services, and the fact that they were facing the same challenges they started last year with the tax increase.

Mr. Andrews said that he had limited comments, and he was not sure if some of them were late, but he would bring them up anyway. One thing he would like to thank staff for was the graphs on page 26 of the Policy section, as they now helped illustrate that even though there had been changes to their Development Area, there had also been densification of the Development Area.

Mr. Andrews said that his comment, however, would really focus on the Growth Management section on page 6. He thought it would be beneficial to include a discussion on the extent to which development had already occurred in the Rural Area. Although this may be more relevant to the Rural chapter, he believed it was worth mentioning in the Growth Management update section, where they discussed the level of development in different areas. Unfortunately, he felt this had not been addressed. He had seen statistics indicating the amount of development in the Rural Area, which had not been referenced.

Mr. Andrews said that the biggest issue, he supposed, was the future Development Area boundaries. He said he appreciated Commissioner's Murray's listing of many additional criteria that might have been considered; however, in light of the lack of opportunities to review those criteria in detail, he thought it was essential that they ensure this process had potential criteria, including but not limited to, suggesting that there were many other criteria that needed to be considered.

Mr. Andrews said that he was disappointed that they were not trying harder to address this, and he agreed with Mr. Murray's comment that the first bullet point, "locations that did not meet the objectives", was a vague criteria that did not provide a clear sense of what they were looking for when evaluating those criteria. He hoped that if they had a chance to review again, he thought it was clear that page 12 was inadequate for the task at this point. He appreciated that it was being revised to make it

more apparent to the reader that it was not up to the task; that was one way to solve that issue.

Ms. LaPisto-Kirtley said that regarding page 12, she appreciated the language used in the document, which allowed for flexibility. She said, as Mr. Gallaway mentioned, there may be areas in the Development Area that could not or should not be developed, and there may be areas bordering the Development Area that were in the rural area that would make sense. She said her understanding of a land swap was not necessarily acre for acre. For example, a swap of five acres of Development land for one acre of Rural land could be a viable option. She said that however, at this point, they did not know what would happen.

Ms. LaPisto-Kirtley said that she liked the flexibility in the document because their County was changing, and they needed to be prepared for the future. She said the Board had said they did not want to move the development boundaries, but she thought they needed to keep an open mind for the future, not to hamstring themselves in case something made sense. She said that regarding Ms. Mallek's concerns, she was not sure how they would label or word the criteria for removing something. She thought they had used the term "potential" criteria for assessing removal of land from the Development Area, and she was amenable to that.

Mr. Gallaway said that he understood they may need to have the language about potential criteria to appease the public and ease people's fears, but that did not have anything to do with planning process and criteria for the work that had to be done.

Mr. Andrews said that he believed there was concern that the work had not yet been done that would be necessary to pursue the process.

Mr. Gallaway said that he was just confused about why they had to reiterate they were "potential" criteria for a future process. He said that there were a lot of things in this document that would do that.

Ms. Mallek added that what Mr. Gallaway had just said was the core of why people were concerned, because on page 11, it said "starting point" and then after that, the rest of page 11 made it sound like it was written in stone, so having the reiteration of "potential" on pages 11 and 12 made it very clear.

Mr. Gallaway said that if it assuaged people's fears, he would not stand in the way of it; however, "potential" was repeatedly included on page 11 when speaking about the processes that this would involve. He said that there were many parts of this document that spoke to future plans, procedures, and processes that would be followed, so he did not see the need for such repetition.

Ms. LaPisto-Kirtley added that she was not supportive of the word "robust" being included with "community engagement." She said that she felt that community engagement was sufficient and as long as they included it in the process, they would be successful. She noted that adding "robust" gave opportunity for someone to say they had not done enough, regardless of the specific community engagement process. She was concerned that providing such qualifying, subjective terms could be used as reasons for delaying processes in the future.

Ms. Mallek said that from her perspective, she did not think they were the reason for delay. She thought that in the past 40 years, she had seen many changes, and she believed that a public statement of the public process was important.

Mr. Andrews said that he agreed.

Mr. Gallaway noted that it was in the statement that if he did not agree with the term "robust community engagement," it implied that he was somehow against community engagement in general.

Ms. Mallek said that whether or not "robust" was included, trying to push people aside because they did not like a particular word was unhelpful.

Mr. Pruitt added that he thought he agreed with the points that were made, and he did not see either of these changes as having a significant impact on the way a single County employee executed their tasks or made changes. He said that he was struggling to care about these specific changes so he would defer to the rest of the Board in order to move forward.

Ms. McKeel said that she thought "robust" was unnecessary to include. She thought they already were very highly accomplished in all of their community engagement processes.

Mr. Andrews clarified that were the recommendations that came from the Planning Commission. He said if the Board wanted to remove the word "robust," he was fine with that. He said that he would like to work with the recommendations from the Planning Commission on that. He said he had one last question that came up in the Planning Commission. He said on page 13, Mr. Bivins mentioned that there was a difference between "criteria" and "factors" in assessing the adequacy of land. He said that he did not understand what Mr. Bivins was trying to say, so he would appreciate some clarification.

Mr. Barnes said that he thought criteria were the rules to consider when making a decision, so he thought it was an adequate use of the word.

Ms. Jodie Filardo, Director of Community Development, said that one thing that was particularly

of concern was ensuring that they got through this document. To facilitate that, she proposed that they follow a similar process to their previous work session, where they listened to the Board's input and then summarized the majority opinion at the end of each section. She said they would not take a formal vote but rather use this as a way to gauge the conversation. She said that while they could have debate about specific word usage, she was concerned that they had a lot of work to do today, and she believed this process would be helpful in keeping everyone on the same page. She said if that would be beneficial, staff would be happy to come back and provide a summary of the discussion.

Mr. Andrews asked if the Board had any additional comments on Policy or Growth Management.

Mr. Gallaway said that he wanted to make two points. First, regarding the page 13 reference, while not directly related to Mr. Bivins' point, upon reviewing the criteria for assessing the adequacy of land in the Development Areas, he noticed that it mentioned land in the Rural Area. He said that he was unclear why it specifically mentioned the Development Areas, as it seemed to be criteria for assessing the adequacy of County land in general, and then discussed Rural Area land. The criteria did mention the ability to be served by public water and sewer, which somewhat defined what was or was not adequate.

Mr. Gallaway said that, for example, in the Development Area, they had properties that were not connected to public water and sewer, such as old neighborhoods, but they would not pull them out of the Development Area. Instead, they would connect them to the system. On the other hand, if they had a piece of property in the Rural Area with a similar connection, they would still assess the adequacy of the land. He said that it seemed to him that they were only assessing the adequacy of land in the Development Areas, when they really should be assessing the adequacy of land everywhere.

Mr. Gallaway said that assessment of adequacy of service provision for community facilities, services, and infrastructure, including Fire Rescue and Police, was mentioned in the criteria, but it was unclear how they were applying this to equitably the Development and Rural Areas. He would suggest that they remove the term "Development Areas" so that they were simply "assessing the adequacy of land." He said that it seemed to him that the determination was already based on the category it was in.

Mr. Gallaway said that he did not understand why the assessment of adequacy of service provision would be limited to the Development Areas. He said he thought that they had already discussed the importance of assessing proximity to existing community centers, which was a broader consideration. In the Growth Management Policy, this came after identifying underperforming areas in the Development Area, as some of those properties they had discussed on the borders for a swap, there also may be areas closer to those community facilities, services, and infrastructure.

Mr. Andrews clarified that this was an artifact of their previous discussion where Mr. Gallaway was not in attendance, and it stated criteria for adding land to the development areas. As a result, they had decided to assess the adequacy of land in the Development Area. He said he believed this change was made primarily because they did not like the criteria for adding land to the Development Area.

Mr. Gallaway said that he understood. He said that his bigger philosophical point was that throughout the Growth Management Policy and the entire document, there was an overemphasis on the word "efficient." He recalled a time when he was running for the School Board, he used to emphasize the importance of using resources efficiently. He recalled a constituent pointed out that "effective" was a more nuanced term, as it implied achieving the desired outcome, even if it meant being less efficient.

Mr. Gallaway explained that sometimes, being effective did not necessarily mean being the most efficient, and that distinction was worth considering. The word "efficient" was used repeatedly throughout the Growth Management plan, from page 4 to page 11. However, he believed that the intended goal, as outlined in the scorecards and Build-out Analysis, was to make the Development Area as effective as possible, not just efficient.

Mr. Gallaway said that the Board's vision was to maximize the desired outcomes in the Development Area, thereby reducing the need for boundary adjustments. The concern was that the 58% approval of density in the development area would put a strain on the boundaries and lead to the issues that everyone was concerned about. In this context, he questioned the use of the word "efficient" because it did not accurately capture the Board's intention to be effective, rather than just efficient.

Ms. Mallek said that "efficient" implied cost-effectiveness, as well.

Mr. Gallaway said that the Board had previously acknowledged that while it would be more "efficient" for developers to clear-cut land and not protect any existing trees, that was not the County's desired approach for development.

Mr. Andrews asked if the Board would consider directing the staff to review where "efficient" may be replaced with "effective" or another more appropriate term.

Mr. Barnes confirmed that staff would be happy to do that.

Mr. Andrews said that next, they could review the Development Area Land Use section, which had already been somewhat addressed.

Ms. LaPisto-Kirtley stated that she was very comfortable with what had been suggested by the Planning Commission. She said that otherwise, she had no other comments.

