Albemarle County Planning Commission
Work Session and Regular Meeting
Draft Minutes May 12, 2026

The Albemarle County Planning Commission held a public meeting on Tuesday, May 12, 2026, at 6:00 p.m.

Members attending were Karen Firehock, Vice-Chair; Corey Clayborne; Nathan Moore; Lonnie Murray; Mary Katherine King; Catherine Brown.

Members absent: Luis Carrazana, Chair.

Other officials present were Michael Barnes, Director of Planning; James Van Vranken, Conservation Program Manager; Francis MacCall, Deputy Zoning Administrator; Lea Brumfield, Senior Planner II; Bill Fritz, Development Process Manager; Jenny Tevendale, Deputy County Attorney; and Carolyn Shaffer, Clerk to the Planning Commissions.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Ms. Firehock established a quorum.

Public Comment on matters pending before the Commission, but not listed for a Public Hearing on this agenda

There were none.

Consent Agenda

Ms. Firehock noted that included on the consent agenda was the SDP-2025-00147 Portico Church Final Site Plan. She said that the Planning Commission did not typically review site plans, but the application had stated that the Planning Commission would provide some review of the site plan. She said that she had been informed by staff that the site plan currently met all required standards of the County, so there was nothing to edit.

Ms. King motioned that the Planning Commission approve the consent agenda. Mr. Clayborne seconded the motion, which carried unanimously (6-0). (Mr. Carrazana was absent)

Public Hearing

AFD-2026-00001 Lanark AFD Withdrawal

James Van Vranken, Conservation Program Planner, said that before proceeding with the withdrawal application, he would like to provide a brief background on the conservation program. He said that the County had three conservation programs. He said that the most well-known was the conservation easement program, where landowners agreed to permanent protective measures on their land. He said that the Agricultural Forestal District (AFD) program was a five- to 10-year commitment with less restrictive measures than a conservation easement.

Mr. Van Vranken said that landowners in the AFD program could benefit from higher review standards for special use permits (SUP) in or adjacent to AFDs and may qualify the owner for the

land use tax program. He said that however, it was essential to note that the AFD and land use programs were separate, and most parcels in land use were not in an AFD. He said that the benefits to the community from the AFD program included restrictions on parcels, such as a prohibition on using small lot development rights.

Mr. Van Vranken said that in Rural Areas, landowners could subdivide their property into as many parcels as they wanted, as long as each parcel was 21 acres or larger. He said that with small lot development rights, landowners could create parcels as small as two acres. He said that when parcels were in the AFD, they could not use these small lot development rights. He said that he had provided a visual representation of the theoretical maximum in the conservation program.

Mr. Van Vranken said that regarding the application for withdrawal, there were four opportunities to withdraw from a district, as outlined in the County Code. He said that the first was largely procedural, the second was the most common, occurring during regular district reviews, where landowners could withdraw by notifying the County. He said that the third was when a landowner died, and the heirs could also withdraw by notifying the County. He said that the fourth type of withdrawal, which they were reviewing tonight, was by application to the Board of Supervisors.

Mr. Van Vranken said that this was a special application seeking permission to leave a district. He said that the district in question was the Lanark District, located south of Charlottesville on Carter's Mountain Road, near Blenheim Vineyard. He said that the parcel in question was highlighted in green on the map. He said that it was a forested area fronting on President's Road, with most of it consisting of hardwood forest. He said that the portion highlighted in blue was a home site, featuring an old house, accessory structures, and agricultural buildings.

Mr. Van Vranken said that the proposal was to withdraw just this 7.5-acre portion of the parcel from the district, as the landowners wished to use one of the small development rights to subdivide, creating a 7.5-acre parcel and sell it to the applicant. He said that the proposal stated that no extra development rights would be transferred with this subdivision. He said that as a result, what would be created was the 7.5-acre parcel, the one house, and no further development potential.

Mr. Van Vranken said that the remainder, the 43-acre residue, would remain in the district. He said that when reviewing these applications, the Board must consider the following criteria, which are outlined in pages two and three of the staff report. He said that staff had analyzed this application against these four criteria. He said that generally speaking, there was no new land use being proposed, which was an important consideration in some of these criteria.

Mr. Van Vranken said that the staff report noted that the house was already present, and therefore, there was no new land use. He said that the subdivision, or the change of ownership, staff believed had no adverse impact on the landowners remaining in the district to engage in agriculture and forestry. He said that this portion was not being taken out of forestry, and it was already a residential area. He said that on the other hand, the withdrawal was mostly in the interest of the landowner, not in the public interest.

Mr. Van Vranken said that while the proposal was consistent with the Comprehensive Plan, the County could not put conditions on these applications as they would for a special use permit. He said that therefore, there was no way to ensure that the landowners would not allocate more development rights to this small portion. He said that theoretically, if this was approved, they could turn around and make the division allocate two extra development rights and then have two extra houses that would not otherwise have been possible.

Mr. Van Vranken said that however, the proposal, as it had been made, was consistent with the Comprehensive Plan. He said that on the balance of these factors, staff had recommended approval of the withdrawal and the AFD Committee had recommended the same in a vote of six to one.

Mr. Murray asked how many small division rights this parcel had.

Mr. Van Vranken said that he believed it had five.

Mr. Murray asked if the idea was that the other small development rights would be distributed onto the other parcel.

Mr. Van Vranken said that the intention was for four parcels to remain with the residue, and one to be set aside for the 7.5-acre portion.

Mr. Clayborne asked if Mr. Van Vranken could repeat the worst-case scenario of the development rights being allocated to the other parcel.

Mr. Van Vranken said that in the worst-case scenario, three of the seven development rights were allocated to the 7.5-acre parcel. He said that if that were the case, the 7.5-acre parcel could then be subdivided into three smaller parcels, each as small as two acres. He said that this type of development was intended to be restricted and limited by the AFD program. He said that if this were to occur, it would be inconsistent with the Comprehensive Plan and the AFD program's purposes, as it would create two new units in the Rural Area.

Mr. Clayborne said that he had been on the Commission for six years and this process was still a bit unclear to him. He asked if staff could provide more information on the dissenting vote on the AFD Committee.

Mr. Van Vranken said that the AFD Committee was generally supportive of the applicant's proposal and intention, but there was a concern that even though the ownership of the property had changed, it was still in the AFD, and therefore the new owners should still be held accountable to the 10-year commitment.

Ms. Firehock asked if it was correct that there were only three years left in this 10-year commitment.

Mr. Van Vranken said yes.

Ms. Firehock opened the public hearing and asked if the applicant had a presentation.

John Baron Shelley said that he and his wife were the ones that wanted to purchase the 7.5-acre property after it was subdivided. He said that he thought Mr. Van Vranken had done a good job of addressing the concerns here. He said that one of the main concerns seemed to be the lack of guarantee that they would not transfer any development rights to this new parcel.

Mr. Shelley said that to put this into perspective, the individuals who purchased the 50-acre property had done so without any intention of developing on the property. He said that they had bought it solely to create a buffer of privacy and prevent development on their family members' adjoining properties. He said that the 7.5 acres did not border any of their family members' properties.

Mr. Shelley said that in fact, they viewed the existing house as a liability due to its poor condition, which raised concerns about liability if someone were to enter the property. He said that they had no interest in developing the remaining 42.5 acres, as they planned to pass it down to their children, who could then provide further protection for their properties. He said that this buffer was the primary reason they would not provide additional development rights to the 7.5 acres.

Mr. Shelley said that regarding enforceability, Mr. Van Vranken was correct that he could ask the property owner to give him an extra development right, but as he had stated, he had no reason to do so because it would defeat the purpose of the buffer. He said that they also had no issue presenting a contract of sale to the County that demonstrated a signed agreement that there would be no new development rights provided to the new parcel.

Mr. Shelley said that if individuals were interested in development, it would be entirely logical to begin with the part of the property that already had the well, septic, electric, and a solid foundation. He said that it would be impractical for someone to have to obtain electric, septic, and other necessary permits for the entire 42 half-acre site. He said that that would not be the first place he would start with, by any means.

Ms. Firehock asked if the Commission had any questions for the applicant.

Mr. Murray said that this was at the front of the property, and any future division would require road frontage. He asked if there would be right-of-way or something else recorded through the property.

Mr. Shelley said that there were two options. He said that he could provide an easement, which would allow them to use the existing driveway on the left side of the property, which was close to the boundary of the 7.5-acre parcel. He said that he would provide him with an easement immediately to use that driveway and extend it past the 7.5 acres.

Mr. Shelley said that alternatively, other family members lived adjacent to that and could potentially provide a right-of-way through their property if needed. He said that the purpose of this easement was not to facilitate further development on the property, but rather to maintain it as private wooded acreage.

Ms. Firehock asked if there were any members of the public who wished to speak to this item. Seeing none, she closed the public hearing and the matter rested with the Commission.

