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Albemarle County Board of Supervisors Regular Meeting, Wednesday, February 19, 2025

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[00:00:02] Good afternoon. I'm pleased to call to order this regular meeting of the Albemarle County Board of Supervisors on this snowy 19th of February at 1 p.m. in Lane Auditorium. Welcome everybody who made it here in person and those of you joining us online. I would like to note at the dais we have Supervisor Mike Pruitt of the Scottsville District, Supervisor B. Lapista Kirtley of the Ravenna District, Supervisor Diantha McKeel of the Jack Jewett District, Supervisor Ned Galloway of the Rio District, Supervisor Ann Malick of the Whitehall District, and myself, Jim Andrews, representing the Samuel Miller District.

[00:00:34] A quorum is present. We're also joined by our county executive, Mr. Jeff Richardson, and our county attorney, Mr. Andy Herrick, our clerk, Ms. Claudette Orgerson. Also, let me please welcome Appleboro County Police Officers present, Master Police Officer Jerry Shank and Officer Hunter Harmon.

[00:00:52] As we unfortunately learned yesterday, law enforcement put their lives on the line every day to protect us, save lives, keep us safe. And we thank you for your service here today and the work you do throughout the county. If all present, could now stand as you are able to join us in the Pledge of Allegiance.

[00:01:08] The United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all. Thank you.

[00:01:27] And I'll ask if you'd join us in a moment of silence.

[00:01:49] Board, our first item, of course, is to adopt the final agenda. We have a request to amend the agenda so that we can act on item 8.3 from the consent agenda, the motion to approve the proclamation celebrating the 65th anniversary of the founding of the center at Belvedere as a regular agenda item.

[00:02:05] I also mentioned that for item 16, ag forestal districts, the planning commission minutes were added yesterday to the materials online. With that, I'm looking for a motion to adopt the final agenda as amended. So moved. Second. And we have a motion from Supervisor Malik, second from Supervisor McKeel.

[00:02:22] without objection if the clerk will call the roll. Mr. Galloway? Yes. Ms. LaPista-Kirtley? Aye. Ms. Mallick? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Board will now move to item five, a brief announcement from board members. Our order for today will start with Supervisor McKeel.

[00:02:41] I don't think I have anything today. Supervisor Galloway? I think the only comments I was going to make I can do when we do the proclamation. Thank you. Okay. Supervisor Mallick? Thank you. As the chair already mentioned, we're grateful for the work of our public safety folks this week.

[00:03:01] People are grateful for the rules the county has adopted about weapons in our county buildings and in our county parks. And I've heard from people who felt that this was a safe place, they could come, and they appreciate that. Businesses can also do the same if they choose, and that's something that each will have to decide how they're going to go forward.

[00:03:21] And on a totally different note, the applications are open now for the Sorenson's High School Leadership Program. The upcoming program is July 12th through 26th. Online application deadline is March 17th.

[00:03:37] And please go to sorenson.org and get more information. Participants in the program will engage with current leaders in Virginia's public, private, and nonprofit sectors and explore how public policy is created, learn a lot about real-world skills. And as many of the programs that Sorenson produces, I've heard from others that this has been a very beneficial effort.

[00:03:58] So I wanted to share that with everybody, and that's all I have. Thank you. Thank you. Supervisor Pruitt? Thank you. I would like to echo and add my own little bit to what Supervisor Malik was already speaking to and gesturing toward.

[00:04:15] It's not lost on, I think, any of us that there was an incredible tragedy in this community over the last few days. And it is something that I know as a decision maker in this county has weighed really heavily on my heart. There is always the question of in what way have the social nets that we have created failed in a certain instance.

[00:04:38] I personally am thinking through how we locally implement and facilitate and work with the public around emergency substantial risk orders. We know from information that's been made available to the public that the perpetrator in the incident at the Harris Teeter suffered from serious mental health issues, and they had tried to go through the court system and not succeeded.

[00:05:03] It's not clear if they've tried an emergency substantial risk order, if that's something that we have built our own kind of internal capacity to manage and to help process. It is clear that we do not, as a

state, contribute enough money and enough support to our community service boards that are designed to actually provide this kind of treatment in the community.

[00:05:24] There are a lot of, I think, holes in our system that this tragedy has helped illustrate and call attention to. And they're going to be, on my mind, moving forward as we begin to approach our budget process. That's all I have. Thank you.

[00:05:40] Thank you. Thank you, Mike. Supervisor LaPiesto-Curtleff. Thank you very much. Just quickly, I attended on Thursday the Economic Development Authority, excuse me, strategic plan. So they are developing a strategic plan with a consultant.

[00:05:58] We had a number of people there that will be helping. And I do believe that they'll be reaching out to the board members also to interview them so we know the path forward, economically going forward, what we want to do, what we'd like to accomplish, but basically to have a plan.

[00:06:15] So with that, you can also tap into governmental opportunities, if any, but governmental opportunities for grants and such when you have a strategic plan. So that was very useful.

[00:06:31] That's all. Thank you. Thank you. And I have no announcements. Board, our next item would be proclamations and recognitions that turn to Supervisor Galloway. I'll make those comments afterwards.

[00:06:55] So I read this proclamation in the form of a motion. Proclamation celebrating the 65th anniversary of the founding of the Center at Belvedere. The Center. Whereas the Center at Belvedere, founded in 1960, is an award-winning nonprofit organization supporting older adults in our region and is almost entirely unique in its service and focus on the importance of building community and social connections by promoting holistic age-friendly environments as a critical component of public health and whereas at the time of the center's founding the work of volunteer of volunteers in establishing the senior center put

[00:07:32] Albemarle County, Charlottesville and surrounding counties ahead of its time by providing one of few centers designed to support older adults to live with dignity and independence and remain one of the of a relatively small number of non-residential centers supported primarily by individual philanthropy and whereas today thousands of people gather and embrace new opportunities to be physically active learn new things form friendships pursue hobbies give back to the community and take all the small actions that add up to more years in good health and whereas everyone in the community benefits when we close the gap between lifespans and health spans and older adults who maintain active

[00:08:11] lifestyles and social connections incur lower health care costs, support family members as caregivers, and give back to the community as volunteers, and by supporting the spaces and experiences that promote these activities, it contributes significantly to community health strategies. Now, therefore, be it proclaimed that we, the Albemarle County Board of Supervisors, do hereby celebrate the 65th anniversary of the founding of the Center at Belvedere, signed this 19th day of February, 2025. Chair Jim Enders. Second.

[00:08:41] We have a motion from Supervisor Galloway, seconded by Supervisor Malik. Without objection, the clerk will call the roll. Mr. Galloway? Yes. Ms. LaPista-Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Thank you. My understanding is that Melanie Benjamin, the Executive Director of the Center for Belvedere, could not be here in person but is online.

[00:09:03] If you would be willing to accept this proclamation, I look forward to hearing from you. Ms. Benjamin? Hello. Thank you so much, Board of Supervisors, for honoring the center on its 65th year of service.

[00:09:23] As your proclamation stated, the center is here in our community and has been for 65 years supporting the healthy aging of adults in our community. That means tens of thousands of seniors have been able to take advantage of making sure that they are the people who support their own health and well-being, their own connections to community, and give back to the community as volunteers.

[00:09:56] We sincerely appreciate the Board of Supervisors voting for this proclamation and our honor today. Thank you. Thank you. We'll close for our order. for additional comments. Supervisor McHugh. Sure. We appreciate you being here, even if it is on a screen. That's one of the advantages of technology. Having said that, we certainly do appreciate the center's work in this community. I remember, well, it's been a good while back when the center

[00:10:32] asked us to donate some money, seed money, for the center, and I did a little investigating along with that request, and what I found out was that many communities in the state of Virginia, without a facility like the center, they actually, the Board of Supervisors or the Governing Board, obviously has to provide those services for their citizens, and so we are just really thrilled to have the center doing all of this wonderful work with our residents we are so appreciative of it and i think the community needs to understand that you are

[00:11:12] relieving the board of supervisors of that funding so we really appreciate that and i think i would encourage all of our citizens that can to uh to use your facility and help support your facility as best they can. So thank you very much. Appreciate the work. Thanks.

[00:11:31] Mr. Professor Callaway. Yeah, I'll simply say I was pleased to be able to attend the 65th birthday celebration that was held at the center this past Friday. It's unfortunate that SNOW has now not just inhibited our ability to pass this proclamation ahead of that celebration, but also disrupted the plans for those who are going to be here in person, but glad you could join virtually.

[00:11:56] I did not know the full extent of the history of the Center, and I learned that Friday, the different locations, and especially the Founding Mothers, as they were called, and who they were, including Ms. Gleason. Gleason?

[00:12:11] That's Gleason. Gleason that was in attendance at 100 years old to be there to celebrate with everybody, and it was well attended, and lots of folks from the community were out. And that was just wonderful to see the, not just the slides, it's always fun to see the kind of pictures of it happening. But to know the history and how it continues to, to continue to grow.

[00:12:32] I will say that, Melanie, quit calling out parking, because it seems like every place you've been, parking becomes a thing. Including now, right? But the center is always, you know, I don't drive, I drive past the center on a regular daily basis. And it always has plenty of cars.

[00:12:49] I mean, 75% that lot is usually full, and that's just, I think that's the testament to what we all thought was going to happen, especially at this location, because of all the programs that people like to take advantage of. And the fact that now in the current space, they can hold all those programs at the same time, whereas before the space limited when things could be offered.

[00:13:10] I had a meeting in there yesterday. I was kind of hoping that the karaoke would have been happening. I have to figure out what day that exactly is so that I can schedule more meetings during that time. But it's just such a lovely environment to walk in with the artwork and the different folks and how friendly everybody is there.

[00:13:27] And I know that especially everybody in the Rio District certainly appreciates it as it's right there in the center of the district. So congratulations on your 65th year. Melanie, a personal appreciation for all the work I know you do with the local residents. Sometimes that's not easy, but you've been very attentive to everybody's needs.

[00:13:46] So I appreciate that outreach and the work with local community members. So congratulations again, and looking forward to the next 65, right? Absolutely. Supervisor Malek. Thank you, and I also was fortunate enough to attend on Friday and to remember the founding mothers who were such a large part of my growing up here.

[00:14:06] family, friends, and an example of the senior center beginnings, another of the baby projects that the University League put together. And the one that my mother was involved in was called the Well Baby Clinic. She drove a checker cab without power steering all through the mountains of Western Albemarle, bringing families, moms, and babies to the medical clinics because there was no other way.

[00:14:29] And this was in the 1950s, and so it shows how this energetic and determined group of women who cared so deeply for their community came up with this grand idea and have made it stick. So some numbers I remember, there were 37 members in 1965, and there are over 2,000 today.

[00:14:46] That's pretty spectacular. And 198 weekly programs were just some numbers that stuck in my mind. And I am very proud of the investment that the county made in 2017 because for an 8% investment in the building, we have this spectacular ongoing effort made by nonprofits who do not then require that \$6 to \$10 million investment in county staff every year, which is the range of other counties that I researched in 2017 as well.

[00:15:20] Making health spans go along with lifespans. That's spectacular. Thank you, Melanie. Supervisor Proof. Thank you so much. I think I first truly became aware of the scope of the work that goes on at the center.

[00:15:35] when I was campaigning. I had learned a little bit about the work y'all do when I had met with Marta early on in the campaign, but it was not until I had a meeting there. I walked into that big, gorgeous building, and I have to admit, I was frankly gobsnacked.

[00:15:52] There were so many signs pointing to all the different things that were happening simultaneously. There were people buzzing around. I got an amazing sandwich at the cafe right there. And just to truly illustrate this, I have gone on y'all's website right now, pulled up your calendar of events, looking at today, just a Monday in the middle of February, right?

[00:16:13] And there are more separate, discrete events that people are going to be going to at the center that I think if I went to the Seville Weekly right now and I was like, what's happening this weekend in Seville? You know, I think you probably have more things going on on a Monday than the whole city of Charlottesville has going on that are listed in our local Indy.

[00:16:30] That's really impressive. This is one of the many reasons I am so urgent to convince my parents that they need to move up here to Charlottesville as they approach their golden years. So thank you for the continued work you all do. Supervisor LaPistola-Curvin. Yes, thank you very much, Melanie, for coming.

[00:16:49] We really appreciate what you do. I first became acquainted more in depth with a center because of two people in my life, Julie Christopher, who is the president of the center and a neighbor.

[00:17:04] and also Michelle Medeza, who volunteers with Master Gardeners. And I went to the big event where you're planting everything in the back, and I saw so many flowers and plants that were beautiful that I had no idea what they were.

[00:17:24] But, you know, fortunately there were little signs saying what they were. It was really a pollinator garden. It was fantastic. And also, I learned that people going there, I'm going to name, I know that Supervisor Pruitt mentioned some things, but they have drumming, acoustic jam sessions, a chorus, which they, which I couldn't join because they wouldn't allow me to.

[00:17:49] Anyway, no, I'm just kidding. Health, health issue, they have health support there for people. Chess, a lot of social events, a lot of social events. And actually there are like 3,000 people.

[00:18:07] I don't know if they're members or just attend, but I think it's 3,000 is the membership now. And I just, along with the food, which I've eaten there before. So I just appreciate everything you all are doing for the community and continue doing what you're doing because it's working and it's really filling a need for a lot of people to be socially engaged, and we know how important that is.

[00:18:36] Thank you. Thank you. I will also add my congratulations on the 65th and, second, encouraging people to look to your website, to recognize all the different events. you mentioned monday's list thursday's list tomorrow's list is even longer my wife was supposed to be at wise women this morning but that unfortunately got canceled but obviously she's a wise woman to have decided to join a center and and find many activities there of interest

[00:19:06] thank you for all you do appreciate it very much board with that we are now ready to move on to item 7 from the public, which is matters previously considered or currently pending before the board other than scheduled public hearings. And Vice Chair McKeel will read the rules and introduce the speakers. Sure. And I have three speakers today and we have no one online. So during the

[00:19:43] time set aside for public comment on matters previously considered or currently pending before the board other than scheduled public hearings. Individuals may address the Board of Supervisors concerning matters previously considered by the board or matters that are pending by the board. Individuals are allowed one opportunity of up to three minutes to speak at each board meeting.

[00:20:02] A sign-up sheet is managed by the clerk's office. Timekeeping is conducted through a timer and a light system at the podium. The green light will go on when you begin speaking, which begins your allotted time. The yellow light indicates you have one minute to finish speaking. The red light indicates your time has expired and you will be asked to end your comments. In order to give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines. When addressing the board, state your name and if you live in Elmira County, your magisterial district, address comments directly to the board as a whole. Any written statements or other supporting materials may be given to the clerk. If representing a group or organization,

[00:20:42] you may ask others present to raise their hands in recognition speakers may not share any unused time with another speaker back and forth debate is not permitted do not speak from your seat or out of turn and all comments are live streams recorded and published on the elmar county website and our Our first speaker is Ms. O'Flynn.

[00:21:03] Sorry. Ms. Lynn Gebhard.

[00:21:21] Oh, I can speak up. Can everybody hear me? Do you want me to use the mic? Yeah, it's recording. We cannot hear you very well. My name is Lynn Gebhard. I'm from Albemarle County, Scottsville District.

[00:21:38] I've lived in Albemarle County for 56 years. I am here as a resident and a landowner of an equine farm business. and representing thousands of equine enthusiasts in Albemarle County.

[00:21:55] The horse industry is alive and well in Albemarle County. I am here to address two topics. First and most importantly, you need to include from the 2015 Comprehensive Plan, Economic Development, the economic impacts of the horse industries in Virginia.

[00:22:22] short quote from the albemarle county 2015 comprehensive plan quote horse farming and equine activities are another long-lasting agricultural use in albemarle county horse farming is a term inclusive of any or all of the activities of horse breeding boarding training and riding lessons

[00:22:55] The horse industry is a vital part of the economic impact in Albemarle County. Continuing agricultural land use for the horse community. Number two, reinstating horse trails on Biscuit Run Park.

[00:23:18] The horse community filled this very auditorium to voice and secure horse trails in the Biscuit Run State Park. The horse community was applauded, appalled, to find out that the horse trails scrapped from the 1,200-acre Albemarle County Park.

[00:23:47] The horse community is requesting the following. Add the horse language used in the 2015 Comprehensive Plan to address agricultural use for the horse farming and industry.

[00:24:05] reinstate horse trails at Biscuit Run Park. Last, the Albemarle County seal includes a horse to represent the historical and value of horses and the current value of the equine industry.

[00:24:24] The county seal. Thank you. Thank you. If you have comments that you were unable to read, you provide them to the clerk. Okay. Appreciate that. Thank you. Thank you very much. And our next speaker is Mr. Gebhard. Good afternoon. Thank you for the opportunity to speak. My name is Mark Gebhard. I've been a county resident for more than 20 years. I'm also a horse farm owner

[00:24:59] and equine business owner with my wife Lynn. So I'm also a registered professional engineer with over 30 years of experience working for the federal government. My experience includes developing master plans, which would equate to your comprehensive plan. In my experience, the master plan would be fully coordinated at all levels, and it would also be integrated with your construction, your maintenance service contracts, and programs, and it would also be coordinated with environmental studies and programs necessary to implement the plan. Now, before I get into my

[00:25:38] comments, I want to just say, hey, look, I'm not here to be critical. None of my comments are intended to be flaming arrows against your staff, and I'm not telling you about my experience to tell you that I know more about your business than you do. I'm just saying, hey, I could be helpful.

[00:25:56] So now, on to my comments. My grade for the AC44 Comprehensive Plan so far is mediocre. The reason is as follows. It fails to coordinate with the Thomas Jefferson Regional Plan, the Charlottesville City Plan, or the Commonwealth Plan for Economic Development.

[00:26:16] The plan is rooted, second reason, the plan is rooted in a flawed ideology of diversity, equity, and inclusion. The plan mentions equity and equality throughout. The great black economist Thomas Sowell conducted extensive research and has written many books on the topic.

[00:26:36] He clearly and accurately states that equity and equality are not achieved at the family level, which begs the question how we intend to achieve it at any other level. To understand this concept at the county level, there are over 1,100 employees with salaries ranging from \$264,000 to as low as \$16,000.

[00:26:58] If you truly believed in the concept, everybody would be the same, just my opinion. So addressing equity and equality as it pertains to AC44, the plan outlines the intention for most of the future money to be spent in the parks and infrastructure in the development area.

[00:27:17] Forty percent of the residents live in the rural area with their tax money used to support the developed area. How does this fit into an equity and equality model? When it comes to the environmental stewardship, your plan does not seem to be coordinated with the 2022 energy plan from the Commonwealth where it's addressing energy needs, energy production for the Commonwealth and how we would integrate renewable energy as environmental stewardship.

[00:27:50] Looks like I about have two seconds, so I have to submit my comments. Okay, thank you. is Ms. O'Flynn here? I don't see her. We have one person online. I was going to say we have had evidently one person added online and the clerk will take care of the of the instructions

[00:28:19] for that person. So I believe her name is Paula. Hello. Give me one moment. Okay. Good afternoon.

[00:28:43] Paula, you may begin speaking. Please unmute on Zoom.

[00:29:10] Good afternoon. My name is Paula Beasley, Samuel Miller District. Are you able to hear me now?

[00:29:25] Yes, we can, Ms. Beasley. Thank you. Okay, great. I apologize. Thank you for the opportunity to provide input, which I would note has not really been provided for Attachment C in the concept of land swapping between development and rural areas and considerations for expansion of the development area particularly.

[00:29:45] Discussion of expansion of the development area has been considered previously and has been and should only be decided once the development area is fully utilized, as where the expansion should occur and the type of expansion may differ dramatically over time.

[00:30:00] Premature predictions and decisions will simply fragment the rural areas and deteriorate the county's assets. For the same reason and more, we oppose any discussion of land swapping. Since the first comprehensive plan nearly a half-century now, there's been strong support for a clear delineation between the development and rural areas, not only to preserve the benefits of unfragmented landscapes, agricultural and forestal lands, but concentration of the development area preserves the county's resources and financial requirements.

[00:30:32] Research has proven that rural lands are far less expensive for the county, as very little infrastructure is required as compared to the development areas, enabling the county to more effectively apply its financial resources. Residents have made residential decisions and financial expenditures in purchasing and conserving lands based on previous comprehensive plans.

[00:30:54] The development areas have benefited not only financially in receiving more of the county's resources, but also from the carbon sequestration, water preservation, and aesthetic contributions of the county's rural lands. Agriculture and tourism are the county's primary economic drivers, should not be sacrificed in other pursuits. In growing new economic sectors, primary consideration should be given to evaluating whether or not those sectors can be accommodated within existing development areas and what negative impacts the growth of such a sector has on existing

[00:31:27] transportation, land use, energy, environmental, and climate-related county objectives. Evaluation of new economic sectors should not be made in a vacuum of only financial benefits, but offset by potential negative impacts which will impact all residents of the county in both their work and non-working activities. Prior comprehensive plans have included the concept of sustainability in evaluating the extent of development area for the county and we believe this concept should be reintroduced. Preservation of rural lands is essential to the county's heritage, biodiversity,

[00:32:05] environmental stewardship, local food, and climate initiatives. As to expansion for small-scale rule uses. We strongly oppose any expansion of by right uses and do not feel expansion of special use permits are needed. Thank you. Thank you. Any comments that you're unable to read can be provided to the clerk. Appreciate it. Thank you. Thank you, board. And that concludes the matters from the public, which brings us to item eight, which is the consent agenda. Other than the removal of the proclamation item 8.3, which has now already been read, are there any other items to pull from

[00:32:45] the consent agenda, the minutes, or any others. Then the floor is open to a motion to adopt the consent agenda. So moved. Second. Motion from Supervisor Malek. Second from Supervisor McKeel. Without objection, if the clerk will call the roll. Mr. Galloway. Yes. Ms. Lapista-Kirtley. Aye. Ms.

[00:33:00] Malek. Yes. Ms. McKeel. Yes. Mr. Pruitt. Aye. Mr. Andrews. Yes. Thank you. Board, we have a full agenda, but our main item for today is a continued work session previously scheduled for February 12th on AC44, Rural Area and Development Area Land Use Chapters and Growth Management Policy Revisions, led by Ms. Tanya Schwartzen-Druber, Planning Manager, with, welcome, Ms. Schwartzen-Druber and Mr. Barnes, Planning Director.

[00:33:35] If you don't mind, I'd like to take this moment to take a few comments, if we want to make a few statements for you all. Good afternoon. My name is Michael Barnes. I'm your... We can't hear you. You can't hear me. There you go. Try again. My name is Michael Barnes. I'm your Planning Director.

[00:33:51] Today, at the quest of several staff or board members, staff is bringing back three key sections of the AC44 comp plan for your review. That's the county's growth management plan and the topic chapters on the development area land use and rural area land use chapters.

[00:34:10] Retaining clear consensus on these three sections will enable the county to chart a course forward over the next 5, 10, 20 years. And hopefully after today's consideration and commentary or discussion on the board, as well as some of the other opportunities that you all will have as we go to wrap up the plan in the fall, we will enable us, the county, to have good consensus moving forward.

[00:34:36] First, I think I wanted to thank our staff. It's been quite the lift on this project, and people like Ben Holt and Tori Kananopoulos have really been the engine that has driven this thing forward to enable you all to have a plan that is done without a consultant, which most counties would be forced to hire.

[00:34:57] As well as Tanya Schwartzenrubber and other people like David Finish and Jodi Fulardo, as well as multiple other departments, Parks and Rec, Housing, Economic Development, to name a few, who have really worked hard to put these chapters together and this plan together.

[00:35:19] So it's really represented a wide effort. And finally, I'd like to thank you all, the board. One of the biggest things we've been trying to do with this plan is shorten its length. the 2015 plan is over 900 pages it says a lot maybe says too much it's kind of hard to know what the priorities are in it so one of the major things we've been trying to do in this plan is just really strip it down and i thank you all i think it's really the debate that i've been watching you all have on this board uh on these chapters as they've been coming through i think really you're wrestling with some of the critical issues that we need to wrestle with the county

[00:35:54] so i thank you all for doing that i think that's partly the design of the chapter and so i'd like to try and like highlight several different things that are coming forward in today's three chapters we're talking about. The first, the growth management policy. I think one of the things that we did was try to put that front and center. You'll remember the document sort of has three major sections. There's an introductory section and there's a middle section that really talks about the growth management policy and what we want to try and do with that. I think that's part of the debate we're also talking about, about the boundary and getting that, tweaking that to

[00:36:31] make that right. That's the second part of the document. And so we're going to be talking about that today. And then the last is the 10 chapters. The first two being the rural area land use and development area land use chapters. And I would underline that with the development area land use chapter, Walton Cooper Center says in the next 20 years, we're going to hopefully be able to accommodate another 31,000 people in the county. And primarily, most of those will go into the development area and i think what we tried to do in this chapter is really outline you know you can accommodate people obviously in the rural areas but if you want to put them in the development

[00:37:09] areas you can put them somewhat in the existing neighborhoods but i think the direction that we've gotten from you all is the concept of the activity centers i want to try to underline that because as we try and put these this population in those act these activity center areas it's going to require that we also provide the services and infrastructure that helps support those services of those people. And so that's embedded in the chapter and the idea of making those investments in the activity centers is one of the key things that we're trying to do to accommodate these new

[00:37:46] citizens. And then finally, the rural area, we've tried to be very intentional about that, talking about still keeping the front and center of the ideas of protecting agricultural and forestry uses, protecting the environment, but also trying to accommodate some of the changes that we're hearing both from you and the community to some of the non-residential uses that would be, A, found in the rural area, existing ones, and how we treat those,

[00:38:18] or new non-commercial uses or non-residential uses that we recognize are coming or need to come into the rural area. We've really tried to give you guys some good guidance, and hopefully your

debate will continue to focus on how to get that right, especially as we go to write a new zoning ordinance in our next step.

[00:38:40] So with that, I'd like to turn it over to Tanya, unless you have any questions, to talk about today's topics. Thank you so much. Thank you. Unless I see immediate questions, we'll turn it over to Ms. Schwartzen-Druber. Welcome. Thank you. I'm Tanya Schwartzen-Druber with the Community Development Department as a Planning Manager.

[00:39:02] And I'm here to talk about some of the document revisions and a few extra topics that have come up from previous work sessions. Our agenda today is really focused on discussing the boundary criteria for the development areas and rural areas, as well as TDRs and small rural scale uses, the design guidelines that we provide, as well as any of the revisions to the actual chapter topics.

[00:39:34] So what I'll do, if it's all right with the board, I'll go through my very short presentation so it allows you plenty of time to get through some of your comments and questions. These are the direction topics that we're looking for input on.

[00:39:52] I'll get a little bit more detailed in each of the topics for specifically what we might need direction on. Let's start with the development areas and rural area boundary criteria.

[00:40:08] This was included per your request to look at these criteria that were originally presented to you in Phase 2. We would like your feedback on the criteria. and if staff should use this criteria to either analyze potential locations that could be appropriate for changes based on swapping land area or just include the criteria in the comp plan for future consideration.

[00:40:36] As far as transfer of development rights, or as some refer to them as TDRs, in one of the previous work sessions, this idea was identified to promote land conservation. We wanted to bring back a little more information on how TDRs work and for what purpose.

[00:40:56] So TDRs are typically used to reduce development potential in one location and allow for higher intensity development in another location by establishing, sending, and receiving zones. The idea here would be to establish sending and receiving zones within the rural area only.

[00:41:18] I want to be clear that TDRs are not the same as cluster development or the rural preservation development that we allow, as well as staff would need to develop the sending and receiving zones, which can be a time-consuming activity.

