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# Albemarle County Board of Supervisors Regular Meeting, Wednesday, January 22, 2025

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Length 7h 12m (video)

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- Official agenda: [https://albemarle.granicus.com/AgendaViewer.php?view\\_id=1&clip\\_id=1273](https://albemarle.granicus.com/AgendaViewer.php?view_id=1&clip_id=1273)

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**[00:00:01]** Good afternoon, and I'm pleased to call to order this regular meeting of the Albemarle County Board of Supervisors on the 22nd of January, 1 p.m. in Lane Auditorium. I'd like to note at the dais we have Supervisor Ann Malick of the Whitehall District, Supervisor Ned Galloway of the Rio District, Supervisor Diantha McKeel of the Jack Jewett District, Supervisor B. Lepisto-Curtley of the Rivanda District, Supervisor Mike Pruitt of the Scottsville District, and myself, Jim Andrews, representing the Samuel Miller District.

**[00:00:30]** quorum is present. We're also joined by our County Executive, Mr. Jeff Richardson, our Interim County Attorney, Mr. Andy Herrick, and our Clerk, Ms. Claudette Borgerson, and our Senior Deputy Clerk, Mr. Travis Morris. Also, let me please welcome Albemarle County Police Officers present, Master Police Officer Jerry Schenck, and Officer Tavon Richardson.

**[00:00:52]** We are grateful for your service today and every day on behalf of the citizens of Albemarle County for our safety and security. If all present, could please stand as you are able and join us in the Pledge of Allegiance. I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice to all. Thank you. And I now ask if you will join us in a moment

[00:01:28] of silence. The word of our first order of business, of course, is to adopt the final I will note that one of the consent agenda items is to note that our first meeting in February would start at 5 p.m. instead of 1 p.m.

[00:02:07] Are there any other, if there are no suggested changes, then is there a motion to accept the final agenda? So moved. Second. We have a motion from Supervisor McKeel, second from Supervisor Malek. Without objection, if the clerk will call the roll. Mr. Andrews? Yes. Mr. Galloway? Yes.

[00:02:23] Ms. LaPista-Kirtley? Aye. Ms. Malek? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Thank you. Board, we will now take a moment for announcements, and our speaking order today starts with Supervisor Proog. Yes, a few things.

[00:02:40] First off, I don't think I actually need to tell anyone this, but it's worth reminding people that the weather is absolutely foul, and there are still some roads, some private parking lots, some things like that that have accumulation of ice in paths of vehicle travel or in paths of personal travel.

[00:02:58] Additionally, it is not really conducive to life inside the temperature. So make sure if you've got pets, that they're inside. If you've got people, that they're inside. This is not weather that you should be out if you do not need to go out.

[00:03:16] Additionally, it is still ongoing legislative time. General Assembly is in session. They're only in session for about a month. This is their short session, and there is a lot of important work that I'm sure other members OF MY PEERS WILL TOUCH ON. I WANT TO MENTION THAT TWO VERY IMPORTANT BUDGET AMENDMENTS ARE BOTH MOVING FORWARD. DELEGATE CALLSON HAS BROUGHT FORTH AN AMENDMENT FOR THE ADDITIONAL SPUR TO BISCUIT RUN TO CONNECT OVER TO THE OTHER SIDE TO THE SOUTHWOOD COMMUNITY AS MOVING FORWARD. ADDITIONALLY, THERE IS QUITE A LOT MOVING ON THE RIVANA STATION BUDGET AMENDMENT. ADDITIONALLY, A FEW

[00:03:54] THINGS THAT I AM TRACKING THAT WERE NOT NECESSARILY THINGS THAT THE board was highlighting, but I would like to share with the public. Delegate Nadarius Clark has reintroduced his rent stabilization bill and is moving forward so far. And Delegate Coulson has been working, actually with me through my other job, on an algorithmic pricing bill, which is going to be very exciting. It's going to take sight at these illegal cartels enabled by organizations like RealPage that allow people to artificially raise rents through illegal

[00:04:29] coordination with other parties using algorithmic approaches. Very exciting stuff. And with that, I will turn it over to my colleagues. Thank you. Supervisor LaPiest-Kirtley. Yes, thank you very much for this opportunity in touching on legislation, HB 1666 by Jones, regarding photo speed cameras. That's something that the board as a whole has prioritized for several years now is being heard in committee around four o'clock so we do hope that that does go through and so we'll see what happens there the other thing i wanted to mention is a lot of

[00:05:07] people probably have read about dog abuse issues in the county or in this in our county that's been happening and i and i want to make sure there's two instances uh where dogs were involved i want to make sure that people understand that we have to make sure that we are going through the process.

[00:05:28] I feel that our Albemarle County Police Department has done an outstanding job of making sure that the animals are safe, have done their job. I know Greene County was involved also in doing some things with other dogs, but we have to respect the process and make sure that we don't judge anyone

before we know all the facts, because when you listen to social media, a lot of those facts get distorted depending on how people believe, and they distort them because they want to.

[00:06:06] We have very caring people that live in Amomaro County, but once again, we have to respect the process and let the legal system go through what it has to go through, protecting our animals, but also protecting or making sure that everyone is heard and we know the full, complete story.

[00:06:31] Thank you, that's all. Thank you. Supervisor McKeel. I'm fine, thank you. Thank you. Supervisor Galloway. I have no announcements. Supervisor Mallick. Thank you. I'll have just a couple. The Crozet Arts and Crafts Festival is on Mother's Day weekend, but it is now time for people, artists, who would like to participate to apply for the juried selection process, which will be beginning, is available now.

[00:06:57] And also for nonprofit groups who would like to partner and have a table at the festival. So the Crozet Arts and Crafts Festival website has all the information. In the environmental line, in the freezing cold and beautiful sunshine last Saturday, I went on a very long hike, several miles, along the Meacham's River with a landowner who has trails, but also wanted to show me and others this serious scouring that's happening in the Meacham's River.

[00:07:30] And I learned a new term that was new to me called headward migration. And headward migration happens downstream, where the downstream water is lowered in elevation, and that causes a steep drop from the river to the new lower, And that causes the roiling that works, and the erosion actually works its way upstream.

[00:07:52] So if some of you may have been to David Slutsky's stream mitigation banks there, when you see the untreated part of Ivy Creek, it's like 15 feet vertical. That has not been done. And what I asked the scientist who was with us was the fact that the reservoir in 2002 to 2004 was about 20 feet low.

[00:08:13] Could that have possibly started this process? And he said, absolutely, that's a perfect example of the way that elevation change happens. So it's just one of the many things that we have to be cognizant of when we're thinking about either doing things or not doing things in our waterways to either not create problems or to remediate problems that already exist.

[00:08:35] And Ann, I missed the word. Tell me what you call it again. So there are several different terms. Headward migration, headward erosion, or head cutting. And so it's 22 years since the drought, and it's had its way, possibly to make its way all the way up past the Three Rivers Junction and into the Meachams.

[00:08:55] And we'll all be charging on to keep writing our General Assembly members pursuing support or opposition to various bills that we're all dealing with. So thank you all for your help with that. And the local government day is tomorrow afternoon, and people will be descending on Richmond for the VACO meeting and then descending on the General Assembly to track people down.

[00:09:19] So thank you all very much. Thank you. On the subject of waterways, I just want to call attention to the Batesville community, which is organized after the Batesville floods, looking to the future community conversation tomorrow evening, 7 to 8, 30 in the Batesville Methodist Church, and that includes talks with our emergency management, fire and rescue, environmental services personnel from the county, talking to the community after a 6 p.m. potluck at Batesville.

[00:09:50] So I'm looking forward to being there. Board, we have no proclamations or recognitions. I did forget the great news about Billy Wagner, who is an Elmore County landowner who has been, either has been or will be, inducted into the Baseball Hall of Fame.

[00:10:06] He was a very, very challenging pitcher and lives in the Whitehall District and coached and has really developed the program, a baseball program at Miller School, with great success. Thank you. Okay, this is our recognition for today.

[00:10:22] Thank you. Board, this brings us to public comment on matters previously considered or currently pending before the board other than scheduled public hearings. We have some sign-ups, and Supervisor McKeel will read the rules and read the names. Thank you. We do have sign-ups.

[00:10:38] We have four folks in person and no one online. So I will read the rules first. During the time set aside for public comment on matters previously considered or currently pending before the board other than scheduled public hearings, individuals may address the Board of Supervisors concerning matters previously considered by the board or matters that are pending before the board other than items listed on the agenda for public hearing.

[00:11:05] Individuals are allowed one opportunity of up to three minutes to speak at each board meeting. A sign-up sheet is managed by the clerk's office. Timekeeping is conducted through a timer and light system at the podium. The green light will go on when you begin speaking, which begins your allotted time.

[00:11:21] The yellow light indicates you have one minute to finish speaking. The red light indicates your time has expired, and you will be asked to end your comments. In order to give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines. When addressing the board, state your name and, if you live in Almar County, your magisterial district.

[00:11:39] Address comments directly to the board as a whole. Any written statements or other supporting material may be given to the clerk. If representing a group or organization, you may ask others present to raise their hands in recognition. Speakers may not share any unused time with another speaker.

[00:11:55] Back and forth debate is not permitted. Do not speak from your seat or out of turn. And all comments are live streamed, recorded, and published on the Almar County website. And the first speaker today, number one, is Anna Keller.

[00:12:13] Welcome. It's just a microphone. Hello. Thank you. Okay. My name is Suzanne Keller, Anna Keller. Please talk into the microphone as much as possible.

[00:12:29] Oh, I'm sorry. Thank you. Pull it right to you like this. Okay. My name is Suzanne Keller, Anna Keller, and I'm an Albemarle County voter. I'm in Mike Pruitt's district, and I live at Cavalier Crossing, a housing complex off 5th Street Extended.

[00:12:47] Most of the residents are extremely low-income, like myself. As you may know, it's been bought by an investment firm that's kicking out all the current residents at the end of July to turn it into luxury apartments. There are 144 units rented by the room, three to four rooms per unit, and the rent is \$500 to \$600 per month.

[00:13:12] At full capacity, it houses about 400 people, and though it's far from full capacity now, Even if there are only 100 to 200 residents, that's a flood of very low-income people who are going to be looking for

housing at the end of July.

[00:13:29] People like me, I'm on Social Security and my income is about \$15,000 per year. I just want to ask, how is the Albemarle and Charlottesville area going to accommodate all these people who are in the same position?

[00:13:44] Please consider this when you think about the Affordable Housing Trust Fund. Thanks. Thank you. And speaker number two, Vicki Bravo. Welcome.

[00:14:03] Thank you. Hi, I'm Vicki Bravo. I'm representing IMPACT, our local interfaith community organization of 25 various faith organizations that work on community problems. As you know, we've been speaking to you for some years now about affordable housing, in particular about establishing an affordable housing trust fund which we know was voted in as part of the new housing policy in 2021 contingent on passing the developer incentives

[00:14:37] we know that the developer incentives have been passed and now we are looking to you to start the affordable housing trust fund funded at 10 million dollars a year and prioritizing people at 60 percent area median income which is about seventy five thousand dollars and below we all know it's a terrible problem so I'm not even going to talk about that except to say that in the county website it says that there are over ten thousand homeowners and renters now in the county struggling to find

[00:15:16] housing they can afford what I want to focus on is that over 700 communities across the country We have affordable housing trust funds, cities and counties. Among counties around the country, the average that they can leverage is \$8 for every \$1 they spend from the trust fund.

[00:15:40] So they spend \$1, and that helps them qualify for \$8 from other sources that wouldn't be available to them without them putting the money in. So what I want to say is, the longer we wait to start the trust fund, the longer we don't get this leveraged money into the county.

[00:16:01] And the last thing is that I have learned that the number of kids who live in the county who do not have secure housing is enough to fill a middle school.

[00:16:18] Thank you. Thank you. The third speaker, Stuart Overby. If you'll give them to our clerk, or give them to Jeff, he'll pass them down for us.

[00:16:37] one way or the other thank you all right okay hi everybody I'm a steward overby I'm part of a grassroots group in southern albemarle called um don't spread on me live in samuel miller district and I'm speaking today about the ac44 environmental stewardship chapter um the handout is a copy of comments I've also emailed to you all so you'll have them um electronically where the links work

[00:17:14] So in here, there are some specific recommendations, requests for language to be added to the AC44, but I just wanted to highlight some recent news before we go into that. On January 14th, in a 300-page report, the EPA finally admitted that PFAS chemicals and sewage sludge, what the industry calls biosolids, used as fertilizer on farmland, poses serious health risks to those farmers who have used it and to the people who live nearby.

[00:17:48] The EPA also provided fact sheets for farmers and the general public for whom to contact with their concerns. They recommend, and I quote, consider contacting your state environmental agency, that would be DEQ, or county government, that would be you all, to learn about its efforts to address PFOA and PFAS, including in wastewater and biosolids.

[00:18:15] Many wastewater systems have not yet collected sewage sludge monitoring data for PFOA and PFAS. So these other resources may have more information. So my question for you today is this. What will you say to folks when they ask, what are you doing about PFAS contaminated biosolids, as the EPA recommends?

[00:18:35] Telling them there's nothing we can do isn't true. There is a lot you can do. You can direct staff to create a report on biosolids. You can adopt an ordinance, as at least 17 other Virginia counties have done, to regulate, test, and monitor the land application of sewage sludge.

[00:18:53] And you can add language to the AC44 to help guide local government response to the situation. And we have further in this four specific things that we're hoping you would like one or more of them, and we'd love to talk more with you about them.

[00:19:11] And finally, you can direct the county attorney's office to revisit its assessment of the biosolids ordinance issue from 2011. In light of the new information about PFAS, there will be some other things for them to consider. Like, one, the potential cost to the county of doing nothing, for example, lawsuits.

[00:19:30] Two, the biosolids ordinance from Rappahannock County that we could adopt as a model. And three, any other actions the county could legally take to support people who may have been exposed and to prevent others from future exposure. Thanks. Thank you.

[00:19:47] The fourth speaker, Sophie Massey. Hello. My name is Sophie Massey. I live in the Samuel Miller District near Scottsville.

[00:20:03] I'd like to reiterate everything that Stuart said, especially the need for an updated staff report. I think it would be wonderful if we could be proactive in our outreach and education on biosolids. because so many people in this community don't know about PFAS or biosolids.

[00:20:21] And that's not because it's not happening here. It's widespread, particularly in southern Albemarle, where I live. I think the county does a fantastic job of outreach with PSAs about how to drive in snow and other safety issues. And this is a really big safety issue that they could be reaching out to people on, especially since the EPA is now directing people to reach out to their local governments for advice.

[00:20:48] I think a particular outreach concern would be everyone, obviously, who lives on or near land that's been applied with biosolids, but also people who may have other levels of risk, like they live near the airport as well, or they live near the decommissioned landfill.

[00:21:07] PFAS bioaccumulates, and that would be added risk if they have both biosolids and these other contaminated sites. I think it's been fantastic how the municipal drinking water has been proactively treated for PFAS by adopting the GAC, granular activated carbon filters, early, before the EPA required that.

[00:21:30] And I think that's wonderful, and I think it's wonderful that people who live on municipal water enjoy clean water. But a lot of folks in this county live on private water. And even if they're really proactive about testing their wells, like through Virginia Tech's private well water testing program, that doesn't test for PFAS.

[00:21:50] Nobody is routinely testing for PFAS. That doesn't mean that PFAS tests don't exist. We could be educating people on the options that are out there. And we should be because, again, the EPA is telling

people to come to you for advice. So I'd just like to close by saying that I'm not concerned for people that live in town or in Scottsville or anyone on municipal water.

[00:22:10] but i'm deeply concerned about people who are on well water and rural folks deserve clean water too thank you thank you that's our last speaker thank you uh board this brings us to the consent agenda again i've heard enough suggestions of anything being pulled from the consent agenda and i'll remind you again that it includes an item to move our next meeting up to start at 5 p.m a motion to accept the consent agenda i'm an option of the consent agenda second we have a Motion from Supervisor Malik, second from Supervisor Lupisto-Curtley.

[00:22:46] Without objection, if the clerk will call the roll. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Lupisto-Curtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Thank you. Which brings us to our big item for the afternoon, which is AC44 Environmental Stewardship Chapter.

[00:23:05] This is being led by Scott Clark, Conservation Program Manager, and Tanya Swartzen-Truber, Planning Manager. Welcome. I see others here as well. look forward to the discussion we have this scheduled for now until closed meetings so we'll take a recess when it's appropriate good afternoon i'm tanya swartzen druber your planning

[00:23:39] manager for the community development department here to talk to you about the comprehensive plan and the environmental stewardship chapter so today we'll be looking at the environmental stewardship feedback that we received from the PC back in December. We'll look at the community input themes that we've heard so far, go through the objectives, and then focus finally on the discussion topics and review the upcoming schedule for the following chapters. Here are the direction

[00:24:14] topics that were provided to you in your packet, as well as the presentation that was sent earlier, and this slide will show up at the end of the presentation as well for your reference. So the PC had a few comments based on our presentation about a month and a half ago.

[00:24:36] They suggested that we incorporate macro level biodiversity impacts and also recommended using data and targets to measure progress for biodiversity protection, including the heat maps. They also wanted us to consider adopting a fire hazard overlay similar to how the flood hazard overlay functions currently.

[00:25:00] Our community input themes that we've heard throughout the process have been grouped into the following categories and focused primarily on protecting our waterways and improving water quality, as well as protecting biodiversity and ecosystems and improving habitat connectivity.

[00:25:23] So throughout the public process and with your input and the PC's input, we have developed the environmental stewardship goal that addresses healthy, thriving, and resilient ecosystems, prioritizes connected habitats and natural carbon sinks, and values natural environment for inherent beauty and benefits to local animals and plants.

[00:25:46] These are the objectives that we developed and the actions that we will go over later. Implement these objectives. I won't read these to you since they were provided in your packet, but they do address those same topics that we heard from the community, PC, and yourselves.

[00:26:07] We did make a few changes from the 2015 plan, basically updating the goals and objectives to reflect the current community input. And those themes really focused on clean and healthy waterways,

drinking water protection, biodiversity, natural hazard mitigation, all of the same themes that we heard through public input.

[00:26:33] We also incorporated the updated county plans, which are the Biodiversity Action Plan and the Stream Health Initiative. And Scott Clark will be talking about that in a few moments. The summary of your input that we have heard previously is here on the screen.

[00:26:52] And you all supported the Using Biodiversity Action Plan to evaluate applications and potential impacts, as well as supported increased groundwater protections and programs and financial assistance to address failing septic systems. You provided input that we should consider improving requirements for tree coverage and tree replacement. These recommendations, as you have already heard about for the development area's land use, have been included into that chapter. We also heard that

[00:27:29] you all wanted us to implement more effective lighting requirements to protect dark skies while also taking into consideration the safety of our community members. I'm going to let Scott go ahead and focus on the related chapters and take you through the rest of the presentation.

[00:27:51] I'll be happy to answer any questions and go through the schedule in a few moments. Thank you. Welcome. Good afternoon. I'm Scott Clark, the Conservation Program Manager in community development. So what this slide reviews is what is included in this chapter and what isn't. You'll see that this chapter focuses on water supply protection, water quality, biodiversity and natural systems. Of course you'll see immediately that's not the entire scope of environmental stewardship. So there are several other topics that are addressed elsewhere in the plan. Just for example here you'll see that some climate matters such as emissions reductions are

[00:28:30] address throughout several chapters. Resiliency issue is in the resilient community chapter. Land conservation, for example, is mostly in the rural area land use chapter. So it's spread out across several chapters with the focus here being on water and biodiversity. As Tanya mentioned, we've tried to take the recommendations from the Stream Health Initiative and the Biodiversity Action Plan and reflect those in the drafting of this chapter. So I'll just review that in the next

[00:29:06] few slides. The Stream Health Initiative has come out of a long history of water resource protection in the county since the 70s. Back in 2017, the board directed staff to develop strategies for improving stream health throughout the county. There were two phases, one focused on development area-related issues or development-related issues, and then phase two, which was more focused on the rural area and included a large stakeholder review and public input process and then a series of 14 recommended programs that were presented to the board in the end of 2021 so the next two slides

[00:29:45] are just an attempt to show you how those 14 program recommendations are reflected in this chapter or elsewhere i won't read every single one out to you but you can see that except for a couple that are already underway the uh stream health recommendations are all reflected in individual actions under the objectives that tanya showed you a few minutes ago and so there's 14 of them so we have two slides um there is one that we realized the watershed education that in recent

[00:30:21] edits we have lost from the action so we'll add that back in but uh the other 13 of the 14 are in there as actions just wanted to because it's one of your discussion questions for today just wanted to call out number 11 here which is the low impact development item and just as a refresher for everyone these are water quality protection processes in development that try to mimic natural processes and reduce the

impacts of development on downstream water resources second we've also tried to follow the recommendations of the biodiversity action plan

[00:30:59] drafting the related actions for this chapter. Just as a quick reminder, the action plan came out of the 1996 to 1998 comprehensive plan process, which called for the creation of the Natural Heritage Committee and development with staff of a biodiversity protection plan.

[00:31:21] The work group was created in 2004 to set up that process. 2005, the committee was created. It wasn't until 2018 that the action plan was completed by the Natural Heritage Committee and by previous program managers.

[00:31:38] And then in 2019, some of the key recommendations were adopted into the existing natural resources chapter of the 2015 comp plan. And again, this is just to show you how the recommendations are reflected in the current draft chapter.

[00:32:00] These nine priority recommendations came from the executive summary to the Biodiversity Action Plan. The plan itself has 60, 70 individual recommendations of actions that might be taken. These were the nine that were prioritized for soonest action in that report.

[00:32:19] And again, all of those are reflected either in this chapter or in one case in the Development Area Land Use chapter. And this is just a map, one of the products of the Biodiversity Action Plan.

[00:32:36] There were several map and geographic projects came out of that. This was the conservation focus areas, which was intended to guide the first five years or so of implementation of the plan. And there are three focus areas, one in the northwestern portion of the county, one in the southwestern area of the county around Hurds Mountain and Green Mountain, and then the main stem and main tributaries of the Ravenna.

[00:33:03] So this is the schedule for the next month and a half, I believe. So we're here to you today on environmental stewardship. The next time we see you will be February 12th.

[00:33:20] And we'll be going over the revisions that we've already made to the chapters that you've already reviewed. So those chapters are the development areas land use chapter, the rural area land use chapter, and then the growth management policy. So that'll be February 12th.

[00:33:38] And then Parks and Recreation will be presented to the PC next week and to you on February 19th. I also wanted to point out that we have our quarterly community check-in on January 29th in this room at the Lane Auditorium at the County Office Building.

[00:34:00] Again, January 29th from 6 to 8, we will be discussing the environmental stewardship chapter as well as the parks and rec chapter. There is a virtual option that will allow folks to access the presentation of that input, of that meeting.

[00:34:23] Unfortunately, just because of technical challenges, we won't be able to cover the breakout sessions of that. But if you are participating virtually, you'll be able to go to our website and provide your feedback in that manner.

[00:34:39] Here is the website address, and we continually upload the chapters as they are finished. There are multiple ways to keep in touch by signing up for emails and newsletters, as well as providing your feedback on several of the questions that we have available.

[00:35:03] With that, I'll leave the direction topics up for you all to discuss. I am prepared to flash up the actions in groups if you'd like to discuss those in the same way that we went through the rural area chapter by objective.

[00:35:21] Thank you. Would you propose that we take these one at a time and then go back to the actions as they appear on this? It's up to you, but yes, we can start with these for sure. I think that should work.

[00:35:38] So we will start in our order with implementation of incentives for low-impact development for stormwater management. Supervisor Pruitt? Thank you. Just to clarify, are we doing a round entirely on the first bullet? So I appreciate the section of the presentation that told me what this was because I'm not sure I knew what it was previously and I actually starred that as, what is that?

[00:36:04] Can we actually flash to that slide so I can have it on the screen while I'm thinking through this? Give me a moment. I apologize, it was earlier. That's okay. Sure, sure. I don't have any issues with prioritizing incentivizing it, right?

[00:36:26] I think the language we use currently in Action 2.1 is allow, encourage, or require, right? Allow seems like pretty baseline insofar as it's not violative of the building code. Encourage seems like what we would normally strive for.

[00:36:43] The use of the term require gives me pause. That's not what this bullet says, but it's what is in the draft that we were provided with. I appreciate the fact that there's an or there, but it is something that I might always have some nerve about an advocate coming in the future saying, hey, you told us you would require rooftop gardens on all multi-families, which is not what we said, but I would be worried that that would be a window we might open with this, which doesn't have any basis, right?

[00:37:16] But that's the only thing that gives me pause. I don't know that I have any issue with it as written and will preserve the rest of my time. Thank you. Supervisor Lapista-Curdling? Yes, I like the wording, and I'm in favor of this.

[00:37:33] I don't have any concerns regarding bullet number one. Thank you. Supervisor McHugh. Just for clarification, we're going to go through these four bullets. If we have something that we want to present that's not.

[00:37:49] I think the fourth bullet is, are there any topics or actions needed, additional content? Okay, so we'll be able to do. I think we'll have a lot there. Okay, that sounds wonderful. For more of a free-flow discussion. Yes. Perfect. I just want to make sure. And we will also go through the actions section by section, the way we did last time.

[00:38:04] Right. Sounds good, just for clarity. Maybe as much for me as well as the public and staff. But anyway, that's great. Thank you. I have just a couple of questions about the first bullet. How would we, when we talk about prioritizing these incentives, is there a plan to measure how we're doing on them?

[00:38:30] For low-impact development? Yes, so if we prioritize them, right, and we actually prioritize them for implementation. Are we going to get feedback on how we're actually doing, how successful it's been? I'm just looking for some feedback on how it's been incorporated.

[00:38:50] Yeah, I mean, I just think if we prioritize that, I see Frank walking up. Now that I see Frank walking up. Welcome, Mr. Paul. Hello, Frank, Paul County Engineer. I may be able to answer that. So as an alternative to low-impact development type BMPs, a lot of folks use off-site credits.