Mr. Murray said that he was supportive of the proposal. He said that his minor concern was that the 10-year period provided a tax break, but they would not be providing conservation for the full 10 years.

Ms. Firehock asked staff if the property would be required to pay the back taxes, including the reduced taxes that had been applied for the past seven years, as a result of leaving the district early.

Mr. Van Vranken said that 43 acres of the parcel, primarily located in the rear portion, was currently in forestry land use. He said that if the parcel were to be fully removed from forestry land use, the tax rate would remain unchanged, as the forestry qualification still applied. He said that it was possible that a small portion, approximately half an acre, currently in forestry, would be removed from the forestry qualification and would require the payment of back taxes on that portion.

Ms. Firehock said that it sounded like a negligible impact to taxes.

Mr. Murray said that the new parcel was smaller than what was required for forestry, that parcel would have to pay back taxes.

Mr. Van Vranken said that that portion of the parcel was currently paying full-rate market tax.

Ms. Firehock said that it was only the forested part of the parcel that could be used for forestry that would receive the tax break.

Mr. Murray said that he appreciated the clarification.

Ms. Firehock said that it was complicated. She said that they could have land use tax breaks, and it could be an AFD at the same time.

Mr. Murray said that it was only if they were utilizing the single classification of land use tied to the AFDs, and it appeared that they were not using that one.

Mr. Moore said that he had no objection to this proposal.

Ms. Firehock said that she also did not have any objection to this application. She said that the applicant had provided a detailed description of their intentions to restore the existing house on the property. She said that this effort would bring previously dilapidated housing back into their housing stock. She said that while the applicant was not explicitly offering this as a condition of approval, they had provided a thorough explanation for the public's benefit.

Mr. Clayborne motioned that the Planning Commission recommend approval of AFD-2026-00001 Lanark District Withdrawal. Ms. King seconded the motion, which carried unanimously (6-0). (Mr. Carrazana was absent)

AFD-2026-00002 Green Mountain AFD Addition

Mr. Van Vranken said that this application was a request to join the Green Mountain District. He said that the Green Mountain District was located just north of Esmont, along Green Mountain Road, and Secretary Sand Road. He said that currently, it consisted of six parcels totaling 1,200 acres, which was formed in 2015. He said that the parcels proposed to join were those shown in pink, which included two parcels totaling 750 acres under the same ownership.

Mr. Van Vranken said that these parcels were currently in active agriculture and forestry and were under conservation easement held by the County. He said that parcels under conservation easement were eligible to join the district, and the easements provided a higher level of protection. He said that this meant that there was no benefit to the County in adding these parcels to the district, but there was no cost associated with it.

Mr. Van Vranken said that the districts could not impact the tax rate of the parcels, and some landowners felt a sense of kinship and collective strength by expanding the districts and partnering with their neighbors in this way. He said that staff had recommended approval of the application, and the AFD Committee had concurred.

Mr. Moore said that he was curious about the current uses of the two parcels. He said that the parcel to the south, parcel 128, was reported to have been used for forestry. He said that he was

interested in learning more about the specific forestry uses and the nature of the forestry operation on that parcel.

Mr. Van Vranken said that he had provided a satellite view of the properties. He said that as it could be seen, the parcel to the south was mostly wooded. He said that the cleared areas, which were primarily pine and some hardwood, were cleared approximately four or five years ago. He said that to his knowledge, they were still under active forestry, and had been replanted, thus starting the cycle over again. He said that there was a small area of pasture in the north, but most of that was also under forestry.

Mr. Moore asked if the parcel to the north, 120-20, had been used for either agricultural or forestry purposes, as indicated by the presence of trees. He said that he was unsure whether it was an active forestry operation or simply woodland.

Mr. Van Vranken said that he was not aware of the landowner's plans for that property. He said that the County viewed any large patch of hardwood forest as potentially suitable for forestry, as it was not an annual crop that required immediate harvesting or not. He said that it could sustain forestry operations over time.

Mr. Moore said that he also noticed that these parcels were already under a conservation easement. He said that he was wondering about the additional implications of adding them to the AFD. He said that he was inquiring about whether there were any additional land use valuations associated with joining the AFD.

Mr. Moore said that he was curious whether the conservation easement already accounted for this, or if there was a separate consideration for joining the AFD. He said that he was inquiring about the motivation behind joining the AFD, given that there was already a conservation easement in place.

Mr. Van Vranken said that there were a couple of restrictions that were part of the AFD program but not part of the conservation easement program. He said that one that came to mind was that if a parcel were to join the district, it would not be allowed to participate in short-term rentals, such as Airbnb's. He said that in contrast, the conservation easement program currently allowed this.

Mr. Van Vranken said that if a parcel were to apply for a special use permit, there would be additional requirements as part of the SP review process. He said that furthermore, if parcels adjacent to those that applied for an SP were also in the district, the SP review would need to go to the AFD committee. He said that he was not aware of any other additional protections.

Mr. Moore said that he appreciated the explanation. He said that this was not a particularly important question, but one that he had been wondering about while reviewing the two maps. He said that the maps showed the respective boundaries of Green Mountain AFD and Chalk Mountain AFD, as well as other AFDs that bordered more parcels. He said that he was curious about the calculus behind deciding to join Chalk Mountain AFD or choosing Green Mountain AFD.

Mr. Van Vranken said that to join a district, parcels must be within a mile of the district boundary. He said that in both cases, these parcels could have joined either district. He said that he believed the landowners had established relationships with neighboring landowners in one district, but not the other. He said that they seemed to feel a stronger connection to the Green Mountain region, and as a result, they considered their land to be part of that region, even though it also bordered another district.

Ms. Firehock opened the public hearing. Seeing no speakers, she closed the public hearing and the matter rested with the Commission.

Mr. Murray motioned that the Planning Commission recommend approval of AFD-2026-00002 Green Mountain AFD Addition. Mr. Clayborne seconded the motion.

Mr. Moore said that he had some general questions regarding the Agricultural and Forestal Districts. He said that he was wondering if they might be able to have information sessions in the future to discuss them. He said that the County's Code Chapter 3 stated there were four reasons why these AFDs were established.

Mr. Moore said that conservation was one of the well-known reasons, but the other two were less discussed. He said that one reason was the production of food and other agricultural and forestal products, as well as a strong agricultural and forestal economy. He said that when they received proposals related to renewing or adding AFDs, he was wondering whether they could include information about the specific products being produced, the impact on the agricultural economy, and the success of individual farms in contributing to this economy.

Mr. Moore said that the investment in AFDs, including land valuation and land use valuation, was substantial, amounting to millions of dollars annually. He said that he would like to request information from staff regarding the production of food and products from AFDs, as well as statistics on how AFDs contributed to the County's economy. He said that he would also like to know about the goals the County had for these districts and whether they were meeting them.

Ms. Firehock said that she made a note of that to bring up with the Chair. She said that she thought it would be beneficial to have a longer discussion, as the Commission had discussed AFDs many times but never with much depth. She said that scheduling a separate session to learn about the history would be worthwhile.

Mr. Moore said that he would like to see more information on the numbers, particularly in terms of whether this was an economic benefit and what that benefit was. He said that he would also like to know how much investment was required and how they could tweak the project to prioritize other goals, such as supporting younger or more equitable producers.

Ms. Firehock said that it was worth noting that they had the AFD Committee, whose role was to thoroughly review and consider these matters. She said that as they had heard tonight, there may be instances where there was disagreement among the AFD Committee, and it could be difficult for the Commission to determine the specifics of that disagreement.

Mr. Murray said that he would also like to have a conversation about the County's conservation programs in totality, looking at the costs and benefits of each program and comparing and contrasting the different conservation programs.

Ms. Firehock said that she thought that was a great idea. She said that she had strong opinions regarding certain programs that may be working well, while others may not be meeting the intended goals.

Ms. Firehock called the vote on the recommendation of approval for AFD-2026-00002.

The motion carried unanimously (6-0). (Mr. Carrazana was absent)

AFD-2026-00003 Chalk Mountain AFD Addition

Mr. Van Vranken said that this was an application to add land to the Chalk Mountain District, located on Chalk Mountain, north of Covesville, just southwest of North Garden and Dr. Ho's. He said that the proposed addition was one parcel of 234 acres, which included one unused development right. He said that this was an important part of eligibility in these districts, as it was the primary restriction that districts imposed on land. He said that in this case, the landowners, while they were within the district, would not be able to utilize that one small lot development right. He said that staff had recommended approval, and the AFD Committee had concurred.

Ms. Firehock opened the public hearing. Seeing no speakers, she closed the public hearing and the matter rested with the Commission.

Mr. Murray said that one of the reasons he supported this proposal was that the Natural Heritage Committee had identified Chalk Mountain as a biodiversity hotspot, known for its unique habitats and plant life that could be found nowhere else. He said that this parcel was in close proximity to a rare G1 habitat, which was the rarest type of habitat in the world, with fewer than 15 occurrences globally. He said that given this significance, he believed that any conservation measures in this area were worth supporting.