[00:41:37] So it's not quite a silver bullet that solves a problem quickly. the reasons uh we might consider looking at this type of tool is allowing or promoting more affordable housing within the rural area protection of environmental resources and allowing properties to develop that might not normally so staff would like to know if you would like to add an action

[00:42:08] to the AC44 Rural Land Use Chapter to include TDRs as a as a potential tool. As far as small and rural scale uses go, the zoning district currently allows some small-scale commercial retail uses by special permit such as non-historic country stores that are less than 4,000 square feet, daycares, etc. The community input indicates support for additional uses that

[00:42:40] That would support surrounding community members like doctor's offices, dentist offices, small scale markets, local artisans and crafters that could allow access to affordable and healthy food.

Some of these uses I just mentioned are not allowed even with a special permit, including restaurants and buildings that were not previously used as a restaurant, tavern or inn.

[00:43:09] We were asked previously to clarify small-scale uses in rural communities and provide more flexibility for those land uses. So staff would like your feedback on the revised Action 5.1 and direction on how restaurants should be regulated within the rural area.

[00:43:31] Getting to the revisions in the land use chapter, as well as the growth management plan, we did provide in your packet a summary of the revisions. I'm going to go through the next two slides for those who may not have gotten a chance to review that, who are online or in the audience, just a shorter summary.

[00:43:56] What we did is we added a major findings and trends in each one of the chapters. We also incorporated references to the public water supply and additional characteristics of the development areas in the growth management policy.

[00:44:12] As well as on the future land use map, we separated the publicly accessible parks and open space from private open space as requested by the board. We also included the multimodal strategic plan connection as part of a successful strategy for implementing activity centers.

[00:44:33] we added protecting and increasing access to nature portion in the development areas chapter and all of the actions that were requested both by pc and confirmed by the board from your feedback we did update those actions as requested and as usual my last slide our last slide is going over the schedule as of now this is our schedule going forward of course we're here today to talk about

[00:45:06] the revisions to these chapters um coming up in february we'll be going to pc for the parks and recreation um and open space on the 25th and then to back to the to you all on march 5th we're also expecting to present thriving economy to pc on march 11th and to the board on april 2nd then A Community Facilities and Infrastructure to PC on March 25th, and also that same chapter to you all on April 2nd.

[00:45:45] So we'll be reviewing two chapters on April 2nd. With that, I'm going to bring up the direction topics and answer any questions or clarifications that you all might have. Thank you. Thank you. So we're looking at the direction topic slide, or which slide would you look at?

[00:46:08] We're going to ask questions. We've got a lot of things I'm sure that people want to discuss. I just want to know if we've got an order in which we'll discuss them. I have an order listed here on the screen, so we can talk about it in that order and then go to any specific revisions or comments on the chapter themselves.

[00:46:28] We can do that after we look at the other criteria listed at the top. Okay. Then if it's all right, we'll start with the development area's boundary criteria, and we'll go through our order, starting with supervisor.

[00:46:46] Sir McHugh. Okay, let me just set up here. Do you have any, you want us to just chat, you don't have any slides for this particular? I do have them as a backup slide, so I'm happy to put those criteria up if you'd like for your resource.

[00:47:06] Why don't you do that? Happy to. Since I have to concentrate on one thing at a time. I understand. So this right here is the criteria for potential removal, and then the following slides are for

just evaluation criteria that we shared as part of Phase 2.

[00:47:26] Right, right. So area boundary criteria, and we're talking about, I think the way I look at this in general is we're going to be talking about this today, and you all would come back to us depending on what our conversation is.

[00:47:41] We're not making any absolute decisions today. It's more of an information for us and direction for you. Is that correct? It does depend on what you'd like for us to do. We will follow your direction, but that's what I would anticipate.

[00:48:00] Okay, just to make sure, since I'm the first one out of the gate here. I guess my first overarching statement is that I am very – I'm trying to frame this correctly because I don't want a lot of misunderstandings about comments.

[00:48:24] I am very supportive of a development area and a rural area designation. Having said that, there's not much I touch in my life or do that I do it the same way that I've done it since 1971.

[00:48:43] And one can make adjustments. Sometimes people like to call them tweaks. But you can make adjustments without throwing out the baby with the bathwater. I guess you get a sense of where I'm going with this. I think so. All right.

[00:49:00] We've had a decrease in development area lands from 48,000 acres to 28,000 acres. I believe that's correct. That sounds about right. Since the 70s. I'm not saying that that is a bad thing.

[00:49:18] I am just saying that that's a lot of acreage lost. And I think it is time to look at perhaps trading or adjusting. So I think that pretty much explains where I am right now. Because what you're referring to here are the criteria that you all have suggested.

[00:49:39] And it does seem like to me that the criteria is appropriate. I would be happy to entertain a discussion of the criteria from the other board members. here if they have any other suggestions or staff does but it seemed like to me that the criteria you proposed are appropriate in the review thank you my answer in your question you are and I guess I don't need to say anything else I think I can just wait for right now plenty opportunities that's right we go

[00:50:16] lots to talk I mean I think the criteria that was put up I was happy with I mean I think that was a good start it was a little bit more comprehensive than even I was thinking like so there I appreciate the effort that's been put in to consider it I think that this combined with in the development areas applications come forth we've talked about having as part of the staff report on any up zoning or something like that where we're at like what the score is or the impact is of that particular development I think that kind of plays in here in a way that I hadn't thought of before.

[00:50:54] So just when you're talking about, in the actual draft criteria, locations that are not meeting the goals and policies of the comprehensive plan. If we have that conversation every five years on a comp plan review, we're not going to get the job done. So that's a conversation we do need to have because as I hear, and I know that this scares people to think that this is some sort of back door of expanding the development area, but if we can't have conversations or dialogue about it, then I think, to me, that's a bad idea, not discussing it or acting like it doesn't exist.

[00:51:23] So we might as well understand what the conflicts are, what the strains are, what the tensions are, and discuss it and have a conversation about it. This gives us the ability to do that as we move forward.

So I'm happy with this. When I went through it, I wasn't, you know, I guess I could nitpick bullet points about what is here, what isn't there.

[00:51:43] But generally speaking, I think this is a good starting point to see how this goes forward. I think if it's mentioned and addressed in the comprehensive plan, it at least says that it's on the radar for the county to be considering and discussing. Again, like Supervisor McKeel said, we're not making any decisions today about it.

[00:52:01] It's a process. I think it's going to be an ongoing process. So I was happy with this criteria. And I always looked at it from the idea of, well, identifying spots that might come in, but identifying the spots that already are in that can't be.

[00:52:17] So when we talk about filling up the development area, then we need to clearly identify those, because if we think there's capacity there and there's not, then we need to be realistic about that. So I think that's where I'm at. I mean, I'm happy to have this. I mean, you know, if we want to get into more nuance of every single bullet or something like that, it didn't seem like that's what you were looking for today.

[00:52:41] But I think this is a great start that says to folks, look, We're putting the pressure on the development areas to take on the bulk of the population, the bulk of the services, the bulk of the infrastructure, the bulk of economic development, right? And if we have areas that can't meet that need, then we need to have that conversation and figure out what we're going to do about it, if anything.

[00:53:07] So thank you. Thank you. Supervisor Malek. Thank you. Before I determine how I can give direction, I do have a couple of questions just to understand. Since I didn't get feedback from what I had sent, at least any answers, I'm going to have to ask them now. So this is attachment C is what we're supposed to be focusing on right now, right?

[00:53:27] Just so I talk about the right thing. And a lot is mentioned over and over again in various elements, both in the rural plan and in the growth management policy, about the reduction in acres. And that was a statewide referendum-approved downzoning that needs to be described in the text in order for people to understand why that happened.

[00:53:49] It wasn't that the door was trying to be slammed on new residents. It was that to protect the growth area, protect the watershed for the reservoir, that had to happen. Secondly, ivy was removed from the growth area because they couldn't get sewer, or was not the decision at the time was that there was not going to be sewer provided, so therefore that went out, and Earliestville was no longer a village because there was going to be no sewer and sidewalk brought there, and so we couldn't have townhouses and things that were originally in that plan in 71.

[00:54:17] So just I think that background, while brief, is really important to include somewhere so that the 30,000 new people who have come in just the last 15 years or 20 years have a chance to catch up on what's happened in the past. So my question at the top of Attachment C, not meeting the goals, the first bullet, what time period are we talking about here?

[00:54:43] Because this is the goals today. And the second part of that question is how is the loss of the existing affordable housing on a particular site taken into consideration? Because a lot of these properties around the fringes have a lot of older neighborhoods that are going to be bulldozed if this changes.

[00:55:02] And so that sets us back in our affordable housing provision. So are those two things something one can't answer today? Or do you need to get back to me or us all later with that? I think what we're trying to do here is provide the guardrails, not necessarily the answer as far as the time frame that you might be looking at for these criteria.

[00:55:29] This is information that we would bring to you as you were considering an addition or removal of a parcel or set of parcels from the boundary areas. So it would be a snapshot in time.

[00:55:47] but something with the previous five years or whatever would be incredibly important because a lot of the traps we have laid for ourselves over the last 20 years is not keeping up with Jeff Warner's dashboard that he kept for 20 years about exactly what was happening overall in the whole community because we would have known right away that we were not filling all the splots if we had been doing that.

[00:56:10] Okay, jumping down to draft criteria on the bottom of page one here, These are all in the impact section in transportation. I think people may be eagerly looking at the area to the west of 29 North that is still in the rural area.

[00:56:29] But for the \$230 million that the state put into the 29 Solutions funding, it was very clearly made at the time that that land was not going to then be turned into high-density industrial area because the folks from other communities down south were saying, well, they're just going to fill it all up and it'll all be wasted.

[00:56:48] So that was an agreement that was made. with them. I just wanted that to get into the record somehow. Community services and facilities, I think this goes along with expanding the geography and therefore diluting the resources available to finally try to catch up better on the existing gaps that we have in our neighborhoods today for sidewalks and things. So that's a concern. The water supply watershed at the bottom of that. I think dealing with water protection does not go along well

[00:57:24] with feasible alternative locations so i would feel much better about that if we were not always oh well we can just make it a little bit dirty let's just try to think about the water provision for the growth area and the 55 plus even more you know 60 or more of the residents in the growth area who have to have public water then we need to do our county job to make sure that that is is there okay so that's really all i had sent you about c um and i'm very fine to have a more strict

[00:58:01] approach to the constrained land that we have in the growth area and if there's if that's a basis for swapping because we know we can't i'm not in favor of bulldozing critical slopes and putting stuff on there this is not california and we don't need to have that situation here um so if that's part of the discussion, then I'd be happy with that. So I'll stop there.

[00:58:25] Thank you. Thank you. Supervisor Pruitt. I think the criteria for removing underperforming areas makes a lot of sense. I think it really accurately, as I think another supervisor pardon me, sorry. As I believe another supervisor pointed out, it kind of seems to have effectively taken what were some strong political intuitions that we were targeting after aggregate blocks of development area based on our aggregate understandings

[00:58:53] And it reduced, like, what are the actual factors that we're talking about here that lead us to have these intuitions into some pretty, I think, helpful technocratic language that we can apply, not only in the specific instance that we were already thinking about, but potentially analyzing other areas, which I find interesting.

[00:59:13] And, you know, as Supervisor McKeel said, there is nothing in my life that I use, that I was also using in 1971. That is because that was 20 years before my birth. Sorry about that.

[00:59:30] You're aging me. Point being, I don't think a, I think it would be a little bit of hubris to assume that we stumbled across the perfect boundaries of our development area. before the median Albemarle resident was born.

[00:59:49] The median Albemarle resident is 39 years old, and most of them, most residents of Albemarle, had no role in deciding this. Thank you. Supervisor Lupisto, currently.

[01:00:06] Yes, could you go back to slide 15, please? Okay, 14. Okay, 13, or it might be 12. 12 is where we started, I believe. Yeah, go back.

[01:00:22] One more. I'm sorry. Yeah, there you go, there you go. Okay, so perhaps for people listening that they are, we're talking about doing, I'm putting it in simpler language, a swap between a parcel of land in the development area that could be, and a plot of land in the rural area.

[01:00:48] And please correct me if I'm wrong, in the development area, that's, let's say, plot Area A, plot A, is really not conducive for development. Maybe the location, maybe lack of water, whatever.

[01:01:04] But it's really not conducive to development. Plot B in the rural area would be because it's closer to sewer and water. It's closer to other services that are available and such.

[01:01:23] So maybe that would be appropriate. So you're talking about approximately the same size of areas and just switching them. Do I have that right? That sounds correct, yes. Okay. Great simplification.

[01:01:38] And I would very much like to see, because we're not making decisions today, but I would be interested in seeing the locations or an example of locations where that might be applicable and making sure that the environmental, I'm very focused on the environmental constraints also.

[01:02:03] But I would like to see that. So I'm in favor of looking at this, exploring it more, to see what can be done, because I'm sure when this was all laid out, before certain people were born.

[01:02:20] How was it? Oh, okay. Supervisor McKeel and myself were a lot. But making sure that, you know, those decisions we've changed and we don't know what's going to happen in the future. So once again, I'm bringing in that famous word, flexibility, to be able to see, okay, should we do this?

[01:02:43] Is this a good decision? Because things do change. Even streams, directions change and everything. So I am supportive of this to seeing what can be done, if anything. Thank you.

[01:02:59] Thank you. I'm a little more skeptical, I guess, about some of this. Starting with number one, locations that are not meeting the goals and policies. It feels vague and broad, and I wonder if instead of not meeting, can't meet some sense of what are the reasons why this area can't meet the goals and policies?

[01:03:19] Because I'm worried that we're going to say, well, it's not meeting it, but we haven't really looked at how we could make it so that it would meet it. What are the incentives? What are the reasons why it's not meeting the goals and policy of the comprehensive plan? So I'm looking at that and worried about that language.

[01:03:36] Significant topographic and other environmental constraints. I assume that to mean, as Supervisor Malik said, that, you know, there are maybe some areas where we're looking at steep slopes

and others that we don't want bulldozed. And so we would look at those and say, well, these are not appropriate for development. We'd rather find someplace else than try to bulldoze a steep slope.

[01:03:54] And I'm a little confused as with limited public structure, infrastructure capacity and access as to, you know, what are those areas. So I guess what I would say that I'm thinking as I look through this is that in provision of services to people, public services, I see the urban ring as the best place to be able to efficiently do that.

[01:04:17] And so when we talk about possibly recognizing that there are areas in the urban ring that are not performing, I'd like to see those perform, whereas if we're talking about areas that are well outside the urban ring, I'm less concerned because they're not necessarily places for efficient delivery of services.

[01:04:39] Some of that goes into trying to identify things, which I know we're not trying to do, which is why, again, I'm skeptical about pushing too much into the AC44 about these criteria when it could be better suited to a master planning process, which a number of people have commented on who have commented on this section and saying, well, why don't you do that in the master planning process?

[01:05:02] I will pile on agreement with Supervisor Malek that while I understand that 1971 is a long time ago, was 1980, I still feel that the opening section of the growth management policy and at least one other place are, in their description of the history, they're insufficient in that they don't recognize the substantial changes that took place, not in 1970, but between now and then, that weren't incremental.

[01:05:31] So when we talk about taking it from \$48,000 to \$28,000, it happened very, very much at one time in 1980, I guess it was. So without that history in there, I think something is lost as to what really we're talking about. And I think that that shows that this has been something that has been, whether it's good or not, somewhat static for 45 years, if not 55 years. And that's, I think, important to understand that history. I also agree that in the criteria on page,

[01:06:08] Slide 16, I believe Supervisor Malik suggested removal if there are feasible alternative locations when talking about water supply, watershed, and I agree with that comment. Otherwise, I just will reiterate that a number of people pointed out that this particular section has not been presented to the Planning Commission, is my understanding?

[01:06:37] not exactly in this form they have seen the criteria for potential additions to the development areas okay so the portion they hadn't seen were the the three criteria at the beginning to remove a parcel or parcels from the development areas okay um well i do hope that we get a chance to get some feedback from the planning commission on that as well um and those are my comments on that section. Supervisor Malo? It was asked about examples where a swap could happen and I will just

[01:07:12] throw out the one that did happen in 2015. If you can picture the trestle by Fiesta Azteca on 250 and 250 makes a sharp bend to the south and goes on past on the southern edge of the Crozet growth area, the land immediately to the north there was rural area. It was swapped out and put into the growth area. In return for acreage north of 240, which was all surrounding the streams that go into Beaver Creek Reservoir, and to reduce the impact there, that's one that happened as part of the Crozet Master Plan. It was very thoroughly discussed and, I think, successfully achieved.

[01:07:49] Much better than, and did not have any argument or anything else. Everybody seemed to think this was a really, really good idea. So to that, that was why when the idea was brought forth a number of weeks ago I said well that's one place where it's happened and so at least I'm happy to think about it from

that perspective so I just want to put that out there but it's I do feel very strongly that the reason why the county attracts so many people and many of us have wanted to stay here or come here is because of the work that our predecessors did for 75 years so I am not willing

[01:08:26] to just say it's old and we're throwing it out that's all thank you yeah and I think that's also explains why I'm more interested in seeing this in the master planning process than in an overarching AC44 language. Supervisor McKeel? Maybe because I went first. I'll just come back around a minute.

[01:08:44] I really appreciate Anne giving that example. That was great. And I do want to push back up a little bit. Nobody is saying because this is old, we're just throwing it out. That's not what we're saying. But I would like to just make a point that when you talk about public schools, I think it's going to be really critical to work with the schools about their school capacity projections because that and I just wanted to go on record as saying those projections have caused a lot of angst and we get into really every time we have a proposal so it appears to me that that spreadsheet that we

[01:09:23] use that schools prepare I mean we just need to make sure that's more accurate or clearer in what the actual capacities are because often it's not taken into account even expansions that are paid for and in the process and it's not in that spreadsheet that the schools so I just think we need to that's a really good area to work with the school division to improve their document thank you thank you I'm going to speak for myself I think it's important for you to understand from

[01:09:58] my point of view, that we're not looking to expand the development area. So I'm not looking to expand the development area. However, if there are one or two, if there are some good examples, like Supervisor Malik mentioned, okay, so that's been one in how many years, Supervisor Malik?

[01:10:20] 30. Yeah. So that made sense. Something that makes sense, okay, but not just for the staff to be looking, okay, where can we do swap-outs? I think we, this board, has an obligation to build out higher and denser in the development areas, and I'm not sure, I would like, me, I would like that to be the focus of developing higher, denser, but if something does come up that makes sense, then that's probably

[01:10:59] something I'd look at. But definitely, we need to do our job going higher and denser in the development areas. Supervisor Pruitt? I would just like to, for the record, I suppose, note that I appreciate your point, Chair Andrews, about specifically factors one and two that we listed, or sorry, excuse me, one and three that we listed, and how if we don't figure out a way to cabin that to only when that is affected by extrinsic factors

[01:11:34] outside of the county's control, it could encourage us either actively or passively in the back of our minds to kind of cut our losses. Oh, we have not adequately invested in this area. Let's say it's not meeting the comprehensive plan, right?

[01:11:51] There are plenty of, and maybe the language could just be as influenced by extrinsic factors. Maybe we could identify specific extrinsic factors like geography, which Supervisor Andrew spoke about, but also things like the existing land build-out and the presence of asphalt, the existence of restricted covenants, known patterns of land ownership.

[01:12:16] When we look at the village of Rivanna, the last major developable parcels of land are owned all by one person who has made very clear that he does not want them developed, right? That is an extrinsic factor that matters in this circumstance. And so I would just gesture toward factors one and three

and suggest that maybe we should figure out a way to cabin those only insofar as they are outside of the county's own control.

[01:12:43] Supervisor Callum? I just want two comments. I think there are areas inside the development area that could be considered rural area. In my district, the development area boundary goes right up to the river.

[01:13:01] I haven't heard anybody say they want to see a lot of housing development go right up to the river from 29 all the way down to the city line. So how many acres, when you consider the flood plan, would exist from Route 29 all the way up to the river?

[01:13:18] on the development area side that go all the way down to the city that are calculated in the math for the percentage but cannot be built on and should not be built on. I think the water, there are a lot of communities that have developed right up and along their river to use that amenity for a lot of different purposes that I don't think exist in our ideology and even for folks that may want to expand the development area around here would not agree with.

[01:13:47] But that has to be taken into account. um in the math so that's just the basic nature of it um same with the parks the few parks that do exist within development area boundaries where they're not developed they're not going to be developed um that has to be taken care of in the math because the math is what we're using to say this is where we're going to put all this density and all this all these services well it ain't gonna work if um we don't realistically understand where the units can go the same can be said i mean mr williamson has reminded us about current spots that are commercial in use and can residential

[01:14:23] happen in there it's the same kind of concept as that it's like all right then we should have that conversation too should residential be allowed in those those commercial areas i don't disagree necessarily with what uh mr uh with our chair andrews mentioned about through the master planning process the northern development areas master plan has not been updated since 2011. it had an amendment in 2015 but the master planning process by the time we were to do it in the development area master plans based on the current cycle of when the master plans have happened will have revamped the comp plan again by then

[01:15:02] and that's not a criticism that's reality of how it's gone so I am fine with us considering the criteria and and everything within a master planning process but those have to have a better defined time frame and the comp plan is the master plan the comp plan is what's supposed to drive those other planning processes if we don't put it in here and mention it then what's going to drive in those master plans I'm more concerned that if the tooth like all the time my CAC everybody has their their little nuances from their CACs of what they'd like to remind us liaisons the planning commissioner and supervisors about mine

[01:15:41] is the fact that our master plan has not been updated since 2011. So all of this has to drive the planning processes that happen below it, in my opinion, which is why it needs to be in the comprehensive plan. Thank you. Thank you. I'm just going to add that at least with respect to the comment about waterfront and parks and things like that, those are the types of things that I am talking about when I say can't meet. Can't meet the goals and policies of the comprehensive plan because of the nature of the property.

[01:16:15] That said, I don't want to get hung up on 95.5. I've never liked the idea that we're describing everything in terms of 95.5. We're describing things in terms of an urban ring and some satellite areas that we think we can provide services to in an efficient manner to develop.

[01:16:33] And I just don't like the idea that we're taking a park and saying, well, since that's in the 5%, we have to find something outside it to balance it. We always knew that park was in that area. Now, Biscuit Run is newer, but in some of the other cases, you know, these are areas that we knew existed when we made this designation in the first place. But I think that was a good example of what I was talking about with can't meet goals. We have to stop saying 95 and 5 then in our own discourse. Because it's not 5%. It's not 95% either. So what's the reality of it? Right. And if we don't have a criteria that

[01:17:09] identifies it, and then start even talking about it with each application that comes forward. We have hard boundaries, and we know where those boundaries are. Well, we have hard boundaries, but they're not hard boundaries. And the river is the exact example of that. The hard boundaries of the river, let's use Rio Road.

[01:17:26] The hard boundaries on one side of Rio, and the other side of Rio is where the development is happening. But that's where water and sewer goes. There's probably better places already that exist there that could swap out versus other places in the development area that aren't ever going to be there so i mean i just don't i don't see how we're basically locking out i mean it's the language in here states that we're locking out new development in the rural area so we're really limiting who can do any new housing specifically in the rural area we've said that if you're not of a certain class basically you can't

[01:18:03] get into the rural area as a new development. And that means that we are dictating certain class segments of the society must live in the development area. And I don't like limiting that choice in some ways.

[01:18:21] But that's what this language seems to say at times. And that can be disconcerting. And that even can go back to the 70s. And if you know historically, as I'm sure Supervisor Pruitt knows, what happens after the Equal Housing Laws passed, then it all turned to zoning.

[01:18:38] And it's changed over the years what the impacts have meant versus the 60s from now for some, not for all. I appreciate those remarks, Ned. You're exactly right. Professor Malik, you have additional? I guess I'm just grateful for the numerous small new houses being built around me because I don't see the same prohibition happening.

[01:19:04] But I'm lucky, I guess. Thank you. Jim? Thank you. Yes. I don't think we have enough information to really understand when you're talking about swamps. I mean, Supervisor Galloway said, in the development area, you have land right along the river.

[01:19:23] Okay, we don't want to build right along the river. But also, I wouldn't want staff to say, okay, we're going to swap that out for something in the rural area. I don't think that's what we're talking about. It is what we're talking about. No, and I, that's not something.

[01:19:42] We need developable land. And if we don't figure out and start having conversations about where that developable land will exist, given all the other driving priorities that we've set up as a county, then we're just kind of, we're going to be having the same conversation in seven years.

[01:20:01] Okay, so swapping out the land along the river and the development area for rural land. Call it rural area. Figure out what the floodplain is and what the non-developable to protect the land along the river and stop putting on a map that the development area goes right up to the banks of the Rappahannock River.

[01:20:17] Okay. It doesn't. All right. It doesn't. Not in that section, not in my district. It does in some places where the development area goes up along. Pantops is a good example, right? But from Rye Road or from 29 North down to the city line, the Rappahannock River corridor through there, you could define that, you know, that's rural area.

[01:20:44] And I would love, you know, on the one side of the bank it is, but how does it encroach on the southern side of the bank or the east or whatever the direction is? And I do believe we don't have all that information, at least not from everybody's district, and that's what makes it hard, frankly, to decide or, you know, to look at this.

[01:21:06] Well, I don't think it's something that you make an overarching decision on. That's why you come up with a criteria. Correct. And that you can start having the conversations so that, like, the public speaker today online said, you know, the development area is not completely full and we shouldn't discuss it until it is full.

[01:21:25] I disagree with that sentiment. I think we should discuss it before it's full. But if we have these applications that are coming forward and we understand what we're doing to the potential of the development area as we move forward, Then I think this criteria is very helpful to us as other applications come in where perhaps a developer does want to develop something of a piece of property that we haven't identified, but they have, and that can factor into our decision.

[01:21:50] It's just more, it's not an overarching decision to say we're going to take these swaths of land and identify them now as rural or development area. But if we at least provide a criteria, others will look at it and go, I think it's smart for this to perhaps be considered for a zoning that's more suitable for the development area because it's right on the border than somewhere else.

[01:22:12] Right. No, the criteria is important, and you're right. You don't want to identify the maps and everything. We just have to – I think we need more of an understanding how this would work. I don't necessarily agree where buildings or developments should take place in the rural area that are away from a lot of amenities because, you know, if you do affordable housing in the rural areas and you don't have amenities or you don't have transportation, et cetera, et cetera, water and sewer, I mean, there are areas that possibly looking at criteria could be developed.

[01:22:52] But I think we've already decided as a board, you know, we don't want a vast expansion. It's complicated because it's not a black-and-white decision that can be made. But to your point, if we're going to put all affordable housing in the development area, then we're limiting where those folks and their choice about where they can live.

[01:23:10] That's right. Where they have services, right? Yeah. You know, that's a great way to always say that this is why certain people should live there because that's where the services exist. But I've got to tell you something. We provide a lot of services to our rural area, and we're still going to be getting the updates on that through the budget.

[01:23:30] But FIRE is the exact example of how we've had to provide a lot of services to the rural area, where it always seems like this open, even the open land that we've conserved is a resource. That costs us

money to do with our programs. It's subsidized. So, you know, hence why the conversation we're going to have later about the ACE program and if we should be putting money back in it.

[01:23:53] That's a subsidy. That's an investment, right? Those are public use of dollars to do something. I don't see it as being such a black-and-white decision that it has to be in the comp plan, like I said earlier. But we have to wrestle with the idea of, you know, we want folks.

[01:24:11] We say we want them to come here. We want them to live here. We have great quality of life. But we're directing all of that new growth to a specific area. I guess it's fine on paper and for planning purposes. But when you really dig into who can choose to do what, it's an interesting thought to wrestle with.

[01:24:33] I would like to consider moving on since I think some of this will come up at the TDR discussion as well. But if there are any final thoughts on this topic, this slide, if not. We'll come back to this, I'm sure, at another time.

[01:24:51] And I appreciate it. Sorry for just bringing this up. But we never get to really discuss this stuff very well at this level. It's almost as if we've been afraid to discuss it for 40 years. I'm done. I mean, it's just got to be, we got to put it out there, and people need to hear us debate, and we got to have the conversation about it. And if we don't do it here, then it just stays what it's been for the last, well, at least for the eight years I've been here.

[01:25:11] And I do think we have to recognize some of the pushback that we're hearing is our districts are different, and areas are different, and we just can't, it's not a broad stroke, it's not going to work. That's why we have the criteria, right? But we do not want to just continue to send certain folks to one district or two districts.

[01:25:33] People have a right to live in different areas based on their desire, right? And we shouldn't be saying to people that we're not going to stop people. We don't want to stop people from building \$3 million houses.

[01:25:48] Well, I don't want to stop people from building \$350,000 houses. I mean, we have to figure this out and not be afraid to talk about it publicly. I'll just leave one example on the table that people can think about.

[01:26:05] Two years, 18 months ago, two young guys came to meet with me about making a modular home neighborhood right across the street from GE on Dickerson, right at 29, where it would have had access. And that's to all those services that are already in the ground right there.

[01:26:22] And it did not fall under a category in which it could be even applied for. So in that example, that would be something we might be able to figure out a better way to be. I just wanted to put that out there.

[01:26:37] Exactly what we're talking about. That's right. But it was on the wrong side of the line. And I'm not in favor of incrementally blowing out the service area for the jurisdiction either. And we've made a lot of good choices over the years based upon the need to protect the rest of the users as well. But we're not trying to do that, Anne, and I think throwing statements out there that scare people is just – we're not going to be taking bulldozers to steep slopes.

[01:27:02] I mean, we don't want to scare people that that's what we're talking about when that's not what we're talking about at all. We'll go to – you're just looking for feedback on the transfer development rights that we have. There are no other presentation materials on that at this point. Then I will turn to Supervisor McHugh.

[01:27:18] Okay, so we're moving to transfer development rights. I have to admit that I'm not an expert on this.

[01:27:38] This is sort of my first foray into this discussion. Right at first blush, I'm not opposed to this. I am wondering a little bit, though, about how much we're layering on staff for you to do.

[01:27:54] I mean, we are layering lots of new proposals, new studies. It concerns me a little bit that I just, and I don't know how you all address that.

[01:28:12] And I see Jody getting up. Are you coming up, Jody? Okay. I'll stop talking and let you speak to that. Because I have real concerns about this is just another layer that we need to investigate. And it gets very confusing for me, but it's very confusing for the public, too.

[01:28:29] thank you welcome thank you jody filardo community development director thank you supervisor mckee for the opportunity regarding transfer of development rights it actually can be a helpful tool for us as staff okay we have a problem right now with one particular property in the rural area that has built more housing on their property than they had development rights to build. And they did it without permits and all kinds of other things. They don't have a way to

[01:29:06] make it right, right now, save taking out those two extra dwelling units. However, if we had transfer of development rights, they could buy an additional rural area piece of land, transfer those rights onto their property, and get square with the county. So this is about actually providing an extra tool to help us resolve some problems that we do have in the county. Thank you very much. That was very helpful. I really appreciate it, right? My pleasure. So the

[01:29:41] only thing then I'm going to add to, and it's not a question for you, but thank you. So I would be supportive then of at least looking into this however you all want to work your magic and come back to us. I do have a question though. It says, access the option for housing types other than single family detached in receiving areas such as duplexes, accessory units, and fourplexes.

[01:30:04] I have no problem with that. Are we ever going to get to the point where we can talk about manufactured homes? I mean, to be perfectly honest with you, they're not the trailers of the 70s, if we want to go back to the 70s. They are not. And they're affordable. And maybe this is not the place for them, but it gave me an opportunity to at least put a stake in the ground and say, I think an option for us ought to be, at least in some circumstances, manufactured homes in this

[01:30:36] community. And I'm just putting that on the table. Appreciate it. Thank you. I guess I wasn't clear enough. That's exactly what they were requesting by GE. Yeah. I mean, I just, it seems like we've had this block on manufactured homes. And I understand the old trailers of the past. But Even the school board's trailers, now you walk into them and you think you're in a building.

[01:31:03] They're not the old trailers of the past, and I don't want to digress down into that, but I would like to put a stake in the ground and say I'd like to have some discussions about manufactured homes,

where they could go, and where we would put it into our documents, our guiding documents. Thank you. Supervisor Calloway.

[01:31:20] So you're just asking if we would, I mean, yeah, I'm trying to get up to speed and understand the transfer development. I mean, I get the gist of how it was explained in here. It seems I'm open to the idea. I think it could be useful to us as well as we work on things. So I don't see how it – I couldn't find a way to say, oh, no, that's a bad idea.

[01:31:38] Let me put it that way. So I think it's something that should be considered and should be discussed. And it was the same as when I really hadn't had my head wrapped around the concept. Like you had said, is it cluster development? Is that the piece that's in the rural area that Scott Clark mentioned a few weeks ago?

[01:31:54] So that type of development as well. I was like, oh, that seems to make sense and be smart for our county, that type of potential. So this seems to fall right in line with how we like to do things as well, and I think it's a good idea. Supervisor Malek?

[01:32:12] I would agree that it will be a lot of work, and it's certainly been around for 20 years, and people have tried, various counties have tried. I think there's three or four counties where it actually is up and running in Virginia. Other states where they've had fabulous success.

[01:32:29] So the caveats for me is open land to open land only and rural area open land to growth area open land only would be what I would support because it's a separate question to me from changing how we appreciate the values of modular manufactured homes as far as transfers and whatever.

[01:32:57] Sadly, I was not successful for 30 years in changing the giveaway of density from 6 to 34 because if we had had a 6 to 12, 12 to 18, 18 to 24, we would have set up a beautiful situation for this very thing, but I couldn't get there.

[01:33:14] So anyway, that's ancient history, but it is a way perhaps to get some extra use. But without the ability for, on a small rural lot, to deal with water and sewer contained for more than one or two possible units is a major problem.

[01:33:39] And when there start to be failures, they cascade right down the aquifer in the group. so we have to that was the basis for those kinds of decisions years ago where there was never going to be any sewer is to say we have to have a little bit be self-sufficient because when it fails it's on you and it used to be 5,000 for a septic field and now it's about 40 so it's a huge impact on families when things get too crowded and don't get don't fail well so anyway open mind I think there are huge benefits if we can get there but every five years or so the staff in place does a

[01:34:17] lot of stuff and then it doesn't get beyond so I hope you will be more successful thank you thank you supervisor Pruitt thank you um I want to begin by saying I think I think this came to us in part because of a comment I made at the so this was I had a long talk with a developer who's operating in my district he had mentioned transferable development rights in New York City where they're quite common you sell like airspace to build ground somewhere else right um and i had a shower thought because this is the kind of boring person i am this is what my shower thoughts are

[01:34:55] i think about land use policy um of oh does this help us solve any issues that we confront with the way land is used in the rural area and i thought it might be worth exploring um i do want to begin by

kind of making sure i'm clarifying something based on what supervisor malik had just said because she had mentioned with the caveat that it's ra to development area i and i want to make sure i understood you correctly which i understand that as being not what we're talking about right this is a ra to ra uh transfer of development rights well it's either or we this

[01:35:32] is what the board needs to decide right i'm just the way it is presented on the screen is an ra to RA, right? As in like, if I have 10 acres scattered across the county and all in five sets, and each of my acres has, each of my five parcels has their intact original one development right, then I can build five homes on one parcel. Or I can sell those rights to someone else to build five homes on one parcel. That is my rough understanding of what we're talking about, and it would be within the

[01:36:08] rural area and you're doing this which means rough rough i'm sure i've screwed up something but um i i want to begin by saying i do think there is a value there i also want to make sure we're not fooling ourselves with what we can get done with that right so i think the value there um one of the main things that jumps out to me is actually a conservation value it will be like tool number four now of our different ways to preserve um aggregate clumps of land um what i'm getting at this board is that it would encourage people you might have individual development rights that are

[01:36:47] isolated in large tracts of something that is owned by a single body and they don't have a useful or effective way to extract the value of that development right that they have accidentally isolated in other parcels right this is something i can very clearly see based on the way subdivisions have broken up development rights over time since our growth management plan has been put in place.

[01:37:12] This lets them extract those development rights and preserve those parcels without having to basically be like, I'm going to build my house here and interrupt this forest block because this is the only place I can use my development right. I see a lot of value in that. I see that as overlaying a lot with what side of the values we see of our scoring criteria for the ACE program, for example.

[01:37:34] The thing I want to make sure, and this also lets us just use that land more efficiently. It lets us use land that we do want to build on more efficiently. It kind of, it slightly discourages the way that the only kind of thing we see now are in the rural area are normally quite large developments from people who are retiring here and have the ability to identify these development rights, the lawyers, the money, the surveyors.

[01:38:03] i do want to just call attention to the fact that you still need the same amount of land it just doesn't all have to be in the same place which means while i think there might be a cost reduction on residential housing new developments that can be higher concentration in the rural area it's not going to be the same kind of benefits we see from like upzoning in the development area because the the cost of land would still be roughly factored into the cost of those development rights i would assume when they are being traded by people on an individual market. I imagine they would be

[01:38:42] slightly less than the cost of, as in like one development right is probably going to have a lesser value than two acres of land that have a development right, just because someone still wants their front yard that is two acres. But point being, it is still going to be quite expensive.

[01:39:02] An individual development right will still be quite expensive. I don't think we're going to be seeing affordable fourplexes. I think we're going to be seeing unaffordable fourplexes or unaffordable market rate fourplexes. But it can't drive things to kind of level of affordability that we'd want to see, but it

does make it easier. I would also just mention as kind of a way to support this regardless, though, we talked about instances where people, because they lack that expertise, do things that are illegal. I have a constituent who calls me somewhat frequently,

[01:39:41] somewhat, not very frequently, but I'm quite fond of him. He lives out on Glendower Road, out country in Keene. And he was telling me, he's like, I don't think Albemarle County, he says to me as if I'm not representing Albemarle County, I don't think Albemarle County likes for locals to still build here and to still live here. And like shared anecdotal stories about like neighbors friends uh trying to build homes for their children on adjacent parcels that they have and not being able to figure it out not having the right development

[01:40:16] rights to do so um and i think there's a lot there but i see this as one additional way to try and kind of get at that nut and crack it figure out what are some of the barriers that are actually standing in the way of people being able to do what they want to do with their land build a home for their family, and if the answer can be, oh, this person wasn't able to build a home for his daughter next door to him because he doesn't actually realize that he has exhausted his development rights, even though he seems to have the right amount of acres, then he can buy

[01:40:54] a development right, which he can't currently do, right? So I see value in that. I just don't think we should be fooling ourselves that we're going to suddenly have deeply affordable housing in the rural area because of it. I'm done. Thanks. Thank you. Supervisor Lupisto-Kirkin. Yes, thank you.

[01:41:12] I'm supportive of the transfer of development rights within the rural area. I think that's something that frankly makes sense. It's not going to happen, I don't think, a lot. I do also wanted to address the issue that Supervisor McKeel brought up. You can have people, they can buy a piece of land and they can put you know build a \$350 home that that's not the problem the the issue we have is whether or not you can have large developments in the rural area which

[01:41:49] would I believe I don't think you could build a large apartment complex or townhomes and not have sewer and water right correct okay so that's my that's my concern is that that's only going to be able to happen to be able to have people live somewhere you know else if you have the water and sewer so you can have large complexes otherwise someone can put a home down uh or build a home and of course in the rural areas on a small piece of land but i i do agree with supervisor

[01:42:27] in allowing manufactured homes. I think that's something, or even tiny homes. I mean, not everyone needs a large house. Not everybody wants a large house. Everything seems to be downsizing. And allow some variety as far as home types in the rural area or maybe even the development area.

[01:42:54] That's it for me. Thank you. I want to come back. This really took me by surprise. I understand the concern that an existing group of homes was developed without development rights and now needs to find a way to remedy that without destruction of the homes.

[01:43:14] I mean, were there no building permits as well? I really am loathe to make a policy that somehow gives a way without sufficient penalties for this sort of activity to take place without the guardrails that we've put in place for this.

[01:43:33] So I'm going to start there and just say this really makes me nervous to try to act on the behalf of someone who's not going through the processes. But that said, the TDR process that we've described has some appeal.

[01:43:51] I'm going to try to tie this discussion to the previous discussion. I am not in favor of rural-to-rural arbitrarily, but I don't see that as being what's proposed here. It talks about develop sending and receiving zones.

[01:44:08] The location matters tremendously. And my support for this idea actually goes along with the idea of, well, if we have areas that are in the urban ring but just over the line and they would be ripe for denser development, one of the mechanisms that might enable that would be negotiation of transfer of development rights from other areas.

[01:44:33] That said, I will also say that if you look back at the decisions in the 80s to decide how many development rights lots had, there was always an expectation that even though a lot may have, and we are talking about small lot development rights, I assume, that a lot may have five small lot development rights, but they weren't necessarily all usable, and they were understood at that time not to be all usable.

[01:44:57] So this is in a mechanism for allowing somebody to cash out on something that they didn't have before, I would tread gently and make sure we know what we're doing because that wasn't the idea back in 1980 that necessarily everybody would put five houses on places that had no ability to support them. And so this is suggesting that there's somehow a way to do that by selling the development right. That seems unfair to me. And those are my primary comments about this.

[01:45:29] As it's phrased in the attachment, it says a recommendation to be added to further study TDRs and evaluate their potential feasibility and effectiveness. And that is what I hope we're looking at at this point. And, yeah, those are my comments.

[01:45:47] Any additional comments? Supervisor Bradley. So on the second page of attachment D, it refers to receiving areas in the rural area or the development area, which is why I made the comments I made.

[01:46:04] it's right there. And I think that the reason why the development area would be highest preference for me is because it is going to help. Now, I had constituents of Sugar Hollow who went through what Mr. Pruitt was describing of the strange contorted 150-year-old lot sizes and getting a place with a building spot where, you know, sun could have their house. And county staff was, it was cumbersome, but county staff was helpful and made, it took a while, but we got that done.

[01:46:37] So the other thing is for the situation with the no permits, two or three times at least in the time that I've been on the board, people have come to the board and asked for an additional development right. Two in the Scottsville District when Lindsay was on the board, and they were for building a house for elders on the site or for a young person to care for the elder in the other house, and those were approved.

[01:47:01] So there are options that exist already. Perhaps we need to do a better job of making sure that people understand what those options are, but those are just things that are important. So the relevant, the 2015 statement that I think is important is those redirect development potential from sections of the rural area with high-value natural and cultural resources to locations outside the rural area.

[01:47:30] I still support that. Thank you very much. Thank you. I'm not sure if we've given you what you need. Yes, we have what we need. Then we are on to the next topic, I believe, and then we will come back to sort of the documents for additional discussion, although we may take a recess after this topic, see how it goes.

[01:47:56] Small rural-scale uses. This is where we were talking about examples, and particularly restaurants, restaurants at wineries and other issues. So I'll turn it over to Supervisor McHugh. First comment.

[01:48:16] mic back here. Help me understand. Well, I'm sorry. I need to so I can see it and still get to my mic. I'm sorry. Non-residential use examples. So the examples you give, daycares, small offices, restaurants at wineries, and country stores, that you are saying here that you're going to come up with some criteria, which is really important. You want to just

[01:48:51] address that a minute. Yeah. Sure. Some of these uses, for example, country stores that have been historically used as a tavern or a country store can redevelop as a country store with a special use permit. However, a country, if we wanted to, if someone wanted to develop a country store in a building or on a property that had not been historically used as a country store,

[01:49:25] or tavern or inn there is not a mechanism for them to do that at this time even with a special use permit as an example got you got you um so at first blush yes i'm in favor just to simplify yes i'm in favor of this i have no strong objections to looking at this and establishing some criteria as you were discussing yes um the one that would give me pause are restaurants at

[01:50:00] wineries just because of the increase in traffic for folks but it would be interesting to have that discussion and see how that might I'm not taking it off the table right now so I guess that's what I'm saying we certainly have wineries that are for all intents and purposes restaurants just saying so I'll let it go at that for right now I won't belabor this and we'll see what everybody else has to say thanks supervisor galloway um i mean with what you're proposing i think at a minimum i would be fine with it i think restaurants at wineries is a different category from these

[01:50:39] other three things we treat wineries and cideries differently than other things and it may just mean that we have to come up with our own criteria for that specific type of property the problem or it's not a problem the struggle i have with daycare small offices country stores those came into existence because basically what we're saying is we only will allow reuse of those type of places where they already exist in a lot of ways um which is really limiting based if you think about how a country store or even a daycare or some sort of office that has existed out in the rural area came to be had more to probably do with the individual and they figured out a way to make

[01:51:19] something work and they own the property already so now we're we're almost making it it has to be a business investment you have to go and take over a country store and figure out how to make it viable versus allowing somebody goes you know what i have three or four different things that could work at this location and one of them could be a nice little country store which if it's just a business person i don't see i i don't see even sometimes how folks make these things viable if there's not a certain amount of just volume coming through i i just don't see how it could work but if somebody had a plan somewhere where maybe one of these things didn't necessarily exist

[01:51:56] and they have three or four different things going on and then it's like you know what i've always wanted to run a country store and boy this would be a great spot to do it since i own this land but no country stores ever existed here before we don't have any venue to allow that to happen is my understanding and i think that we're basically that's the struggle i have because okay we're basically uh putting out or extinguishing the the flame that existed for that thing to come into existence to be in the first place which was personal entrepreneurship and probably had more

[01:52:36] to do with individualism than than the location of now where a historic country store happens to exist um so i would i would be open-minded to say yes just like we do a lot of things at this board that says, well, bring it forward, let's look at the location, let's see what you're thinking, take into consideration that this is, and even now with, unless I'm mistaken, this could fall under how you don't necessarily, you can limit some things time-wise based on the state code, right?

[01:53:05] Would that fall here for something like this? I believe so. So knowing then you could kind of isolate it to the particular applicant or something I think even has more appeal. So, I mean, I'm not going to sit here and go, you know, I'm opposed to just the reuse.

[01:53:23] I think we at least have to do that. But I would be open-minded to considering other thoughts. Just there's creative people out there that could figure out how to make some of these things that people like. But to just, I mean, in this day and age, to set up and to have a country store with a little restaurant in it.

[01:53:41] And I remember reading somewhere where it would be like, allow it to have four tables. Well, how the hell, how is that economically going to be possible? You have to have other factors that combine to allow it to happen, which is what I think has happened before, where why these things came to be, and, well, I've said it.

[01:53:58] Thank you. Supervisor Malek. Thank you. So I guess every one of these examples that is in the Whitehall District or places that I see in other districts were all in place before 1980, is what you're talking about, I mean, for the medical offices in Earliestville, the post office in Earliestville, all these things that have been there, I guess they've been there 45 years, and time flies.

[01:54:23] But I was shocked to hear that because I think I would look at all of those except the third bullet to say they're already there. And so I guess I don't know, for example, I'm not picking on the Jewett District, but I've wondered how the permanent farmer's market structure commercial use with freezers and everything else was allowed in the farmland there when it was supposed to be a tent.

[01:54:50] So, you know, something's happened that we're not aware of because people ask me and I say I have no idea. So that's a new country store 24-7 or, you know, not seasonal, let's put it that way, year-round in a rural area right there.

[01:55:09] And maybe it's a great place for it, but I don't know how the process happened when everybody is being told today that nobody can do that. So there's a question I have. I have not no no winery in the Whitehall district has reached out to me and say please we want to have a restaurant I do know that that 15 20 years ago there was a big push for this and the rules of eat acts are very clear 15 seats and fewer you don't have to have the three to the triple sinks and all the restaurant the restaurant stuff which basically is out of financial reach for many which

[01:55:46] is why the limitations at the dear beloved Batesville store you know sort of got out of hand people were bringing their own chairs to listen to music on Friday nights because they were not in the first 15. So anyway, all of these things, I get how we got there. Financially viable is an absolute concern because I know for the medical building in Erleasville, the lower levels had empty for two years, which is not good for any building until actually an electrical supply or something moved in there and had that office. And I guess because it was pre-existing commercial,

[01:56:24] that's how that got to happen. So anyway, what are the limits going to be is a question I would love to get an answer to when you come back with more detail. So are we talking about large footprint gas stations? Are we talking about fast food restaurants? And those were both things that were talked about specifically in the 80s and 90s in earlier comp plan things because people in the rural area did not want them. Now maybe those things would be limited by the corporate investment

[01:56:58] financial return structure, but we don't know that for sure. So I will be interested to learn how we could negotiate that because those were two very, very clear examples that keep coming back in correspondence to me. And as I said, since I've had absolutely no outreach from any of the wineries that they want to do this, I'm very concerned that we are changing the rules to legitimize activity that is not legal and acceptable, and I'm not interested in going there.

[01:57:36] So I thank you. Thank you. Supervisor Prood. Thank you. I, at first blush, I think I share most of my peers' opinions on this in that I see the value of this and have some reservations about restaurants, which seem like they're different in kind from some of the others.

[01:58:02] I don't think that couldn't be overcome by the criteria that we might set forth, but that is where I am. I've mentioned this. I also want to just clarify. My understanding is that this is a separate discussion from any conversation we've had about possible rural area commercial use clustering.

[01:58:22] I forget what the name of the day of that is. We previously talked about it under the ambit of crossroads communities, but we have a new word for it, and I've forgotten what it was. Rural communities.

[01:58:40] And this is a discreet conversation from that. This would be not tethered to a specific place. It would just be wherever the entrepreneur feels they can make a buck, make a financially viable enterprise. I worry that as a community and as a board, Sometimes we take for granted the value that we extract, the value that we are getting out of grandfathered non-conforming uses.

[01:59:15] We have so many fixtures in Albemarle County that we take for granted that are grandfathered non-conforming uses. They are everywhere. They are deeply ubiquitous in our culture and our community. And if they closed and were shuttered for a year, then we'd lose them for two years.

[01:59:33] Pardon me. They were shuttered for two years because, I don't know, someone couldn't make the rent payment. Someone couldn't figure it out. Someone died, and it took a while to sort out the inheritance. They're gone. They're gone forever. I don't think that's good policy.

[01:59:50] I think if we have something and we like it, then we should figure out how to keep it. We should figure out how to do it again. I think when we look at these kind of uses, like Supervisor Malik was discussing in the Whitehall District, you know, a rural large animal vet's office.

[02:00:06] Great. I like that. I see the value of that in the Whitehall District. I see the value of a small grocer that someone can also sell their boutique jams at. You know, I see the value of these things in our constellation of businesses that we construct.

[02:00:23] So I think if we see the value of it, we all agree that the value of it is there. we see the businesses that are currently doing it and we like them, then why would we stand in the way of allowing that to happen? So that's where I come down on this, especially because it sounds like we're going to still retain a significant level of discretion, right?

[02:00:44] It's still going to be by a special use permit. Yeah, screw it. We have discretion. We will continue to be exercising discretion and oversight on this. I don't see a significant concern. That logic could still be applied to the restaurants at wineries concept, but I do just want to, that is traffic and that is water use.

[02:01:03] Specifically the water use, I don't, I'm not a geologist. I don't know enough about how our water deposits work, as I'm frequently reminded when I talk to people who are more familiar with how wells operate. I don't know realistically how feasible this is in a lot of locations. I don't know what some of the constraints and what some of the specific stipulations that we would really need to work on.

[02:01:23] As Supervisor Malik mentioned, I also know that there are, you know, a significant state regulatory framework around agritourism and on farm winery operations that I do not profess to be expert on. I do not profess to understand how that intersects with restaurant uses.

[02:01:45] And so none of that prevents me from saying I'm in favor of it. I just want to recognize that it's a very different animal and will probably be harder for us to grapple with. Thank you. Supervisor LaPiesto-Curtley? Well, I think entrepreneurship really comes into this, and I'm in favor of looking at these non-residential examples.

[02:02:09] And I know these are only examples because I know there are other people out there, entrepreneurs that are coming up with businesses, offices, something to put in a rural area that will work. And I think that's something that we should be promoting and not stifling um i know the eda is very uh they're really pushing agritourism and that's where because everyone seems to bring up the the wineries uh you can set the criteria we can set the criteria and not have uh because i don't think anyone wants restaurants all over the rural area

[02:02:49] it would be really we could limit it to those who can have a restaurant because frankly i'll be You know, we're losing business, a lot of business, to a winery that is in another county that's bringing in like \$8 million a year.

[02:03:08] We're bringing in maybe \$2 million a year because we don't have a restaurant. There's already a location there where there's a location where they grow their own grapes, they process their own grapes. it's all local um to be able to have a restaurant and not just finger food and actually i've been to one winery and they would never be able to have a restaurant they're not large enough but they serve oyster crackers so i have a i have a tasting and i shouldn't be driving because oyster crackers

[02:03:43] just don't do it but to be able to have a full-scale restaurant with local wines served at restaurant also i mean that's huge would there be many no would you take into consideration noise lights uh water usage you would take all of that into consideration these would be under a special use permit so we would have control over whether or not something will work but why put the kibosh on something and just say no no no we don't want that uh let's explore it let's see if that's going

[02:04:19] you know if that would work that's a great economic driver frankly and a big boost for agritourism and like I said would there be many nope because that's very expensive especially with the VDAC criteria be very expensive so and I look forward to seeing other examples that would possibly come through too that that would work for our entrepreneurs thank you thank you I would just echo a lot of the comments that have been made by the other supervisors, but I think one nuance is that since this is a, we're talking about a special use permit situation, it would

[02:04:59] be helpful, I believe, to begin to delineate the kind of criteria that could be used by staff, planning commission, and the board in looking at these special use permits. So, for example, there was mention about grandfathering non-conforming uses, and I appreciate that they're grandfathered, but if there are some that fail and some entrepreneur can identify that, well, that was a grandfathered use that used to be approved. It's gone out of business. I'd like to move it over here. That might be a factor that weighs in favor of saying, well, okay, that's not really adding additional businesses to the rural area. That's removing one from one location to

[02:05:34] another. I think that we talked about rural communities briefly. I think that locating them closer to rural communities might be a factor to consider. The restrictions on their footprint that you've mentioned here, the environmental objectives or historic, those, again, are factors to consider that I think are important in helping to not just open up special use permits without giving some clear limits to what kinds of things.

[02:06:04] I do know that I appreciate the PEC's comments that there are no examples being given of businesses that are not appropriate and it might be helpful to take a look at that. I share the concerns about water and traffic with restaurants but again I'm open to looking at the factors and saying that that's one factor that weighs heavily against arbitrarily allowing a restaurant at an area that never had one but you know there may be ways to overcome that. Are there others? If not then I'd

[02:06:42] like to propose a recess may i leave a question on the table for sure probably attorney herrick uh i don't know how one would say you five people get to do this and nobody else can so that's a great concern to me and talk about picking winners and losers i mean that's wow so anyway um i don't know the answer there you go thank you okay i'm sorry could you clarify when you say those you five people can do this, Supervisor Malik, are you talking about the same type of business or are you talking about different types of businesses? Well, the comment that, oh, it's too expensive, so

[02:07:22] there will only be a couple of them. I mean, I'm just thinking to legitimize, to somehow have that be the basis for a zoning decision. No, no, no, no, it would be the criteria through VDAC, through us, it would be the criteria that would make it, because if you have a tasting room, okay, that's one set of criteria.