[00:39:16] So one way we can monitor this is with, I'm going to use, I'm going to say the same thing I said the other night. With the new system, we're tracking nutrient credits on-site. We already track all of the BMPs that are constructed in the county because we have to do ongoing inspections.

[00:39:33] So we could compare in the future how many credits are being purchased, for instance, as a tool that might indicate that more on-site measures are being constructed. Okay. It just seems like to me that it would be good to have, as we're talking about this, have a measurable column or something that says this is how we're doing.

[00:40:01] So I think you understand what I'm asking for. Yes. And I hear you, but what has happened in the past is we don't really get much of this implemented. The developers always choose the credits, which means that they just pay us money.

[00:40:20] And while I'm not totally against credits, it's really not accomplishing, in my opinion, what we're trying to do. And I'd like some thoughts on that. Maybe not now, but, I mean, if we're just going to support continuing the same, it's kind of like, yeah, it's like our formal housing.

[00:40:44] If we keep on doing the same thing we're doing, we're not making any progress, and it seems like this is another example of. Yeah, incentives are, what do they mean to a developer, right? There's a pro forma that they've got to meet, and there's risks, right?

[00:41:01] so so there is there are limits on credits um for instance if you have more than 10 pounds that are required you have to do 75 of your treatment on site so the state and the county has already adopted that regulation um when they're over 10 pounds but under 10 pounds they can buy all of their credits from a bank so how do you incentivize on-site treatment and i don't know the answer to that other than a financial type of incentive or density. There are things that could require

[00:41:36] changes to the ordinance that would qualify as an incentive. I can go back and look through our notes, but we talked about these things when we were developing the strategies and see if anybody provided any guidance or opinions on what an incentive would look like, which I think is why we put in there or require because unless it's a strong enough incentive, you know, they're going to purchase credits, which is allowed by the state, so. So, because I think I'm accurate that

[00:42:16] the majority of the time they're purchasing the credits and we're, I don't know how often, but I mean, it is, it is frequent and I don't know, it's probably majority of the time whenever that it's available to them. Yes. So help me with, if we said require, just play that out a little bit I DON'T KNOW THAT WE CAN DO THAT BASED ON STATE CODE BECAUSE THE STATE HAS LIMITATIONS ON WHAT WE CAN PROHIBIT. FOR INSTANCE, WE HAVE TO HAVE A TMDL.

[00:42:49] ONE WAY TO PROHIBIT IT IS HAVING A NUTRIENT TMDL IN OUR STREAMS OR IN A STREAM AND THEN THAT WATERSHED YOU CAN RESTRICT NUTRIENT CREDIT PURCHASES LIKE HARRISONBERG DID RECENTLY PROBABLY TWO OR THREE YEARS AGO. THAT'S ONE WAY TO RESTRICT.

[00:43:09] than that we have to allow it i don't think we can adopt a higher standard for the nutrient credit bank program or to allow applicants i should say to use the nutrient credit bank program established by the state right so help me a little bit and i'm sorry if i'm taking too long with this but i really want to understand so harrisonburg rockingham county yeah harrison the city of the city of the city they had a tmdl tmdl that was recently acknowledged by deq or issued by deq and i say

[00:43:44] recently three years maybe ago maybe four but um and then they they issued a um notification that they are no longer allowing credit to be purchased within right for projects within that watershed so how's that playing out for them and i guess my question is looking at so we have harrisonburg as an example are there any other best practices that we have looked at or have we evaluated that might be out there that so that we're not having to reinvent the wheel but i'm very concerned that

[00:44:18] what's happening here is that we're just not we're not getting to what what we are trying to get to with our policy or our our incentives are not working yeah we don't have incentives right now Yeah, well, but what we're doing right now is not working.

[00:44:40] People are just buying the credits. Yeah, we have to allow what's allowed by law, right? But it sounds like Harrisonburg's doing something else. That's allowed by law, though. So they're allowed to restrict the purchase of nutrient credits when there is a nutrient TMDL in a stream within their jurisdiction.

[00:44:57] So one of their streams has a nutrient TMDL. So they can restrict those credit purchases. So, Frank, I'm very naive. Help me understand, how do we do that? So our streams are mainly impaired by sediment. We have some benthic, which is for sewers, sewage waste, and things like that.

[00:45:20] But we do not have, and I'm aware of, a nutrient TMDL in the county. And I thought David Slutsky had worked hard on this at one point, and so, Ann? We have, yeah.

[00:45:38] So we have a lot of streams with sediment TMDLs. We've talked to DEQ about making that connection, and we were told no. So I don't believe, well, I should be careful how I say this, but I believe there is a connection, let's put it that way.

[00:45:56] But we would have to do a study to prove that to the DEQ, and that's no small study, and that would probably be through Greg's group. Maybe we can get the state to do the study for us. You have to make that connection that sediment causes nutrient deficiencies or TMDLs also.

[00:46:19] And I don't know if that, you know, when you start getting into it, I don't know if I can't say that there is a connection, but I believe there is. Because when you see these sediments, there's, excuse me, in the other TMDLs, there's usually sediments involved and nutrients attached to sediments, right?

[00:46:38] And when it gets stirred up, they're stirred up. But so I'm not a chemist, so I don't know of all the things, the binding properties, or I can't get into the details. But I think a study would be needed to try and make that connection.

[00:46:55] And if that were possible, then I can't remember the number of streams, Laurel, that have a... I see some movement there, so... Laurel might know the number of streams in the county that have a sediment TMDL, but there are quite a few. So other than that, the incentive route is the way to go.

[00:47:18] And we've heard of density as being an incentive. financially of course that's another type of incentive i don't know what other meaningful incentives there could be for a developer to increase their on-site treatment for smaller these are really for smaller projects also because of um you know once they reach that cap or threshold of 10 000 then there's a on-site component required so i see some supervisors

[00:47:53] leaning in and i also see jody leaning in did you have did i'm reading body language jody did you have something you wanted to add to you're okay yeah all right um so we'll put that aside for right now

may come back to that later i have another question um the um low incentive impact development let me go to that list that uh trying to find that list here am i i think i have there

[00:48:26] we go. Yes, permissible pavements. I remember very clearly Mark Graham, our previous director, Jody's predecessor, saying to us that permissible pavements do not work in our community because of our soil, because of our red clay. I know that they are used on occasion. I see them some in the city and areas and then at the same time part of the discussion was if you use them it is so

[00:49:06] expensive because what you have to do is prep the soil so much and create such a base i guess for lack of a better word so i'd like to just hear a little bit about that because it just to go out and say we're going to use and and i'm all for them they make great sense except if our soil if they don't work well with our soil and then it's costing more the cost is greater then they're probably not going to be used there's pushback so help me with this a little bit

[00:49:40] has the has that changed i mean have we discovered that actually our soil is welcoming to there are there are different types of soil throughout the county so some areas most some mayors of the county a lot of areas are not permeable so that is true for those areas but there are some other areas that permeable pavements may be adequate or not adequate but a good choice for providing on-site treatment and that makes sense so do we differentiate with that

[00:50:16] do we no i mean it it's in the it's in the it's in the specifications of how to create or build or design, right, I should say, these pavements. But you can also have an underdrain in the pavement.

[00:50:31] So if you do have a hardpan impermeable under a base, then you can put in underdrains that will drain the stone out, and it still counts for credit. Right. So even though we do have some poor soils throughout most of the county, you can still use the permeable pavements.

[00:50:55] The issue for permeable pavements that I see is maintenance, long-term maintenance. You have to vacuum these out frequently or they get clogged. And if they get clogged, they just don't function. And then you've got to tear it all out, which is very costly. So that's another issue.

[00:51:13] And the vacuum machines, I'm not sure. There are a few of them in the county, but you'd have to find somebody who can vacuum them out yearly. So if we implemented these principles and practices, would that be part of our instructions?

[00:51:37] You see, Frank, where I'm going with this. And I also just heard you say, I think, that most of the land in the county had the soil that was made it very difficult to use. Is that right? Do we know?

[00:51:53] I mean, is it 60, 40, 80, 100? I mean, do we know? I don't know off the top of my head because it also depends on the depth and when you get to a certain layer. But these are all available options, right? So it may not be appropriate everywhere for these different choices.

[00:52:12] And that makes sense. And I only bring it up because I just remember Mark Graham talking about this and saying in Albemarle County, maybe he said in many areas, I don't remember, they just do not work well. Yeah, as you go towards these, it gets better, though, the soils.

[00:52:27] It's my understanding. that towards these that makes sense the idea of the permeable pavers is that you would uh you know recharge the groundwater that it would go into the ground and not have an under drain so maybe he was speaking to that but um again there's it depends on where you are in the

county most of the county as you get towards the mountains on my experience is also that we have very poor soils but biofilters are similar in the fact that they rely on permeable infiltrating into the biofilter,

[00:53:02] but we see those being installed with under drains in them, and they still reduce phosphorus, and they provide a nutrient reduction for the site. So in a similar fashion, permeable pavers can have that underdrain when the soils below it are not adequate for infiltration.

[00:53:28] Well, I don't have a problem with these. I was just, to be honest with you, I just remembered that conversation, and you've really helped a lot with clarifying what the difference is and what is happening. And so obviously, as we would work through this particular item, we would be working with folks with an understanding of what it takes and what it means.

[00:53:52] Yeah. When we go back to, I'm sorry, when we're talking about the LID, are we talking about for commercial areas as well or just, help me with.

[00:54:15] Yeah, I would think it's for any type of development. So it'd be any type of development, especially commercial. I mean, we could decide not, and we could decide it's only for specific, but our thoughts is that it would be for any development. Well, I would agree with that. I just wanted to make sure. I'm just looking at my notes here.

[00:54:36] So I was thinking about the incentives being stronger, but what I'm hearing is, because I was thinking about required. Oh, we have someone else coming up to join. By the end of my questions, we're going to have everybody up front.

[00:54:57] Hi, I'm really sorry I stepped in late. I misjudged how quickly you would get to this item. My name is Greg Harper, Chief of Environmental Services in FAS. and um my colleague back there laurel reminded me that we had a meeting with deq a couple years ago and frank you may remember this um guidance from deq is never super clear um so we have to interpret kind of what they say during meetings um we got the impression a couple years ago that if if we wanted to to make lid a requirement or make on-site water quality treatment a requirement

[00:55:35] when it may not necessarily be required with the normal rules, we have the authority to develop a watershed improvement plan to address impaired streams, whether they're impaired because of sediment or benthic or nutrients.

[00:55:52] So we could take the initiative to explore what would be required to help us to return our streams to a healthy status, And that could result in us tightening restrictions and requiring more on-site water quality treatment if we wanted to.

[00:56:11] So I don't think requirement is completely off the board. Would you agree or disagree? I mean, I know this is not super clear, as I said, from DEQ, but if your memory is different than mine, please step in.

[00:56:26] Yeah, I know you were more involved in those discussions, if I recall. But, yeah, but it would require studying, providing a study, and I think you understand the details more than I do on that. Okay. That's good to know. All right, so we could tighten it up some.

[00:56:43] That's good if we wanted to. Well, we'd have to have certain outcomes from that study that would satisfy DEQ. All right. If I could just add one more. And I think if we do go down that route, I think we would need to consider, of course, the tension between dense urban development and slightly less

dense development that has a slightly less impact on the environment so there will be that tension the more you know compact we can get our urban areas obviously the less stress on other parts of the county there

[00:57:20] will be so that would need to be considered and that's the whole point of the five and the 95 to disagree with you yes okay um i think for right now that's all i have thank you i mean what you just brought up is the inherent tension in having the growth area rural area because we're putting all the pressure on the growth area and we right away now we're starting an argument that do you want density or environmental protection and then folks will say well we want both and if we require it more regulation usually results in higher expense

[00:57:58] higher expense to development something does not get always gets passed along to the end user and we already have an affordability issue it's incredibly frustrating so when we start talking about requirement in the bigger scheme of saying well we've planned for five percent to be development and take on the most dense areas to then turn around and require it and on top of the density require the expense to go along with it i'm not and i'm not making value judgments i don't want folks thinking i'm speaking for or against anything i feel i want somebody to go well i think

[00:58:34] that's wrong if i'm wrong but this is this is a this is an inherent conflict in trying to thread the needle of environmental protections versus focusing density and development in one area and you know there are plenty of folks that would argue that well it's worth it for it to cost more because the that you know the outcome means that you're protecting the environment all right i'm not disagreeing with that, but explain that to the person who's at 40% area median income and needs \$200 more to afford a place to live. You know, there's different prioritizations, even though

[00:59:13] value judgments can change, value judgments can change given your particular living circumstance. And for us to just take one area and not consider all of that can be an issue. For me to focus on number one, and you answered my first question, which what are the incentives?

[00:59:34] which we have none. You said we have no incentives. You threw out density, potentially. And some of these questions or comments I'm going to throw out are going to sound very critical of staff, and they're not. We are limited in time, resources, et cetera, and staff is incredibly overworked. We passed the Biodiversity Action Plan in 2018, and under Goal 16, Protect and Restore Urban Streams, it says, number two, develop density bonuses, tax credits, or other incentives for preserving and restoring streams. So my question, and it's not a gotcha, it's just

[01:00:09] a legitimate where are we at. Have we done that? That was seven years ago, six and a half. And now we're talking about putting this, putting, prioritizing the implementation of incentives into the comp plan, but our own biodiversity action plan hasn't checked this particular goal off that we've done. And that's no one, I'm not, again, this is not blame or fault, that's fact.

[01:00:37] So this is where I get leery of any plan, the climate action plan, not to just pick on environmental things, but our housing, affordable Albemarle, housing Albemarle, our economic development, we oftentimes will say develop support and they get put into the action items in the goals, but then where's the scorecard for achieving it?

[01:01:02] Had we already, I mean, the conversation would be very different today if number two under goal 16 of the BAP would have been accomplished and achieved point blank so I only bring that up you

know to say that in our own action plans when we put in these different policy plans I get I mean I think as a supervisor we have to be careful of how much stuff we put in relative knowing what our reality of a work plan is given staff and resources or come budget time

[01:01:36] you know there's no safer grants for community development department and they're the ones who have to do all this work that we're saying well it's important for somebody to pay a couple hundred dollars more in rent for environmental protection but it's not it's not tax rate important enough for us to raise taxes to do the work that we're saying we need to do in our climate action plan or BAP etc um so this is this is um I I don't at the end of the day I do not want to require require low impact the development the word require i just see too many inherent conflicts

[01:02:16] within our own policies and what we're trying to do in our specific situation that require is going to create issues if we're going to develop density bonuses or tax credits or other incentives for preserving and restoring streams which is a goal in another plan that specifically helps this now I'm thinking specifically of the growth area or the urban area, but it should help if it's outside of the growth area and the urban area.

[01:02:45] So I would have no problem considering one of my questions was, you know, after rereading the biodiversity, you know, which the reason I read the biodiversity action plan again was because the planning commission said that we should consider all applications for development against the biodiversity action plan.

[01:03:05] And when you read the biodiversity action plan, 90 some percent of it doesn't even apply if you compared an application against it i mean we're not going to you know take rio point out on maybe rio point maybe uh i'm not rio point out on profit road where the stream and the salamanders you know there's some stuff like that there's a certain circumstance given that situation but we didn't need a biodiversity action plan to come up and figure out that that application was scrutinized for wildlife and some other considerations

[01:03:40] So I guess my bigger point here is that we do a lot in the application review for development already because of the value system that you've heard from the board and that a lot of people that work for us hold. And how can we make it easier on ourselves to say we already do a certain amount of this?

[01:03:58] If we want more, then let's just hone in on specifically, yeah, let's give a density bonus and figure out with developers what a true one would be that would actually because it had we all know what the math is it would have to offset the cost of doing it otherwise they won't do it if we require it they'll still offset the cost it just won't be us we won't be subsidizing it'll be the people renting and buying the land so either way the public is the one that's going to have to pick up the cost on this so let's just identify what we say you know yeah we'd be happy

[01:04:34] to give you a percentage density bonus if you were to do some of this low impact development pieces on your particular property i'd be happy to support that and find language for it but you know i didn't get to review the climate action plan where there develop anything like develop incentives in the climate action plan um because i don't i don't remember i haven't re-read it um

[01:05:03] well that's just i feel like i'm ranting at this point um i think i've answered the question here You know, there's a lot of good recommendations in the Biodiversity Action Plan for protecting and restoring urban streams specific to the development area.

[01:05:26] I feel like that if those things were being accomplished, that in and of itself, I don't, you know, I think in some ways it may even go further than rain barrels and rain gardens.

[01:05:38] So, you know, this is a really complex issue for me, taking the different areas, trying to fit it into something that the comp plan is supposed to guide all of it, but I'm struggling with going, well, wait, where are we at with the current state of things that we said we were going to do in these other plans that if we were accomplishing or doing or checking the boxes off with, we could be at a different level in this comprehensive plan conversation.

[01:06:09] So, I mean, this is just me reacting and feedback, so I'll stop there. Thank you. Supervisor Malek. It's so nice not to be the only one ranting. Thank you. I appreciate the company. Just as a starter, comp plan language, in my experience, has always been consider and do something.

[01:06:31] It's not the same as a zoning ordinance that says you have to do it now and otherwise or else. So I'm never worried about those words particularly because it is things that we haven't necessarily done. So that was just one thing I wanted to put in there. Let me zoom back to the top here so I don't miss out.

[01:06:47] Regarding the first bullet, I'm okay with a lot of it. I think the only paver that I'm very familiar with is the greenhouse coffee in Crozet where the parking is right next to a stream that feeds into Beaver Creek.

[01:07:05] and therefore, in order to avoid the fossil fuel runoff from all the pavement that happens all the time, all that sludge that's on the drips out of cars and stuff like that. It was installed there. There was a certain amount of expense that went in with putting the drainable fill underneath, but it was a very small business, and it did not make it untenable.

[01:07:26] It was just the desire to do it right and to use that old house in that location where it was walkable for so many people that has helped it to succeed. So it is always a trade-off of, yes, it's a higher expectation. If it's someone who really cares to do a better job, then they will be drawn to that activity.

[01:07:43] There are others who just want to do the bare minimum, and those have to have the requirements. Otherwise, Frank and Greg spend their entire day chasing people because they don't have any rules that they can enforce effectively. So I'm always in favor of doing that.

[01:07:59] Now, first of all, I have a question. What does biodiversity protection targets at the macro level mean? Because that was, one of you said that, and I thought, I have no idea what that means. Because I'm used to doing benthic stuff, you know, at the crane fly level, but I don't know whether it just is wording at the la-la land level, and I'm trying not to be rude here, but I just would like to know.

[01:08:24] I believe that was in the Planning Commission feedback that was mentioned. I think the way we would address that, I hope, in a future revision of the Biodiversity Action Plan would be to establish measures.

[01:08:42] One thing the plan is lacking right now, it has a lot of recommendations for what to do, but it doesn't have indicators to tell us how we're doing. And there are other localities since that time, some in very different environments like Los Angeles, but they have developed a set of indicators for success.

[01:09:00] Okay. So I think that's how we would approach that. Great. That's what's happened in 20 years since the plan was started. So that's perfect. I understand that completely. Now, let me zoom down here. I'm not, I think every time I go by the bioswale out here, which is fabulously successful and treats the huge

volume of water from way up above Bodo's all the way to the railroad track and maybe even further, and all of our parking lots and all of our rooftops, that could just as easily, I guess, and probably more cheaply for the county, been one of those big steel tanks under the ground.

[01:09:38] but it's going to rot and then it's going to have to be replaced at some 50-year interval just like all of our stormwater pipes that Greg is saying all over the place assessing all over the place so anytime we can push people to do the at surface level treatment like the bioswales not just snake pit as my predecessor used to lovingly call the the VDOT holes where it was just weeds and some water now and then but something that actually has the right kind of plantings and is a benefit i see people walking with their kids looking at the flowers all season long it's a great

[01:10:16] asset and it makes me very proud to be able to point people in that direction so prioritizing the low the low impact development whatever features can be required in the building code and things that make it the way we do business going forward i hope to see that i don't know what to say that would be words that you could put in the comp plan but the whole credit nonsense is always very challenging for me because I get the streams and the nutrients and the wetlands and everything all mixed mashed up in my brain and then I don't know I know we have some of each

[01:10:54] in the community but in order to keep the benefit whatever we can do and you all figure out which category it goes in that will allow the benefit to be retained in our area where the impact is happening is what our goal should be. I've been, still have nightmares about us not having any qualifiable facility like we do with the lagoon now. I think it's a qualified facility for Woodbrook Lagoon, correct? So people can't, he's shaking your head. So people then can still go down to

[01:11:28] Appomattox and drop the money in Appomattox. We get no money either. We're not making anything to offset the cleanup costs that our staff and taxpayers have to do the developer is still allowed to go way beyond the carrying capacity of their particular soil and pay somebody in Appomattox to do if it was a I guess a wetland bank then there's a bank up in Whitehall and there's the stream bank in Jack Jewett and I don't know of any nutrient banks but the county could

[01:12:03] make one and then we would be able to say you're shaking your head again this was talked about a number of years ago maybe it was someone who wanted to make it please come greg and help me with this because i'm digging a bigger and bigger hole all the time one of the one of the landowners did want to make one in order to be able to have a place where the dollars could stay a nutrient bank and then it got to be well if there's only one then that's a fixed price and blah blah blah and it got to be a big snake pit itself and so it went away but i would like to figure out how we can somehow write down that we would like to make this better yeah i'm gonna uh make sure frank

[01:12:41] corrects me if i'm wrong but i think the only bank that developers can buy nutrient credits from in the county is the ivy creek stream restoration that david slusky did i think that's when you mentioned the county cannot create banks for private developers to buy into we could we could bank our own credits for our own purposes like if we were to do some development we can trade just like any owner can but um yeah i think that's the that's the only one and and you're right it it would be a shame to lose the one we have and and see all of our dollars go to to supporting

[01:13:18] some nutrient bank somewhere else okay so that's still an unsolved question about how to figure that out but i'm definitely in favor of trying to figure that out uh in this is the 2015 Natural Resources, Objective 1B, prepare, submit, and implement a watershed implementation plan.

[01:13:40] It's been in there for 20 years. So I was very intrigued when the example was given of if we go to the effort, prioritize the effort to do our watershed implementation plan, then that puts us in a better situation to be able to have requirements that help return our streams to good health, tighten restrictions, et cetera.

[01:14:03] So I'm also in favor of that. And that all sort of comes under this same category of either it's incentives or it's a combination of carrots and sticks that would help us to reduce the impact of these things. I know that I argued for years with Mark Graham, who always said that in the growth area, he was in favor of putting all the streams in pipes and not bothering with them.

[01:14:30] But the drawback for that is that the quality of life of the people who live in the growth area is dramatically reduced. When there's no greenery, no open water, it's just one ocean of asphalt, and then that has its own problems. So if we can also, in the same way that we're, the higher impacts that the growth area has due to density, et cetera, to me it's worth the investment of time and effort and money to do better than we're doing now so that we have a better quality of life for the people who live in the growth area because we want, I mean, that's the most cost-effective

[01:15:09] and environmentally, I guess, climate-useful way to have people live is more compactly. And most people do not want to live out in the country where I live. They just say, I wouldn't live out here for a million dollars. And I understand. That's okay.

[01:15:27] So we want it to be a viable, successful, and healthy option for people in the growth area. And to me, it's worth more effort than we are doing now. And I guess I've run out of gas. So I'm sort of in the middle on number one.

[01:15:45] Okay, thank you. I'm not sure we're clarifying real well here. The question, I guess, has led to some confusion, I think, because, of course, if you look at Objective 2, there are references to requirement of low-impact development.

[01:16:01] And this just simply says prioritize implementation of incentives. And then we've got questions as to what are the incentives, other than what we do with nutrient credits or something like that, but incentives as density or financial. I guess where I get stuck is the word prioritize, and that is I'm not sure what it means to say to prioritize the implementation.

[01:16:25] I support the implementation of incentives for low-impact development for a lot of the reasons stated by my colleagues, but I just wish I understood better what it means to prioritize. It may help to clarify what the question is, because we didn't mean to ask you all, do you want to recommend or require, or do you want to focus on one of many, many possibilities, because there are quite a few.

[01:16:53] We contracted with Harshman Environmental, and they provided us a list of suggestions for addressing low-impact development. I want to say there were 55, something like that. A whole wide range of code changes, possible types of infrastructure.

[01:17:08] There's a lot to look at. So we didn't mean to come to you all and say, do you want to do all that right now? It was just, do you agree this is an important topic that deserves some staff resources and time? Would this be perhaps the next major stream health item that we address after the buffer ordinance that's already underway?

[01:17:27] Well, right there you said after the buffer ordinance that's already underway, and that tells me where it is in a priority, and I do think that that's a good approach. I'd like to see the buffer ordinance get prioritized in that case. But otherwise, I'm supportive of this.

[01:17:44] I'm not sure if others want to make additional comments or we want to go on to the next. Yes. I just had a quick comment because I'm in favor. I know we talked about incentives, that's the whole thing, but like pavers and such. Then I found out today, well, not all pavers really work that well, which reminds me of our county is so diverse that perhaps what we want to do, especially if we use the word require, what we want to do may apply in an urban area, in a rural area, but maybe not in another rural area or another urban area.

[01:18:24] So that's the problem that I'm having is I would like to be able to see if we do have it, if the board does decide to have requirements, that there's always someone who could say, You know, I would love to do that, but it doesn't fit on my piece of property, on my land.

[01:18:46] And I just use the pavers as an example. Because they will work in some areas, but not everywhere. Thank you. I mean, I think one of the things you're hearing is that we're not necessarily experts on all the different ways in which this might be implemented. So the question really is, are you going to spend some time looking into low-impact development incentives?

[01:19:08] We go on to the next question. I think we can continue to try to bring some clarity to our thoughts. So should the actions include more measures for biodiversity protection and related demonstration projects on county-owned lands? And I assume the focus here is on the both biodiversity protection actions, but also on the county doing this on its own land and demonstrating.