Mr. Pruitt expressed his appreciation for seeing the FLUM with different insets. It was much better, as it allowed them to see what was going on and broke it out by neighborhood, which was a model they used but may not have disseminated to the public in a straightforward way, so he thought this was great. He would reiterate the point he had made before, which was that he thought the FLUM was something they should address legislatively as a discrete object, rather than the current way they did it, where they outsourced it to the Community Advisory Committees (CAC) and reviewed it after receiving it from them.

Mr. Pruitt said that he was not sure he agreed with that process, but he also did not think the Board would support his stance on that matter. Additionally, he would like to ask if the Board wanted to engage with the SweetSpot issue right now, or if they wanted to go around the horn and discuss general feedback in the Development Area Land Use and then discuss SweetSpot within the context of the FLUM.

Ms. Mallek said that she would prefer to discuss it as a separate item after they had discussed this chapter.

Mr. Pruitt noted that the Planning Commission had suggested including a preference for on-site stormwater management as opposed to off-site stormwater credits. He asked if this was included anywhere else in the document.

Ms. Swartzendruber replied that they had discussed it, and if it appeared anywhere else, it would be in the Environmental Stewardship Chapter.

Mr. Pruitt said that while he did not have strong feelings for this one way or the other, he felt like he could support it. He said that he would defer to his colleagues if they had more to add on this subject.

Ms. McKeel said that she had no critical issues with this section, but she agreed they should discuss SweetSpot when appropriate. She said that she was supportive of the Planning Commission's language change regarding stormwater management and credits. She said that over time, off-site stormwater credits had not really helped them, because when the improvements were being made elsewhere, they did not get to experience the benefits as much as if they were on site.

Ms. Mallek agreed that she supported the Planning Commission's suggestions for this section. She said she felt it was very important that they prioritize stormwater management and improvements locally so that their County benefited from that, so she wholly supported that.

Mr. Gallaway said that he would like to address one point regarding page 44 in the objectives. He said he was in agreement with the reduced light spillover and other related aspects. However, he did have some reservations about the phrase "prioritizing a safe environment for pedestrians and bicyclists." While this was a fundamental principle, he thought it was also a given. He said that he wondered if they should just refer to all individuals and property.

Mr. Gallaway said that he recalled a tragic accident on Route 20, which was a contributing factor to the emphasis on safety in the context of lighting. While protecting pedestrians was essential, he thought it was also crucial to consider the emotional well-being of drivers, particularly in cases where accidents occurred. In this instance, the accident on Route 20 was a no-fault incident, but the emotional impact on the driver should not be overlooked. Both individuals were impacted by this.

Mr. Gallaway said that additionally, he would like to acknowledge that in the Development Area, when significant investments were made in terms of capital, such as at car dealerships, where he had previously made the case for adequate lighting due to car thefts, the protection of property was a crucial aspect. He agreed that the proposed wording, "prioritizing a safe environment for all individuals and property," was a more comprehensive approach. It was not about opposing the reduction of light spillover or other related aspects but rather ensuring that the safety consideration extended beyond just specific users to encompass all individuals and physical property in the area.

Mr. Gallaway said that furthermore, in the email from Ms. Dreyfus, she proposed updating the Zoning Ordinance to create an affordable housing overlay, which the Board had previously considered. However, he was not sure the Board had the appetite to pursue it, but he thought the Board could discuss it again when they reviewed Housing Albemarle. He said that on another note, he was not understanding the ratio of Rural versus Development Area and why that should trigger anything.

Mr. Gallaway said that he may need a follow-up conversation to clarify his understanding. He was bringing this up because it was also discussed in the Rural Area chapter on page 3, where it mentioned monitoring the proportion of development in the Development Areas compared to the Rural Areas. He was struggling to see the relevance of this comparison and why it would trigger specific actions in the Development Area. If they were trying to achieve the same goals, and they had the right to build with the resources they had, then they should be able to build out their properties. He said that if they started to take advantage of their development rights to build residences at a faster pace, he and others might not agree with it, but he did not understand why that necessitated a change in their approach to the Development Area.

Ms. Mallek said that she thought the original intention was to make investments in the Development Area to make it a more attractive place to live, thereby attracting more people and retaining

them. She said that the goal was to preserve the quality of life in the growth area, preventing it from becoming overcrowded and causing people to leave. She said she did not think the proportions, percentages, or ratios were the primary issue; rather, it was about creating a desirable living environment in the development area.

Ms. Mallek said that there had been a significant shift in the balance of development between the rural and growth areas, with a growing minority of new development in the country. She had heard from many people, including former neighbors, who were choosing to move closer to town due to proximity and amenities, including avoiding long commutes for their teenagers. She said she believed the issue was not about punishing the Development Area for having more people in the country, but rather about not doing enough to make the Development Area a wonderful place to live.

Mr. Gallaway said that he did not disagree with that assessment; he did not understand the purpose of the ratios.

Ms. Swartzendruber said that she thought the ratio was mentioned as a way to measure an increase in development, specifically to compare the growth of residential development in the Rural Area to the Development Area. She said that their view was that if the residential growth in the Rural Area was outpacing the Development Area, that could indicate that they needed to reassess what was being allowed in the Development Area.

Ms. McKeel said that this may provide some data that they could follow to make informed decisions about the Development Area.

Mr. Gallaway said that if staff saw it as useful, he would not protest. He believed the Growth Management Plan addressed the issue, and he was not sure why a ratio between the two areas triggered a response in the other. He agreed with Ms. Mallek's point, and he thought that was the overall goal of this plan: to create a desirable environment for density. However, he said he also understood that individuals had the right to build on their land, and if a lot of people exercised their right to have 50 acres and a \$2 million home, it could alter the ratio. He said he was not sure why that would trigger a change, but he would let that be. However, he would like to consider if this made sense in the context of the plan, and he would appreciate hearing what others had to say about it.

Ms. Mallek noted that the quarterly housing report had a chart with that information.

Mr. Gallaway said that Ms. Dreyfus mentioned in her email a request that they revise managed and preserved slope ordinances that included affordable housing as a public benefit, qualifying for an automatic waiver. He thought it was worth exploring this idea further. He said that her specific request was to include that as an additional objective, but he was unsure if it was appropriate at this juncture. He said that he had not considered it before, but he would like them to learn more about what they could consider as the potential minimum. He felt like Ms. Dreyfus's comments may be appropriate for the Board and staff to consider as part of their strategic plan, rather than the Comp Plan.

Mr. Gallaway said that additionally, on page 45, they had an action to establish a policy that encourages developers to support multimodal transportation infrastructure. He was fine with that action, but he wondered why it was limited to just those two items, but he wondered whether they could also encourage developers to build more affordable units. He said that if developers wanted to reduce the number of parking spaces and also provide more units, he would support that. He said that he supposed the action was limited because it was only an encouragement.

Mr. Gallaway said that Ms. Dreyfus's suggestion about data centers had been addressed earlier in today's meeting, so he did not think it was relevant at this point. He said that however, the general notion of her suggestion was something he would support and perhaps they could address it if they got a special use permit. He said that regarding the Transportation Alternatives Program (TAP) fee waiver program, which was 2.8, had been discussed during their grant program. He noted that they did have a program in place for that, and he would be fine with including it as an action if necessary.

Mr. Gallaway said that it was one of those things where he wanted to make sure that they did not lose the fact that they had something in existence already. He thought that even with specific language, they could still achieve TAP fee connections through their developer incentives, which included a tax rebate or tax grant. The flexibility was in there, and it could also be used to try to achieve TAP fee connections. He was supportive of emphasizing the fee waiver program, and he thought it also spoke to those folks in their areas who were not yet on public water and sewer, because some of those neighborhoods could not afford it due to connection and infrastructure fees.

Mr. Gallaway said that he thought the fee waiver program should not only be for new development or redevelopment, but also for helping existing residents in the Development Area, particularly older homes and neighborhoods, get onto public water and sewer. He asked that the Board consider that there might be a way to call this out and include it in the list to be able to address all those categories. He said that additionally, he was supportive of the Planning Commission's recommended language to prioritize on-site stormwater management.

Mr. Andrews said that he would make a quick comment on page 4. He wanted to recognize and applaud that staff had made reference to the 2022 Buildout Analysis, but also looking a little bit at the 2025 Analysis and with North Fork adjustments, their maximum buildout they had achieved became 70%. However, in first column, they had 58% again, yet in the Growth Management Plan on page 8, they

referenced the 70%. He said that he was just hoping that they would get some consistency at some point with respect to which numbers they were going to reference if they were going to use those.

Mr. Andrews stated that he had no problem with the Planning Commission's suggestions for this chapter. He said that regarding the new 1.11, he would rather keep it more vague and say they would explore revising preserved and managed slopes to include affordable housing as a public benefit, rather than just saying that and they were going to revise it for an automatic waiver. He said that currently, he did not know because he had not looked at this enough to be certain.

Mr. Andrews said that in 2.7, he thought that should not be included, as well as the last sentence of what was proposed for 2.8, and again, in 2.8, with respect to affordable housing TAP fee waiver, this was really a budget item, because they were basically saying consider additional support for affordable housing TAP fee waiver program. He was a little leery about putting it in here, but if they did, he would not say "fund" because that was not kind of an appropriate use of the Comprehensive Plan.

Mr. Andrews said that regarding the FLUM and SweetSpot, it was a property that was adjacent to the Sieg property, which currently had a distributorship on the Sieg property, but it was been proposed for additional development, and that proposal was coming before the Planning Commission in mid-December, having been deferred. He recalled that the proposal had been withdrawn and the Board had a discussion during which he had proposed that the Board look at these properties, but he was told at the time there was not support to do so without first having more staff analysis and time to consider it. Therefore, they did not pursue anything at that time with respect to the FLUM for those properties.