[02:07:43] If you have a restaurant, you have to meet state standards. VDAC, you have to have the hoods, the fans, and everything. Those are a lot of money, and it would be that, that type of thing, because they have to meet state standards. Before we take the recess, my understanding is the next item would be to go through the drafts that were provided and see what additional comments, which I propose to do sort of document by document.

[02:08:12] Correct. That's right. Okay. Then 15 minutes, and back here.

[02:19:28] we'll start back now um my understanding is that we're you know at this point still in the ac44

[02:24:23] topics for the evening the uh chapters that we've received in the packet are next for discussion and we will start with the pages on the growth management policy we'll go around then we'll do the rural area land use go around etc and we'll start with supervisor mikhiel if she is ready with any additional comments on the growth management policy.

[02:24:50] If you're not ready, we can come back to you. Okay, then I'm going to go to Supervisor Malik if you're ready. Let me get my sheet out. I think I have just a couple of notes this time. You'll be happy to know. Oh, we talked about that already.

[02:25:06] I'm still coming back to this opening paragraph to put the watershed protection in there because it's very meaningful to – this is where things have come up four or five times And I'm concerned that they're, I'm going to keep mentioning them until I, and I think that the rest of the board was supportive of that idea.

[02:25:24] So if, if you need us to have consensus votes or something as we go along, so that there's no confusion, then I'm happy to. And this is the comment about adding additional history. So it's clarified that it's all not just incrementally changed since then.

[02:25:42] At the bottom of page two, it shows fire rescue police and health care. And I didn't know what the health care was based on because there aren't any county services health care that we provide in the growth area, in the rural area.

[02:25:58] So that's something that you can let us know what that determination is. And I already mentioned in the first paragraph on page three just about talking about the down zoning so that people know where it came from and the paragraph on page four I'm okay with.

[02:26:17] Thank you. Thank you. Supervisor Pooh. i can go ahead and take it so i just want to clarify i am looking at attachment e summary of revisions um the question to the board is do the document revisions additions align to your expectations and i'm looking at first bullet of four which is growth management policy looking at attachment e the growth management policy set of revisions i see only three things they're pretty narrow and i have no issue with any of them i think i'm confused i'm looking at

[02:26:52] the same thing okay so so can we help with where we are attachment e says summary of revisions but now we're actually since we're doing the revisions in the document we're doing the documents one at a time right the first document is the growth management policy which is in front of the pack and any comments yeah that's what we're looking for but he just mentioned that the revisions are already discussed in attachment e so that we don't have to ask what's new or I got you.

[02:27:19] We still can make comments even if it's not a new revision. That just threw me. I was not sure exactly. Okay. Sounds good. So go ahead. I have no further comments on the rest of the document that I haven't already made previously. Thank you.

[02:27:36] We go to Supervisor Lupisto-Curtley if you're ready. Sorry. Excuse me. No, I'm not ready yet.

[02:27:52] Okay. Supervisor Galloway, this is a discussion of the growth management policy section. received in the package. Just that particular. Just that section. The revisions are described on attachment E, but it's to that document. I'm good with it as it stands now to take out and see what kind of response we'll get as we continue to move forward. Okay. As we take it out to the public and hear what the response is. But I'm happy with the draft at present. Okay. So we still haven't heard from Supervisor

[02:28:29] McKeel? And I will say, I don't have a lot of specifics to pull out of this and chat about, I did make a couple of notes for myself that I thought this particular document had a lot of really good information for the public that I'm not sure that they have a, not that, I mean, we have so much information we've gotten on AC44, but I think for the public to see this,

[02:28:59] And I was hoping to have more of a discussion about this publicly just because I thought it would be good for the public to hear some of this information that I think they've been missing because it

ties back to our greater discussion today and why we have been addressing certain issues, right, and the information and the data in this particular document.

[02:29:22] So I can just let it go with that. I don't know. I think those were my. Yeah. Yeah, I think I'm okay. Thank you for right now. I have nothing to add. Thank you. I'm sorry, I did miss one note that I had here.

[02:29:41] On page three of the actual official document, or whatever, the growth management, I think it may be budget, could be the place to talk about it, but it says there, if you're on page three of that, to summarize updates to the policy text, then there's four bullet points.

[02:30:02] In the inside, the third one, it says adding language for small-scale. I am in the right chapter, right? Yes, you are. This is the growth manager. Small-scale businesses and limited public services. And limited public services in the rural area. I'm getting more with conversations around services and how both folks, development area folks and rural area folks, use services back and forth in certain ways that when I read limited public services in quotes, I don't know what that means, how that's defined, specifically in Albemarle.

[02:30:37] So I'm just calling the language out because if I don't know what it means or what it's defined, I don't expect others to. And then when programming resources or figuring out where tax dollars go, how are we doing in some of these type of language phrases that we put into other guiding documents?

[02:31:00] So I'm just throwing that out there. Thank you. And my only comment was what Supervisor Malek said, which is I think that the history is too short and really needs to describe the 1980 referendum. Could I address that for a moment? Sure. The very first part of AC44, which is being written currently, but you haven't seen it yet, does have a large portion of the history in that section.

[02:31:30] But the concern here is that this particular chapter uses that as a discussion point going from 48 to 23.8, and it just misleads at that moment as to how that happened. It feels like it's being used as a club, and that's what is concerning, but without the background.

[02:31:51] Then we will go on to the rural area chapter and ask if there are additional comments on the rural area chapter, starting with Supervisor McHugh. All right, let me find it. Hold on a minute to get to my notes. On this one, I will say that we had in our packets a version that was an earlier version, but we did receive the correct version before that.

[02:32:16] And the correct version is the version that's on. And I think you've got the right version, Supervisor Malik. We've discussed it. Okay. The one that was in the combined, the five things in one file, that's what I'm working on. What's online is correct. It was only in those who got paper copies, there was one paper copy that went out.

[02:32:36] It was an earlier version. Go ahead. So I'm looking at, just to make sure I'm where everybody else is, I'm at the rural area, right? Yes. And we have all of these. Right, if there are additional major concerns.

[02:32:53] I'm looking at the action items under goal statement and all that. That's where we're going right now. Is that correct? I'm asking staff. Yes. Okay. All right. So I'm on page 8. Yes. 8. That's the first of those. We're in this whole chapter.

[02:33:09] Okay. All right. So I don't have to limit myself just to those. And we've previously discussed this in some detail. Yeah. I guess I'll just start with a question about on Action 1.1, and I'm not going to go

through each one of these by any means, but I am curious. Action 1.1, we talk about commercial

[02:33:48] forestry operations. And my question about that is pretty broad. It seems like to me that at least the commercial forestry operations that I have seen have left moonscapes, at least several of them. One of them we approved a solar farm. And I guess, I know they're not all, that's not

[02:34:23] happening everywhere. I'm not saying that. But I'm just wondering if how we would go about, What's the process to follow those commercial forestry operations?

[02:34:42] Because am I wrong in that a lot of that has at the end, the end result is tempering? It's not an industry I'm not familiar with. Maybe I'm just off base here completely, and you guys can stop me. Unfortunately, I'm not familiar.

[02:34:59] You don't know either. I don't, not that particular industry. And I'm probably bringing up something that I shouldn't be bringing up at this time, But I get worried when I see the outcome from timbering looking like the moonscape that we saw down in the southern part of the county.

[02:35:19] Oh, I hear some or see somebody walking up. And Bart, you can tell me I'm way off base, but this made me think about it. And I just, I can remember when I went to New Zealand and they, they, timbering is their world.

[02:35:36] And they had specific processes. You would drive down the road, and you would see a forest. And then the next plot of land, you would see it in the next stage. It meant that the stumps were there, and then you would see. And it was all very organized, and it didn't just leave moonscapes.

[02:35:59] So help me with this. I'm sorry. So Bart Swoboda, Deputy Director of Community Development. Long story short, because I know you're trying to get through this, is the regulations are just different. Best management practices through the state are followed for forestry, and that's how that works.

[02:36:16] And we have no control over that. Well, that's the easy answer. Because it's so sad. And see, other people know, because they know more about forestry than I do, or commercial forestry. But it's so sad when we see that happening. There's some things they need to do and do do and don't do, like grub stumps, and they leave saplings, and they have to plant sprigs, not whole trees.

[02:36:38] And they don't have a cycle as you would, like, rotate crops, say, maybe like other countries. Yeah, that's what I saw in New Zealand, and it was just wonderful. Of course, they also log their steep slopes with helicopters. That would be interesting. Thank you, Bart.

[02:36:54] That's very helpful, and that cuts the conversation. I did just, on 1.3, it talks about establish routine annual meetings with the University of Virginia, a university foundation, compliance. I thought that was a really great idea.

[02:37:10] The only thing I would hope is that with those annual meetings, which I would support, I'm assuming they might be through LUPIC or maybe not, yeah, through LUPIC. Potentially, yes. Yeah, because I'd want to make sure that updates are provided, especially to the Board of Supervisors, but certainly the public, because we're getting updates from LUPIC as well.

[02:37:30] But if we're adding that, it occurred to me it would be interesting to see those updates. So if we look at, I'm going on now to Action 2s, 2.1 through 2.4.

[02:37:48] I'm going to say, again, for this supervisor, my desire is to adopt the Chesapeake Bay Ordinance, right? It cuts to the chase. It gets it done. And I think in this climate with the federal, not knowing what's going to happen at the federal level, This is already established, and this is really our best bet, and I like it.

[02:38:12] And I don't think I need to go into details about it, but smaller counties than us have figured out how to do it, and it takes staff out of incrementally doing this, what you all have been spending time and hours and years doing, and it gives us criteria, and we can just adopt it.

[02:38:31] And it's not that you all won't have anything to do with it again, but I think it simplifies the process, and it makes it very clear for the public. And so that's my comment, I guess, on probably a good portion of that. And I really did want to ask you a question.

[02:38:56] It talks about evaluating special use permits based on, so I'm looking at 2.3, as identified in the Biodiversity Action Plan or designated an endangered species by the U.S. Fish and Wildlife Service.

[02:39:12] So the recommendation is to use both. Would one not, I'm always trying to figure out how to simplify things without losing the importance of what we're doing. So I guess my question is, we would, the biodiversity plan localizes it more for us.

[02:39:31] The idea here also is species do fall on or off the endangered list. So it was really just to make sure you catch that. and make it more local for us that we're really looking at what we might have in this community.

[02:39:49] Yeah, I get this. Okay, that was just a question. All right, so I'm going to now, I'm still on page 9, and I'm looking. Is this the way you wanted me to go through this? Is this okay? That's the idea. He's looking over at my notes, and his eyes are getting very big.

[02:40:07] We will have, at 4 o'clock, which is less than 20 minutes, we need to switch to a different topic, So anything we don't finish, we'll have to come back and do a different day. Well, that's all right. So I'll go through it quickly. So I'm talking about the action number, the threes. Reactivate ACE acquisition of conservation easement program.

[02:40:28] I will go back to what I said the last time. That's a budgetary decision. I'd like to have that discussion during budget cycle. I am not automatically going to agree to do that because that looks like to me that's just something we're going to build in and do every year.

[02:40:44] I'm not interested in that. I'm the supervisor. And I have questions about all of these, but in an effort to save time, I will let it go with a comment that I made that the ACE program is, for me, a budgetary decision, and I'm not interested in supporting that section right now.

[02:41:11] Let me just see here. This gets into, I think I'm okay right here for this one.

[02:41:34] And five, I'm sorry, I'm being so slow on this. You can tell this is not my skill set. 5.1, and I'm just going to take this on for a minute.

[02:41:54] After, am I too far in? Page 11 in this section. I'm on 10. The 5.1 now is the long version. yes that's the earlier version and i switched this out this morning because i thought i was operating off the wrong version i'm sorry and i actually had a discussion and i had it all figured out in my mind so i took that other one out and put this one in okay that's fine so there weren't very many changes i mean not a lot of them were different um yes so this is

[02:42:31] this works for me okay um because what i my notes were to change okay we're good i'm all right on that one yeah i i was so certain i had the right copy and then i switched it out um and then seven am i changing on seven i think i'm sorry yes seven i am the only question i have on or discussion i

[02:43:01] have about seven is that i am not as supportive of looking at the schedule plan i'm going to go back to that again. I think the Yancey Mills plan is a much better option because of the agriculture in that area and how we could actually tie in to agricultural. Manufacturing is not the right word, but certainly it would seem like to me that's a better location if we're talking about the interstate interchanges. And I'll just leave it at that because I've taken a lot of time and I

[02:43:40] apologize. Okay. Yep. And I should make a comment that to the extent that we get to 7.4 on the interchanges that there is a map that was at your place that shows that the areas that are being considered interchanges is smaller than what was shown in the earlier draft. It's a, there it is, the first one, at least the Shadwell interchanges, the dotted, the dashed line is smaller than the previous displayed this dash line in our packet that's correct um supervisor galloway um i think

[02:44:16] in the interest of time i don't have anything here that is problematic for me uh well except one which i'll speak to in a second but i just want to call out on number five just just so i'm perfectly clear page five you know it says discourage new residential development we're really talking we're not saying residences we're saying subdivisions and all of those type of things. Because then over in the bullets, it says discourage residential growth and development and the related demand for increased public services. So this is all driven by the idea that where you have more population, you have more need for services. I just want to make the point that

[02:44:55] we've been discouraging new residential development in the rural area for quite a while. That's been our whole standing philosophy. And the increase for public services has only increased. So it's not just population density that brings on the demand for public services so i bring it up because i don't want to necessarily just be buying into that philosophy that there's only one thing that brings that increased demand along good bad or indifferent the fact that we've got volunteerism

[02:45:32] dropping in the rural area requires an increased demand for public services and that has nothing to do with population density. So I just want to be mindful of that. The place under 3-1, is it 3-1 where the ACE, yeah, I don't, I don't know, I guess I don't see anywhere, all of this stuff costs money.

[02:45:58] Every action item in here in one way or another costs us money. But this is like the really, one of the few places, and I haven't seen some of the other chapters, so maybe it's true in some of these other chapters, but when it says source predictable funding for easement purchases, that's not something I'm putting in a comp plan.

[02:46:16] That's a budget decision. it's clearly been a budget decision because of how we've handled it over the last four or five years. So, you know, I'm fine for putting in their land conservation programs and to put all the different things in there. But if we put it in here, we're basically saying that we're going to budget for this every single year. And that where I have a problem with that. Like I'll be, and I'll tell you, I'll call out where I'll be looking for it. Does it say source predictable funding for affordable housing initiatives in the affordable housing chapter? I don't know, but I'm just calling out for those that would like that phrase

[02:46:55] there, we're going to be having that discussion in a couple other places too where we need to be sourcing predictable funding for because this is a statement to folks that we're going to do it. There's no qualifier here that says if budgets allow or based on future decisions. This is saying we're going to do it.

[02:47:12] I get a little uneasy about planning documents dictating budgetary or budget type of decisions. Thank you. Supervisor Malek. Oops, caught me napping here. Let me zoom back to where I'm supposed to be.

[02:47:29] All right, I'll just go through here. So on the chart, wait a minute, hold on a list, but I'll leave it alone. On page five, your bulleted list, encourage uses of distributed power sources.

[02:47:46] Is that on private property for personal use? Is that what you're talking about there? The third bullet from the bottom. Or is that something about utility solar without using those terms? I'm sorry, which bullets are you looking at?

[02:48:01] The third from the bottom. Third from the bottom, I'm sorry. I think you're on the- Page five, rural area land use approach. Oh, I see, no, you're right. Introduction to the chapter. You're right, you're right. Encourage uses of distributed power sources to increase the reliability of power.

[02:48:18] I mean, I don't know what the county's role is in encouraging people to put up solar in their backyard, but I mean, it's fine. I just didn't know if there was some program I didn't know about because I don't know. So that's, as long as that's not something referring to something else, I don't know.

[02:48:36] The last bullet, consider adjustments to the development area boundaries. The board decided pretty clearly a number of months ago that this would not be a decision involved with this comp plan. And yet every time we turn around, it's in there again. So I'm just protesting that because the board has decided and maybe we need a vote.

[02:48:55] I don't know. Page six, seven, sorry. This is a language thing. I would ask you to think about marketing local foods. Depends upon. It doesn't depend upon. It is helped by those things you mentioned, but lots of direct sales and sales go on here and have historically.

[02:49:16] So I think this is creating a problem where there isn't one necessarily. And I'm also concerned that we keep the scale of things very much in our mind, such as where it's appropriate so it's not a burden to the neighborhood.

[02:49:36] But in 1.1, a second bullet, adding biodiversity, we've mentioned that several times as well. It is important to have that in that list. A couple of words isn't going to be a problem. 2.1, we talked about the clearer description of the 21-acre minimum and 5-2-acre exemptions because in a smaller lot, it's the 5-2-acre exemptions that are going to count, not the 21-acre minimum.

[02:50:05] So we're almost leaving no guidance at all for the fewer than 50-acre things. And so that's why I keep bringing up that using the language from 1980, as Bill Fritz described about what the words, what the minimum is, is 21 acres with five two-acre exemptions possible on some lots.

[02:50:24] It's not a two-acre minimum. It's a 21-acre minimum. And the more we talk about it in that way, I think it will help people understand. 2.3, someone already brought that up. If we have the authority to do it for all building permits, I would be happy because I think everyone needs to buy into doing their bit.

[02:50:45] Page 10, 3.1, we talk about climate, but if we don't have conservation continuing to happen, we will have no climate program that is affordable and be able to be meaningful. So that sequestration, all of the ecological ecosystem benefits that conserved land and well-managed open land and forestry land provide is something that I hope we will continue to value.

[02:51:14] And I don't take the third bullet as a must-do. I think comp plans are aspirational and always have been. In my mind, that's what I've always understood. So in years when we can, I think it would be fabulous, and I would be very happy to get back to dedicated funding if we could, but I don't see that happening this year for sure.

[02:51:36] 4.2. Scale is a real concern in 4.2 because while a moderate-sized processing plant is one thing, a CAFO with a processing plant on the side is not, as far as the impact on everything from roads to water to neighbors' survival.

[02:52:00] I mean, the misery down in Mr. Pruitt's district from the 12,000 turkeys or chickens is an example of that. 4.3, performance standards or special permit needs for the protection of the workers who are going to be living in the housing.

[02:52:19] They definitely need standards to go with that. 4.4, this is another situation of scale. I'm not interested in having regulations of any sort on the kitchen base, jam makers and people selling their stuff, shipping it from home, the craft people, Chuck Purnell, the world-renowned leather crafter, the country who sends his stuff all over the place.

[02:52:45] These are for big locations which have a lot of impact on their surrounding area. And almost there. 11, let's see, oops, okay, 5.1, if adaptive reuse is not feasible, that phrase troubles me a lot, because this is a sentence about historic structures and buildings, and I don't want it to be understood by anybody that we're saying it's fine to buy something and tear it down.

[02:53:23] If you don't want to maintain it, please don't buy it, but focusing on the renovation of The historic structure is something I would wholeheartedly support. But this not feasible, whether it's critical slopes or any number of different things, always takes us down a dark tunnel that I would worry about.

[02:53:45] The last line in 5.1, and it's been mentioned already, I think someone mentioned it, maybe not in relation to this, some uses should be prohibited. It's not always performance standards for any old thing, but there have got to be some boundaries about what would be going on.

[02:54:04] And 6.2, does this include glamping? Because glamping didn't get anywhere four or five years ago when people wanted to bring something that was totally on top of the land. And so if that's something that could be included, then there's no attachment to the property at all.

[02:54:25] Page 12, the last bullet at the top, economic vitality for heritage properties. Sort of goes to what I said a minute ago. It's not the county taxpayer's responsibility to ensure people have a profit when they buy heritage property.

[02:54:42] So I'll just leave it at that. I just don't think that that's something we should be guaranteeing to anybody. Emphasis in 7.1 on schools and firehouses, parish houses, country stores, existing buildings where people gather can be improved after the derecho in 2011 or whenever it was.

[02:55:02] We talked about improving the facilities at firehouses so they would have a better chance to be gathering places when the power was out and it was 99 degrees for seven days.

[02:55:17] You know, that people could actually go and get a shower, that kind of thing. That's just what I have in my mind when I'm talking about these resilience hubs in existing facilities rather than building new ones. 7.3, I would be very strongly against starting that again because I think Tori was here when we went around and ran and ran the axle on this several years ago and got absolutely nowhere.

[02:55:43] So I hope that we set that aside and continue to look at those one at a time. as a landowner comes forward. And as far as 7.4, I'm not thrilled about taking up either one of the exits, but the work was done in 2015 on Yancey.

[02:56:05] It's in the drinking water watershed. All of that white area below the blue on the map slopes straight down to Stockton Creek, which goes straight into the Meechams, which goes straight into the Ravana. So that has got to be considered if we're talking about doing anything in that white zone there.

[02:56:25] And so that is my summary. Thank you. Thank you. Supervisor Pruitt. Looking at the list of changes, I don't have anything I think I would call out as something I would disagree with.

[02:56:41] To take the privilege of just a few brief comments, I would respectfully disagree with Supervisor Malik on the adaptive reuse element. I do appreciate the, I think, narrowly construed caveat carve-out that is in that action item that would allow the demolition and reconstruction of a historic building if it is not able to be used for the new purpose.

[02:57:13] I mention that because I could see the alternative would be something that contributes to additional rural blight. If something cannot be used for a purpose and we do not allow it to be destroyed and reconstructed for a commercial purpose, then I could see it just hanging out and we have to pay to destroy it, as has happened with buildings in the rural area recently.

[02:57:40] So I would respectfully push back on that one piece. And I would also just, I mention this because if the public does not know, this is something we get some frequent emails about, and it's something I feel quite passionately about, and that's 7.2 rural communities, whatever we're calling them today.

[02:58:01] I continue to think that these are really essential in how we make our rural areas thriving and succeed. I was visiting one of our neighbors. I was talking with Supervisor Reed in Nelson County, and we met at the Rockfish Valley Community Center.

[02:58:22] Nelson is almost entirely a rural area, but they have a network of small, private, non-profit community centers that are not currently receiving government support that basically do what we're talking about. They're fairly low-footprint things. This Rockfish Community Center had a coffee shop.

[02:58:39] It had multiple rooms that the public could rent from the nonprofit for various events and community events. It had a small restaurant that didn't have seating, but you could pick up something to go. It had like a mineral store, a thrift store, and all quite compactly contained.

[02:58:56] And there were people coming through. And it served as a focal point for the community in that rural area. That is a really excellent thing. I think we have things that are comparable that have occurred kind of just incidentally in our community. The example I always give in Albemarle County, the one that pops in my mind is the crossroads in the Samuel Miller district.

[02:59:16] We all love Dr. Ho's Pizza. And it's kind of doing something similar, but wouldn't it be great if we could do something with a little bit more intentionality to that? I still feel, like, very strongly connected

to this, and I want to just emphasize that again here from the dais because I know it's something we get pushback from very specific members of the community with some regularity.

[02:59:39] And I also mention that just to speak to folks who are involved in planning, that that means that the small area plans for the rural area are going to be immensely important because the way 7.2 is constructed harks back to the small area plans, and I can picture what the audience might look like if we aren't very intentional about how we develop that.

[03:00:03] Right. I know it's going to be the same three people who send me emails, frequently opposing crossroad communities. Right. And those are valuable inputs. They should be in that room. But we know that there's I know that there's hundreds of other people in the rural area who would love a community center or something resembling that where they could gather and have these kind of opportunities that other people in other communities have.

[03:00:26] So that's my little peg, my little flag in the ground that I want to just state on this. And thank you. Thank you. Supervisor Lupita, perfect. Thank you very much. And I don't disagree with your comments. So you're welcome.

[03:00:44] If we could go to 3.1, I agree with taking or not having the source predictable funding for easement purchases, although I am in favor of the ACE, reconstituting the ACE committee.

[03:01:04] I've been, I've had a number of questions and concerns from my constituents wanting that, liking that, but, and the big thing is to include the completion of the scoring system. That's something that was missing from the last ACE committee when it was a couple years ago, but that's something I think that needs to be instituted is the scoring system, which I think would greatly help.

[03:01:33] But I do agree, it's a budget issue, so whether or not it gets funded, I agree with that part. 4.5, I think that is just saying that if you have a special event on a historical property or heritage property, you have to have ingress and egress onto a V-dot road, correct?

[03:01:57] Correct. I would say there are a number, at least in my district, but there are a number of them around. Maybe it should be to be able to do that by ride or special use permit to have that.

[03:02:14] The other one is, I'm sorry, excuse me, notes, notes, notes. Did that, that one, okay.

[03:02:34] And the last one is the 7.4 developed small area plan. I agree. I don't see any on the one for Shadwell. I don't see any agricultural, agricultural-related industries in that area being available.

[03:02:52] I will say I do appreciate the new revised map I, because that was causing anxiety amongst a lot of the residents because of the worry, the worry was sprawl.

[03:03:12] You know, you're doing that. If you take a look at the map, the red area is already designated. That's where, at the very upper right-hand corner of the red spot, that's where the Comfort Inn is. And right next to it are three homes. They all want to be in the, and it's already designated highway commercial.

[03:03:33] The circle now goes to, that's Hunter's Way. That's, if you know where the UPS is, that's that light blue section there. I would like to see, and I don't know if we'd have as much opposition, if we just narrowed it to the Comfort Inn, the three homes next to it, And the area just south of that, which is Lego Drive South, and Coors, that's part of the Coors building there.

[03:04:04] If that was the area that we studied for, it's already designated highway commercial. If we just studied that area, then I think that would prove to a lot of people, frankly, we're not going further east.

[03:04:25] So that would be my recommendation is just to narrow the study area if you're going to do it. My preference is not to do it at all, but if you're going to do it, to narrow it. And that, oh, wait, 4.5 again.

[03:04:49] Oh, only being allowed. Yes, I made my comments. Thank you. Thank you. What's up? Pardon? What's up? Oh, I do have one little question. This is for Supervisor McKeel. Regarding the forestry, which you observed in New Zealand, you know, in sections, is it because maybe our areas of forestry are owned by different people?

[03:05:16] Just wondering. No, they're all owned by the government, at least. They're owned by the government. The property, the land's owned by the government, at least. Okay, but you're not suggesting not having forestry because we need that. That's a big industry. I was just concerned about some of the moonscapes that I've seen after some of the timbering.

[03:05:35] got it okay thank you thank you um i'm not going to take much time here i'm going to double down on supervisor malik's comment about just taking out the on page five in the list of bullets to consider adjustments to development area boundaries because that's discussed elsewhere and i don't want to suggest that that's what we're trying to do here um the uh i'm i'm better with the map i'm t i'm treating things like this map and a lot of these bullets and one of these action items the way I read them is you know update the zoning code it doesn't

[03:06:12] mean that we need to discuss right now what all the details of those updates are going to be there'll be time for that when those updates are coming before us not not necessarily now that's I would just comment on sourcing predictable funding for easement purchases that I thought thought thought a lot of that in the past had been leveraging external funds and that that was something we were trying to identify as how we could leverage external funds I still feel an action 4.1, and I'm probably alone on this, but when it says use land conservation tools to reduce the conversion of rural land

[03:06:50] to things such as residential and commercial, that large-scale utility just kind of jumps out at me as contradictory to what we said elsewhere about how we review those projects. And so I'm not sure why that is treated the same as reducing conversion otherwise.

[03:07:10] And those are, I just worry in Action 5.1 that you have a reference to a page number, which has changed from one document to the next. So if you're going to list a page number, you have to be very careful.

[03:07:30] There's a feature for that in Word. Excuse me? There's a feature for that. I forget what the command is called. Had to learn it for law review. All right. And, you know, I'm going to pass on additional comments at this time.

[03:07:46] And I'm sorry, can I just, real quickly, talking about page numbers, it would be very helpful if these drafts could have a date. I looked this morning when I was confused about a date, and there's no date on the document, so I was trying to compare it, and I had myself so confused.

[03:08:06] So if we could just put a date, then you all can reference a date. Happy to. That would be lovely. Thank you. That's an easy one. And I did find them, so for the next discussion, I have the right ones. Karen, could I ask for clarification on one item? The Shadwell study, I heard kind of half and half.

[03:08:27] Half of you all said, you know, don't study it, and half didn't comment. So I was wondering if I could get some clarification on if you'd like us to study it or not. So are we going to put that in the context of action, 7.4?

[03:08:43] 7.4, yes, I think that's correct. 7.4, and with the new study areas as described on the map. We can go around. Supervisor McKeel, do you have any additional?

[03:09:00] No comments. I'm still more interested in the ANC Mills. Thank you. Interject, yeah. Okay. Supervisor Galloway? I'm not clear what you're asking me to clarify. There's a few folks, a few of the supervisors had asked us to remove that.

[03:09:18] Or restrict the duration. I don't think we should remove. I think we should be studying both, as it was there. My previous comments had said that I thought, I think I was more in favor of Shadwell over Yancey. Okay. But, I mean, that was just a one, which one goes first or second.

[03:09:35] But that was, what, a month ago when I said that. So I'm not, I mean, I think both should happen. I'm not feeling strongly about which one has to be one or which one has to be two. And let me just clarify, because I thought we were prioritizing which one first.

[03:09:52] And that's what I was referring to. I'm sorry. Okay. So I would have started with rather than, but I agree both. Yeah, yeah, I hear what. Okay. So just to be clear. Supervisor McKeel has expressed kind of a clear priority of which one should be one or two. Yeah. But taking it or getting rid of it, I don't think, I don't agree with that.

[03:10:12] Supervisor Malik. So is a question to be considered now changing the map area? because this currently's idea of changing the map in the top one made me realize that if the white area below the blue in Yancey was taken out, that would remove the critical resources from that section and make the study much more meaningful because it's steep slopes and watershed and there's no point in spending a lot of time or effort or community upset doing something where it's not going to be prone for this kind of use.

[03:10:47] All the blue is the lumberyard, and it is very actively in operation and certainly shows an example of the kind of commercial timber that is going on in Albemarle for sure and some surrounding counties as well.

[03:11:05] So if we need to have a vote on those kinds of map questions, then that's fine, but if we want to come back and do that some other time, that's just what I'm putting on the table right now. Okay. And this is a study. This is a study. That's an important comment, and I appreciate that.

[03:11:24] Supervisor Proulx. When I said I had no comments on the revisions as presented, that included this. I'm fine with us proceeding with the study with the prioritization order listed, with the bounds listed.

[03:11:41] Great. Thank you. Thank you. Supervisor Proulx. and i would prefer removing the study altogether at least for shadwell uh because i i don't i it's a it's a very interesting area and it's causing a lot of consternation uh because of the potential for sprawl so i would be in favor of removing it i i see a red line that is there now was that just added or is that a um a whoops move that was for discussion purposes um as a as a potential

[03:12:18] narrowing the area right was not intended to leave that on the presentation thank you i mean if if the board decides to that we need to study this then i would definitely be in favor of the red line going west that smaller area if if that's the way it goes but my first preference is to remove it not study it at all

thank you and i'm in favor of studying the areas and i like the new designation i i hope the study will take into account any kind of sensitive environmental areas

[03:12:57] the i-64 area and nancy extends quite a bit from the intersection and so i don't know why that's all considered interchange area at this point. But otherwise, I think the study could help flush out some of those concerns. And I hope we'll address some of the comments we receive from the public about this leading to sprawl, because I think that if we study it and appropriately do it, it won't be a sprawl, but so much as a better utilization of the land.

[03:13:28] Yes? I just wanted to point out the wide area there, probably in both Yancey and Shadwell, That is the rural area, and the concern is that there would be commercial, there would be light industry and such coming into that area, and that's what the concern is, which is pushing the development area borders, which we as a board have been against doing that.

[03:14:00] Okay. I think that clarifies for me. Thank you. Clearly some disagreement. The board, we're at 415. We were scheduled to go to a presentation at 4.15 on the presentation on conservation easements.

[03:14:17] If we do so, then we will have to come back at some later date to discuss additional comments on the development area chapter and on the guidelines. Community design guidelines. Yes, community design guidelines. If that is acceptable to staff at this point, then I propose that we move ahead with our next item, which is Item 10, Presentation on Conservation Easements, Jody Filardo, Community Development Director, and Peter Lynch, County Assessor.

[03:14:45] Thank you. Thank you. Thank you very much for your patience with us.

[03:15:07] Chair Andrews, Jody Filardo, Community Development Director, I have with me today Mr. Peter Lynch, our County Assessor,

[03:15:53] and we also have supportive team members in the audience as well in case you ask a question you can't hear. You speak very quietly. You've got to swallow that thing. Thank you. I'll try this again. Is that better, Supervisor Mallory?

[03:16:09] A little bit. Okay. I'm pretty close to you, and I can still have a hard time. I'll try to speak up much more loudly. That's better. Jody Filardo, Community Development Director with Mr. Peter Lynch, our tax assessor. We are here following up on a request from all of you to get a summary of conservation easements, what they are, and a little bit of history on them.

[03:16:32] So today I'm going to just lay out, in general, a conversation about conservation easements and the variety of different easements we have in the county, and then I'm going to hand it over to Mr. Peter Lynch, and he will walk us through some of the financial implications of these easements.

[03:16:50] So conservation easements, we want to talk about rural area parcels, and there are really three major areas for consideration. Number one, there are regular parcels not in a conservation program.

[03:17:07] Then there are two different types of periodic conservation easements that get reconsidered based on a time limit. So we've got the ag forestal district parcels, and then we've got those parcels that are held in open space use agreement.

[03:17:25] And then finally, we have parcels that are in permanent conservation easements. And based on the kind of conservation that is placed on these parcels, they provide different levels of restrictions or protect different things in each type of different easement.

[03:17:44] So ag forestal districts restrict small lot development rights. Then open space use agreements restrict all development, but those are temporary restrictions. And then conservation easements generally restrict all development, and they are permanent.

[03:18:03] So let's talk a little bit about what the heck these conservation easements are all about. Conservation easements are permanent legal agreements between a landowner and an easement-holding organization.

[03:18:19] And we're going to talk a little bit more in detail of who are easement-holder organizations within Atman County in a minute. The purpose is to really protect rural open space or some resources, either natural or historic in the rural area.

[03:18:37] The easement holders either accept a donation of land or we purchase the development rights through the ACE program, for example. But the easement holder is responsible for enforcing all of the restrictions of those easements.

[03:18:57] The legal authority is based on Virginia state law, and the parameters, these must comply with our comprehensive plan. So now I'm going to walk you through a constructed example, just because I do better with pictures and examples. And we're going to be talking about these areas that are outlined in with the yellow lines here.

[03:19:18] Pretend these are three separate parcels all owned by the same person. So we've got this one at the top. I hope you can see my, oh, maybe not. Let me get a pointer here. Here we go.

[03:19:34] We've got this one parcel at the top, this larger parcel here, and then a little bitty parcel off here to the east. With these three parcels, if you say that they got five development rights each in 1980 when we gave small lot development rights, three parcels all totaled together would have 15 potential small lot development rights.

[03:20:04] And that, with our easements, we can limit the number and the size of the dwellings. What you've also seen me do here is I've added some other things that limit the size of development on this parcel. The blue here would be a floodplain.

[03:20:23] The white is a forested area, and this is a no-build area. This is the watershed of South Fork Rivanna, and it has riparian buffers. This is high-priority habitat as limited potentially through the Biodiversity Action Plan.

[03:20:40] And this other piece right over here is limited because there is a setback requirement from a scenic byway. So it just shows you kind of how we can limit what goes on in rural area on large parcels. So all of these things can be considered floodplains, critical slopes, historic sites, mountain protection areas, and then adjacency to other easements.

[03:21:04] So as I'd mentioned before, here are a list of the easement holders within Albemarle County. You can see Virginia Outdoors Foundation is by far the largest, which will come as probably no surprise. I see Supervisor Malek kind of smiling and nodding.

[03:21:21] Oh, they're on yours. Okay. Very good. And then you see the Albemarle County, or rather, Albemarle Conservation Easement Authority. CEA holds the ACE easements as well as donated easements, and they are our second largest easement holder.

[03:21:40] And then you can see an array of the remaining eight. There are 603 easements held by all of these people that represent 1,481 parcels in total for acreage of \$109,000 and change.

[03:21:57] So about 25% of the rural area for Albemarle is in easements. So what is the difference between ACEA and ACE? Unfortunately, they have very similar names, and it's easy to get them very confused.

[03:22:13] But the purpose of ACEA, it's a county-established easement holder. So they accept donated easements from individual property owners, or they hold the easements that we have purchased through the ACE program. It was founded in 1989.

[03:22:30] It is funded to a very limited extent by Virginia Land Conservation Fund. You all appoint authority members to govern this program. And right now, as I mentioned before, they hold significant easements, 31,528 acres.

[03:22:48] And they work with easement holders to provide reciprocal support. And reciprocal support can be researching or on-site field work, looking at what these property owners are doing on their properties to make sure they're in compliance with the easement obligations.

[03:23:07] The ACE program is a program where we, the county, purchase development rights, and it's geared at lower-income landowners that aren't able to avail of any benefit from a tax credit program or a tax credit donation.

[03:23:23] As you can see, it was established in 2000. It is funded, as we've heard multiple times earlier today, by the general fund. So you all will have a conversation about that in a little bit. Right now, we have 52 total easements for 113 parcels or 9,623 acres.

[03:23:44] Previously, you'd raised some questions about what has the ACE program actually been effective in doing what we'd hoped. Right now, based on our research, actually 70% of the properties are still held in the same family.

[03:24:00] So it seems to have been doing what we had hoped it would do. And almost 81% of the participants are in the lowest-to-income brackets, meaning under \$65,000. And we've leveraged over \$2 million in state grants to reduce our purchasing cost when we've purchased those easements.

[03:24:23] So these easements do support the comp plan goals. They protect our public water supply. They maintain our agricultural and forestal economy and protect those lovely scenic landscapes for us and tourism and historic preservation.

[03:24:42] They limit scattered development and therefore reduce demand for services as well and additional infrastructure. and they maintain rural land cover for climate action privileges. This is my transition point, and I'm going to shift now over to Mr. Pete.

[03:25:04] And Pete, if you would kindly take it away. Thank you, Jody. Board of Supervisors, Board of Supervisor members, I'm Peter Lynch, County Assessor. And I'm here because I handle both the land use program, I administer the land use program, So, I'm kind of versed on how these programs affect the taxation of the properties, and I want to share that with you.

[03:25:33] Also, I want to talk a little bit about the, you know, these are all, all of these programs that Jody shared with you. ag forest districts open space use agreements and the conservation easements are all tools in your toolbox along with the zoning the rural area zoning to control development in the rural areas

so I think that is an important factor one of the major effects of conservation easements on County finances is that conservation easement properties are almost always assessed at

[03:26:12] at land use rates. I'm going to provide some detailed examples in a few minutes, but basically when a parcel is put under conservation easement, the assessment will be lower. It'll either be lower by approximately half for a very small portion of the properties, but the vast majority will be assessed at land use rates, so it is quite a reduction in the assessed value therefore the taxes we will collect on a property that's under

[03:26:44] conservation easement there's also an effect on the the local composite index and I will show you in my examples that a conservation easement is actually a positive when it comes to the local composite index as opposed to the same parcel being under the land use program and and you'll see I believe in the examples why that works the way it does so first of all I want to connect the programs that Jody discussed with land use programs so that we can make sure we

[03:27:23] understand how those different things connect because they're not the same thing first of all you have your regular parcels that are not in a conservation program those may be assessed at market value or they may be even though they're not in a conservation program like an AG forest district they may be under agriculture or or forestry that active uses and they could qualify for

[03:28:01] land use that way and then we have a group that's right we have a group of the group of parcels that are under ag forest districts or open space use agreements and these are temporary programs where they can be removed from the program and they're not permanent like a conservation these same parcels can either be fully taxable or they can qualify for agriculture forestry or an added open space category of land use so any parcels that are under these two

[03:28:41] programs can qualify for any of the four agriculture horticulture forestry and open space as long as they meet the minimum acreage requirements or they may not be in the land use program at all finally the conservation easements as i mentioned earlier they will typically almost always be assessed at land use rates however there's a very small number that would be there that we're supposed to assess them to reflect

[03:29:13] the reduction in value due to the restrictions and in a few cases we redo that by reducing the value by 50% but for the majority of those parcels as I said we assess them at land use rates and now okay so the state enables the land use land use program land use taxation program and the board in the past has adopted all four of the categories for Albemarle County so it's

[03:29:49] a state-enabled program but then it's adopted by the county and we we have all four of those programs as I said the this is a temporary reduction in taxes it's a deferment that's created and because of that if the use ends if the qualification ends then rollback taxes would be assessed so the difference between these programs and the conservation easements which are permanent is that there can be rollback taxes with a conservation easement there's never a rollback because there's there can never be an end to that

[03:30:25] qualification okay so this is where we are getting to the sample the examples which I hope will show the difference between these different programs we're We're going to use, and I'm going to show you a map of the parcel in a second, but it's a 35-acre parcel, and it includes a two-acre home site, which is what we include for the majority of properties in the rural areas.

[03:30:56] And there is an active forestal and agricultural use on the remaining 33 acres on this parcel, which will qualify it for land use. The parcel contains five small lot development rights, and as you will see in the picture, it already has a house on it, so it has the house and the ability to build four additional structures and subdivide additional parcels as small as two acres for those four additional structures.

[03:31:30] So that is the ability that we're trying to restrict through the land use program. Because of the size of the parcel, there are no 21-acre buy-write ability to subdivide.

[03:31:52] So for this example, our home site values \$100,000. So the two-acre home site that we identify is worth \$100,000 in value. The residual land at market, if this parcel is not under land use, the residual land would be valued at \$15,000 per acre.

[03:32:15] And I'll get into the details in a second. On the land use side, we will assess the agricultural portion, which in this case is 10 acres, at \$300 per acre. The \$300 per acre is set by the SLEAC Council.

[03:32:31] And the same thing with the forestry. There are 23 acres that we will value at \$504 per acre. And that, again, is values that are set by SLEAC. So SLEAC is the state land evaluation guidelines that are, it's set by state law and a group at Virginia Tech does the analysis and sets the values for all jurisdictions in the Commonwealth.

[03:33:07] So when I mention SLEAC, that's the source. We are required to consider those SLEAC values. And in our case, we adopt the SLEAC values. You know, we're only required to consider, but we do use them in Albemarle County. So this is the parcel, aerial photograph of the example parcel.

[03:33:28] As you see, the circle shows the home site. That's an approximately two-acre area that is valued at \$100,000. And for the market value, if this parcel were not in land use, it would have a value of \$595,000 because the residual land would be valued at \$15,000 per acre times the 33 acres.

[03:33:51] And so the total value would be \$595,000. And they would be assessed approximately \$5,081 based on that overall land assessment. We're ignoring improvements because no matter if the parcel is in land use, conservation easement, or regular taxable, the improvements will be taxed and valued exactly the same way.

[03:34:14] So for this example, we're just talking about land. And one last thing on that slide, the true tax value that we report to the state, and this is the amount of value that's on our land book, is \$595,000.

[03:34:31] So it matches the market value. The next scenario is this parcel being valued under land use. So it doesn't matter if it's the active forestry and agricultural use on this parcel or if this parcel were in an ag forest district and it was receiving open space, all of those scenarios would be the same valuation.

[03:34:58] And it would be assessed exactly as it shows here on the screen. So just to explain this a little bit, the agricultural areas that the arrows point to could be hay production, could be cows being raised in those areas, It could be horses that are being stabled there.

[03:35:22] It could be any active agricultural use. They're cleared areas, and for this example, we are going by the fact that there is a qualified use on that area. The forested areas would count as forestry, and we've measured those areas to be 10 acres of agriculture and 23 acres of forestry, plus the 2-acre home site.

[03:35:47] the total value land use value based on those SLEAC rates added to the \$100,000 home site value is \$114,600. So this parcel under land use would be assessed for taxes at \$114,600. The annual taxes would be about \$979.

[03:36:10] However, when we report this value to the state, the true tax value for the For the local composite index, we would report \$595,000, the full value of the market value of the parcel.

[03:36:31] My third example here is if this parcel were under a conservation easement. So we're going to value the home site exactly the same at \$100,000. The remaining 33 acres will be valued based on the same land use rates as if they were actively qualified for forestry and agriculture.

[03:36:54] So the taxable value is going to be the same as if it was under land use. So it's the same calculations. You come up with \$114,600, the annual tax is of \$979. And the difference is when we report to the state, the true tax value on our land book is \$114,600 instead of \$595,000.

[03:37:22] Therefore, in the calculation of the local composite index, they use the full true tax value for all of the parcels that are in land use, they're using the full market value for all of the parcels under conservation easement, they're using the reduced land use values.

[03:37:44] So the difference between those lowers the amount of true tax value, therefore it increases our share comparatively of that LCI.

[03:38:05] So a lower true tax value would increase our share. So it's a positive when it comes to the amount that we receive for school funding. Now, of course, we are receiving less actual tax revenue on both parcels in land use and parcels under conservation easement than we would if they were actually assessed at full market value.

[03:38:31] So there's a tradeoff. There's a cost to those programs. But there are two different ways that they work when it affects our local taxation or when it affects that LCI. I just wanted to add a little bit before questions there have been a few because we've talked about AG force districts and we're going to be talking more about AG force districts this evening there had been some emails that is sent to the board they've also been sent to the AG forest committee so they

[03:39:08] came directly to me also since I am on that committee there's been a lot of information that's been put out there I think misinformation or misunderstanding of the ag forest district and the way it works i ran some calculations i provided to the ag forest district committee several weeks ago because a lot of the information being put out is that if we reduce the number of parcels in ag forest districts we will somehow increase development in

[03:39:41] rural areas. We will not allow agriculture and forestal activities in those areas. And none of that is true. What we will be talking about this evening is removing parcels that have no development potential. And the information that I provided to the Ag Forest District Committee is that only 8.7% of land that we qualify in Albemarle County as forestry and agriculture

[03:40:13] is actually located in an ag forest district 91.3% of land qualified for agriculture and forestry are outside of ag forest districts and this doesn't this doesn't include any of that activity that might take place on conservation easement land I wanted to to share that information with you and kind of put it in perspective because this is one of your tools as I said for restricting development in the rural areas.

[03:40:47] Now, are there any questions? Thank you. We'll go through our order, starting with Supervisor McKeel. So this has been very informative and helpful, and thank you, Jody and Peter. I appreciate it. So obviously, some of what I've understood over the last few years is inaccurate information. I'm just saying,

it is what it is, right? And I really appreciate it. I guess we should have a refresher of this every so often at the board level so that everybody knows, right?

[03:41:19] Very good. So tell me what you were saying. Give me, you said that by state law, the values are set by the organization at Virginia Tech.

[03:41:37] Correct. So tell me, give me that, spell it out there, tell me that acronym again, because I can't understand exactly what you're saying. It's S-L-E-A-C. S-L-E-A-C. So go through what it actually means again.

[03:41:55] State Land Evaluation Advisory Council. Thank you. That was helpful. So if you go to page six, I think I had a question.

[03:42:10] Let's see. Although it may have been answered as we went through. So help me with self-regulating. So the ACEA program is self-regulating.

[03:42:30] Am I understanding that correctly? That the members, the authority members govern the program. So I'm calling that self-regulating. Is that correct? As opposed to the state regulation, it's us, the county.

[03:42:46] Yes, you all appoint members to the ACEA, if that's what you're talking about, supervisor. Yes. Yes, you do appoint them. and then they work with the holders to provide support. Yes, and support can mean making sure that the easements and the regulations that those easements place on the individual properties are adhered to.

[03:43:10] So we actually do have one staff member part-time that works in my department that actually does do field inspections of these easements to make sure that nobody's built something where they shouldn't have or taken down the forest or those kinds of things, depending on the specifics in the conservation agreement.

[03:43:34] So that answers my question because I was trying to figure out who was overseeing, right, and making sure that that was actually what was supposed to be happening was happening. So it's a staff person that's going. Okay, I got that. That's helpful. Go back to my questions here.

[03:43:53] So this is a really, probably a really broad question, maybe wackadoodle. But we have a number of rural or zoning requirements, right?

[03:44:15] We have ordinances and zoning requirements that protect. You can't build, you can't do this, you can't. So tell me, so we have, it seems like to me we have layers of protection. And help me understand, from just the big picture, how those multiple layers, if you can, work together and why so many layers of protection.

[03:44:41] And I understand the protection that they provide. And maybe that's an impossible question to answer. But it seems like to me there's redundancy. Does that help when I say the word redundancy? Perhaps. Yeah, there are some redundancies in this.

[03:44:59] When it comes to ag forest districts, the fact that it includes parcels that don't have any development rights and the zoning already restricts the ability for them to develop, that is a redundancy that is not necessarily useful.

[03:45:21] Yes, and that's what I'm getting at. So why do we do that? So the advantage outweighs that redundancy is what you're saying. I'm trying to get at this because we hear this a lot from the community. I don't want to step on CDD's toes here, but I believe there's kind of a historical...

[03:45:38] There was a desire to put a lot of parcels in Ag Force districts in the past. They were very popular in the 70s for different reasons, for blocking road takes and stuff like that.

[03:45:56] So that was 64. Correct. Why 64 was not built away. It was very popular at that time. A lot of things have changed in the last 50 years, and I think it's possible that the ag forest districts aren't as useful as they used to be.

[03:46:13] Thank you. That helps me a lot because I kept trying to figure out why we had all of this redundancy and the layers. So tell me, can you just briefly say this again? I'm trying to – so the ag forestal districts – go through that again, not the whole thing, but just to summarize it.

[03:46:33] So the Ag Forest Districts were developed in the 70s originally, into the 80s, I believe. I'm not sure how recent the latest ones was started. But my understanding was protection for road takes was one of the big motivations for putting parcels in the Ag Forest District at that time.

[03:46:53] Right. Very interesting. So just because something was historically necessary doesn't mean that it still is. Having said that, the Virginia Department of Transportation and the commissioners have been very clear that those land takes will no longer happen.

[03:47:18] Now, there's no guarantee of that, I guess. But they have been very clear because they can't afford to do those anymore is what happens, right? And they're more trouble than they're worth in fighting the localities, I'm sure, and everything. Interesting. That was very helpful. All right, so there is redundancy, and the ag forestal piece is not as useful as it used to be, but we still have it because of the historical.

[03:47:44] Am I framing that correctly? Yes, ma'am. Interesting. Okay. So you also helped me a little bit with what I hear from the community all the time, that we're protecting something that doesn't have the development rights to begin with.

[03:48:00] Yes, ma'am. And you addressed that. Would you go back to that a minute? So the entire effort that we're talking about in what we're going to discuss this evening is to remove parcels that don't have development rights that are included in open space, I'm sorry, in Ag Forest districts.

[03:48:17] So we want to, well, we want to follow the county code that says that only parcels that have those small lot development rights can be included in Ag Forest districts.

[03:48:36] So the move this evening is to remove those parcels that do not have development rights. And so we have folks that are very careful, obviously, to make sure that they no longer qualify. That is correct.

[03:48:53] And I think that's fairly recent. I mean, but that just may be an incorrect statement on my part. But over the last, I don't know how long, but I'm not sure we've been doing that for the... So if you're referring to making sure that those parcels don't have development rights, is that what we're referring to?

[03:49:11] So that's part of the, you know, we had this conversation five or six years ago in front of the board. And the only information we had time at that time to determine was those parcels that were in the open space category.

[03:49:27] Because it takes a lot of work to do the development rights research. So the community development, Scott Clark in the community development, was able to take that amount of work and determine the development rights on open space parcels.

[03:49:50] We have expanded that since then, which we have more capability, and we have determined through the county attorney's office and the county executive's office that we really should be following the county code, that no parcels should be allowed in these districts that don't have development rights.

[03:50:10] So we've expanded that capability to do development rights checks on all parcels before they come up for district review. I want to interrupt just for a moment because we have a public hearing tonight on these districts, and there are a number of people who are going to want to be present, perhaps speak at the public hearing, and so that a discussion at this time, extensive discussion about the policy with respect to small lot development rights and Actors Logistics Review should wait to this evening or be repeated this evening so that the public can hear it.

[03:50:48] Okay, so I'd really like to streamline this a little bit. And I get that. That's fine. I'm just trying to understand it. Okay, and I have one more question, and then I know I have to go to other folks, Go back and help me because I've heard for so many years about the Local Composite Index.

[03:51:04] So help me understand really quickly, just high level again, what the differences were. So one, I understand the two programs affect the LCI differently. That is correct because parcels under the land use program are assessed at both market and land use to determine the deferred amount in the case that rollback taxes need to be assessed.

[03:51:29] we will, as required, we will report the full market value to the state, and that's the number that will be used to determine the LCI. We will tax at the lower amount. In contrast, conservation easement parcels only have one value, and that's the reduced value.

[03:51:51] So what we report to the state is the reduced amount. So the local composite index is affected, but it's affected differently by the programs? Correct. I mean, or affected or not affected, I guess is one way to put it. Okay, that's interesting. Just amazing what attorney you talk to as to how you get a different answer.

[03:52:09] Yes, and I do understand, you know, when you're talking to the county attorney's office, the law includes all of open space. So Ag Forest District's open space use agreements and conservation use agreements are all actually talked about in the same section of the code.

[03:52:28] However, when it comes to practice and assessments, they're assessed differently. I got you. And that's the difference. Yeah, and that makes sense, I guess. Thank you very much, and I'm going to stop now. I think the questions I'm going to have relative to this aspect of it, it might just be best for me to get all this and then respond right now.

[03:52:59] I've got to understand this presentation and what I listened to to make sure i got my head wrapped around it but if you could go back to the earlier i don't know what the slot number was um how many it had all your prop like easements and numbers and what was in it i think for now for me to understand no go forward this one um just so that i i think i'm gonna have questions about this but i want to understand it so there's different words being used here i want to try to map them together we got easements we got parcels we got acres we got

[03:53:38] properties we got participants how many people how many property owners are in this program which program the ACE program ACE the Acquisition of Conservation and Easement Program on column right on the right side to 50 well he wants to know how 52 people supervisor Galloway Scott Clark is in the audience and so I think he's coming Yep, and he probably knows that off the top of his head.

[03:54:16] Well, and here's where I'm going because you throw stats at us. So 70% of properties, is properties just equate all this stuff for me? So are parcels equate to properties? Not necessarily. I'm Scott Clark. I'm the conservation program manager in CDD.

[03:54:33] So first on the number of properties overall, the 52 easements, I believe we have about 56 different landowners on that land now because some of the larger ACE properties are allowed to divide into a couple of 100-acre pieces or something like that.

[03:54:51] So we've got about 56 owners right now. How many? About 56. So when you say 80.8% of participants, that number should be 56 to do the math? That's only talking about the original owners who made the application.