[01:19:34] So I will turn to Supervisor Pruitt and ask if you. I want to start with a slight kind of zoom out that Supervisor Galloway's comments kind of got me thinking on because he addressed how parts of question one are kind of duplicative with existing tasks in our biodiversity action plan.

[01:19:56] It occurred to me, you know, I don't have the 2015 comprehensive plan committed to memory. Maybe it's also referenced in the 2015 comprehensive plan. I truly don't know which now draws me into I want to just voice a kind of lack of familiarity with our own program of our own internal program evaluation process and how that should be informing how we're thinking about this right so like when I worked at the office of naval intelligence that office has several thousand between a dozen and 400 national intelligence

[01:20:32] priorities that are assigned to it um broken into regions broken into subspecialties and then each one put into a portfolio with a single statement that is assigned to a senior analyst. And it would be analyze and document country X's mine inventory and strategies, something like that, right? And that person every week is trying to collect every single publication, every single project, every single thing that happens under their portfolio, put it all in a nice list. They look

[01:21:11] at that, they make a subjective determination, and they put a dot on a line of bad to good of how well they're progressing toward accomplishing that national intelligence priority. And all 12 to 400 of those get accumulated, put on slides, briefed all the way up to the director of the Office of Naval Intelligence. Very basic program evaluation. That is just a single model. I think that's pretty standard, like, corporate model for how are we doing the things we're curious about.

[01:21:39] It occurs to me, we've talked recently about kind of going toward a more quantifiable approach with SPEAR, but that is not getting at our stated goals in the comprehensive plan, right? That is a separate analytic tool for a separate set of analytic goals.

[01:21:56] It's not getting at our stated goals for the biodiversity action plan. It's not getting at our stated goals for the housing album model or our climate resilience plan, right? And as someone who has served on this board for a year and a month, I'm realizing I don't always know when I'm circling the drain on something that has already been established in a previous plan.

[01:22:19] And, again, I don't want to sound unfair or cruel with this, but it's not always clear to me how much county staff is aware whether or not we're circling the drain on something that's already been established. So can I get, and I realize this is a big question that outstrips the environmental protections chapter, but can I get a sense of what that program evaluation process looks like in the comprehensive plan and how I should be understanding that in the context of what I'm saying on these push points, right?

[01:22:54] And I don't know who is equipped in this room to answer that question. So I'll let it hang pregnantly in the air for a second. I like the question. Thank you, and I'm sorry. Director Jody Filardo is coming up to help answer that question.

[01:23:26] Good afternoon, board. Jody Filardo, community development director. Supervisor Pruitt, that's the million-dollar question. One of the things that we have been focusing on, we being the AC44 team, in looking at each of these chapters, the follow-on to all of these chapters is the development of metrics to be able to tell you all where are we with these things.

[01:23:54] I mean, it plays also to Supervisor Galloway's earlier comments. We've got to do a better job of reporting back on how these actions are being implemented or not. We do try to knit together our spear list of tasks to accomplish in the year that coincides with your strategic action plan.

[01:24:18] However, there are many more things that are in all of these plans that are really hard to integrate. And so part of what we are going to be doing as we get done with these chapters is to come up with a list of metrics that we'll be able to present back to the board.

[01:24:35] So like I said, you're right on the money with that question. It is not easy to knit those things together. But that is our pledge to you all to try to do that so that you can know, are we making any progress on all these things you're asking us to do?

[01:24:51] Does that help? It does. And I'm also, I guess I'm hearing that we don't have that for the current, I mean, it's tempting to say previous, but the current comprehensive plan. We don't have that kind.

[01:25:08] And also not crosswalk, right? Because this is a whole cloth development, right? What we don't have is a well-integrated set of any of these metrics because we've developed each of these plans as we've gone along with all of the best of intentions to do all of this work and very little time spent integrating all of those pieces.

[01:25:37] Although with AC44, the team is reading through both the Climate Action Plan because of the lens that we have presented to you all and promised to address, and the Biodiversity Action Plan as it relates to environmental stewardship.

[01:25:55] but overall with all of the actions from 2015's plan we are reading that and incorporating things into this plan that weren't done from the prior plan but there really hasn't been a full-on report out and a routine report out to you about what progress we are making on each of these things

[01:26:21] Thank you. I appreciate that. I guess what I'm reacting to is it feels like when we review these actions, there often is kind of, there is an existing crosswalk to previous policy statements that is invisible, right? Like we can say, oh, actually 2.1 and 2.2 are re-articulations and refinements of this specific action item that Supervisor Galway reported in the Biodiversity Action Plan.

[01:26:45] And actually, this is carrying over and refining something from this discussion. This is pulling from the 2015 plan and refining and updating it. That information is available on request.

[01:27:03] And I guess the thing I'm just trying to tease out is, and they're here because in part we're recognizing that they might not have been fully captured or fully executed. And on top of that, besides those various plans, we also have hours and hours of community feedback and stakeholder engagement and online feedback to us as well and our lunch and learn sessions that we do.

[01:27:29] So it's a compendium of many things, which makes it really difficult to say, this one thing came from this one place, right? We're trying to integrate all of those things because many of these things are duplicative in various places as well. Of course. Thank you so much.

[01:27:45] You're welcome. Yeah, I apologize. There has to be any work session, you need at least one big macro. What is a comprehensive plan kind of question? I'm sorry. I don't think I have anything else where you can set me.

[01:28:01] On this particular question, I am not clear if we are being asked to kind of develop on the spot whole cloth. Like everything in our current set of objectives before us, is notionally applicable to all land in the county um this asks us okay the county owns certain lands do you want more for that i i am not a chemist a conservation scientist i don't have a merp from vcu um and so i guess i'm i'm not clear if there are specific things we're being asked to

[01:28:39] consider in this thing if there are things staff would like us to consider as uh potential things to include as additional regulations that we wouldn't place over county lands. And then I just, maybe before we get even into that question, or as you're getting the slides ready for that question, I might just ask for a very quick, like, two-sentence primer.

[01:29:04] When I think county lands, I'm thinking our parks and the lands that our facilities sit on, which would mostly be schools, buildings, police, fire stations. Is there something I'm missing, or is it mostly parks, fire stations, office buildings?

[01:29:20] That's accurate, yeah. Schools are a big part of it. Pardon? Schools. Schools. And so can you help me, direct me toward what specific kind of actions are being considered that are distinct for county lands?

[01:29:38] Well, you'll see here in this slide about Objective 4, Actions 4.5 and 4.6, Talk about invasive plants on county public lands, which could be parks and school properties. And 4.6 is talking about protecting, increasing, restore habitat areas in county parks and other county homes.

[01:29:59] These are very general. So I guess what we were asking was, from your experience, from your contact with folks in the community, are there more specific ideas about these kind of projects for county-

owned land that you all have heard about or have an interest in that you'd like us to include or pursue.

[01:30:19] There are lots of possibilities. I'm not sure I can cook up all of them on the spot, but just for example, there's been an effort to move to less frequent mowing, conservation mowing on some of the school properties so that there are large grassy areas. Instead of the mowing the most frequently and having all the emissions, you leave the longer you get more spots for grassland birds to use for breeding.

[01:30:41] There's some water quality benefits. So that's just one example of just an operational question of how do you do your land maintenance? Sure. I don't believe I'm in a position where I could tell you things that are being requested that aren't already in place.

[01:30:57] I can think of things that are already happening on county lands, right? We like to encourage native plantings in our schools. We are working through nonprofit partners to mitigate invasives, right, which is consistent with 4.5, right?

[01:31:15] I went on a run this Saturday and ran into RCA while I was there, waved at them, talked to them about some of the invasive work they were doing that was actually in the city. But I don't claim to be an expert or have any particular insight, so I like the text as it's written.

[01:31:33] My peers have other things that they would like added. Supervisor Lupito Kerman. I like the way it is written. What came to my mind, and I'm glad there was this clarification and you gave all the other bullet points, But what came to my mind is if we were, and correct me if I'm wrong, please, but if we were to add more measures on county-owned land, would that prevent us possibly from maybe building affordable housing?

[01:32:05] Because I know it's come up before, can we use county land for affordable housing? And I'm wondering if we put more measurements, measures, if that way would in any way make that more cost prohibitive for us to do.

[01:32:24] That was my only concern. And if that's not a concern, then I'm fine. Didn't mean to give you a stumper there. That's a complex question. I think the the idea was that on existing county-owned lands that might be wooded or might just be grass what are the practices we can do not to preclude other uses you know if a grass area needs to become a new classroom in the future that's fine we're not saying it has to be locked down for all eternity to be used for conservation mowing but where we have areas that are in open

[01:33:04] space or recreational spaces in parks, in school properties, as Supervisor Perot mentioned at fire stations, where we have the opportunity to do those kind of land management options for local biodiversity, for water quality protection.

[01:33:19] We're just trying to explore what those might be, not necessarily to commit to only that. That's helpful. Thank you very much. And then on 4.4, I know we have improved the templates of county and ACEA held a easements to more specifically address appropriate blah blah blah would that also include the ace committee which is currently on hiatus or could that um well if if the ace program is inactive

[01:33:55] then no we wouldn't apply it to that but currently it's still on the books but it's currently inactive but that's that's not our only conservation easement program uh we have donated conservation easements that the authority takes and occasionally we have these uh clustered subdivisions So both of those programs involve deeds of easement that follow a certain template.

[01:34:20] Okay. And all this is talking about is creating new language, following Virginia Outdoor Foundation and several other organizations that have kind of options from a menu that you can pick from and say, well, this particular easement is, if one easement is focused on farmland protection, you do it a certain way.

[01:34:36] But if another easement is focused on habitat protection, you have different terms you can apply. And we just need to kind of update and modernize our language to implement those purposes in certain easements. Okay. But if the ACE program is resurrected, that could include that also?

[01:34:53] We could apply that there as well, yeah. Okay. Those are all my concerns, and I am supportive of bullet point two. Supervisor McHugh? The short answer is yes. The longer, more complicated answer is, and I would add, I want it all.

[01:35:12] But the problem is that if somebody has to pay for it, and it gets back to what Ned's saying. And at some point, we're going to have to talk about all of this through a lens of dollars and how we're going to manage to do this. Having said that, there are things that can be done that are a win-win.

[01:35:31] For example, and you mentioned it, Scott, the school division has areas where they're not mowing, which saves money, saves pollution, reduces pollution, protects habitat. for animals. That, in my mind, is a win-win. There are ways that we can do that on county-owned land, and I think the schools are doing a good amount of that. We did that down here when we talk about, we did a great project on our property right here with Daylighting the Stream.

[01:36:04] You know, the University of Virginia has actually set the standard in this community, in my brain, for daylighting streams to make them a win-win for the community. Better for the Dell is a great example.

[01:36:19] So I would say absolutely. The quick answer to this is yes. And I guess I don't need to belabor it any further than that. But there are lots of options, I think, for this. And I would be looking immediately for the win-wins where it saves us money, right, provides something wonderful for the community, is environmentally sound, and those things are out there.

[01:36:46] So thank you very much. Supervisor Kelly? Yes, we should model what we want on our own property. And if we're not, it's very difficult to then go out and, what was the words we used? Influence, suggest, require, whatever the different words are.

[01:37:07] But not just in practice, but also in finding alternative ways potentially for funding. So if we're utilizing grants that could potentially be available not just to public users, then we're opening up perhaps the pathways for others to use those said grants to them, do it on their own property.

[01:37:31] If, you know, if it's a piece of property like the one identified by Monticello that housing could develop on, we are the perfect place where we can stop the pass along of the cost of something being. If we think it's an ideal we want to achieve and it costs more to develop or put in place, then we can say yes without then the end user having to pick up the tab for it.

[01:37:57] It's a subsidy, but it would be backing up our own values where we could get rid of that inherent conflict I was talking about earlier, where the environmental value versus the affordability question, we could actually handle that if we owned the property.

[01:38:15] I'm not saying it'd be easy or not expensive, but at least the public would say, well, Albemarle County believes in what they're saying to the extent that their properties are being managed that way, and they value it enough that they're not going to pass the cost on to someone else.

[01:38:34] I mean, we're still taxing people. But the fact is that we've been stated in a strategic plan, a comp plan, etc., what our values are, and then this is where we can actually do that. We just can't force that on other people that have control of their land.

[01:38:54] And I do, I think, the call out of the schools, but I also think of some of our stormwater, like Hillsdale, where we're keeping the litter out of it from going on. We're putting things in place that we control and doing a good job there. So in my ideal world, developers, private property owners, et cetera, would go, I'm interested in this.

[01:39:17] Where can I look to see it being done? We should be the one that's showing the way. And if we're not the exemplar, then we're done. This was the whole point behind getting rid of the damn weeds in the medians. If we don't take care of the public places, yet we turn around and require businesses and others to hit this high standard when they put things in place on entrance corridors, but we let them, if we don't make them look good, then what are we really requiring of people?

[01:39:47] It just makes us look hypocritical. Thank you. Thank you. Supervisor Malek? Thank you. Yes, I think demonstration projects are incredibly valuable, and just a little rollback to 2010, the Rivanda River Basic Commission got a \$400,000 grant from National Fish and Wildlife Federation, and each locality participant in the RBC developed a demonstration project to help educate their populace, and each one was slightly different than the others.

[01:40:16] Charlottesville High School got a bio-swale there. In Crozet, what the county developed was a constructed wetland with the beautiful meandering stream through the middle and all the different elevations. And what that does is collect the sediment as the water slows down and moves into the project to pre-treat all the stormwater coming off those little tiny lots in a very old community where there's no room on each individual parcel to have your stormwater basin.

[01:40:46] where a big, you know, greenfield subdivision would be able to incorporate that in. So I think those were very successful and have been a great asset for, again, the quality of life of the people who live there, as well as all the people around the different installations, one in Flavana, one in Green, as well, that helped.

[01:41:08] So Ravana Water and Sewer also took all of their steep banks, and instead of mowing them, they're doing the conservation mowing there, reduces the danger for the people trying to do the work, first of all. And I think that those kinds of examples are excellent, the ones that you're given.

[01:41:24] So I'm all in on this. Thank you. I'm also all in on this one. I'm noticing that as we go through these that they relate to different objectives and actions in a, you know, not necessarily one-to-one ratio, but in ways that might be helpful.

[01:41:41] So this first one, obviously, Objective 2 has several actions about low-impact development. This one fits under 4.6, protect, increase, and restore habitat areas in county parks and other county-owned land. But you also mentioned previously that there are going to be additional things about education potentially in here.

[01:42:01] And this would be an area where I think that making sure we educate the public about what we're doing to help and why with respect to these demonstration projects. But I am otherwise looking at this as a very limited question that fits under Objective 4.

[01:42:20] There are a lot more to Objective 4 that will come up in a minute, I think, but I'm very supportive. And with that. Could I just add something, because I think you hit on something that I meant to say and I forgot. The school division has done a really good job with signage.

[01:42:37] They have a sign that says, this is why we're not mowing this area, and it gets to your point, Jim. And I think it's really important, and the University of Virginia has done that as well. When they're daylighting streams or doing work, they have signage or an explanation so that people understand what it is, And that gets to the education part.

[01:42:59] And evidently our parks do, too. Yeah, I'm seeing, I'm trying to stick to the comprehensive plan and what we can put in here to make sure that as we go forward, that's what we're going to do. Yeah, but we're talking about education, and those are good examples of how it's happening already, so it needs to, yeah. Okay, sounds good.

[01:43:15] And I see, just to jump ahead a little bit to see the next question, that this appears to be very closely related to Objective 3 of Protect and Improve Quality and Quantity of Groundwater, but it goes beyond that, the county's public water supplies as well.

[01:43:32] And so we can take that one again one at a time as we go through our order. Supervisor Pruitt. Sure. So this conveniently gives us, I think, an opportunity to talk about what we've been hearing from the public. recently pretty heavily, right?

[01:43:48] This ties in closely with the discussion on biosolids, other potential. I would say this ties into, I know some of the members of this group are interested in other agricultural practices that maybe aren't implicated by biosolids, but other potentially environmentally destructive agricultural practices.

[01:44:06] So I have a few kind of questions teased out from what they presented to us. They actually have some very specific line items on our comprehensive plan. I might address some of those, but for starters, can I just understand, do we currently have any program that does monitoring, testing, or mapping of PFAS, PFOA, all these horrible four-letter words of chemicals?

[01:44:34] No. No. I'm not aware of any county programs to monitor biosolid applications or any other sources. Is monitoring the presence of such chemicals in both our groundwater and our water streams and other waterways, is that within staff capacity?

[01:44:55] Is that something that would be appropriate in this? I don't know to what degree the Water and Sewer Authority is monitoring that at the public water inputs, the sources. We could certainly, if the board was interested, we could add that level of monitoring as one of the actions in, I believe it was Objective 3.

[01:45:19] It's not currently in there, but obviously it could be. I'm trying to mentally remind myself that I am a firm little D Democrat. So I do try and, when something is coming to us reliably from the public, engage with it as thoroughly as I can.

[01:45:37] So that's a bit how I'm thinking, but I would also just raise that PFAS and Forever Chemicals are an increasingly major subject of national attention and their presence in waterways. And if this is an opportunity for us to lead rather than follow, it does seem appropriate to me.

[01:45:55] I would also, I think, be curious about whether or not, and I know this becomes a challenging issue with state supremacy and also with, frankly, competing interests. But I would wonder if this is an area where we might say something along the lines of monitoring ongoing, as an action, that we would monitor ongoing trends in agricultural practices that potentially affect water and soil quality, including the use of biosolids and other fertilizers, and we're able to intervene as appropriate.

[01:46:34] I know that's complicated heavily by the state laws on right to farm, and also, frankly, it is potentially challenging because it impedes, potentially, certain agricultural practices or makes them less economically viable.

[01:46:51] But it does seem like it is a thing that I've heard several times from constituents in the room and people who are not in the room. it comes up a lot um and i know this is a challenging question especially in the southern part of my district where we have a lot of waterways that are in close proximity to farming activity um and farming activity like all industrial practices like all commercial practices are always chasing a bottom line which means they're always trying to figure out what is the the best way to deliver value um and that is always not that is not always necessarily the

[01:47:28] that's going to be best for the public good so I would be interested if it is within our one if we can legally do anything about agricultural practices that could potentially impact water and soil quality and if if that is within our ambit I would be interested in just having an inclusion in our comprehensive plan that would monitor and continue to keep an eye out on this right because currently I it does feel like it is a blind spot and something we completely rely on deq to report back to us about whether or not people are in compliance well localities are

[01:48:06] quite limited in their ability to directly regulate agricultural practices we do have a soil and water conservation district and they cooperate every day with voluntary projects with rural landowners and farm projects they know a lot more than we do about the current practices that are underway and the projects they're supporting through grant programs for stream buffering soil management soil conservation so um maybe the way to approach that is to talk about it is i think we do in some of the other actions about partnering with other local agencies and

[01:48:41] maybe calling out specifically having a stronger kind of reporting relationship from the soil and water conservation district so that you all feel like you understand what's happening on the active farms in the in the area i think that sounds like probably the right strategy right get the right expertise in there um build the right partnerships i guess what i'm responding to heavily in addition to you know some public feedback we've heard today but also the fact that i will have farming interests come to me and express frustrations of interactions they've had with neighbors or other residents i have residents come to me expressing things that they would like the county to regulate

[01:49:19] but we either can't or we don't um relate to farming practices this is a thing that keeps occurring and it does feel like I continue to just kind of stand there with shrugged shoulders because it does not feel like something that the county carves out an authority or a space or like scope of our own responsibility vis-a-vis these relationships and comments so I'm not even trying to come down in this moment on what our position should be but I guess I'm kind of acknowledging at least in my jurisdiction it feels like a quite present issue this this conflict of

[01:49:55] interests around water and soil quality and agricultural practices, it feels like something that is my feeling that our policy kind of collectively shrugs its shoulders on it rather than try to engage with it

and scope out our turf on it. That's all I have, I think.

[01:50:13] Supervisor Lupito-Curvin? I don't know if that concern, I mean, certainly that is a concern, but I don't know if it's more district-related because I'm not hearing quite, you know, the same things that you are. So, once again, our district is so, our county is so large and so diverse.

[01:50:34] One of the things I'm having a problem, well, one of the things I support is the 3.1, partnering with the Virginia Department of Health for responsible manage of septic systems. I know there are a lot, not only in the development area, but also in the rural areas.

[01:50:53] And they're talking about, you know, pump-out requirements and hiring staff for outreach for data collection, community input. To me, why this comes to surface is everything that happened at Southwood.

[01:51:10] That whole septic system there was a disaster, absolute disaster. And that's something that's now been cleaned up and such. But how many others are out there? Maybe not even large developments, maybe just individual homes.

[01:51:26] And getting back to some of the people in the development areas, maybe even rural areas, who've lived there a long time, older, and maybe they don't have the money. I don't know. I mean, I would like to know.

[01:51:42] I think that's important because you don't want that going into the groundwater. You don't want that seeping in. And, frankly, homeowners may not, some of them may not even know that there's a concern. But I really like 3.1, so that's what I'm looking at.

[01:52:03] Thank you. Thank you. Supervisor McKeel. Yes, I agree with much of what Mike said. And in just thinking about, I think we can, I recognize that regulating biosolids is not anything we can do.

[01:52:31] sludge, right? Having said that, we can monitor it. And I think that's really important. That's a starting point for us if we're monitoring. I think that's a good idea. Just to get to some of these specifics, I'd like to go back to the idea of monitoring groundwater levels. I know it's very difficult, but I think it behooves us to at least attempt to figure out a way that possibly we could do it i know the county is very different and i understand that and explained that

[01:53:05] there was something we did a few years back i'm not sure i really understand how successful it was it was only one right but but i think you said just one but anyway i think it's important for us to be able to do that so we have some sort of a basis especially when you're looking at climate change and droughts and where we are right now and all the folks that have wells um i just think that's important um and i'll be honest with you is there a way that can we map i don't really have

[01:53:40] a sense of where our water flows maybe everybody at this dais does but i don't know where it's flowing from yards farms streams i made a note here chris yes i get that but i'm just saying to have some more information about it and maybe and you have a wealth of knowledge about this that i don't have just from your years of experience. But when we talk about Chris Green Lake and the issues we've had at Chris Green Lake, I mean, we could go on, right? And I won't do that. But I think for us and the community to understand better, the mapping might be appropriate. Again,

[01:54:20] though, I'm going to come back to all this time takes to have time. And I hear cha-ching, cha-ching and work plan issues, right? And I guess if I had any other notes, I fear, and this is not being critical

of the Virginia Department of Health, but I fear that they are so underfunded that it's very difficult right now for them to help us

[01:54:55] and to try and maybe we need to have some sort of an effort legislatively for the health departments to be better funded, I guess is what I'm saying. But that's true in Virginia, isn't it? Lots of things are underfunded.

[01:55:11] Lots of entities are underfunded. But I do think it's a good idea to cooperate with them as best we can. I think they are our experts in a way. But I am very concerned about their funding. And I guess, Jim, for right now, I think that's probably it.

[01:55:31] Okay, Supervisor Callum. I guess my answer would be probably. When I read through your actions, it seems comprehensive, but I don't know. I'm not personally expert enough to be able to go, oh, this is missing when I look at it. But there's different things in there that I think get at it, like your point about the Soil and Conservation District.

[01:55:54] There's different goals in there that are speaking to water quality and protection. Yet we still have the issue that's been mentioned a few times that we've been hearing from the public on the biosolid issue. To me, it seems that we need to be in a position that if things that we missed as a staff or as a board or as whoever, that we just need to be ready to respond to in a meaningful way and know that that may be a funding issue or a resource issue.

[01:56:27] In addition to that, that's just thinking of, oh, well, did we think of some mitigating item or some specific issue? But we probably need additional protections in our own enforcement of what's on the books. So that's a budget question for sure.

[01:56:46] That becomes a staffing issue in a lot of ways. But it goes to some of the things about, oh, well, if we develop these action steps and these plans, but then we're not able to do them, well, if we come up with expectations or rules or regulations, but then, you know, we're just waiting on, you know, we often hear it with the homestay stuff.

[01:57:05] Well, it's, you know, it's community enforced. Noise complaints only pop up when somebody complains about it. Well, you know, the water quality seems to be such a high-value item in this county that it shouldn't be just a complaint-based type of system.

[01:57:23] So perhaps the additional protection could be the need for compliance control of what's on the books already, and then that's a little maybe more proactive. of i i i'm hesitant in saying that because there would be that would likely mean i mean i don't know what the cost would be but i know that translates into staff needs um but you know if it's that high of a value or that high of a of an item then we should be we should be thinking

[01:57:58] along those lines too and not just trying to think of every instance of or every example of what could undermine water quality well okay we we've done we've identified things now let's go out and figure out how to make sure it's being fallen. Thank you. Thank you.

[01:58:17] Supervisor Malek? Thank you very much. I'm very heartened by what I've heard from my colleagues already. So let me just run back here for a second. So we did, the county did have until the recession in 2009, a regular reading of a well in the Meacham's River Basin. I'm looking at Greg to make sure. Four?

[01:58:41] Four locations. Four locations. Okay. Due to staff reductions in 2009, that was stopped. But the wells are still there and I think could very easily be put back into measurement. Someone from another community told me that they have a partnership with private well owners who volunteer, get trained on how to read. There's some machinery that you take the cap off and shoot some laser down there and it wings back with the height of the water. That would give tremendous advanced knowledge about what the status is throughout

[01:59:18] the broad spectrum of county situations. I mean, Mike's got blood down there where people have to go to 650 feet to find a drop. And up where I am, you hit it about 40, but there isn't very much. And so it runs out really fast. So in every area, the rocks are so different underground.

[01:59:34] So I'm very glad to lend more support to bringing programs like that back, especially the ones where we have the infrastructure. I remember just when Dan Eggleston was here a few meetings ago talking about the emergency preparedness and how having river monitoring stations throughout the area would give advance warning to streams going up and down when storms were approaching, and that would help them to pre-position when things like the campground in Greenwood are going to go bad for a third time.