Mr. Andrews said that the particular property was originally located in the Rural Area, and the request was made in 2015 to move it out of the Rural Area., and it was actually a change in the Development Area boundary to add it into the Development Area where it previously had not been; it was changed to industrial due to the Deschutes proposal. With respect to what category it should be in, there were multiple categories that might be considered. He asked if the Board would like to weigh in on the proposal.

Ms. LaPisto-Kirtley agreed with Mr. Andrews about using the word "explore" regarding Action 1.11. She said that regarding Route 20, VDOT was building a crosswalk there. She said that she agreed with Mr. Gallaway that the ratio of development between Rural and Development Areas may not be the best measure, but she agreed with Ms. Mallek they should prioritize making the Development Area attractive for development and residents.

Ms. LaPisto-Kirtley said that regarding SweetSpot, she believed there was opportunity for development on the parcel, and the Board should consider how they could give that area choices other than heavy industrial, its current zoning. She said she thought community mixed-use and the varied uses within it could be beneficial. She acknowledged there was a certain process for this, but she also thought that changing the designation would allow the land to be utilized sooner rather than later. She believed that being flexible would allow them to address emerging needs as they happened in the County and proactively prepare for the future.

Mr. Pruitt stated that, as an observation, they were not discussing zoning of the SweetSpot parcel. He said that the parcel still was R-1 and would remain that regardless of the Board's conversation today. He acknowledged the reality that they were contemplating this issue because of a considered development, and it was not normal for most developments to have this opportunity to change the Comprehensive Plan that their plan would be reviewed under. He said that he wondered if the conversation the Board was having today about this designation would be more appropriately held just when that matter came before them legislatively.

Mr. Pruitt said that he could be willing to consider it on the merits here, but it felt like an odd juncture. He said that it felt like they were considering a development zoning on the merits here at this moment because they knew of a proposed use that was going to be coming before them. For this reason, procedurally, he had some misgivings about the way in which it was coming before the Board. He said that normally, the Board would have set of proffers in front of them that they would be considering in this context, they would normally have a vague outline of what they expected and, the result of what the Board decided in this moment on SweetSpot was just going to be a matter of whether or not in the staff recommendation or the staff disapproval, there was an extra factor of whether the proposal was in accordance with the Comprehensive Plan.

Mr. Pruitt said that he was comfortable making up his own mind in that regard, so it did not feel like a tremendously dispositive moment to him, but he might withhold final judgment on this until he heard some more thoughts from his peers. He said that he found it hard to see that this was going to be something that was tremendously decisive in any context. It felt small, even for the development that this was coming for, because the Board could still make the decision regardless.

Ms. McKeel said that, to that point, she believed that the owners of this property had been working with staff for a good while to try and get this brought forward. She said that she could be wrong, but she did not think there was a lack of attempts by the owner to try to get the County's attention on this issue. She noted that the Board had an email from them in September asking for the Board to deal with it. Furthermore, there was a piece of land in Crozet that the Board dealt with immediately without considering the surrounding land or other extraneous points.

Ms. McKeel said that she saw this as land in the Development Area that needed to be developed.

If the County did not develop land in the Development Area, then what were they doing? She said that regardless of what happened beside it, having that designation was still appropriate in her opinion for that location. She said that just changing the map designation, meant that it was still going to have to go through a rezoning process in a public manner.

Ms. McKeel said that if the Board dealt with it the same way they did the piece in Crozet, it would not stop the public process. She said that she did not think this parcel would ever be used for heavy industrial, so there was more potential for light industrial and mixed use. She said that she was not challenged by the development next door, as that would stand or fall on its own. She said that, however, looking at the map, this portion was appropriate as mixed use and change the designation. She expressed her support for changing the land designation from industrial to community mixed-use.

Ms. Mallek said that she would like to clarify that the parcel in Crozet was less than an acre and had the possibility of one small commercial use with limited traffic, so she did not think it was appropriate to put these two in the same category.

Ms. McKeel said that she was more referring to how the process would be affected.

Ms. Mallek said that furthermore, staff had talked about that issue for ten years. Regardless, she thought there had been many parcels over many years, which had been dealt with through the combined comprehensive map and zoning map amendment process. She thought that it would be most appropriate for them deal with this by following that process, rather than deciding now to give it some other criteria without knowing anything about what was proposed. If she were looking at a crystal ball, she would much prefer it to be an employment zone rather than residential, because of the traffic issues in that location.

Mr. Gallaway said that he looked at it from the standpoint of considering where the industrial piece here and other places seemed to be some of the hardest to fill with industrial uses. He said that the community mixed-use or Office/R&D/Flex/Light Industrial seemed to be the County's focus from an economic development strategy. They certainly had the need for housing units; that was clear. He was not on the Board when they did the Deschutes proposal, so he was not directly involved, but he was on the outskirts, listening to all of the discussions because that went on for a while.

Mr. Gallaway said that, however, he was not shocked to hear that no applications had come forward to do industrial on this land. He said that in terms of whether the Board had all the necessary information to determine the appropriate land use, they were not agreeing to whatever the owner may be proposing for development on the property. The Board would simply be making a change to the map to say that it was not a suitable spot for an industrial use. He thought both pieces of property were tough regardless of what they were doing on them, but industrial to him had always seemed particularly difficult.

Mr. Gallaway said that its proximity to the interstate should be positive for industrial uses, but trying to get things done around some of their interchanges had never been a fun topic or conversation in this County. He did not feel like they were doing anything or forwarding anything or approving anything on it to change it to match what the other property was. It seemed to him to make sense to change it to the community mixed-use and since that included the R&D, flex, and light industrial based on where their other industrial places were, relative to the other residential-type uses.

Mr. Gallaway said that part of him was wondering whether it was wise to agree to lose industrial land, but another part of him felt like the other uses may have more success. He said that industrial uses were difficult for the County to support, even in locations better than this.

Ms. Mallek noted that they had seen some in the past year, and she did not think they had problems doing what they needed to do.

Mr. Andrews said that they had certainly had raised the issue in terms of their land use, that they wanted to have more land taxed in an industrial-commercial type of use, as opposed to just relying on residential for tax purposes. He knew that the Planning Commission had asked the question of whether there was going to be a process for an applicant to bring forward requests for changes to any property.

Mr. Barnes said that yes, staff was going to be working on creating a citizen-initiated Comp Plan amendment process. He said that there used to be a process for that, but about ten years ago, staff had requested the Board to allow them to eliminate it because of staff constraints. He said that, however, staff felt like it would be good to provide it again because the master planning and Board review processes may take longer to address than the rate at which the market changed. He said that staff would be working on this comprehensive plan amendment process and hoped to bring it to the Board as quickly as possible.

Mr. Andrews said that his biggest concern about this was that it was essentially treating the Sieg application, which had not yet come before the Board, as if it was going to be approved for residential use and therefore this property should be considered for residential use as well. The community mixed-use designation emphasized primary land uses as residential, along with some non-residential uses. The first thing it said under this was residential, typically with a density of 12 to 34 units.

Mr. Andrews said that as some people had heard, he had significant concerns about the connectivity of this property for heavy residential use, given its location – it was a little wedge between Interstate 64 and a four-lane U.S. divided highway, US Route 29. He said that Sieg had proposed for a crosswalk across Route 29. He had previously discussed the possibility of changing the designation for

these parcels when they did the Crozet change, and he was told at the time with regard to the Sieg property that it was not appropriate to make that change because there was not enough time and information to discuss it. Now, they were faced with an application to change something, and he did not feel like they had had enough time to discuss it.

Mr. Andrews said that one way to change the previous designation for the Sieg property would have been to go to Office/R&D/Flex/Light Industrial, which included residential as a secondary use. He would be more comfortable with that if they were to do this at all at this time, recognizing that he did not think they had any residential uses besides the rural ones currently. To start making changes at this point in a Comprehensive Plan, as opposed to waiting until they had the application before them and the chance for people nearby to weigh in and others might be concerned in the community that it was the wrong time.

Ms. McKeel said that the public would still have the opportunity to participate in the rezoning process.

Mr. Andrews said that it would still be a recommendation and expectation for residential use.

Ms. McKeel said that this change could be made now. She asked what staff's perspective was on this potential change.

Ms. Filardo said that this change right now would necessitate simply a change in a map. She thought as staff, as the Planning Commission, and as the Board had formerly shared, they were all a little concerned with the speed and the way in which this request had come forward. That said, to the point that all of the Supervisors had made, the zoning map amendment was the time where they all could lean in, ask those questions, ask for special considerations, like any shared use path connections or any of those kinds of things that they may want. She reiterated that this would not be the ideal process for bringing this forward; however, staff were ready and willing to do whatever the Board instructed them to do as far as the map changes were concerned and things like that. She thought where the Board would want to weigh in was the zoning map amendment, so she agreed with Ms. McKeel on that aspect.

Ms. McKeel said that she believed the Planning Commission had spoken favorably of the request, and they were at their public hearing to recommend approval of the Comp Plan. She said that the Board still had yet to hold their public hearing, so they were at a bit of a different place than the Commission was when they discussed this request.

Ms. Filardo noted that the Planning Commission's overall response to this was that they did not dislike the request, they just did not like the process in which it had come about.

Ms. McKeel noted that the Board had more time to consider the request than the Commission did at this juncture.

Ms. Filardo said yes.

Mr. Pruitt said that he again wanted to state that this change would only result in an extra note either under staff's reasons for approval or their reasons for disapproval. He appreciated Mr. Andrews' suggestion that if they were to rezone this as R&D/light industrial, which had a secondary use of residential, it would no longer be conforming with a primary intended use, and it also would not be non-conformant. He did not want to assume what that would do about a staff recommendation, but it did feel like trying to find a neutral position.