[03:55:07] So that would have been 52. The income evaluation is only done. percent of properties so what number is 70 percent of how many properties it's 52 properties some of which have more than one parcel in them okay so a property can equate to the individual property owner in some cases in most cases there's parcels on one property yeah is that fair

[03:55:41] yeah the when we say 80 of the participants were in the lowest two income brackets under 65 000 the other 20 percent now i know our program is based on a sliding scale of adjusted gross income i believe is the language what um what's the breakout of the other 20 percent that received this what's their income bracket that i don't have to top my head but we can we can research that

[03:56:16] i don't appreciate that um but we can be assured that 80 percent of 52 were under 65 000 right um and since 2000 how much have we put into this program if i remember correctly i believe the

[03:56:46] total county expenditure was 13.9 million i can look that up to verify it later um thank you for that and i may end up having a follow-up questions based on that information but once i get that organized in my brain and with the follow-up that'd be that'd be great thank you advisor malik thank you um thank you so much for this explanation every time i hear it it's clearer and clearer so

[03:57:21] So I'm really glad to get the way you described it to be understanding it better. Just a little quick background on since I was here and involved in the egg forestal district where I live. The point in the 80s was to try to encourage more people to be interested in conservation and stewardship, period, because there wasn't much.

[03:57:46] and so having a bigger club where 19 acre parcel next to me wanted to join onto our core and we had i think for a while we had like 1500 acres or not more than that actually 2500 acres and then one farm came out near the airport because they were going to do something else so it's um i think a lot of of parcel owners felt the sort of collegial we're going to get in this because we care about our community and we want to be part of it even though they weren't getting any benefit for it because these smaller parcels some of them were not in agriculture and they had

[03:58:22] no financial benefit whatsoever the ones who were in qualified in some other way the difficulty that i remember from five years ago when or seven years ago whenever we started this was that there were

21 acre lots which were qualifying because they had been told way back then different staff together to sign up for open space as a way to avoid the revalidation program which i worked for 20 years to get adopted and i'm very i think it's the only fair way to make sure that we have a really good accountability in our program to say you have to qualify every two years and show us

[03:59:00] how you qualify every two years um it's taken all these years to sort of get back again to where we were before this happened so uh when i had a turn on the ag forestal district and found out that there were a lot of subdivision lots across the street from me. I was very unhappy about that and raised this issue over and over again. And the way to, after lots of round and round and round discussion, the development rights issue was sort of landed on, and Scott will remember this better

[03:59:37] than I, but as a way to segregate ones. If there's another way to do it that requires, in order to participate you have to have a contract which I always thought was a good idea because it does show that an open space landowner is actually making a contribution to the community by saying for the next 10 years we're not going to do anything which is the whole point is you're making a commitment for a longer period of time as to and I would be very supportive also of stewardship requirements that people would have to do to maintain this qualification. I'm not

[04:00:17] positive we have authority to do that but anyway that's just a little background from from my point of view as a ag forestal founder and also as a someone who's been working for a really long time on trying to improve the stewardship and conservation for a lot of our open land so that's really all i had at the moment thank you thank you supervisor prude i want to begin by just saying this is a great presentation i think i have pieced together most of the information i learned today I think I'd pieced this together previously, but this is such a great one-stop shop.

[04:00:54] I'm going to start telling people who are interested in album model land politics who come to me with questions, hey, go watch this recording, because it's a great real one-stop shop primer on a lot of how these programs work and interface with each other, so thank you for that. I think the one new thing I learned, well, not a new thing, but thing that I had confirmed.

[04:01:12] I'd heard conflicting things about the composite index element, So I appreciate that being clarified and how that differs across our different programs. So I appreciate that. The only question I have, and it's maybe a little too pointed, I've said from this dais before that I appreciate that there's a lot of different factors that go into something.

[04:01:33] The first lens I always look at policy with is class and what a policy does or does not do in the realm of class struggle. There are, I see, two big things, I hear two big things that the ACE program does.

[04:01:49] One, it conserves, it permanently conserves land. Two, it helps lower income families preserve and stay on their land that they might otherwise struggle to afford. So given what I just said previously, I want to just talk about the second one, that second element.

[04:02:08] That seems to be accomplished if they donate their land too. Because the main thing it's doing is changing their tax value, right? They basically get the equivalent of land use value without having to farm, right?

[04:02:24] That's a fair way to quick and dirty say what's happening. And therefore, they don't have any pressures that are pushing them out because, oh, I can't afford my taxes on my historic family farm. So I

guess I'm curious how we, I'm still not clear on the kind of policy justification of paying money for it, right?

[04:02:51] And that's super pointed, but can someone help walk me there? I'll try and see if I can get this point across. Many of these families, let me just say, the folks who avail of the ACE program, let me just say it that way.

[04:03:15] have land, they are looking for cash. And so to receive cash when you have land, what's the natural thing to do but to sell off your land so that you can take the cash and spread it around your family members so that now you have cash that came to you from the land.

[04:03:36] Our hope through the ACE program is that in buying development rights, we provide some cash to those families to reduce the incentive to sell off their big piece of family-owned land for subdivision or development. So I don't know if that was more clear. No, that's helpful. Thank you. That answers the question. Well, I think you have to understand the other side of it also. The majority of properties or conservation easements that are donated are donated to receive income tax credits

[04:04:14] While those properties also get a reduced local taxation on their real estate, they receive tax credits that they can use or sell. And only people that have the income at that level to utilize those would benefit from them.

[04:04:33] Heard. Thank you. You're welcome. Supervisor Lupito Kirtley. Yes. Thank you very much. When you were talking about the LCI, did I hear you correctly that, I guess it would be with the AIDS program, but the amount that was reported to the LCI, you mentioned something about schools and that the money, it's less for us, but more for schools.

[04:05:05] Did I get that right? That is correct. So the LCI is a calculation for school funding at the state level, yes. And if we report a lower true tax value to the state, it increases our relative share of that money.

[04:05:26] So any property under conservation easement, whether it's ACE or ACE or any other holder, would be assessed and reported at a lower level. So Supervisor Kirtley, Lopisto Kirtley, if we report a tax value up for our land that is high, then the state will come back and say, okay, so you contribute more to schools.

[04:05:53] If we give them a lower value, they will make up more of that. And so that's what Mr. Lynch is referring to. So our portion of the school's funding changes if our tax base is lower.

[04:06:09] Okay, because the state contributes more for schools instead of us. Okay, that's what I thought, and I just wanted to clarify that. Regarding this, and I know there are, what, I think we said 56 properties total, and then 52 of them are at the 80.8%.

[04:06:36] um the 56 properties are do we look at the location uh for example on one of the maps you showed that was shown that the property was right next to uh his a scenic byway okay which to me would be valuable in the tourism bureau or just generally because it's right next to a scenic

[04:07:07] byway whereby whereby a a piece of land that was in the interior nobody saw it maybe wouldn't be as valuable to us so i think mr lynch is going to walk us through a little bit about the ace scoring criteria that might prove helpful here right oh well or okay i'm we're not going to do that i think you're right it's going to take us too far in the weeds well i know they're developing a scoring criteria and i what i'm getting the point i'm getting to is i think some properties

[04:07:43] um would be worth more scenic wise maybe or otherwise or maybe for biodiversity or something but that says a final decision to purchase whether or not we purchase under the ace program whether or not we purchase these it's at the discretion of the board which adds a level of protection so that we can say, yes, this is the property worth investing in, or no, it's not a

[04:08:16] property worth investing in. So you are correct. That is at the discretion of the board. All of the properties that are considered for purchase of development rights through the ACE program are all assessed by an outside assessor and there are an array of criteria that are valued for each of these properties and they're ranked.

[04:08:40] And so the ACE committee chooses based on the ranking of all these different factors which ones they are interested in purchasing, number one, and number two, which ones they have funding to be able to purchase the development rights on. So there are many more things that are complex that we didn't really bring forward today, but we could.

[04:09:04] There's a lot to it. Thank you. Those are all my questions. Thank you. I have a number of questions and comments. First question, you mentioned the local composite index reference to school calculations.

[04:09:20] What about the revenue-sharing agreement with Charlottesville? Does the calculation of land values enter into the revenue-sharing agreement? and would that mean that the land use and the conservation easements would be treated differently?

[04:09:38] I see Mr. Sumner. Yes. Chair Andrews, we have CFO Jacob Sumner with us today. Thank you, Jacob, for helping. I think it's a short answer. Sure. It would be handled the same way because it's looking at the true market value. So it's the same comparison that you're seeing here for the LCI is the same it would be for the revenue sharing calculation.

[04:09:59] So the benefits of conservation easement compared to land use would apply to that as well. I think I'll save for tonight the question, just alert, as to why does someone put their parcel in an ag forestal district?

[04:10:18] And then part of that has been why does the county want people to do this, which means that instead of having a two-year no development, you actually have locked it up for four to ten years. and so that that has a benefit to the county as far as locking that up but i also want to explore what the benefit to the owner is um and we can talk about that later uh just want to make sure that everybody understands that even though your slides showed a picture with a big fancy home in the circle that the home value is treated the exact same way whether it's land use or you know whether the rest of the property is in land use or conservation easement or not at all correct

[04:10:57] i'm sorry could you repeat that the home value the home yes yes exactly yes sir so none of this has even though your your slide showed a home correct and i just want to make sure people understand that those values did not include the home the home is taxed the same way no matter what the home and the home site that supports it are assessed at the same way um now i would say that your home site circle is a little bit it's misleading when it comes to actually dividing up the property because there are a lot of restrictions on how the home site could be determined based on road frontage and other factors that can't be shown on that map simply.

[04:11:36] Okay. There was also a question about the ACEA program being governed by the authority. When an application comes in for any kind of activity, building permit or otherwise, on a parcel that has an easement is that looked at by cdd at all yes yes okay so again cdd is

[04:12:04] looking at these and aware of these restrictions yes okay thank you um you mentioned sliak and i know that we're required by law to consider sliak has there been any discussion about modifications since sliak is based on a statewide program that doesn't look at county by county and i just didn't know whether you'd ever looked at that because it sounded to me like it was a required to consider but not necessarily expressly fully adopt without any modification. That is true. We are required

[04:12:42] only to consider it and not use it. However, it is, while it's done by Virginia Tech and it's statewide, they look at local agricultural activity. They create a market basket that would be the typical agricultural commodities that you would have in Albemarle County and use that to determine the income value. And then they use a rental rate, which is the actual numbers that we use in order to determine the values for agriculture based on the rental rate. So they

[04:13:19] have two different criteria. We use the rental rate criteria, but it is tailored for Albemarle County. And those values will change drastically across the state, depending on what commodities are actually grown in different jurisdictions.

[04:13:38] Okay. I appreciate that. I'm going to push back on a comment. There is this 20% that identified here is not necessarily in the lowest two income brackets, but we also recognize that there are properties that have critical resources that might otherwise on a scoring system score better. But you mentioned why people do this. And I guess I would argue that, yes, there can be tax credit benefits to donating the conservation easement. But based on a lot of different

[04:14:15] experiences with a lot of people, I guess I think that's a little bit cynical to think that people don't also want to permanently protect their properties. And so some people choose to do this whether they're going to have a tax benefit or not because they want to permanently protect that natural resource that they've come to grow and love. People become attached to land in that way and use conservation easements to protect that land and it's not necessarily just a quid pro quo you got to give me something for this in all these cases and I just want to push back against that

[04:14:49] If I may, I was not intending to make that argument. I was trying to make the argument the difference between the people who could not afford to take advantage of a tax credit and actually would need to receive money through the ACE program as opposed to higher income bracket people who could, for whatever reason they're donating it, they could take advantage of those tax credits.

[04:15:18] Okay. I appreciate that. Those are my comments. I did notice that there was a discussion about a Weldon Cooper study at some point that's going to talk about cost of community services, and that would be a very interesting topic for follow-up on this with respect to land that's not developed.

[04:15:36] Chair Andrews, that study is going to be coming to you under consent for information on your March 5th agenda. Thank you. I look forward to reading that very carefully. I have one more quick question, and I know we're going to close on time.

[04:15:52] Just curious, how do we have issues, because I noticed in one of the articles that I was reading from J. Lark and some of this, do we have an issue with LLCs when it comes to people in this program?

[04:16:10] Are there LLCs or do we always know? I'm just, maybe a weird question, but ASE and ACEA both. I'm just curious. I will have to defer to my colleague Scott Clark. Because it's mentioned in one of these articles.

[04:16:26] I'm not familiar with any, but I am. Yeah, and we may not. I don't know. I'm just curious. It doesn't seem like it would be challenging. You would not think so, but I just wanted to ask. I will say that having worked with, you know, probably a few hundred landowners, some of them do own the land through a family LLC, others through individual persons.

[04:16:52] But I wouldn't say we've had issues with any of them. It doesn't really make a difference in our relationships with the landowners or how the easements work. I missed what you just said. I'm sorry. And you were talking very. Sorry, I don't have the most carried voice.

[04:17:09] While we do have some easements that are owned by LLCs, they're usually family groups. So the local owning family that perhaps has a couple and their children or brothers and sisters or something that have a small LLC that owns the property.

[04:17:29] What we don't typically see is LLCs formed of a group of investors. Yeah, okay. Which is what you may have heard of usually in other parts of the country that have raised questions with the IRS. Yeah. Apparently in some cases gathering together as an LLC to purchase land and then take advantage of the federal or state tax credits.

[04:17:54] Because there was a big brouhaha at the federal level, yeah. Yeah, and there have been a few cases of that over the years, but again, most of them are in other parts of the country, and I'm not aware of any of that right now. And you haven't seen an increase for us in that? No. Particularly? No. Interesting.

[04:18:09] Thank you. Very much appreciate the presentation, and I think we will move on. Thank you very much. Our next item is going to closed session.

[04:18:25] I would like to move that the Board of Supervisors convene a closed meeting pursuant to section 2.2, text 3711A of the Code of Virginia. First, under subsection 3, to discuss and consider the acquisition of real property in the Scottsville Magisterial District for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the county and the board.

[04:18:46] And second, under subsection 29, to discuss the renegotiation of a public contract with the Charlottesville Albemarle Society for the Prevention of Cruelty to Animals, involved in the expenditure of public funds, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the county of the board.

[04:19:01] Second. We have a motion from Supervisor Pruitt, second from Supervisor Laquisto-Kirtley. Without objection, if the clerk will call the roll. Mr. Galloway? Yes. Ms. Laquisto-Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews?

[04:19:17] Yes. Thank you.

[04:19:18] Mr. Public.

[05:00:58] People always, it's hard.

[05:01:08] I mean, if you want to just give me a stipend, please be around to work today.

[05:01:48] Okay. Good evening. I'm looking for a motion to bring us out of closed meeting. Yes. I would like to move that the Board of Supervisors, certified 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.

[05:02:10] Second. We have a motion from Supervisor Pruitt. Second from Supervisor Malek. Without objection, if the clerk will call the roll. Mr. Galloway? Yes. Ms. LaPista-Kirtley? Aye. Ms. Malek? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Board, this brings us to, from the county executive, report on matters not listed in the agenda. Is there a report this evening?

[05:02:32] No, sir. Not this evening. Thank you. Okay. Thank you. Which means our next item is public comment matters previously considered or currently pending before the board other than scheduled public hearings. It's public comment on matters previously considered or currently pending other than scheduled public hearings. We have some signups. Vice Chair McKeel will read the rules

[05:02:55] and call the names. So we have both. We have someone online in person. All right, let me read

[05:03:27] these. During the time set aside for public comment on matters previously considered or currently pending before the board, other than scheduled public hearings, individuals may address the board of supervisors concerning matters previously considered by the board or that are pending before the board. Individuals are allowed three minutes to speak per public hearing item. A sign-up sheet is managed by the clerk's office. Community members physically present for the meeting will speak first, and then those who are attending the meeting electronically will speak.

[05:04:01] For those attending in person, the vice chair will announce the speaker, and for those participating electronically, the clerk will announce the speaker before it is their turn to speak. For in-person speakers, timekeeping is conducted through a timer and light system at the podium. The green light will go on before you begin speaking, which begins your allotted time.

[05:04:22] The yellow light indicates you have one minute to finish speaking, and the red light indicates your time has expired, and you will be asked to end your comments. In order to give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines. When addressing the board, state your name and if you live in Albemarle County or Magisterial District, address comments directly to the board as a whole.

[05:04:43] Any written statements or other supporting material may be given to the clerk. If you make comments through Zoom, you may upload written comments through the e-comment portal or email your comments to the clerk. If representing a group or organization, you may ask others present to raise their hands in recognition.

[05:05:01] Speakers may not share on news time with another speaker. Back-and-forth debate is not permitted, and do not speak out of turn or from your seat. All comments are live-streamed, recorded, and published on the Almar County website. If participating by phone, press star 9 to let us know you want to speak, and then press star 6 if from a landline to unmute.

[05:05:23] If by Zoom, please remain muted until you are called on to speak. So we had the wrong sheet here. So this is still good. Okay. We had the wrong one. All right. So this one is, okay, good.

[05:05:39] All right. The first speaker tonight is Michael Monaco. Michael Monaco will be participating through Zoom tonight. Oh, that's electronic.

[05:05:56] Oh, it says, okay. Can everyone hear me okay? So sorry. It's on the. I'm going to let him go ahead. Yeah. Michael, please begin your comments. Can everyone hear me okay? Not really. A little louder. Do you want him to wait until the end?

[05:06:12] No, I guess he can go ahead. Yeah. He was just on the wrong sheet. Sorry. Please go ahead. We can't hear you. Michael, please begin your comments. Okay. Great. Thank you.

[05:06:31] Good evening. My name is Michael Monaco. I live in the Whitehall District in the Crozet Development Area. I currently serve as the chair of the Crozet Community Advisory Committee. I would have loved to be there in person tonight, but Mother Nature had some other plans. I wanted to talk to you about affordable housing.

[05:06:49] My wife and I are one of the few households who have successfully purchased a designated affordable unit in Albemarle County. We very narrowly threaded the needle of AMI requirements, 80% at the time, and affordability requirements.

[05:07:07] That needle is only really threadable with down payment assistance or the ability to otherwise make some sort of significant down payment that brings the mortgage down to an affordable amount. I want other people to have the same opportunities that we've had. And I'm worried that Albemarle County is not building enough housing and is not creating enough affordable housing to meet the demands of the metropolitan area.

[05:07:32] I would ask that the supervisors consider establishing a housing trust fund with at least \$10 million in dedicated annual funding to go specifically towards affordable housing needs, such as both new construction and preservation. And I would ask that the supervisors consider increasing the real estate tax to expand available resources.

[05:07:54] The real estate taxes have not been raised in five years. This is an opportunity to invest in inclusionary zoning and other affordable housing measures that make true affordable housing a real possibility for Albemarle County.

[05:08:12] I would also suggest that the future land use map can be significantly improved and that there are, I believe, ways where we can accelerate the process of increasing the density, which is so badly needed in specifically the urban ring around Charlottesville to meet the demands of the market.

[05:08:32] I would appreciate the supervisors continuing this focus on affordable housing well into the future and to demonstrate it with material impact and decisions that we can all see and all applaud. Thank you.

[05:08:49] Thank you. All right. The next speaker is Matthew Gilligan. And just to remind people that have signs, the signs are fine. Just make sure you keep them down so you don't block the person behind you from seeing. Good evening, supervisors.

[05:09:07] My name is Matthew Gilligan. I'm with Livable Seville. I'm here on behalf of the 50 organizations that signed a letter asking you to act boldly to address housing affordability in Albemarle County. I hope you all have a quick evening meeting and can get home safely because it is really treacherous out there. So first I want to talk about why our group organized. It's because we all believe in

housing for all. We believe that housing is a human right and that without housing it's impossible to thrive. This is our belief that helps us organize ourselves and our priorities. Until our community fully

[05:09:46] embraces this belief, we're not going to get where we say we want to be. But there's another piece to this. It wasn't just about slogans or big picture things. It's about saying yes to housing. It requires policies that enable the housing we say we want to occur. It requires funding housing for those who can't afford market price housing in abamara county that's why the housing trust fund has been a priority for years 10 million dollars a year could easily result in 70 million additional dollars per year in funding towards affordable housing for those who can't afford market rate

[05:10:25] housing additionally we have to build more housing anyone who goes on to the rental market in the charlottesville area is quickly met with a series of barriers financial and otherwise because right now there's not enough rental stock available for people that gives landlords control rather than renters your constituents the power they need the ability they need to have housing and to remain in that housing so there's a political policy aspect to saying yes to housing

[05:10:58] there's also a political aspect we're operating in a context right now where more than just housing is being said no to all of our values are being said no to on the broader scale This is an opportunity for each of you to establish a legacy within this context of fascism that's coming to exist within our country right now to say yes to your community members, yes to housing, as many of us are racking our brain.

[05:11:27] What do we do within this broader context? You and your role as supervisors have an incredible opportunity to have a legacy of yes, yes to housing. The other piece of this, though, locally, is that there is a lot of support politically for pro-housing policies.

[05:11:45] That hasn't always been the case. And in the county, there's been a lot of anti-housing organizing. But we're here to say to you that we have your back, that you need to take bold action to support housing policies that will benefit our whole community.

[05:12:00] Thank you. Our next speaker is Todd Cohn. You can adjust the mic as you need to.

[05:12:15] let's pull it down hi welcome uh my name is todd cone i'm a retired person over 70 years old uh i've lived in arbor moral county for nearly nine years and i rented an apartment that's near uh 29 and rio road in the rio district todd you might want to pull up there you go hello there Anyway, in the Rio District, rent there has gone up 30% in the time that I've been there.

[05:12:53] It's eight years, and that's 3.8% per year. It would have been more, but I was able to negotiate with my property manager to keep that from happening.

[05:13:11] And that may not sound like it's too bad. I mean, you know, 3.8% per year, but right now my only income is Social Security, and that doesn't go up that much.

[05:13:34] And then, as we all know, even that income is now in jeopardy, so it can go away at any time. So I applied for the lottery to get on a waiting list for a housing voucher.

[05:13:58] Of course, no one knows what the odds of winning that lottery are because nobody knows how many people might apply for it. My guess is it's going to be a lot more than anybody expects.

[05:14:16] So the odds of winning that lottery are pretty bad. But, you know, hey, it's only a chance to get on a waiting list. Once you're on there, you still have no idea how long it might be before you actually got a

voucher.

[05:14:39] So that's why I'm here to say that the current response to the housing crisis is not adequate. And now we are facing the possibility that it's going to get exponentially worse.

[05:15:00] So that's why I want to support the letter from the Housing Coalition and why I'm grateful to all the groups and organizations that support it. And I just want to ask all of you to please sit up, pay attention to what they're telling you.

[05:15:23] Thank you. Our next speaker is Ms. Velicki, Victoria Velicki. Good evening. I'm Victoria Velicki, and I am a farm owner in the Scottsville District.

[05:15:43] And I'm here tonight to talk about the land use program. Earlier this evening, we talked about conservation easements and land use. And that's not me. I'm in the land use program where I apply every other year for an agricultural use of my land.

[05:16:06] My husband and I have owned our farm for 22 years. I'm a suburban mom from Forest Lakes turned farmer. And I run an equine boarding business. The comprehensive plan that's in effect right now, I think it's Comprehensive Plan 2015, has wordage in the plan for equine activities.

[05:16:31] That would be boarding, training, breeding, or riding lessons. And it came to my attention this week that those words are not in the next comprehensive plan. There are other agricultural animals, I think, that are in that plan.

[05:16:50] Cattle. I can't do cattle. I'm not going to be growing corn or hay. But I would love to see that the equine stay in the next comprehensive plan and that the words be there.

[05:17:06] I don't think they're there now. I'm so thankful for the land use program and all that it has afforded me to provide this business for the horse people in the community. We are growing. I'm getting phone calls and text messages and email inquiries for boarding.

[05:17:31] I turn at least one person away a month. There are people coming from Ohio, New Jersey, and the equine industry is thriving in our county. And it would be wonderful to have that as a land use entity.

[05:17:48] Thank you. Mr. Veliki, David Veliki. David Veliki, Scottsville District. Probably not going to be no surprise.

[05:18:06] I'm just here to support my wife. I'm born and raised in Armall County. I actually grew up quite close to Dr. Huckle in Arbor Park. So I really treasure the rural aspects of growing up in that condition where we had a big cow farm behind us all the way down to the reservoir, preserved now, I believe.

[05:18:34] And basically, I would like to see the language stuck back into the comprehensive plan that allows for equine businesses to be included in land use. That's basically it.

[05:18:49] And I would suggest that if it's not in the language, we take the little horse off the seal. Thank you. Mr. Allen, Matthew Allen. Hello, Dr. Matthew Allen.

[05:19:14] I'm a physician here in the community. I have many roles, but one of the roles I take on is I supervise a student-run free clinic that operates out of the Haven to support patients experiencing homelessness. I've done this for several years now, and I've met at least 100 people in our community experiencing homelessness.

[05:19:33] I think, you know, I'm here broadly to support the... measures outlined in the housing coalition letter. I did want to speak specifically to the experience of people who are experiencing homelessness. Of all the people I've met, you know, there are a lot of people who are struggling with serious mental health issues or struggling with substance use disorders, and that can exacerbate their challenges with becoming housed. But I think the vast majority of people I work with are people who have become

[05:20:09] suddenly homeless just due to an economic shock relative and relative to the unaffordability of living in our county in our city so I think one of the main provisions I wanted to point out that I would support in that letter would be expanding the budget for the Albemarle County Emergency Relief Program and increasing the limit per household we like to say in medicine that an ounce of prevention is worth a pound of cure and I think we could make a big impact in cutting the homelessness crisis in our community if we focused on

[05:20:44] prevention and helping people get through that one you know one rent bill that they have to pay when they're going through those kinds of struggles could make a big impact because it's as easy it is for someone to fall into homelessness it is a major challenge to get out of homelessness once you've found yourself there so if we could really focus on prevention I think that would make a huge difference in addition to helping those who are struggling with chronic homelessness, supporting permanent supportive housing in our community would also be huge. But if I could advocate for one thing, it would be prevention. I'll leave it at that.

[05:21:20] Thank you. Thank you. Our next speaker is Mr. Crenshaw, Michael Crenshaw. Welcome. Hello, Michael Crenshaw. I live in Crozet. Matthew is much more eloquent than I am about sort of the general necessity of housing and the specifics of how to make that happen for the members of our community. So I'll just offer some anecdotes from my experiences living in Crozet. As I go to local

[05:21:59] businesses like the local bar, the mud house, the gym, and I talk to the employees there, almost invariably they live outside of Crozet. And if I mention the possibility of living in Crozet, they sort of chuckle because everyone knows it's extremely expensive and the idea of owning is far outside even their imagination and renting is an impossibility for anyone who doesn't have just an absurd amount of income at their disposal. Specifically, I've talked with folks at the coffee

[05:22:37] shop who, you know, I went in a few months ago and got some coffee and a couple of the baristas were chatting about how they were trying to find somewhere to rent in Crozet and they just couldn't find anywhere and they had started looking in Waynesboro so I went in about a week later and they said they couldn't find anywhere in Waynesboro so they had looked in Stanton and they couldn't find anywhere in Stanton and they were looking beyond and you know I've driven Highway 64. I try to avoid driving over towards Stanton and Waynesboro in bad weather in the dark. I don't

[05:23:13] want the folks who make Crozet special to be forced to live 45 minutes away and make a potentially arduous drive on an almost daily basis to contribute to the community where they ought to be able to both serve and live. Specifically, I think of the Oak Bluff development that was proposed recently that's extremely consistent with the Crozet master plan, but it's been deferred, I think, on ideas of, like, you have to eat your vegetables before you eat your dessert. You have

[05:23:51] to do all this infrastructure work before you can get this development. The problem with that way of thinking is if you're not someone who already owns a home there, it sounds very much like let the meat cake. I think that affordable housing isn't the dessert. It's the vegetables. It's a necessity, and for

many, many folks, a very urgent necessity in Albemarle County. So I urge you all to do everything in your power to meet that need using whatever tools are at your disposal. Thank you.