[02:00:06] So those are things that I would very much support. I mean, I volunteer to read my well if you need one in the northwest part of the county. That's happy to do it. We already have a really good example for that because there are a factor of many tens, more sites in Amara County being read because StreamWatch Now, RCA, is certified by DEQ to read them, as opposed to other places where they only have a few because they have only county staff or DEQ staff to be able to do it.

[02:00:38] So those kind of partnerships are already existing, and I would like to see them expanded. On a totally outside-the-box thing, for months I've been thinking every time I drive on Burkmar over the river, I think we need to have a sign that says Chesapeake Bay Watershed, as many, many communities do.

[02:00:54] I think probably the foundation, CBF, would probably supply them for us, but that would help people to understand how far up the watershed comes in our direction. And for 30 years, when people have said, well, you know, it's 200 miles away, why would I care?

[02:01:10] And I said, well, you care about what your own grandchildren are going to be able to play in in your own backyard. And if we solve the problems in our own backyard and all the other communities or most of the other communities do what they can also, all of a sudden the base problems are fixed. Nobody's fixing the bay. We're fixing ourselves.

[02:01:26] And I think that's a really important way to go about it. I'm very glad to respond to the citizens who have come again to talk to us about the sludge because if it fits into the board is interested, I think a suggestion that Elmore County does investigate and figure out how it's appropriate what the 17 other counties are already doing in Virginia under state authority to have reporting of locations and dates and times that is public information.

[02:02:01] because that is incredibly important and it puts in a kind of accountability to the community of when this is happening. And there's a map somewhere that flew by my email and now I can't find it that shows a big cluster in the northwest part of the county in Whitehall District and then a big cluster down on the James in the Scottsville District and maybe a few others scattered around.

[02:02:23] But those are the two biggest ones that were of concern to me, mainly because the ones in the Whitehall District drain right down to Buck Mountain Creek, which goes straight down into South Fork, and that's a real problem. Department of Health, I was going to mention this when we get to the blue chart, but Fairfax is big, obviously, and has resources that we can never dream of, but they did bring their health department in the county.

[02:02:49] I did verify this recently, and that is another way to be able to get, even if we do part of the programs that VDH locally is not able to do, That is a way to work something out on that and really give the data collection, the additional protections, and enforcing the rules we already have.

[02:03:16] I'm very much in favor of doing that. But I also appreciate how the citizen surveys have resoundingly been clear about what's important to them, and I'm so grateful for their participation as well. We just have to be careful not to be duplicating what our partner agencies are doing, and I'll get to that.

[02:03:35] let me go through the blue thing thank you thank you i'm again interpreting this to basically you have an objective and actions under three that tell us what are being planned and this is what additional projection protections uh i will add my voice to the interest in hearing more about what can be done to monitor biosolids as has been discussed about 17 other locations in rappahannock in particular there was a suggestion in one of the materials we received that there were ways to to get those who are applying the biosolids to be paying for the monitoring

[02:04:12] rather than having this be a big cost for the county. But, again, that requires some research into what they're doing and whether or not we can do it. I will say that the Virginia Tech Well Program piloted for the first time this past fall a PFAS monitoring in the wells, and so we had our well checked for PFAS system.

[02:04:36] Good. so that's obviously something that is important enough to merit that expanded program you know as far as additional project protections there have been suggestions from time to time that we've talked about that may come up as we go into buffer ordinances as to whether or not there are parts of the chesapeake bay act that we want to consider i mean we know we don't have the whole thing but i don't want to go into those now but that's the only thing that i could otherwise identify I agree that we have a complaint-driven system, and as we find ways to monitor things, maybe we should be a little more proactive with respect to our water supplies.

[02:05:16] They're pretty important for that. And particularly if there's a low-cost way to implement a program to monitor groundwater supplies, again, I think it's somewhat anecdotal because of the nature of the diversity of the supplies throughout our county.

[02:05:34] So actually getting people who are already testing their well water to also find ways maybe we could get checks, periodic checks on the status of people's wells. But again, it's difficult to implement without a lot of extra cost, I'm afraid.

[02:05:51] At this point, Board, we are due for a recess, and I think we've been going pretty well here. But the last question is, are there topics or actions that need additional context or explanation is kind of open-ended, and I'm not sure whether it would be better if people could try to organize their thoughts a little bit as we go forward, that we go through the actions now, and as we look at each objective, add in at that point any topics or actions that need additional context or explanation.

[02:06:25] In other words, to treat this fourth question as part of what we're looking at as we look through the essentially four slides of actions. Does that sound acceptable? Great. Then 15 minutes.

[02:06:42] We'll be back and do that. Thank you.

[02:22:01] Okay. Thank you. Welcome back. Board, I'm going to look to my right and left. Supervisor Galloway will have to leave at about 10 of 4. And I'm asking permission to change the order up and let him go first to make sure he gets his comments in before we go.

[02:22:20] But it's only if that's acceptable to people so that he can finish his comments before he leaves. But I guess you've got these on like five or six different slides, well, more than that.

[02:22:36] But there are five objectives, and maybe we can try to do them one objective at a time, even if that means bouncing back and forth between what's on the screen. All right, so we'll start with objective one.

[02:22:55] And the idea is here, any comments, but also focusing on, as previously asked, anything that's been missing from this chapter, particularly additional topics, actions needed additional context or explanation and I guess we the narrative is mentioned so I should point out that if you have comments on the narrative that take your first opportunity to

[02:23:25] mention those as well you are you volunteer I'm going to give a quick overarching piece based on my earlier comments than supervisor pruit's comments that kind of had me thinking while we were doing this and I think it's a larger piece relative to the whole comp plan and all the chapters not just this one um so for example the 2000 I went back the 2015 comp plan did call for

[02:23:59] the creation of a biodiversity action plan which was a check off but then the action now in this comp plan iteration we saying you know do some updates to the biodiversity action plan so I really feel like between some of my comments some of supervisors pruit's and some other comments that there's an opportunity in there to figure out how to use these action plans to our advantage in the metrics and the things that we're calling out for to do.

[02:24:29] Part of my, I think part of my struggle with many of the chapters for the comp plan, when we do budget, we have developed, this did not exist my first year on the board, but it exists now. I can call out a very specific thread from the strategic plan to the budget, And now we have the new scoring system.

[02:24:51] I forget the name of that. SPEAR. SPEAR. So, and SPEAR didn't exist two years ago, three years ago. But now I can go to the community and go, here's what our strategic plan is. This drives how we program the budget. And then the SPEAR tells us, are we doing the things that we said we were going to do?

[02:25:12] I'm yearning for that with the comp plan. And I don't know what the right threat is. I think it should be the comp plan drives the, like I like the biodiversity as an action plan versus affordable housing, which is just the housing policy. I like action plan just because it's more active and says steps are going to be completed and all of that.

[02:25:32] But I almost want that comp plan would be in place with a strategic plan that then drives what the action plans should be doing, and then we should have spear for the action plans. I'm bringing all that up to say that if we know a process is in place, and whether that's the right order or not, forget it.

[02:25:54] Whatever the right order is, we can talk about that. But then that helps us determine what the objectives and the actions are in the comp plan right now. I don't know if that's even a possibility. I'm just throwing it out there to say, then we could start saying things in the comp plan like, implement the housing action plan implement the biodiversity plan or move the needle it gives you a better measurable and it's all well defined somewhere we're not trying to redefine things here that are defined elsewhere so i'm just putting that out as the map the complexity it

[02:26:32] was what i wrote down like how can we map the complexity of the comp plan which is an overarching document down to our many various action plans policies what have you economic development etc then how to spear what's the equivalent of a spear to those plans i think we could if we could pull that off by the next time we do a comp plan element we'd be in a completely different we could i think we could really start to see progress in the community could say they're implementing

[02:27:00] their action their comprehensive plan that being said on an objective one one one um i had written down tell me a little more about this but that's that can likely be something that i can handle offline um one six it says develop metrics that it can form and and i wrote down do these not already exist um i feel like we have like there's metrics out there that already measure and grade

[02:27:34] our streams rca for example has metrics they have rated streams um they aren't specifically county metrics and then it says in watersheds over time use these metrics to help prior tours where to focus the county's water etc so we don't even need that first one if the metrics are already out there that we could use if we're saying we're unhappy with the metrics are out there then i could understand developing new metrics um but this is where that first line then is a redundant if we have metrics let's use identified metrics because i'd put down maybe id metrics as opposed

[02:28:13] to develop um and this is just in the spirit of trying to get things moving where it doesn't develop metrics i mean how much staff time would it take to develop metrics versus identifying the existing metrics and then we plan to figure out how to then do what that second line says because number one would probably take us a long time and we could just immediately jump to sentence two there's probably a lot of things like that throughout the all of the actions and objectives like all the chapters um like are we just getting in our own way a little bit um what was the other

[02:28:52] part of the question on the other slide are there any topics and or actions no thank you and you may want to probably get one more round in but you may want to jump ahead on that because you won't have a chance on the others if you had others so um i don't have anything on what's two and that's you know yeah i don't have anything on two i didn't have i mean i have comments but i i can add them later three but four if this is quick i can just say i'm just revisiting on four three you you

[02:29:30] called it out today in your presentation the safety within the development area is a is a highlight and then 411 and we kind of hit this with some of the incentive consideration earlier um you know i think this i would i don't know if there's other incentives or grant programs here but oh i know oh consider like consider is not a good word for any plan ever i can consider it in 30 seconds and say i considered it and i'm done so we're either doing this or we're not doing it so

[02:30:09] does this need to be here i think i hate the wordsmith but consider um if we want to establish grant program let's get right to the meat of it we're doing it or we're not doing it let's not consider things um that probably should be fleshed out considering things needs to be fleshed out as part of the process

but not make it to the end product but then i'd also ask don't we have examples in place for this and then five one i think was the oh it's a follow-up for later but

[02:30:46] cost implications of five one would be probably be a big one which i don't know enough about and maybe i'm wrong but in terms of requiring new stream crossings to use bridge or culvert designs that maintain it's kind of similar to the piece with the with what i'm saying like doing some of higher value things if it enhances the cost we just have to be mindful of that and i'm not saying that that's good or bad or right or wrong it's just that that's important for me to understand in some ways to before i can say if that's good action item so that's that's it okay i'm good

[02:31:19] otherwise thank you thank you yes so in objective one um can you help me understand the difference and what is being accomplished between 1.2 and 1.4. They both seem to be talking about energizing a riparian conservation easement program, and I am not clear why they need to be separate, but maybe I'm missing something critical, which is quite possible.

[02:31:54] I'm sorry, you said 1.2 and 1.4? Yes. And again, these are both recommendations from the Stream Health Initiative. One is focused on, 1.2 is focused on acquiring new or amending older conservation easements.

[02:32:14] So that's just working through the legal documents with the landowners. Whereas 1.4, I believe, is more focused on technical and funding assistance for better land management practices, specific installations that people can do on their existing properties to improve water quality.

[02:32:42] I appreciate that. Are we going through all of them, or should I stop at one? I think we'll... Yeah, just number one. I honestly don't have any. Ned went through all of them. He's going to be leaving. If you don't think you'll get bogged down... I have very few comments, frankly. Okay, then let's go through all of them, frankly. It was a disaster when we did that the big four.

[02:32:59] I'm just trying to work so well for the rural area to go number one, then number two, just because otherwise we're going to run around in circles. Now, then I'm done. Okay. We'll go to Supervisor Leopoldy Stockerman. Stick to number one. Yes. I don't have anything on number one. I'm saving my comments.

[02:33:15] Okay. Supervisor McKeown. Sure. My comments are about adopting the Chesapeake Bay Preservation Act.

[02:33:35] We've talked about that, but it's been years. And it seems like to me it's time to go back and have that discussion again, in my opinion. The Chesapeake Bay Preservation Act would allow us to encompass a lot, or encompasses a lot, not everything, but a lot of what we've talked about today.

[02:33:56] It would free up some staff time. I believe it may create time in other places, but the last time we talked about it, My memory was that we pushed it aside and didn't go there because the amount of staff we were told we would have to hire to do it.

[02:34:19] I believe that's correct. I'm looking at, and just for clarity, the Chesapeake Bay Preservation Act was enacted in 1988. Each jurisdiction east of Interstate I-95 implemented an ordinance and programming, were mandated to implement an ordinance and programming to support the state code.

[02:34:44] So everybody east of I-95, they were mandated to do that. We were not because we're west of our location. When I go back and look at the geographic regions that implemented this, many of them are

smaller than we are.

[02:35:03] They're not as wealthy as we are, and they're smaller. Caroline County, Charles City, Elizabeth City, Essex, Gloucester, Hanover, Henrico, James City, King George, King and Queen, King William, Lancaster, Matthews, Middlesex, New Kent, Northumberland, there is Richmond, Warwick, Westmoreland, and York.

[02:35:27] I guess I just don't understand. Staff is going to help me understand how counties that were smaller, or at least not as wealthy as we are, but certainly smaller, were able to implement this.

[02:35:45] And we feel like we can't. And that's a strong word, but that we would need so much additional staffing. So I guess my comments on a lot of what we've been talking about today, and I'm happy to go through each objective.

[02:36:05] I don't have a lot of comments on each one, but my overarching comment is we at least investigate or go back and discuss again. And I am in favor of adopting the Chesapeake Bay. There's a model in place.

[02:36:21] We don't have to reinvent the model. It's there. It has shown some success, not complete success, but we're still talking about things that we tried to implement, and we still are waiting on them for years just because.

[02:36:39] So, I mean, I get that. If we join our neighbors in this initiative, then we are already locking down existing programs.

[02:36:56] It is an existing program. At the federal government level, we don't know what's coming. We don't know what's going to stay, what's going to go away. But it does seem like to me it would be appropriate at this time to lock in what's there and use that model.

[02:37:18] And I guess with that, I'll just let that sort of sit out there for a few minutes, because I know there are probably some reactions to that. But let me go through and take a look at, to do what Jim wants us to do, the goal.

[02:37:37] just just number one just what's on right we're we're doing just one right now yes so um actually this gets what i was just suggesting um i'm gonna let this one go i have some comments on the others okay the supervisor malik oh goody all right just a minute i was not ready sorry um come on come on Okay, so as you can tell, I have a lot.

[02:38:16] So 1.1, my handwritten chicken scratch on here had, next to mitigating, reduced the number of permitted impacts. Because why are we always allowing people to do things that they shouldn't be doing and then trying to mitigate them?

[02:38:35] It always costs more and costs more to clean up. 1.2 in the category of not duplicating what's already out there. federal cost share programs are huge and implemented through Soil and Water Conservation District here and also Farm Service Agency.

[02:38:52] We are in the Louisa branch there. I want to make sure that those are not lost. 1.3 and 1.4 is, again, existing programs. For some reason, I have a mental lapse and don't remember anything about a riparian conservation assistance program as if it was something brand new that was going to be stood up.

[02:39:13] But we have all of these buffer programs that when we have a complaint now, Frank's staff has to go out and investigate because everything is treated as an individual one-off instead of having much more thorough rules.

[02:39:34] So that's a problem. 1.5, I wrote highest priority as if maybe that should be 1.1. Track and report impact of water resource protection and restoration activities. DCR, LIDAR, annually done. It's incredibly detailed, far better data than what we have available in our county GIS.

[02:39:55] In the what is missing category, making sure that all of our stream data is actually up to date. And it should not take five years to get a perennial stream on the maps so that it can then be used when staff needs to look at the data, look at the maps to determine what kind of action is needed on the county's part when an application comes in so those are kind of providing the backbone of the information source so that we

[02:40:29] can all be doing a good job on that 1.6 i wrote down stream watch criteria already exist i mean the rca now natural heritage committee task you know to to be providing more backbone that goes with the map that I held up earlier as part of this packet that shows where all the watersheds are. 1.7, partner with other rural localities. I don't know what other authority we need on that.

[02:41:02] So I think we have the right to do an open space category already, so I don't know what that was all about, but I'll just leave that question hanging out there. And just in reaction to what others have said, I absolutely would appreciate and eagerly participate in a further discussion about the Chesapeake Bay Act because just using resource protection areas alone as an example would provide the buffers protection that we have been struggling with for years and the wetland protection, all these kinds of things that our staff has been trying to

[02:41:35] create from a blank page, but we could take the text out of the library that others are using and make it happen. And Loudon and Albemarle were the two on the West who adopted it many decades ago, and we have not further implemented it. And sadly, there were agricultural buffers up until 2014 for cropland. They had to be 35 feet back from a stream edge.

[02:42:06] Those all went away in that word cleanup, word salad thing that was done in 2014, and we're still 10 years later trying to correct what happened then. So I'm all in to have that discussion again separate from or part of the comp plan thank you thank you uh my primary comments uh echo some of supervisor galloway's and that there are words in here that talk about implementing and then developing and then elsewhere we also have you know consider um the uh comments we received from the public included uh saying instead of implement land conservation for water quality program or

[02:42:43] implement riparian conservation assistance program they said develop and i recognize that these were part of the phase two extreme health initiative so i don't know why that comment came in and what the difference is uh and whether these are programs that are already developed and so if that's the case then i just want to make sure that we're choosing our words carefully and not just simply trying to find a new word to stick in uh and and i would say that comment kind of goes throughout i won't make it again um chesapeake bay act uh was discussed at the planning commission and i know that I agree that it should be revisited. I know that there were discussions about not only staffing

[02:43:22] issues for Elbamaro County, but staffing issues for the Thomas Jefferson Soil and Water Conservation District, and some agricultural implications and implications regarding pump-outs that at

the time that it was previously considered, I guess, were problematic. This requires very regular pump-outs, I guess. But in any event, I agree that this is something we need to look at again. And those are My only comments on this first objective.

[02:43:51] So if we go to the second objective, and we'll go... First, I'll ask Supervisor Galloway, because I know he'll only have five more minutes. Okay, Supervisor, approve it. No comments. Supervisor LaPista-Curkey. I'll take a pass on this one, too.

[02:44:10] Okay. Supervisor Malin. Just 2.3 is a repeat of 1.3. So staffing up at the Soil and Water Conservation District will... provide the staffing, as we have done in past years, to provide extra manpower in the place where the expertise already exists, and the farmer connections and the rural landowners connections, and also the urban landowners through the ACAP program.

[02:44:35] There's now a tremendous outreach for growth area, people who can get ACAP funding to support water quality things in the neighborhoods as well. So let's use the expertise we have available. That's all I have.

[02:44:51] Okay. And I think that most of the comments that I would have are previously discussed about implementing this on county lands, education efforts, and perhaps at some point we need to talk about nutrient credits and how they work in this context of low-impact development and other aspects of this.

[02:45:10] But moving on to number three. On three, I don't know that I have specific line-by-line edits other than to just voice support for what I know Chair Andrews already brought up, which is possibly exploring whether or not supporting or subsidizing testing of water quality for people who are unwell.

[02:45:36] That would be something I'd be interested in. I'm not willing to commit to saying we're going to fund it, but that word, consider, the one that we shouldn't be using in a plan. I'm sure we can find a better way to do it, but that's all I would add. Okay. Supervisor LaPito Kirkland.

[02:45:52] Yeah, I'm in favor of all these, especially 3.1. I've said that before. On 3.2, we're talking about incentivizing connections. I don't know if that would be, if there was any thought given by staff?

[02:46:09] Are you talking about monetarily, tax reduction, or something else? That's our program. we kind of debated a little bit and kicked to the budget from a few months ago. Not to interject, but I forget the name of it, but it was, I know, Supervisor McKeel.

[02:46:30] That was the one where in the urban area, right? Right. So the incentive was that grant program that we put out. And we said at the time, we kind of redirected for the current year, but said let's bring it up in budget. it may likely need to be an ongoing program.

[02:46:50] So we had a grant program before that was evidently successful, and that was mainly in the urban area, right? Well, when we had the... I'm sorry, go ahead. Sorry, I'm just commenting that it's for connections to the public system that would imply the development area.

[02:47:06] Right, and so incentivizing, would we say through grants or it would just come in through the budget? What are we thinking? We took ARPA funds and created it as a program. Correct. It wasn't being, we didn't have enough people want to use the outstanding monies.

[02:47:24] We redirected it so that it could be used in the meantime and then punted the further conversation to the budget so that we could consider it as perhaps local dollars go to fund it. So there might be a pool of money that would be available. Yes. If it's a worthwhile program, which we all seem to

agree on, this was the piece that we kind of said, Maybe this is an accounting maneuver versus a policy competition between emergency assistance fund.

[02:47:51] It went to some homeless dollars, and it went to, there was another item that it went to at the time. So instead of incentivizing, it would be more of an allocation of leftover monies that could be out there that we could gather together.

[02:48:06] Is that what you're saying? Not leftover. We'd have to identify funds for it if we want to continue it as a program. Okay. So not applying for other grants and such. But we could do that, too. We could also do that. Okay. Okay. All right. Thank you. Supervisor McKeel.

[02:48:22] So we're on three. I'm sorry. I think I'm on the right page. I think most of the comments I covered in the last discussion, we talked about monitoring, possibly monitoring biosolids, what that would look like, and then monitoring groundwater levels.

[02:48:42] So I think my comments stand for this one. I don't have any additional. Supervisor Malik? Thank you. I've got lots of pieces of paper being held here. So we're supposed to do the narrative now, too, where it's appropriate.

[02:48:58] Where it's appropriate to do the narrative, yes, please. So on page three, where it talks about water quality and stormwater management, I think is relative to objective three. I really appreciate the suggestion made by a speaker this morning and the handout that was passed around to add in the first paragraph of the narrative on page three of this, after the word chemical and heavy metal contamination from biosolids, land applied, or other industrial agricultural practices, just as a research information gathering, just that phrase being added.

[02:49:38] So I will leave that for our Able wordsmith on staff. And I've got the number three. I've already spoken about the 3.3 wealth that we already have.

[02:49:54] fairfax oh 3.2 question for staff for today or another day can the cow or perhaps county attorney can the county require connection to sewer if the land is sold added to or renovated at the time of the time of yeah so there are many things that are triggered when an application to change happens and under 3.2 it talks about private septic systems and someone mentioned about the pump-outs as being a burden, pump-outs are a lifesaver every five years, and there is,

[02:50:27] VDH has support money for, means-tested support money for both repairs to septic things when D-boxes or whatever are broken after many years, or the things that are found, often they're not found until there's a pump-out, and people take the cover off and go, oh my god, what's going on?

[02:50:46] So anyway, those are really important elements that I hope we will not be afraid of, because because it does save many more things than it is an obstacle for. So I will just leave those thoughts. That's really all I have, I think.

[02:51:01] Just one second. Yes, that's all I have for this. Thank you. Thank you. I think we can go on to number four. Now, you've got these on two pages, I believe, but I'm going to ask if we can work through the entire set, one supervisor at a time, Supervisor Britt.

[02:51:23] Great. So on 4.1, I remember this came up for discussion when we were talking about the cell tower ordinance because there was a desire to use the biodiversity action plan for some action, which was exciting, and specifically the mapping component of it.

[02:51:42] and I believe we talked about the need to update it at that time, but also, correct me if I'm wrong, but I do believe the board expressed some concern about the periodicity on which it is updated because we did not know there was both a fidelity issue for being able to use it for actual policymaking during that discussion, but there was also the concern of timeliness, right, whether or not the forest blocks were still in the status that they were described at that time.

[02:52:14] fidelity regardless so i i guess i'm wondering if it wouldn't be appropriate for 4.1 especially that um third bullet um to include some discussion on periodicity right if that periodicity needs to be greater than the action plan itself which does seem like it might be prudent if we're going to try and use it to do things right like a map that is descriptive and a map that is actively being used for policy making and for decision making are different things and so long as we're going to be using any of this data for actual policy making um and for actual action it probably needs

[02:52:54] to be at a greater than five ten year periodicity um that is the most i think concrete thing i have for four um but i would be curious if we have the ability to particularize um 4.12 more than we are currently um because i like that i like how it sounds um but it is open-ended enough that it could involve a flyer once during the next five to ten years or it could involve a like serious

[02:53:32] multi-million dollar program on that um and you know getting back to the um smart goals measurable being the one i'm thinking about it seems like it's a difficult one to measure we could be the day before final comprehensive plan evaluations are due like five years from now um and we'd just be like oh quick hang a hang a flyer in front of mcintyre and we'll accomplish it um uh so i i would very much want a little bit more i think particularity and understanding about what the

[02:54:09] scope of that outreach is going to look like and and what this nature and scope of not just the outreach, but any services that are going to go along with it, not just like communication. Hey, consider a wildflower garden. Help me understand 4.11, because I like it, but I'm also thinking we have regulations related to dark skies.

[02:54:40] When someone comes to us with a new development, they are required to have downshielding, or at least I think they're required to have downshielding. I hope they're required to have downshielding. I also look at that as not something that is expensive. And so I guess I'm trying to understand the scope of this demand. Are there major commercial developments that's going to be quite costly? Are there individual homeowners who have spotlights that they can't remove? I guess if we're going to, I like dark skies. I like the

[02:55:18] idea of subsidizing people who can't afford to make it with the standards that we put on them. Those are two things I'd like. I'm just not clear if the target demo here actually needs the help or, like, what the scope of what we would be helping them do is.

[02:55:40] So I have a little bit of pause on that. And I also do just want to apologize. I hate when I'm trying to make kind of particular policy decisions on what's supposed to be our kind of blue-sky document. But even in a blue-sky capacity, this one challenges me if I don't have a little bit more particular understanding.

[02:55:58] Okay. Thank you. Supervisor LaPista-Curdle. Regarding 4.9, contribute funding to programs managed by local partner organizations, would you define local partner organizations?

[02:56:17] Are you talking about committees that are formed of, like, volunteers? Because we have that at Darden Town where they're going along, you know, they're volunteers and they go around, clean up invasive plants and the trails and such.

[02:56:33] we have other volunteers. So would that include volunteer committees, groups? It would. It would. Okay, good. I like that. And regarding the Dark Skies Initiative, Supervisor Pruitt made me think of something. We have a number of homes, maybe buildings, I'm not sure the amount, but I know a number of homes have on the corner of their, have spotlights, you know, so that around the house it's bright at night and if those were switched to motion detector lights that would then in my

[02:57:12] opinion better conform with the dark skies initiative instead of being left all night long on and maybe that could be a suggestion um to to use lights with motion detectors as opposed to having these bright lights on all the time and especially for businesses perhaps i don't know but especially homes also or developments.