Mr. Murray said that while he would have preferred to see conservation easements, he was willing to accept the AFD as an alternative measure. He said that this parcel was an exception to the trend of dividing steep mountain slopes into narrow, unusable strips, which he referred to as "barcoding." He said that this parcel had not been barcoded, but many of its neighbors had, making it difficult to manage invasive species and use the land effectively.

Ms. Brown motioned that the Planning Commission recommend approval of AFD-2026-00003 Chalk Mountain AFD Addition. Mr. Clayborne seconded the motion, which carried unanimously (6-0). (Mr. Carrazana was absent)

Work Session

ZTA292299992 Zoning Modernization Phase 2

Lea Brumfield, Senior Planner II, said that she would provide a quick review of their progress, their current work, and upcoming dates. She said that she would also summarize some of the changes in the articles and bring them to the Commission for discussion the topics staff was looking to get feedback on. She said that she would delve into those topics and provide an overview of the language changes they were making.

Ms. Brumfield said that they would keep them apprised of any changes, even if they did not have specific topics for discussion on those aspects. She said that the two articles they were discussing today were Article 4, which would serve as the location for all primary zoning district regulations, and Article 6, which would be the location of use permissions. She said that currently, these were listed in long lists in their ordinance, but in the new ordinance, they would be in a much easier-to-read table.

Ms. Brumfield said that the drafted outlines for these two sections were provided in staff's presentation, and it did slightly rearrange their zoning district orders. She said that they had also decided to create an overlay districts article, Article 5, which would not be under the primary zoning districts article. She said that so far, in Phase 2, they had been working on clarifying,

consolidating language, rewriting intent and purpose statements, and working with Municode to make their tables work.

Ms. Brumfield said that they were ensuring that their work would play nicely with the limitations of Municode and meet all accessibility guidelines and standards. She said that for example, anyone reading with a screen reader would be able to easily access the information. She said that in Article 6, they had been doing a lengthy and involved series of reviews, consolidating those sprawling lists of uses.

Ms. Brumfield said that their work there had been to untangle all those different kinds of uses, identify which ones might have been intended to be the same use but had one word changed over time, and which ones looked similar but may actually have completely different intentions. She said that on the public outreach side of this project, they had recently released their first Zoning Modernization Let's Talk Albemarle podcast episode. She said that she encouraged everyone to listen to it, as it was Zoning 101 and available on any podcast platform.

Ms. Brumfield said that they had also started building up their learning library on their Engage website, which had complementary learning documents for that podcast and topic. She said that looking at their timeline, they were moving along well. She said that their next couple of dates that they were looking forward to would be their June work session and the beginning of outreach for their topic groups for Phase 3 of their Comprehensive Plan integration into the Zoning Ordinance.

Ms. Brumfield said that throughout this process, they were drafting new language with staff and reviewing and editing constantly. She said that as a result, they would greatly appreciate feedback on a few discussion topics they had. She said that first up, their topics in Article 4. She said that the majority of the work in Article 4 involved moving the ordinance regulations from their current sections in the ordinance.

Ms. Brumfield said that some of this work was in the current Section 4, and some were in Article 3, which contained their district regulations. She said that they were reorganizing this in a more logical order and outlining each district's standards in a table format, making it easier to read. She said that she had provided an example of the type of table they were considering. She said that on the left, they had a table from the Fairfax ordinance, which had a simple and readable layout; on the right, they had an example from Charlottesville, which had a more involved graphic look.

Ms. Brumfield said that staff were currently determining the resources needed to create the graphics, but the tables would largely be designed in-house in collaboration with Municode to ensure accessibility. She said that their first discussion topic, which was regarding the first significant change to the Ordinance, was regarding one-foot setbacks for accessory structures. She said that currently, they had inconsistent setbacks across various development types and districts.

Ms. Brumfield said that for those unfamiliar, an infill development was one where filling in space within a neighborhood already largely built up, whereas a non-infill development was typically a greenfield site or a site with large lots and no neighbors within 500 feet. She said that they currently had different regulations for infill versus non-infill, regardless of the zoning district, for accessory structures. She said that they were proposing standardizing setbacks for accessory structures by reducing the setbacks to five feet in all districts, which was a simpler and more understandable figure.

Ms. Brumfield said that this consistency was in line with the 10-foot building separation preferred by the Building Code. She said that they would retain the 10-foot standard building separation, aside from the setback. She said that if a neighbor had a non-conforming accessory structure one foot away from their property line, they would still need to build nine feet back, as per the Building Code. She said that this change would not affect shared easements or shared driveways, which would remain separate.

Ms. Brown said that she was unclear about the five-foot setback and the three-foot setback. She asked if the three-foot setback would supersede the five-foot setback if it was on a shared alley.

Ms. Brumfield said that the shared alleys were situated on top of the land, and the setback was from the property boundary. She said that as a result, one may have an easement on top of property. She said that this was more relevant in Rural Areas, such as when one had two lots, with only one of them facing the actual road. She said that in this scenario, there would be an easement running through the property to the neighbor's property, which was located behind.

Ms. Brumfield said that the boundary line remained five feet from the property boundaries for accessory structures. She said that they cannot build on the easement, as this would block the neighbor's access to their driveway. She said that consequently, an additional three feet must be maintained from the easement, even though it was not a property boundary. She said that there was still a three-foot setback from the easement itself.

Ms. King asked for clarification on the difference between infill and non-infill as it was described in this document.

Ms. Brumfield said that they had a specific definition for infill regulations, which was that they applied to whether there was another house within 500 feet of the site of the new house being built. She said that typically, this meant that if a new development was underway, with new land clearing, new streets being put in, it was considered a non-infilled development. She said that most developed neighborhoods, where an established neighborhood had an existing double lot, and one of those lots was sold and developed into a new house, were considered infill developments.

Ms. King asked if that pertained to the five feet.

Ms. Brumfield said yes.

Ms. King asked if this regulation was going to apply to all districts, including inside the Development Area.

Ms. Brumfield said yes.

Ms. King asked if someone who had a by-right ability in the Development Area would still have to abide by the five-foot regulation, rather than six feet.

Ms. Brumfield said that yes, they would have an advantage, as they would have an additional foot to work with. She said that this was specifically for accessory structures, such as a shed, gazebo or a detached garage.

Ms. King said that she was asking this question because if they were encouraging density, there may be a smaller lot where the five feet was unnecessary. She said that however, that was a different topic.

Ms. Firehock said that the County frequently considered requests to reduce setbacks. She said that they also had seen situations where someone was creating a new development with a different arrangement of buildings on the site, so some of the regulations may change.

Ms. Brumfield said that currently, they had six feet for infill development, so this change was making it slightly easier for them. She said that however, they had chosen to stick with the five-foot requirement because of the Building Code, which mandated a standard fire rating for all buildings. She said that from her understanding, this standard fire rating was a common requirement in most buildings.

Ms. Brumfield said that to ensure safety, buildings were typically required to be at least 10 feet away from each other. She said that this meant that if they were dividing the properties evenly, they needed to be at least five feet away from their property boundary, and the same distance from their neighbor's property boundary. She said that this why they had the five-foot requirement.

Ms. Brown said that consistency was a key factor in making it more user-friendly, and she appreciated staff's emphasis on that with this update.

Mr. Moore said that he did not have many questions regarding accessory structure setbacks, as standardizing the setback requirements across the board seemed like a sensible approach. He said that he did have a question regarding stepback triggers. He said that he was wondering how often proposals that fell within the 40 to 50 feet range or three to four stories would be exempt from the triggers, given the recent changes.

Ms. Brumfield said that she would address that question in the next section of her presentation. She said that the second topic of discussion was the long-promised increase in stepback triggers. She said that these typically applied to multifamily and hotel properties, occasionally larger commercial buildings, but they could theoretically apply to any building type if it reached a certain height.

Ms. Brumfield said that current regulations required a building to step back from the street for every three stories or above 40 feet in height. She said that this meant that for a building with one, two, or three stories, the regular setback applied, and an additional setback was required for any story above 40 feet. She said that for example, if a building had two stories at 20 feet tall, the third story would also need to be stepped back.

She said that since 2019, they had received 27 applications for stepback waivers, with 25 of those being approved by the Board of Supervisors. She said that the remaining two were still under review. She said that these waivers had had no significant impact on the developments. She said that the majority of these applications were for structures four stories in height, requesting that the fourth story not be subject to the setback requirement.

Mr. Moore said that Ms. Brumfield had answered his first question. He said that the other question that was closely related was how often or how many proposals had they received for buildings exceeding four stories or exceeding 50 feet in height.

Ms. Brumfield said that after conducting research, she did notice three applications that were for structures exceeding the fourth story height. She said that these were located on hillsides, presenting a unique situation, such as the one involving a building campus near the University of Virginia (UVA) that was a large structure situated in the middle of a field.