[05:24:26] thank you thank you our next um speaker is going to be speaking electronically and um i'm looking to see if claudine theory all right so i believe the speaker's name is ann tuzan welcome hello hello there we go good okay um so uh my name's ann tuzan i live in the jack jewett magisterial district um i live right near georgetown and barracks which is uh just barely in the county

[05:25:04] but uh we are growing as you know um i just want to say that charlottesville is going to grow and especially where i'm living it's going to grow the question is how it grows and that obviously is up to you all and i'm just gonna kind of chime into what everybody's already said i think we can already see that if we just let things go the way they're going to go, we're going to end up with, we're going to end up with a lot of communities that are like the out-of-bounds community that was built at Georgetown and Barracks in 2017. It is, quote, a luxury villa and elevator townhome

[05:25:44] community. And the houses, the vast majority of them cost \$800,000. There are a few that are \$400,000 dollars that, you know, some people might be able to afford. But most people can't. I also work at the hospital and tomorrow all of the hospital employees are going to find a way to get to the hospital. And if they live, if they're forced to live far out, they, maybe they'll get there, maybe they won't. But I think we really need to think about growing smartly and having our, you know,

[05:26:19] Our hospital employees, our university employees, our firefighters, all of these people can't be living out at Lake Monticello or in Fluvanna or in, you know, these far out Nelson County. We need to provide some affordable housing for people in Albemarle County.

[05:26:38] And I think when communities are built with smart plans, it's great for everyone. So I put my faith in you, and I hope you will do the right thing. Thank you.

[05:26:54] Thank you. Okay. Thank you. Chair, I apologize. I promise not to make a habit of this, but the voucher wait list was briefly mentioned, and I do want to just say for clarification, right now, until Monday, the several project-based voucher wait lists are open, and this is different.

[05:27:17] And if you are on the voucher wait list, you will not be automatically enrolled in those. So if people are in a position of precarity and qualify for a housing voucher, I would also encourage them to look at the waiting list that is open on the county's website for three projects.

[05:27:33] That's Crozet Meadows, Scottsville School Apartments, and Treesdale, which can be applied to separately. Two of those are specifically older age communities. So if you are in a position where you are eligible for a housing voucher and you are urgently needing that support, there is an additional avenue that you can apply to currently before Monday.

[05:27:55] And you can find that information on the Albemarle County website, and you can call the county offices, and they will help you out with that. Thank you. Appreciate that. Okay. Lord, this brings us to our public hearings for the evening. Our first public hearing, proposed easement across county-owned parcel 46B-501CO, and this is being led by Mr. Kevin McDermott, Deputy Director of Planning.

[05:28:20] Welcome, Mr. McDermott. Thank you, Chair Andrews. I am presenting this in lieu of Rebecca Ragsdale, who couldn't make it in tonight. So I appreciate you letting me do this.

[05:28:37] As you said, this is an easement request across county-owned parcel, the ID 046. B-5-0-0-0-0-0-1-C-0. The specific request is to allow a 20-foot ACSA easement on a county-owned parcel, which is intended to allow sewer from the Forest Lakes neighborhood up to Archer North.

[05:29:04] You'll recall that you all heard the public hearing for a portion of Archer North just recently at a meeting. This is required to have a public hearing under Virginia Code prior to the conveyance of the public property. You can see here the location of this.

[05:29:23] The parcel is at the corner of Seminole Trail and Ashwood Boulevard. It was initially proffered with the rezoning of Forest Lakes for public facilities and conveyed to the county back in 2000. After the county ownership commenced, the Brookhill rezoning south of here came in, and that allowed this road connection that went up and cut through the parcel.

[05:29:50] That's why it's separated into two separate areas but still a single parcel, and that does have a road being constructed on it, including the easements, and all that has already been conveyed to the developer. The plat allowing that extension was recorded back in 2024, and license agreements were approved by the board previously to allow that grading construction in stormwater.

[05:30:15] This shows the aerial of that area. You can see it a little bit more clearly. It's a slightly older aerial. This area in blue is the approximate area of the 20-foot ACSA sewer line extension.

[05:30:31] You can see it's coming out of this area of Forest Lakes. It would go underneath Ashwood Boulevard and connect up to Archer North. This is the draft plat that has been provided for that. You can see there is the existing sanitary sewer easement on the back of that Forest Lakes parcel.

[05:30:51] This would be able to connect to that, and you can see it running up to Ashwood Boulevard. and that has already been reviewed by ACSA and our engineering to ensure that it is in the right location. Recommendation is that we approve the easement request based on the fact that this easement will support the infrastructure that the board has approved and allow development consistent with the uses and density recommended in Places 29 Master Plan. The developer would reimburse the county the fair market value for the area of the easements which is an

[05:31:29] extremely nominal amount of \$14.22. With that, I'll take any questions, and I'm happy to show you the suggested motions on the next page. Thank you. We'll go through our order. Supervisor McKeel. I don't have any questions. Thank you. Supervisor Galloway. Good. Thank you. Supervisor Malik. No questions. Thanks, Kevin. Supervisor Pruitt. No questions. Supervisor Lapisto-Curtley.

[05:31:56] no questions you're batting 100 yeah and i have and i have no questions so we will open the public hearing do we have anyone signed up to speak she says no okay then we will close the public hearing the matter is back before the board um this is in the uh verbena district right and uh i believe the motion is attachment b oh if no one has any okay i'm going to make a motion i move to adopt

[05:32:32] the resolution attached to the staff report as attachment d second we have a motion from supervisor lapista currently second from supervisor malik i'm looking to see if there's any discussion seeing none i call a roll mr galloway yes miss lapista currently i miss mallet yes miss mckeel yes mr pruit hi mr andrews yes thank you thank you very much supervisors appreciate it the ease of that one let's go on to one a little less simple um our next public hearing is the uh

[05:33:11] relating to an ordinance to amend county code provisions relating to eight agricultural and forestal districts my understanding is we're going to treat this as a single public hearing so if anyone has comments to make about any of the parcels or all of the parcels that would make that during the one public hearing for this, and that we can, in fact, consider the possibility of a single ordinance as well, as these are all put together as an ordinance.

[05:33:38] At the outset, I need to disclose that I own real property in a hardware, agricultural, and forestal district with a value over \$5,000, but I believe I can consider this item fairly objectively, and in the public interest, I have filed a written disclosure with the clerk relating to this purpose.

[05:33:56] supervisor yes i also have a property in the jacobs run ag forest district but i feel like i can make a good decision here thank you okay thank you with that i will turn it over to mr scott clark conservation program manager and uh and mr lynch our assessor thank you very much uh so i'm i'm scott clark up in the conservation program manager next to me here is mr peter lynch the county assessor in the finance department so we're both here to answer

[05:34:32] your questions as chair andrews mentioned this is a public hearing item on eight agricultural and forestal districts that are up for review the cultural and forestal districts are a voluntary conservation program that limits some development in the rural areas they are an additional set of restrictions on top of the existing rural area zoning which remains on the parcels. We just have a brief initial presentation for you with five or six slides to go over the basics about today's public hearing items. We realize you may have some follow-up questions,

[05:35:10] so Pete and I and others are here to answer those questions, and we have several more slides that we can show as needed. So by state code, the districts must be reviewed periodically before they're then continued for another period, usually of 10 years. So that's what we're here tonight to we're talking about eight districts totaling 238 parcels and almost 15,000 acres in the rural areas as a reminder these review periods are the only time when landowners in the districts

[05:35:42] can withdraw by right when we do the district reviews we follow these criteria you can see here on the screen i won't read them all off to you but i will point out that item seven on that list has been the criterion that has had the most discussion of late and as a reminder from the county code that governs chapter three that governs the districts it points out the policy of the county is not to include any parcel determined to have no development rights in

[05:36:16] the districts so staff and the planning commission have made recommendations on the renewals of these districts based on that policy however the agricultural and forestal districts advisory Committee has made a different recommendation. I'll summarize those in a moment. I'll summarize those now. In the middle column, you can see the staff and planning commission recommendation, where at the top, most parcels would remain in the districts, obviously, and the requested withdrawals would be removed. The two recommendations are the same to this point.

[05:36:57] Staff and the planning commission are recommending that parcels without development rights be removed from the districts. If they're not in open space land use taxation and so won't be affected in tax terms, they can be removed immediately. If they are in open space taxation, they can be removed in five years so they aren't forced to, if they aren't subjected to rollback taxation. The committee's recommendation would be those latter two categories of parcels would stay in the districts and not be

[05:37:32] removed at all. Before I go on to summarizing the stats on the eight districts that are currently under review i have to give you a quick update about the ivy creek district landowners are permitted to apply to withdraw from the district up until the moment you all act they could potentially withdraw during the public hearing so we occasionally as these districts come through for review get a very late request to withdraw and that's what happened with ivy creek here parcels on the map in the light green have been requested for withdrawal the good news is those

[05:38:12] parcels are already under conservation easement so they are protected the parcels in pink as you'll see in a moment are the ones that are recommended for removal from the district so if you all act in accord with the staff and planning commission recommendation on this that would be the end of the ivy creek district it would be terminated because there were no parcels left in it so this is the summary of the eight districts that are under review and i can answer any questions you have

[05:38:49] about these obviously i won't read all the stats out to you but you can see here for each district its current size in terms of parcels and acres the requested withdrawals the parcels that are suggested recommended for removal and on the right most uh set of columns you can see the resulting size of the district after that action and again as chair andrew said you can do a single public hearing for all eight of these districts but anyone who wants to speak on any given one of

[05:39:23] them can participate in that same hearing so at this point i'm going to stop and see if any of you all have questions before we go into the public hearing and again we do have a lot more slides we can use if needed to answer specific questions okay thank you we'll go through our order then starting with supervisor mckee yes i just need to ask for clarification ivy creek you have the yellow highlighted with the yeah that's just to point out that update it's just that it's different and there is no renewal period it's just pointing it out right yeah okay i just want to make sure

[05:40:01] thank you in the code that's in question that the commission i mean they just decided not to follow the code and their recommendation about the non-development rights you said they voted that is true the the committee the ag forest district committee voted to recommend to you as a body that you do not follow our code the code and that code was put in place in 16 it was updated in 2018 yeah so the ordinance was actually amended in two different phases in 2016

[05:40:40] it was amended so that the parcels without development rights couldn't be added to a district the board went back in 2018 and made that criterion also apply to district reviews so it was amended in two different stages got it thank you and i realized i left out a point my presentation i made i meant to make on this slide talking about the two different recommendations in addition to the committee's recommendations on the individual districts with their suggestion that the parcels without rights not be removed i just needed to point out that you all received a letter

[05:41:19] on monday evening from the committee recommending that the county not follow its current review process with this evident focus on development rights revise that process and amend the code as necessary um so that was sent to the board email list on on monday evening and i just want to make sure i pointed that out supervisor malik so i'm looking here at the map for jacob's run just

[05:41:52] because it's the one i'm most familiar with and the the small lots that are are none of them are in receiving any beneficial tax consideration is that correct these five which are suggested to be removed and therefore page 34 of the file so here in this table you can see the tax status of the parcels that are being recommended for removal and you're correct so for jacob's run

[05:42:25] there are five parcels in regular taxation that would be removed because they don't have development rights and there are two that are in other land use which would be agriculture or forestry or both. Which would be requested to be removed by their owners, the green ones.

[05:42:44] The ones requesting removal by the owners are the two under withdrawals. Yes, okay. Right, so the other two under removals are the ones that would be removed by policy because they don't have the small lot rights.

[05:43:01] And that just goes back to what we were talking about earlier, the wanting to support conservation, and I get it. There is, I think, a big change from the adoption of the code where it was focused on the properties that had claimed access to the land use program via open space, but they were not willing to do a contract and they were not providing stewardship.

[05:43:32] And that now seems to be transferred to just everybody. And I don't know if that was a legal requirement to say you're not allowed to just focus on the original intent of the board. which is where we were, and to do it more broad-based. Since there's no financial impact to the county for removing these ones that are cheerleaders, not beneficiaries, I don't know if there's any extra information you can provide about that.

[05:43:59] I can share that just because now I remember five or six years ago when we discussed this at this level, The board wanted us to close the loophole, basically, that allowed open space taxation.

[05:44:18] So open space taxation, you have to have 20 acres of a minimum, 20 acres of land. However, it gets more complicated than that with parcels smaller than 20 can be aggregated together. We actually have 29 parcels less than 20 acres that are qualified for open space.

[05:44:36] They range from 1.55 to 18.77 acres. So just restricting it to parcels that are 20 acres or more or parcels that are currently under open space does not solve the problem. It only solves the problem on those that are currently getting open space but don't have development rights.

[05:44:59] We've found, as Greg Kampner pointed out at that point when we had that discussion five or six years ago, that parcels could actually switch. They could be kept in the program for another five to ten years, and then they could switch after that renewal from ag and forestry to open space.

[05:45:23] And that has happened several times since that conversation. So all of those scenarios can happen. Okay. Thank you. I'll stop there. Supervisor Pruitt. I don't believe I have any questions. Thank you.

[05:45:41] Supervisor LaPisa Kirkland. No questions. Thank you. Okay. I have some questions. If we could go back to the slide where you compare the two, the committee and the staff's recommendation, please. Thank you.

[05:46:03] And I'm just making sure I understand the last row here, the asterisk and the dagger, and notification and how that plays into the decisions as to what to include and what not to include.

[05:46:21] It's my understanding that, you know, this policy was adopted in 2018. that on review among the criteria would be this criteria about whether they had small lot development rights. But at that time, no parcels were pulled out, but notices were sent to whom?

[05:46:40] So at that point, we sent notices to 30 property owners, the owners of 30 properties that were at that time qualified under open space and were identified to have no development right. And out of those

30 letters that we mailed back in 2019-2020, 15 of those properties were removed from land use, and they paid full regular taxes from that point on.

[05:47:13] 13 were switched from open space to agriculture and or forestry. One is having two parcels combined together in order to have development rights, and there's one remaining that that took no action in that five-year period and would face rollback taxes so out of the 30 one property would be affected and that's based on not taking action uh after our communication five years ago okay uh and those are the properties that were notified at that time

[05:47:49] that that they were in open space and that this policy had been adopted for the review i actually found in the minutes it was a discussion about notifying all property owners of this new policy, but were all property owners notified? Because what we're doing now is removing all properties with no small lot development rights, whether they're in open space, whether in land use, in any land category, they're being proposed for removal, which is what the code seems to say, but there was no notice until recently for any of that. Am I correct? That is correct. Now,

[05:48:27] five years ago, we did not know how many parcels had development rights that didn't have development rights it wasn't until and Scott can probably pinpoint this better but it wasn't until the last year or so that they had the capability that they in in Scott's office had the ability to do the development rights research so that we would know all the properties the development rights that were included or not included in all the properties that were coming up for review so we did not notify we did not know who to notify five years ago other than that list of

[05:49:02] 30 property owners. Right. I mean, I will tell you that in the minutes it said you would actually be notifying everyone of the policy, but it didn't happen apparently. The change in policy. How then were the small lot development rights determined? That was just a land record search or records in the county that have all this information that you can look up parcel by parcel? James Van Brecken and I both just did the Platt research, same as you would do for a zoning determination of development rights. It's not a full zoning determination, but we went to the original Platts on record at the courthouse to make sure we had the right count. A lot of work.

[05:49:42] When did the notices then go out relating to tonight's determination that those small lot development right parcels, parcels without small lot development rights, were proposed to be removed? Forgive me if I don't remember the exact date, but at the beginning of the review process, we started the review for two of these districts hardware and ivy creek got to a certain distance and we had to pause that we restarted the entire review process for those two in the additional six

[05:50:16] some months ago at that point we updated the notification letter content to address the policy issue that you're asking about about potential removal so there was an earlier notice that went on to a couple of them didn't mention any of this but then a more recent notice actually let people know and what has been the response to that more recent notice uh several phone calls just people asking for clarifications has there been any uh arguments that people said that the small lot development rights were not determined or that they disagree with the determination related

[05:50:54] whether or not they had small lot development rights we did have a couple of people who questioned if we had done it correctly so we would go back through and verify but i think i think more if I understand correctly from my conversations with James, who got most of the phone calls.

[05:51:12] It was mostly more of a general explanation. It wasn't specifically so much about their property, but just what does this mean for me? Okay. None have said, I do have small lot development rights, but you didn't see them or didn't understand? I mean, I'm just trying to understand whether there's been any contesting this.

[05:51:31] James Van Brinken. James Van Brinken, planner in the conservation program. I can just clarify on the details of what Scott was talking about. I've received maybe a dozen phone calls from landowners in response to these notification letters.

[05:51:54] The first set was sent out in the middle of October. That didn't mention that parcels would be removed or would be recommended for removal. Then a second notification was sent out at the end of November to all landowners, letting them know about the recommendations and whether they were included in the recommendations or not.

[05:52:17] I've received phone calls from, as I say, about a dozen. I don't have specifics. We've had one landowner claim that they do have small lot development rights, so we went back and we re-verified and we're confident that they do not have small lot development rights.

[05:52:35] That was the only instance of that. I've had no conversations with anyone who has been upset with these recommendations. It's mostly clarification that it won't affect their taxes. Okay.

[05:52:52] Is there any recourse mechanism if there were an error in this determination after the fact? You mean if someone was removed and then was later found to have development rights?

[05:53:10] People are going to find out about this and be surprised. I'd defer to Mr. Herrick on any legal solutions, but of course the landowner could always just reapply. Okay. Conservation easements, if a property is under conservation easement but has no small lot development rights, is it still included or not?

[05:53:34] Is it recommended? We're not recommending rule of any parcel that is in a conservation easement. I believe, James, to correct me if necessary, but I don't believe we did the development right research on the parcels that were under easement.

[05:53:50] Okay. Because they were under easement and didn't seem necessary. They have no or little development potential. They are typically more strongly, more strictly protected under the terms of the easement than they are under the AFD program.

[05:54:10] Sure. That makes sense. I guess I'm getting near the end of my questions, but I'd like to understand better. I know that from the county perspective, if a landowner enters into this and they have small lot development rights, they're saying to the county, we will not use these for the duration, and the county has benefit from that.

[05:54:35] But with respect to those landowners who don't have small lot development rights or aren't in land use, what do they get out of being in a district if they're not in open space? There's very little regulation of those parcels, so to proceed the answer to your question, a parcel that has no development rights that's in a district, there's very little limitation the district program puts on them.

[05:55:09] If they can't subdivide anyway, then the subdivision restrictions of the districts don't matter. They may experience limitations in their ability to do short-term rentals, but that's about it. As far as what

they get from it, as mentioned earlier tonight, there are some restrictions, although not a total prohibition, on state land takings for roadway improvements for land that's in AFDs.

[05:55:35] So there's some sense of protection there, and there's a sense of community. What we often hear from people is that being in the districts is a sense of kind of mutual reassurance from the neighborhood that they're all focused on land conservation. You know, even if some of the smaller parcels that don't have the development potential aren't actually giving up any development by being in the districts.

[05:55:59] Okay. And was there any consideration to the, I guess, the number of parcels that would be in these districts before and after and whether they would be contiguous and create any synergies in terms of wildlife corridors or restrictions on other aspects?

[05:56:25] I guess I'm looking at the other criteria. Right. I'm going to show you a couple of slides that compare the before and after in a couple of different terms. But I also want to answer that question about wildlife corridors. In terms of this graph and the other one I will show you, the green parcels are the ones who are staying in.

[05:56:50] The yellow are being withdrawn by the landowners, and the pink would be removed under the staff and PC recommendation. this is in terms of number of parcels. If you look at it in terms of acreage, it's a smaller percentage impact to the district overall. So less land. The parcels view makes it look like a very dramatic change. The acreage view looks less dramatic in terms of the overall size of the districts. There's very little control we have over the amount to which an individual district

[05:57:26] is contiguous, given that all of the members are volunteer members. So there's no particular pattern a lot of our districts have morphed and changed over the years where a core starts other people join the core drops out they become less contiguous to answer the question about wildlife corridors and other forms of management there's a frequent misperception that being in the districts requires you to do land cover protection keeping forest cover doing particular kinds of land management that's not the case largely the terms the restrictions of the

[05:58:04] districts in the county code refer to limiting uses preventing subdivisions they don't mandate retaining forest cover for for a wildlife corridor or mandate doing ag management so the the land cover aspects of the land that's in the districts is not really controlled by the district's program district program thank you um before we go on to the public hearing i if i can um i would like to share a little bit information repeat a little bit from earlier if you don't

[05:58:43] mind I appreciate that okay so mr. McKeel asked about you know different layers redundant layers of protections in the in the rural areas first of all the as Scott pointed out the rural area zoning already controls development in the in the rural areas this at this the ag forest districts adds another layer to those parcels that have not used their development rights so in the case where those development rights have already been used and those are the parcels that we're identifying for removal it's redundant because it's not

[05:59:23] actually protecting anything further with that the county zoning code doesn't already protect I also wanted there I mentioned earlier there's been miscommunication or misunderstanding about ag forest districts there's kind of two categories the board has received some emails today I've received them as a member of the ag forest district committee also and I just wanted to point out these people are not

here to speak tonight but I wanted to point out a couple of the points that they made and I want to point out why what

[05:59:58] they're saying is not accurate and would not be affected by the actions if you follow the actions that are proposed tonight. Ms. Martin is talking about equestrian sports. Without these districts, the risk of the equestrian sports is at risk in Albemarle County. I have seen many properties, and I'm paraphrasing or quoting a few pieces that I think are appropriate. I've seen many properties to be turned from farms into neighborhoods and housing developments. This is land that is permanently lost to agriculture and

[06:00:35] forestry we do not have the infrastructure to continue increase our population which changing these districts would ultimately lead to an increase in population mr. drumheller says heading down the slippery slope of removing all the parcels and the in the AG force district from the AG force districts I believe until we are left with development encompassing the entirety of the county the miss Fox stop filling up every corner of land with homes apartment complexes or storage units these are all talking about

[06:01:12] development and none of the parcels that are proposed to be removed from the Ag Forest District tonight have any development potential and removing them will not create any additional development in rural areas so I think that part of what these people are saying is it's not accurate I think that they just don't understand the effect of the Ag Forest districts on these parcels the other part one of the committee members in one of the meetings we had I had talked to a farmer and a farmer had told her I won't be able to afford to farm in Albemarle County if my parcel is removed from the Ag Forest District in

[06:01:50] reality if that farmer is qualifying under agriculture and farm and forestry at either one or both they're going to continue to qualify outside of AG Forest District this this change will have no effect on their their taxes as long as they continue the the agricultural activity there was another example of that same that same understanding that by removing these parcels from the AG Forest District they won't be able to qualify for for land

[06:02:28] use at all. And that is just not true. They will follow the same agriculture and forestal qualifications as any other parcel, whether they're in an ag forest district or not. And as I pointed out earlier, and I just wanted to reiterate, 93, I'm sorry, 90.3 percent of agricultural and forestal active uses in the county are outside of an ag forest district.

[06:02:59] that only 8.7% of land qualified for those programs are in an Ag Forest District. And the Ag Forest District itself has no bearing on their qualification. They can qualify while they're in the district or while they're out of the district, and it just doesn't have an effect.

[06:03:17] So I just want to make that clear because it's not understood throughout the community. Appreciate that. Can I ask one final clarifying question? Can we go back to the chart of the recommendations?

[06:03:31] And just while it's getting there, yeah, so when you were answering Supervisor Andrew's question about the asterisk, not the dagger, but the asterisk, you mentioned that there were basically a range that had been notified that this might be happening.

[06:04:02] Several of them took measures to change their land use category. Some of them voluntarily withdrew at that point also. And there's one other guy who would be the exception that is identifying. Am I

correct in understanding that the staff recommendation in this last category that has the asterisk does involve exactly one guy holding a bag for like a five-year clawback?

[06:04:27] No, sir. Actually, the asterisk applies, and Scott can correct me here, The asterisk applies to anyone else that might have come up in the process. I mentioned earlier that a few parcels were changed after the prior communications from some other program to open space.

[06:04:47] Those parcels would be the ones that we would now notify and give five additional years. The gentleman who was, or the property owner who was notified five years ago, the proposal is that he will face rollback taxes at this point.

[06:05:05] He's not the asterisk. Okay. Okay. So he is not the asterisk, but that is happening to that guy. It is happening to that, yes. Yes. But there are others that would now get the five-year period. Thank you. Thank you.

[06:05:22] There are no other questions for staff. I will open the public. I have one follow-up. Thank you. So, just so I hear correctly from what I think you said, there are no parcels left in the open space category from where we started six years ago or whenever it was that were the ones of concern because they were getting a benefit for not doing anything.

[06:05:46] There's one. And that's the one that's under notification. Correct. Everybody else has either chosen something else or withdrawn on the road. Yes, ma'am. Those neighborhoods, et cetera. Okay. And just a comment rather than an argument. It was the question about conservation easements.

[06:06:05] Well, there's no development potential, so there's really no reason to worry about them. It's really the same for those small lot parcels. There's no financial benefit. They're not causing anybody any trouble. So I have a difficulty distinguishing those two pots. That's all. Thank you.

[06:06:22] Thank you. Can I ask Jesse? Please. This is when you said switch earlier. This is reminding me. This is the one where the state, for somebody that comes out of the AFD, doesn't qualify anywhere else, then the rollback taxes are required to be collected by the state.

[06:06:39] That is correct. I'm remembering that conversation where does the county have the ability to maybe waive the taxes or the rollback or clawback, but we don't. That's state code. It's in the state code that we must roll them back. And the alternative is that they qualify in a different way, so they're not rolled back.

[06:06:57] Or those 15 that paid regular taxes for five years, so no rollback would be calculated. It would be necessary. Yes, sir. But the switch, was it allowed them, because they qualify through other programs, that they could effectively move into those programs?

[06:07:13] Correct. I'm remembering the conversation now from 2018. Yes, sir. But it wasn't the removal from the Ag Forest District. It was they're not qualifying for land use in some other way. That was the issue. It is the combination of being removed from the Ag Forest District without another way to qualify.

[06:07:32] Right. The open space. Correct. They were not in production. Correct. So a downside for the property owners, they owe the rollback taxes. And I think the board did a really good job of allowing those 30 property owners the opportunity over that five years to avoid those rollback taxes and still achieve the goal of closing the loophole.

[06:07:56] Thank you. With that, I will open the public hearing, and we have some people signed up to speak, and Vice Chair McKeel will read the rules and call off the names. We do. Some are electronic and some are a person. So we have both in-person and electronic speakers, and I'll read the rules.

[06:08:17] During public comment hearings, the board will acknowledge speakers addressing the item listed for public hearing. Speakers are limited to one appearance of three minutes per public hearing item. Community members physically present for the meeting will speak first, and those who are attending the meeting electronically will speak.

[06:08:35] For those attending electronically, the clerk will announce each speaker before it is their turn to speak. For in-person, timekeeping is conducted through a timer and light system at the podium. The green light will go on when you begin speaking, which begins your allotted time. The yellow light indicates you have one minute to finish speaking.

[06:08:53] The red light indicates your time has expired, and you will be asked to end your comments. For community members who are attending the meeting electronically, timekeeping is conducted through a timer. The timer will commence when you begin speaking, and this begins your allotted time. You will be notified when the three minutes are up and you are requested to bring your comments to a close as your microphone will be muted after about five more seconds.