[02:57:39] So that's all. Thank you. Supervisor McKeel. Okay, so we're on four. And under 4.1, I am no expert on GIS, but we did have a suggestion to integrate the biodiversity action plan GIS data into the publicly available county GIS site.

[02:58:06] That made sense to me. even though I'm not an expert on GIs. I do think that our publicly available website, when it comes to the GIs, needs updating.

[02:58:21] I think it would seem like to me. And I don't use it often, but I do hear complaints about it from the public. Just saying. So I thought that was a pretty good suggestion. Going on to the lighting ordinance, my understanding is, and you can correct me if i'm wrong our lighting ordinance is very much like our cell tower policy ordinance the lighting ordinance is very old but as we are going through um the implementation now

[02:58:56] people are being required to use the more current down lighting and and if you'd like to just speak to that but our our ordinance itself is pretty old or has it been updated my understanding is the lighting ordinance would be updated as part of the zoning modernization process which will follow on from the comp plan and was obviously on you know underway to some degree but i don't know a lot about that but um we can maybe if there's someone here who can speak to it we can follow up but um yeah i think it's probably past time to update that but it's expected to happen during

[02:59:31] that modernization that's great because i do it's i don't know whether it's 20 25 years old what it is, but it is very old. But we are requiring the downlighting as needed as we're going through, but we really need to get that done. For site plans and commercial development projects, yes, not so much. For new developments, yeah. But that really needs to be done. But I will say that when we're talking about dark skies, I'm very supportive of dark skies, but we're fighting in the rural areas one thing. We can control, I think, and certainly encourage in the rural area. When we're

[03:00:07] talking about in the development area, that has to be in partnership with the University of Virginia and the city. We're never going to get dark skies if we don't get them on board to work with us, especially the university. One only has to go to B's area on Pantops and come up over Pantops and take a look at the University of Virginia and how much they can help us with that are willing to help us I don't know but it just seems like to me that is a perfect opportunity dark skies to work with the university in the city sometimes easier said than done and I

[03:00:45] understand that but Lubick would be and I think I've said for years Lubick would be a great place maybe to start those discussions so but I am definitely in favor of getting that ordinance updated and because I think that's really dark skies are really critical and then I'm on 4.9 invasive plant removal and native plant restoration we have a huge problem in Alvaro

[03:01:20] County with bamboo it is everywhere I have a constituent and I'm just going to take the time to say this. I have a constituent whose neighbor planted bamboo came under their fence and started invading his foundation. The only thing we could tell him to do was to go to court. He went to court and the judge awarded him \$2,500 or \$3,000 or something to handle his foundation destruction.

[03:01:56] I'm just saying that bamboo is a, specifically, we have other invasives, but bamboo. And yet I go into some of the stores and see shelf after shelf of bamboo where we're selling it in this community. I don't get it. I'm just mentioning that saying, I guess we need to continue to fight that at the legislative level. I don't know. But it is a huge problem. And I don't know whether I was helpful on that one or not. I was just kind of ranting. I'll use Ned's words. I was sort of ranting about, I go into places and see all this bamboo. And I know people take it home

[03:02:33] in these nice little containers, and then they plant it in their yard. That's a problem. It is a huge problem. Anyway, and it is funny when Ned and you all started talking about it, and this was actually, I had the word consider circled to be as part of my discussion on 4.11.

[03:02:56] The word consider is coming back up again to just say, that's not the best word to use. Let's add to the other comments about the word consider. And I guess that's it for me. Thank you. Thank you. Supervisor Malek. Okie dokie. Let's see.

[03:03:15] Overarching. I wrote down, avoid chemical use as an operational priority, alone or in recombination. When these chemicals break down in the environment, they're incredibly destructive to biodiversity. So if we're caring at all about biodiversity, that is one element of things we could focus on that would help.

[03:03:38] 4.1, there have been some comments along the way about updating the Biodiversity Action Plan, but in the meantime, I would suggest that we use the adopted one and implement the adopted one until the improved one is available, only because if we don't, it'll be another 20 years before we do anything, and the first one started in 2004. So I'm just trying to get a deadline in here to say We need to act on what we have and make it happen.

[03:04:10] We've already talked about making impacts to the biodiversity elements part of the site review process, especially in the areas which can be carefully identified. And DCR has these mapped. Many of the elements in Amara County, which DCR has on their critical resource maps, were identified by our Natural Heritage Committee 25 years ago.

[03:04:31] So this expertise is here, and I hope that we will continue to use it. Great care has to be taken for this third billet about specific priority habitat matches because you don't go advertise where the ginseng is.

[03:04:48] That's just not going to happen. And the landowners who own it are not going to allow it, and it would be a disaster for the resource to have people tromping around collecting things in addition to the police problem that's going to result. Uh, the, we, there was a talk previously about the evaluation of forest

blocks and this magical number 4.1 out of something or other, which I had never heard before in 30 years being described.

[03:05:17] I don't know what the arbitrariness is of this number, but all forests of all sizes have importance and impact, especially if smaller pieces are connected together to make corridors. So I'm, I'm concerned and would like to have, um, could come to me or the whole board or whatever, if there's more information that can be provided about that number, because I think it's too restrictive and leaves out too many resources from protection.

[03:05:46] 4.2, Land Conservation Tools 2, I wrote down, avoid new roadways for all construction in these critical resource areas. So if they're old, 100-year-old track and you need to get somewhere, you should be using the old track, not bulldozing down a whole bunch of new forest in order to get somewhere.

[03:06:09] And everything else there is okay. 4.3, as has been already mentioned, the city impact. In my backyard, the oval glow is the southeast is the city. And other than 4th of July, that's about the only time that we hear other parts of the county going off, but they're all around us.

[03:06:32] I had, I think, a reordering because I appreciate what Ned was saying about safe lighting for sidewalks and multimodal transportation options should be number one, but those can be low lights. They don't have to be 30-foot poles. They can be 18 inches off the ground and therefore light the area where the people are, not way up there, which doesn't do anything except cause birds to fly into buildings, and that's a real problem. And then number two, dark skies, three, minimize

[03:07:02] impacts on the on the natives so and then 4.7 very similar to 4.14 I'm trying these there are many things throughout all the various chapters that seem to be duplicative I'm just trying to point those out 4.8 again has seems to be indicated in 4.1 4.10 1.6 natural heritage committee so So these are their grant programs, same as 4.3.

[03:07:35] So I think that it'll be less confusing for the reader if we have these packaged at least by sort of topic or subcategory so that people like me don't go round and round in circles. And 4.12, I mentioned when I was on the ACE committee for 20 years, trying to broaden the approach of the program and the criteria to include natural resources and habitat protection using the DCR data, and I hope that we will get there someday.

[03:08:10] And 4.11, I wrote down, needs-based assistance only, because, and I mentioned also that if there is work to be done on a property, I would hope that the new standards would apply. And I think that is all I had to offer.

[03:08:30] Thank you. Thank you. I'll try not to be overly repetitive. I agree with the need to look into what we can do with GIS, with the mapping. Again, I said I wouldn't do this, but I have a curiosity about the words.

[03:08:49] 4.5 is to develop a management plan on county lands, but then 4.9 says contribute funding to programs. I get confused sometimes with the word funding, where it appears here and where it doesn't and why. I just want to be more intentional about what part of the comprehensive plan talks about funding and what part doesn't, because I'm getting confused sometimes as to why we're saying we're going to fund this, but we're going to just develop this, or we're going to just improve this without clarity.

[03:09:16] But with 4.11, I'm not going to beat up the considering, but I thought that the suggestion that we had establishing education and grant programs was a good one, and that a lot of the Dark Sky Initiative may just come down to making sure people really are aware of the options to do things that will not impact the sky so much and the importance of that.

[03:09:39] So I would hope that we would maybe include an education program with this. Only because I mentioned mapping, there was also a comment that's sort of a separate aside on this. I'm not sure where it goes exactly about the fact that we have a flood overlay and whether there should be a fire overlay, and I'm not sure how that would work quite because it doesn't seem like quite the same animal, but it was an intriguing comment that was made by someone in the public.

[03:10:06] And that's all I have. Yes. Just to add possibly to your last comment, what I heard from those comments was areas where it is virtually impossible to fight the fire.

[03:10:22] Okay. The Soda Steeps, such as the East Slope in Madison that burned to 4,000 acres because nobody could get there until the helicopters came to drop the water from above because it was like vertical. This would have to be very clear because people could get very confused quickly to think that fire overlay told us, oh, we're safe here because it's not in the fire overlay.

[03:10:42] I do want to make one last comment about this process that we're going through. The 4.1 is update the biodiversity action plan. I didn't think it was necessary to make a comment about implementing it because I thought that implementing it was part of what we were saying anyway, and so we don't need to add things like that in this.

[03:10:59] They're already part of an adopted plan. Okay. Thank you. Number five. The concern that's been raised already on 5.1, I think I shared, I would say it's pretty tempered by the fact that I would assume that this does not come up very much, and I don't know that, because we already, help me out here, stream crossing.

[03:11:24] I'm picturing I am building a large development, and there's maybe some ephemeral stream, and so the development's foot goes over it, and so that is a stream crossing, right? I'm just making sure I understand terms. culvert would be the little dig out under my foundation of the development where I have a stream crossing and this is just saying that culvert should be designed in a way that a spotted salamander can crawl over is that kind of what I'm getting out of this I just want to make sure I'm understanding the words on the page that's largely it I mean we had we do see a lot of stream

[03:12:00] crossings not just with major developments but also with individual homes that are crossing streams and a lot of the designs that are used such as the round round culverts end up being passage impediments for aquatic habitats for fish so it becomes a blockage in the habitat and it separates it into two separate disconnected sections so there are other designs that are preferable bridges obviously are best but they're expensive flat bottom culverts things like that that don't change the geometry of the stream and disconnect the habitat are preferable.

[03:12:39] But it does happen at every level from individual houses and their driveways to, as you said, major developments. I'm hearing that the main concern is not the spotted salamander crawling over, but the fish swimming through.

[03:12:57] And I'm also hearing that a lot of this comes down to culvert-shaped subwater line and whether or not that discourages or confuses the fish. Or physically blocks past it. Or physically blocks

them, right? Because these are, I'm picturing a culvert.

[03:13:13] I'm like, oh, it's shallow. There's only a little bit of water at the bottom of that circular thing often, right? Just talking this through, trying to get a hold of this issue that I don't understand. Is there a significant cost differential when I'm looking at a flat-bottom culvert? We can look into that. I'm just thinking if I'm going to say anyone building a house and they have their two acres and they can only probably lay their house one place, right?

[03:13:39] We were just talking earlier, an aside, about how the geometry of your septic field and your usable land can make it, when you have two acres, incredibly constrained. If I'm adding one more thing, I would like to have a sense of kind of what that looks like when people are very space-constrained.

[03:14:01] It's probably not significant. It's not generally a space concern so much as it is just a physical design. It's going to be in the same location, most likely. It's just about no matter of which design you use. Okay. I'm probably making too much out of this. That's all I have. Supervisor Lupista?

[03:14:17] No, I mean, there's an instance where I live where there's a stream running through the property. And it's like, how do you build a house in that area? So that's speaking to your concern.

[03:14:33] I have the same concern. I mean, is there an exception? When you use the word require, I mean, that's what I'm hung up on because I have no problems. helping fish, helping aquatic life, organisms, animals be able to cross a stream or something like that.

[03:14:53] But I want to make sure that we can do it where it makes sense for the private homeowner or even for a development. And when you use the word bridge or culvert designs, are those the only two options?

[03:15:08] Are there other options? You could forward it. You could forward it. Helicopters. It's almost always culverts, bridges tend to be more expensive, but there are a lot of different types of culverts other than just the round pipes.

[03:15:26] Geranium tunneling? Pardon? Tunneling, yeah. Build a tunnel. That's mostly a joke. Yeah. Well, they did that for the salamanders. They tunneled under the road, which I thought was fantastic. I love that.

[03:15:42] Anyway, my concern is the word require, I don't know. And maybe I'm making too much of that also. Is that what we used before?

[03:15:58] Is that something that is ongoing, require? All right. Supervisor McKeel? Sure. I just have a couple of things, and I'll try and be brief because I know we're, I won't say long in the tooth, but I'm long in the tooth.

[03:16:14] Anyway, having said all that. Require stream crossings to use, we were talking a lot about Culver Designs Bridge to allow animals or fish, whatever. We have in our own backyard the Highway Research Council up on a reservoir mountain.

[03:16:31] They have done much of the work in this area. They're the ones that did the study and told VDOT where to put the fencing along Afton, how to build the, where to put the areas for the animals to come through, how to build them.

[03:16:47] And I know that they are very helpful when it comes to this. I'm just pointing out that we have a research institution, a research facility on Observatory Mountain that is an expert in this. They've done the

studies. So reaching out to them if we wanted to might be a good use of an organization that we have right here in our backyard.

[03:17:12] There's actually now a statewide organization of staffers and researchers working on this issue, the Safe Wildlife Crossing Collaborative. which VDOT is involved in, and we're trying to get more involved in. So, yes, I appreciate the suggestion.

[03:17:28] Yeah, because I think the Highway Research Council would love to help us, and they're right in our backyard, and they've done a lot of the work. Having said that, I see the word dams here, pursue dam removal. I know that we have, I think, several hundred private dams that we're trying to get our arms around, perhaps where they are.

[03:17:53] I'm not sure, but what I would be curious to know is, I think what you all are looking at is the stability of those dams and perhaps where they are, but my interest would be where are those private dams that if they failed would impact public facilities and infrastructure? Two very important but separate issues. A lot of the dam failure work that's going on, and our engineers know far more about this than i do but that's about active dams that are currently used for

[03:18:32] infrastructure for farms um so yes we'll check to make sure we're sufficiently addressing that issue elsewhere in the plan this one is more about habitat connectivity and these are more often dams from the 18th 19th centuries that were used and then abandoned and are just left in the stream they're blocking habitat they're causing water quality and flooding problems but they aren't used anymore. And so if they can be removed, it's an improvement for everything in the stream.

[03:19:04] And I agree, and that's great. But what this made me think about was we've had all of these events all over the United States and Europe as well, and you see dam failures, and it's impacting infrastructure, schools, libraries, you name it. And so that made me think about that as well. I'd be interested in us making sure that we are setting ourselves up for a huge problem and there is a state program that addresses that so yeah we can provide more that would be great thank you and that's all i have supervisor mallet oh pretty uh so going along

[03:19:43] with that i think getting the information first in five point before putting 5.23 before chasing after removal i mean let's do some data collection first because i know dam removal is very popular and has had tremendous good benefits in the sort of natural heritage space.

[03:20:06] But there are a lot of reasons for water stability to keep them, too. I will just say that going back to the beginning about the stream crossings issue, it's short-term versus long-term. You can buy a cheap galvanized pipe that will last you maybe 20 years, and then when the flood comes along, it gets jammed with a tree, and then you have \$10,000 worth of backhoe thing.

[03:20:32] So we've been through that three times since 1959 on my place. And when the 2018 flood came along, we had 15 years earlier gone to two 48-inch pipes from 124. It still failed. And then when the 2018 flood came, all of that went away.

[03:20:51] And now there are prefab, three-sided, three-piece bridges, two verticals, and a top. It does not impact the stream at all, which is cheaper for sure. and there also are U-shaped concrete pieces that don't touch the stream either, and they just get dropped in by a truck with a boom on it, and far, far better for cost for the landowner as well as for anybody moving up and down.

[03:21:17] The deer go through under our bridge just as much as the aquatic creatures do. So I think that this new stream crossings, I think, have to be bridges now. I'm thinking of several special permits over the last 15 years.

[03:21:33] for the Doyle's River, which has tremendously high water volume when there are storms because it drains up into the Shenandoah. Headwaters are in the Shenandoah. And so there's a lot of velocity that comes through there that would never be able to be maintained without a significant bridge. And many of the properties, old, old properties, were accessed by just a pedestrian bridge with a rope across there. And many of those are still in use, and people just park their cars next to the roadway, especially when it's snowing. There's no way to get there any other way so i will just say i do not see 5.1 as anything new from that perspective

[03:22:10] from the um the wildlife bill we were talking about that too hb 2025 sponsored by wild virginia is a bill in the legislature to complete the funding for wildlife corridor studies and that's something everybody can support now if they choose and dcr has a tremendous program requiring recertification every several years for all the private dams, and they have been spending years getting the information collected about all of them. So that is, I think, that for the people

[03:22:47] who have a dam on their property that may have been there for 60 or 80 years, and then a whole lot of growth happens downstream, it's not their fault. But then all of a sudden, they're responsible for the safety of people who came 50 years after them, and those have caused the standards to be raised on some dams and that is one of those push and pull type of things for safety that is a concern and the connectivity the powell creek dam of scott was mentioning the the ones from 100 years ago you may remember for the view and the special permit or rezoning in crozet

[03:23:24] powell creek comes down into the wetland and that was the site of an old mixing shack for the orchards and they had a dam there that had been put up for as a water source for the chemicals that they used to spray on the orchards and hadn't been used literally for 50 years and so that has been removed as part of the development that's happening outside the floodplain but right there so that's all i want to share thank you thank you and i have nothing additional to add except that when you say required new stream crossings i just would want to look into you know are we talking

[03:24:00] about the perennial streams or we've talked about intermittent streams it's just a you know a little bit of a nuance there is how far we have to push this i think with a real a very active stream is something we should require um what if there's nothing further then i'll turn to our staff and ask are we have we satisfied are we uh are there additional questions or concerns anything needs to be clarified? Yeah. I think that you've gotten it covered tonight. Okay. We're all good.

[03:24:38] Thank you. Thank you. Thank you. Anything from the county executive at this point? Okay. I think we're ready to go into closed session. Yep. We have a motion. Mr. Chair, I'd like to move that the Board of Supervisors convene a closed meeting pursuant to section 2.2, tack 3711A of the Code of Virginia under subsection 1 to discuss and consider both. First, the performance of the interim county attorney and second the appointment of a county attorney.

[03:25:02] Second. Motion from Supervisor Pruitt. Second from Supervisor Malek. Without objection, the clerk will call the roll. Mr. Andrews. Yes. Mr. Galloway. He's not here. Pardon me. Mr. Kirtley. Aye. Ms. Malek. Yes. Ms. McKeown. Yes. Mr. Pruitt.

[03:25:18] Aye.

[04:03:18] Good evening.

[05:00:18] And we're back. We have to first come out of closed session if Supervisor Pruitt has a motion. Yes. I'd like to move the Board of Supervisors to certify by our accorded vote. that to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open-media requirement of the Virginia Freedom of Information Act, and identified in the motion authorized in the closed meeting were heard discussed or considered in the closed meeting.

[05:00:39] Second. Motion from Supervisor Pruitt. Second from Supervisor Malek. Without objection, if the clerk will call the roll. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. LaPista-Kirtley? Aye. Ms. Malek? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. And I believe we have a motion coming out of closed meeting? We do. We have one motion coming out of closed meeting. I move that the board appoint Andrew H. Herrick as county attorney effective February the 1st, 2025. Second. A motion from Supervisor McKeel. Second from Supervisor Malek. Without objection, if the clerk will call the roll. Mr. Andrews? Yes. Mr.

[05:01:15] Galloway? Yes. Ms. Lapista-Kirtley? Aye. Ms. Malek? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. That is a big event, board, so I'm going to take a moment and go through our order, starting with supervisor for it yes um i don't know that there's too much to say other than congratulations uh we we all felt a lot of faith in you and uh we have loved getting to work with you i've loved having you as my new seatmate and i look forward to continuing to uh discreetly whisper needlessly

[05:01:53] complicated uh legal questions that you are not in the right space or time to answer in the middle of meetings and really putting you on the spot. That's our relationship. So have fun. Congrats. Professor Lupisto-Kirtley? I didn't know that we could ask...

[05:02:08] Go ahead. Was it me? Was it me or was it... Lupisto-Kirtley. Oh, I'm sorry. Did I skip? Did you change your name? I jumped over you, B. Sometimes it's easy to do. You're going to pay for that one. It's so much trouble. So anyway, I didn't know we could ask you questions like that.

[05:02:27] So this is good. I can... Okay. But anyway, congratulations i'm i'm thrilled that you're on board uh you know everything and uh you're going to help us and make sure that we do everything legally and i trust you to do that uh so i'm just very happy that you're permanently on board with us thank you supervisor mckill my sincere apologies He's Supervisor Turley.

[05:02:54] Congratulations, Andy. Well deserved. I'm not 30. You know what did it was before 4 o'clock when I left. Unless you don't know when Ned, you're last. When I went early today, that threw me out of order.

[05:03:10] I apologize. We had too much talk today about the comp plan, so we're kind of giddy. But, Andy, seriously, congratulations. And I must admit, I looked out in the audience and I thought, wow, there are a lot of people here tonight that are interested in this public hearing.

[05:03:28] And I realize now it's your fan club. Congratulations, Andy. Is it my turn now? Holy cow. I'm embarrassed. Well-deserved and well-earned, Andy. I've always been impressed with your knowledge and just at hand legal knowledge on especially land use matters.

[05:03:48] So I'm looking very much forward to continuing working with you now in this role. I wish you the best of luck. and I'm looking forward to see where you lead and where you take the office. So good

luck. And Supervisor Malek? Thank you. It's been a privilege to watch over many years you who have been with us so long and have all this institutional knowledge to continue to take on new roles.

[05:04:09] And I'm very grateful that you're willing to continue on with us and I'm very glad you are settled in this job. So thank you very much. Yeah, and I just add my gratitude in addition to congratulations, my gratitude for the work you've done and will continue to do because you have my confidence, and I really appreciate expertise and steady hand.

[05:04:32] Thank you. Do you want to say anything? Definitely. I believe you have. He is fine being left out. So, Mr. Chair, members of the board, thank you for this tremendous honor.

[05:04:54] It's been my privilege to work with and for you over the past 23 years, and I'm beyond delighted that those efforts have led us to this place. Both Albemarle County and I have personally been blessed with a long line of outstanding county attorneys among them Larry Davis, Greg Kampner, Cynthia Hudson, and Steve Rosenberg, and I now stand on the shoulders of these giants and look forward to building on their legacy.

[05:05:19] But as with much of life, this honor represents greater team efforts. Again, both Albemarle County and I personally have been blessed with many great teams, and I'd like to focus on four of them. First, our office is staffed by talented legal professionals, and I offer my thanks to Richie, Amanda, Anthony, Jill, Lauren, James, and Nick for their tireless efforts day in and day out.

[05:05:40] Second, beyond our office, I've had the privilege of working with many talented staff and staff members and departments throughout the organization. They've greatly contributed to both my personal success and the success of the organization as a whole. Third, this community is blessed to have a dedicated, talented board of supervisors.

[05:05:58] your commitment to this county is clear through your long hours of dedicated service and even though you may hear criticism as often as praise i thank you for your service and i appreciate it fourth and finally our community is a great team though not always in agreement on every issue our community is very engaged and that's a good thing that engagement only enhances the quality of our services and of our community itself both as an office and an account as an accounting we face big tasks ahead. As the board knows, our office will soon be down three attorneys and one paralegal. Though we may be down at the moment, we are definitely not out. For any attorneys

[05:06:34] or paralegals that may be watching at home, Albemarle County is hiring and is a great place to work. So we look forward to bringing in new talent and redeveloping the office to better harness that talent. So no doubt with your support, our team is definitely up to the tasks ahead and i look forward to meeting those challenges and thank you again for your continued support thank you thank you uh board this brings us to item 12 which is from the county executive uh i understand there's a report mr mr chair members of the board thank you as you know

[05:07:14] this is the time for the monthly county executives report and on occasion uh what we will do is look to key partner agencies that are in our community that we work with on a regular basis and it's been just a little while since we've heard from the Cho Airport and I'm very pleased this evening to introduce mr. Jason Burch who is sort of new as our CEO he was promoted just over a year ago but has a long-standing work record as an employee at Cho and he certainly can take a couple of minutes to introduce himself. He's also with several of his key staff that are here tonight, and I'd like to

[05:07:52] welcome them, and I'm sure he'll introduce his team. But I'm excited that Mr. Birch is here. He visited with the city council in the city of Charlottesville last night, and board, as you know, the city manager and I both serve on the airport authority, and it's really been my pleasure to serve on that authority now for the entire time that I've been here. It is an outstanding team of people out there that work very hard and they've been through some of the same challenges that we have with the pandemic COVID and it's a team that really works hard for this community and for this

[05:08:26] region and they play a vital role in the economic vibrancy of not just our community but our region and so Mr. Birch thank you for being here Mr. Chair I'll yield the rest of our time for our normal report and ask that we give that to Mr. Birch thank you welcome Mr. Birch Thank you very much.

[05:08:45] Thank you. Okay, I've double-clicked on this presentation, so hopefully it'll be up in just a second here. Okay, there we go. Again, thank you, sir. My name is Jason Birch, Chief Executive Officer for CHO. I've been at CHO since 2001 and looking forward to the years ahead.

[05:09:03] I have a senior group of leaders on behalf of the 50 employees that work for CHO. They're led by three or two additional leaders other than myself. One of them is behind me back here, sitting in the crowd. His name is Chris White. He's got decades of service out of North Carolina.

[05:09:20] We recruited him last year, and we're very happy that he's here to help out. We also have a CFO, Penny, who's been since 2011. What I'd like to say about this slide is that you have a combined 70 years of airport experience and leadership at the helm, so I believe the show is in excellent hands.

[05:09:38] Charlottesville, Hadamont County, the great region, has been involved in aviation since the beginning that the 1920s there were several airports in fact competing against each other there were some farms out there that had aircraft anyone who had an airplane that you could pay to fly somewhere called himself an airport and so there's about three or four of them the Foxfield race had it had an airplane out there the University of Virginia was probably the biggest footprint for aviation in the area from the 30s to the 70s through World War II a flight school and also flight services Cho was a fairly young airport It opened in 1955.