Mr. Pruitt agreed with the point that this was coming to them in an unusual process, which he felt was his main concern as well. He said that he believed it was different than what they looked at with Crozet because they had the landowner weighing in on the conversation. He wondered if R&D was a more neutral designation, and he would be willing to support that.

Ms. Mallek said that she believed Mr. Pruitt was suggesting the applicant pursue the CPA/ZMA application together because it did not prejudice the process. She thought this was certainly something that staff had lots of experience with over many years. She thought that anytime things were done so far outside the process where there was not consistency between the way this thing was being treated versus what some other application was being treated, then they were putting their County Attorney into something that was difficult to defend. They had to be able to make decisions that were going to be reliable and stand up and not have to be constantly ricocheting in terms of the steps of the process.

Ms. Mallek said that she was reminded of the great support a decade ago to remove the applicant-generated CPAs because every month there was an application coming in and staff was spending an enormous amount of time chasing down all these things, many of which were denied, when they really needed to be working on comprehensive plans and zoning modifications and things like that. She said that she was very reluctant to go back to that when they got to that discussion later on.

Ms. Mallek said that in some ways, this was a perfect example of how they were not really sure what the thing was to choose because they did have any information. They may have different preferences, none of which may come to fruition when the applicant came around. She thought the burden really should be on the applicant to figure it out, make the application process so that staff could do their work, help everyone understand what the options were, and then the Board could make a decision based upon the adopted Ordinance. In the intervening time, the Comprehensive Plan would be adopted, that would shake out, and then they would have a true basis upon which to compare things.

Mr. Andrews commented that Ms. Filardo had mentioned that when an application was before the Board, they could consider proffers and other conditions. However, he did not think that it addressed what would happen when this designation appeared, which was that there was then an assumption that it would be used for residential, and the question was about how many units. He felt like that had not been sufficiently vetted to make a decision. He agreed with Ms. Mallek that at this point, it was not a good process to make a change.

Ms. LaPisto-Kirtley asked Ms. Filardo if she could explain how many residential units would be allowed in community mixed-use versus R&D/light industrial

Ms. Filardo said that in their packet, according to page 17 of the Development Area Land Use, reading from community-mixed use, the primary land uses were residential, typically at a density of 12 to 34 units per acre, and then non-residential uses such as commercial retail, offices, hotels, conference facilities, schools, and childcare, institutional and religious assembly. The secondary land uses would be single-family attached townhomes, accessory units, or non-residential uses such as auto, commercial sales and services, and office, research and development, flex, light industrial uses.

Ms. Filardo explained that in this particular use designation, it put forward residential uses as primary. In contrast, on page 20 of the Development Area Land Use, for Office/Flex/R&D/Light Industrial, it cited non-residential uses, such as offices, research and development facilities, flex spaces, and light industrial, as primary land uses, specifically excluding heavy industrial and heavy manufacturing. Secondly, it listed residential at densities of six to 34 units per acre, encouraging multifamily and live/work units, non-residential uses such as commercial retail and institutional, and then light manufacturing, warehousing, and distribution activities, combined with office, research and development or flex space. She clarified that these two different use types were mirror images of each other, with one stressing residential as primary and the other stressing non-residential as primary use.

Ms. LaPisto-Kirtley noted that the Board would need to consider the affordable housing aspects. She said that she did not have a problem with the community mixed use or R&D as suggested by Mr. Andrews. She really liked the idea that was brought up regarding property owners being able to request a comprehensive plan map adjustment. She thought this would expedite things because it almost seemed like sometimes they were standing in their own way of progress, being able to get what they wanted. They wanted affordable housing, but they did not really approve everything they should be having. They wanted light industrial or office space, commercial, but they did not seem to be approving that either.

Ms. LaPisto-Kirtley said that it seemed to her that the Board found ways of standing in their own way of not approving any of this. She thought that was because a lot of people in their County did not want anything to change. If they did not change and improve, and grow, that would be a problem; economically, that would be a problem. She said that she could actually go with either one, knowing that the staff would come back with a plan for property owners to be able to come to their Supervisor, or they could come to the County, as was proposed, and then rescinded back in 2018.

Ms. Filardo said that to clarify that point, the Community Development staff was planning on coming back to the Board as a next step with a couple different process suggestions. To the point of a property owner being able to ask for a comprehensive land use designation change or a comprehensive plan amendment, staff intended to provide a process where the comprehensive plan amendment and the zoning map amendment came to the Board in a packet. That way, they were not approving or asking to approve a comprehensive plan amendment or a FLUM amendment without understanding what the owner was wanting to do with the property.

Ms. Filardo said that it seemed like in the past, they were being approached with a request to change a comp plan designation without knowing the reason behind it. If they embedded the zoning map amendment with the comp plan amendment, they would know why it was being requested. With the zoning map amendment and that process that came with it, they could ask for consideration from the property owner and give direction on special conditions that they wanted to have happen with that zoning map amendment combined with the comp plan amendment. This way, it was not staff running around the County figuring land use changes for them. It would really be embedded with a project request, which seemed to be more straightforward and logical.

Ms. LaPisto-Kirtley asked if Ms. Filardo felt that the staff would better be able to manage something like that.

Ms. Mallek said that she fully supported what Ms. Filardo had just said.

Ms. Filardo said no; she did not believe so because they believed that a comprehensive plan amendment would be accompanied by a zoning map amendment. There would be a lot of work that an applicant was going to do in order to prepare this project to bring it forward to the Board.

Ms. LaPisto-Kirtley asked if Mr. Andrews could explain why he preferred one primary use for this property over the other.

Mr. Andrews explained that he was primarily pointing out that they had multiple categories in here and that they were trying to make a decision between two without even considering the third. He said that in his mind, the process was what was flawed. He said that while he agreed that they needed affordable housing and they needed to find places for housing, He did not want to make a presumption that this area

between 64 and 29 was a perfect place for that, as opposed to the possible industrial or light industrial uses, which would benefit from the proximity to 29 and 64 without necessarily burdening the residents with the issues that he got complaints about all the time with respect to these roads, let alone the connectivity issues that came with trying to put a large number of residences in an area that had no walkable access to other areas.

Ms. Mallek said that she thought that they all had heard Ms. Shepherd giving the update that later this year was when the work at Fontaine was supposed to begin. This had been a 20-year process, and it would dramatically change how those roads and traffic patterns functioned. It would increase the flow through on Route 29 South and reduce the options for any at-grade crossing for pedestrians.

Ms. Mallek said that this would emphasize the connectivity challenges in this area. She said that if a facility in this location was sending their products out on a truck, that was what these roads were designed for. She said that 64 and 29 were not designed to accommodate people pushing baby strollers to the grocery store. She meant that there was no grocery store anywhere around, and there was not even an option for anything that was not vehicular-based.

Ms. Mallek said that it seemed like a more prime location for business and research, and things built into the ground to use the slope in an effective way. They had heard all sorts of great ideas over many years about how to use those sloped situations. However, she was very concerned about the risk, including the risk of a high-density residential on over 50 acres, with 15 to 20 or 30 units per acre and the resulting car trips per day.

Mr. Andrews said that he was very frustrated that this had now become a discussion about whether that was appropriate or not, when it should be a discussion about whether the Comprehensive Plan process was adequate.

Mr. Pruitt said that he believed when they had talked about this previously, he had not been aware of the other proposal affecting this plan. He said he believed at that time, when they were earlier in the process in Phase 3, they had discussed this under the context of potentially redesignating all of it as light industrial/R&D/flex, which he was supportive of then. He still thought if he had not been influenced by the current proposals, he would be thinking from a blue-sky perspective, applying best principles, first principles, just looking at the dirt, the light industrial flex made sense for here.

Mr. Pruitt said that the Broadway area was what kind of typified the flex light industrial. If the people who were interested in community use would be amenable to that, he would be willing to join a vote to designate this as light industrial flex and put it to bed.

Ms. McKeel said that she would support that as well.

Ms. LaPisto-Kirtley said that she was concerned that they would be limiting the potential of housing in this area. She asked Ms. Filardo if she could explain more about how housing would be impacted by the light industrial/flex designation.

Ms. Filardo said that all of these evaluations would be made by staff when a proposal came from an applicant. When a ZMA came forward, they would evaluate the ZMA based on whether it complied with the Comprehensive Plan. If a project came forward that had residential and light industrial mixed on an individual piece of property, either of these land use designations would receive a positive mark, checking the box of complying with the Comp Plan.

Ms. Filardo said that if staff were to further detail their checklist, which they did not always do, but if they did, they could say that the primary use was residential and the secondary use was light industrial, and this provided both, or vice versa. However, in either case, if a project was based on market conditions that included those elements, it would receive a positive check mark for compliance with the Comprehensive Plan.

Ms. LaPisto-Kirtley asked if that meant they could have more housing as long as they had some office and light industrial uses on the property.

Ms. Filardo explained that some of the non-residential uses under corridor mixed use were not included in the Office/R&D/Flex/Light Industrial designation. She said that those included institutions such as childcare, schools, and religious assemblies. She said that depending on what the market drove and the ZMA that came forward, if they chose the office designation and the proposal was bringing a school or a church, that would not be in compliance with the Comprehensive Plan with that particular designation. However, if the Board was interested in providing and protecting the opportunities for residential and light industrial in this location, both of those uses would be available to them with either of these land use designations.