Mr. Moore asked if the increase from 40 to 50 feet or four stories would apply to most developments.

Ms. Brumfield said that yes, it would greatly reduce the number of waiver requests.

Mr. Clayborne said that typically, stepback exceptions were for buildings that did not have anything surrounding them. He asked if they needed to address that in the Zoning Modernization, specifying when it was applicable.

Ms. Brumfield said that it was intended to mitigate the canyon effect, and the requests they had received and the buildings they had constructed in the County, even in infill type developments or on busier roads, had not shown a negative impact with the fourth story. She said that staff had consistently found no unfavorable factors associated with that increase. She said that she was not sure if they needed to distinguish between the two simply because they were trying to increase density, and this was frequently argued.

Ms. Brown asked what the requirements were for buildings in the City.

Ms. Brumfield said that the City's system was significantly more complex. She said that she did not have exact numbers, but she knew that their stepbacks were based on the specific streets they were located on, as they had different regulations for their West Main district and the downtown district.

Ms. King said that she did not have a lot of knowledge on the history or the purpose of stepbacks, but she understood the canyon effect. She said that she thought this type of regulation was more effective and necessary in highly urban areas, which Albemarle did not really have. She said that she thought the regulations could be even less restrictive.

Ms. Firehock said that she must admit that she had never seen a case in which the County had denied a request for a stepback waiver. She said that the original regulation was intended to address the canyon effect, but when they had approved larger buildings, they often were not situated directly on the street, or they were on a larger road, which reduced the impact of the canyon effect.

Ms. Firehock said that as a result, it had not been a significant issue for the county. She said that they had consistently sought to increase density and efficient use of urban land in the Development Area. She said that to make a developer come to them with a special request, such as a reduced stepback, it was essential to consider the practical realities of their approval process.

Ms. Firehock said that it had been explained to them on multiple occasions why a reduced setback could reduce the viability of certain development projects, such as a hotel with rooms on both sides of a hallway. She said that this could also involve significant logistical and cost considerations. She said that by recognizing their patterns of development and the practical realities of their approval process, she believed this change made sense.

Ms. Brumfield said that that concluded their discussion for Article 4, which was relatively straightforward. She said that the main change was transferring the regulations from one format to a more easily readable format. She said that moving on to Article 6, they had the permitted uses chart. She said that she had provided an example uses chart from Loudoun County, which showed the districts and the permitted uses, which could be determined by legislative action, administrative action, or not at all in that particular district.

Ms. Brumfield said that she did want to point out that most of the uses, except for residential and farming uses, required a zoning clearance. She said that this meant that almost all commercial uses would need to confirm that the proposed use had enough parking and was permitted in the structure it was being proposed in. She said that additionally, the people proposing the use must also be in touch with relevant authorities, such as police, fire, and Albemarle County Service Authority (ACSA), if necessary.

Ms. Brumfield said that their current Ordinance used the term "by right" to describe uses that required a zoning clearance, which had led to some confusion among applicants. She said that to clarify this, staff had three proposed terms for the permitted uses: the existing "by right" term from the Code of Virginia, "permitted uses," and "administratively approved." She said that the latter term accurately reflected that the use was permitted, but the applicant must still follow the necessary procedures and obtain approval from the Zoning Administrator.

Mr. Murray said that his only concern here was that he believed there were different standards of review. He said that he agreed that finding a term other than "by right" could be beneficial. He said that he liked using the phrase "administratively approved" to convey that there was a higher level of review beyond simply approving something without scrutiny. He said that however, some cases may have several of these terms that could apply, so he thought a gradation of review types was important to distinguish.

Ms. Firehock said that she believed the County already had that in place. She said that farmer's markets and homestays each had different types of reviews based on the level of intensity of the use. She said that staff informed applicants of the specific review criteria.

Ms. Brumfield said that staff got into this topic further in their new Article 3, which discusses applications and application processes. She said that the specific things they would be evaluating would vary depending on the type of application. She said that they could not create separate regulations for each individual type of application. She said that they did not require the police to weigh in on a home occupation, but they did for a farmer's market, as they needed to ensure that traffic patterns would work.

Ms. Brumfield said that consequently, they had different processes for different applications. She said that one potential solution to this issue was that they are planning to link many of these applications in the new ordinance. She said that one particularly useful aspect will be the performance standards sections, which are currently outlined in their section five of the current Ordinance, Supplementary Regulations.

Ms. Brumfield said that if there was something beyond the minimum requirements, such as adequate parking, sufficient lighting, or a suitable building, or approved water and sewer, they would be able to assess that. She said that for example, campgrounds required a discussion of their fire plan with the Fire Rescue Department, which was already written into the supplementary regulations. She said that this might be helpful in ensuring that individual uses were linked within the Ordinance, and they would see this reflected when reviewing the document.

Mr. Moore said that he believed "by right" was a term for planners, and it would be good to have something more readily understood by everyone. He said that he liked "permitted" as a term, but it had its own confusion in a way. He said that "administratively approved" was likely the most accurate. He said that however, he was wondering if "staff review" could also be considered.

Ms. Brown said that she thought "permitted" was the most straightforward.

Mr. Murray said that his only concern with this proposal was that there may be situations where, depending on the scope or what was being proposed, it may not be permitted. He said that for example, if someone proposed a farm stand that exceeded the County's standards for farm stands, staff would not approve it as presented. He said that he was trying to convey that simply assuming a proposal fell into categories that were automatically permitted was not accurate. He said that permits were only granted if staff reviewed the proposal and determined it met their standards.

Mr. Moore said that when considering a new word for "by right" with a special use permit, having both "permitted" and "special use permit" already in use could lead to confusion with the word "permit" in both contexts.

Ms. Firehock said that "administratively approved" addressed the process, and "permitted" sounded like it could be done without question. She said that when she explained "by right" to people, she defined it as the right someone had to develop their land use, so long as they followed the County's requirements and Building Code. She said that at this point, she was supportive of "administratively approved."

Ms. King asked if there were uses that were both by right and permitted and did not require administrative approval.

Ms. Brumfield said that yes, things like living in one's own house did not require approval.

Ms. King said that in a residential district, there were uses that were by right. She asked if those by right uses were meeting some type of application.

Ms. Firehock said that it pertained to development or a change in use. She said that there was a list of allowed uses in that district, and if the use changed, that person would have to request permission from the County, even if it was a by-right allowed use in the district.

Ms. Brumfield said that to answer Ms. King's question, she would like to revisit Article 3, which discussed zoning clearances, referred to as zoning permits in that article. She said that at the top, it states that agricultural uses and residential uses were exempt from this requirement; all other uses require a zoning permit. She said that the County typically did not hear anything regarding residential, but they did receive questions about agriculture because it was required in other localities.

Ms. King said that she supported "permitted."

Ms. Brown said that she would suggest "allowable use."

Ms. Brumfield said that "permitted" was most commonly used by other localities in this context.

Ms. Brumfield said that moving on to discussion topic number four, the core of the changes to this article was the consolidation of use categories. She said that their goal in Phase 2 was to have a clearer, more straightforward Ordinance. She said that however, as it currently stood, their regulations list of uses was repetitive. She said that it still included outdated uses and some were confusing or overly narrow. She said that under the Dillon rule, if a list was not shown in the list of permitted uses, then the use was not permitted.

Ms. Brumfield said that there is some flexibility because they had provisions that allowed the Zoning Administrator to make an interpretation that a use was similar enough to a permitted use to be considered essentially the same. She said that, for example, if a currently listed use was musical instrument stores, the Zoning Administrator could determine that an art supply store was similar enough to be considered the same thing, despite not being explicitly listed in the Ordinance.

Ms. Brumfield said that this would essentially make it another by-right use. She said that while this provision may seem like an extra step in functionality, it could be frustrating for applicants and confusing for those interpreting the ordinance.

Ms. Brumfield said that it allowed for future industry and technological changes to continue to evolve without having to do a zoning text amendment again. She said that the actual examples they had, such as retail sales and service and general commercial, would be consolidated from all of those categories. She said that for instance, retail sales and service would encompass everything that had been listed for sale, with the impact of general retail sales and service in general commercial.

Ms. Brumfield said that she did want to bring the Commission's attention to a couple of the consolidated categories that might be a little confusing and require more explanation. She said that one of the categories she would like to highlight was site-intensive commercial. She said that these were mostly uses that were currently permitted under Highway Commercial (HC). She said that was where they would continue to be permitted, as it was really focused on.

Ms. Brumfield said that it was things that used up a lot of land that required large parking lots, or it was the sale of large items. She said that for example, modular building sales, manufactured home and trailer sales, feed and seed stores. She said that these were things that were large and took up a lot of space. She said that currently, they allowed them in highway commercial districts, and that was where they would be listed.

Ms. Brumfield said that making it simpler, site-intensive commercial, they would have a definition of that, and supplementary regulations would limit that to the kinds of uses that they were currently permitting, with minimal changes.