[05:10:17] It was post-World War II, which meant we had to, the county and the city of Charlottesville had to build their own airport. Most airports that you see were actually developed during World War II and then handed off to the communities after the war. But Cho was built, I think, on an apple orchard out there.

[05:10:34] And again, 1955 was the first passenger terminal. We still have the original passenger terminal. It's our current firehouse. The 1991 terminal that you see just shows a really big switch and shows history. That's when, again, the terminal that we currently use opened.

[05:10:54] Currently we have three airlines. We have three legacy carriers. I think it's important to highlight that the community size and the fact that we have all three carriers is indicative of the community and the type of service, the type of business traveler that utilizes the airport.

[05:11:11] All three airlines are very satisfied with Charlottesville, Albemarle Airport, and we'll talk a little bit about COVID here in a minute, but they were instrumental in maintaining service as best as they could. We have five major hubs, most along the East Coast, but we also include Chicago.

[05:11:27] These are hubs. These are the airlines. That's why they're here. They want to get our community, they want to put them through their hubs and send them all over the world. What I'm showing you right now is the top 20 of our destinations.

[05:11:43] When you look at this graph, what you can see is the nerdy code that Chris and I like to look at, the actual destination, and then the number you see is the employments. That's the amount of people that flew to that airport, not through it, but to it, in the calendar year 2023 for this graph here.

[05:12:02] What it does show you is that New York has always been our strongest connection. Charlottesville and New York have been, I think it might have been the very first, outside of maybe Richmond, I think it was probably the very first flight service that we provided. We still have New York.

[05:12:17] Sometimes we'll have five New Yorks a day. Again, pretty exciting for an airport our size. What I'd like to also point out to this, to you guys, is the Boston. You see that it's number five. Boston is always questioned. It's the number one airport without direct service right now.

[05:12:33] We watch it. We pay attention to it. And to be quite honest with you, it's growing significantly. It's probably not quite where we want it to be for daily service, but it's getting bigger and bigger. If you look at New York and notice that there were 39,000 passengers, and then look at Boston and realize there were 8,000, you can kind of tell.

[05:12:52] We kind of got a little bit more demand than before we can start talking additional Boston service. Joe's operated by the Charlottesville Albemarle Airport Authority. This leadership is established. Chapter 390, the Acts of 1984 General Assembly, and it was amended twice. We have two forms of leadership.

[05:13:09] We have the advisory joint airport commission. That's made up of three members of the county, three members of the city, and a joint commission member. That joint commission member also serves on the airport authority board. The airport authority board, as Mr. Richardson was discussing just a few minutes ago, is made up of the county executive, the city manager, and that joint commission member.

[05:13:33] In calendar year 2024, we served almost 700,000 passengers. That's a great number. It's about 10 counties that you can see surrounding Albemarle County. It's not our best year, but I would think it's probably our second or third best year in the history of the airport.

[05:13:52] 2019, which is very important for us to discuss, was right before COVID. COVID was the hardest on, of all the airports in Virginia, I believe we were the fastest growing prior to COVID. And we were the hardest hit during COVID when it comes to commercial airports. And we'll talk a little bit about that here in just a second.

[05:14:08] This probably tells a great story. If you look at the trends, you can see 2024 as identified in black. That's us this year. You can look at the passengers. If you watch that brown line from 2020, you'll notice that's COVID.

[05:14:24] It dropped down to almost nothing. We generally see 1,200 to 1,300 passengers a day in our terminal, and during COVID, we counted 12 passengers. We generate half of our income, our revenue, from the parking lots. And during COVID, we had zero cars out there.

[05:14:41] but it was a great opportunity to pave some parking lots we had plenty of time to do that but um what we were definitely we were struggling was it was a tough uh time for show and i'm very proud of how we pulled through that seats tell the story that's how we use that's what we use as a barometer uh it allows us to understand uh the success because sometimes frequencies will change or aircraft types will change it's the amount of seats that we can provide the community that mean the most to us pre pandemic we had again 2019 we had about 1300 seats we currently have 1200 and if you can look at the middle early pandemic graph what that shows you is that all

[05:15:18] three airlines as much as they had to reduce their service they were still here so we still had charlotte we still had atlanta we still had dulles albeit we had three three charlottes and if you looked at 2019 you notice we had eight a day to charlotte but today a success story recovery is looking really good we're about 90% recovered from Colvin and you can tell that we have Charlotte Chicago's back LaGuardia you may look at Philly and notice we do not have anything today but that's currently suspended we're working on getting that one back but you have Washington and again Atlanta how has

[05:15:56] chose air service changed since 2018 about a hundred seats roughly and the frequencies have changed a little bit our operating budgets very interesting What I'd like to point out is that we are self-sufficient and we do not receive local tax revenues for our operating expenses So our budget this year was eleven million dollars, and if you notice it took ten minute ten ten point nine So we we had a basically an income net of ninety six thousand dollars So we we do the best we can to spend exactly what we earn

[05:16:32] And it's basically fifty percent of that comes from the parking lots and then the rest of rentals I guess the airlines and the car rentals and lease space, and then signature aviation for our general aviation, and then ancillary. So parking is a very, very, very big part of CHO's revenue, and so we have to figure that one out.

[05:16:56] We'll talk a little bit about our future endeavors with that one. What's CHO's economic impact to the region? This study came out in 2017. There's a new one in progress. I look forward to that coming out. But what this did tell us was that there were 2,200 jobs affiliated with Cho that generated about \$110 million in wages and about \$310 million in economic activity.

[05:17:19] So zero local tax dollars, but generates \$310 million in economic activity. The big guy back there from North Carolina claims that he thinks we're going to be close to a billion dollars when this one comes out. I look forward to being able to report that to you. He's a pretty smart guy. I believe him.

[05:17:36] Who takes care of Cho's passengers? Again, we have 50 full-time employees. I'd love to stop for a second and just the one comment that we receive, I think, more than any other is how clean the terminal is. When you go through all the airports that you go through and you get back to chill, you'll notice it doesn't matter what time it is. It's clean. And the word that we hear all the time is that it's sparkly. And that's important for me.

[05:18:00] And that is based off of those 50 employees, about 15 of them are the custodians. They're those hard workers that I'm here to tell you how proud I am of them. They're a 24-7 operation. They're here during every snow removal operation. They're there during COVID. During COVID, our custodians were the bravest group of employees that we had.

[05:18:20] They didn't know what they were facing. They just knew they were going to put a mask on and face it. And ultimately, it became our infectious disease mitigation team. They were spraying all sorts of

things for us out in the terminal. But the fact that you can go to that 1991 terminal and feel the cleanliness is based on the hard workers that we have at show.

[05:18:38] So the 50 full-time and part-time employees are the first people who take care of our passengers. But we also have some additional groups out there. Our concession is owned and operated by one group, Tailwind. About 15 years ago, I think, or about 10 years ago, I guess, they brought a bar in.

[05:18:55] And that bar has been successful at show. I have to tell you, at 8 a.m., it's full. business travelers I guess and signature aviation provides our general aviation services then we have a whole bunch of different groups to include all the car rentals that you see there and then all of the aviation services that you see as well it's basically its own community out there have a lot of current investments in our infrastructure basically keeping a 1991 building to make it sparkly we have to keep it we have to do a lot of behind the scenes things so you'll see there that we're replacing baggage belt and an escalator. We just replaced the escalator. So a lot of your normal sort of facility things. We're

[05:19:33] renovating our fire station as we speak. We have a lot of IT and security enhancement projects. And then that airfield pavement rehab, that'll be there every time I stand in front of you because we have to make sure that the runway and the taxiways work. We only have one runway, so it's got to be well maintained. We're preparing for the future, and this is important. If you look at the dark blue aircraft at the top, and if you're familiar with flying in that aircraft, that's a turbo propelled aircraft a -8 that was the type of aircraft that was the terminal was designed for and so it's a smaller little aircraft airplane that can kind of come in and make little u-turns and fly out the aircraft that you see in the

[05:20:11] middle is the type of aircraft that currently serves show a little bit bigger the airlines themselves basically as an airport we're adjusting to the airlines and their adjustments but that bottom aircraft that's the one we're kind of keeping our eye on now because the 1991 terminal and its facilities may not quite be built for that type of aircraft so we're just looking at things trying to figure out how we're going to accommodate the airlines and if the airlines were to start serving show with that type of aircraft we're going to have a lot of decisions we got to make so we're looking at a lot of things but the number one focus is that we're going to remain safe and efficient we would like to look at smart growth we're going to watch the future aircraft

[05:20:49] compatibility the terminal facilities itself we're taking a very strong a very hard look at that parking and ground transportation all of the ground transportation opportunities that the county has how that works with the airport itself general aviation improvements are very important to us as well and the air traffic control tower we're gonna we're gonna keep talking about that because it happens to be the oldest one perhaps in Virginia if not on the East Coast it's a it's a pretty old building and we know that at some point we're going to have to take a look at it and replace it so the air traffic control tower will be a project in of itself and then we have a bunch of other little support facility projects underway so we're just looking we're doing lot of planning right now over the next 10 years for airport improvements and

[05:21:29] we'll be following the leadership of our board to ensure that we're communicating all these projects effectively and that's about as fast as I can give you for my overview on show I'd like to talk about it all night if I could but if you have any questions I'd like to entertain those questions at this time thank you we'll go through our usual order just for the questions and start with Supervisor Pruitt two quick ones one of which is weird and one of which I'm sure you saw coming. The weird one, do y'all handle crash and

salvage operations entirely in-house, or is that an integrated operation with us? We handle which, I'm sorry?

[05:22:07] Crash and salvage. So when planes go down on the runway. I got you, yes. No, so we are, we are station nine of the county system for the firehouses. We are the, we are, there is not a station nine in the county, so it's our aircraft rescue firefighting station, but we work hand in hand with the county and the city in fact so we have a tiered system for response we train annually at the airport with the county services we work with stations the close to Holly Meade and Earliestville Earliestville has been a long-standing partner of ours for for years they provide the water facilities we are short on water when it comes to our response so we're trained for it we

[05:22:44] have two individuals that are on our aircraft rescue firefighter station on duty 24-7. Outstanding. The other piece that I'm sure you saw coming, and I'm sure other people are going to have more thoughtful questions aligned with, but it came to me first in the speaking order. Talk me through what it would look like if and when you need to expand the length of the runway. Is your existing parcel built to accommodate that, or would you need some kind of dispensation from this board or from the airport authority? Help me understand that. Well, the Runway length is very important to us.

[05:23:23] I was here during the last runway extension. We actually were trying to extend it 9,000 feet. We extended it 800 feet. The FAA ultimately makes a decision based on our projection of service what they believe is required. So it's extended now.

[05:23:39] I will tell you, I do not foresee challenges in the current runway length. The runway extension itself, one of the challenges we had was a commercial aircraft type that we had. A smaller 50-seat regional jet needed additional length during the humid conditions in July, August, and September.

[05:23:59] There were weight restrictions based on that aircraft. What that meant was our community would load up, 50 people would get on the plane, and then they would make their weight adjustments and have to get on the aircraft and ask for 17 volunteers to come off the plane. How's it that was not a good time for service in charlesville, so that extension fixed that slat issue with that crj 200 But it also opened up things that we weren't expecting like it opened up Europe on general aviation traffic more aircraft More private airplanes could actually fly across the Atlantic based off that runway length. We do not see that as a concern right now We the FAA does

[05:24:35] kind of recommend or request that we monitor and protect the runway at all times. So when land becomes an opportunity around the runway, it's called runway protection zone, we would probably, as land became an opportunity on the end of one of the runway directions, we could take a look at that for future potential.

[05:24:55] But right now, the largest aircraft that can land on our runway is a 757 commercial-wise, and we're nowhere prepared. i don't think we have the demand for a 757 as we speak outside of uv athletics so to answer your question to walk you through it yes we would begin that communication process it would start with our leadership they would start with the board we would be bringing this concern of ours to our board we would be working out our potential opportunities and then trying to make the safest and the most efficient decision based on the community need and then also what we can afford to be honest with you. Great, thank you. Thank you. Supervisor Lupito Courtney. Yes, you have

[05:25:34] public and private airlines, or you have private planes coming in. Yes, ma'am. How much does that generate in revenue? Well, all of our general aviation activity is run through a contracted company, Signature Aviation, so that we get a percentage off of the contract from them.

[05:25:53] So it's, and it's not quite as large as what we receive from commercial or from rental cars, But it's significant, I mean, as far as operations go. When I mentioned general aviation improvements, I think it's more important that we would like to find a way to house aircraft.

[05:26:10] There's not as many hangers available to us that we'd like to provide. And then we're also taking a look at the property tax. There's a big competition in the Commonwealth of Virginia as far as how airports are encouraging aircraft to stay on their airport. we'll be working with our leadership on these things as we move forward. Okay, so there's a potential for increasing hangars for that. Okay. And my next question, do you have any plans to, rumors, any plans to move the terminal? We do not have any plans to move the terminal right now.

[05:26:42] I think that we have about 10 different options that we're looking at. One of those probably is what you've heard about is one option that we've and we're taking a good look at it. I mean we're basically, when we take a good look at it, that means we have to bring all the engineers in. We have to just ensure what can we afford to do. We're in a very preliminary process right now or a phase right now with that. But we do see that over the next 10 years, there's going to have to be some sort of improvements to the terminal, whether that be expansion or if that means even something larger somewhere else. But nothing is solid at this time, I can assure you.

[05:27:19] Okay. So an improvement to the terminal would be different than moving the terminal because Moving the terminal would give you extra space that you would need for the aircraft. Do I have that right? You're right, yes, ma'am. I mean, when you look at it from the overhead, if you think about the fact that you could put a box kind of further back, it gives you additional space for aircraft.

[05:27:39] There's a linear, if you look at the picture there, there's room to decide. But each of these options comes with different challenges. And I think the biggest challenge, to be honest with you, is going to be the financial challenge. Being an airport authority, being independent in nature, You know, a lot of what we do, the capital improvements are funded by the FAA and by the Department of Aviation, the Commonwealth of Virginia, which are very competitive processes.

[05:28:02] But both of those systems are not really built to help support the amount of money it would take to build such a building like that. Thank you very much and welcome. Thank you. I appreciate it. Thank you. Supervisor McHugh. I've learned a lot tonight. Thank you. This was a great presentation and very informative.

[05:28:20] And I didn't know there were any rumors about it. I was left out of that. I'm just curious, and you've talked about capital projects or the infrastructure projects. Is there one wish that you had that's just out there in the left field, but maybe you think, boy, I wish?

[05:28:42] Maybe that's not a fair question. No, it's an absolutely great question. I have lots of those. I talk all night about them. Give me at least one or two. I'll give you a couple. So speaking about if just there was not an issue with money or any of those things, then, yeah, I think that we would probably like to take a look at the terminal itself.

[05:29:01] I think that the terminal opened in 1991, and it was designed for a smaller amount of passengers that we sometimes see today. I mean, sometimes we're at capacity, and it's tough, and I don't like that. I don't like the idea that our restroom facility is large enough.

[05:29:16] Do we have enough concession? You know, is there enough sense of place? I would like to have more local presence in our terminal, to be honest with you. So there's a lot of really interesting things that I would like to see when it comes to airport improvement. But the size of it might be the thing. If I could just make the terminal a little bit bigger, I think I'd be happier.

[05:29:34] Also, fuel capacity is a nerdy thing, but it's a very important one. And we have a dependency on Signature Aviation to provide fuel for commercial aviation and general aviation. And so they're working on it. We're actually working through the county right now on some improvement projects, but if I could just snap my fingers, I would like to have a larger field farm.

[05:29:53] That's interesting. I wouldn't have thought of that. Thank you. Let me ask you another question. Maybe I could look and tell, but do you use solar at all? No, ma'am. For anything to? We do not use it right now, but we are actually, we're in conversation today with a company that contacted us, but we've had a couple companies come out and take a look.

[05:30:14] We have 700 acres at the airport, But the challenge that we have with solar is when we develop an airport layout plan, it has to include any future growth of facilities. And so right now, where the area of solar could be is also kind of where we would consider maybe moving the tower and some things like that.

[05:30:31] So we have to be careful as to securing space for solar. And we're not conducting a study, per se, but we've had companies come out and take a look and provide us some preliminary reports on it. Well, I just will compliment you and everyone that works at the airport.

[05:30:47] As a retired UVA research nurse, I used to deal with lots of folks who were flying in and out of CHO to come meet with me and see my patients. That's great. And they just loved using our airport. There's something about it.

[05:31:03] It's so special. It really is. Yes, they really did. Thank you. Many kudos. And thank you very much. This was great. Yes, ma'am. Thank you very much. Thank you. Supervisor Galloway. Thank you very much for this information. I think some of the questions that I had were actually asked. But, I mean, clearly with the right person's in the right position, you, sir.

[05:31:21] And it's especially impressive you worked your way up through the organization as you have. But just hearing you talk about it both from a pride standpoint but then also the knowledge standpoint is appreciated. I love bragging about this airport. I was just, most recently, there's another smaller-ish, smallish, smallish airport in Fort Myers where my sister now lives, and I told her they didn't stand a chance against our airport.

[05:31:44] So I just tell people, I guess you'll have to travel to Charlottesville so I can prove you right that our airport is what it is. So congratulations to you and to all your team for the phenomenal work you do out there. Thank you, sir. I appreciate it. Thank you. Supervisor Malek. Thank you.

[05:31:59] Hello, neighbor. Hi. So just as an example of how quiet it used to be when I was little in 1955, we'd go sit on the front of the car right across from Chisholm's driveway and watch the planes take off. So

there you go. And that picture you showed of the Piedmont Airlines, that's how I flew to college in 1967, was on that plane for sure.

[05:32:23] But seeing the evolution over all these years, we were frequent users of the LaGuardia Direct when we lived in New England. And my parent would pick us up at the airport and it would be like an hour door to door. It was really great for about 50 bucks also, which was even more wonderful. But the appreciation from the community of how wonderful you are to work with.

[05:32:43] number one the care of the white oak tree yes ma'am second biggest white oak in the commonwealth i want you to know but a whole generation of airport commission members were told don't come home if you cut that tree down so that's what jason had his background to be back ammunition to be able to say to the various managers who were very quick with a chainsaw is that now it has a dedicated title and people can't park their construction vehicles under it and things like that because it would ruin the roots and kill it so we're all but it's the last sentinel of the village of

[05:33:16] urvana which was from 1830 to about 1930 a black community there so it's important to us and jason is always wonderful to take phone calls when the cherry point guys are hot dogging over our tree tops round and round and round all day long and the neighbors get really really mad about that too so two quick questions there's a lot on the east side of the runway which sometimes was full of cars and now it's mostly empty was that where the rentals lived are you do you mean the runway three and the little kind of fenced in area at the end of the runway yes ma'am it has a port-a-potty yeah so we've used that okay we've used that for storage but currently it serves uber and lyft

[05:33:55] contracts well that's who they are okay someone asked me the other day and i want to know and so the tower might move to the west side eventually right might we're currently in a about a year and a half site study right now that's going to tell us the best place for it great all right well thank you very much for all you do for us yes ma'am thank you I thank you I my questions have been answered it's obviously there's a lot going on a lot to look forward to in the future I'm sure we all have our favorite destination that we'd like to add to the list thank you for being here thank you very much thank you everyone appreciate it thank you sir there's nothing further

[05:34:33] from the county executive then we will turn to public comment on matters previously considered or currently pending before the board other than scheduled for public hearing uh and vice chair mcgill we have one senate looks like we have one all right so let me read the directions let me just find them first um all right during public hearings the board will acknowledge speakers addressing the item listed for public hearing speakers are limited to one

[05:35:13] appearance of three minutes per public hearing item applicants are limited to a 10-minute presentation. This is the public hearing. Oh, just the public hearing. I'm sorry. This is just matters from the public hearing. Oh, I'm sorry. I was so excited about the airport, I pulled the wrong sheet out.

[05:35:35] Should I start talking now, too? Well, yes. I was just. All right. So we're at matters not listed. I apologize. Impersonally. Okay. I went to the wrong side. All right. Now we've got it. Matters on the agenda, but not listed for public hearing. During the time set aside for public comment on matters previously considered or currently pending before the board.

[05:35:58] Individuals may address the Board of Supervisors considering matters previously considered by the board or matters that are pending before the board, other than items listed on the agenda for public

hearing. Individuals are allowed one opportunity of up to three minutes to speak at each board meeting. A sign-up sheet is managed by the clerk's office. Timekeeping is conducted through a timer and light system at the podium. The green light will go on when you begin speaking, which begins your allotted time.

[05:36:25] The yellow light indicates you have one minute to finish speaking. The red light indicates your time has expired, and you will be asked to end your comments. In order to give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines. When addressing the board, state your name, and if you live in Elmira County, your magisterial district.

[05:36:43] Address comments directly to the board as a whole. Any written statements or other supporting material may be given to the clerk. If representing a group or organization, you may ask others present to raise their hand in recognition. Speakers may not share any unused time with another speaker.

[05:37:00] Back and forth debate is not permitted. All comments are live streamed, recorded, and published on the Almar County website. And, as I said before, we have one speaker signed up, and I think it's McLaren.

[05:37:17] Is this Murr McLaren? McLaren? Oh, come on down. Yes. Welcome. please adjust the microphone. Thank you. Good evening, and thank you so much for the opportunity to speak tonight. One of the things that my name is Murr McLernan. I do not live in the county. I live in the city. I'm here to represent impact, which I know you're all familiar with, and I have

[05:37:51] a quick story that I wanted to share that I think I'm here to support the board giving some priority to the housing trust fund more affordable housing but um what what i do want to share was a very very meaningful story that i think it's really important that you know about i have a customer who came into my boutique and i just happened to start talking about impact and she let me know she said well i've been homeless twice and looking at her i was i was i would

[05:38:27] not have guessed that and she said that she had been able to live at the crossings which had made such a complete and total difference in her being able to make a comeback from you know a very very dire circumstances and she now works at the crossing she has a job there which she said is very helpful because she has been there done that and can relate to what these folks are going through and we had a great chat she actually was going to try to come tonight but wasn't able to make it so I'm here basically to represent her.

[05:39:01] But I do think that it's a success story, which is nice, I think, for you all to hear, that it really did make a huge impact. She has a job now. She has a car. She's very independent. She's a beautiful, beautiful person inside and out.

[05:39:18] And so I just wanted to be able to also thank you for your work that you have done with impact your continued uh commitment to us as a as an organization and that's very very meaningful and i know that it's it's a really uh becoming increasingly important issue but you also know and it's it's obvious that you're working on trying to make make things better for folks here in the community who really really need your assistance thank you so much appreciate it thank you one speaker okay the board this brings us to our only public hearing for this evening

[05:39:56] zma 2023-14 archer north development and this is being led by mr coven mcdermott deputy director of planning welcome to you thank you chair anders and members of the board supervisors here to present on zma 2023-14 archer north redevelopment so a little context for where

[05:40:36] we're located. The Archer North development are these two parcels highlighted in yellow just to the east of US-29 and north of Ashwood Boulevard. Some of the surrounding developments include the Forest Lakes neighborhood and Brook Hill developing just to the south and these undeveloped parcels here are Holly Hills which is an approved residential development currently in the site plan stage. I will also point out that this map does show a previously existing trailer park on the site that is no longer in existence. It has been removed. It was removed

[05:41:14] a number of years ago. The current zoning on this land is a planned residential district, and they are rezoning to planned residential district. The planned residential district does require an application plan, and the reason for this rezoning is they need to amend that application plan that was associated with the previous rezoning there. It is surrounded by additional planned residential district, a few R1 parcels. Across US-29 is rural areas, and then planned unit development and neighborhood model development in the dark green,

[05:41:53] which is the Brookhill development. You can also see that there's overlay zoning districts of entrance corridor associated with U.S. 29, the airport impact area, and some steep slopes on the site. The comprehensive plan recommends that area for urban density residential. That's what's shown in orange here. That is 6 to 34 units per acre and allows for some small institutional uses like religious institutions, schools, and some smaller scale commercial. This proposal is only for

[05:42:30] residential there's also the yellow color you see here is neighborhood density residential three to six units per acre the green is private open space the one without the color that's rural areas and this little blue site is institutional and that is there for a vdot maintained storm water facility that the applicant is proposing to incorporate into their storm water management with some creative techniques that they'll talk to you about a little bit about the proposal

[05:43:05] it's a mix of single-family attached multi-family condominiums and multi-family apartments with a maximum number of 302 units it's being developed in two phases phase one is this section on the east side this is 29 so it's been turned a little bit outside so this is the east side of the of the development uh that's phase one it is actually currently being developed under the by right zoning uh with 78 units that is in the um in the site plan stage as well right now

[05:43:40] the portion that they're really uh trying to get the effect of rezoning for is phase two which is this portion right here and they are requesting 224 units maximum there the density of the overall site would be 15.48 units per acre gross and 16.24 units acre net. So it hits right in the middle of the comp plan recommended density. Affordable housing, I want to talk a little bit about this.

[05:44:10] During the planning commission meeting, one of the key elements that the planning commission had a lot of discussion about was the affordable units. You may remember this site was previously the RST development, which had a very significant amount of affordable housing associated with it.

[05:44:30] I'll get the numbers here in a minute, but it was in the previous proposal that went to the planning commission, the applicant was saying that they would dedicate 15% of the total units for affordable housing. That met the housing policy that was in effect when this application came in because of that discussion and recommendations from the planning commission the applicant went back and re-evaluated it and came back with sort of a blended approach between

[05:45:03] the older housing policy and our new housing policy they have now moved it up to 20 percent of the total units they did also initially those 78 units in the phase one were not going to be affordable but they have uh they have dedicated eight units within phase one to be affordable to help spread that affordability throughout the entire site and get a mix of housing in there they have um stated that they will give no cash in lieu option for those so they will be built

[05:45:36] on site uh and um the total number of units i'll pull that up here in a second sorry i don't have that on this slide i'll get the units in a second but other other elements of the application plan include the transportation Archer North is this road right here which would bisect the site it does also continue south all the way through the Brookhill development it gives public road access from a right in right out on US 29 so that's just a right in right out there they are offering to

[05:46:14] construct new shared use paths along their frontage of Ashwood Boulevard and through Archer North. There is an existing shared use path on 29 across the frontage here. They are also offering to construct up to two future transit stops. You can see some potential locations that are shown on here. There currently is not fixed route transit up here, but that would allow us to offer that if it ever did come into effect. There is proposed 7.95 acres of open space and

[05:46:49] amenities, which makes up about 40.7 percent of the site. Just as a reminder, the buy-write application plan, as I said, was RST residences, and that did propose 332 multifamily units, so they've reduced that number down to 302. The density, obviously, was a little bit higher.