[06:09:17] In order to give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines. Addressing the board, please state your name and if you live in Almar County, your magisterial district, address comments directly to the board as a whole. Any written statements or other supporting material may be given to the clerk.

[06:09:36] If making comments through Zoom, you may upload written comments through the e-comment portal or email your comments to the clerk. If representing a group or organization, you may ask others present to raise their hand in recognition. Speakers may not share any unused time with another speaker.

[06:09:52] Back and forth debate is not permitted, and please do not speak from your seat or out of turn. All comments are live streamed, recorded, and published on the Almar County website. If participating by phone, press star nine to let us know you want to speak, and then star six, if from a landline to unmute.

[06:10:12] If by Zoom, please remain muted until you are called on to speak. Right, and we'll start with the folks that are in the room. The first speaker is David Van Royen. Good evening. David Van Royen, Samuel Miller District.

[06:10:32] As some of you may know, I'm a big fan of Ag Forest Districts and a supporter. I believe that they protect the rural areas and add to a sense of community. I'm concerned by the actions tonight here.

[06:10:49] I thought this was supposed to be about agriculture and the support of agricultural and rural areas. And when we start talking about small lot development rights and people that don't have any and throwing them out of a district, even though it has no economic impact to the county, I think we're getting confused and out of the picture, and this is perhaps not the best way to go.

[06:11:12] The committee has tried very hard to make some recommendations. I think that I would like to see the board, no matter what they do tonight, act favorably or show their support for the Ag Forest districts and the parcels that are in there.

[06:11:29] And I think that's the best that you can do. Thank you. Thank you. All right. And the next person, I believe, is JC. Is this Wolf? I'm not actually sure about the last name. Sorry. Welcome. I think it is JC and then Wolf. You can tell us. Yes, my name is JC Wolf. I have a small business on Pantops Mountain with a building. I also own land

[06:12:02] south of town in the Hardware District and so basically this was brought to my attention about the removal of these AG districts and I agree with what David was saying this is I feel that well just real quickly from the slides they were showing up there I do support the committee's recommendations I don't support or I don't agree with the staff, put my eyes on it, staff planning

[06:12:39] Commission's recommendations. The reason is, is bottom line is, you know, the county is in a deficit from my understanding and the city of Charlottesville is in a surplus and I know that how the Albemarle and Charlottesville battle back and forth on things, that's not what I'm here for. I feel that what's happening is it's basically we're looking for revenue.

[06:13:08] right? I mean, and I don't think that removing the ag with these farms or parcels from the ag district is the question. It's not going to generate the revenue that we need. I believe that we need to do some changes in these entities that are basically non-profit or tax exempt.

[06:13:33] That's my feel, okay? One of the biggest issues, I feel, is the university. Now, again, I'm not going to get into that that's a huge battle right there but i do feel that from their lands of the city and county they have plenty the taxes just one percent off of what their land value is could be you're talking 20 million dollars easily i mean again they are it's huge their endorsements

[06:14:12] and their fundraisers far more than what these farmers have in their ag districts and what they have to do with these two hands kind of thing. Anyway, thank you all very much. Thank you. Thank you. Our next speaker is Melanie Van Rooyen. Take your time. We see the boot. Good evening.

[06:14:45] My name is Melanie Van Rooyen. I'm speaking today not as the chair of the Ag4 Districts Advisory Committee, but as a private citizen. I'm here because I strongly believe in the importance of agricultural and forestal districts, or AFDs, and I'm concerned about the direction we're heading with the current district reviews virginia state adopted the agricultural and forestal districts act in 1977 because of increasing pressure to convert farmland and forest into residential and commercial developments and concerns about irreversible loss of valuable agricultural land vital open space and the state's rural identity i believe albemarle county's districts the majority of which were

[06:15:21] created in the 1980s are direct response to those concerns and they remain as relevant today as they were then AFDs are a testament to our committee our communities commitment to preserving our cherished rural character agriculture and forestal economies and protecting irreplaceable natural resources they contribute to the local sense of culture and the natural beauty that we all know and love and that attracts visitors and new residents alike at four districts represent a collaboration between the county and landowners and demonstrate a voluntary commitment to land conservation that benefits everyone that is why I'm so concerned by county staff's recommendation for parcel removals. As outlined in the Ag4 Committee's

[06:16:00] memo to the Board of Supervisors on February 17th, the committee believes this approach conflicts with the purpose and policies of Virginia State and Albemarle County and serves to erode Ag4 districts. In addition to the eight districts in front of you today, there are seven more scheduled for your

review on April 2nd and 13 more that will eventually come before you. County staff's recommendation for the first 15 districts will result in county-initiated removal of 153 parcels totaling 2,503 acres. Those numbers would likely be significantly more if we were to look at all 28 of the county's districts. Furthermore, the potential financial benefits, an estimated less

[06:16:37] than \$30,000 up front and \$6,000 annually going forward, which will be generated from only two of the mentioned 153 parcels, simply doesn't justify the potential negative consequences. Also troubling is that this approach treats conscientious landowners who are actively engaged in agricultural forest activities the same as those who might consider converting their land to other uses in the future. It punishes good stewardship based on speculation and perception. The Board of Supervisors deciding to remove parcels that were not requested for withdrawal by the landowner will be the first such decision in the program's 40-plus year history. This is a significant

[06:17:13] precedent to set. The Ag4 Committee has developed an alternative district review policy consistent with existing county code that i believe offers a more balanced and sustainable approach the committee's recommendation considers a range of factors including but not limited to development rates and focuses on whether a parcel is genuinely contributing to the purpose of the afd program this targeted approach will result in significantly fewer parcels parcel removals protecting the integrity of our districts this is aligned with the county's comprehensive plan including the ac

[06:17:45] 44 comprehensive plan updates in progress thank you thank you all right our next uh two speakers are going to speak electronically and the first speaker is shawnee baker welcome thank you my name is shawnee baker i live in the white hall district and i'm here representing the thriving horse community in central virginia we have contributed to the county and the state

[06:18:18] huge sums of money in economic development, sales taxes, and the only way to maintain that kind of industry is to allow the AFDs to continue for the equine and farms, boarding farms, riding lesson programs. The land use needs, the information you gave us tonight, gave us a little more information, but it still needs to be kept simplified, as your speaker just mentioned.

[06:18:53] We also tie this into the affordable housing that was mentioned earlier. The support staff, the support community that helps to keep this industry afloat also is having a significant difficulty in finding affordable housing. I do believe that our tax revenue from this industry should be considered when you are looking at both affordable housing and land use. There is a lot of

[06:19:31] data and statistics to support the equine industry in our community, and that could all be supplied to you after this meeting if you would like. The third topic I was hoping to address, which I don't know if it ties into this evening, is the equine community really wanted to readdress the issue of the Biscuit Run Park. That also has to do with how our community is utilizing our land. I think that covers the highlights of my topic. Thank you. Thank you. And the next speaker is Mike Haas.

[06:20:12] Welcome, Mr. Haas. Thank you, Board of Supervisors, County Staff. My name is Mike Haas, and I am the vice chair of the ag four district advisory committee. I just want to clarify some things that I heard in this meeting that I felt that were incorrect. The first is the answer that the committee chose to ignore the county code is incorrect. Okay. We have deliberated extensively on how to respond to the county code without simply acting as a rubber stanch of the staff's recommendations. Our letter approved Monday implores that the board of supervisors

[06:20:47] board of supervisors change the review process as as miss ben rohan had talked about or to change the county code at no point did we say that we were going to just ignore uh the recommendations and again i can't emphasis enough i've been on the i've been on this board for for this committee rather for a year and we've been talking about this for a year uh we've gone round and round on this on this topic and so this isn't something we take light lightly uh we appreciate the staff's recommendations um wholeheartedly but at the same time we also think that there is um unintended consequences as we look more into this is because of the overall harm to the districts um is the

[06:21:26] reason for making our recommendations we believe that over time um you know you know following the staff's recommendations the the agricultural forestal districts will be pretty much we use the language decimated and i think if you look at ivy creek that is that is a very good example And I also know, too, that tonight was the first time that I became aware that Ivy Creek would be going away, which I think is very telling, considering that I'm on the board and has been at every single meeting for the last year.

[06:21:55] I'll see you the rest of my time. Thank you. Thank you. That's all. That's all our speakers. Okay. Oh, one more. Last minute. Okay. And this person is online as well. Give Claudette a minute to sit back down.

[06:22:12] So the speaker is Annie Campbell. Welcome. Hi, are you able to hear me? A little louder, please. Thank you. Yes, thank you. I apologize. I couldn't be there in person tonight. I'm home with a couple of kids. And I'm actually, I was also incredibly surprised to hear that the Ivy Creek district will be going away.

[06:22:33] I live, I am in Albemarle County. I'm in the Jack Jewett district. And I can actually see my home parcel on that map of Ivy Creek that you just showed. So this issue is very personal to me. And I do consider myself very informed on this issue and not someone who has some misinterpretations of the policy.

[06:22:52] I am, what I wanted to say tonight was that I think that it's telling that when the board made the decision five years ago to consider land use within the policy, you didn't know what the implications were actually going to be in terms of districts being, I cannot believe to learn today that our Ivy Creek district is going to completely go away.

[06:23:14] and to know the acreage and parcel impact that will occur for all of the other districts over time. I believe that if the board had foreseen this five years ago, they would have seen that that is in complete conflict with the overall purpose for Ag4 districts and would have made a different choice. And I think that the committee has made a very smart recommendation to make sure that the ab4 districts are preserved and are done so in a way that is very realistic but also supports the the state's purpose in creating these districts um in totality so thank you for the time

[06:23:51] tonight thank you no other speakers yes um and uh i believe we can continue to ask questions of the but do we have to close the public hearing before or after that so if uh if there are no other public participants it can be before the board board can ask questions of staff without closing either way either way okay i will close the public hearing and and bring this back but i will look to this to the board to consider any additional questions or comments you'd like to make

[06:24:25] starting with supervisor i'm going to turn to staff because you heard the public comments and just ask if there's anything you all would like to say regarding what some of the pop any of the public

comments well I think Scott pointed out when he first started his presentation today that it was we just found out about the Ivy Creek the fact that it would have no parcels left only because of a last-minute withdrawal by one of the property owners so so that you know the fact that it was a surprise

[06:25:04] it is a surprise to us also due to the timing but as he explained they could request a withdrawal up till this hearing so that was at their request not it that is the it was caused by that request yes any other comments about anything you heard from the speakers as mr lynch mentioned earlier i just wanted to reiterate that while parcels are recommended for removal from the districts they are not being removed from their rural area comp plan designation

[06:25:40] or their rural area zoning so given that these are rural area parcels that would remain in that zoning district and that have no additional development potential they're not being freed up to do extensive residential or commercial development for our categorical change of use just by coming out of the districts so it's it's not a shift of their comp plan designation in any way or their zoning it's just removing them from the additional restrictions of a voluntary conservation program okay there was a there was an additional one of the

[06:26:18] speakers talked about equestrian right it which was very similar to one of the emails that I referenced the equestrian use would not be affected in any way by parcel of being removed from that force district they could still qualify as equestrian by stabling training and all the normal equestrian activities you qualify for land use. So that would have no effect. And in zoning, not outside of the tax terms, in zoning use terms, the same by right uses are permitted whether you're in the district

[06:26:54] or out. So agriculture, forestry, all of the other 40-some uses that are permitted by right in the rural area zoning district are equally available whether a farm is in the district or not in the district. All right. Thank you very much. That's all I had. Thank you. Supervisor i have no further questions supervisor mallard thank you and i i'm just have become more and more troubled about when so many arguments are saying well it's the same if they're in or it's

[06:27:30] the same as they're out if people still want to be part of the conservation gang group supporter group i i guess i don't see the harm in it and i wonder if there is the ability to fine-tune what was adopted without the clarity that now we have several years ago. Because as I said, when I started my questions it has moved from the open space without contract to more broad scale, which was lost on me for the last several years. Let's put it

[06:28:10] that way. Thank you. Supervisor Pruitt. I don't believe I have any questions. Supervisor Lapista Curley. There seems to be a perception that by taking these parcels out of the conservation easement ag forestall district that it reduces the um the land they have for ag and forestall is that that's not true right again the whether in or out of the district all

[06:28:44] of this land will be able to carry out agriculture or forestry by right um it's not uh required or mandated by being in the district and will also be able to avail itself of the tax advantages of doing so right that is correct and there's there's no uh advantage that i'm aware of for a farmer or a forester if their property is in the ag forest district for those uses for those uses okay and they could always if they're out could they then go back in after you know provided they meet the

[06:29:22] acceptance criteria which include being in the rural area having important ag land or soils and the other criteria you've seen on the screen plus having some degree of small lot development rights to be

given up for the term that they're in the district.

[06:29:39] So if I understand your question, if these parcels that are being removed would not be able to go back into the district because unless they somehow gained a development right. Right, if they gained a development right. Under these rules. Right, okay. And so they're out because they don't have the development rights that's necessary.

[06:29:59] That's correct. Okay. And from what I do understand about the equine situation, because someone had asked about it being in the comp plan, evidently, what I understand from my sources, that it is in the comp plan.

[06:30:15] It's just that they want a separate statement or something regarding that, but otherwise it is in the comp plan. I'm unaware of what they were referring to in the comp plan, but if they have a qualified equine use on their property, for qualifying for land use through my office, the comp plan would have no bearing on that.

[06:30:40] As long as they met the minimum acreage requirement and then the activity, the revenue, all of that, they would qualify. Okay. Thank you. No other questions? Thank you. I just want to probe one more time on this Ivy Creek withdrawal. Is there any indication and was there any discussion with the landowner?

[06:30:59] Were they aware that, I assume they got the notice, so they knew that they were the only ones left, I guess, in the district? Do you know if that entered into their decision to get out? I mean, was there any discussion? Is there any information that you could add relating to the Ivy Creek landowner who decided to withdraw after learning that everybody else was being thrown out?

[06:31:23] I'm James Van Branken, planner in the conservation program. I spoke to the landowner's representative on Monday when they let us know of their wish to withdraw. Those seven parcels were all owned by the same owner, all under one conservation easement.

[06:31:40] As I understand it, there's a bit of back and forth. The current owner recently bought the property and is maybe also selling the property, and the prospective buyer didn't want the Ag Forest District as well. I don't know the intricacies of all that.

[06:31:57] The clarification, the things we spoke about was the differences between the conservation easement and the Ag Forest District and what they get from being in the Ag Forest District given they're already under conservation easement. I mentioned to them that they were currently the only bit of land being recommended to continue in the district, and that didn't seem to affect their decision.

[06:32:24] That was after they'd already said they wanted to get out? No, that was before they said they wanted to get out. We don't know whether it is. Okay. Thank you. And just to clarify again that, you know, a lot of this comes out because of the lack of standards on the open, lack of ability to validate open space use in any way that's comparable to what we do with forests or agricultural activities.

[06:32:57] If there were a way to do that under the code, then one could be in open space, whether they were in an ag forest district or not, based on some validation? The state code requires a parcel to be either in an ag forest district or under an open space use agreement in order to be, or a conservation easement, in order to be open space qualified under land use.

[06:33:27] So that first piece has to be in place. We have no other criteria that we can judge it by. We can't say you're in an Ag Force district, so you're open space, but you're not because you're not doing certain things.

[06:33:45] We're very limited in what we're allowed to base it on. And it's inclusion in an Ag Force district or an open space use agreement. Okay. Thank you. You're welcome. Matters back before us, Supervisor Malek.

[06:34:05] But they still do have the opportunity to go into an open space contract now. So the open space use agreement contract is more restrictive than the Ag Forest District. Sure. So if you have a larger parcel, let's say you have a 200-acre parcel that has no small lot development rights, it would be recommended for removal from Ag Forest District because we're not actually restricting anything.

[06:34:34] You can still build or subdivide all the 21-acre lots you want, even within the Ag Forest District. However, the open space use agreement restricts all development. So we will place an open space use agreement on that same property because it does have benefit to the county.

[06:34:51] Thank you. Now, we are at the decision stage, so I look to see if there are additional comments, starting with Supervisor McKeel. I guess my comment is, in general, I'm in support of staff recommendations.

[06:35:11] Okay. I'll just let it go with that. Great. Supervisor Galloway? I mean, yeah, with all due respect with some of the comments we've heard, I don't know that I fully agree with some of the premises that are feeding some of the fears here. The districts do not drive our land use policies.

[06:35:30] And there seems to be some equating of the AFD with rural area, which is just not the case. So I'll be supporting the recommendation. Okay. Supervisor Malek? I think a really important distinction I just learned is that the open space agreement way to achieve open space participation would stop the 21-acre subdivision, which currently we have no ability to restrict because they're by right.

[06:36:03] Did I get that correct? That is correct. Okay. I do understand how there are a lot of things that are crossing over. I feel very bad because I think that in the 80s, I was very much and still feel that there is a community of ideas and support value that the county gets from participation in this activity for which nobody, they don't get any benefit without harm, it seems, to the county.

[06:36:38] And so I'm having a lot of difficulty. I understand completely where the staff's coming from on all of this and understand the distinctions and the protections and that the law doesn't, this change would not impede people's ability to carry on with the current roles that they have.

[06:36:55] I'm just having a really hard time letting go of the fact that we're telling people we don't need you. And that feels like a self-inflicted wound that I'm really sorry about. Thank you. Supervisor Pruitt? I actually do think I similarly feel a little conflicted on this.

[06:37:15] as i think supervisor galway pointed out quite effectively i don't think anyone is being meaningfully hurt by this in a material way by the decision by the staff recommendation right it does not change the land use policy on these and if people do want to make some kind of broader statement toward conservation they can still as we talked about just earlier today donate their land in conservation easement they can take other steps to conserve they can conserve their land as much as they want um it does not have a pecuniary impact on folks except

[06:37:54] for those who are um receiving an open space uh land use valuation and then they can still receive that kind of uh taxation value advantage if they engage in agriculture um which i think is a reasonable ask um so all of these like all of the tangible things i'm right there on the staff recommendation i do just recognize i was at the virginia history museum and i saw a painting that was of a historic building in albemarle county and it had underneath it like barn at

[06:38:32] and like a place name you can't look up that place name anywhere because that was a culturally understood place at the time it was painted and it just isn't retained in the public consciousness through any institutions um and i take i think the point of what supervisor malik kind of gestured toward in her own conflicted nature on this that there is kind of a shared cultural placemaking that is involved in the agricultural forestal district there is something metaphysical it is

[06:39:09] retaining and i do recognize the value in that and that is i think the most like earnest critique that I hear from the members of the public that I actually do sympathize with. And I am not sure how I'm going to vote, and I'm going to have to think about that in the next few minutes.

[06:39:27] Thank you. Supervisor, please look perfect. I did want to ask that if, in the rural area, if someone, I purchased a large piece of land, I don't know, 5, 10, 20 acres, and I wanted to farm, have an agricultural, do some farming or have animals or something like that, I would be able to do that, correct?

[06:39:51] That is correct. So this is not what the staff is recommending. It's just that these are for the development rights on a certain piece of property that should have already been there.

[06:40:07] I mean, I'm not even seeing the juxtaposition between that and being an ag forestall. I mean, if they don't have property development rights, then you're saying that they can't have the conservation easements, correct?

[06:40:29] If they don't have any development rights, what we're saying is that they shouldn't be in an ag forest district. Ag forest hall, okay. Correct. If they do have development rights, they can be in it, or also they can buy land and be in an ag forest hall district.

[06:40:48] That's correct. if they have development rights they have choices they could join the ag forest district or they could uh actively farm or have forestry on their property okay to get the same tax benefits okay that those were my concerns because it doesn't seem like we're taking away which was important to me i you know we're not taking away that ability to do that just following within the guidelines that we have okay thank you i'll be supporting this thank you uh board i maybe should

[06:41:23] have made this comment earlier but i will make it now that uh i am a member by appointment by this board to the ag forestal advisory committee mr lynch we're both members um as a designated member from the board uh as this issue came forward at first uh we were looking at the policy and i made it clear that I could not vote against the staff recommendation because it seems to me to be clear in the current ordinance that if there are no small lot development rights, those parcels would

[06:41:59] be not recommended to be renewed in the review process. Then as this deliberation went on and Mr. Haas mentioned, you know, there was not so much a question of ignoring the law, but either They're asking for a more thorough review process involving other criteria weighted in different ways.

[06:42:20] And I did find in 2011, before the change, Mr. Kampner said that's not a hard and fast rule about having development rights. I think that became a hard and fast rule at some point. There was

enough that I began to abstain from votes because I felt like I needed to be there to listen.

[06:42:40] There were extensive deliberations on these topics. And as you saw, even the Planning Commission was for to, and I wanted to make sure everybody had the minutes so that they could see that there was discussion of this as well at the Planning Commission. That said, it's very difficult for me to say I would go against what is in the current code because I do think that that's what it says.

[06:43:05] And if we were going to do anything tonight, we would be recommending that we go back and look at this code provision again and decide whether it's small lot development right. lots without small lot development rights could still be in ag forestal districts the only other issue for me has always been uh notice and whether there had been adequate notice this time of this i still feel like it could have been handled better in terms of the amount of notice and clarity to the homeowners to the landowners so that they knew they were going to have this happen to them but that is at this point i'm not hearing an overwhelming number say we didn't get

[06:43:44] get the notice, or we don't agree with the determination, and so I'm weighing that a little less subtly. Complicated, but that's where I'm at. Yes? Are there any members of the board who would be interested in looking at this criteria and seeing if, going back to not a hard and fast rule, but one of several considerations would be considered for this topic? I think that's better discussed it another time i hate to jump shift here in midstream if we wanted to bring that up and look at that again at some other time i just i think it i think it is relevant to the decision

[06:44:22] we have to make and i mean if we vote we have people vote yes on this then that's it as far as the all of these parcels are concerned that's the only reason i'm asking now is is it a reason to hold up briefly and look at it i will i will say that you know again as as a representative on this committee uh i felt and and maybe should have made this clear with the committee that there was so much discussion of this issue that there wasn't a sufficient opportunity for the committee to actually look at each of the districts and each of the parcels and under the review criteria say well you know this has got really really important soils or this is the parcel

[06:45:00] that makes this district work and so should we weigh that against whether it had any small lot development rights or not in making this decision and those considerations were just to my knowledge not really brought up in this process that even though there are several criteria and they all have to be met that one criteria that whether there were small lot development rights was the only one that was extensively discussed because all the rest assumed had been met previously when they joined the districts would you like to respond i mean you look like you had something

[06:45:34] you might want to say no i was just remembering those meetings as chair andrews was uh yeah you You just have a look on your face. I was reading body language. I brought up in those meetings that, you know, there was focus on that one item that is the small lot development rights.

[06:45:51] There are two other items which are, and, Scott, you need to, I think, bring those up and speak with authority, development patterns and comprehensive plan and zoning regulations. Really, three of the five criteria are based on your ability to guide development in the rural areas.

[06:46:11] And I think that restricting development rights is only one of those important ones, but you're also considering development patterns and you're considering the comprehensive plan and the zoning

regulations when you are talking about restricting those development rights or not allowing parcels in the district that don't have any development rights.

[06:46:34] I think it all goes together. Supervisor Calloway. I mean, I just want to remind, because I'm hearing some of the, and I do empathize. I'm just saying that in 2018, this was fully vetted by this board.

[06:46:53] It was a session, and it came back, I believe, later for decision. There were two meetings in 2018. This wasn't a consent agenda item that flew under the radar. This was something that the board, and three of us were on the board. I voted for the code change in 2018.

[06:47:09] I think it was just three of us. I remember two. So, you know, it received a full vetting, and we don't put things into code for feel. There's plenty of things in our codes and our ordinance that people are upset we're not getting done or handling.

[06:47:25] If we start allowing things to be in just because it feels good, that's not what should be in the county code. That could perhaps be in the comp plan. That could perhaps be in the guiding vision and mission and other things where philosophies start to dictate, but not in the code.

[06:47:41] Now, if we feel the code is wrong, then we'd have to do a code review, but I'm not prepared to say that the code is wrong, not after knowing that the board went through a full vetting of it in a very public process way and made a decision. And again, I empathize. I get it, the camaraderie, I suppose, of being in there. But I've been through a few budget cycles where I know folks always say the dollars are nominal. It's interesting what the threshold is to say they're nominal. But you all, We all, all six of us, have advocated for things in the last budget cycle where a couple

[06:48:19] thousands, tens of thousands of dollars matters based on other things that we are purposely and strategically trying to get done, that if we just cast a blind eye in one spot, it can become problematic for us in another in terms of our integrity as a board.

[06:48:36] And that's just how I feel about it. And for me, it's in the code. We need to follow what we have in the code. If we want to change the code, then we come back and have another discussion at another time. But I'm not prepared to change the code tonight to accommodate. I mean, I just, I'm sorry.

[06:48:52] That wasn't the request. I think we're looking for a motion. Many different supervisors. So Mr. Clark could put the motions on the screen. And I would just clarify, as the motions are getting put on the screen, that, again, reflecting the fact that there was a last-minute revision to the Ivy Creek, That is reflected in the February 17th revised ordinance that's up at the dais.

[06:49:17] I also understand it's been uploaded, but the motion includes a specific reference to the February 17th version of the ordinance because that's the most recent one reflecting the proposed termination of the Ivy Creek District. So this is the revised February 17th. Correct, and the motion has been revised accordingly so that the motion refers specifically to the February 17th version of the ordinance.

[06:49:39] I can make a motion. I move that the board renew the districts as recommended by staff. Oh, I'm sorry. I move to adopt proposed ordinance number 25-31 as revised February 17, 2025.

[06:49:57] Second. We have a motion from Supervisor McKeel. Second from Supervisor Lapisto-Kirtley. Without objection, if the clerk will call the roll. Mr. Galloway? Yes. Ms. Lapisto-Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes.

[06:50:13] Mr. Pruitt? Aye. Mr. Andrews? Yes. okay andy i always read what's bolded all right um board that uh brings us to the end of our public hearings we are now at uh from the board committee reports and matters not listed on the agenda we'll go through our order supervisor mckee i had a few things but i'm going to save them giving that i probably am going to have to clean off my car before i can go home so i'll hold them for another meeting all right supervisor Mr. Galloway.

[06:50:52] I just got a note, and I don't know, I can't remember what Supervisor Malik had said. Next week, the end of the week, we'll be going to ACO's legislative session, their legislative conference, which is up in D.C. That's the first time that I've attended this one. But it's specific working with, you know, what's going on at the federal level as it relates down.

[06:51:13] It's specific to legislation. So I'll be looking forward to reporting back on that. I actually returned the morning or the evening before our March board meeting. So just giving everybody a heads up on that one. Supervisor Malek. I'm glad you're staying for all four days.

[06:51:30] I'm going for Saturday, Sunday only, which is the work days, and then I'm going to come on home. Thank you. Nothing else. Supervisor Pruitt. I would just share with the board that this Saturday I attended a beautiful event put on by Habitat for Humanity at the Southwood Development where they dedicated a block of new homes.

[06:51:49] These are some of the affordable ones that have been actually constructed for current Southwood residents to be relocated into, and I believe it's the first tranche of actual relocated residents from the current mobile home park. It's really lovely. Very cool. That's exciting.

[06:52:06] Supervisor Epistola? Nothing. Thank you. And I have nothing. So, board, we will adjourn to February 26, 2025, noon, in room 241. The meeting opportunities for the public to access, participate in this meeting are posted on the Albemarle County website, on the Board of Supervisors homepage, and on the Albemarle County calendar.

[06:52:28] Please drive safely.



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