Mr. Murray said that in his opinion, the grouping of retail nurseries and greenhouses did not seem accurate, as they were more closely associated with rural uses that supported agriculture. He said that similarly, the inclusion of feed stores in the previous slide also appeared to be a rural use that may not fit well with other retail categories. He said that he would prefer to see these types of businesses separated from other retail uses that may not align with those rural uses.

Ms. Brumfield said that currently, those were not permitted in the rural area.

Mr. Murray said that he believed it was a discussion they should have.

Ms. Brumfield said that that could be something to consider in Phase 3, so she would make a note of that. She said that there were other things they could still pull out, for instance, motor vehicle sales and service was treated differently in different districts. She said that this was a site-intensive commercial use, but they could keep it out. She said that this aspect may differ from the staff report, as they had discussed it since submitting the report.

Mr. Moore said that he was wondering if they could specify hotel uses as "lodging" rather than "hospitality," which encompassed restaurant use, as well.

Ms. Firehock said that she had had some concern about day camp versus boarding camp, as they had distinct impacts. She said that the difference between a camp that operated until 5:00 p.m. and one that operated 24 hours a day was significant. She said that she would entertain different considerations when rezoning for either use. She asked if they would have different standards of review for each type, even though they were both campgrounds.

Ms. Brumfield said that she believed they could differentiate within the performance standards for those various aspects. She said that the reason these were lumped together was because most of their current day camps now operated overnight as well, which had become a standard practice at these facilities. She said that this was also due to the fact that day camps and boarding camps were allowed by special use permit in Rural Areas.

Ms. Brumfield said that with the special use permit, these uses were not differentiated, and they often overlapped. She said that for instance, a campground that initially started as a day camp may evolve into a boarding camp, or a boarding camp may offer daytime activities, particularly during the off-season, and host camps for schools and churches. She said that she thought this was an area they could address in supplementary regulations, and since they required special use permits, they could address the aspects of each individual case during the public hearings and approval process.

Mr. Clayborne asked if the County could still require special use permits for uses that may be allowed by right at the state level. He said that for example, if Virginia legalized cannabis retail stores, it was a by right use, but people may not want that specific use located nearby other uses or districts.

Ms. Brumfield said that if there was a use that they needed to pull out, she believed that became a point at which they would have to consider a zoning text amendment (ZTA). She said that at that point, it became evident that this use was something that should not be grouped with the other uses.

Mr. Clayborne said that he also wanted to caution against getting too broad in their approach, as he believed certain uses, such as a cannabis shop or a lingerie shop, should be examined more closely. He said that while these establishments were considered retail, community members may have differing opinions on their suitability for specific locations.

Mr. Clayborne said that he was concerned that if they did not think critically about these uses, it could lead to unintended consequences later on. He said that this was just a thought, but he thought it was essential to strike a balance between being inclusive and being thoughtful about the types of businesses they allowed in certain areas.

Mr. Murray said that there was a significant difference between the Girl Scout camp in Sugar Hollow and Misty Mountain, which accommodated RVs and other equipment. He said that this

distinction highlighted a notable difference. He said that he believed that a campground, such as Misty Mountain, should undergo a more rigorous review process.

Ms. Firehock asked about how staff addressed the differing impacts between the types of campground uses.

Ms. Brumfield said that the special use permit process was specifically designed for situations like that, as they were relatively rare. She said that staff did not typically see these types of applications come in on a regular basis. She said that due to this, the process did involve a higher level of scrutiny and that was exactly what the special use permit process was intended for. She said that as a result, they had various steps in place, including the pre-application meeting, mandatory and exploratory reviews, and thorough reviews said that they also held public hearings to ensure transparency.

Ms. Brumfield said that if a special use permit was submitted and staff determined that it did not appear to be a significant issue, but it still required a permit, it would still undergo the same level of review, albeit with fewer complications. She said that this was where the flexibility of the process was most beneficial, and it was what they were looking for in cases like this.

Francis MacCall, Deputy Zoning Administrator, said that to further elaborate, they could refine the definition of a campground. He said that currently, there were two definitions for day camp and boarding camp. He said that if the definition was refined to simply be a campground, it may not include RV camping or resort camping.

Ms. Firehock said that when they eventually worked on the Rural Area Plan, they could further define these different levels of camping.

Ms. King said that what she heard staff saying was that even if there were 37 different retail uses, they were all by right within these districts. She said that they did not need to call them 37 different things when they could all be encompassed under the same category. She said that they still required review and permitting, they just did not need to be separated out into different categories. She said that by lumping them into one category, it was not changing the allowed use.

Ms. Brumfield said that to clarify, this list included all the different uses, not just by-right uses. She said that it simply provided the names of various uses. She said that some of these uses were by-right in certain districts, while others required special use permits in different districts.

Ms. King said that they were considering consolidation of similar uses.

Ms. Firehock said that some uses were also being deleted.

Ms. Brumfield said that yes, they would see a list of amusement centers, bowling alleys, pool halls, and dance halls, which were all classified as commercial, indoor recreation. She said that they would be looking to consolidate such venues into one category. She said that most of the recent commercial indoor recreation they had seen had been for axe-throwing.

Mr. Moore said that he wanted to make a comment regarding the Agricultural Historical Museum. He said that to ensure that the events component was not lost in the overall description, he wanted to clarify that events were a possibility. He said that they had experienced difficulties in the past with certain neighbors regarding events being allowed at such centers.

Ms. Brumfield said that for that type of facility, the events were considered an accessory use. She said that they could not have a historical festival without the facility.

Ms. Firehock asked, when staff was reviewing those uses, whether they would get into that level of detail of how many events could be held per year.

Ms. Brumfield said that the specific list of uses pertained to Monticello, so as it stood, they did not require individual zoning clearances for Monticello for their individual events. She said that if a new historical center were to open, they would likely impose limits on the number of attendees, unless it was located within the Monticello Historic District, where this facility was primarily situated. She said that in that case, it would be treated similarly to a normal special use permit for an agricultural museum, allowing them to host agricultural festivals as well.

Mr. Murray said that he wanted to bring two items to their attention. He said that he strongly recommended that they remove golf from outdoor athletic facilities. He said that the water usage for golf was significantly higher than for other activities, with millions of gallons used annually. He said that golf courses often required large amounts of fertilizer, and in Rural Areas, they could also lead to unusual land use designations.

Mr. Murray said that he believed golf should be treated separately due to its high intensity and need for stronger review. He said that he was pleased to see the inclusion of agricultural processing plants, and he hoped they could move some industrial uses to that category instead. He said that he had questions about the current list of activities under this category because it appeared to be incomplete. He asked if timber processing, such as Yancey Mill, would fall under agricultural processing.

Ms. Brumfield said that she believed this topic would be worth discussing in Phase 3. She said that currently, they were primarily focusing on simplifying the translation and not making significant changes to the use. She said that their current approach involved defining agricultural processing plants as commercial fruit or agricultural produce packing plants, and the Zoning Modernization process made it easier to have this conversation.

Ms. Brumfield said that when they moved into Phase 3, they could say that this was meeting the goal of having agricultural processing and supporting their farms. She said that to clarify, sawmills were an entirely separate use due to its specific impacts. She said that to expand the former definition further, they could consider including other agricultural processing activities, such as meat processing, egg production, and other types of produce processing.

Ms. Firehock said that that would be a future discussion. She said that for now, they were reviewing the general simplification scheme, and she believed the Commission was supportive of it as proposed.

Ms. King said that she wanted to point out that, again, just because golf was an outdoor athletic use, it did not mean it could not be subject to scrutiny. She said that the category had nothing to do with the scrutiny they gave the application; it was simply about consolidating the types of uses.

Mr. Murray said that in order to maintain consistency, they wanted the considerations to be relatively constant, as otherwise, they risked ending up with a lengthy list of conditions for special exceptions. He said that the list of special conditions for a golf course would be much higher than a simpler project like a tennis court. He said that what he would consider was whether it was possible to compare two projects that were truly apples to apples.

Ms. King said that they were consolidating the uses so the chart was easier to read, and it had nothing to do with scrutiny.

Ms. Brumfield said that the list of uses they had compiled was not intended to be the definitive list, but rather a starting point. She said that they were not trying to change the existing uses at this time. She said that the current Ordinance already allowed for uses such as swimming, golf, tennis, and similar athletic facilities in the Rural Area, which were listed as requiring special use permits. She said that by simplifying the list, they were not adding any additional regulatory steps; they were making it easier to interpret and understand, reducing the need for Zoning Administrator interpretations.

Mr. Murray said that he would suggest they split them into small-scale athletic uses and large-scale athletic uses.

Ms. Brumfield said that they were laying down the foundation for developing the Ordinance they wanted, and she believed they definitely could use that suggestion. She said that using the naming scheme included in the presentation, they could accommodate that.