Mr. Gallaway said that he was trying to make sense of where the conversation had taken them because they were now considering changing the designation from what the applicant originally wanted. Therefore, they were still left with the ability to come forward and request a map adjustment along with their project. He said if they wanted community mixed use, it did not seem like there was any interest in changing from industrial to community mixed use. If they changed it to Office/Research and Development/Flex/Light Industrial, the owner still had to come forward and do the request.

Mr. Gallaway stated that at this point, he did not hear the support for the original request that was

brought forward to change the FLUM designation to community mixed use. At that point, then it was up to the applicant to come forward and they did a comprehensive plan amendment to the map and review the project. He did not see any way to avoid that. Changing it to the other designation would have been what the applicant requested if that was what they wanted.

Mr. Gallaway said that he would have been supportive of moving it to where they were at, but at this point he felt they would have to follow a different procedure. He said that they could still achieve what the Board wanted, but it would not be done today. He said that this was what he was hearing from the Board.

Ms. Mallek asked if the Board supported the staff plan to develop a combined packet, which would allow the Board to have the necessary information and put the burden of decision-making on the owner to narrow the scope of what was being requested. She was concerned that people would come in with this combined package and then immediately change their office or commercial space to residential when they had difficulty finding commercial tenants. She thought that having the combined process put the Board in the best position and put the landowner in the best position to get a decision that would stand strong.

Ms. Filardo clarified that the combined process was not yet included in the Comprehensive Plan but would be taken up as a process after the Comp Plan was hopefully adopted. She said that what she was hearing from the Board was that they were at a 3-3 split regarding the request from SweetSpot, so they could just let the issue die for now.

Mr. Andrews said that next, he would ask for the Board's comments and feedback on the Rural and Transportation Chapters.

Mr. Andrews noted that he had mentioned earlier that there were a number of places in this document where the list of objectives at the beginning of the chapter did not exactly match the objectives later, and the Rural Area section had one of those. He said that he understood the Rural Area Plan was something for future discussion.

Mr. Gallaway said that on RALU page 6, the third paragraph suggested that hunting and fishing were available for public use, and a lot of land in conservation was not accessible to the public. He felt like the wording suggested there was more access available than was in reality, so he would suggest putting a period after "residential uses." He said that furthermore, they affirmed that the land conservation programs supported their Growth Management Plan, but he was unsure if that was accurate. He asked if they both supported each other.

Ms. Mallek said that she would say that they were interconnected because without the watershed protection in the Rural Area, there would not be the water resources available for the higher density in the growth area.

Mr. Gallaway said that he was open to hearing more, but he had never considered their land conservation programs to be a necessary component of their Growth Management Plan. In fact, he thought the Growth Management Plan was primarily intended to protect the Rural Area, and the Rural Area had its own land conservation program.

Ms. Mallek said that in her view, she disagreed with the notion that the Rural Area must be protected purely because it was pretty in an aesthetic sense. She felt like this was the origin of the argument about the Rural Area versus the Development Area, and it was inappropriate and would not help them with where they needed the community to get to as a whole.

Mr. Gallaway said that he was not suggesting that the arguments were necessarily one-sided, but it seemed directional, and he was wondering if it was specific to the Rural Chapter. He said perhaps it took a different approach in the Development Chapter, which would indicate a directional shift in the other direction.

Mr. Andrews asked if a language change so that it read "County's land conservation programs support the Growth Management Policy" instead of using the word "necessary."

Mr. Gallaway said that regarding Transportation, in the work session he missed, he would like to know why they were adding the call-out for the funding for MicroCAT. He said that he did not see why this needed to be called out because the entire transit budget would be reviewed with each budget cycle, and MicroCAT would already be part of that consideration.

Ms. McKeel said that it was currently a pilot program, and they did not know if it would be going forward in its current form. She said that she had suggested the addition of it being reviewed with each budget cycle to address that aspect.

Mr. Andrews said that next, they would discuss the Thriving Economy and Housing Chapters.

Ms. LaPisto-Kirtley said that she had a problem with the fact that they were not taking advantage of all the land available for housing in the County. She said that however, she had no specific comments on these sections.

Mr. Pruitt said that regarding the Legal Aid Justice Center's (LAJC) recommendations for

Housing, he supported their suggestion to add an objective prioritizing housing for seniors. He liked the objective for Albemarle Housing Investment Fund (AHIF), but he was unsure if there was support or necessity to create budget-enforcing objectives like that for the Comp Plan, as much as he supported the suggestion. He said that for 3.1, this would propose the language that the next review should include consideration of a mandatory inclusionary zoning policy.

Mr. Pruitt clarified that they had an inclusionary zoning policy in place, which was not mandatory on all developments. It was mandatory on developments that were subject to zoning increases, requiring them to include more than 10 units. He did not think they were empowered to have an inclusionary zoning policy that did not attach to up-zonings. That was why the State enabling legislation only allowed them to do in the context of rezoning. As a result, he did not think there was more they could do.

Mr. Pruitt said that however, he did think it was essential that they revisit their existing inclusionary zoning policies at least as frequently as their Housing Albemarle reviews. He said if there was a bullet point suggesting that the next review should include consideration of the appropriate levels of their inclusionary zoning policy, he would be supportive of that. This would essentially mean reviewing their inclusionary zoning policy rates on a fixed basis, such as 20 units at 60% affordability or 15 units at 80%. He would support this because he believed it needed to be reviewed at least that frequently, if not more.

Mr. Pruitt said that he had no issues with the suggested 2.6 amendment to add language and promptly address housing-related needs. Similarly, he did not have issues with the suggested 2.3 amendment. Their first objective seemed innocuous. This Board had previously discussed how treating home ownership, housing affordability, and developing equity could sometimes be contradictory goals. This objective did not specifically emphasize equity, which was the main source of those contradictions. Treating housing as an investment and creating affordable housing were at cross-purposes.

Mr. Pruitt was something they had briefly discussed before. This objective did not specifically address homeownership in the context of investment. It did not quite touch on the issue that he still considered to be a contradiction. He said that personally, he did not think homeownership was not the most effective goal for achieving affordability in their community. However, he did not know that he had a problem with including this as an objective.

Ms. McKeel said that regarding Ms. Dreyfus's suggestions, it gave her some concern that staff had not thoroughly reviewed whether they were possible to include. Having said that, she agreed that prioritizing and incentivizing affordable housing for seniors was certainly something that they needed to do. However, she thought the Board had mentioned that already.

Ms. Swartzendruber confirmed that they had; however, it did not make it into this draft.

Ms. McKeel said that she had no issue with including that, as well as including the development of smaller units. However, she did not want to revisit all of these topics that they had previously addressed. She reiterated that she had not looked carefully at all of the LAJC recommendations, so she would let her peers give their opinions.

Ms. Mallek said that regarding Housing, 3.1, she would like to see more emphasis on the existing affordable units. She felt like they tended to focus too much on building new ones and changing the rules to build new ones. She said that in her own district, there were hundreds of smaller, older homes that were affordable, many of which had been in the same families for generations or had been taken over by new families. She said that promoting maintenance and protection of existing affordable units was something she would continue to stress, and she hoped they were addressing it in 3.1, but she did not know.

Ms. Filardo said that she recalled there was an addition from the last work session to include something about naturally-occurring affordable housing (NOAH).

Ms. Swartzendruber replied yes; she was looking for that information right now.

Ms. Filardo said that staff would try to find that and provide a follow-up.

Ms. Mallek said that regarding 1.11, there were reasons why critical slopes were not built upon. She said that she would not be in support of the additional 1.11 to have automatic waivers for these just for uses that people may like. She emphasized that she was not willing to put people who were vulnerable for other reasons into more risk because of where their house was.

Mr. Gallaway said that on page 11 of the Thriving Economy Chapter, he was glad to see 2.4, and he was not sure if this could be incorporated into the 2.4 framework, but he thought they should try to incorporate exploring or supporting professional development for GIS training to use strategically to support the Economic Development Strategic Plan.

Mr. Gallaway said that in other words, he would like to see if they could use GIS to identify the best uses for economic development from a theoretical standpoint. He said, for example, if he looked up a site like North Fork, did the GIS tell him if it was a Tier 5 site? It may or may not, but what he was getting at was that they may have staff members with the skill set to use GIS to analyze this information and make informed decisions about economic development. He said that they already had a strategic plan in place, and they had the capability to use GIS for theoretical analysis, so he would like to call out

that staff should use the GIS for that purpose.

Ms. Filardo noted that Esri did support the analysis Mr. Gallaway was suggesting, and they did have some GIS experts on staff, but she was unsure of whether they had the capability to take on that additional workload. She said that she thought this might be a budget conversation.

Mr. Gallaway disagreed that it was a budget item, because what he was looking at was specific actions that needed to be taken right now, and the skill and ability required to support those actions. He wanted to make sure that they had the necessary capability and system in place to accomplish these goals. He was not sure if they had the ability to take what was available to them and make it active to accomplish these goals, and he thought that was an important consideration. He understood that professional development to support using the GIS for economic development may require budgetary considerations, but the general priority should be noted.

Ms. Filardo said that she would discuss this with their IT Director to get some more direction on that.

Mr. Gallaway said that regarding Housing, he thought that it was important to update the median home values to provide the most updated information. He understood they were trying to stay consistent with using 2023 data, but it seemed misleading to avoid mentioning how steeply the homes values were rising and how severe the housing issues were.

Mr. Gallaway stated that regarding Housing Albemarle, he was supportive of updating the housing plan at least every five years, but he would like to see an immediate review following the AC44 adoption, rather than waiting until the next iteration. He agreed with Mr. Pruitt regarding revisiting inclusionary zoning during a housing policy discussion, rather than forcing them into the Comp Plan. He said that he would be supportive of adding the objective of ensuring a path for the Investment Fund, continuing to receive dedicated annual funding.