[05:47:13] The affordable housing that was proposed under that was 75% of the total units for rent, and those were for people earning between 30% and 80% of AMI, so a pretty significant difference in the affordable housing elements here.

[05:47:31] The transportation elements were generally similar, except they did have all the roadways as private, so Archer North was going to be a private road as well as all these connections. The future transit stops were there as well in the previous application.

[05:47:49] Overall, the analysis, the request is consistent with the uses and density recommended in the PLACES 29 master plan. The request is consistent with the comp plan neighborhood model principles. This request does provide new transportation improvements, including Archer Avenue, the new public road that connects over to 29, multi-use paths and connections along 29 and ashwood boulevard and throughout the development and the transit stops the number of stories and heights of the proposed buildings are consistent

[05:48:22] with the character of the surrounding areas and the only concern that staff noted similar to the planning commission was that the approval of this request would reduce the number of required affordable housing units from the 191 that's what the 75 percent would have represented down to 60 that's what the 20 represented so 60 units maximum affordable here the planning commission did recommend approval 6-0 of this in back in november and so that's the recommendation

[05:48:59] before you today with that i'll take any questions thank you we'll go through our order supervisor can you um and we might want to look back at the slides of the by right versus the proposed overlay here um because i want to make sure we're always comparing the proffers in the plan to what is already on the table right um so can you help me understand how the the transit elements differ here like

is there a is there a shared use path component um in the buy ride application that was approved uh yes there was a um shared use path the same shared use paths

[05:49:38] existed here along Ashwood. And I believe, I actually don't know if they had the shared use path along the private road, but that was a private road that was proposed, not a public road. So it would have been a different construction cross-section entirely. So they did have the shared use path along Ashwood Boulevard in the by-right. The existing shared use path existed here and the transit stops were the same in the previously approved rezoning and i understand the

[05:50:14] the approved rezoning that is already in effect has a different um height profile is that accurate uh yes that's true the heights were um were taller i believe it was four to five stories in the previous in two to three and that was why it was pointed out as one of the uh elements that where it was a positive aspect during the first development there was a lot of feedback from the community about disagreement with the proposed heights in first conflicting with the smaller

[05:50:53] heights of the residential surrounding it help me understand why staff identifies that as intrinsically a positive though is there an element of the small area plan the master plan that specifically notes a preferred height for the area i'm thinking this body frequently says how we want higher um so i'm curious why using our own internal metrics right i would i would think the staff would evaluate things based on stated policies of the board rather than in reaction to public comment so i guess i'm pushing i'm just pushing back on this right like help me

[05:51:28] understand why that is seen as a positive in a staff evaluation sure um i think it was because of the feedback from at the time which included some board feedback about questioning you know what was necessary the these these units along the a large part of the discussion at that board meeting was about these units that were adjacent to the units here and how that impact the impact difference of the height so it is true that you know we should probably be looking a lot more at the

[05:52:05] recommendations from the master plans but in this case it was an element of discussion um during that during that meeting is the impact between those two adjacent uh the existing residential and the proposed residential can you um can you show us the pros cons slide again yeah so i just want to make sure i'm tying the ribbon on this three is listed as a positive

[05:52:41] but it is effectively except for the fact that there's going to be a public acceptance of the roads, it is generally identical, the transit plans. Correct. So the positive aspect for three is just that the road is going to be public, but everything else is the same. Correct. And for the positive is that the buildings are shorter, which is, in my thinking, contradictory to this board's own stated belief on what is good and bad. Sure. Yes. Sorry, I didn't mean to ask you to

[05:53:16] assess what the board's but yes um and one and two are also true of the currently approved zma correct so i hope you don't take this the wrong way but it seems like we're looking at the roads are public versus losing 130 affordable units of housing um is the exchange yeah i don't i don't think i'd be the one to uh okay respond to that but i understand what you're saying yes that's

[05:53:52] all my questions. Thank you. Supervisor Lupito Curley. Well, regarding the four and five, you know, stories, I know this body has repeatedly said that we usually do around four stories. Going five stories, if I remember correctly, correct me if I'm wrong, is a little bit unusual. I mean, if they wanted to go five stories, I'd be thrilled. If they want to go six stories, I'd be thrilled.

[05:54:20] But what we have before us is four stories, correct? I'm sorry, the proposal is two to three stories. Two to three stories, okay. Well, all right. I mean, and that's what they have before us.

[05:54:37] The public road is according to VDOT standards, correct? Yes, correct. Which allows us to go from Archer North or Archer to continue through the project into the Holly Hills project because it is a VDOT compliant road.

[05:54:57] Correct. This provides a better connection to the Holly Hills development to the north than a private road would have. Okay. And I would be interested in hearing from the applicant as to, you know, I mean, I appreciate the fact that they've increased it to our, well, soon to be minimum 20% affordable housing, but it would be nice to hear also why they couldn't have gone more.

[05:55:27] Okay. That's it. Thank you. Supervisor McHugh. You know, Kevin, that was a great presentation. I don't think I have any questions for you right now. Thank you. Supervisor Galloway. Yeah, I don't have questions, but can you just return to the slide that showed, I think you had a breakdown of the units prior, and then, so this is the total, the 30, what would that be?

[05:55:55] 302 units in this proposal. At 20% of total units, I do have a question. The 20%, I thought I was reading, is this a mix of rental and home ownership? No, this is all homeowner.

[05:56:12] It's all home ownership? Yes. So these would be condos, I guess. Yes. So the rental component, so the prior, the RST was all rental. Yes. This is now all home ownership.

[05:56:28] Yes. So it's swaps. All right. Thank you. Thank you. Supervisor Malek? Yes, thank you. I don't think I have any questions right now, but I appreciate the way you've laid it out because that's a really good start.

[05:56:47] And I will just say to me, there may have been other reasons why the 134 units are being changed than just trading for roads. But anyway, we'll learn more from the applicants. Thank you. And my only question is about the period of affordability.

[05:57:06] My understanding, this is first-time buyer. Yes, that's the current proposal. Okay. Thank you. Yes. I have a question regarding the home ownership.

[05:57:22] Did I read in here where they have agreed to extend the time for homeownership? Yes, that is in the proposal. And they can speak more. They will speak more. And I do want to point out that Dr. Stacey Petty is here to answer any further or deeper questions on affordable housing if they were to come up.

[05:57:44] Thank you, Stacey. Thank you. With that, Board, we'll open the public hearing. No one signed up to speak, but the applicant is here, I believe. Ashley Davies, Scott Collins, welcome. And I'm sure I have the right instructions this time.

[05:58:05] Applicants are limited to a 10-minute presentation of their proposal and are allowed a five-minute rebuttal at the close of the public hearing. Timekeeping is conducted through a timer and a light system at the podium. The green light will go on when you begin speaking, which begins your allotted time. The yellow light indicates you have one minute to finish speaking.

[05:58:22] The red light indicates your time has expired, and you will be asked to end your comments. All comments are live streamed, recorded, and published on the Almar County website. Thank you. Welcome. Thank you. We do have a presentation that's on my screen but not showing up on yours yet.

[05:58:40] Wonderful. All right. Well, good evening, everyone. It's great to be here with you. My name is Ashley Davies of Riverbend Development. I'm here tonight with Alan Taylor, also of Riverbend, Chris Schooley of Greenwood Homes, and Scott Collins, Collins Engineering, our project engineer.

[05:58:59] So hopefully with this team, we'll be able to answer any questions that you might have. But we are very proud to bring forth the Archer North development to you tonight. We think that this is an exceptional new neighborhood for Albemarle County, And that we've put a lot of work into a thoughtful neighborhood design, very high quality construction.

[05:59:26] And also a lot of time with the Forest Lakes neighborhood and the surrounding areas, just making sure that we have a very open and transparent relationship with them and really understanding the unique context of this property.

[05:59:47] So this is our illustrative plan, and I think if you can remember, and thank you, Kevin, for your presentation, you can remember back to the slide that he had just shown of the previous RST rezoning versus what you see on the screen here.

[06:00:04] And I think it really shows that what we're bringing forth is a neighborhood. And if you look, all the units, we're proposing attached residential units.

[06:00:20] They are three and four stories, not two and three stories. I wanted to clarify that. So really, you know, not a major difference in the number of units that you would have seen previously, but a very striking difference in how they are actually laid out.

[06:00:39] And just to see the number of amenity spaces and how each of the units are on an amenity space or very close to an amenity space, the public road systems are, I think, also quite notable.

[06:00:54] And there's a shared use path, not only along Ashwood, but there is a new shared use path that goes along the Archer Avenue extended. And yes, as we said, this is a for-sale product, and we think that that is really needed in Alvinwall County at this time.

[06:01:16] Later in my presentation, I'll get into where we're providing the rental units nearby. But we also, this slide shows the stormwater facilities just across the street that we'll be utilizing. So we think that's also really beneficial that there's no underground storage, and Scott Collins from our team can talk about that later if you have additional questions about that.

[06:01:41] So in addition to increasing the affordability of what we had previously offered at the Planning Commission, Greenwood Homes is one of the leaders, is I guess the leader in new home construction in Albemarle County right now. And they have a really great marketing program, And we really take pride in connecting people with all sorts of housing options.

[06:02:10] But we are committed to connecting people in particular with the affordable housing units. And we feel like there are a lot of rental options, never enough, but there's really not anything coming on the market that's for sale for people that want to buy an affordable unit.

[06:02:28] So that's one of the reasons why we wanted to be sure to extend the timeline all the way up to nine months and finding a buyer, because we are very serious about making this happen. Riverbend and Greenwood Homes are, I think, you know, in terms of private developers, we are the regional leader in providing affordable housing.

[06:02:51] This is what I'm spending most of my time doing. So we'll get a little more into that shortly. But I did want to address the elephant in the room. And, you know, I think looking at the previous RST rezoning, that was approved back in 2021.

[06:03:15] And I know, you know, someone who is an affordable housing advocate, I know how excited you were to approve that development. And I would say that it's a very aspirational plan and unfortunately not a feasible plan.

[06:03:36] And there are many reasons for that, but I think we can look at the years since then. But the underlying issue is that private developers, it's going to be a massive, massive challenge for any private developer to bring forth a project that actually has that 75% affordability.

[06:04:01] And that is part of the reason why your policy that you set forth wouldn't go beyond the 20%. Because if you look at any of those feasibility studies, there's going to be a huge, huge funding gap. And so when you get to something that's 75% affordability, that means that you are certainly going into the realm of requiring a low-income housing tax credit project.

[06:04:27] And even beyond that, so I work on these types of developments every day. And even when you get, you may or may not get the funding for the tax credit project, there's over a third of the projects never get the funding for tax credits.

[06:04:43] even if you do get the funding then you still have a major gap so we have to have millions of dollars from the city of charlottesville millions of dollars from private funders construction costs have gone up about 30 percent in the past couple of years interest rates have gone up so there's any number of reasons why unfortunately the rst project could not come to fruition and is not going to come to fruition and unfortunately in that time frame we've lost all these years so

[06:05:17] we're we're really excited to be picking up the project we are under construction of phase one now we're maintaining the design from phase one and getting those houses underway which means we will have new affordable units available to families by the end of this year so we will be reconnecting families with the market rate and affordable units by the end of this year and this shows just you can see kind of the phase one versus the phase two which kevin pointed out

[06:05:54] so i won't spend a lot of time on this particular side but we do think you know it's important that you look at the the overarching context of this development as well and how it connects in with Holly Hills, Forest Lakes, and Brook Hill.

[06:06:13] And like I said, when you look out in the audience tonight, it's very different than one of my previous public hearings, and that's because we did work very closely with the neighborhood and really listened to what they were looking for. And what we feel like is an appropriate transect and planning transition between those neighborhood areas.

[06:06:34] So what we're showing is very similar to what you would see next door in their townhouses. But also, I mean, you can see just on this slide, Brookhill is right next door. And obviously, we have hundreds of homes going in down there. And in the Brookhill Town Center, we have an existing apartment units that have 300 units right now that qualify on an affordable level we've got another round of 300 units that will be under development later

[06:07:11] this year under construction so we feel like that is really the appropriate place for the apartment units right in the town center if we want to talk about the neighborhood model and planning principles it's got access to the commercial to the amenities and and those so those units are there and they're available and there's more coming online. And so I think looking at the overall picture, it's nice because you get the whole spectrum of housing types in this area,

[06:07:44] great amenities. And so by offering what we are bringing forward to the table tonight, you also get this for sale option. And we can get into it in the Q&A, but I think we're also looking at, you know, what are creative solutions? How might we work with the land trust and keep the affordability even in a for sale product? How might we marry those two and keep it affordable for longer? But I think the big message is it's very challenging to bring affordable housing to

[06:08:22] the table and um so we're you know we're looking at every option to do that but um we're excited to partner with the county and i'm happy to kind of get more into the details of this affordability question so thank you i think my buzzer is about to go off so i'll let that go off and then you guys can ask me some questions thank you okay thank you we'll go through our order supervisor approved thank you what happens if you're denied today if we're denied tonight um that's a great

[06:08:57] question i'm not sure um can we go to the slide where you have the left right comparing uh the rst proposal says how it's unfeasible um i don't have the rst no no no i meant the slide you just went by okay sure this one um i'm looking at bullet three and four um did you apply for uh did you submit a lightech application no we are working on tax credit applications uh both in

[06:09:36] the city and the county currently and um one of the things to understand about the tax credit environment is, so we partner with the housing authority and with Piedmont Housing Alliance to create affordable housing. And so for this area, we actually have phases of projects lined up for the next decade. And that's, so that's eating up all the tax credits for this area. So we wouldn't, we wouldn't necessarily go in and apply for a tax credit deal because it actually

[06:10:15] goes into competition with those other groups that we're building hundreds of affordable units with right now. Maybe I'm misunderstanding something. I thought tax credits were kind of evaluated and awarded on an annual rolling basis. Are these going to still be in some kind of regional competition when we look one, two years out? Can you just talk me through that? Yes. So what I'm saying is for the work that we're doing and other affordable housing providers in the area there are phases that are currently under construction now or coming to

[06:10:54] completion but we also have phases lined up for the next decade so every year each of these groups are applying for tax credits and there's only a limited amount of funds for the whole state and a lot of those funds are designated regionally so once you get a regional award there are no other funds available in this area. So the fortunate thing is this area is doing great work and there are lots of tax credit projects that are being awarded and under construction right now.

[06:11:30] But what that means is there's not additional funding and we don't want to compete with what we're already working on currently. Is there a basis bonus for this area? A basis? Do you receive any cost basis bonus for a light tech application in this area um i i don't know the answer to that um do you have a general sense of what the what is the um the credit dollar exchange right now

[06:12:02] has it changed significantly during the span of this um since 21 i'm sure it has um like i said the biggest thing that we've noticed is that the biggest issue is that the cost of construction has risen about 30 percent on a lot of our projects so even projects that um we have um allocated funds we've had to delay the start of construction because um even with like getting that great

[06:12:35] tax credit funding there's still a major gap in trying to provide the units so have you looked at what it would take to make a competitive project for our own annual grants that we disperse for housing affordable housing support i have not looked at that personally no have you talked with local non-profits about what it would take to create a partnership that would allow you to meet the original profit target not for this site specifically because we're working with them on

[06:13:11] other sites right now so there's just a limited capacity for those groups you mentioned a conversation or you alluded to the possibility of a conversation with the Piedmont Community Land Trust. Could you tell me a little bit about where you are with them? Yes. So I actually last week, well, last week just started on the Carr Foundation Board. So we're going to actually, you know, start working on getting educated so we can pull that together. So I think that

[06:13:46] it's a great possibility because between this development and some of the other neighborhoods that we're providing, we have, gosh, I'd say probably close to 100 units, affordable units that will be coming online in the next year or two. And so I think it's a great opportunity to understand. I think the big thing is understanding what is their capacity and how can maybe the county also work with them on funding so what is their capacity to take over units because we're

[06:14:20] going to have a great supply coming available so i think that's a really exciting opportunity but we are just starting those conversations what does economically feasible mean uh it means whether the project can be constructed or not i want to push back on that right economically feasible means different things for different developers you probably have a target profit margin what's

[06:14:54] economically feasible for Greenwood Homes? You'd have to ask Greenwood Homes. I mean, you guys are welcome to come and chat. I mean, this turns on the fact that you're claiming it's not economically feasible. What I'm saying is that was not economically feasible for RST, and I mean, that is the reason why the project did not come to fruition. And you now own the land.

[06:15:24] That is correct. And are trying to develop on the land, and are, I would suggest, submitting that you can't because it's not economically feasible and therefore need a accommodation from the government to waive a pre-existing requirement for developing on this land. If it's not economically feasible, what does economically feasible mean for Greenwood Homes? So I think the important thing to understand is going back to 75% affordability, like something at that level,

[06:16:01] That is really what you see more coming from somebody like a housing authority or Piedmont Housing Alliance and not from a private developer. And in this case, that was a very unusual position for a private developer to put themselves into.

[06:16:22] And the only reason why groups like the Housing Authority or PHA, they have access to other governmental funding sources other subsidies um the other grant monies and so i i just think that that rezoning unfortunately backed into a corner that is not not workable i don't know i don't know what you're looking for in an answer but i think what we need to talk about is getting back to

[06:16:59] the more standard county policy which is what you as a group have you know worked with and discussed for a long time and landing on and um i just i think that it you know you're gonna end up with something that's that isn't workable i don't it sounds like you want to like get down to like looking at a pro forma right now which i unfortunately don't have in front of me i guess

[06:17:30] You mentioned that this target would be something that's more within the realm of a nonprofit developer or housing authority because they have access to additional monies that make us able to line out.

[06:17:46] And I would challenge that. There's not a magic key you get when you're a 501c3 that gives you a pool of extra money, right? The thing that makes it line out for them is because their definition of economic feasibility differs. They are not looking at a profit margin. greenwood homes acquired this land to develop on spec with this encumbrance this is an existing encumbrance when the land was acquired saying that this was what we expect and require on this land

[06:18:16] we do zoning modifications with the understanding that the conditions are going to be in the public interest uh compared to what was previously there at least that is the lens through which i view it this is decisively opposed to the public interest it is decreasing the amount of housing that we're going to be providing at an affordable level it's also just decreasing the amount of housing full stop right is a lower aggregate amount not just a lower affordable amount and the only

[06:18:51] rationale i can hear is that it won't get built otherwise but i also don't hear a willingness to show that you've done an amount of legwork to compete for the funds that would make it necessary or a willingness to be forthcoming with what it means for that to not be feasible for you, with what the profit margin would look like at this development level.

[06:19:18] Would it be negative? Maybe it is. I don't know. That's not information that's been shared. So I find it challenging to see what the case you would want to make that makes this a good decision for us as people who are tasked with protecting the public interest because I see something that is consistently opposed to the public interest.

[06:19:46] Well, I don't think anything we're doing is opposed to the public interest. I think it's just different than the previous application, and I think the unfortunate component of the previous application is that it does require tax credit funding, and the whole landscape of tax credit funding is changing, changes on an annual basis so there's no guarantee of that money and obviously the previous owner could not make it work and so i think it's very a very bad position for the county to leave it in a

[06:20:25] place that absolutely requires that funding for the development of this site and i think the longer you do that then you're getting further away from your housing goals because that development is highly unlikely to happen.

[06:20:48] Supervisor Lupisto Curley. Thank you very much for the presentation. My understanding, because I spoke with the developer from RST about a year and a half ago, and he was not happy that the project did not go through, but he told me it didn't go through because they couldn't get any of the tax credits.

[06:21:11] They couldn't get what they needed to from the federal government. It all went away, and that can happen at any point in time. So they were disappointed. We were disappointed. But we also understood when that came forth with that 75% affordability, that was like a windfall.

[06:21:31] That was like almost a miracle. I don't know if that's – unfortunately, it doesn't seem to be that that miracle is coming back. And I say that because I'm not sure of what's happening with tax credits coming from the government.

[06:21:48] That may continue, and like you said, it's very competitive. Could you go to the slide where it shows the layout, please? And I'm going to say something that is not going to make Supervisor Malik happy. If you look at your amenity areas, which are one, two, three, you have four amenity areas, which are very nice.

[06:22:15] That is land you could actually build additional units on, correct? But you're not doing it because you want the amenity units. That's what I meant, Supervisor Malik, because I'm not suggesting they do that, but that is a way. Then you could crowd in.

[06:22:32] You could actually get more units. Right. It wouldn't look like it does now. So I think the amenity units are a really good feature for all that. Also, I did want to ask, I guess, when can we, I have a question for state, wait, let me ask you, because maybe we have to ask Ms. Pethia, Dr. Pethia, but maybe you will know, do we have a list of people who can purchase these homes once they're built in about a year or so?

[06:23:06] So I have met with Stacey, and she can fill in more, but I know that the county has started a list, and we certainly plan to work closely with Dr. Pethia on making sure that we're connected with anybody on the list.

[06:23:26] And I think what also as a group, we just feel like once we can start connecting people from the list and having some of those early wins of connecting buyers with homes, then there will be more people that want to join the list and realize that, oh, this is a real thing.

[06:23:45] We're doing good work together. Okay. And I know you're saying you're giving nine months, the current, is it 180 days right now? Or did we change that yet? I think we bumped it up from six months to nine months.

[06:24:04] Okay, so it's six months. Or is that our proposal along with our... This is nine months. Pardon? No, I know. But, I mean, our, the county's current is six months. No, it's not six months. Stacey is shaking her head. Because it hasn't...

[06:24:20] What is it, Stacey? I know it used to be 180 days. Dr. Pethia, thank you. Stacey Pethia, Assistant Director of Housing. It really varies, but it can be anywhere from 60 days to 90 days is generally the norm.

[06:24:37] So developers recently have been very kind and began expanding that beyond the 90-day mark. Okay, so 60 to 90 right now. Okay. And you're proposing six months? Nine months. Nine? I said six months. I'm sorry.

[06:24:52] I meant nine months. I knew it was nine months. It's birthed in a baby. Think about it. It's birthed in a baby. Well, I never had a baby. That's what it feels like, right? I told you I had a nurse. okay and i and i commend you for that um so no i i like your plan thank you no other questions supervisor mckee yes good evening and thank you for the nice presentation and answering really good questions but challenging questions i know for you to answer it to some degree because

[06:25:26] you don't have all the answers um i really do appreciate the public road that's the main public road. I know it's a lot more expensive to build roads to VDOT standards, but we certainly have a lot of

private roads that come back to haunt us in 20 or 30 years, and that road will maintain a much better condition for a lot longer. So, because I'm always questioning public and private roads, so I like that part of it. I appreciate it. I also do like the amenity areas.

[06:26:04] I think that adds to quality of life. Can you talk a little bit about, a minute about, if you were, suppose, as Bea suggested, is it even possible to take an amenity area and use it?

[06:26:21] What would that even look like? To add more units? Well, I mean, Scott from our team is a wizard of adding units. So I'm sure we could figure out something if you wanted to up the density allotment here.

[06:26:42] But, you know, if you wanted to keep it at the 332 maximum instead of the 302. I don't even know if that's possible today, though, since it was advertised for 302. And I understand that. I know that certainly we have expectations about open space and areas that add to quality of life.

[06:27:04] Yes. So, I mean, it's a balance. And let me just look at my notes a minute. I really appreciate your all's response to the planning commissioner's questions and working with the numbers to get them up to 20% from 15.

[06:27:22] I think that's absolutely wonderful. I will say that having been in this auditorium when that RST came forward, it was packed and people were so frustrated. And so that was one of those public hearings that I remember very clearly.

[06:27:41] So the fact that you all have worked with the neighborhood is really wonderful just from that viewpoint. I would like to hear from Stacey at some point, but I don't think I have any more questions right now, Jim. Okay.

[06:27:56] Thanks. Supervisor Galloway. How are you doing? Great. I do appreciate some of the questions earlier because they were some of the questions I would have asked myself if supervisor Pruitt hadn't done that but so the phase one and the phase two it's all one piece of property correct yes so but phase one is underway because my first question was what happens if this application is denied and you said we hadn't considered that I find that an interesting answer so phase one construction will continue so that that is that site plan is approved and everything

[06:28:35] if you see that red dotted line kind of everything within that box will continue per the previous plan with the one caveat because that was all market rate for the rst rezoning but we think it's better that the affordability be spread throughout the neighborhood so we we are intentionally incorporating affordability into the phase one that we're currently constructing um so

[06:29:06] So, yeah, if for whatever reason this were to not pass, yeah, I guess we'd have to regroup as a team and just take a look at it. But honestly, like I said, I think the landscape of tax credits is pretty challenging.

[06:29:24] Yeah, you don't have to go down that route. This is just a basic question. We're used to being told, oh, well, if you don't approve our upzoning, we're just going to do the buy right and you don't get as much. Yeah, this is a different situation. You've reversed us here. Yeah. So, you know, I'm just pragmatically asked, you know, because if it were the norm, you would say, oh, we'll just build it by right and we'll build 80, you know, one acre lots with million dollar homes on them.

[06:29:49] I guess these days, two million dollar homes. So, you know, it's just a legitimate question so that this supervisor understands, well, if it's not approved, what do I tell a resident happens to that phase two property? It just sits unbuilt? I would think for the moment, yeah.

[06:30:06] Did I see a head nod out there? It just sits unbuilt. um i think i said you it this is your group that did was in front of the planning commission with oak bluff as well that's correct and you made some of the same comments this evening that you did then so and i don't believe i don't i just don't remember the question was asked in that planning commission piece but i've heard now in two different meetings about greenwood being the leader in affordable homes no i'm talking home ownership now not the rental part of it can you explain to me because that evening it was even more so stated and claimed of how they are at the

[06:30:46] forefront of putting people that need home you know affordable homes into those units and it sounded like you even had your own list and process can you talk to me what greenwood does to be successful versus just saying they're successful sure well so a big part of my um daily work is um as the pro bono development partner of the housing authority and so through

[06:31:12] So that's Riverbend Development. Greenwood Homes is also one of our companies, but for the past six and a half years, we've been working with the Housing Authority as they undertake a resident-led redevelopment process, which is something that you just don't find anywhere else.

[06:31:31] But in order to pull that off, that has required not only successful tax credit applications, but also raising \$30 million in private funds as well as matching that with local funds and going after additional grants on the statewide level.

[06:31:56] but as part of that Greenwood Homes is a partner in the building of some of these affordable units for the housing authority so that's let's see that's about 60 deeply affordable units and then in all of our current and upcoming communities instead of you know previously developers would have had the option to do a cash-in-lieu payment, and that certainly happened on, you know, older

[06:32:28] developments. And, you know, I would say in the past six and a half years, as we have really become partners in building deeply affordable housing as a company, it's our ethos that, you know, we want to be the ones leading the way, showing how do you build these units, how do you connect with buyers how do you really solve this regional crisis because we've gone for so long where the units weren't getting built or they were getting built and getting turned to a

[06:33:04] market rate unit just i think a lot of frustration all around so i think if you look at all of our recent rezonings as well as the affordable housing that we're building with the housing authority and soon to be working with PHA, you know, you're well over 100 units in affordable housing that Greenwood is putting on the table, and beyond that, hundreds more that Riverbend's working on with the Housing Authority. So for this site, I mean, is it just lower, I mean, what,

[06:33:40] where are you finding the, I mean, homeownership in the affordable piece has been the hardest problem to solve land cost etc so you're you know the elephant in the room as you defined it was going from we had a certain amount of proffered or guaranteed units for affordability guaranteed maybe isn't the right word and those were all rental and now we're looking at home you know home affordability and home ownerships i want to know what the actual steps are that makes them affordable and you get people that need the affordable units at 80 percent ami which i think

[06:34:18] is what it stated in there in the units yeah so i want to what's the process because earlier i think in response to an earlier question you mentioned well stacy has a list well i thought i heard in the planning commission y'all had a list so we both have you got a tag partner coming up here that might want to step up so i'm just you know i have to make a judgment call tonight i have to take a vote and you know i'm asking for where you provide me the information so i have confidence that every single home that's defined as an affordable unit will have a person that qualifies

[06:34:56] for it in it and what's your process to make that happen because it's it's not the county's responsibility right to do that right well i'm happy to let chris speak to that too but i think we're taking a multi-pronged approach to that, certainly, because we recognize that this is an issue and a nut that has not been cracked previously. So I think it's a combination of things. Like, obviously, we're going to be working hand in hand with Stacey and making sure that we

[06:35:29] get the word out to any county employees that may be interested. But Greenwood Homes, they are currently building 40 percent of the market share of new homes in Albemarle County and as such they have just a top-notch marketing team and are connecting with most of the buyers out in the market they're you know they're very well known at this point so their their marketing team has

[06:36:00] a lot of outreach into the the potential buyers and then between that and the car foundation i that that group is you know a brain trust of realtors that are all about creating affordable housing in our community so i really want to tap into them and that's that's part of the work that they're doing right now is creating a whole home buyer resource and connecting the buyers with the units but also getting the buyers ready so you know people that are looking they may have credit

[06:36:37] score issues or other things that they need to be mentored on so they can be ready when the units are available so connecting with that group as well and then the fourth thing is really getting educated on the land trust and how we may be able to partner with them and what they could potentially absorb at these units and and keep them affordable for longer is there anything you wanted to add did a great job uh hi i'm chris schooley i'm the vice president of design development with greenwood homes and and ashley did a wonderful job she covered almost every point

[06:37:14] sorry i'm a little bit taller than than ashley is so uh um yes a little bit dated uh we're at 55 market share in this area. We've existed since 2022. So we're in the execution business. We put houses on the ground. We find people to be in them. I think, as Ashley mentioned, our market reach is our, that's going to be our first ability. We do have our own list. That's our market reach. Dr.

[06:37:43] Pathia has a second list, which we're going to be pleased to work with. This is new for us. All of the affordable housing so far that we've put on the ground and all of our other projects that are currently slated for 2025 are for rent so this is for sale so that's a that's a different ball game different list we're going to be reaching different people we're really excited about it because the tan buildings that you can see here either light tan or dark tan those are two over twos so those two over two buildings have to be condoed anyway so if we're going through the process with depore enrichment to make condos the light blue buildings are what we're calling our two over one building that's what we build at gunbrook and we're happy to show anyone that

[06:38:23] like to see those we're really pleased it's it's really the first that we've seen those the lower unit is a two-bedroom apartment it's built the same quality of every other house that we build same environmental quality say it same kitchens same feel the two over one product here would be conduct we

haven't done that before but it allows us really something very interesting I think the number is 243,000 that we can sell it for we don't think actually we'll reach 243,000. Like, that's probably higher than what the market's going to be. We think that's going to be starting with one. So we're going to have two-bedroom apartments for sale, or hopefully

[06:39:01] starting in the 100,000s. That's very different than anything else. We'll have 134 affordable housing units on the ground in 2025. A couple of those are in the city, so I don't want to Oversale that this is all in Albemarle County, but the market doesn't really differentiate between those two.

[06:39:21] All of the projects that we're building are, we are production home builders. We are not a multifamily developer. Greenwood could not build the RST plan. We do not build five-story steel buildings, which is not what we do. We're really good at what we do, which is stick framing production home building.

[06:39:40] And that maximizes itself here in the 2 over 2 unit. That's a four-bedroom unit. So this will have, I think, all of the lower units, the 2 over 1, Scott, all of those would be ADUs, so every single one of those. And I think there was about a dozen of the lower 2 over 2 units that would be also at the affordable limits.

[06:40:00] I think we're really just proud that not only is this a for-sale project, but if you look across, we're doing a 16-foot-wide townhouse at Victorian Heights for affordability. We're doing the 2 over 2, the 2 over 1. That's three different product lines. The project we're doing in the city is basically our own townhouse.

[06:40:18] We just took the garage out of it, got a little bit more space, made that a five-bedroom. So we're really trying to innovate. But more than anything, we're in the execution business. This is a project that we can execute and get on the ground. And, yes, unfortunately, if we're denied tonight, we're going to retool it, try to figure it out.

[06:40:36] But we may be sitting on it until the market's there. We have property in this market that we've been holding for 20 years. We may, again, be holding something for a long period of time until the tax credits are there, until the market's there, until we hit this fine place where the market's not going up 30% for every nut and bolt that we need to put into a building.

[06:40:57] We just really, this is, we appreciate that this is a frustration, but what we're offering is something that we can really put on the ground. Thank you. Thank you. You mentioned that you did explore all the options for maximizing the affordability.

[06:41:17] So I know you went from the 15% to the 20% from the planning commission. You're aware of our developer incentive program and package? I'm starting to learn more about it, yes. So that wasn't explored with staff of how you could go from your 20% and maybe achieve higher using our developer incentive program?

[06:41:36] No, I think it's not that we haven't explored it. It's just that I think it's, I'm aware that it's available now, and I think that's a great program to look into, but I don't think it allows us to jump beyond that, unfortunately.

[06:41:53] The 20% or the AMI? But it's not been explored, though. It's not been explored. It's not been explored to see if it could, or do you explore it if it's not going to? No, I think we will. What I'm saying is

that we, as a team, between the Planning Commission meeting and this meeting, looked at all of the resources available, and that's why we made the increase.

[06:42:18] but that's where we you know feel like it's viable for the project now but aside from this application just not the developer incentive program's just not really on the radar um that's more me just being curious yeah i think we're just starting to explore it yeah i bet we haven't utilized it yet that's correct um so i appreciate the the question or the answer for the uh it sounds like the two over twos was that the 243 number that that was thrown around there

[06:42:51] two more ones i think originally i don't and i'm gonna well i'll just ask the question i mean this was originally a mobile home park we displaced people approved the rst the rst approval in addition to the units was serving a vastly different ami so it's not just the change in the units or the types of the units or for rental to home ownership it's just it's the income level of the people that we were going to be able to serve with what we approved um and frankly it was a rationale for taking on, I mean, there was a lot of, I mean, this is in the Ravana district,

[06:43:28] and I did a town hall meeting for it. And it's not my district, which it's a little unusual. I know that other supervisors met with this community too in kind of a town hall fashion, which is usually left to the home district supervisor because of the density and all these other concerns. And the affordable component was really what gave us the confidence and the courage to approve and deal with what we were hearing from the community um so you know with the folks that lived in that mobile

[06:44:02] home park you know the idea was they would be able to find homes in the new development you think that's true of the of this particular i think it's 43 sounds a little high for well so what was what chris was saying for the the two bedroom units we actually think there will be a one in front of those and that's highly high so under 200 000 so maybe it would it's yeah and and i think that combined with the number of apartments that are going in at brook hill that also have an

[06:44:38] affordability requirement that and miss davies i appreciate you mentioning all the other projects i think it's important but it's really just stay focused on this project and that's not to undermine or diminish the great work Riverbend. I love, you know, I'm a fan of Riverbend. I'm a fan of the other projects that are going on, but this is one specific project, and the merits have to be considered on this one particular one.

[06:45:02] I think I'll stop there for questions, and then I may ask a few more depending on what I hear. Supervisor Malek. Thank you, and I've learned a lot so far. This is great. I do sort of my understanding, small understanding about the financing dilemma.

[06:45:22] It's come from meeting with some folks who tried to educate me about how it's not anymore people going to their local bank, as the developer of Elizabeth Forrest did in the 70s, and one local bank gave him the money to build those 200 houses that sold in the 40s and 50s, thousands, that is.

[06:45:40] And now they're, I'm sure, over between 100,000 to 200,000 now. But it's all these venture capitalists, what some people have called vulture capitalists, which is an interesting term. but they're in it for the return and they have i guess pretty stringent demands on if you're going to get our money here's what we have to have or else so that was sort of an eye-opener for me and that the only other i think good experience on the other has been how it wick and pond with the combination of the formerly accrued in lieu of money the tail end of that in lieu of money

[06:46:19] the county collected for decades and used a lot of it for down payment assistance but there was a small amount left that was put into the wickham pond purchased the landowner reduced the cost by 30 percent 30 percent was the in lieu of money and then the developer builder raised the money for the rest and then at the end there were six townhouse units with beautiful mountain views right on the playground space that families were moved into and everybody was happy and the neighbors in wickham were the ones who built the houses which made me very very proud of them because they really came together to welcome these new families.

[06:46:58] So are any aspects of that being used here to somehow make these affordable things that you have, or is it strictly that you've managed the construction so well that you're able to do it without all those partnerships? Yeah, this is really just internal thus far.

[06:47:19] And, yeah, I think the way the property is designed, it does inherently work at these levels. But, yeah, I think another thing we didn't even really talk about previously are just, you know, what's happened with interest rates over the past couple of years and what that does to larger development projects.

[06:47:40] Just that one fact in and of itself has either killed a lot of large multifamily deals or has put them on indefinite hold. thank you that's all the questions i have right now thank you um i think we've hit this pretty hard but i'm going to come at it slightly different way and i may need dr pethia to help me here you're talking about phase one as what rst had the right to do that didn't involve the affordable

[06:48:14] housing component but now you're including it at eight units out of uh 78 which is 10 percent and i'm just trying to understand this proposal if it were this property coming to us now without the rst history and without the rst history would we still be looking at something that could be phased this way so that we only did 10 to the first phase and then jumped much higher after

[06:48:46] that in the second phase as our current uh 20 percent what is the period of affordability for that so i'm looking to dr pethia to to sort of give me a sense of where this proposal now fits in terms of uh how's our our current expectations um for for sale units it's a 40-year affordability term right is recommended yeah right and then with respect to a proposal like this if it were coming forward in phases would it matter which uh what the affordability was in the different phases

[06:49:22] Is it sort of, what's the assurance that phase two goes forward in any case? No, it would not matter. It would be the same in both phases, no matter how it was phased and how many affordable units were in each.

[06:49:38] We would just ask that they meet the housing policy standards. For the whole or for each phase? For the whole, for each phase. For each phase. Well, in this case, the 20% would be on the total units built.

[06:49:54] and so if you had 10 percent in phase one and the additional 10 percent in phase two that'd be fine or if it was five percent in phase one and 15 it's percentages so yeah it would have to be a higher percentage in phase two okay that's um that's the only other question that i had that hadn't been previously asked if there are further questions um we're going to get to the rebuttal part too i want to get a little more clearly and i might need to draw on either dr pethy or mr mcdermott on this but we talked about phase one and i appreciate your point that with the rst

[06:50:32] proposal this was originally going to be the market rate component that's cross subsidizing but i appreciate that that was rst's plan but i i guess i'm asking was that specifically part of how the profit

affordability would work because i might assume that regardless of what their plan was if only 78 units get built and this does not get approved then a 75% affordability would apply to those 78 units. Is that not correct? It was only to the apartment buildings. The RST was totally rented.

[06:51:10] It was all in the second phase. The RST was not proposed to be phased. So the 75% could have been built in any portion of that. It was already sold I think when they started these initial 78 units uh before you know before any rezoning came in so um i don't think that they had that rst had planned to build 78 uh market rate homes and then go in and build all 75 percent of the other side but that's effectively what happened when it got sold in in uh broken out into two

[06:51:50] site plans so the the area that the units are in phase one is just not included in the original zma No, it is included in the original ZMA, but there was no breakout in phasing in that one.

[06:52:07] No, I think it actually was phased, and the affordability was specific to the apartment. So it was 75% of the units in the apartment phase. This seems really critical, honestly, because it seems like it radically alters what happens if we deny it, right?

[06:52:29] Because if it was, as you're saying, if that was how it was proffered by RST, then we deny it. And you have 78 market rate buildings. If it's as Mr. McDermott is suggesting, and as I kind of might have assumed, then you are required to make 75% of those 78 units, even if you don't build a single thing more, affordable.

[06:52:56] And so it seems very important. Yeah, sure. Please. Francis McCall, Deputy Zoning Administrator. Um, Ms. Davies is correct that that application plan for the other PRD had the 75% on the multifamily portion.

[06:53:22] And I don't think my interpretation of the plan when I'm looking at it, I've been looking at it, it basically showed essentially the same layout that they have right now in Phase 1 as kind of these townhouse units.

[06:53:38] and then had apartment buildings in what they're calling their second phase, but wasn't really phased as they're purporting from what I can tell. So they would not be required to do 75% of the 78 units.

[06:53:56] This seems, I hear you, I believe that you both believe this to be accurate. This seems like it might be a really, I would think, tricky thing to point at with the proffer and what it's actually going to require.

[06:54:14] And I might want, I would honestly want the attorney's office's opinion on this and whether or not that is a correct interpretation of what the proffer would control. I hope everyone can appreciate how that is, like, what the issue I'm teasing out here is.

[06:54:33] It seems like there might also be a distinction of what the post-site plan is versus how the proffer would apply to that, right? This is not trying to be hung up on this, but I had one other question.

[06:54:50] I forgot what it was now. Yeah, never mind. I do have the RST plan up. There are no proffers associated with the RST development. It was a PRD, and the application plan defined what they were required to build.

[06:55:11] The statement in there is that 75% of the apartment units had to be affordable. It did not break it out into phases. It just said the apartments had to be. And then the plan showed different locations for the types of development.

[06:55:34] And those could have been anywhere. So, Francis, am I getting that correct? So 75% of apartment buildings, or 75% of the total units as apartment buildings had to be affordable.

[06:55:59] And that was what was defined in there. And it wasn't phased, it wasn't spaced like that. Thank you. Appreciate the additional clarity on that. Thank you. Supervisor Malek, you had a question? I was just trying to make sure my memory was appropriate, but I do remember that the tall buildings in the center, the sort of light beige in the old plan, was where the apartments were going to be, and everything else was more similar to the surrounding neighborhoods, which was the low rise, maybe for sale, maybe not.

[06:56:32] I don't remember townhouses where the sort of greenish-blue things are on north and south, I mean east and south now, so that makes sense. I have. I'm sorry, Ms. Davies. Thank you very much.

[06:56:50] Just posing this question, because I know you're going nine months for the list. Well, we've been working on a list. Well, we've never had one, so we're supposed to have one, but we never had one. But if the list, if the nine months comes to fruition, and we don't have a list to be able to sell these at a very affordable rate, like you mentioned, um would you what would the consideration be would they go to market or would they be for

[06:57:25] affordable rentals just wondering yeah i think at that point so first of all i don't think we're ever going to get to that point because of the amount of time that we've lengthened it from you know stacy said the 60 to 90 days to nine months and then with the greenwood team i don't think they've ever taken nine months to turn. I mean, yeah, especially when you see, you know, properties at this price. I don't know if you guys look at Zillow or the market right now.

[06:57:59] There's just nothing available that's reasonable at all. So I think that these are going to move so quickly. If for some reason they didn't move quickly, we could easily put them in the rental category and we still have the affordable rental category um with this rezoning so that would be a good fallback if necessary thank you i appreciate that sure i had one more other thing this one's quick i apologize and not nearly as spicy um help me out here are the um affordable for sale units are they going to contain a deed restriction to preserve affordability pass and initial sale at

[06:58:35] all is that something you've explored um we don't have that currently uh as part of the application plan um i mean it's something that we could explore if that's you know if that's what this is something this board has grappled with before right like it is very easy for the enterprising low-income person to turn a very valuable profit if they wanted to um unless there's a deed restriction there the deed restriction would also kind of obviate frankly the need to partner with piedmont if you wanted to um because there would no longer be a significant value by having the

[06:59:13] community land trust if there's a deed restriction because all piedmont's going to do is put a deed restriction on it so i would encourage you to consider that yeah i think i think that's a good thing to think about um and yeah i think the only response that i would give is just um we're also So we're already putting the whole property under a condo association.

[06:59:41] So I think it's a good idea, and it's certainly something that we think about. But it's like, okay, you've got to be careful about all these different layers you start adding, and then you've got the person that we're hoping to match here, and at what point does it get to be too many things that make it not viable for them?

[07:00:01] So it's just all a balancing act. Thanks. Thank you. You have five minutes for rebuttal, additional time if you have anything you want to add further. But we've obviously kept you up here. A lot of questions. Okay.

[07:00:17] I don't think I have anything to add. Does anybody in this group? Okay. Thank you so much. Thank you. Yes, Kevin. I just wanted to circle back. Apologies to Supervisor Pruitt on a misstatement on the building height. It was six stories were allowed in the RST, and they've gone down to four.

[07:00:39] And I think the reason I had inherited this project from a previous planner and didn't appropriately check into this, but the reason I think it was identified as a positive is because the PLACES 29 master plan recommends up to four stories in urban density residential.

[07:00:57] So I agree entirely that we're shooting for hire these days, but at the time of the plan, it was four stories. I appreciate that clarification. That also alleviates a little bit of my spice on that and clarifies the whole steel versus stick build thing, because five can do with stick.

[07:01:14] If there is no other additional questions for the applicant or staff, then I will close the public hearing. The matter is back before the board, and we need to come to a decision here. Supervisor Pruitt, we'll start with you. i think the board can probably guess my opinion on this matter um i am not convinced that it is in the private developers fundamental interest to convince us that they will not be able to build if we do not approve something because that is the quickest way for them to be able to realize

[07:01:52] their profits rather than trying to figure out how much they can cut into their margin what additional steps or applications they would need to make it is much easier to come to us and ask for the encumbrance for the obligation to be removed, and that allows them to get the full margin that they want. It is asking us to take, I think, a tremendous leap in faith to trust that this would not be built if the obligations were removed from them, and I don't think that is

[07:02:26] something I can do while still trying to uphold the interests of Albemarle County. Thank you. Supervisor Lupisto-Curley? I have no doubt whatsoever that if they were held to the previous standards of RST, this project would not get built.

[07:02:45] And then I don't want to see the rest of the property go into million-dollar homes on one or two-acre parcels. I think this is a good project, a fair project. We're all disappointed that RST went belly up, but they went belly up for a reason.

[07:03:05] And they were not a local company also. This is a local company. These are people who have a lot of land here or a building, someone we can trust, someone we can work with. So I am definitely in favor of this project.

[07:03:25] Supervisor McKeel? Yeah, I too am in favor of the project. It's a local developer. I agree. I have agreed with staff's positive comments that they made, and I really appreciate the moving from 15% to 20% in some of the other changes, feed-out road, but certainly I just think, yes, I'm in favor of the project.

[07:03:53] Thank you. Supervisor Calloway? You know, I think anybody that thinks that we have any sort of predetermined decisions in our brain when we walk in because i i i don't and i'm still torn frankly um i i share some of the sentiment that supervisor pruit has expressed this evening but i cannot recall um i guess i can't ask stacy

[07:04:22] that question now it's not to the application but the um i cannot recall in my time here when we've had an application come forward where there was home ownership under the affordable that we'd be able to provide affordable homes for ownership other than a couple little grants or incentives and I mean in Habitat you know working with the Southwood and that's a whole different you know private public partnership so and I've also said publicly to those specifically to the developer

[07:04:59] incentive program how do you how do we tackle that for home ownership because it was it was really designed for rental so for me it's the that's where I'm at like trying to go back and forth between giving up the units here that we said we wanted, and we did do the heavy lift on the density and the things that we encounter when we have to do up zone in favor of getting that affordability. So I'm still weighing this, but just trying to express to people what I'm weighing.

[07:05:35] Supervisor Malek. Thank you. I'm remembering back. I know I would not have voted for RST because of the impact and what I perceive to be a lower quality of life, except for that very high affordability that they promised at the very last minute.

[07:05:55] And I think that I may not have been the only one in the room who was feeling that way, but I do very much appreciate the fact that this new owner could have done the 15%, because that's what the law allowed them to do based on the timing of their application, and they're still moving to 20.

[07:06:14] And there have been others whom we have asked to go to 20 and have not agreed. So that's a plus to me. I know that there were some funny remarks about the green space, but that makes a big difference to me. And it makes a big difference to, I think, the people who would live there.

[07:06:31] I know when we lived in a tiny little apartment in Boston, having that park nearby was a really important thing for my mental health. So I see these spread around green spaces as a way for the kids who live there to run out and have a place to play where somebody can watch them from pretty close and not have to just get in the car and go somewhere else.

[07:06:50] So that is a big bonus for me. And the home ownership is a brand-new project for them as well as for us, and so that's something where they're taking a risk on this. And I appreciate that partnership in the risk, and I hope that it's wildly successful, and I will look for it.

[07:07:08] Okay. I look at this as a sort of fresh application at this point. I'm nervous that the affordability is just at the initial ownership and doesn't extend the way our hope would be for affordable housing for sale as well as for rent. Those periods have lengthened, and we hope that happens but um i also am happy that this has gone to 20 and and expect that you know where we we just

[07:07:46] lost that that rst it just wasn't going to happen so we have what's before us and with that i say we are looking for a motion from uh it's in the rubana district so okay i yes i moved to adopt the ordinance provided in attachment F to approve ZMA 2023-14 Archer North Development for the reasons stated in the staff report. Second. We have a motion from Supervisor Lupisto-Kirtley, second from Supervisor Malik. Without objection, the clerk will call the roll. Mr. Andrews? Yes.

[07:08:24] Mr. Galloway? Yes. Ms. Lupisto-Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? No. board that uh settles that we're uh approved and uh thank you for your patience with us and uh everyone uh board that brings us to uh item 15 from the board committee reports and matters not listed on the agenda uh look to mr pruit i think i've got nothing i'm searching

[07:08:56] searching supervisor on the piece differently uh yes hb 1660 um was it was pulled because the Mr. Jones could not be there, but also they were going to pull it anyway.

[07:09:14] There's another bill that was introduced that will not do anything for us because it's only going to be in high areas. Whether or not it gets approved by the Senate, we don't know because of the fact that there's so many restrictions.

[07:09:29] For example, you can recoup your costs with photo speed cameras. However, anything extra has to go to the state. And so they've just put a bunch of parameters on there, and it's not going to help our rural road situation. So if it does get passed, maybe we can use it in a couple areas.

[07:09:48] Or if our photo speed cameras get expanded to other school zones, then perhaps this will start to build momentum in Richmond, and maybe we can finally get something passed. So the other thing is we had an EDA meeting yesterday, And they are approving of the things that we're looking at.

[07:10:13] The MOU between us is working. In fact, Trevor, Mr. Henry, and Emily Kilroy, Ms. Kilroy, they're both in Richmond now doing ED business.

[07:10:33] Well, hopefully, they're on their way home, but they're also doing the EDA business. So hopefully, that's all I have. Thank you. Supervisor McKeel. I'm all right. Thank you very much. Supervisor Galloway. Nothing. Thank you. Supervisor Malek. Just one follow-up question.

[07:10:51] So 1666 is still alive. It wasn't killed. It's just still up. No, it's been taken out. Canceled it? Yeah, I know. I thought it was just postponed because he couldn't be there today.

[07:11:07] That's ridiculous. No. I said, can it be brought back? No. It could be brought back in the Senate if somebody else would bring it. Pardon? Somebody could bring it up in the Senate, and then it could go back over after crossover. Yeah, but there's no competing. Currently, there's no Senate bill that mirrors that.

[07:11:27] Okay. I have nothing further, so I'll look to Mr. Richardson. Okay. And then, Board, we will adjourn to February 5th, 2025, 5 p.m. here in Lane Auditorium. The opportunities for the public to access and participate in this meeting are posted on the Albemarle County website, on the Board of Supervisors' homepage, and on the Albemarle County calendar.

[07:11:52] Participation will include the opportunity to comment on those matters for which comments from the public will be received. Thank you, and good night.