Mr. Clayborne said that he believed the Commission supported the simplification proposed by staff. He said that however, Mr. Murray was bringing up the point that while golf courses could be included in that category, it had distinct impacts that should be flagged for additional review. He said that this also applied to his earlier question about cannabis stores. He said that he was struggling to understand what staff was seeking feedback on at this point.

Ms. Brumfield said that the primary goal was to determine if the names were accurate. She said that the Commission should confirm whether these consolidations were acceptable or if they should be revised. She said that they were not looking to break apart the uses currently existing in the Ordinance.

Ms. Firehock said that the split between large-scale and small-scale facilities could be addressed later on in the process.

Mr. Moore said that they may determine in the future to make some uses by right and others by special use permit, but at the current stage, they were all by special use permit.

Ms. Brumfield said that to reiterate, there was no change here in terms of what was permitted and what was not. She said that these uses were all lumped together under the current Ordinance. She said that she simply wanted to bring this to the Commission's attention, so they were aware of what was happening and the reasoning behind it. She said that Light Industrial and Research and Development were fairly straightforward.

Ms. Brumfield said that the residential facility term was their best guess at what the Code of Virginia intended, as they used three different terms to define these various types of uses in different areas and sections of the Code of Virginia. She said that the residential facility was the best option they could come up with. She said that heavy manufacturing and processing, on the other hand, were specifically permitted by special use permit in the heavy industrial districts.

Ms. Brumfield said that these ones were also aligned as far as their current permissions. She said that the question was why they all aligned and what was different about these. She said that the answer was that it was heavy manufacturing and heavy processing, which involved chemicals and outputs that may not be suitable for proximity to a commercial shopping center or a residential

shopping center. She said that these activities also required additional oversight by the Health Department and probably the Department of Environmental Quality (DEQ).

Ms. King asked if sawmills were included under this category.

Ms. Brumfield said that no, sawmills were in their own separate category with different permissions for the Rural Area.

Mr. Murray said that he was glad to hear that and was fully supportive of removing agricultural uses from light industrial uses.

Ms. King asked if the school types listed were referring to private schools.

Ms. Brumfield said that that was correct; public schools were public uses and permitted in all districts.

Ms. Brumfield said that the next topic they discussed was home occupations. She said that this is a slightly different approach. She said that there was a change in regulation in this area, but staff argued that it was actually a very minor change, and it did not provide any additional permissions. She said that instead, it was simply requiring what they already did administratively.

Ms. Brumfield said that currently, they had four named types of home occupations in the ordinance: Class A and Class B were permitted in residential districts, and major and minor were permitted in Rural Areas. She said that staff's recommendation was to consolidate these into major home occupations and minor home occupations. She said that the key difference between Class B and major home occupations was that Class B had a very long list of allowed uses, while major home occupations had more detailed regulations.

Ms. Brumfield said that however, the prohibited uses and permitting requirements for Class B and major home occupations were similar, and the major change was simply that Class B was now a listed use that required a special use permit in residential districts, just like major home occupations. She said that in reality, the regulations for Class B and major home occupations were very similar, with the main difference being that Class B could be waived and modified during the special use permit process.

Ms. Brumfield said that the recommended number of vehicle trips for Class B home occupations was the same as for major home occupations: no more than 10 vehicle trips per day and 30 per week. She said that the Board could adjust this condition during the SUP approval process. She said that Class A and minor home occupations were even closer in terms of regulations, with the main difference being that there were no waivers and modifications listed in the residential district and it was listed in the Rural Area district.

Ms. Brumfield said that this change was a simplification, and it was not a significant departure from the current regulations. She said that it was simply a matter of renaming the existing categories. She said that this was the point for which staff was requesting feedback from the Commission.

Ms. Firehock asked if home occupations were currently a generic category and staff was proposing to divide them into major and minor classifications.

Ms. Brumfield said no. She said that currently, home occupations were categorized as major, minor, Class A, or Class B. She said that this proposed change would simply categorize it as Class A, with the same regulations applying to all minor home occupations. She said that the regulations for major home occupations would have their own regulations.

Ms. King said that regarding traffic, going from Class A to a minor classification, she was wondering if that meant they would consider minor to have no standard but Class A would have a standard.

Ms. Brumfield said that staff used a chart in their office for these applications, which indicated that Class A occupations should not have traffic, and no traffic was allowed under minor occupations. She said that this would be the differentiation between the two, but they would be combined.

Ms. Brumfield said that in this particular example, the description of traffic was more detailed for Class A than for minor classifications. She said that this contrasted with the previous statement, which indicated that major definitions were typically more detailed than Class B.

Ms. Brumfield said that currently, they stated that a minor occupation could have no traffic in the rural area. She said that staff's recommendation would be to say a minor occupation can have seven vehicle trips per week. She said that the reason for this recommendation was that a major home occupation in the Rural Area was allowed by right. She said that therefore, it was not a significant issue to allow seven vehicle trips per week at a minor home occupation in the Rural Area. She said that they were not creating a use that was not already allowed by right; they were simply shifting it one category.

Mr. Moore asked what the guidance would be in terms of whether a more restrictive or more permissive use would be adopted.

Ms. Brumfield said that major home occupations allowed for customers, clients, and students. She said that this was because it was not addressed under Class B, which meant they had applied the regulations administratively, resulting in no limit on the number of customers, clients, and students. She said that Class B/major was different because it still required a special use permit in residential districts.

Ms. Brumfield said that as a result, there were fewer standards listed for Class B. She said that the major home occupation would apply for Class B as the standard conditions. She said that the focus here was on the minor/Class A combination, as Class B would still require a special use permit, even though it was now referred to as a major in residential districts.

Mr. Moore asked if someone teaching piano lessons in their home would be required to have a special use permit to have students at their home.

Ms. Brumfield said no, because they were allowed that under Class A. She said that they just had a limited number of students they were allowed to have.

Mr. MacCall said that the distinction between Class A and Class B lay in the use of an accessory structure and the requirement that employees physically came to the residence. He said that this intensification of the Class B definition was what set it apart.

Mr. Moore said that if they were making minor the default, which specified no students, he wondered how it enabled that type of use in someone's home.

Ms. Brumfield said that minor would not be the default; instead, it would be a combination of both. She said that she regretted that she did not have the proposed table available for the Commission to review. She said that to clarify, this would allow a small number of customers, clients, and students, similar to the way they currently handled Class A home occupations.

Ms. Brumfield said that the justification for this was that they did allow customers, clients, and students under currently major home occupations. She said that by easing up in some areas and tightening up in others, for example, they would have the hours of operation listed under both sides, as it was not currently addressed. She said that this would be the recommended condition of approval for all special use permits for major home occupations in the residential district.

Mr. Moore said that overall, he agreed that they should merge class B and major, as well as class A and minor. He said that as he had reviewed some areas where the classifications differed, he was interested in seeing the final language that would be put together.

Ms. Firehock said that she thought it was difficult to grasp the concept in this particular format. She said that she believed the Commission generally agreed with the direction staff was heading in with this topic.

Ms. King asked for clarification regarding employees.

Mr. MacCall said that employees were mentioned in the definitions.

Ms. Brumfield said that it was only under major/Class B.

Ms. Firehock said that for minor, they had no employees.

Mr. MacCall said that currently, in the Rural Area, someone could not have the minor home occupation because the traffic was entirely disallowed. He said that they wanted to allow it in both Rural and Development Areas, and that was part of the intent of these changes.

Ms. Firehock said that she believed the Commission supported that. She said that there were businesses operating in the Rural Area and this would acknowledge the possibility of a small business that did not have any significant impacts.

Ms. Brown said that she supported the idea of streamlining the process and trusted that staff was aware of the nuances involved in combining these functions as needed.

Ms. Brumfield said that moving on to discussion topic five, this item was more of a naming convention and less of a discussion topic. She said that their Ordinance only allowed temporary events sponsored by local nonprofit organizations in the Rural Area with a special use permit. She said that this proposal aimed to add two new listed uses: minor and major temporary events. She said that by their administrative practice, they already allowed minor and major temporary events.

Ms. Brumfield said that minor events, such as bake sales, church fairs, or one-day flea markets, were permitted in all districts with zoning clearance. She said that in the Rural Area, they had numerous 5Ks and bike races, which fell under this category. She said that however, their current regulations regarding temporary events sponsored by local nonprofits excluded events like yard sales, bazaars, and car washes.

Ms. Brumfield said that they were essentially clarifying what these terms meant. She said that additionally, staff proposed designating large temporary events as major temporary events, which they already allowed in commercial districts by zoning clearance. She said that for example, the circus at the Fashion Square mall parking lot was a regular occurrence, permitted with individual approvals from Police, Fire, and Water Departments to ensure compliance with safety and health regulations. She said that this was simply a matter of formalizing their existing practice by adding these uses to the Ordinance.

Mr. Murray asked how a wedding would be classified in these regulations.

Ms. Brumfield said that weddings were explicitly called out and would not be included. She said that they were careful in their definitions to not include those.