Mr. Gallaway said that he also thought that this needed to be connected to the Albemarle housing conversation, specifically the need for a trust fund, rather than the Investment Fund they currently had. Additionally, there was mention of an advisory committee; however, he was not looking for an advisory committee, but rather a trust fund with a committee that operated in a similar manner and style to their Economic Development Authority; it would be distinct from an advisory committee.

Mr. Gallaway said that he did not think they needed to debate this for the Comprehensive Plan at this time, as they had already called for a trust fund in the Housing Albemarle plan. What was frustrating was that the past Board had voted to include a trust fund and a committee to manage it in the Housing Albemarle plan, and they had already acknowledged that in their previous discussions.

Mr. Andrews clarified that this language was directly from the Housing Albemarle plan.

Mr. Gallaway said that they needed to do it. He said that they passed Housing Albemarle in 2021, yet this remained unaddressed. He said that the Board's vote should have been sufficient direction, but they had never done it. He said that the committee needed to be defined more than being "advisory," which was counter to what Housing Albemarle stated. He reiterated that he would like for the housing committee to be more similar to their EDA in terms of authority.

Mr. Gallaway said that otherwise, the other LAJC recommendations were either small wordsmithing suggestions or had already been addressed, so he had no issues with those. He added that Ms. Dreyfus's point was on employee strategies to support low-income homebuyers seemed to align with the goal of preserving and maintaining the County's aging housing stock in Rural Areas, which was number four. He thought that they could address future homeowners in the same way with the Land Trust model.

Ms. Mallek asked if that would be subsidizing home purchases rather than their previous work to maintain existing owned homes through weatherization and other improvements.

Mr. Gallaway said that he thought so, but he was unsure. He said that others might have a different perspective, but he thought when they sent money to the community land trust models, where they bought the home and then they got the purchase price down for the buyer, they needed the subsidy. The cash helped reduce the purchase price for the first buyer, allowing them to build equity and then use that equity to remodel the market, and ultimately use the subsidy to keep the ongoing costs low, so that subsequent buyers could also build equity and enter the market at an affordable rate. He also thought that the phrase "explore opportunities to purchase blighted properties" should be changed to "explore opportunities to acquire blighted properties."

Mr. Andrews stated that his only concerns were about the edits suggested from the public. He was really unhappy with the process of just receiving those in mid-September, and they had not really received any feedback from staff regarding them. However, he did not think that the HSG-1 should be added as a new objective. Instead, he thought it should be incorporated into an existing objective because they needed to have both objectives and take concrete actions to flesh out the details if they had not already done so. If there was a way to acknowledge that they wanted to support low-income home buying in some way, he was generally supportive of that.

Mr. Andrews said that he had no problem with other incentives in 2.3. He was concerned with 2.6,

which improperly addressed housing. He was not sure what that was driving towards. It previously stated to identify housing and related needs; they would address those. They could revisit their inclusionary zoning policy, but he did not want to be under a mandatory policy that guaranteed the way it was written. He also did not think that the proposed funding amount for the AHIF should be included, as they had not had a sufficient discussion to agree on it.

Mr. Andrews said that however, he had no problem with dedicated annual funding. He did not have a problem with prioritizing affordable housing for seniors, although he would rather have staff review this and determine the most appropriate place to put that if it was not already there, because he was not convinced that some of these things were not already included in some form or another.

Mr. Gallaway added that he thought the call out for seniors should be tied to the 60% AMI or lower threshold. He believed they should specifically address low-income seniors, rather than just seniors in general.

Mr. Andrews said that the Board needed to take a break before proceeding with the rest of this work session, not to mention the rest of this meeting.

Mr. Jeff Richardson, County Executive, said that they had an opportunity with the second item to push it to November.

Ms. McKeel **moved** that the Board of Supervisors adjust SweetSpot of Albemarle LLC Parcel 75-48 AC44 Future Land Use Map Designation to Office/R&D/Flex/Light Industrial.

Mr. Pruitt **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Agenda Item No. 12. Closed Meeting.

At 5:42 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 Community Policy and Management Team, the Crozet Community Advisory Committee, the Piedmont Virginia Community College Board, the Places 29 (Hydraulic) Community Advisory Committee, and the Places 29 (Rio) Community Advisory Committee;

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 6:03 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:

- **Appoint** Waqas Al Mulhim to the Crozet Community Advisory Committee to fill an unexpired term ending on March 31, 2026.
- **Appoint** Adrian Felts to the Piedmont Virginia Community College Board with said term to expire on June 30, 2028.
- **Appoint** Forrest Mitchell to the Places 29 (Hydraulic) Community Advisory Committee with said term to expire on August 5, 2027.
- **Appoint** Martha Davis to the Places 29 (Rio) Community Advisory Committee with said terms to expire on September 30, 2027.

- **Reappoint** Rick Seaman to the Places 29 (Rio) Community Advisory Committee with said terms to expire on September 30, 2027

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

There was no report.

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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. Mariane Doyle, Executive Director of the Center for Nonprofit Excellence (CNE), stated that she was here to invite the Board of Supervisors to their October 16, 2025, Day of Learning. She said the event would be held in the downtown library from 9:15 a.m. to 4:15 p.m., and they would have a break in the middle for lunch on the downtown mall. She said that the Center for Nonprofit Excellence was a learning advisor for Virginia nonprofits and had been founded here locally.

Ms. Doyle said that they would be celebrating 20 years next year, and the best way to think about CNE was if they thought about their favorite nonprofit and about whether they had the resources that they needed in order to thrive. She said that she suspected that their answer would be no, and if that was the case, she hoped they would send them their way so they might support them and help them with providing the strategies, the structure, and the education necessary to ensure that they did thrive. She said that she had also provided a copy of their impact report which was published about a month and a half ago.

Ms. Doyle said that this report gave them kind of a backwards look on what they had done, what they had accomplished over the past year and a half; it was an 18-month impact report. She said that they would also see a couple of impact stories included there. She said that one of them was local here to a nonprofit that served their community both in Charlottesville and Albemarle County called Creciendo Juntos. She said that she hoped that the Board had a chance to read that story and hear the testimony of both what they had experienced, how they were serving in their communities, and the way that CNE helped to build their capacity and support them.

Ms. Doyle said that she would also invite the Board to follow them on social media, where they continued to lift up stories of local nonprofits in alignment with their seven actionable principles and also demonstrating the tremendous impact that they had to serve their communities. The hashtag was #nonprofitsgetitdone for that campaign. She said that she finally wanted to thank the Board for their support of CNE and nonprofits in their community.

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Ms. Alicia Lenahan, Scottsville District, stated that in the months that Immigration and Customs Enforcement's (ICE) presence and actions in their community had been raised at these meetings, the Board had been presented with facts and compelling arguments made by preachers, teachers, and judges. She said that the Board had heard from the Latinx community, and they knew that over 1,500 community members supported the anti-ICE resolution. She said that they had received many messages from constituents pointing out that unmasking and identifying federal agents was not radical and would, in fact, make them all safer.

Ms. Lenahan said that in a decision handed down yesterday, Senior Judge William G. Young had written that, quote, "masks are associated with cowardly desperados and the despised Ku Klux Klan, and in all their history, they had never tolerated an armed, masked, secret police. Carrying on in this fashion, ICE brought indelible disgrace to this administration and everyone who worked in it." She said that he had gone on to reject so-called legitimate reasons for masking as disingenuous, squalid, and dishonorable, writing that ICE went masked for a single reason: to terrorize Americans into quiescence.

Ms. Lenahan said it was all about intimidation and control. She noted that there was an expectation that the public and the County would obey the administration and do so voluntarily. She said that institutions and individuals must push back every time they had that opportunity. She said that there were countless judges and prosecutors who still managed their dockets without fear or favor. She said that there were State, County, and City leaders who had refused to bend a knee to this administration, all honoring their respective oaths to preserve, protect, and defend the Constitution of the United States, even in the face of threats, personal, professional, and levied against entire communities.

Ms. Lenahan said that she would borrow from a letter from a Birmingham jail written by Dr. King in 1963. She said that he had asked whether the greatest stumbling block in the civil rights movement was, quote, "the white moderate who is more devoted to order than to justice, who prefers a negative peace, which is the absence of attention, to a positive peace, which is the presence of justice. Shallow understanding from people of goodwill is more frustrating than absolute misunderstanding from people of ill will." She said that this brought them here. She asked if something bad happened, would they cling to

comfort, caution, and convenience, knowing that all their rights hung in the balance, would they continue to sit here in silence.

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Agenda Item No. 17. **Public Hearing: TA-2025-02 - Structure Height Regulations in Industrial Districts.** To receive comments on the proposed amendment to the following section of the Albemarle County Code: Section 18-26.4 (Structure Height) – to allow the Board of Supervisors to grant a special exception to the height of structures in the industrial districts.

The Executive Summary forwarded to the Board states that the Board of Supervisors adopted a resolution of intent to amend the zoning ordinance on August 6, 2025. The Planning Commission held a public hearing and recommended approval of TA-2025-02 on September 9, 2025 by a vote of 6:0 (Carrazana absent).

County Code section 18-26.4 limits building height to a maximum of 65 feet in the industrial districts. There are limited processes to allow for an increase of an industrial building height. The County is aware that there are certain industrial activities that may require or benefit from structure heights in excess of 65 feet.

As discussed in Attachment A, currently building height may only be increased by variance or during a rezoning. It is unlikely that any request to increase height would meet the requirements for a variance. The rezoning process is time consuming for both the applicant and the County. The special exception process to allow an increase in building height would allow the Board to consider the request in a timely manner and evaluate the potential impacts of the increased height.

Staff recommends the Board adopt the ordinance included as Attachment D.

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Mr. Bill Fritz, Development Process Manager, stated that this item was a text amendment for the Zoning Ordinance, County Code section 18-26.4. He explained that currently, the code limited the building height to a maximum of 65 feet in the industrial districts, and there were very limited processes to allow for any increase in that industrial height. He said that they had become aware that there were manufacturing processes where they may need to exceed that 65-foot height limit. He stated that the process to increase that height limit right now had only two ways. One was by a variance, which was processed by the Board of Zoning Appeals, and the other was through a rezoning requirement.

Mr. Fritz said that the variance requirements required demonstrating a hardship as one of the criteria, and it was very unlikely that anyone would be able to demonstrate that to the point of qualifying for a variance. He said that would then leave open the option to go to a rezoning, and what they would need to do was go to a planned district. He said that when a planned district was processed, the Board could waive or modify provisions in the ordinance, and one of those was height. He said that it was a time-consuming process for both the applicant and the County to undertake for that purpose.

Mr. Fritz said that staff had identified the special exception process as an efficient way to process those increases without just applying it universally across all industrial properties. He said the special exception process would allow the Board to evaluate the individual location, need, and appropriateness, and to put necessary conditions on a special exception that might be associated with the height increase.

Mr. Fritz stated that staff was recommending that the Ordinance be amended, to simply add a provision that said someone could ask for a special exception, and the Board could grant a special exception to increase the height. He said this had been reviewed by the Planning Commission, and they had recommended unanimous approval, and staff was recommending approval of it as well.

Mr. Andrews opened the public hearing. Seeing no speakers, he closed the public hearing and said the matter rested with the Board.

Ms. McKeel **moved** that the Board of Supervisors adopt the Ordinance included as Attachment D. Ms. Mallek **seconded** the motion.

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

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

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### **ORDINANCE NO. 25-18(3)**

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE III, DISTRICTS 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 III, District Regulations is hereby reordained and amended as follows:

**By Amending:**  
Sec. 26.4          Structure height

## Chapter 18. Zoning

. . .

### Article III District Regulations SECTION 26 - INDUSTRIAL DISTRICTS - GENERALLY

#### Sec. 26.4 – Structure height

Except as otherwise provided in section 4.10, or as authorized by special exception, structures may be erected to a height not to exceed 65 feet. The minimum setback requirements for any story that begin above 40 feet in height or for each story above the third story, whichever is less, in height shall be as provided in section 4.20.

(§ 26.4, Ord. 13-18(1), 4-3-13; § 26.6, 12-10-80, 9-9-92; Ord. 15-18(4), 6-3-15; Ord. 17-18(4), 8-9-17)

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Agenda Item No. 11. **Work Session:** AC44: Final Draft Work Session, *continued*.

Mr. Andrews said that he would like the Board to provide feedback on the Environmental Stewardship and Parks, Recreation, and Open Space Chapters.

Ms. LaPisto-Kirtley said that first, she would like to go back to the Housing Chapter because she never had a chance to weigh in on that. She said that she would like to discuss the fact that they were allocating additional monies for low-income families to purchase a home; however, she knew they were heading towards an area of helping people, especially low-income individuals with rentals, which she fully supported.

Ms. LaPisto-Kirtley said that she just wanted to ensure that they had a mechanism in place to guarantee that when they did help people with housing, they were not just addressing the initial down payment, but also the ongoing costs such as maintenance, taxes, and other expenses. She asked if they had a system in place to monitor the success of these programs. She said that she recalled when she first joined the Board, there was no list of people who needed affordable housing, so it was not a success. She said that she wanted to make sure their programs were successful, so she wanted to know what the process was.

Ms. Filardo said that since that day when they had no list of people that really needed their assistance with housing, the Board had authorized the hiring of and promotion of Dr. Pethia. She said Dr. Pethia had established the Housing Office, which was now her responsibility to manage the housing programs on behalf of their taxpayers and the Board. She said that she would recommend those particular questions to her.

Ms. Mallek stated that she would like to follow up on a few topics that were briefly discussed in their last work session but were not finalized since they did not complete that discussion. She said that her comments were under Environmental Stewardship, page 17. The first action item under Objective 2 was to continue finding and integrating low-impact development (LID) and green infrastructure into new County facilities and parks, and to retrofit low-impact development into existing County facilities, and educational examples through interpretive signs.

Ms. Mallek said that perhaps this could be included under the existing 2.5. She said that for 2.6, she strongly supported the current wording, but she asked staff to consider whether using the existing information on their GIS to display maps of where biosolids had been placed could be beneficial. This information was already publicly available but gathering it in a more organized manner could be useful, particularly for understanding decades-long impacts. On page 17, Action 3.3, she would like to add some wording regarding the implementation of a groundwater monitoring program.

Ms. Mallek said that this program could utilize voluntary reporting from citizen scientists and similar approaches to monitor groundwater levels throughout the County and promote water conservation, especially during times of drought. She said that she was unsure where this would fit, but she would like to discuss it further. Finally, under conservation tools on page 18, she proposed language that protected core forests and other important habitats and sites, including those mentioned in the Biodiversity Action Plan, and prioritize biodiversity areas as mitigation for loss of forest and forest land in Rural Areas associated with land development. She noted that these suggestions were part of the Natural Heritage Committee's report that they sent to the Board a while ago.

Mr. Barnes said that staff would look into adding an objective about implementing a groundwater monitoring program.

Ms. Filardo said that regarding Ms. Mallek's latter point, she would suggest they end the sentence after the word "mitigation."

Mr. Andrews said that he liked that approach.

Ms. Mallek said that she would reiterate that use of gravel roads for accessible, low-barrier

recreation in rural areas was something they should include. Additionally, they should mention their partnership with the Shenandoah National Park.

Mr. Barnes said that he believed that the issue of gravel roads and the recreational component they supported could be found in the Transportation section.

Ms. Mallek said that in terms of Transportation, it was framed in with the use of their gravel roads for vehicular traffic. She said that she thought it was worth mentioning in the Recreation Chapter as well, because of the preponderance of users in Rural Areas where there were no sidewalks and long distances to get to other walking places. She said that she hoped he would consider finding another place to link it in here as well.

Ms. Filardo suggested that they could add that under objective PR 5 on page 24. She said that they could expand and improve trail networks and blueways, and perhaps also include an objective in that section.

Ms. Mallek said that she appreciated that consideration. She said that additionally, she wanted to bring up a discussion about nature-focused recreational experiences that had taken place earlier. She believed it was mentioned in one of the paragraphs, but she thought it was an important aspect to consider when discussing parks and recreation. The Parks Department was indeed interested in incorporating nature-focused experiences, and she thought it was worth highlighting, particularly in the Comprehensive Plan. Furthermore, the "no child left inside" initiative was a key factor in why people were experiencing incredible value from outdoor activities, regardless of whether they were in urban or Rural Areas.

Mr. Gallaway said that the phrase "nature-focused recreational experiences" was listed as 4.5 on page 23.

Ms. Mallek said that was very good. She said that the last thing she mentioned the last time as well was encouraging landowners and neighborhoods to partner for community trails, as they existed today across the County. These informal but welcoming trails allowed neighbors to walk on them, which was a common occurrence across many properties in the community, and it didn't require much work from the County, except for suggesting that people talk to each other. She said she would stop there.

Ms. Filardo said that she thought they might be able to add a 3.9 on page 22 to incorporate that idea.

Mr. Gallaway said that he had a similar thought about coordinating public trails over private property. He was focusing on that point, but then he did not write it down because he thought he had found it elsewhere. He recalled seeing a phrase that mentioned partnering, and he was not sure if it was in the transportation section or the Parks section, but there was a document that discussed coordinating with partners to expand and improve trails.

Mr. Barnes added that there was also 2.5 that coordinated with local partners and sought to increase walking and biking in existing parks, or near Development Areas.

Ms. Mallek said that she would take those to mean public trails, public parks, and public responsibility, rather than a philosophical approach to encouraging private individuals to get involved.

Ms. Filardo confirmed that staff would take that into consideration and either add to one or find the correct location and verify that it was suitable.

Mr. Gallaway stated that he wanted to clarify that the word change he mentioned earlier from "purchase" to "acquire" for blighted properties had been mentioned in staff's notes and just needed to be transposed into the final document.

Mr. Andrews said that he was nitpicking, but he had already mentioned that there needed to be some comparison between the objectives in the front of the chapters, and the objectives as they were stated. He also noticed that under 4.4 on page ES 18, the third bullet had a final sentence that said develop and install interpretive devices at LID and green infrastructure locations to inform and educate community members and visitors. He said that he had found that the exact same language appeared in the fourth bullet.

Ms. Filardo apologized; she thought they had already taken that mistake out.

Mr. Andrews said that similarly, with 4.5 and 4.9, Action 4.5 discussed increased County outreach to new and existing landowners on habitat protection and options for land management techniques that support native biodiversity and water quality. He said that Action 4.9 repeated the same information.

Ms. Filardo said that they would strike one of those.

Mr. Andrews said that furthermore, in the Parks and Recreation chapter, there were instances where "greenways" was written as two words, and then there were numerous instances where it was written as a single word. He said he would be frustrated by this inconsistency. In addition to ensuring that the objectives were compared, there were still many places where semicolons and commas were used inappropriately, words were defined or undefined, and some words had different meanings in the two

chapters. He said that next, they would discuss Cultural Resources and Community Facilities.

Ms. LaPisto-Kirtley said that ES 17, Action 3.4, suggested reducing impacts on groundwater water supplies from private septic systems by incentivizing connections to a public sanitary sewer system for properties in the development area that were on private septic systems. She asked if they could consider extending water and sewer to adjacent Rural Areas in this section.

Ms. Filardo clarified that there was already a policy in place to handle the expansion of the jurisdictional area. She said that the Board already had that capability.

Ms. LaPisto-Kirtley said that for Action 3.3, she was wondering if notifying new property owners in the County would be done with pamphlets or digitally.

Ms. Filardo said that she did not think the media was specified in this particular item. Therefore, she expected that they would use the most effective medium.

Mr. Pruitt stated that he would start by saying that he really liked the changes they had made to the Cultural Resources section. He said he knew they had some significant last-minute changes, which suggested that the original language was not expansive enough in its definition of culture and was not embracing contemporary culture. He thought the changes, especially in Objective 2, that were made to address this, were really well-done.

Mr. Pruitt said that if he wanted to get into specifics, he could say that the images and narrative did not fully reflect the updated meaning, but he thought it was actually fine. Staff had heard him state before that he was mostly looking at the actions and objectives as the tangible things that mattered. He said that he had no specific changes for either chapter.

Ms. Mallek said she did not have any changes, and she especially appreciated the addition of arts and events.

Mr. Andrews said that for Community Facilities, he would like to review the suggested change from the Planning Commission, which he thought was great, regarding stormwater best management practices.

Ms. LaPisto-Kirtley said that for Cultural Resources, she wanted to ensure that photographs of the St. John Family and Community Life Center was included in this Chapter. She noted that this was the old Rosenwald School and was certainly worth including in the Comp Plan.

Ms. Filardo confirmed that staff had received them but had not added them to the draft yet.

Mr. Andrews said that finally, they could discuss Implementation and the appendices.

Mr. Pruitt said that he was unsure if the Board would support him in this, but he questioned the Big Moves not being ordered and the breadth with which they were defined. It did not seem to him to be a useful prioritization tool if he were using this as a manager of the government. The Supervisors were not managers of the government, but if they were, he would not see this as a very useful tool for prioritization, even though that was the intention.

Mr. Pruitt said that he thought it should be a prioritized list or there should be far fewer Big Moves. However, they had already litigated that out and he knew how he stood with his peers on that. So, he had no further comments. He did not think to review the appendices, so his apologies for that oversight. The only one he remembered bringing up previously was that he was unsure if it made sense to include the Scottsville Comprehensive Plan as a static object, given its different review periodicity.

Mr. Barnes said that broadly speaking, the logic of the appendices was that, as it was a living document, when things got adopted, things would be moved in and out of the reference section there. Most of the items in the appendices were things that the Board took action on. He said that particular one was a bit different, as it had its own action associated with it.

Ms. Mallek said that she did not recall the Scottsville Comprehensive Plan being included in the past.

Ms. Filardo said that according to Mr. Benish, the Scottsville Plan had been acknowledged but not attached.

Mr. Pruitt stated that he liked the idea of linking it somehow. He supposed what he was running up against was the way they presented the appendices. Many living documents resided in a registry box, or on a website where they could be easily updated. If they were discussing plans like the housing album model, or the Scottsville Comprehensive Plan, those were updated on different periodicities. However, this was a static PDF and that was the way they accessed it.

Ms. Filardo said that they did have links built into this document, so people would be able to access things dynamically from this document.

Mr. Andrews said that he would like to push back a bit to say that they were adopting a Comprehensive Plan, and there were documents that they considered to be integral to what they were

doing now. He said that as they acted to update those, change those, then he presumed they became part of their Comprehensive Plan because they had adopted them. The Town of Scottsville may do whatever they wanted, and he did not want to be bound by what they might do in the future. If they were incorporating it, they were incorporating the one that was finally adopted.

Mr. Andy Herrick, County Attorney, clarified that the separation of adopted documents and reference documents supported the interpretation that adopted documents were what this Board adopted, and those became a living part of the Comprehensive Plan. He said that the reference documents were simply materials that the drafters of this plan used in the preparation. In fact, the Town of Scottsville Comprehensive Plan specifically referenced the 2018 Comprehensive Plan, which would not be updated. That was just a historical reference to the documents that supported the drafting of this plan.

Ms. McKeel asked if Mr. Pruitt could review his thoughts on the Big Moves.

Mr. Pruitt said that his concern was that the Big Moves, as described, could be interpreted quite liberally. He said that it would be challenging to identify any given action in the Comprehensive Plan that he would not be able to creatively justify as part of a Big Move. He felt that there was almost every action in this Comprehensive Plan that could be argued to fit within one of these Big Moves.

Mr. Pruitt said that he did not see this as providing direction to staff if they were saying the Big Moves were the actions that should be prioritized. Furthermore, he believed this lack of direction created an accountability problem with the public, as they should be able to demand that certain actions were prioritized and being executed. However, without a clear walkway of priorities, the public could not make that argument either. He thought the Big Moves, in this case, did not accomplish anything. He believed that without setting clear priorities, they would likely be in a similar situation. He saw that there was value in priorities.

Ms. McKeel said that her personal preference would be to just put bullet points rather than numbers next to the Big Moves. However, that did not address Mr. Pruitt's concerns. She asked if staff had thoughts on Mr. Pruitt's suggestions.

Ms. Filardo said that their intention with the Big Moves was to provide an interim step between the various actions listed in the Comprehensive Plan, serving as a bridge to the next steps they would take as they implemented the Plan. Once the plan has been adopted, staff would be consolidating and coordinating the different actions to support and augment the Big Moves. In conjunction with the Board's strategic plan conversation with Ms. Shifflett, they planned to identify and prioritize work on an annual basis, aligning the actions throughout the document with the Big Moves.

Ms. Filardo said that this would enable the Board to clearly communicate the focus for the upcoming year. She said that these Big Moves were not intended to be a prioritization, but rather a way to reference and organize the actions for ease of understanding. She could certainly revert to using bullets if that was the Board's preference, but staff's intention was to provide numbers for reference.

Mr. Pruitt said that he thought they had adequately addressed this topic previously, and he did not believe they needed to revisit it further. He said that the public engagement process had already focused on this issue, and he was concerned that this approach may create a public accountability problem. Given that this was a substantial change with no clear roadmap, he believed it was essential to prioritize this decision-making process, rather than relying on the strategic plan or other yearly plans, which may have less public engagement. He said that as a Board member, he acknowledged his position, and he was simply trying to preserve his dissent on this matter.

Ms. Mallek said that she appreciated his explanation, it really helped clarify things for her. She said that she still did not like the numbers, but she understood the reasoning behind referencing numbers.

Ms. Mallek said that she would ask everyone to consider putting the Big Moves at the front of the document, rather than at the end.

Mr. Andrews said that he was supportive of the Implementation Chapter. He said that he was supportive of the Big Moves, regardless of being at the front or end of the document, as they informed the next steps for their work.

Ms. LaPisto-Kirtley said that under Implementation, page 16, there were numbers of new and preserved affordable housing. She asked if they could list owned and rented units in order to assess how they were doing in that area.

Mr. Andrews said that he would support that approach. He said that essentially, they would break down the number of affordable housing units into both rental and owner-occupied units, as indicated by the "preserved and new" categories. He said that they already had the numbers for both rental and owner-occupied units.

Ms. Filardo said that she would follow up on that.

Ms. LaPisto-Kirtley asked if they had something about limitations on height for housing in the Development Area.

Mr. Andrews said that they had made general limitations.

Ms. Filardo replied that was correct, and it was something they would continue to discuss in more detail when they brought zoning modernization forward. She said that in this document, they did have the generally applicable language regarding residential land use, which covered the range of possible heights.

Mr. Andrews asked if there was sufficient guidance provided in this document to enable them to move forward with the next steps.

Ms. Filardo said that she believed they had what they needed. Staff would review their notes and proceed accordingly.

Ms. Ann Wall, Deputy County Executive, said that she would like to take a moment of personal privilege to express her sincere gratitude to the Community Development Department team for their extraordinary work over the last four years. She said that their dedication and efforts had been truly remarkable and she thanked them for their hard work.

Ms. Wall said that tomorrow morning they would review the list of changes from the Board and strive to achieve consensus. Although they may not have heard a clear "yes" or "no" on some changes, they would carefully review the notes to ensure they understood the Board's position. She said that she would trust the staff to process the changes and return the document to them as soon as possible, so they could be prepared for the public hearing on October 15, 2025. She said that they would review the meeting audio to confirm their understanding.

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Agenda Item No. 18. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Gallaway stated that he would forward the draft, which was scheduled to be presented to the Thomas Jefferson Planning District Commission (TJPDC) on Thursday night, addressing funding for transportation across all six jurisdictions. He said that he anticipated that it would pass at the TJPDC. Following that, he said that they planned to collaborate with staff from the Staunton Augusta Waynesboro PDC to secure their support. He said that they had expressed interest in this matter, and he believed a similar letter may be forthcoming. He said that there was some momentum building on that. He said that he would share the draft with them all via email.

Mr. Gallaway reported that additionally, he had recently attended a presentation at the Central Virginia Regional Housing Partnership, where Virginia Housing discussed a workforce development housing grant. He said that he had shared this information with the County Executive. He said that he was unsure if the presentation was recorded, but he expected to see more information on this topic in the near future. He said that he was happy to discuss it further if anyone had additional questions.

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Agenda Item No. 19. Adjourn.

At 7:08 p.m., the Board adjourned its meeting to October 15, 2025, 1:00 p.m. in Lane Auditorium, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA, 22902.

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Chair

Approved by Board
Date: 03/04/2025
Initials: CKB