Ms. Brumfield said that what they were establishing here was that uses with substantially similar impacts would be categorized as major or minor, despite being the same thing. She said that this setup allowed them to say in the future that if they had designated a use as part of a larger category requiring a special use permit, but in reality, it was a minor use, they should allow it by right in the Rural Area, even if the larger version of that use still required a permit.

Ms. Brumfield said that by creating this format and template, they were setting themselves up to apply this distinction to other uses. She said that for example, the automobile and truck repair shop would be classified as minor vehicle repair, while an auto body shop would be considered major. She said that this was particularly relevant, as the traditional notion of a body shop with hammers was not as common today.

Ms. Brumfield said that similarly, farmworker housing was listed as Class A and Class B, while data centers were regulated by their size in different locations, and this distinction would be made between major and minor data centers. She said that this would not alter where they were permitted, or the processes required to obtain them; it would simply provide a more organized and easily differentiable system for future uses.

Mr. Clayborne said that he had a quick question regarding the data center estimate. He said that he was curious about the methodology used to arrive at 40,000 square feet. He said that he wondered if square feet was the correct metric, or if they should be considering energy use instead. He asked about whether there was a correlation between physical size and the goals being governed here.

Bill Fritz, Development Process Manager, said that they researched various building sizes and data center sizes, and staff determined that 40,000 square feet was an appropriate size; this was roughly the size of a grocery store. He said that they found that there were many buildings of this size, and based on their research, they concluded that the impacts of a data center of this size would be minimal. He said that as a result, they could be permitted by right at this size. He said that there was a significant amount of research that had been conducted on this topic. He said that the answer was yes, although it was an arbitrary number, there was some supporting evidence behind it.

Mr. Clayborne said that the genesis of his question was more around whether square feet was the right metric to use to discuss negative impacts.

Mr. Fritz said that the reason they did not incorporate energy impacts into their analysis was that the number was subject to change based on technology.

Ms. Firehock said that she believed the Commission was supportive of staff's proposal for this topic.

M. Brumfield said that there was a unique listing for community centers, clubs, and lodges. She said that this was an example that illustrated the kind of thing they were doing here, where commercial use districts listed by right or by special use permit in R-15 districts. She said that if it was listed in R-15 at all, it was by special use permit in commercial districts.

Ms. Brumfield said that, however, this was not always reflected in the current lists. She said that as a result, some uses that were permitted in commercial districts by special use permit because they were in R-15, but they were not listed. She said that, conversely, some were not listed but should be. She said that for instance, community centers were allowed by special use permit in residential districts but not included in the Downtown Crozet District (DCD), while the converse was true for clubs and lodges.

Ms. Brumfield said that this inconsistency could be resolved by consolidating similar uses under a single designation. She said that because the impacts and uses were the same and aligned with the lists by special use permit, staff proposed making it allowed with a special use permit in all districts.

Ms. Brumfield said that discussion topic six was regarding outdoor performance areas. She said that currently, outdoor amphitheater, outdoor drama theater, and outdoor performance area were three similar uses listed differently in various districts. She said that the outdoor drama theater was listed in the Rural Area district, but it had never been built due to a specific proposal.

Ms. Brumfield said that staff's recommendation was to consolidate these uses under outdoor performance area and removed from the Rural Area district, pending further work with the Rural Area Plan. She said that this would allow them to differentiate the appropriate Rural Area entertainment uses and determine how to categorize the outdoor theater use.

Ms. Firehock asked if this was about consolidating rather than changing any zoning.

Ms. Brumfield said that it was removing the outdoor theater use from the Rural Area, but there were not anticipated to be significant impacts because there had only been one proposal for that use that ultimately did not come to pass. She said that under the Rural Area Plan, they would look at the outdoor entertainment uses and could consider the outdoor theater use at that time. She said that in the interim, staff recommended removing the use from the list. She said that if they received an application for an outdoor theater use in the next few months, they could reconsider that approach.

Mr. Clayborne asked if Dave Matthews would be allowed to host an outdoor concert at Blenheim Winery under the outdoor entertainment criteria.

Ms. Brumfield said that an outdoor performance area was not currently permitted in the Rural Area.

Mr. Clayborne said that he wanted to ensure he was understanding the intent of the regulations.

Ms. Firehock said that wineries and breweries had their own regulations pertaining to events outlined in State Code.

Mr. Fritz said that the outdoor drama theater was extremely restrictive, requiring it to be solely for a historical event that occurred within Albemarle County. He said that this limitation was quite narrow. He said that if they removed that outdoor drama theater from the Ordinance, it would have had zero impact on the question at hand, which was a separate concern altogether.

Mr. Clayborne said that to clarify, he was asking about the outdoor performance area in the proposed regulations. He said that it lumped everything together and did not allow that use in Rural Areas. He was wondering if this proposal disallowed that use.

Ms. Brumfield said that the current Ordinance did not allow the outdoor performance area in the Rural Area. She said that the proposed changes would also not allow it in the future.

Ms. Firehock said that when they developed the Rural Area Plan, they could review the uses and determine what was appropriate. She said that it could theoretically be added at that time.

Mr. Clayborne said that in terms of what could be hosted at a winery, it sounded like that was a separate issue.

Ms. Firehock said that yes, wineries had specific regulations for events and outdoor amplified music.

Ms. Brumfield said that the next topic was cultural amenities and was essentially a naming convention, similar to the list of uses they had previously discussed. She said that this provided a broader definition of what they already permitted, specifically allowing cultural arts centers in the Downtown Crozet District. She said that they also allowed libraries and museums in most commercial and industrial districts.

Ms. Brumfield said that under this new definition, they might encourage people to think of new ideas that they would currently approve under libraries and museums but might not have considered otherwise. She said that cultural amenities was a broader, more inclusive category, even if it was not a broader category in the Ordinance itself.

Ms. Firehock said that "amenities" was more expansive and could cover a wide variety of uses.

Ms. Brumfield said that the museums, galleries, arboretums, aquarium, zoological gardens, music conservatories, and auditoriums were all considered cultural amenities and were listed under the Downtown Crozet District definition, "Cultural Arts Center." She said that this approach essentially combined all these entities into one category.

Mr. Murray said that Quarry Gardens was a botanical garden in the Rural Area. He said that considering this was an ongoing use, he would ask staff to consider how it fit into these definitions.

Ms. Brumfield said that that might be a key aspect of how it was defined, as many botanical gardens typically had a variety of structures. She said that perhaps they could consider including the presence of structures in the definition, and if a site lacked structures, it would be classified as agriculture.

Ms. Firehock said that, however, there was visitation happening at botanical gardens.

Mr. MacCall said that in that case, it would be covered under their agritourism portion and how they could use the Rural Area agricultural land.

Mr. Murray said that the distinction of structures would help clarify that definition.

Ms. Brumfield said that moving on to their last discussion topic, she believed it was a minor change, but it was a change, nonetheless. She said that currently, their districts that allowed farmers markets were all considered temporary, as they were set up in parking lots, schools, churches, or parks. She said that they had an allowance for permanent farmers markets, which were not located on a site with an existing use, such as a school, church, or public park.

Ms. Brumfield said that this allowance allowed for permanent structures, similar to a French outdoor market with permanent stalls, where vendors could set up and sell their goods multiple times a week, without being limited to a specific number of days. She said that the distinction between permanent and temporary markets was only made in the industrial districts, where it was permitted within an existing building or with a special use permit in a new building. She said that to maintain consistency across all districts, staff's recommendation was to align the permanent versus temporary designation in the industrial districts as well.

Mr. Murray asked if farm stands were completely separate.

Ms. Brumfield said that yes, they were completely separate. She said that farm stands were one individual selling something.

Ms. Firehock said that she had a question that may seem trivial, but she would like to clarify. She said that if they had a piece of property in a Rural Area, zoned as RA, with no existing development or activity, and six farmers wanted to temporarily establish a market there, she wondered what the accessory use would be. She asked if it would be considered an accessory use to the Rural Area zoning.

Ms. Brumfield said that currently, they did not have provisions for that, as a site plan was required for the property. She said that however, it was possible to obtain a site plan for the property, which would result in a permanent farmer's market. She said that the distinction was if they were developing something new. She said that allowing that without a site plan meant that they would not be able to address potential issues with parking, traffic, and site drainage.

Mr. Moore said that it was a minor point, but he noticed something today. He said that upon reviewing the 40 pages of uses in the Ordinance, he found that they had three and a half pages of specific uses for Monticello. He said that he was wondering if it would be possible to consolidate these into a single use, as it seemed that Monticello's activities could be encompassed by a single designation.

Ms. Brumfield said that yes, staff anticipated that. She said that all of those uses were accessory to the historical museum of Monticello. She said that they did not need to be listed out; they would be permitted.

Mr. Murray said that for full disclosure, his wife worked at an intentional community. He said that there were several intentional communities in their area, including Shannon Farm in Nelson County, Innisfree Village, and Faith Mission Home. He said that he knew that Innisfree had faced challenges in terms of classification of the use, and while there were not many of these uses occurring in Albemarle, it may be beneficial for staff to consider how to classify these intentional communities in their Zoning Ordinance.

Ms. Brumfield said that this could be a topic for staff discussion, and they could explore options for addressing it and bring it back to the Commission for consideration.

Mr. Clayborne said that he could tell a lot of work had gone into this project, and he thanked staff for that.

Ms. Brumfield said that they had their next work session scheduled for June. She said that they were currently negotiating the date, which was currently set for June 9, but may be pushed to June 23. She said that they would be discussing overlay districts at that meeting.

Ms. Firehock thanked staff for all their good work.

Committee Reports

Mr. Murray said that his meeting with the Crozet Community Association had been canceled, but he did attend the Crozet Community Advisory Committee (CAC) meeting. He said that the School Board gave a presentation regarding capacity issues, specifically Western Albemarle being over capacity for a number of years. He said that it was an interesting discussion about their current challenges in the School Division and identifying potential solutions.

Review of Board of Supervisors Meeting: May 6, 2026

Michael Barnes, Director of Planning, said that at the May 6, 2026, Board of Supervisors Meeting, said that staff gave a presentation about the Comprehensive Plan process and the goal to create a venue for private citizens to advocate for changes to the Future Land Use Map (FLUM). He said that staff had proposed a new application for Comprehensive Plan amendments, which the County previously had but discontinued in 2018 due to staff workload and frequent rejection of applications.

Mr. Barnes said that since then, they had received requests from specific parcels to change the FLUM, and staff had suggested using the rezoning process to address these requests. He said that, for example, on Berkmar Drive, they had applications for residential uses that were not consistent with the commercial uses recommended in the Comprehensive Plan. He said that staff had recommended approval but noted that one of the unfavorable factors was not aligned with the Comprehensive Plan.

Mr. Barnes said that staff wanted to continue this process for relatively minor requests, but for those that were more significant or deviated significantly from the Comp Plan, staff wanted to bring these applications to the Planning Commission and Board early in the process, providing guidance to applicants and staff on whether the request was reasonable.

Mr. Barnes said that this would involve submitting a rezoning application and providing a narrative explaining why the current Comprehensive Plan designation was incorrect or needed to be changed. He said that staff and the Planning Commission could then assess the application and provide recommendations to the applicant and Board.

Mr. Barnes said that they also considered passing a resolution of intent to initiate a staff-driven Comprehensive Plan amendment process. He said that the applicant would be asked to defer their application while they worked on the Comprehensive Plan amendment or until the necessary changes were made. He said that it should be noted that they operated under a state law that put a time constraint on processing applications.

Mr. Barnes said that they had presented the Board with this structure and received their support. He said that now, it was staff's responsibility to refine the application process, establish conditions, and create rules for the system, which they would do. He said that they would then bring this revised process back to the Board and to the Commission for consideration. He said that they had not sought the Board's approval to take action on this, but rather their agreement that this process could move forward.

Mr. Barnes said that they believed that their existing processes could be modified to accommodate these circumstances, and they had received that agreement from the Board. He said that to some, this may be seen as an opportunity to expand the Development Area, particularly with regard to mobile home parks that were being redeveloped.

Ms. Firehock said that an element of controversy had been that they did not have criteria or a process for how one would propose a change to the Development Area without waiting for the next Comp Plan amendment. She asked if staff would be developing some County criteria for what they evaluated when someone wanted to develop a parcel next to the Development Area. She said that if it was approved, it would be an expansion of the Development Area, and it seemed like it would need some criteria.

Mr. Barnes said that staff's view was that this was not a way to expand the Development Area, but they recognized there was an application to expand the Development Area near Crozet.

Mr. Murray said that if there was a staff-driven proposal to expand the Development Area, they would have a broad public conversation about that proposal with a lot of feedback from across the County. He said that a single application for a rezoning in one part of the County may not receive the same amount of review and public comment, and he was concerned about that. He said that expansion of the Development Area was a major deviation from a policy change. He said that the County may need to put more effort into ensuring they received an adequate amount of feedback from the community on that issue.

Mr. Barnes said that he believed what they were trying to achieve was recognizing in the Development Area that the market was changing. He said that they typically revisited their Comprehensive Plan only occasionally. He said that in the Rural Area, if there was a significant change proposed, staff would likely initiate the process and elicit a broader community conversation about the proposal.

Mr. Murray said that he wanted to ensure they were adequately investigating whether a subject parcel was the best place for a proposed development. He said that having that larger planning discussion about the appropriate locations for specific types of uses and developments was essential and should extend beyond any single rezoning.

Mr. Barnes said that it was certainly a context-driven issue. He said that they had one application for a mobile home park that was recommended for denial because of the location and misalignment with the Comp Plan, while another was recommended for approval because of the existing use and proximity to utilities. He said that there were many varying issues and staff recognized there needed to be flexibility with the Comp Plan as they moved forward.

Mr. Barnes said that there was another way to amend the Comprehensive Plan, which was for someone to directly lobby their Board of Supervisors representative, who could then convince the other Supervisors to make that change. He said that this was another aspect of the issue.

Ms. Firehock said that she would like to make a comment regarding public transparency. She said that she was not asking for any changes tonight or in the near future, but she would appreciate it if staff could elaborate on the criteria, they use to evaluate proposals. She said that this was similar to their earlier discussion about major and minor uses.

Ms. Firehock said that for example, if a property were in the Development Area but could not be developed due to lack of access, and a tweak to the Rural Area next to it could provide that access and create opportunity for infill development, that would be a minor change that facilitated the goals they already had. She said that this would be a minor adjustment that would facilitate a goal, rather than a massive expansion, such as a brewery project adding 137 acres.

Ms. Firehock said that she would like for staff to have a list or checklist of criteria to consider, even if it was just a simple framework. She said that this would provide transparency and clarity, especially for those who followed the meeting online or reviewed it later. She said that she wanted to emphasize that she was not disparaging staff but rather seeking to ensure that their processes were transparent and understandable, so that the public could have a better understanding of the evaluation process and the boundaries of their review.

Ms. King said that Mr. Murray's comments about having this discussion in a broader perspective were crucial and appreciated. She said that this was something she had been emphasizing to staff in her role prior to joining the Planning Commission, as she had been discussing expansion and infrastructure needs with the Water and Sewer Authority (RWSA) for a long time. She said that the reality was that these projects were not only expensive but also took a significant amount of time to plan and implement.

Ms. King said that, for instance, a new piece of infrastructure could take up to two decades to come to fruition, from determining its location, transportation, pricing, and construction, to finally building it. She said that meanwhile, they were still struggling to build a house. She said that when they talked about the "where" of such developments, she firmly believed they needed to be discussing them now.

Ms. King said that she had had numerous people, including members of the Board of Supervisors, ask her where she thought these projects should be located. She said that she did not have a definitive answer, and she did not think anyone else did. She said that however, they must start thinking about it now, as waiting another 20 years to discuss it would only delay progress.

Mr. Murray said that he thought there was a middle ground, as well. He said that if there was going to be an expansion of the Development Area, he thought it was essential that they had a community conversation about the location, design, and necessary infrastructure. He said that he believed this was a crucial aspect of the process.

Mr. Murray said that as they weighed the major and minor considerations, he believed that when something crossed the major threshold, they should have a community conversation that was more far-reaching than just a meeting between the applicant and the Commission. He said that this conversation should be intentional and inclusive, engaging a broader audience beyond just the immediate parties involved.

Mr. Barnes said that there were two other items at the Board meeting that evening that were up for public hearing. He said that one was the 600 Rio Road West project, which was a Neighborhood Model District (NMD) that the Commission had reviewed between Berkmar and

Woodburn on Rio Road. He said that this project included 153 dwelling units and 20,000 square feet of commercial buildings. He said that it received unanimous approval from the Board.

Mr. Barnes said that the other item considered was a church on Proffitt Road, directly across from Baker-Butler. He said that there were two aspects to this proposal: an special exception for a critical slopes waiver and a request for a jurisdictional amendment to provide water for the building, primarily for fire protection purposes. He said that although the building itself had water for its intended use, the existing house on the property was not granted an extension of services, only the church. He said that these two items were the focus of the public hearing that evening.

New Business

There was none.

Old Business

There was none.

Items for follow-up

Mr. Murray asked when the Riparian Buffer Ordinance was due to be reviewed by the Planning Commission.

Jenny Tevendale, Deputy County Attorney, said that it was scheduled for the June 17 meeting before the Board.

Mr. Barnes said that he was going to be reviewing the staff report for that item soon.

Adjournment

At 8:45 p.m., the Commission adjourned to May 26, 2026, Albemarle County Planning Commission meeting, 6:00 p.m.

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Michael Barnes, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards; transcribed by Golden Transcription Services)

Approved by Planning Commission
Date:
Initials: