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Albemarle County Board of Supervisors Regular First Meeting, Wednesday, June 4, 2025

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[00:00:03] Good afternoon. I'm pleased to call to order this meeting of the Alameda County Board of Supervisors on the 4th of June at 1 p.m. in Lane Auditorium of the McIntyre Office Building. I'd like to note at the desk we have Supervisor Ann Malick of the Whitehall District, Supervisor Annette Galloway of the Rio District, Supervisor Diantha McKeel of the Jack Jewett District, Supervisor B. Lapisto-Kirtley of the Ravenna District, and Supervisor Mike Pruitt of the Scottsville District. A quorum is present. I'm Jim Andrews representing the Samuel Miller District.

[00:00:31] We're also joined, in the absence of our county executive, Jeff Richardson, by our deputy county executive, Mr. Trevor Henry, and by our county attorney, Mr. Andy Herrick, our clerk, Ms. Claudette Orgerson, and our senior deputy clerk, Travis Morris. Also, let me please welcome Albemarle County Police Officer present, Officer Tavon Richardson, and Master Police Officer Paul Cullen.

[00:00:53] We thank you for your service today and every day on behalf of the citizens and residents of Albemarle County. If all present could now 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 for all.

[00:01:21] Thank you. And if you now ask if you'd join us in a moment of silence.

[00:01:27] Our first item is, of course, adoption of the agenda, and I'd like to note that a couple changes.

[00:02:05] First is a pulling of item number nine relating to the Elmorale Charlottesville Regional Jail Renovation Project Permanent Financing, which will be rescheduled for a later date. In light of the extra time that's likely to provide for our afternoon portion of the meeting, I propose also to move item 19 from the board committee reports and matters not listed on the agenda to the afternoon just before the closed meeting.

[00:02:28] if there's time. And if that's acceptable, I'm looking for a motion to adopt the final agenda as so amended. So moved. Second. Motion from Supervisor McKeel. Second from Supervisor Malik. Without objection, if the clerk will call the roll. Mr. Pruitt. Aye. Mr. Andrews. Yes. Mr. Galloway.

[00:02:46] Yes. Ms. Malik. Yes. Ms. McKeel. Yes. Ms. Lequisto-Kirtley. Aye. Thank you. And our first item, of course, is brief announcements by board members. And we'll go through our order for this meeting starting with Supervisor McHugh. Just to comment that there have been a series of graduations over the last week or so and they've all been very different because they reflect the schools that the students are graduating from but they have been really fun to attend and great to see the these students moving on to the next phase of their life to include the graduation that I went

[00:03:24] to this morning where my grandson graduated from Mountain View and is going to Walton. So we now have a middle schooler in our house. Anyway, but the graduations have been fun. Thank you. Supervisor Malek.

[00:03:40] Thank you very much. And it was wonderful fun to see the children I taught, but also the children of children I taught many, many years ago. It helps us all to stay young when we have connections with young people every day, and it's been a blessing for sure.

[00:03:57] And my youngest grandchildren graduate tomorrow from high school, so that will be great. A couple of announcements. Rivanna Water and Sewer Authority is the first water agency in Virginia to be approved to use a new testing method for total Keldahl nitrogen, and this is a way to better fine-tune the testing going into before any wastewater is released into the river to make sure that the proper reductions have been achieved by local treatment, and I think will be a big impact to make sure we have the right data and we're doing the right thing to uphold the Clean Water Act

[00:04:34] and protect the rights and needs of all of our downstream neighbors who also use water from the Ravanna and the James. Friday, I was honored to attend the change of command ceremony for the U.S. Army HHC commander at Ravanna Station.

[00:04:50] Captain Justin Hagerman has a new post at the station in a different department, And Captain Cecilia Ali'i Faletigoai has assumed logistics and operational management of the Army garrison. And she is a rising star and very well respected, even though her years are fewer in the Army than many other captains.

[00:05:13] And Justin had explained to me five years or so ago that it was really weird being a captain and having the colonel, someone under your operational command, because of all the management that they do. as opposed to the running of the post. So that was really fun.

[00:05:30] I'm also happy to share that Colonel Eric Haas, who has been our really exemplary partner at NGIC, has another billet away, but he is keeping his anchor here in Albemarle and will be returning from

Carolina to stay with us. So one of many retiring military who have chosen to stay here or keep their family here for their last billet away and then retire here and stay with us.

[00:05:54] So I want to repeat the announcement of the Albemarle Amateur Radio Club, which will be participating in a national amateur radio event known as ARRL Field Day from noon to noon, June 28th and 29th, at the Earliest Volunteer Fire Department.

[00:06:10] All are invited to attend the Field Day, and on either day, it's great for participation, it's great for young and old, and you can see how this communication mode has been useful all around the world, especially in emergency situations, to fill a gap when all else fails.

[00:06:30] So I think it's a great experience, and hopefully people will go. And thank you very much. Thank you. Supervisor Lapista-Curtley. Yes, I wanted to say I also was able to attend a couple of the graduations, which I was really happy and excited about.

[00:06:46] Also, this past week, I attended a junior class life science project that comes about every year, a supervisor. Malik was there also. And it was Melissa Brown's class, and they did a wonderful presentation regarding recycling, composting, and what they're doing for the school, what they're going to be doing for the school to help them recycle. Therefore, it affects meets our climate initiatives also. So I was really happy about that. And I wanted to mention

[00:07:19] to everyone that on June 7th from 10 to 4 in Keswick, the 14th Annual Grace Church Historic Farm Tour beyond the gates. So you get to see old vehicles, you get to see farms, you get to go and visit the farms. And so this is really, really a wonderful event. If you want more information, go to gracefarmtour.org to get that information. And that is all I have for right now. Thank you.

[00:07:55] Supervisor Gallivan. Thank you, Mr. Chair. I'd just like to take a moment. I know I made a public statement a few weeks ago, but I just want to again thank the men and women who were all the first responders on site for an emergency and crisis that happened at my home a few weeks ago. These men and women just continue to awe me. I mean, I think we've all known and been confident that they have the skill set and the professionalism to deal with whatever emergency they encounter.

[00:08:20] But what completely just was profoundly impactful that day was that they also, the care and compassion they show while dealing with a dangerous situation. So I just wanted to take the chance to say that to all the first responders and fire and police, emergency personnel, the hearts team, the chaplain, folks from the city, the city fire department was there, Greenbrier emergency vet.

[00:08:43] I mean, there was just so many. The support they provided, especially to my children, was phenomenal. Likewise, I would just like to note that the outpouring of support via texts and generosity from the community has just been overwhelming. So I appreciate all of that, and we'll be able to get back in touch and reply over the coming weeks.

[00:09:01] But we live in a phenomenal community. We have phenomenal emergency personnel that help keep us safe, and just incredibly grateful for that. So thank you for allowing me to take a moment to state that. Thank you. Supervisor Pruitt. Thank you.

[00:09:17] Like my peers, I was very pleased to be able to attend some of our graduations this week. I attended Monticello High's graduation. I am always impressed by the creativity of a lot of our students and what they're able to put together for their outfit walking down the row.

[00:09:34] And so far, I'm two for two on having at least one person working security try and direct me as if I'm a student when I show up in my room, which is bleak. frustrating, but it is what it is. I would like to share it with everyone. Happy Pride Month. It's June. It's Pride Month. This community, our community, was able to celebrate Pride Month with the opening of the Rivanna Area Queer Center over the weekend. That is a new queer community center that is based in Charlottesville, downtown on West Main, but serving the entire region.

[00:10:10] They're on West Main and are open from 9 to 5. Additionally, because this question happens every year, I would like to remind the public that while it is Pride Month in Charlottesville, we celebrate our Pride Festival in September.

[00:10:26] It is going to be September 6th at Ting. This is very common in places in the South and places with large college communities because it's too hot to go and have a festival right now. And it is also when, you know, a lot of our community is going to be back in school.

[00:10:45] Additionally, I would like to note that Scottsville had its first really successful this year Fridays on the Canal event. This is a free concert series at the Canal Basin Square. It happens every fourth Friday in the late afternoon, early evening.

[00:11:00] So there is another one coming up on June 27th from 5 to 8 at Canal Basin Square, which, if you don't know, is if you're going down Valley Street, just head down 20 and you turn left at the one light. That's Canal Basin Square, right, Chair? The Morning Buzzards are going to be playing, which is a Scottsville-based band.

[00:11:18] And I look forward to seeing folks there. That's all. Thank you. Yeah, I had my congratulations to the graduates. But, Board, I'd also like to take this opportunity to commend the professional service of our county attorney. So, Mr. Andy Herrick is one of only four attorneys to complete the Virginia State Bar Association's inaugural local government attorney's leadership training program. Congratulations on that. Also, as the president of the local government attorneys association of Virginia, he's recently attended the judicial conference of Virginia in Williamsburg. Again, congratulations, Mr. Herrick. You do our counting proud.

[00:11:52] So, thank you. If nothing further than board, we'll turn to our next item, which is proclamations and recognitions. I'll turn to Supervisor Malik to recognize National Gun Violence Awareness Day the proclamation and a motion. Thank you. As a motion, National Gun Violence Awareness Day.

[00:12:11] Whereas every day, more than 125 people in the United States are killed by gun violence, alongside more than 260 who are shot and wounded. And on average, there are nearly 19,000 gun homicides every year. And Americans are 26 times more likely to die by gun homicide than people in other high-income countries. And whereas Virginia has 1,200 gun deaths every year with a rate of 13.6 deaths per 100,000 people and the 34th highest rate of gun deaths in the United States.

[00:12:43] And localities across the nation, including Albemarle County, are working to end the senseless violence with evidence-based solutions. Whereas protecting public safety in the communities they serve is the local government's highest responsibility and support for the Second Amendment rights of law-abiding citizens goes hand in hand with keeping guns away from those who are a danger to themselves or others. Local officials and law enforcement officers know their communities best and are the most

familiar with local criminal activity and how to address it and are best positioned to understand how to keep their citizens safe. And whereas gun violence

[00:13:18] prevention is more important than ever, as we see an increase in firearm homicides and non-fatal shootings across the country, increased calls to domestic violence hotlines, and an increase in gun violence in general. Whereas anyone can join this campaign by pledging to wear orange on June 6th, the first Friday in June in 2025, to help raise awareness about gun violence. By wearing orange, people across the United States will raise awareness about gun violence, honor the lives of gun violence victims and survivors, renew our commitment to reduce gun violence, pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership

[00:13:57] to help keep our children safe. Now, therefore, be to proclaim that we, the Albemarle County Board of supervisors to hereby recognize the first Friday in June, June 6, 2025, as National Gun Violence Awareness Day, and encourage all residents to support their local community's efforts to prevent the tragic events of gun violence and to honor and value human lives. Signed this fourth day of June, 2025, Jim Andrews, Chair. We need a second. Second. We have a motion from Supervisor Malek, a second from Supervisor LaPista-Kirtley. Without objection, we'll call the roll. Mr. Pruitt?

[00:14:34] Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Malick? Yes. Ms. McKeel? Yes. Ms. LaBusa? Kirtley? Aye. And my understanding is that Ms. Katie Fox of Moms Demand Action for Gun Sense in America is here. Welcome to accept the proclamation.

[00:14:50] Thank you for being here. Thank you so much. My name is Katie Fox, and I'm here representing both Moms Demand Action and Giffords Gun Owners for safety. I'm a gun owner and a survivor of gun violence. living in Crozet. I unfortunately have multiple survivorship stories and I'd like fewer people to join this club. Today I'd like to highlight a story that I hold really close to me. My life was

[00:15:25] saved by secure firearm storage. I come from a gun-owning household of multiple generations years back and those firearms were the things that kept food on the table when times were hurt. My dad had three large gun safes in the master bedroom, and they were always locked.

[00:15:51] From early on in the middle school years, I struggled and started fighting my battle with depression. And the only reason I didn't act on my suicidal thoughts was because I couldn't get to my dad's guns. Truthfully, because I knew that the only way to make sure it would work was with his guns, and I didn't want it not to work.

[00:16:19] my friend in high school wasn't as lucky as me. He was able to access an unsecured firearm at another friend's house and took his life in their garage in our sophomore year. Passing good gun safety laws is important, but what's just as important is raising awareness to the toll of gun violence that doesn't make headlines and educating our community about those laws and the resources available for support, whether for mental health, reducing access to guns during

[00:16:54] crisis or for secure storage equipment. Thank you all for prioritizing our community's safety and raising awareness. Thank you. I will go through our order here to comment and appreciate these comments. Supervisor McKeel. Yes, thank you very much for being here. This is certainly a horrible challenge in our country and the deaths and the injuries that result on a daily basis are just horrifying. And turning our schools into armed camps is just really sad. I do want to

[00:17:33] take an opportunity, because I don't think very many people know or are aware of this, but the, and I certainly just found out about it recently, and we all recognize that while dealing with guns is, can be a state and a local issue, it's often a federal issue, to be honest with you. And I understand that the sweeping budget reconciliation bill that's going through Congress, you're nodding your head, Congress right now includes a last minute provision that would not require gun owners

[00:18:08] to register the purchase of silencers. It takes silencers out of the view of the ATF and the National Firearms Act. So it's just, it just seems like we have a lot of work to do.

[00:18:27] there's so much to do that's exactly right and i really do appreciate you coming and chatting with us today was really it took bravery for you to come and we thank you thank you sir professor yes and yes and i was given a small amount of hope by the fact that the supreme court recently upheld maryland's law virginia had that law for 15 years and we could have it again with some political will and i really hope that we get there but thank you for helping all these years and the Whitehall District has really been through it.

[00:19:02] I have a 95-year-old military person who is a leading advocate for required training because he has had to help people who went to some place years ago and bought something and loaded it and then couldn't figure out how to unload it or what to do with it and those kinds of stories alarmed him because he lived through them and didn't get shot through the motel wall when this fellow was fumbling around with this new weapon he had just bought.

[00:19:28] But it was an example of how people of all political persuasions really support better training, better access, and there are certainly certain kinds of weapons that only belong with military people. So I do hope that we make some progress on all these different fronts, especially the work to keep kids away from weapons. They're not toys. Thank you. Thank you for your heartfelt comments. We hear you.

[00:19:57] We see you. We believe you. It's obvious that we have a lot more work to do. The main thing is to keep our children and all of our citizens, all of our communities safe. And locking up guns securely is such an easy way to prevent unnecessary accidents or someone who willfully wants to do something wrong.

[00:20:23] So I hope this, our proclamation, just lets you know that we do care. And hopefully a lot of things that have been done won't be undone. Thank you for showing up, being here.

[00:20:39] Thank you. Supervisor Calloway? Yeah. I join my colleagues in thanking you for being here today and especially for sharing your personal story. Thank goodness your father was a responsible gun owner. I appreciate the work you all were doing to bring this to awareness, especially this nuance, because I think that it does get lost in the mix of all of these things.

[00:20:57] So thank you sincerely for the work that you all are doing with this effort. Thank you. Thank you. Supervisor Proven. Thank you so much for being here, for the vulnerability of sharing your story and the impact that I know that has for the public in hearing the influence of this.

[00:21:14] And thank you also for highlighting the role of gun owners and responsible gun ownership as a critical part of how we fight for better gun safety and reduce gun violence in our community. I, forgive me, it is not lost on me that this is sometimes a discussion that gets really dogged down by factionalism.

[00:21:41] And sometimes I will quote back at people a line from the West Wing, you know, decades ago now, of a character who tells one of the, you know, the liberal appointees in the Bartlett administration, I don't think you care about gun violence.

[00:21:56] I think you don't like guns, and you don't like people who own guns. And I think it's important to recognize that there is a faction of that, and there's also an overlap of people who do care about gun violence and who are also gun owners. And I appreciate the incredible work you are doing, Moms Demand and Giffords for Gun Owners for Safety are doing to kind of highlight and draw attention to that intersection where I think real change can happen.

[00:22:22] Thank you. Thank you, and I'll just add again my appreciation for your story and wish we could do more. We have had this resolution in the past, and I feel like it's so difficult to figure out what, as a local government, we can do. We've got our HARTs team, which I think is helpful, and some reforms, but it really requires a national solution, and thank you for being here.

[00:22:48] Awareness is everything. Awareness and education. Thank you. And I believe Supervisor Malek has the proclamation present.

[00:23:08] Thank you for being here. Board, this brings us to public comment on matters previously considered or currently pending before the board other than scheduled for public hearings. We have a few sign-ups, and Supervisor McKeel will read the rules and introduce the speaker.

[00:23:26] I will read the rules first. During the time set aside for public comment on matters previously considered or currently pending before the board, Individuals may address the Board of Supervisors concerning matters previously considered by the Board or matters that are pending other than items on the agenda for public hearing.

[00:23:44] Individuals are allowed one opportunity of up to three minutes to speak at each Board meeting, and the 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.

[00:24:01] The yellow light indicates you have one minute to finish speaking. The red light indicates your time has expired, and you'll 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 or Magisterial District.

[00:24:20] 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.

[00:24:36] Back and forth debate is not permitted. All comments are live streamed, recorded, and published on the Almar County website. And with that, we have no one is online today, and we have four speakers. So the first speaker is Allison Webb.

[00:24:57] Good afternoon. Thank you. My name is Allison Webb. I am a resident of Still Meadow, which is in the Rio region of the county. This is my first time before you. I hope it's not my last, but bear with me if I'm a little bit nervous. I am here today to express my concern about the situation of our immigrant

neighbors. The courthouse action on April 22nd, when two individuals were taken by U.S. Immigration and Customs Enforcement Agents in plainclothes, was a wake-up call. I understand that this event

[00:25:36] led to a Freedom of Information Act request by Delegate Coulson and Senator Deeds to get a better understanding of the Albemarle County Police Department's role in the situation and other ICE-related incidents.

[00:25:53] Although little light was shed on the actual courthouse incident, those documents revealed cooperation between the ACPD and the federal government that few residents, if any, were aware of. On January 25th, so this is some of the things we learned, on January 25th, ICE commenced an operational initiative, in quotes, to locate unaccompanied alien children, and the FOIA request resulted in documents that allowed us to learn that members of the ACPD senior leadership team had met with the regional homeland security agent and the ICE regional supervisor.

[00:26:31] And in an email to the Board of Supervisors dated April of 2025, Chief Reeves outlined the assistance being provided under that, quote, operational initiative. On at least one occasion, a detective accompanied Homeland Security investigation agents to a home.

[00:26:51] This occurred under the guise of a so-called wellness check to protect children from human trafficking. The operational initiative, again, from the FOIA documents, clearly states that deportation is the goal for managing unaccompanied children.

[00:27:10] This means we are using wellness checks of children as a way to locate individuals for possible deportation. Let me repeat that. We are using wellness checks of children to identify people for possible deportation. As a citizen, this gives me pause.

[00:27:27] I realize I don't really know what the Board of Supervisors, the ACPD, or the Sheriff's Department with ICE is. What agreements have been signed? What are ways of cooperating informally? I don't believe residents should have to resort to a FOIA request to find out the answers to those questions.

[00:27:45] So many significant changes are happening so rapidly at the national level. It's not only difficult to keep up, but it's hard to know what sources of information to trust. I urge you to provide more transparency and better communication with residents going forward. Thank you.

[00:28:04] Thank you. The next speaker is Drew Goodman. Welcome. Good afternoon. My name is Drew Goodman and I'm a resident of Albemarle County in the Whitehall District. Two of my children attend a new model of early childhood education known as nature-based preschools and I'm here today to speak in strong support of early childhood centers and their alignment with Chapter 7, objective two of our rural areas master plan. Albemarle County has long demonstrated its

[00:28:42] commitment to preserving the extraordinary natural assets that define our region, our mountains, rivers, forests, and biodiversity. Chapter seven objective two clearly states that we share a responsibility to protect these resources and maintain unfragmented land for agriculture, forestry, and ecological balance. When the pandemic shut down preschools in 2020, my family discovered nature-based preschools as a new model of learning, one that embraced the outdoors, not only as a classroom, but as a sanctuary.

[00:29:14] What started as a response to a crisis quickly evolved into a long-term vision for how our children can safely and meaningfully engage with our natural world. But I want to highlight a serious and

growing obstacle that daycare centers, especially nature-based schools, face. Only 5% of Albemarle County's land is zoned for development, and schools fall under commercial zoning.

[00:29:34] That means that educational programs must compete for space with for-profit businesses, often in locations with little to no green space. Meanwhile, new growth continues to strain our development areas, and our infrastructure is not keeping pace. Nature preschools offer a way forward.

[00:29:50] They speak directly to this crisis, not by expanding development, but by using our existing natural spaces with care and intention. This isn't sprawl. This isn't fragmentation. This is preservation through purpose. It aligns directly with Objective 2 of the rural area's plan, protecting and preserving natural resources while maintaining continuous, unfragmented land that supports biodiversity and natural education.

[00:30:15] It also supports Objective 7, educating citizens about the ecological value of the rural landscape. My children don't just learn in the forest, they learn from it. And in doing so, they develop a lasting respect for the environment they will one day inherit. I urge you today to prioritize early education, not just as a service, but as an opportunity to align policy with values.

[00:30:39] We found a model that honors the wonder of childhood and the integrity of our land. We all need to work together to support the economic well-being of our county and the functionality of our communities. Let's build the infrastructure that supports working families where they live and do so in a way that upholds the very values Albemarle has committed to in the comprehensive plan.

[00:30:58] Thank you. The next speaker is Tom Loach. Welcome. Good afternoon. My name is Tom Loach. I'm president of Crozet. At a recent meeting of the board discussing an AC44 document, the board clearly stated there would be no expansion of the growth areas.

[00:31:19] Despite this assertion, the board then included studies for both the Shadwell and Crozet intersections. The statement of no further growth expansion and the addition of two intersection studies for developments are incompatible. For Crozet, the approval of this study is clearly a de facto expansion of the growth area.

[00:31:36] Additionally, if you view the outline of the Crozet study area, you find it includes areas that the community has spent a great deal of time and effort protecting from mobile development. This leads me to my second point. You have before you a segment of a report done by Robert Tucker, then county administrator, completed in 1991.

[00:31:53] Looking at the first highlighted section, you can clearly see that the stated reason for the program is the protection of rural area development. No other reason other than rural protection is found in the document. In the second highlighted section, Mr. Tucker also makes it clear who pays for land use, which today falls mostly on our growth area residents.

[00:32:13] If you look at the next documents, you see 17 years of rural versus growth area development data. What is impressive is the amount of development in the rural area and the cost for that growth paid for by the taxpayers of Albemarle County. While my friend Mr. Williamson from the Free Enterprise often waxes poetically backstating about expanding the current growth area boundaries for development, little could he realize that behind his back there was an ongoing development expansion of the rural area that currently covers an area 1.4 times larger than the growth area of Crozet and continues to grow each year.

[00:32:49] More surprisingly is the loss of rural land compared to growth area development, which averages 20% per year. And if applied over the 17-year study period, shows a loss for the taxpayer of just under \$50 million on a total investment of \$249 million.

[00:33:08] Keep in mind the program has existed since 1975, so the cost is actually millions more. If the Board continues to support the proposed expansion of the Crozet growth area and therefore reneges on its commitment to protection of Ruralia, I see no reason why the residents of Crozet would continue to support such a program with a loss rate of 20% at a time when they have already seen a 20% increase in their taxes in the past three years.

[00:33:35] Thank you. Thank you. Neil Williamson is the next speaker. Good afternoon.

[00:33:50] I am the aforementioned Neil Williamson. I'm here to wax poetically. I appreciate Tom's comments. I, of course, don't agree. But I want to talk about something else that's going to be actually on your agenda today. And that's the historic preservation piece of your cultural resources, which is in your work session today.

[00:34:13] Previously, this board has talked at length about enacting a historic preservation ordinance, HPO, to preserve properties that you and some other entities have decided are historic. This is not a new idea.

[00:34:32] Supervisor Malik and I have disagreed about this for over 20 years. It is really, we've watched HPOs go crazy across the country. It is a matter of degrees. And I wonder if under some of the most stringent HPOs, you would have been allowed to change the windows in this building.

[00:34:55] I mean, you've saved a lot of money, and it's definitely environmentally sensitive to do so, but would you have been allowed under a strict historic preservation ordinance? Now, if you're having challenges as Albemarle County, imagine the homeowner. We hear horror stories of growing families that are unable to expand their homes because they're under this historic preservation ordinance.

[00:35:20] They can't even paint the house a different color. I really ask you to tread carefully as you consider considering a historic preservation ordinance. That's not the only thing in your agenda today and in the chapter, but it really is something that tramples property rights.

[00:35:40] It strikes me as more than a little ironic that without a historic preservation ordinance, you have a really popular house up on the hill that I think most people would call historic. Now, I don't know that the county was too involved in that.

[00:35:59] It was really, as one supervisor mentioned, a bit of luck and private investment. It is still privately held, albeit through a foundation. Tread carefully when you look to take people's property rights, because that's what an HBO does.

[00:36:18] Thank you for the opportunity to speak. Thank you. Thank you. Board, this brings us to the consent agenda, and I want to note at the outset that we have a fuchsia copy.

[00:36:34] There is fuchsia. I'll book it up. Of item 8.2, the personnel policy amendments, and this has been posted on the Albemarle County calendar with other meeting materials. as it has minor modifications to correct the cross-referencing changes.

[00:36:52] And other than that, I am not aware of any amendments to anything. We're pulling anything from the consent agenda. So with this change to 8.2, I'm looking for a motion to approve the amended

consent agenda.

[00:37:08] So moved. Second. We have a motion from Supervisor McKeel, a second from Supervisor Mal. Without objection, a clerk will call the roll. Mr. Pruitt. aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Mallett? Yes. Ms. McKeel? Yes. Ms. Lapista? Kirtley? Aye. Thank you. Board, our action item on the Albemarle Charlottesville Regional Jail, as I've mentioned before, was pulled. So we'll be going directly to item 10, which is our work session for the afternoon, AC44 Cultural Resources Chapter and Resilient Community Content. And this is being led by Tanya Schwartzen-Druber, planning manager, as well as Margaret Malashevsky,

[00:37:48] planning manager. Welcome. Thank you. I'm Tanya Schwartzen-Druber, planning manager for community development department. I'm joined by several colleagues to talk about the cultural

[00:38:25] resources chapter, as well as the community resiliency or the resilient community content. As far as our agenda goes, it's very similar to what we've done before. We'll go through except for the fact that we'll go through the schedule first thing we'll go through the topics I'd like to do those separately if we could go through the cultural resources content first have our discussion and then come back and do the presentation on the resilient

[00:39:00] community crosswalk then we'll do summary of recent commission feedback community input themes a topic overview as well as chapter focus topics for discussion here's our schedule it looks like because we're we're starting to near the end and get closer to adoption so we were at the pc to discuss this just last week on the 27th and then of course we're here in front of you today we'll be going to talk with pc about implement specifically about

[00:39:37] implementation on the 24th of this month, and back in front of you in mid-July on the 16th. For those that are in the audience and joining online, I'd like to remind everybody that there is opportunities for engagement on our Engage Abelfmaro website, specifically for AC44. These have been up throughout the first, second, and now third phases, and you can ask questions. You can sign up for newsletters, I really encourage you to take a look at that website. So what we heard

[00:40:16] from the PC recently, just like I said last week, was they really encouraged us to adaptively reuse structures and emphasize revitalization. Also looked at broadening the type of resources that we inventory within Action 1.2. We did talk some about dark sky regulations and utilizing local expertise to write those regulations. They emphasize the importance of partnerships in accomplishing preservation and conservation goals. Also wanted to be sure that we are

[00:40:55] representing an inclusive history and include more detail on current cultural events and consider associated burdens on property owners related to historic preservation requirements. Just pointing out, the city or the county is lacking a year-round farmer's market. Also, they would like us to consider allowing community gardens within public land, parks, green space, protected areas like flood plains, and allow developers to include shared gardens within their required green space

[00:41:32] development requirements. We heard some very similar themes from the community throughout our engagement process, including the desire for increased historic preservation requirements and enhanced corridor requirements, more historic markers, and more inclusive histories, while we also support cultural and historic tourism. On this slide in front of you, we have a couple of the chapters that are related to cultural resources. They touch on

[00:42:12] many of our chapters, including thriving economy, even transportation, and environmental stewardship. With that, I will turn it over to Margaret. Thank you. Hello, Supervisors. Nice to see you all.

[00:42:29] I'm Margaret Maliszewski. I'm also with the Planning Division of Community Development, and I would just like to note that in addition to the assistance of the AC44 team on this chapter, Chris Taggart, Mariah Gleason, Scott Clark, and James Van Branken have also contributed to the chapter.

[00:42:47] In this chapter, we tried to make the point that cultural resources really make Albemarle the unique place that it is. Cultural resources establish community character, they contribute to our quality of life, and they support our climate action goals.

[00:43:05] But with all those positive attributes comes some significant challenges. For example, thousands of historic resources have been surveyed, and when I say survey, I mean that technical documentation of the characteristics of the resource, not like a door-to-door questionnaire.

[00:43:23] Thousands of historic resources have been surveyed, but many of those surveys are out of date. Many of the early surveys of historic resources focused on high-style architecture, and they failed to look at the more modest buildings in the county.

[00:43:41] They overlooked sometimes the landscape that the buildings were set in and the social context in which those buildings were developed. Another challenge is the varying degree of protection that's in place for the various resources. Many resources have some level of designation.

[00:44:00] Most of those designations have no protection with them. And that is an example of that is our historic resources and some of the scenic roads. In other cases, protections that are in place might be refined to achieve better results.

[00:44:20] Our entrance quarters are one example of that. And other resources are just challenging in themselves. For example, scenic view sheds, simply due to the size of those resources. So the goal, objectives, and actions in this chapter outline some ways to tackle those issues.

[00:44:41] As a reminder, the Cultural Resources Goal says that Albemarle County will recognize, celebrate, and promote awareness of our resources, and we will actively work to identify, preserve, and protect them. The chapter has six objectives, and they focus on maintaining those accurate surveys, educating about the resources, increasing protection through regulations, and increasing incentives and funding streams.

[00:45:12] One of the themes that we've emphasized in this chapter is this abundance of resources and noting that many of these resources overlap. For example, there might be a historic house that's sitting in a landscape of rolling farmland that might be part of an historic district.

[00:45:32] It might be situated on an entrance corridor and along a scenic stream. And maybe there's some land and conservation easement nearby. While protecting every resource isn't practical, we could look at this abundance of resources more holistically, study how they're layered, and see where the overlapping resources can help set priorities for which resources should be protected and what sorts of regulations might be most efficient and effective.

[00:46:04] So we have a couple of questions for you today. One, does the board support the concept of an overlay study of cultural resources to help set protection priorities and does the board support establishing regulations to protect cultural resources and as always any other questions or feedback is

welcome thank you and with that board begin to provide some feedback and response to the questions as well as additional comments so i'm going to just start by going through our order ask us to focus on

[00:46:43] these questions but i imagine these are going to be springboards for additional discussion and i would recommend that we're going to go around multiple times uh in order to to accomplish that so at least looking at these as a as a as a start substitute the word board for commission here and then we'll come back uh supervisor mq yes um i will get us started so i'm going to deal with the three bullets, recognizing that we'll come back for further. So I guess my responses to this

[00:47:20] first portion will be sort of high level. There's a real balance between property rights and the community. And I guess one of my questions, and I'll talk about this a little bit more as we're going through, but who actually determines who the community is? I have a concern about who the

[00:47:56] community is. Gotten to where I'm not so trusting of surveys. I mean, that's just me, but I'm not right now because I think we somehow or another lead out a lot of the community. Having said that, the concept of an overlay study of cultural resources to set protection priorities and methods of protection, the devil's in the details. And I have great concerns about the details.

[00:48:30] I have stood on the front porch of a constituent in the Jack Jewett District who was in tears, who showed me the historical marker on her front door in tears because of what she could not do to maintain her property in a way that she could afford it.

[00:48:49] The devil's in the details, right? And we have had instances in this community where right now we have a major state road, a road of statewide significance that divides our community.

[00:49:07] We were not able to build a bypass around our community where it really needed to be. And I'm not talking about the one that cut through hundreds of houses and neighborhoods in the urban ring. I'm talking about the original bypass.

[00:49:23] That one was stopped by using some of these efforts. I'm just saying. And we also had a cell tower policy, a need to have cell coverage in this community.

[00:49:43] Over 50% of Elmorrow County properties did not have or didn't have cell coverage. And some of these protections for historical districts were used to stop those cell towers. and i'm not saying that i want roads everywhere and i want cell towers everywhere but the devil's in the details about how we establish the criteria and how we use this and i don't want to throw the baby out with the bath water and i will say that there's some really good things i think some

[00:50:15] suggestions you have in this plan but i go back to it's a balance and i have concerns um so i think i answered that first question that bullet does the commission support establish the board is it I'm just reading, but that's okay.

[00:50:32] We love our planning commission, so we're not offended. As a matter of fact, I enjoyed very much listening to the planning commission's discussion of this. Well, I listened to almost all of them, but it was really interesting to hear the discussion about this portion of the complaint.

[00:50:49] Do we support establishing regulations to protect cultural resources? I think I answered it with the first bullet. Maybe, but the devil's in the detail. I have concerns about what the details might be. Are there any questions or feedback on content or objectives? I think as we go through, I'll be able to answer those questions. So that was pretty fast, actually. That's good. Welcome back to Professor Malek. Thank

you. I'll clarify one thing just because I may have been confused. When you mentioned surveying properties for historic

[00:51:26] preservation, I was assuming you were talking about individual documentation of the property and the description, such as we have for all the 100 properties in the downtown Crozet Historic District, not a survey online asking people's opinion. Correct. Okay.

[00:51:41] Very good. Thank you. I just want to make sure I didn't go down the wrong rabbit hole. The, so bullets, the overlay study that you talk about here will be a way, I think, for us to get understanding.

[00:51:58] Mike, my worry about this chapter is there's so many different things lumped together. And yes, in theory, they all work together, but it also dilutes the focus on any one of them. But I think there has to be a way with careful analysis to figure out the concept that you're going for in the first bullet here.

[00:52:21] So I think it's worth the effort, for sure. The same thing with all the different categories for bullet two. I mean, having grown up here, I think that people who have been here for a long time or even people who just moved here came here for the reason that it doesn't look like every place else. And they don't want it to look like where they came from, necessarily, or they probably would have stayed where they were. So it's, I think, sort of respectful of where we've been is important to me going forward. I know when I welcomed a Journey Through Hallow ground

[00:52:57] conference here a number of years ago, I said, those of us who grew up here were lucky we lived our history every day, not just in school, but every day. And we all knew the name of Jack Jewett's horse everybody thought that was pretty funny and ridiculous but it was sort of an example of how the granular level is what a lot of people who live here value um and then we'll get to the number three i guess as we go through the individual thing so i don't know if that helps you or not but i think there are many many parts of bullets one and two that i absolutely will

[00:53:29] support and we'll just have to get there thank you thank you supervisor lakista curtain i actually agree mostly with probably all of what Supervisor McKeel said. I think that everyone who lives here appreciates what we have. They want to preserve it, but I don't think our regulations can be so onerous that we don't allow people to still do what they want to do on their own land, which I believe is a right, Virginia right, to be able to do what you want on your own land. I think maybe

[00:54:09] a method of I think the people who monetarily can afford to do it will want to keep historic preservation. They want that. That's what I'm hearing very much. I think the people that maybe can't afford it, but yet they've got something there, that's where we come in and maybe we can help them so that they can have, we can keep things preserved, but then they can also have quality of life there uh so i i agree the details um or in the the the devil's in the detail i didn't

[00:54:48] want to mention the devil but okay satan's in the details but mice no he's anyway pardon is that better no it's the same thing i just decided to mix it up a little bit but no i like i said i'm really concerned about the regulations because we've done some things that really limit people now do i want someone to come in carte blanche and be able to wipe out things no but i think we do that through education and someone who's going to be here who doesn't really care i mean they're

[00:55:27] going to find a way to maybe level a building that they shouldn't okay i don't know if we can actually do anything to prevent that. However, I think we can help by talking to them, maybe providing

some incentives to keep that building. I will tell you, there is one thing in here, somewhere in our packet, that talked about, yes, you can reuse that building, okay? They want to

[00:56:02] reuse so you can basically redo the whole thing but you have to keep it on the same you know footprint well maybe that family can do an addition or something that still preserves things uh but yet makes it a little bit larger so it makes it livable for them i'm seeing things that that hinder and and not help and i would like to see things that um help people because otherwise they're just going to go in like a forest or something.

[00:56:33] They're going to clear cut, and they go, oh, sorry, didn't realize. So I think there's more we can do as far as working with them instead of having onerous regulations or rules or ordinances. That, I don't think, helps us.

[00:56:50] That's it for now. Supervisor Calloway. I think to start, just to save time, I do endorse. I think Supervisor McKeel did a good job of providing an overview view of what I would say I could agree with. I think I'm going to ask this question because I think it helps me get a little bit more into bullets one and two. On page seven, and I'm just going to have to quote this out loud so everyone knows what I'm talking about. On page seven, it says, with no protection in place and general lack of sufficient incentives, historic resources are being lost to development, redevelopment, demolition, neglect, and limited adaptive reuse.

[00:57:24] Notable losses include the historic Dunlora and Belvedere residences. Resources now memorialized than the names of residential developments that replace them. And then it talks about the barn. In addition to the loss of the resource itself, this leads to a gradual loss of rural character and degradation of the urban environment.

[00:57:42] These impacts could be reduced by establishing new programs that are regulatory and incentive-based. So my question, and this isn't meant to be argumentative or whatever, I'm asking for understanding. What did staff want in place of what exists now in Dunlore and Belvedere if this vision was brought to fruition?

[00:58:03] I think one of the suggestions that the Historic Preservation Committee has made over the years is that those original houses could be retained and incorporated into the developments that are built around them.

[00:58:22] And who would have been responsible for that? I think it could vary. Possibly a homeowners association could use it as a clubhouse or other similar. So the county would basically require it and then put the financial burden on the private entity.

[00:58:40] Even if the farmhouse was such that the resource it would take to preserve the historic resource was such that they might not see that as a fair use of their money. So we would just require it and they'd have to deal with the financial constraint. It's one option. There may be many others.

[00:58:56] And then the costs go to the houses, because I'm sure the developer who pays more for their historic preservation isn't just going to eat it. Maybe one would. I'm sure there are some that do, who have really, really deep pockets, like the gentleman that bought, what's the golf course up?

[00:59:11] I'm sorry, that's probably going to come back and haunt me. But Swanonella, that dude has got buku dollars and loves doing historic preservation. But I know that since I, up until recently, lived in

Dunlora, that I suspect that the cost of my house would have been greater and my HOA dues would be higher if the requirement was that our clubhouse that exists now was some other piece of property.

[00:59:37] But is staff thinking that the county would then provide an incentive so that the burden of that cost wouldn't be put on the private partner? Possible. Have we provided incentives like that in the past? Financial? Not yet. No. then does and does staff have a where do we get that money we don't have the program completely figured out well the answer is the board would have to allocate new dollars that's not currently programmed we just went through a budget process where affordable housing and the monies we provided for that we've been criticized for so we would have to come up with a new funding stream

[01:00:15] that doesn't yet exist unless we could find some grants or something and well federal grants i mean really? For historic preservation? Well, the next four years, that's probably out. But my point here is that I'm really uncomfortable putting some things in play or in place in a comp plan where I've seen time and time again folks come in and quote it back to us without the rest of the comp plan being considered. So they'll take one section like this and say you shouldn't do a development in the development area because of x y and z and your own comp plan says it to the uh to the

[01:00:54] restriction of all the other things that exist in the comp plan as to why we need to develop in the development area so i think i'm going to be really cautious it's great to say support an overlay study it's great to say establishing regulations but to diantha's point about the devils in the details not only is it the details of how to define the cultural resource where they're at what priority or tier do we probably place them in?

[01:01:20] Is this a high-priority cultural resource? Is this a low-priority cultural resource? And if it's a high-priority one, then we have to deal with where to... I'm tired of having to explain to people that we put that the comp plan is a high-minded vision statement that we have no funds to achieve.

[01:01:38] And I say all that to not say I just think we should steamroll over historic resources, but at the end of the day, to actually pull it off, We need the funding and the resources to do it. So, you know, Dunlore and Belvedere is in the development area. I don't like that this is in there as the example, or if it is going to be the example, then what you've all explained in response to my question, which I appreciate, it's rewarded to suggest what you're talking about.

[01:02:06] Because this, to me, seems to go counter to our growth management policy and what our development area is designed to do. And as a representative of Dunlore and Belvedere, when people say, why are you clear-cutting all of this? My first response is reminding them, well, it is in the development area. We've established this area for where units need to go up, and this is how it's going to work. We can't preserve this like this is out in the middle of Whitehall or Samuel Miller in the rural area. It's just not. Now, we'll do the things to protect the scenic resource of the river, which we've done, et cetera, but we can't, I mean, if we didn't have the units coming online

[01:02:42] and Dunnora and Belvedere, we would be further behind in trying to get the housing units that we need online than where we're at, and we're already behind. So I just throw that out again. I'm not accusing you to, getting me all riled up, but the idea is that how we word stuff in here, and if we're going to play out examples, I think they need to be really clear.

[01:03:05] And then I would be entertained in the conversation that Bullets 1 and 2 say, but when I read cultural resources or scenic resources or historic resources, man, I guess it comes down to the six of us

figuring out what that definition is.

[01:03:22] Because just even before the details that Supervisor McKeel was calling out, the definition of cultural resource in and of itself is interesting. Now, that being said, yes, of course I respect history and think it should be there, but if we're really going to do this, then I think that we have to have a conversation about how this plan that we're putting in place, if we're going to say it, vote on it, put it out there for public consumption and say this is the game plan, we have to wrestle with how does this come to fruition.

[01:03:56] Because in five or six years, it would be really easy to say, well, the budget didn't allow us to do this. And I don't know that that's really responsible either, just to throw out something that we think we agree with that really didn't have a way to get at it. So I'll stop there because I know we're going to have a few other passes here.

[01:04:12] Supervisor Pruitt. First question. Yes, I think that's easy. I think Supervisor Malik was very well spoken when she said there are a lot of different things lumped together in this chapter. I think it's really critical that we have a coherent language that we're all sharing and a singular document that we can all cite to when we're talking about cultural resources.

[01:04:40] We have received an email from a constituent who talked about potential Monacan archaeological sites in regard to a proposal that was before this board today. Cited some things that looked reliable from about a decade ago, but I don't have a single county document pointing me to that as a cultural resource.

[01:05:04] I do not have something that helps me distinguish the value of and the nature and quality of Monticello or a Monacan artifact site or a historic vehicle tag, right, an antique vehicle tag.

[01:05:19] All of these are historic preservation techniques. All of these are historic resources, and they're radically different in shape and kind, right? The car I learned how to drive on, and we've already made jokes about how young I am. The car I learned how to drive on still works and is eligible next year for an antique vehicle tag, right?

[01:05:38] So it is ridiculous. It's a Mazda 626, right? It's not. I'll be running my eyes. Point being, there's significant distinctions in kind, in quality, in fundamental essence that I think we need to identify.

[01:05:57] We need to have a coherent vocabulary for what we're talking about. Vernacular architecture. Okay, that means to me a humble building, but at what line does it become historic? What line does it become something worthy of preservation, and what does that mean? Two, I think this board has already had it out in a really thoughtful way, but it depends is the answer.

[01:06:23] I think it is well put that I would like to see maybe some kind of proposal come before us, but it would need to really thoughtfully consider the value of the resource that it is trying to govern or control, the intrusiveness of any interventions.

[01:06:45] And this was touched on in the last comment and also briefly in Supervisor McKeel's comment, but how the flow of costs works, right? That is a critical thing that I think we always have to include, and that should be the top role of us as legislators, thinking how the flow of costs and benefits of any decision trickles down.

[01:07:08] And in this case, the costs and benefits, the benefits are going to be cultural. They're going to be primarily ephemeral. Maybe they're going to be dollars and cents. And the costs might be real dollars

and cents. And we need to be able to, any proposal needs to be very thoughtful about where those dollars and cents flow at whose desk that buck stops is it at our desk representing the taxpayer is it on the desk of um individual homeowners is it on the desk of of people who own massive estates that have historic resources and aren't going to necessarily affect adjacent markets for housing right those are very different questions they very significantly

[01:07:46] change how we would apply them. That being said, I do think, I don't want to suggest that I think we're out doing something that we oughtn't to in thinking about historic preservation, because I do think there's a real value that we need to grapple with and understand and why we're actually doing this. What makes Albemarle County not Charlotte County, not Lynchburg? There are specific things that make us not Lynchburg, or more to the point, to draw this out more precisely, What makes us not random suburb of Sacramento, right?

[01:08:24] You drive through the Inland Empire and you have a cascade of interchangeable places with place names that have been created in my lifetime. You still live in Durham. There is a historic neighborhood around the Durham East Campus called Wall Town.

[01:08:42] It is a historically black neighborhood. It's a historically low-income neighborhood. And it's named for the literal stone wall around Duke's East Campus. It's no longer called Walltown, it's called Trinity Heights, because some thoughtful developers changed its name. Place names do disappear, and place names are a store of community history and identity and understanding.

[01:09:06] And I've shared this once before on the board, but I was at the Virginia History Museum, I think earlier this year, maybe late last year. And in the opening hall, there's a bunch of paintings of different areas of Virginia showing what the different geographic regions of Virginia look like and in the central Virginia south side area one of them is Albemarle County it's a beautiful mill with a little water wheel going and it had a place name comma Albemarle County I don't remember the place name I spent an hour trying to figure out where the hell that was I couldn't find it it doesn't exist anymore um there's like a single private spur trail that I think had part of the name of it and I was like

[01:09:45] I guess it was maybe around here. But that matters, right? That is part of how we consolidate and hold our identity. It's part of what we are. And so there is something of value here. And not to try and read, there is something helpful in the Belvedere example because it is talking about how we preserve identity and place name, setting aside the specific way it's presented.

[01:10:10] So that's all I have. Thank you. I apologize, but I share a lot of the concerns that have been referenced, I think it comes down to my sense that I don't really understand what is meant by cultural resources as compared to historic resources as opposed to scenic resources.

[01:10:30] And if we could just go back to maybe the slide six or seven, I can't remember which one, maybe help explain why I'm confused, I guess. Let's see, go back one more.

[01:10:47] Okay, having an inclusive history, more current cultural events in arts, more detail, associated burdens on property owners. There's so many things that I heard during this part of the presentation that I liked, but then we get to the questions and I'm suddenly aware that there's a tension between public good and private investment and private responsibility that I think the board is saying, But we're really wary of imposing additional costs on property owners for things that aren't well defined.

[01:11:24] In particular, when we start, I think I'm hearing a lot of conflation of cultural resources with historic resources and maybe to some extent scenic resources. I know it was mentioned at the Planning Commission how their Southern Alomar Historic District is 83,000 acres, I believe that's the number that was thrown out.

[01:11:45] And when you start saying, well, we're going to impose restrictions on that, it's like, wait a minute, I really don't know what we're going to be doing to allowing anything to change. And so I share a lot of the concerns that the others have mentioned, and hopefully we can still move through the document and provide additional feedback that maybe helps clarify what parts are giving people pause and what parts are definitely things that I could find I support.

[01:12:15] With that, I hope that gives us some feedback on those questions, but obviously I think that we're going to have to say that details matter, and we're going to look, I hope, at some of those details if we go through the rest of the document.

[01:12:32] Yes, Mr. Chair. So I realize I have an answer for question three, and this is in part because if I'm being very candid, I straight up forgot this chapter is called cultural resources and not historic resources because it seems to mostly talk about historic resources. And it took your comments to remind me that.

[01:12:48] So if there's something that's missing, it's talking about discrete cultural resources that are not tied up in historic and scenic resources, which we don't. Visible records in my district is an important cultural resource. There is nothing in here that would relate to that, right?

[01:13:05] This is a major community hub. It's a major arts hub. It is the anchor for what we talked about potentially identifying as an arts district. And then we talked about just last session about the importance of attracting cultural amenities that are appealing to a younger population that we do not adequately cater to, especially your pre-family kind of population.

[01:13:29] that is a goal of Albemarle County it sounds like it's something we're leaning into potentially being a goal once we adopt the economic development plan but that's a goal of Albemarle County that we need to lean into it's about cultural resources and I don't know that we talk about it anywhere if that makes sense and if you think I'm mischaracterizing this and that is captured somewhere here like art, theater contemporary work I didn't see it leap off the page to me i think you're probably right that we haven't focused on that in the chapter but i

[01:14:09] will point you to page four where we've sort of listed all or maybe not all but many of the resources that would be considered in the broad category of cultural resources yeah i appreciate that list and and then the question becomes is that what's contemplated by the overlay study and protection priorities and regulations.

[01:14:35] And so I don't know that we regulate some of these the same way. Definitely not regulated the same way. Right, not regulated the same way. When I look at that list and we're talking about a study, and we've been waiting for 20 years for some of our ordinances to make their way through to be updated because of the work plan, right?

[01:15:03] So we're going to take on, I'm sorry, And I'm just trying to figure out how this could even happen realistically. So maybe you hire a consultant. I don't know, but I'm just putting that in there. When I'm looking at this list and what we're talking about, thank you.

[01:15:20] Question? Yes. Right. Under cultural resources, the mountains, I mean, what are we going to do to preserve, protect the mountains? I mean, mountains are important, but are we just saying the Blue Ridge, the Southwest Mountains are extremely important, or are we going to actually?

[01:15:43] I mean, the Ridge Overlay District for the cell tower ordinance would be a way that we would protect that. They were off limits for cell towers. Right, and that's the other concern, because we want to have the cultural resources, historic resources, but people also want cell phone service.

[01:16:02] I mean, there's got to be a way, in my opinion, I'm getting calls, you know, that people want cell phone service. It's actually life-saving to be able to have your cell phone service. We're getting Internet throughout, but we don't have cell phone services, and we've got to look at a way to get that.

[01:16:23] The other thing regarding your three questions here, that's going to need, be it tax incentives, funding stream. Okay, that's not going to happen this year because we're already at our budget. And these three questions, personally, I would have really appreciated having these three questions prior, let's say the day before, so that I could look at those questions in regards to what I've read and be able to come up with better answers for you.

[01:17:03] Those are my comments. If it would be helpful, I would suggest that we now go through our order to talk about the chapter more narrowly, you know, focused on the document and see what in the document people have concerns about, questions about.

[01:17:24] And I think I'll just, if I may, suggest that we go and work through it by referring to the implementation. But feel free to go back to the document as you go through that and say, well, this isn't clear.

[01:17:43] Or do we want to make general comments on the document before we get to the implementation of the actions and objectives? For my brain, I'd rather go through having the paper and the annotations that we've done to prepare. Before you get to the implementation of the actions? objectives individually just because it seems to be orderly I'm going to be all over them I'll try but I'm I will be all over the place trying to figure out which objectives go with which one of my notes in the narrative oh I'm not yeah I'm not saying that you can't take all of it at once I don't think well uh yeah I'm not sure that's a good idea either so Jim do you think if we address

[01:18:22] the objection we go through the objectives and the action items that we would actually get at the narrative. That's what I'm trying to suggest. Could I suggest, do you have the objectives and slide form? Maybe we start with that. If we do it, because they're essentially, I'm going to call it three pages. It's a little bit, runs a little bit onto the fourth. We do it one page at a time, or at least objectives one and two first, and give people a chance to focus on those. I think it will make for at least an organized way of approaching it.

[01:18:59] So I wasn't thinking this slide. I was actually thinking the action slide. Here we go. So this goes to 2.6, but I would suggest that maybe 2.7 is something that people should also consider only because we do one and two together.

[01:19:18] So I'd like to start out with just one and two. And if you have things that relate to the text at this point, but we'll get a chance to come back to the text as well. So we'll start with Supervisor McKeown. Sure, and I'll just hit the highlights because of timing.

[01:19:34] So if we're looking at the objective one, cultural one, and then those action items, in looking at 1.2 and 1.4, I thought that they could be collapsed because we talk about the black African-American cemeteries, right?

[01:19:59] but then the monacan nation so and we have other what i would think of as forgotten people so if we could somehow or another maybe collapse it into a larger group to be more inclusive rather than separating out but to be more inclusive for example we have the freeman buildings right the freeman buildings so we have others than this these two that are listed so how we get at that I leave to you. But my suggestion would be to think about being more expansive on that one or

[01:20:37] collapsing specifically 1.2 and 1.4 and adding language that is inclusive. I do not have a problem with establishing a database, which is what I think you're talking about here. Perhaps in 1.3. I made a note database. And obviously, expanding the GIS layer. I mean, I think all of that is appropriate. So I'm not going to push back too much on that at all. So if we go to action

[01:21:17] or objective cultural two, and the action items under two, again, I'm going to the looking at 2.1 in 2.2 and we're providing education and a community awareness of preserving. Talk to me about those two separate items and how you all see those. I guess I'm trying to figure out how

[01:21:52] to not be redundant but to collapse some of these into topics that or action items that but I don't want to to suggest something that is opposite of what you all were thinking when you were writing this. You want to just help me out a little bit with that? I have a question, Mark, about 2.1 and 2.2. I think 2.1 was focusing on getting ideas from the community about the topics that they're

[01:22:22] interested in. And 2.2 is more about making the information available to the community. So one is like getting the ideas, bringing it in, the other is working with that information and getting it out. And it goes back to who determines the community. I'm just saying, the people with the loudest voice of the community. I'm just saying, I have great concerns at times when we deal with

[01:23:00] some of these topics that the loudest voice and the people with the most time, often i.e. money, control the discussions. I'm just saying, I'm putting it on the table here. And so I am very very concerned about who is the community. So is there some language that you're thinking of that we should add to? I wish I could make a suggestion, but I'm just telling you my concerns

[01:23:30] because of the Jack Jewett district that I represent. Let me just see here. Now, to go to 2.7, placemaking program, but not limited to art in public places program. Anything that mentions art I get excited about. I think that is a way to bring a community together around art. We don't always agree on the art, but we agree that we need art, right? And there are some great examples

[01:24:06] in North Carolina of art projects that are sponsored by local governments and general assemblies, I'm just saying. But I would certainly support any way that we can get to in this documents, some art, placemaking. I think that's great. I've done placemaking in my district.

[01:24:29] We have three murals up. We have a hydrant project. Actually, Elmar County, other than in-kind services, didn't put any money into those. But what we did work with VDOT and other organizations, and they allowed us to do some of the work. So it was partnerships, right?

[01:24:52] Let me just see what else. I guess in my other notes are about three. Jim, I'll stop with that and let you go to the next person.

[01:25:09] Super much, Malik. All right, thank you. Excuse me. Okay, so let me zoom back too. So we're looking at 1.1. I support this and think what I wrote, avoid repeating the research done in established districts.

[01:25:27] And I wrote in my notes when people were concerned about what these districts represent. in the Crozet Historic District, which is local, funded locally, accepted and blessed by DHR, Department of Historic Resources, the grand majority of the structures are regular people's houses.

[01:25:46] And that, they're very, very proud of that. So I think there is, if there's the proper welcome done to make sure that people participating in the process are welcome if we go to the places where people are instead of expecting everyone to come here or have a computer then we will find people what has been said to me by long time people who have a small family rural house and have watched the world change around them is there

[01:26:25] are people of all different income levels who benefit from the work ours those who went before did to preserve that viewshed, that quality of life, that landscape for everybody to enjoy.

[01:26:42] It's not just for big people. Many of the properties are off the road and not visible, but they do require a tremendous investment. And I think that while some houses are pretty grand, there is huge investment of those owners in the maintenance of those properties.

[01:27:05] and I will guarantee you that painting those fences is an enormous expense that I have done it myself because I can afford to buy the paint but I'm not going to be able to hire somebody to paint my short stretch of board fence because that's just tens of thousands of dollars but it is just part of the it keeps the animals in but it also creates that rural quality of life let's see 1.2 the cemeteries we are not meeting state law right now and I think that I support

[01:27:39] this tremendously. I think it should be all private cemeteries because they're all different races who have been obliterated by new owners who could not be stopped before the bulldozers ran them over. So I wouldn't mind just being inclusive there. I support 1.3. 1.4, I would really like to have the Monacans have their own line because they are the only group who's been

[01:28:11] here for 10,000 years and there are many monikins living among us and it's i think that that would be beneficial there's sites all over the place that could benefit i mean the the um settlement there in the lincoln hole basin that was preserved by the rock slide from the railroad trestle i mean there's still nobody's begun to really do any work on that and so it it would be really great to be able to do a better job in Albemarle and not just have the preservation left to other counties

[01:28:48] or at least the information that is gained. 2.1 Historic Preservation Committee programs. There's been discussion over the last couple of meetings about sponsoring educational programs such as when LA did his presentation here and it was standing room only talking about all different sizes of houses in a certain time period that everybody really wanted to to know about it so if that's what we're talking about of one form of education in addition to the the physical structures then i think that would be well received on the part of our citizenry all

[01:29:27] different folks 2.6 dhr has tools readily available i'm just worried when we're we're being very eager to be helpful, but we have to be careful not to be repeating what other people are already doing. And so I know that, Margaret, you have been fabulous at connecting new owners of properties with DHR

guidelines, and we've had meetings in different situations in the White Hall District connecting people to the historic resources funding to be able to help, because

[01:30:04] sometimes it is more expensive to fix something that's older, requires extra care, and there are resources to bridge that gap that people have to find out about before they can benefit from it and i think i am a full believer in the commons and so i think the community as a whole benefits from all of these efforts put together and i do love the idea of the art i know it was an absolute totally demoralizing when all of the murals that 50 different people built painted of all the older

[01:30:44] buildings in Crozet all around the Great Value that the new owners just came in and painted them all over without even telling anybody. I mean, I had photographed some of them, but I didn't even know that this was coming. So that kind of arrogance and lack of care is what a lot of people think about when they think about the fact that we have no preservation regulations.

[01:31:04] And several people have mentioned all these difficulties that people are having, but we have no rules in Albemarle that cause this to happen. So if we're going to get mad about something, let's make sure we're getting mad about something that's in Albemarle and not somewhere else, because I would like to know where people are having difficulties doing what they need to do with something they have bought knowingly or not.

[01:31:26] I don't know. But anyway, I would love to get that extra information. And I guess I'm at the end of two, so I will stop there. Supervisor Loquise-Tucker. Thank you very much. Regarding objective one, I do think I don't have any problems with 1.2 and 1.4 being combined.

[01:31:47] On 1.3, we're identifying and monitoring resources. When I was on the Historic Preservation Committee, we could not prevent someone from demolishing a historic building that's on their property.

[01:32:05] So, therefore, we went out and took photos to preserve them. So can you explain to me where it says expand the county's historic resource GIS layer to include these resources with that because those would be photos?

[01:32:22] I think this one's talking more about if you're aware of a resource that is maybe not being maintained or is abandoned or is just being neglected to be able to monitor that over time and keep track of what's happening with it.

[01:32:53] I think this plays into some of the education actions as well to contact property owners and make resources available, help them understand what the value of the property is and to try to move towards maintenance.

[01:33:15] Okay, so this would be a way to contact the property owners of these deteriorating buildings. Pardon? I thought maybe it was a database. That was what I was thinking. I didn't mean to interrupt you. No, no, no, that's good. Thank you. Are you talking about a database?

[01:33:31] That's the way I was thinking about it. Yeah, I think that's what it's saying. Identify these and make them available on one of the GIS layers. And how are you identifying them? because i mean usually a property owner if there's a deteriorating building and they don't want to do anything about it they're certainly not going to call us up and tell us that was my experience when i was on the historic preservation committee sure i think that it's um it's like you experienced on the historic preservation committees um some some of those committee members are aware

[01:34:04] of those resources and can bring them bring that information uh to the group and right move forward from there but basically if the owner doesn't if we contact the owner and we have once again some kind of a funding or tax incentive for the owner to fix it up you know that's that's one thing uh if we don't then basically we take photos and preserve it correct uh yeah that's right okay

[01:34:35] all right um 2.1 when we're talking about the the last line through a variety of methods including but not limited to historical markers, it would be nice to have in there viewable historic markers.

[01:34:53] And what I mean by that, and I brought it up on the Historic Preservation Committee when I was on there, is to be able to see it because some of the markers, you're going 50 miles an hour. There's no place to stop, and it's really difficult to read.

[01:35:09] I haven't been able to do that. Maybe some people can, but, you know, it would be nice to have historical markers in a place where people could either pull off or somewhere where they could read it, maybe future markers.

[01:35:26] And I think we're actually working on that. 2.5, I love 2.5 and 2.6, totally support. And I'm wondering regarding 2.5 outreach, because we don't know where everything is to be preserved and historic, correct?

[01:35:47] I mean, I ran into someone in the Keswick area when I surveyed, when I was walking on their property. They said, here's an old cemetery, small but old family cemetery. I don't know how far back it goes. there was also remnants of a chimney that they kept preserved goes back who knows when that was all that was left um are we doing anything to team up with maybe uva pvcc the high schools regarding historic places things or do we know where everything is i mean maybe they have some

[01:36:23] information we don't we don't know where everything is definitely um that's part of why number one exists and we want to become get more comprehensive and where where what the resources are and where they are we do not have a specific program in place right now to partner with other groups but that is what that 2.2.5 is getting it but with you right I mean bridge reaching out to other institutions that may have the information that we don't.

[01:37:00] Right. Okay. And the last one, 2.7. I know we're talking about historic, unique historic character of the county, but it seems like that's looking into the past and cultural.

[01:37:18] I see that as not only the past but current and future. And I'm thinking of having something in there that talks about the current culture of artists. So, for example, if we do have displays, if we do have events where art can be displayed, I don't want it just to be historical.

[01:37:42] I mean, that's important, too, but not just historical, but current, because that's part of our culture also. And those are all my suggestions. Supervisor Galloway? I mean, for the most part, I mean, understood.

[01:37:58] I think hearing your response to some of the questions about objective one being really just getting the inventory. It's not really required. I mean, it takes resources to do that, but it's not saying we're going to do anything with it. But really, if you don't have an understanding of the actual inventory, where it's at, you can't really decide anything.

[01:38:18] So with that, I don't, I think some of my, I can skip some of the things that I had written down for that. I don't really have an issue with number two, or many of the actions here, because it does mainly

seem to be of education and just providing the information to folks, you know, without necessarily committing us to having to do anything.

[01:38:45] I mean, you do have in your narrative talking about some of the local things that can be done, incentives, tax abatements, things like that. So that's probably appropriate in another section where we talk about that, which is why this is laid out this way. So I was looking at the marker one.

[01:39:03] I guess I'll just make this point here, like the historical markers. And we had two historical markers out on Ryo Mills Road. It was the Monacan Nation marker and the Ryo Mills marker, I believe. And one was overgrown and one was half knocked over.

[01:39:19] And I'm not remembering. I know it got resolved, but I'm not remembering who was responsible for that. And I'm not asking for that answer right now. My point would be, however, when we were dealing with the weeds in our medians, we have these really stringent requirements on people for our entrance corridors, yet the public spaces looked like crap.

[01:39:44] So what you do is you have your own locality's actions versus the ideals you state you have. And when your own actions don't back up the ideals, those ideals often mean nothing. So I'm curious if in here we need to get at a proper understanding of who ultimately is responsible.

[01:40:08] And even if we're not responsible, we probably have a responsibility to be responsible. Because if we're going to require and say that we really value history to the extent that we'd be supportive of putting markers and things out there, then we probably have an onus in making sure that it's kept up and that we notice it.

[01:40:28] And we have a person that we hired and a whole piece of equipment to help with the medians and to make things look better along our entrance corridors. So we even actually have the starts of a department that could do this. So I'm just trying to tie together, matching up.

[01:40:44] This is why I have problems with things that I know is we're going to require dollars that we don't currently have funding for and we're limited on. Because now I'm stating as a supervisor, I think that's important. Just not important enough to fund. So, well, you tell me how we're going to do it in three years or four years.

[01:41:00] I mean, I've done it eight years, and there are things like this that gets immediately tossed out because we have to hire police officers or provide funding for other things. So, you know, the comp plan states everything like it's your highest priority. I just don't like doing that without being able to back up a feasible way if it requires funding to do it or making sure that we understand as an organization.

[01:41:27] Well, if we're going to say that we think art and music and things are in place, we really don't do much to support that. We provide money to the organizations that do it. But that's really the extent of our piece, accepting Supervisor McKeel's hydrants, fire hydrants, and the paintings and stuff that I know that she initiated and the bus stops in the Jewett District.

[01:41:49] But even that was grant-related, I believe. Well, fundraising mostly. So private fundraising dollars. So I'm not, I don't mean to lecture, it's just the idea that, man, if you're going to state things are really important to you and our ideals, then I'd like to maybe see some objectives in here or action items that state, and maybe they're there because I'm focused all on two.

[01:42:12] But, you know, if VDOT's responsible for those two markers that got fixed on Ryo Mills Road, are we saying our responsibility is just let them know and wait around for them to do it? Or maybe we just go in and handle it for them since it's in our locality, and we think historic preservation is more important than waiting around for somebody else to take care of it.

[01:42:29] So I think along the lines of music, a lot of the other things we're placing, I'm using that marker one as an example, that we could have some action items here that say, here's how we're going to go about proving our words, proving our ideals, and matching them with some actions that we could pull off, given the personnel that we have and some of the ways we're going.

[01:42:50] I'll leave it at that. Thank you. thank you supervisor broad um quick question and this is again me like a lot of my questions and comments are going to be now grappling with how far we're expanding what we understand to be a cultural resource because i see potentially gaps there right um help me understand are we considering at all are we only looking at resources that would be described as tangible i ask because like you know it's extinct now the monican language would be a resource right

[01:43:26] washington dc would consider the dc hardcore scene as being a cultural resource right new york in the 90s would consider the ballroom scene as being a cultural resource and we have equivalent things right um i guess i asked that as an open-ended question i'm not sure if we have the capacity to deal with that but there's probably things that we would determine are worthy of promoting maintaining partnering with stakeholders and that might be intangible and

[01:43:56] i'm not sure we're entirely contemplating that in this guide um uh 1.3 we talked about this briefly i would um i would suggest i think this is actually two not particularly related uh objectives or sorry actions i think partnering um the expanding of the gis layer to the specific distressed and uh vulnerable units seems mistaken when we don't talk about gis elsewhere it seems like if anything gis like updating the gis layer with whatever kind of hierarchy and like um you know

[01:44:35] schema legend we create for identifying cultural resources in 1.1 our big study that we've talked about quite a lot right like incorporating that into the gis layer seems like the thing we're trying to say we want to do i'm not sure to get to the previous point i'm not sure when you're looking at specific distressed and under maintained buildings that putting them in the gis layer is necessarily the prime thing that we're concerned about using the gis layer for like i'm not going to be like oh i as my an owner of a lot of slum properties let me let me look oh no i'm called out

[01:45:10] in the GIS layer, you know, that doesn't, I think, shape or impact behavior. Thinking again about cultural resources, what is a cultural resource? I'm now trying to think of more examples in our community. I've mentioned it before in here, but Hello Comics is a cultural resource. Hello Comics is a focal point of a distinct and important subculture to a lot of members of this community.

[01:45:37] It's something that attracts tourists from outside the community. Next Door Neighbor, the End Games, is also a cultural resource that is targeting a very specific and discreet subculture that does attract attention. You will see people saying, I'm visiting Charlottesville for seven days on Reddit, and it will be a thing people suggest them to visit, right?

[01:45:59] And that is something that is floating by our level of engagement. And I think, again, if we're trying to make a community that is attractive to a younger generation, an incoming generation, we need to

grapple with this. So I might suggest as an additional action here, identifying focal points of contemporary art, culture, and subculture.

[01:46:21] And then working to, we have other language in here. Oh, I lost it. Identify, document, and monitor those resources, right? Like, include that in some kind of, not even registry, but public consciousness, government consciousness of what these institutions are, what purpose they're serving, what kind of role they have in our culture, right?

[01:46:49] And those were two very specific nerd culture examples, because that's the ones I know offhand, but, I mean, we have these institutions, right? Similarly, I think there's probably, I think 2.5 could probably be understood to embrace this, but given how easily I think we did not think of contemporary culture, I wonder if it might warrant being broken out into a separate action item.

[01:47:22] So after 2.5, partner with stakeholders in the arts and culture community to develop events and marketing to enhance attention, I don't know, to develop those things. I think that would be well put, right?

[01:47:38] Let's take a thoughtful look at contemporary culture that we already have here, and let's see how we can actually make sure that people freaking know about it, that we're able to. Because so often you talk to a local artist, a local purveyor in the culture space, right?

[01:47:54] This is important for the town of Scottsville, where I spend a lot of time thinking. And the thing they want is, oh, can you help make people know this is here? Can you create some kind of forcing function for getting people here? Festivals, events, art walks, you're familiar with the drill.

[01:48:09] Things that are relatively light touch on our budget, depending on how we're involved. but are important to those organizations and important to developing them out. And I'm not entirely sure I see that contemplated here. I would also just state it was interesting hearing Supervisor Malik talk about murals, right, the loss of murals.

[01:48:33] I'm not sure this relates into the comprehensive plan per se, but I'm thinking, like, oh, that's a problem. I see that as a problem, right? public art like that is cool but it's also public art that's inherently tied up in private property um i don't know that's an easy thing to preserve but the opposite is it's a very easy thing to incentivize um lots of cities have mural grant funds for end unit row homes right that would not be an expensive thing a five thousand dollar grant for someone that they could apply to we would

[01:49:09] have 10 of them maybe and suddenly you've got 10 murals in residential communities all that'd be that'd be dope as hell um i think that's all i have and i'll note that's the first time that phrase has been used in a second um thank you i'm going to uh just uh climb on to the previous comments i think the cost uh issues are are something that we just haven't really thought

[01:49:44] through and we put some of this down but I do really appreciate supervisor Pruitt's comments about 1.3 being really two different pieces and that we need to do more with GIS but not necessarily just use it to identify places that are in bad shape and and similarly I think that there should be additional objective relating to culture in the broader sense and not just an overemphasis I think, still on historic and scenic resources, which I think are important, but I appreciate the

[01:50:17] comment. So with that, unless there are more, I'd like us to turn to three and four and continue this exercise in looking at the objectives and the actions at the end and see if that prompts additional. So

Supervisor McKeel. And I just put a lozenge in my mouth. I apologize.

[01:50:40] So ignore my sucking here. And just to backtrack a little bit, because we've talked so much about historic markers, there is an app that was created by someone in Charlottesville that you can put on your phone.

[01:50:57] And as you drive by a historic marker, you can read all about what's on that marker and you read all about it. And I think we don't advertise that app enough. It's free, downloaded. So I've mentioned it several times.

[01:51:14] So there is a way to find out about markers that are down a back road. And I get your point because that is a shame. But technology can help us. All right. So, Jim, I'm going to go on now to cultural three and the action items for three.

[01:51:36] 3.1, Establish a Historic Preservation Ordinance with a Broadview of Eligibility Criteria, scares me. That really scared me. I might go along with that, but it would have to be really narrowly tailored, right?

[01:51:59] We should not be talking about wholesale protection here, because that's what we've had in some cases in the past that's led us down to some places that we're not very happy about, or at least some of us are not very happy about. So, narrowly tailored is what I would say there.

[01:52:19] And I'm talking specifically about some of our historically protected areas, right, that have led us to having so much of the property in Albemarle County protected, and then we can't do things in those areas.

[01:52:45] um 3.2 um again i'm a little concerned here because we don't want to create a milestone around property owners next right so how do we so it's a balance and i get that i'm just saying that we want to make sure that um we're talking about a demolition ordinance um enforcement tools for demolition of protected historic resources and cynical overlays i just worry a little bit

[01:53:22] about, again, some of these worry me in the way they could play out if they're not tailored very carefully. And that same thing for 3.3 we get into. And I'm not saying that I don't think we should protect some of our historic resources, but have we determined what exactly we're talking about with this, with the definition? I guess that gets back to the definition as well.

[01:53:54] Let's go on to four. 4.1, evaluate and consider adopting, and it says, real estate and tax incentives to encourage retention of historic resources. Wow.

[01:54:10] So we're going to get tax breaks. Are these tax breaks supported by the bulk of our community? We have already lots of tax breaks that a number of our community members don't think they are available for them, right?

[01:54:32] I'm just saying, how many tax breaks? What are, this really worries me. Now, maybe evaluate and consider adopting a variety of incentives. But this actually says real estate tax incentives, which says to me perhaps tax breaks.

[01:54:54] I'm just not sure about what the language means. But I would take out a real estate and tax incentives and at least think about a variety of incentives rather than, I guess what I'm saying, to be perfectly honest with you, I am concerned about using a tax code to give some people a leg up, what I'm concerned about, right?

[01:55:24] Because I think there are people in our community that feel like that's happening a lot. And the other thing is that the tax code is very complicated. And I think a lot of people, there are people that can pay for a tax accountant or someone to do their taxes and figure out all these incentives and all of these advantages.

[01:55:48] And then I'm saying that I probably couldn't, and I don't think a lot of my constituents could. I do agree that looking at adaptive renovation and adaptive reuse, including energy efficient upgrades, I think written correctly and implemented correctly, I think that's good.

[01:56:18] And that may get a little bit to what Bea was talking about a little bit earlier in our discussion. but establish a toolbox for restoration and reuse of existing structures. I guess, tell me what you mean by toolbox, just options.

[01:56:42] I think you probably heard, I think the Planning Commission had similar comments, and we don't mean an actual physical toolbox, but a place where people who are wanting to restore and adaptively reuse a structure can go and maybe it includes a list of contractors or places where you can find historic materials or just other information sources to help with the project.

[01:57:13] So you're talking about options, maybe another word rather than tools. I mean, I get that in the vernacular, but anyway. And you do get, as part of the budgetary process, Establish funding streams and financial incentives to encourage land and scenic conservation.

[01:57:38] And this gets back, I think, I agree with everything that Ned said earlier about our budget and our challenges. And I would encourage us to look at partnerships and using what we have in the community.

[01:57:57] I will say that one of the best examples right now, in my opinion, of what's happening in our community with restoring a really an example of a historic structure is what the University of Virginia is doing over at Birdwood.

[01:58:15] They have done an extraordinary job over there. And they've taken that project and it tells a story. I mean, as someone who was in that facility 40 years ago, that building 40 years ago, and looking at how they brought it forward, So maybe working or thinking about working with the university on how they've worked through that process because they've done an excellent job.

[01:58:47] Now, I recognize that that's foundation property, so that's not property. But just looking at how they have gone back and researched the facility, you know, the building and the work they've done, I think has been outstanding in their renovations that are happening now.

[01:59:05] But Outlaw County can't pay for those, so I'm not suggesting that we would be going in and paying for renovations like the foundation is doing at Birdwood. But they do have a really interesting process, and I think it's maybe worth looking at. Where am I? Let me see. I think I've lost my place now.

[01:59:24] And so I think with the exception of, again, 4.9, it talks about African-American cemeteries, which I agree with.

[01:59:45] But again, expanding a little bit that just the African-American, the language there, to be more inclusive.

[02:00:02] Emphasize greater protection of historic resources in the county's conservation easement program. So that just says to me that more tax incentives, more tax breaks. And in our challenging budget

time, I'm very concerned. And we're not going to be getting money from the federal government.

[02:00:21] We're not going to be getting many grants for any time in the new future, in my opinion. We're going to be digging ourselves out of a hole. I'm just saying. So I think that was, we were going to three.

[02:00:40] Let me just make sure one more, if I had anything else. And I guess just a comment, a very general comment, because I don't think I said this earlier.

[02:00:58] I don't think preservation of a lifestyle should be an impediment to the future. And we have done some of that in this community, of the lifestyle. And what I'm talking about is the plantation lifestyle or whatever it might be, right?

[02:01:15] I don't think we should use preservation of a specific lifestyle as an impediment to the future. In other words, things need to change and we need to adjust. And thinking it through that lens, for example, and you're looking at me like you don't know what I'm talking about.

[02:01:41] So a historic plantation should not be able to control their viewshed so that people sipping wine at their historic plantation can't see in the cell tower.

[02:02:01] I'm just saying. That's helpful. That's where I stand. You don't own your viewshed. And we've had that happen for multiple attempts. the example is very helpful thank you right well and that gets to to me a little bit with Monticello Monticello controls their viewshed they've controlled their viewshed for a long time and we've given them a bully pulpit to do that I'm not saying necessarily to take it completely away

[02:02:31] but they have an obligation to to this community and we're struggling uh mightily in the community And I'll stop with that. Thank you. Supervisor Mellon. Thank you.

[02:02:48] As I look for other things, I was on the board when the Monticello advisory was adopted, and there is no veto power, no anything. It's encouraged for people like Giant to reach out and have conversations with them, but it's not punitive or beyond that.

[02:03:10] That's what I remember when it was passed. So I'm going back here to three and four. Suggestion from, in our emails, rather than focusing on the number of protective resources in objective three to develop processes to better protect the full range of cultural resources that define the character and sense of place of Almaro County, I find that phrase very appealing.

[02:03:41] And I think it covers, is welcoming and it covers lots of different things. Regarding, I wrote a note down, 3.1, 2, and 3, obviously more details will be helpful, but I have positive feelings about all of those right now with the information which I have.

[02:04:02] The historic districts, in my experience, have been done by landowners working together, developing the documents and paying for everything in order to, and reach out to DHR for approval. So that's a state program, and I've been to numbers of unveilings, But I also know that the county and the city together supported the restoration of the Cargreer Farmstead and that marker there, and that's the thing that I think is an appropriate use of county resources.

[02:04:37] That one was on jointly owned property, so that may be a little different category, but I think it was a very, very wise thing to be supporting at Ivy Creek. The 4.1, I had written down means-tested only, if we're considering this.

[02:04:56] And I do like the idea, someone mentioned, of a variety of incentives as a way to go forward with that. 4.3, I had written down also an email suggestion, update the county's historic preservation plan in coordination with the completion of the proposed rural area land use plan.

[02:05:15] But that also, there are plenty of historic cultural things in the growth area. So I guess there may need to be an extra consideration to be able to put that in there somewhere because the example that came to mind when we were discussing about the Belvedere and Dunlora is Brookhill, the developer chose to keep the house and turn it into the, and what we're able to, let's put it that way, keep the house and turn that into the community center for, there's still 1,500 or so units on that property, so it's plenty of accessibility.

[02:05:54] That was just the example that came to mind. 4.6, I think they're a great example. Suburban was given. I had written down just the Levy Opera House as a way that is being reused. I think that's a great example of how we can do past, present, and future and solve a lot of things.

[02:06:17] 4.9, again, all cemeteries. 4.11, if we're talking about the new criteria for the ACE program, Then I think just as it's needed to have criteria for a decade about more natural heritage criteria, the plants and that kind of thing, the Natural Heritage Committee type regime, it also needs to have better inclusion in criteria when we get back to that for historic resources on the property because it is all part of a package.

[02:06:58] And this may continue to be a donation program under ACEA as opposed to a purchase program as ACE was. And certainly lots and lots of acres have come under the donation program.

[02:07:14] And if that's what we need to do for the next generation, then so be it. But getting these criteria added would be very helpful. And I think I'm supposed to stop at the end of four. Let me jump over here one second. We talked about that.

[02:07:31] Okay, I'll stop there. Thank you. Supervisor LaPistro-Kirbin? Thank you. On 3.1, I don't agree with that. Do not agree with that because you're an ordinance.

[02:07:47] I'd have to see what it looked like. And a broad view of eligibility criteria, I mean, I'd want to see what it looked like before even going there, frankly. I just don't get it. 3.2, I think investigate legal tools for historic preservation, including a demolition ordinance, stronger enforcement code.

[02:08:13] This is on people's private property, unless that's going to be stated clearly. But if it's on people's private property, I think that's overreach. I personally think that that's going to be a hard one. i think once again encouraging working with people okay but to go down the legal road with some of this i think it's going to be hard maybe looking at state law might not be possible at all

[02:08:43] not sure 4.1 i i would actually put that in with 4.6 and i've talked about tax incentives and a funding stream if we're going to do these things i'm not saying to do it i'm saying if we're going to do some of these things we need tax incentives a funding stream i would rather personally i would rather go through private partner uh partnerships donations uh things like that and i and i think

[02:09:18] you could get that i'm against really i'm totally in favor of pursuing grants donations partnerships tax credits and financial incentives once again i think we have to decide if we're going all in or not then we provide those the monetary solutions other than that i think we need to come up with

another way because right now we're not going to be giving anything because we're done with our budget, but I think we should find other ways because there's a lot of people that are interested

[02:09:58] in our history. Our history provides a lot of money for our tourism. We get millions and millions of dollars from tourism. They go to see historic things that they wouldn't see otherwise. That's a way to incentivize people also and to help them maybe even get the CACVB involved.

[02:10:20] That's what I have. Thank you. Supervisor Keller. I think for number three, given some of the comments that everybody has made earlier about cultural resources, definitions, et cetera, it just has to be made clear that all that must happen before we could ever even get to this point.

[02:10:43] So it could be here as an objective, but some objectives I think need to state that. Like, we're not working on this. We have to do X, Y, and Z before this objective can even happen. I think in other places that doesn't necessarily exist, but I think it does for this one.

[02:11:01] I think for four, the concern about incentives and funding can be two different things. A tax abatement is not, you don't need cash on hand to provide a tax incentive or abatement. I get that. It is a loss in revenue, however, so we have to just make sure we understand that.

[02:11:18] I'm wondering, as I've been hearing different comments about, well, this isn't something that's currently funded. Because this is an issue that I think exists in other chapters as well, like the climate one I can think of. I wonder if it's just a strategy or a possibility.

[02:11:35] I don't know if it's a good idea or not. If we put in notations on things that we state, like, for example, number four, increase the availability of incentives and funding streams. If it's noted, this is currently an unfunded item in our budget.

[02:11:52] Requires prioritization by the BOS to be enacted in a future budget. I just wonder if some sort of notation like that throughout the entire plan might be helpful. Because then if somebody's reading the comp plan and you just move here to my point earlier about how folks bring this comp plan and tell us you've got to do it, put in your comp plan.

[02:12:13] But if they pay attention and they've been around for decades, they probably know it's not a funded item. But if they just moved here six months ago and they're reading the comp plan and go, oh, well, this is an ideal, this is a priority, but it's not funded, requires a vote of the board that might just, I don't know, maybe think about that and see if that's an idea that's worth it, not just here but in other chapters as well.

[02:12:34] Because then it at least puts the onus on the board to say we have to take a budget vote to live up to this idea or this priority or this objective. And then I like having the responsibility as a board member for that because staff, you're the ones that deal with it.

[02:12:51] And what do you explain to them? Well, that's not a funded item, and until the board prioritizes it, let's just put it out there that it's there. I don't know if we need, like I'm curious between, I'm going to kind of cross over two here, like 3.3 and 4.9. I guess 3.3 is identifying, or no, not even identifying.

[02:13:14] It's already been identified. Number 3.3 would protect the resource, which could include cemeteries, not that there wouldn't be other archaeological sites, I understand. But then 4.9 talks about funding sources specifically for the cemeteries.

[02:13:32] So that is the difference. 3.3 says it's now protected. 4.9 says here's the funding to help the protected resource. Do I have that right? All right. What do we do now for 3.3 and 4.9? Because I know the site over on Birkmar, I forget which one, but it was right next to the SPCA, and there was the tiny little cemetery.

[02:13:56] And I know that as part of that redevelopment and that zoning application, that the cemetery had to be protected and the developer worked on it. And it was part of the, I can't remember if it was a proffer or a condition or whatever. But something's in place that identified that cemetery and required it to be protected and allow access to folks that still wanted to visit it.

[02:14:15] So tell me what's in place now. So I think what you're referring to would be projects that are maybe road projects that have federal or state funding which are subject to requirements, Section 106 requirements.

[02:14:31] No, that was just an upzoning. It's all in the county development. It had nothing to do with roads. It was the Berkmar Flats or the one that connects back behind. I thought it was the one that connects to Agner Hurt, but I might have the property wrong. But there was down in the corner, Sherrod was closer to the property, the SPCA property, and they basically had to kind of fence it, and they provide parking, and they provided that.

[02:14:55] Now, they weren't doing that out of the goodness of their – I mean, they were, but there was also a requirement, and I don't remember if it was a condition. Sure, then it must have been through a special use permit or rezoning, then you'll have the ability to impose conditions or proffers where that sort of resource would be protected.

[02:15:11] So you're saying had that been a by-right project that they wouldn't have had to do that? With state law, the cemetery protection is a state law. That's what we've been told by DHR for a long time. We just don't have a mechanism to achieve it unless there is one of those special permits.

[02:15:27] I don't recall all the details of the requirements for that particular site. Yes, the cemetery has to be protected by state law. The way that it's treated, if it was required to have a fence and whatever else, if there was signage or whatever, that would have not been, I don't think that would have been required through state law.

[02:15:49] That would have been through a special use permit condition or a rezoning proffer. I think it would be helpful for me and maybe to the board to understand, because of those two items, some of this happens. So if it's already happening by some mechanism versus being completely something we're drawing up from scratch as a new regulation, that if we've got something, maybe it is just special use permit.

[02:16:15] I don't know. So maybe it is just a special use permit process, opens the door to allow us to protect it. But to me, understanding that, it seems to me to be easier to build into something because it already exists on the books somehow. And we can expand maybe the criteria. So I'm just trying to understand, you know, what the yardage is between what currently exists and what we may want to exist, because I think that's a smaller lift than creating a brand new something, regulation.

[02:16:42] Sure. So just to be clear, the cemeteries are their own special thing. I know this has come up in other things over the years where it's not just been cemeteries, where other historic things have been

found to exist. Because I just remember applicants and people saying, well, we're going to do the proper blah, blah, blah to understand what's going on.

[02:17:03] So the county has the ability to put in some of those protections or particular treatments when there's a special use permit or rezoning under consideration. So that's one way. The other way is if state or federal funds are being used in transportation projects, then there is a requirement that cultural resources be considered and negative impacts be mitigated.

[02:17:31] But it sounds like if it's a by-right project, the cemetery would be protected by state law, but if it were some other archaeological find or something of significance other than that, that the by-right, unless it says it's by-right, they wouldn't have to comply. Correct. So I think I just want to understand that.

[02:17:48] Like, I need that laid out somewhere of how would all the different, you know, things like a chart, I don't know, something that could maybe come out to us in email later. It would just, I think seeing that could help me go, all right, well, if we do it, if we can do it by special use permit or an upzoning or a rezoning, then perhaps there's a way to protect some of this because it's not that much of a stretch to go further.

[02:18:12] But I don't know, maybe after I see it all, I think otherwise, but all right. So on 4.11, and I don't think what you, in the back and forth about that with Supervisor Malik, tell me more about this.

[02:18:29] Emphasize greater protection of historic resources in the conservation easement programs. So just tell me what that means. It is exactly what was referred to. Just require extra protection, or are we providing extra incentive?

[02:18:45] Well, I think, for example, in the ACE program, with the criteria we're being or changes to the criteria we're being considered could give more points to historic resources. It could also apply to the ACEA program where right now there aren't there's not much focus at all on historic resources on these conservation properties, but there could be more focus on it.

[02:19:16] All right. So let me say it back and I'll see if I understand it. So I apply for a conservation easement that goes through a scoring process. I don't have any historic resource. I get a score. My neighbor's got pretty much the identical property, but it has a historic barn on it. He gets extra or she gets extra points for that application to get into the conservation easement because they have a historic resource on the property.

[02:19:39] And they commit to restoring it. That's really important. You don't just get to have it. But it's more entry into the program, not some sort of added thing for the person once they're in the program. It just maybe helps them get into the program initially and then commits them to the resource.

[02:20:02] I would hope anything for number four, read in my note here, yeah, because the funding stream, I think my general note about noting that it's not funded would suffice.

[02:20:20] I think to number four, and this goes to some of the concerns Supervisor McHugh I know was voicing, I think, I would hope that any incentives or programs we do, regardless of what they are in number four, will be income-based. Because flat support, I think, would be incredibly unfair.

[02:20:42] So that has to be in there. 410, I don't know that 410 is necessary. I think incentive programs, regardless of our housing incentives or developer incentives, I've always preached flexibility in the

incentive program, that it has to be so defined that it doesn't allow for some incentive that somebody didn't think about.

[02:21:09] I think if you put an incentive program out and you say to the community, a property owner, here are incentives that we've come up with that we think could work, that we could define. But if you come up with another one, bring it to us so we can consider it, we'd be open to that. I think that's stronger than doing some periodic survey about what is this?

[02:21:27] What do you mean? What incentives should I come up with for historic? Like even if I'm a historic property owner, if I don't need the incentive at that time, what? But if I read a program because I'm interested in applying for an incentive. And I read these five incentives that are available and they don't really match.

[02:21:43] And I said to myself, man, if they only had an incentive that did this, they should have be whatever we've got out there, it should say, talk to us. Because the historic preservation is the important part, not these well-defined, so defined that it may exclude getting to that goal.

[02:22:03] Let's not get in our way. If you've got a suggestion for an incentive, by all means, suggest it to us. And whether that's a sign-off by the county executive or the board or whoever, we can talk about that. I think that's better than doing some periodic survey. So just build it into the incentive program.

[02:22:24] Okay, I think specifically for three and four, I'm done, but I'll make this statement now because I think it came up earlier, and I'm not remembering who was saying it. But it's the concern that we have to remember that historic preservation, even cultural resource in the terms of conservation, et cetera, The innate value is in preserving history, but when those tools become such that it inhibits other people to live in places or to prevent growth or to prevent development, then the historic preservation ordinance is being used as a weapon against something else and

[02:23:02] not for the innate value of preserving history. Anytime, I think a few of us are very concerned that when we sniff that an HPO or a CPO can get weaponized to be used to prevent where people can live how many can live there what can be developed or redeveloped then it's lost its purpose and it's being used to do something else and i will never be supportive of anything that even snips of that i'm done thank you thank you supervisor pruit um i think that last point was very well made and i just want to post on that um

[02:23:39] I would also note I made the exact same note on 4.10. What I wrote is, do we have a corollary to this in every other incentive-based part of the comprehensive plan? I don't think we do, because we certainly talk about incentives quite a lot.

[02:23:57] I think there's an understanding with it that these are re-evaluated and reconsidered in real time. I mean, hell, we're talking about the conservation easement program, and no one's actually referenced the fact that is basically not functioning right now because we're not funding it.

[02:24:13] So they are evaluated in real time. 3.1, there has been quite a lot of sussurus around how this is phrased. And I want to kind of get back to first principles and help me understand when I think if the sentence had ended at ordinance, you would have fewer thoughts shared.

[02:24:37] And so help me understand what is meant by broad view of eligibility criteria. That was meant to address the concept that early on the historic resources that were registered were focused on the high-style architecture buildings and left out all the other stuff and all the connections related to that.

[02:25:03] So it was really meant just to broaden it, be more inclusive. I think that's kind of where I thought that was going. but i think what i i know i would suggest and what i think i've heard from the board is a historic preservation ordinance if it's going to have affirmative obligations on people that they don't opt into that probably needs to be very thoughtfully and very narrowly tailored and that can be able to include these types of you know low and vernacular vernacular type resources but i think it would still need to be something that is tailored and that we're very thoughtful and narrow

[02:25:42] in its application again worrying very carefully about the the cost and benefits and the accrual of costs and how that's applied does that make sense i can see you narrowing your eyes like you're being like what does that it makes sense okay um 3.2 i don't know in a vacuum what i would think demolition ordinance means can you help me with that sure it's um uh something that the historic

[02:26:19] preservation committee has talked about for a long time a historic a demolition ordinance could could be different things sometimes or often a historic preservation ordinance includes a demolition clause but you could also just have a ordinance that could possibly require that the building be documented before it's demolished.

[02:26:51] It could be requiring the property owner to try to sell the building or move the building to find a way for it to be retained in some form. That's another standard.

[02:27:13] To prevent demolition, right? That's what I remember from that committee. Demolition ordinance, that would be the primary goal, but you could have different levels of an ordinance. Like I said, you could have an ordinance that would just allow for the documentation.

[02:27:33] Right now, Historic Preservation Committee has a policy to ask the property owner if a committee member can go out and document the building before it's demolished. They're not required to do that. Often the committee doesn't get that permission to go.

[02:27:50] So one form of an ordinance would be to require the documentation before the demolition. Thank you. I appreciate that additional context. It's very easy to see this in the light of our, say, flight remediation ordinance.

[02:28:09] It has kind of similar thoughts that I'm thinking through on terms of costs and benefits, right? It is preserving resources and trying to preserve habitability and also, like, natural resources of the county. Granted, you're different by looking at habitability, and this is looking at preserving historic quality.

[02:28:29] Both do have the result of generally shifting costs onto the public. But I think it's something I would be interested in at least seeing explored, so I don't know that I have an issue with that. But I just wanted to make sure I was understanding that fully.

[02:28:47] There was some concern expressed over the real estate and tax incentives program. I don't know that I see that as intrinsically problematic. If we're talking about, like, working for public-private partnerships and ways to pull in private dollars for preservation work, I can see how this would be likely an essential part of that, right?

[02:29:12] Something like, I mean, something like TIFs we use in economic development or, frankly, now in affordable housing, because what we do in affordable housing are tax incentives, it's a TIF. being used in redevelopment and with specific bonus points or whatever for um for historic pres i could see that being important i could see that being a way to be then like leveraged for more private dollars i don't see a

problem with it i think that's actually probably the the thing that i think we would probably most agree would be desirable as like a way to do historic pres

[02:29:48] because it it gets potentially more bang out of our our buck and also it pushes the cost down the on the road so we don't see it um the the one thing i would be interested in is i i would not assume that there is a way to use a tax incentive program for for personal residential pres right like people who live in vernacular architecture uh who live in some kind of historic but individual residential building which i've come to learn exists in my time on the board of supervisors

[02:30:26] but not something that was on my radar previously, right? Like, I guess they currently rely on AHIF. I don't know that there is a way to leverage a real estate or tax tool that we have constitutional authority to do. But if we do, that'd be cool. But I guess I'm just flagging that.

[02:30:43] Because when we're talking about costs and benefits, who is paying for these? How is this making sure that the benefits accrue to the right populations who need it? I would see that as being a thing we would want to focus on, and I'm not sure if we have the legal tools for it, and if that's what's being contemplated here.

[02:31:04] If it could be, that'd be cool. When I was at the Office of Naval Intelligence, there was one person in the entire Naval Warfare Center of Excellence whose job was technical editor, and she read every single article and gave you sentence-level critique of it, and that was her whole job.

[02:31:25] And something I now flag are her kinds of critiques. 4.6, acquire funding for historic preservation. Fund historic preservation. I think that's what that's saying, and it actually changes and maybe confuses the meaning by saying acquire funding for historic preservation, especially when the next one is grants, right?

[02:31:46] That's pulling funding from a different location. But then the next several, I mean, the one after that is deferred funding through tax programs, which would be us, and then the one after that is our own funding, right? so what you really mean is it's fun um this is um like a lot of the ones in the four section i have reservations and concerns about it and i think part of how where that's coming from is that it is the language of 4.6 is wetting me to necessarily create a um a direct county funded

[02:32:26] incentive from the general fund i read that as requiring me to do that it is not explore and consider right and we we complain about those like that language sometimes when it crops up but it is important i think to not preemptively put our feet to the fire and say thou shalt fund this before we even know what the applicability of the historic preservation ordinances right like there's there's very much a an order of processes we need to go through here i don't even know what i'm protecting yet um i mean three hours ago i didn't know we were talking about cultural resources distinct

[02:33:02] from historic resources so already talking about how we're committing funding to it and what pools they're coming from feels premature and so i would want some kind of linguistic out on that um which it would not prevent us from analyzing that possibility right uh book blue um 4.11 we've already talked about a good bit but help me remember uh our historic resources considered at all in the ACE program currently?

[02:33:40] Yes, I believe they are. So they are a top-up, like a point boost already, and we're saying we want them to be more of a point boost. Yes. I honestly don't remember where the work on that ended, but yes, I think that's accurate.

[02:34:05] Some of the programs, too. Right. And I'm trying to sum it up the slide we had on it in my mind, and i'm failing but i not having all the information on the conservation easement programs in front of me i would say if we're currently contemplate if they currently contemplate benefits for people properties with historic resources on them and this would be committing us to further increase that that also feels premature not looking at the like multiply x

[02:34:44] by 0.2 versus, right, like, to see what the actual change would be. It would be one thing to say, oh, we're not currently considering historic resources. It should be part of the calculus. We should increase the calculus on it. That feels like it's already made a decision about how we're currently setting it aside.

[02:35:09] I wish I'd come, having done more research on the conservation. He's been programmed to refresh my memory. Okay. I'm going to first make some comments in response to that and then come back to my more general comments, I guess, emphasizing greater protection of historic resources.

[02:35:28] I see that as saying in either the ACE or the ACEA program saying we will look at the value of the commitment to historic resources preservation that is being made by the person who's seeking the conservation easement.

[02:35:47] Now, in the ACEA program, they're just simply asking, will the county hold this conservation easement? The owner of the property is saying, I want to give up these rights, but it would entail also saying, I want to preserve certain structures or whatever.

[02:36:03] And whether that can be weighed or not in the process, I think, is something that is reasonable to ask. May I just quickly respond to that? Sure. I was kind of looking to you for help that you would bail me out in understanding this. And so thank you for help bailing me out and understanding this. In that case, I don't know that I have a problem with the languages presented.

[02:36:21] Now I'm going to come back to your other point, 4.6, which is acquire funding for historic preservation and acquire pursuit grants and all. And this, you know, I apologize to everyone because I've said let's focus on these actions, objectives and actions. But, you know, I'm aware of the document that came before it that describes sort of how we're getting there, and just broad brush, you know, the beginning of this chapter starts out with saying identifying our local resources, and I see the first two of our actions, objectives, as ways of identifying them.

[02:36:57] And then the next is protecting our local resources. And this is where I think three and four start to come into play a lot more. But if I read the text, particularly page eight, it says potential regulations could include local historic district overlay and then demolition ordinance, deconstruction ordinance.

[02:37:18] Other jurisdictions successfully leverage these tools to protect their resources. Adoption of a local historic district ordinance is a requirement for a locality to qualify as a certified local government. Now, that suddenly becomes something that then leads into the next page saying benefits of the CLG designation include applying, can apply for matching grants of the CLG grant program, automatic consideration for cost-share program funding when CLG funding is unavailable, receives technical assistance, DHR, gains full access to the GIS database, is eligible for stipends.

[02:37:56] Suddenly this opens up a lot of resources. And so when we start talking in here and saying, well, I don't know if we want to commit ourselves to spending this money, I look back at this document

that led me there and say, well, wait a minute, I thought the whole purpose was to find a way to get at these resources.

[02:38:16] Now, if that's not the case, if that is the case, I think we should be more explicit about it. If we're trying to reach a point where in terms of these objectives and actions that we get to the point where we are certified local government and can not somehow open up resources for us, then let's be explicit about that in these objectives and actions rather than just sort of beating around with, well, we're going to establish historic preservation ordinance and not know that this might lead to potential unlocking of resources.

[02:38:48] And I will say, while it does say federal, it also says there are a lot of Virginia Department of Historic Resources, state historic preservation offices, other avenues for funding that may not disappear as quickly as we're afraid that federal resources may. And it's even a list of certified local governments, which only includes, I think, about eight counties, but still something that we obviously are contemplating because we've mentioned it specifically in the introduction here.

[02:39:15] So with that, I guess I'll say that that was my thinking the whole time that we were going over this, that we were trying to establish that. But I do agree with a lot of the comments that were made about wanting to make sure that we establish incentives that aren't necessarily helping people who can help themselves.

[02:39:37] And that we focus on public good. And so what I really want is to see us thinking about our historic preservation and our cultural preservation, scenic preservation, all in terms of what historic, what public good are we bringing to bear on this?

[02:39:54] How are we establishing a public good? And I'm going to otherwise defer to the comments that were made by others, which I think were pretty much on point, too. And at this point, this actually leaves us, we're almost a half an hour past when we were supposed to take a break.

[02:40:14] So I would propose that we take a break, unless there's additional comments on these two. If you have any questions or concerns before we go on to a break. I was just going to say what you have brought up is extremely important because it's bringing it together.

[02:40:31] I mean, you can't look at isolated, like tax incentives funding stream, unless you also know that if we do a little bit, then that will help us get other state funding and everything, which is extremely important. So I think it's been, frankly, a little disjointed.

[02:40:49] Well, not intentionally. With that, then, 15 minutes max, please. We'll come back, and then we'll do five and six, and general comments on this, and then go to the resilient.

[02:41:06] And at some point, we'll get to... Have a seat.

[02:41:34] Okay. Thank you. Have a seat four, so we will get started. And we're on to objectives five and six. Supervisor McKeel, you're up. Supervisor Malek is after you.

[02:41:50] We'll go to Supervisor LaPistola currently. That's funny. We'll come back. Okay, we're on five and do you want me to go? If you're ready. Okay, so 5.4, I put a star. Actually, 5.4, 5.5, 5.8, excuse me.

[02:42:10] because I really liked both of those a lot. I don't have any major updates except for 6.2. No, 6.1, I have a question. We're including LED lights. I thought, and please correct me if I'm wrong, is that I

thought LED lights were having problems with them as far as lumens, number of lumens and the brightness and everything.

[02:42:38] LED is just one type. There are all sorts of different LEDs. No, no, I realize that. But I'm just wondering if it's, because I know we do have LED lights, so shouldn't we be more specific?

[02:42:54] Because including LED lights could mean the very high lumens, and maybe we want the not-so-high lumens so that we don't look like a light bulb from space. So I think sort of the current issue about the LEDs is the color temperature and the color, you know, how that looks.

[02:43:17] But I think that issue would be encompassed in the wording of that action. Okay. So it would be whether it's warm or what do they have, the different things. Right. Cold or warm. Yep. Okay. Okay. And for 6.2, I mean, I think if we actually wanted to let people know, and if we could, maybe this is pie in the sky, but I'd love to see a PSA regarding dark skies, if we can do that, public service announcements, if we can do that.

[02:43:56] I think there were planning commission suggestions about adding an education sort of action. I think that would be included in that. Okay. And lastly, I know the big light bulb in the sky is UVA, right?

[02:44:14] So are we doing anything to address, you know, speak with them and seeing what they can do? I think one of the other recommendations from the Planning Commission was to work into these, working with other local organizations.

[02:44:37] So, again, I think that's right in line with what the Planning Commission asked for, and we've got that on our list to add in. Okay, well, because the elephant in the room is UVA, so, I mean, we need to, yeah, I think need to address that.

[02:44:53] And along 29, the car dealerships, the ones that are already established, is there any way to lower their lumens or lower their warmth? You could write into the ordinance that the existing developments need to come into compliance, but we have not chosen to do that in the past.

[02:45:19] Well, let me understand that. You're saying that they're out of compliance, but we're not asking them to be in compliance? Is that what you're saying? Did I misunderstand that? There were developments that were pre-existing, had a pre-existing condition before the ordinance was put in place.

[02:45:40] The ordinance didn't say, okay, now you all have to bring everything up to speed. We haven't done that. It's an option, but we have not done that. so we could put that in saying you have to meet you have to go back and and change that or change the light bulbs whatever we could do that i believe so yeah oh i like that well that's my suggestion thank you we'll go back to supervisor keel circle back around okay so we're doing five

[02:46:11] and six and um 5.1 i think i talked i think you got the gist of what i am concerned about with this particular with 5.1 and some of my oh sorry i don't have my mic i apologize 5.1 i think when i spoke earlier um at the higher level i expressed my concerns about this and this particular um action item um the devil's in the details because this has been used by segments of our community

[02:46:47] in the past to stop things that they considered something they don't want but maybe was not for the good of the greater community, right? And so I'm just saying we have to be careful here.

[02:47:03] Devil's in the details. Collaborate with the community members and groups, voluntary programs and efforts. I think absolutely. I would hope that's a given on most everything that we do, to be

honest with you. But again, help me with the entrance corridors.

[02:47:22] I thought we changed the entrance corridor regulation, lack of a better word here, regulations, but we did address some of the concerns around the entrance quarters, I thought, not too long ago. Refresh my memory on that, Margaret. Yeah. I'm just trying to figure out, because I was thinking, well, didn't we do something with this already?

[02:47:46] So 5.3 is talking about, so before we had entrance quarters, we had a scenic highway overlay. The scenic highway overlay was done away with when the entrance corridors were put in place, it was thought that the entrance corridor regulations would just take care of everything.

[02:48:09] With some recent work of the Architectural Review Board, we've recognized that there are some corridors that really could benefit more from some of the more scenic-oriented focus as opposed to an architectural focus.

[02:48:36] So some of those scenic highway regulations might be more effective on some corridors where the architecture isn't... Well, developments don't come to the ARB for review. I think what you're remembering is that there were several streets that were designated as entrance corridors that didn't have the arterial status.

[02:49:04] Yes, you're right. Helping me remember that. Yeah, so a few of those streets, we went to VDOT and FHWA to see if the arterial status could be achieved on a few of those, and we did get that.

[02:49:27] There are still some corridors that are not arterial, and we are not applying entrance corridor regulations on those corridors. Okay. So I have some concerns about this, and I would just say be careful because this could be used in a way that, a concerning way.

[02:49:46] Having said that, well, I guess I'll just leave it at that. Okay, let me just leave it at that. The next one talks about the, to reduce litter, which obviously I think we're all, it's hard to establish programs to reduce litter was great.

[02:50:16] To maintain landscaping and other vegetation, and I certainly don't disagree with what I would say is maybe what we're doing here is, or what we would like to do is to preserve more native plants as well, and some language about that, native species.

[02:50:39] I am really, the bamboo that we have all along our roads is just appalling. I don't know how we get at that. I'm just saying, though, that, and we're still selling bamboo in all the grocery stores and Costco, and I'm just, but that's a state issue, and I understand that.

[02:50:55] But I'm getting on my bully pulpit here about bamboo. When you say eliminate non-permitted signs, do you mean like the spray for your mosquitoes? And I love the one where do you have junk, get rid of your junk, and they are giving us junk with their sign, which is very ironic.

[02:51:17] But anyway, are those the sorts of things you're talking about? Yes. Okay. Because usually the campaign signs and those sorts of things are temporary. They go up. And there are some signs, I think, that we allow, to be honest with you. The real estate companies, if they're having an open house, we allow all that.

[02:51:32] But you're talking about just the advertisement signs that are not for selling. Yeah. Not for selling. Yeah. Ryan Homes. Yeah, those Ryan Homes are huge. I would love to figure out a way to get rid of some of that visual litter. not sure how we do it because of the staff because of the staffing time but yes so

if we could do that that would be great um and I think 5.5 you've already answered my question I was trying to figure

[02:52:08] out what that was so we're good on that oh and I want to go back to the ARB so when we're talking about addressing some of the concerns that maybe the ARB has or looking at what um when I go to other communities. I see the use of solar panels over parking lots, all sorts of appropriate, I think, places for solar panels. And I have been told numerous times that our ARB will not allow solar panels because people don't like the way they look. I don't know if that's even true.

[02:52:47] Can you help me with that, Margaret? I mean, there's only been a handful of applications that have been made for solar panel installations that have come to the ARB, so I don't understand what you said, because that would suggest that there have been dozens of applications that the ARB has turned down, and that's not the case.

[02:53:12] Yeah, but they, so there is a process to approve through the ARB, they would approve solar panels if they were, it's not that they just blanket disapprove of them. Correct. Okay, so maybe just, I'm hearing incorrectly.

[02:53:30] All right, because I think there are some appropriate places, and I go, whether I'm in Europe or traveling or in other states, you see solar panels, and we certainly don't want to discourage them in the proper place.

[02:53:47] Okay. And what do you mean when you say on 5.10, prioritize protection zones? That's just the concept of that there are so many resources, but many of them overlap.

[02:54:06] And so if we were to do that study that sees where they overlap, that would give us an opportunity to just prioritize areas. You do have historic districts that also have scenic road designations.

[02:54:31] Maybe there's conservation easements there. the way these resources stack up might give us a it's a way to look at it as as ways to prioritize so it goes back to my main concern we have had in the past so many protections of areas that we have much of the county now almost all of the Scottsville district at one point was protected which meant lots of things weren't couldn't happen down there right i'm just saying that And so I get very concerned when I see that kind of language.

[02:55:10] Again, I'm not saying throw the baby out with the bathwater. I'm just concerned about blanket statements. Well, I understand. But I see it from the other side.

[02:55:26] I understand that there are all these resources, and there's no practical way to protect everything. But if you can look at the areas where they are stacking up and you have more significance in certain places, these may be the places that you want to protect.

[02:55:42] Yes, but it doesn't mean all the Scottsville District or half of the county, or you're talking more selective. Exactly. Yeah, okay. All right. And the light pollution, I think absolutely dark skies is where we want to go.

[02:56:00] My neighborhood has tried to do that for years, but Bea's right, and I've said this many times too, without the University of Virginia and the city partnering together. I mean, we might be able to do it in certain areas because we're a big county. I get that. But really where the pollution is is in the development area and in the area around the University of Virginia.

[02:56:22] I mean, we have lights on athletic fields that are not used at night, and those lights stay on all night long. It's really a problem. I mean, really. And we need to figure that out and address that. So I can't wait for the lighting ordinance to come to us, to get at least our ordinance updated.

[02:56:42] But I do agree with the dark skies, trying to figure out how to work with the community as far as the University of Virginia and the city. And I keep going back to, it seems like LUPIC was a good place for that to start. And I don't know that they've had any discussions about it, but that's the place where all three entities are at the table.

[02:57:02] And I guess, oh, and I made a note, including biodiversity chapters and environmental chapter. So kind of that crosswalk you all talk about some, I think there would be an appropriate place for that as well.

[02:57:20] Yes. Yeah, okay. And that's all I have, Jim. Thank you, and I'm sorry I was late. Thank you. Mr. Malik? Okay, thank you. So we're doing five and six. All right, sorry I was late as well. I think in five, I think these are all admirable things to work on.

[02:57:41] The 5.4, the sign jail used to work. And I understand the limitations of our staff, and I know they go on sweeps whenever they can and get hundreds of them at the same time, but they do tend to breed, like coat hangers in the closet, at certain intersections.

[02:57:58] And I have really enjoyed filling up my car very carefully. I know Ron Higgins would have a stroke when I was on the bypass because he said, you're going to get run over, stop doing that. But it is important to get things picked up absolutely as quickly as we can in order to, and we do have the authority to find people.

[02:58:16] We should act on that, act on whatever authority we can to make this stop. And just, there have been comments about 5.10. The overlapping asset that came to mind was Freetown in 250.

[02:58:34] It was 18, I mean, a true, I mean, it is called Freetown. It is, and I was, I'll push back on this in the narrative, or I was going to, that you were talking about Freetowns in general. This is a real place, and it is still inhabited, resided in by quite a few of the descendants of the original families from the 1860s there.

[02:58:54] So it's totally surrounded now by commercial, and that has threatened their quality of life for sure. So that's one of those situations where, to me, it's many different phases of a cultural resource under threat.

[02:59:15] There was some question about whether you want to repeat the lighting here as opposed to just in stewardship. As long as it's, I'm fine if it's in both, but it has to be somewhere. And yes, there are numbers of different kinds of LEDs, but having the rheostat requirement to be able to, when they're not in business, to bring them back so that people can't sit out on 250 and read the newspaper in the middle of the night next to the gas station that is out there, that it's just beyond the pale, would be really great.

[02:59:55] And I guess that's all I have for now, and then we'll go back to the narrative later. Thank you. On 5.6, when you say to elevate the quality of design, can you tell me what that means? That comes from a discussion with the ARB, and the Planning Commission asked the same question, and I'm sorry, I wanted to go back and look through the ARB comments so that I could get you more details on that, and I've not done that, but we will get that for you.

[03:00:24] Is the sentiment behind it that we're not strict enough? Because I've got to tell you, if we're not strict enough, how the hell are we not strict enough? I don't think it's that.

[03:00:40] I think that there, the, the, I got it. We're, I'm concerned about that one. Sure. I think that anything that elevates the stringency of our entrance, current entrance corridors, I have concerns about.

[03:00:55] Do we do corridor specific criteria now? Because I didn't know that. We do not. It's been something that we have been wanting to do for a long time. The, the air, we are working with the ARB to finish up an addenda to the design guidelines that studies each of the corridors.

[03:01:15] and that would make that more easily done. I think that one gives me pause as well. I think of entrance corridors to the entire county. It's a county-level type of thing. Each area can have their own nuances, I guess, as a community, and maybe that comes out in the master plans for those areas.

[03:01:34] But to try to say that we're going to have an entrance corridor and then we're going to have a whole different set of criteria based on where the entrance corridor happens to run through, I'm not ready to endorse 5-6. And the existing guidelines allow for consideration of individual context, so.

[03:01:52] I think what we've got is good. I think what we have works. I'm not really interested in 5.6. So in 5.7, tell me what to provide direction on coordinating strategies means. Because it seems like the action in 5.7 is we're going to provide direction on coordinating strategies for, United States, climate resilience, renewable energy sources, sustainable building materials while meeting the guidelines.

[03:02:21] Are you saying we're adding in requirements that meet climate resilience, renewable energy sources, and sustainable building materials, or are we saying we're going to provide you with how you could do this, but it's not a requirement? So the point of the entrance corridors is to have development that's consistent with the historic character of the county.

[03:02:43] I think what this is trying to get at, and maybe we just need to do some more wordsmithing, is I think what the issue with the solar panels is that there's a misconception that you can't have solar panels in the entrance corridors.

[03:02:59] And so this is trying to get at updating the guidelines to show how you can do these things. You can meet the guidelines and have the solar panels. You can meet the guidelines and use sustainable building materials. If you have sustainable building materials, they're just ugly, but boy, they're more sustainable than the pretty stuff. We might go, oh, well, we're not going to care about the visual now.

[03:03:24] It's going to be more important about the sustainability of the material. Is that a possibility? Nobody, I think, can say that solar panels on the top of buildings is aesthetically more pleasing. Some may, but that's the same argument there. Well, we appreciate solar energy, so we're going to forego the visual and allow solar panels on buildings. So I guess if the frontage of a building if the sustainable material is not as sightly but it's more sustainable i mean is that what this is are we changing our we've often have cell towers is a good example somebody

[03:03:58] mentioned it earlier where we get into this aesthetic versus need thing for a utility or for some other thing so i'm just i don't entrance design corridors has always been usually about the aesthetic and remaining a visual piece so once we start to introduce the climate stuff which should be spelled out in our other areas you know to require both climate sustainability and visual that could be a double down i don't

think that's what it's saying oh i don't know what it's that's what i'm trying to figure it out but it's just saying that i don't know if we're going to get into some entrance corridor stuff then i don't it's kind of like the light my comment on the

[03:04:36] lighting stuff that started to happen i'm not going to i'm not going to debate and go through a lighting ordinance at the comp plan level. When the lighting ordinance comes, that's when we'll debate car dealerships and how many are in 29 versus Pantops and whose grandfather did not, and why they're there and why they should be well lit.

[03:04:54] But that's not for today. That's for another time. So the same thing here. Anything that tries to suggest our entrance corridor design guidelines are going to get more stringent than what they currently are, I don't think I'm in support of. That's just where I'm at.

[03:05:11] I think we've got a pretty strict set now. Now, the expand opportunities for streamlined review of ARB applications. So what you're saying by this is that staff can just sign off on more categories if they meet what's defined without having to go anywhere.

[03:05:28] And then that could streamline the process. Yeah, so if there are additional categories that can be added to the countywide certificates, which is the staff level review, then we should look into that and pursue that. and with the new system how many different staff members do staff level review like how many would that be you know like two people five people right now we have three people who do arb review or who can do arb review and are they you think they're all consistent on their uh their nuances

[03:06:04] in their reviews yes i mean if staff level review with the new system could show that nobody's doing a more heightened review than another than that i might be okay i'd probably be okay with that because then it would actually streamline it um but when you get to the human level some humans can be more more or less well does that really meet the subjective nature of the review i suppose is what i'm calling into question i don't want subjective review just at the staff level to to

[03:06:36] go out and make and do the reverse of what it's saying to do um same comments on five nine relative to the vegetation and i guess we just need to have an entrance corridor discussion um i'm sorry what was what was the last comment just the same as like five nine i would equate to my concerns about the other things around the entrance corridor i get promote native vegetation but integration of vegetation and building design so you're saying the integration of the native

[03:07:09] vegetation into designing around the buildings are you talking just like landscaping i mean i feel like we do this in areas already and we're trying to somehow elevate it's elevated as a price like this is something we we debate vegetation and landscaping in every application that comes before us. This would catch the ones that are by right, I suppose, that are not there. But I thought we already had things that would be captured anyway. This is a focus on native. So we don't have requirements for native vegetation right now in our entrance corridor. Correct. And we don't have

[03:07:48] it in anything by right. We only have it when it comes before us for an upzoning or a special use permit. The approved counting list is not limited to native species. I thought that we changed that I thought that answer was answered for us in one of the applications that we approved that it was.

[03:08:06] I thought we did. Yeah, we updated the list. We removed invasives. I think that was the most recent. Well, just clarify that for us because clearly we're confused. We are confused. And I'm just remembering I couldn't tell you the zoning thing that came before us.

[03:08:25] I just remember somebody asking that question and thought we had a different answer. I understand the point behind the prioritized production zones. You know, if you've got ten things versus one thing, the ten things gets priority over the one thing.

[03:08:40] Unless the one thing is of such significance. I mean, that could get us into trouble, but I understand. And then are we doing six as well? I don't really have any comments on six. I mean, you know, we can't just turn off all the lights in the development area.

[03:08:59] And I appreciate the comments about UVA and other ones, but we are an offender as well. We've got a lot of lights among 29 and pantops. But to my points earlier in the development area, where we have to allow, both around roadways and properties, a certain level of protection that light is needed for, for the entity, and that can't just be squeezed out by the Dark Skies Ordinance.

[03:09:24] Not that I don't appreciate and support the Dark Skies Ordinance, but there are places that can do these cutoffs in a way where even if it needs to stay on overnight, it's less offensive than what else is there. And we have a lot of compliance along that already. So when the ordinance comes before us, that's where we can get into the back and forth on that, not necessarily here for the comp plan.

[03:09:48] Thank you. Thank you. Supervisor Pruitt. Thank you. I'm not sure I have that many comments, actually, on this section. I'd begin with 5.3. I want to clarify when I look at 5.3.

[03:10:05] I understand that maybe optimistically as being requirements that resemble the entrance corridor overlay but are distinct and discreet from them. Is that how I'm supposed to understand that? Or would it be selecting scenic roads to apply the entrance corridor regulations to?

[03:10:25] So the scenic overlay would be more focused on the actual scenic, natural elements, whereas the entrance corridors would be scenic and architectural. So the requirements on property owners would be distinct from those in the entrance corridor overlay?

[03:10:47] Yes. Thank you. I share several of the concerns on 5.6 and also 5.9, actually. I would agree that I think we already have a very strict entrance corridor overlay, and I get feedback on that subject, much more so than the opposite, right?

[03:11:12] And when we do, I think I would point to maybe three hours ago when it was pointed out that it is not that we are not requiring high standards on our roads. It is that we are not doing all of the affirmative upkeep on our roads that are often the source of people's concerns about, to look at the objective, the preservation of the county's scenic viewsheds landscapes and county's roads, right?

[03:11:35] It is not a – I don't see that as primarily being a regulatory mishap as much as it is an ongoing maintenance mishap, right? Additionally, we've talked – we've gotten very hung up on costs around incentives programs earlier.

[03:11:53] I don't want to use hung up to imply a normative weight to that, right? I was obviously one of the people who was hung up on them. I think it shouldn't be lost on us because I was thinking entrance corridor specific criteria, I'm actually not sure I'm opposed to.

[03:12:09] But any kind of planning or revision on these ordinances is going to cost staff hours probably in the six figures of actual dollar value of human beings' hours working on this.

[03:12:27] Thinking about the process for creation of an entrance corridor specific, as in specific to which road you're on, distinction in criteria, it would not surprise me if the estimated value of that work was

around \$100,000.

[03:12:43] Truly, thinking of the number of people and the amount of hours they'd have to work on it, which feels like an inappropriate amount for the county to invest in man hours and in people's tax dollars for that work.

[03:12:59] Similarly, I actually think I might feel the same on updating further our vegetation lists, but I might be on an island with that. I'm not sure I see the value in going through and saying, well your your maple unfortunately is not originally native to this part of the southeast even though it is not invasive and does not have invasive qualities you cannot plant this maple here you have to plant a dogwood even

[03:13:30] though I like dogwoods more than maples right um thinking back to the the imaginary oh and I technical editor who lives in my head I'm looking at 5.7 I'm hearing some of the concerns on that and I wonder if the use of the phrase to provide direction on coordinating strategies is um both not what we're trying to say in the first place and also maybe the source of the consternation about this um if we are not saying we're including

[03:14:05] as a factor how it how it uses sustainable like as some kind of amalgamous top-up or like rate boost but just saying we will update it to not to be thoughtful about how it treats uh solar uh solar technology uh different kinds of building materials as in updated like oh yeah we think this kind of dirty word now bamboo on housing even though it wouldn't normally fit the thing we're going to specifically say that these shades of bamboo on a sign are fine because bamboo is a

[03:14:44] sustainable building material right i see that as not the problem it's perfectly fine um and something we would want to do just we shouldn't be construing it as some kind of like i don't know strategy for interpreting it in a qualitative way, which I think is what I was hearing from Supervisor Galloway's concerns about this, as in not just thinking about it strictly from appearance. No, we're talking about appearance. We're talking about the appearance of these certain things that we're worried are sometimes ruled out, so we need to include their appearance

[03:15:16] factors inside it. Moving on to 6.1, Cara Andrews pointed out in the very first moments of us coming back from break that led is a type of technology and i do work and this is a minor thing right i do worry by emphasizing leds as the offending cool temperature light that has higher lumens we are doing ourselves a disservice because it's not always specifically leds

[03:15:51] that are doing it and also leds are a sustainable technology right leds take less power than other types of light sources um i might just line out including led lights and say something like address new technologies and trends like trends in color temperature trends in lumens um a lot of people have said it so it might be worth just adding an action item something along the lines of build partnerships with local stakeholders including businesses developers and the university on light

[03:16:24] pollution and I think that's all I have. Thank you. I'm going to try not to repeat. I guess I in going over all of these I want to remain cognizant of the fact that we're saying that this is a this is a comprehensive plan. These are the things we're going to work on not necessarily that we're going to work out the details right now on all of these. With that I would say you know that taking out including LED lights is fine but the point there is simply that they are representative of the new technology that has both uh good and bad depending upon which one

[03:16:59] they're all much more uh energy efficient but they have very different uh effects and similarly i would say you know we clearly have some concerns have been expressed about the entrance corridor design guidelines even where it says to provide direction which seems pretty innocuous to me i think that we might benefit from having a presentation about what the entrance corridor design guidelines mean right now and and what kinds of suggestions are being made to to change

[03:17:35] them because i'm not i'm not getting a sense that we're really expert on those uh and i'm worried when i try to wade into something where we've got the airb working on this though i have also heard That sometimes these become a source of frustration at things that people might want to do that then get nixed by the ARB in ways that need to be transparent so that no one has any misconceptions about what is likely to be approved on their way in.

[03:18:08] That's a work session. That's not a comprehensive plan amendment, so to speak, at this point. With that, Board, I'd like to ask if we can efficiently try to just give any other comments about the text so that we can then get to the next section, which is on the resilient community.

[03:18:30] And so we'll start with Supervisor McKeel. And again, we're not looking at the narrative here.

[03:18:47] We're just going directly to the... We are looking right now at the narrative. We can do the narrative. We're not doing resilient community yet. We're going around one more time. Oh, I'm sorry. I misunderstood. The cultural, because I know that there were some comments people had about the narrative, and I want to make sure that if they have not already been incorporated in the comments about the objectives.

[03:19:09] So do the narrative or cultural resources. If there are things that are not been said, then the opportune time to make sure they're said. On page two of the narrative, where it says objective three, and I know this we've been talking about, of course, these objectives all afternoon, But increase the number of protected historic resources through local regulations, again, that comes back to me as concerning.

[03:19:42] Maybe it's just the language, but I understand. That is what we were going through before when we went through the objectives. These objectives are the same objectives that appeared in here. I'm confused then. If you go to the next slide in here, objective three, increase the number of protected historic resources through local regulations.

[03:20:00] right and those are listed on page two right so they are so we went through that yes but i'm mentioning this because it's in the narrative okay and that language concerns me just a little bit but i could have mentioned it earlier with when we were going through but i didn't and it goes back to some of my concerns um i really appreciated ned's point on seven on page 7 about the Dunlora and Belvedere, and I think he handled that beautifully, and I appreciate

[03:20:36] his concerns there. I don't have a lot on this page. I did think it was interesting that the Planning Commission noted the picture on page 8, and they said it would be great to have a picture of sort of a before and after, and I thought that was a great catch on their part, because that looks so sad by itself. It does. We're working on that. Yeah, that'd be great. All right. And I guess

[03:21:11] I'm not, I don't have a lot on this particular, many of what's in the narrative I've already pointed out as we've gone through, and I don't want to just continue to repeat myself. So I think I will say that I did wonder a little bit about mentioning, I didn't see any mention, and I guess I'm on page 14 is where I made the note.

[03:21:41] I didn't see any mention about agricultural events that are in the community. Because some of this is talking about tourism and regional events. And I know you can't name them all, but we do have some agricultural events that would be nice to note.

[03:22:04] And I guess that's all I have. Thank you. Thank you. Supervisor Mello. Thank you very much. A few things I have, I will send in just on page five. I think there's some confusion.

[03:22:20] There's some scenic things that need to be added. The A-10 list has been approved, and signs are already up. That's not on there, but this shows that Skyline Drive is a local county scenic byway, so those kinds of things, I guess, need to just be cleaned up, and I'll send that to you.

[03:22:37] And I was struck by, on page 7, talking about the houses lost to development, but put in the same category as the barn at Enniscorthy, which was strictly an ownership.

[03:22:54] I want the view. I don't care about this 18th century barn built by Hessians. And that's where, if there had even been a documentation requirement, that at least, you know, we would not have learned about it in the hook with Rilak Taladana's article.

[03:23:11] We would have known ahead of time people might have been able to capture the materials and do something other than see it burned up, which is really gross. And I guess that's all I have for now.

[03:23:29] Supervisor Leopold. I just have one comment on page 14, second paragraph, last line, that Albemarle has not yet instituted an ongoing art in public places program but could benefit from one.

[03:23:47] And I proffer Freebridge Lane, once it becomes permanent, to have something like that. And, of course, other venues also. And I think that would be a really good community-building event.

[03:24:06] That's all. Thank you. Thank you. Mr. Callum. Most of my, I think I pulled in most of mine during the objectives. I think earlier, I can't remember. Just the nature of the public good was mentioned earlier about something. So this is more general for the whole chapter.

[03:24:26] I just want to recognize that when we talk historic preservation, we're qualifying areas of tiering them for protection. One's a higher priority than others. A scenic view doesn't necessarily have to be public property to be viewed, but there's a lot of property out there that the public can't get onto because it's private property.

[03:24:48] Now, we can look at it, and that might be a public good depending on what the property is. But when we're actually talking about sites and structures and things like that, there are some properties that I know the public can actually access to appreciate the historic preservation, other than knowing it's been preserved.

[03:25:06] To me, that should be given a higher priority than somebody that we've incentivized to preserve a property or a structure on a property that has no trespassing signs and the public will never enjoy it. So I think of an application, I don't remember, a couple of years ago, It was the mill, I think it was in Scottsville, where there was a water mill, and they were doing some sort of preservation, doing the whole thing.

[03:25:32] But as part of the application, they were still going to make that accessible that if students wanted to come and take tours and do things like that. So it's private property, it's owned. They were doing some damn things to shore it up and I think make it operational. I'm forgetting the name of the project. But at the end of the day, they were doing something to their own property that enhanced value, et cetera.

[03:25:51] but then we're also still making that private piece available for public access so let's make sure we capture in our in our thinking of this that if a barn is going to be restored and if that property owner was willing to allow it to be photographed or visited or something that that's different than the barn being restored and functional and just having no other public good then maybe maybe somebody can get a peek at it when the leaves are off the trees thank you thank I rarely have anything to add or recommend changes in the narrative section, and that's not going to change today.

[03:26:28] Whole voice appreciation that there are legends, captions on every single photo. I think that's especially applicable here, but that's a feedback I've consistently given, and I'm happy to see it. And I would also just, the irony is not lost on me, how we're kind of grappling with the very inklings of a conversation on historic preservation here, And looking at page 9, the history of this, which kind of is riding on the walls, as if to say, you might not succeed on this.

[03:27:01] Yeah, good point. Oh, and the quotation on page 9 has too many periods for an ellipsis. That's all I got. Okay, thank you. And I pretty much made my main comment, which was about the certified local governments and incorporating that into the objectives and actions.

[03:27:21] I would make the same comment about page 14, which talks about cultural resources today. There's a lot of great stuff in these three paragraphs here that I just don't think have made their way into the objectives and actions. When we talk about the objectives and actions, we're still mostly focused on historic resources or maybe streams that protect historic resources.

[03:27:41] And this talks about other kinds of cultural resources, and I would like to see that reflected in our objectives and actions somewhat so that we're promoting those. making people aware of them and helping them to occur because i think they enhance our quality of life um and that's all i have on that so i think we can turn to the resilient community crosswalk unless there are additional questions for us on the other not for me okay thank you

[03:28:15] considering time i'll keep this try and keep this brief but wanted to call your attention to the fact that we have eliminated the resilient community chapter mainly because um we felt like once we started to put it together the the content it was limited content it was light so we what we did put together we could see it fitting very well in two other chapters namely the

[03:28:51] environmental stewardship chapter or the community facilities chapter so instead of having a you know a limited content chapter we chose to go ahead and put that material in the other two chapters you can see here on the slide i think it was in your packet about previous feedback on the resilient community content and the community input themes was also in your packet just to speak specifically on the content for for community facilities those subtopics included

[03:29:28] the community resilience hubs that we've talked about in the past as well as presenting the local food system topic. The objectives here are really to bring forward programs that benefit community health and well-being as well as focusing on healthy and affordable food systems. For environmental stewardship, those subtopics really centered around resilience, environmental resilience, climate adaptation and mitigation, and then we just included the findings and trends as we normally

[03:30:07] have in every other chapter that were related to those topics. We also included an objective for preparing and recovery from natural man-made hazards as they impact climate, or as climate change has

impacted us for um sorry the related chapters that that dovetail into the same topic we have transportation and both of the land use chapters as well as parks and housing chapters

[03:30:43] so obviously this really um overlapped with several chapters but we decided the topics most aligned with the two chapters i just mentioned so we have two questions to to focus on Do you support expanding urban agriculture as a shared resource on public land and or private property?

[03:31:07] This reflects Actions 2.1 and 2.2. And then are there any other questions in general on the content? Thank you. And Kyle, best to handle.

[03:31:25] So since you have the environmental stewardship chapter up, maybe we could go over that section first and then go over the community facilities section.

[03:31:51] And the community facilities section is where we'll answer the question specifically relating to 2.1 and 2.2, as well as any other concerns. Sounds good. Is that right? All right. Then I would like us to at least just talk about the Brazilian community section, the environmental stewardship parts of that, which are the 16 actions on pages 7 and 8, and the narrative that precedes that.

[03:32:18] If that's an acceptable approach, Supervisor McKeel, you can start us off. So I'll start with the narrative first, if that works. I really appreciated this narrative a lot. The major findings, to me, were really important.

[03:32:37] Now, they're going to be changing all the time, and I'm not sure exactly how it goes into the document. Having said that, down on page four, it talks about, and we have talked about, of course, of the Almar County's target, to reduce greenhouse gas emissions.

[03:32:59] And as I was reading that, I said, where are we now? I'm not even sure I know. And if you put it in the narrative tomorrow, by a month from now, it's going to be outdated. I mean, I know that.

[03:33:15] And I just was going to ask, given our technology now or given the ability, Is there a way that something like that point, and maybe there's something else that's important, too, could be updated on our website quarterly so that the public could actually go in?

[03:33:35] I don't know, or maybe it's twice a year, every six months. But it would be interesting to be able for the public, I think, to follow where we stand. Sure. It certainly is possible. The other thing that we are looking at and will be presenting to you in about five weeks is implementation and how we are measuring or what indicators we're following.

[03:33:59] So those indicators may very well include things like change in population, change in greenhouse gas emissions. So I appreciate your point. I think it's something that we could include on our website. We could also include it into an annual report that we expect to give to both the PCM board.

[03:34:22] I just think our community is really focused on climate change and anything we can do to point out what steps we're taking or where we stand and the work that needs to be done still is really critical. And that's what I was getting at, if there was a way we could keep it on the website.

[03:34:39] And I know you can't go in and update it. You wouldn't want to update it every month necessarily. But if you could keep a predictable update going, that might be helpful. And I like what you're bringing to us. That sounds great. I didn't have a lot on this narrative.

[03:35:02] Almar County has installed solar panels on page six. It talks about that. And I guess I had a big note, ARB, but enough said about all that. We'll go back over that again. So then, Jim, if you want, then I'll go on to the objectives and just keep going.

[03:35:17] Right? Okay. Again, I don't have a lot to add to these. I thought for the most part, 1.4, the Virginia-regulated dams. I was really impressed to know not too long ago that you had a special work session for residents that had dams on their private property and how to help them deal with that.

[03:35:40] I thought that was outstanding, just to send a shout out. And so I had a big checkmark about this one. And 1.5 as well, which is what really we're talking about here to some degree. A question about, we hear a lot about the National Flood Insurance Program and how that's changing.

[03:36:13] And tell me a little bit about what participation, what you're talking about with this particular 1.8. This is out of my wheelhouse. And that's okay. And I can come back and give you a little more information. That's okay. It'll come later, I'm sure.

[03:36:28] That's fine. I am all for establishing a fire hazard risk overlay. I think that's a great idea. And while we're talking about fires, I will just mention it is appalling how many mulch fire our fire department is responding to on a daily basis, mostly from cigarette butts being flicked out.

[03:37:00] And I know Dan talked about with us, Dan Eggleston talked about wanting to hardscape. And this is maybe more detailed than you need, but I'm just going to talk about it this while because I have a chance. Hardscape around the businesses, get rid of mulch and start hardscaping so that they wouldn't be responding to all these mulch fires.

[03:37:26] And he's been getting a lot of pushback and not much interest from the businesses. And something like that would seem like to me, if we're talking about fire hazard risk, to think about, and maybe not in this document, just somewhere, that we need some, perhaps, ordinance, because this is all about climate change and fire risk, and hardscaping, where we know we have a problem.

[03:37:57] And I'm just going to let that comments. Sure. If I could respond just quickly. I believe it's environmental stewardship. We do go into an action that includes something like be cognizant of firewise design and educate the community about that type of...

[03:38:19] Well, I'd like to see it more be more prominent than just think about it because Dan has said if he could get the businesses to stop putting mulch all around there, especially the gas stations in some of these areas and use hardscape, it would solve some of their repeat calls a lot.

[03:38:39] so i'm talking about more than just nice suggestions but okay because it comes under climate change and risk right i mean it is part of yeah uh or certainly fire risk um and then let's just see what other notes i had here um and it gets at that a little bit in 1.12 i had starred as i was and i'm going through this so i had noted it there and then i started we're talking about including fire resistant materials well that could be a follow-up to what i was just talking

[03:39:13] about um and the only other note i had well maybe not the only hold on a minute let me see is there a way to determine our aquifers we talk about and i don't i'm not sure what caused me to make this note on here sorry but we talk a lot about how we don't under we really don't have a sense of what our groundwater is and we have all those folks on wells and we really don't have a

[03:39:47] sense of groundwater and where the aquifers are I guess I mean I'm just throwing that out there are people that understand this a lot more than I do but and more than I do so I would have to get back with probably Greg Harper and understand that a little bit more whether we could include something like that and the only other thing I have on this page because I think everything else I've covered is, and this is, again, one of my wackadoodle, probably not related so much ideas

[03:40:21] here, but we talk so much in this community about steep slopes and managed slopes. And it seems like to me that the private businesses, the private industry, has ways to better determine steep slopes and managed slopes than maybe we do. And maybe it's just technology updates. I don't know.

[03:40:42] and maybe we've already done that and I'm behind the eight ball. But I'm just putting that to you because it's really critical that we be able to determine managed in steep slopes because we deal with those a lot. Anyway, that's all I had, Jim. Thank you.

[03:40:59] Supervisor Malek. Thank you very much. I think, as others have said, the narrative is really great. And having struggled through the language when LCAP was being put together in 2010, I was learning all these new terms like adaptation.

[03:41:15] If I'd had this with me then, it would have sped up my homework a lot. So that's great. And let me just jump right to on page 7. The river gauges is something that Chief Eggleston had mentioned when he was here a number of board meetings ago and talking about the emergency preparation.

[03:41:41] So I think that's something. I've written that down for 1.3 to make sure that we are not forgetting that that's something we know about doing already, and we can partner with state agencies and others to get those put back in. 1.5, be careful of not duplicating what DCR is already doing.

[03:42:00] I've received numerous letters from DCR about all the dam trainings and things that they've been doing, and I think they may have partnered with Greg and Jamie about that anyway. 1.7, I wrote down, do we have the authority to require this? I guess we do as far as stormwater updates because that's in perpetuity, I guess, as long as the business is in operation.

[03:42:22] But it does require the staff to be able to go out there and enforce it. I mean, to inspect it, first of all, and then enforce it. I don't really quite understand what 1.8 is, but someone can help to send more of that by email because that was all new to me and I just didn't know.

[03:42:40] I don't know who the there, T-H-E-I-R, refers to, the federal programs or us. So somebody can help with that. 1.9 there certainly are high risk fire dangers the eastern slope of the mountains in the white hall district lots of houses being built in places where they're impossible to serve with fire apparatus except for the smaller brush trucks which don't carry much volume and i don't know i'll be interested to learn what possible solutions come along with 1.9 other than down

[03:43:17] zoning because there certainly was the 1980 down zoning that took away 30,000 development rights from the Whitehall district and so but that was for water protection and I don't know how else one would achieve but I'm happy to learn. 1.11 I think there are still state dollars for this but for many years that volunteer fire companies went around recruiting landowners with stream access at the highway and help people found them funding to do the dry hydrants at their lakes or ponds or off the bridges or whatever in order to get water sources in the rural area

[03:43:55] because you'd lose all this time running back and forth to the hydrant. So I'm sure that there are some public invitations working with our public relations people who could help to get those kinds of information invitations out.

[03:44:17] 113, 1.13 appropriately sized trees. This is a broken record thing again, but as long as I've failed over the last many years to try to get changes in the criteria, which allows a person, a developer, to plan for the huge trees at 40-foot intervals as opposed to a moderate-sized tree that would actually survive and not destroy the houses that are eight feet away.

[03:44:46] But they have to put them in at 30-foot intervals. And so other neighborhoods may be having the same issues. I was looking as I was a passenger going by Dunlora Forest the other day, and I went, I wonder if they're having the same things that Old Trail's having. From here to the screen, huge trees.

[03:45:04] The annual effort that has to be made to prune them back from the houses, get their roots out of the basements. We just need to fine-tune this to make sure that appropriate-sized trees for the open space is done. I think there would be many homeowners and neighborhoods who would benefit from that all across the state.

[03:45:25] I mean, all across the county. I will ask Bill Moyer for a 1.16 for an update. I know that Ravana has a very carefully laid out policy. I just can't recite it right now for what the intervals are, how quickly the measurements of the available water in the reservoirs, et cetera, that trigger each one of these next steps.

[03:45:51] They are only, this locality is only allowed to regulate when there's municipal water. We have no authority to do anything with people providing their own, which is where a lot of resentment happens when people live in neighborhoods where there's public water available, and yet they still go and put in a well, which takes water out of the aquifer so that they can water their yard.

[03:46:16] And those kinds of things, I guess all we have now during a dry spell is peer pressure. But that's a real regulatory gap that we don't have the authority to fix right now, but I wish we did. And I think that's all I have at the moment. Thank you. Thank you. Supervisor Lepe Stoker.

[03:46:33] Thank you in the interest of time. I'm just looking at on page four, our growth management policy calls for dense, mixed use, and connected development and infill, which affects how we lay out our communities, which I think is an excellent statement.

[03:46:49] Thank you very much for that. And then on page 7, 1.5, I know a number of people who have private dams. And I think if we can make available when grants or any other kind of funding is available to assist them, because that is a burden on them to make sure the dams are cleaned out of trees and doing well and everything.

[03:47:17] But any kind of funding source that would be available to them would be nice that they could access to the county. Not our monies, but, you know, other monies. Thank you. Thank you for one, one, and one, two.

[03:47:36] I mean, in a different chapter, I remember making the comment that when we have these plans in place already, that's what we should be focused on. And then those plans can get updated accordingly. So I feel like this has been, that concept has been integrated in here and appreciate that. The narrative, I didn't have much.

[03:47:52] I support comments. I thought the narrative was fine. I don't really have a lot of reaction there. I'm glad in 1.3 it says a countywide flood resilience plan. Sometimes, and I don't mean this detrimentally, but I think, I feel like sometimes with both flood and fire that we, that the focus is just on the rural area.

[03:48:12] and there's plenty to be concerned about that is of the same makeup in the rural area in the development area both storm water and the movement of water through both man-made and natural you know pathways or infrastructure that you know i wish i kind of feel like like down where it says in 110 the wildland fire prevention strategies i feel like i want more county-wide given that the strategy in the rural area could be different somewhat than the development area but to ann's

[03:48:48] point about neighborhoods like dunlora like i'm shocked at my own thing a few weeks ago that it didn't just take up the entire back forest as dry as it's been so i mean i'm just assuming the prevention measures prevented that from happening that day but i mean that that whole area behind my house is is wooded um and that could have i mean that could have been if it jumped you know and this has actually come up in my CAC for the last couple of years so my CAC keeps a watch list of items pertinent to the area that they're in and the Woodbrook community has a similar type

[03:49:25] of piece where they have like accumulation of fallen trees and different types of brush things that exist so that if lightning strike happens it could ignite the whole neighborhood and with wildfire issues that we've seen occur in our county out in the rural areas we do have a ton of still wooded and forested areas in the development area and i just want to make sure that the fire strategies that we have here speak to the whole county and not just kind of what we think about out there and i'm not saying that we we necessarily do that i just need to voice the concern um likewise for the i feel like we're kind of getting at it with countywood flood

[03:50:03] resilience plan i just want that same type of sentiment for the for the fire protection and appreciate my cac having brought that up and have talked about it over the years um i guess i'll be interested in learning more about the flow of stormwater and what we can actually do when it's when a lot of private property is in place just meaning that the buildup of debris i think there could be more debris in the development area because the introduction of litter that may not necessarily accumulate i mean i know it still accumulates in the rural area but maybe not to the extent the rural area probably sees more natural debris

[03:50:42] collecting and streams and stuff that could back up so um i'll just be curious to see more about that as those plans come come forward um lost my other i i think that's it i had another comment but i'm not remembering what it was i'm good oh i'm sorry the the drought piece yeah i thought i don't know that 116 is even necessary because i thought we had all that in place i don't want to

[03:51:16] be adding things that are already in place and unless they don't work for us that it's the acsa and rwsa got to figure that out and then come back and make a recommendation to us but um i don't know that we developing equitable water restriction. I mean, I guess that's to the point Supervisor Malik was making about different folks. I guess that's a different piece that I didn't think of.

[03:51:38] We don't have authority for it anyway. There's a lot of action items here. So if we're already doing something that I feel we are doing that 116 might not necessarily need to even be stated here as an action item.

[03:51:54] Thank you. Supervisor Pruitt? Thank you. I actually, several Supervisors have said that they like the narrative. I like the narrative on this one and would not change much. I would also go so far as to say I like the actions as written.

[03:52:13] There's nothing I think I can really point a finger at and say, oh, well, la-ti-da, you know, as we do. There are things that I think are conspicuously missing, and part of this might be that maybe they don't go in the environmental stewardship chapter from the crosswalk.

[03:52:30] One is something I know I hit on every time we're talking about resilience, which is for many residents, I might even hazard to say most residents, the way in which climate change is going to impact them the most and most immediately is going to be around home expenses.

[03:52:47] It's going to be around heating and cooling costs, and it's going to be around potentially increased maintenance costs because you have longer wet and dry seasons, or longer wet and hot seasons, right, which exacerbates wood-destroying organisms. There are federal programs for heating and cooling assistance, and they're also famously bad.

[03:53:09] They're not well-designed. They're not well-implemented. They are not adequate to meet the need. I would be interested to see an exploration of the extent of that need in the community to see if that's something that warrants independent investment, because that is, especially when you're looking at low-income owner-occupied housing, especially low-income owner-occupied housing in the rural area, but low-income owner-occupied housing generally, this is one of the single most acute costs.

[03:53:37] It can be incredibly acute. Also, while we're talking about heating and cooling, what we're really talking about is electricity and the electrical grid, which I didn't catch touched on in any of our actions, which is part of it's hard, right?

[03:53:55] We don't have a clear lever on here, but it is not, I think, out of touch for a local comprehensive plan to talk about. We talk about all the time about the things we can't do, and we say collaborate with developers, collaborate with private business, collaborate with the university.

[03:54:13] I think we should have a line in here that says collaborate with state offices, agencies, and lawmakers to ensure the readiness of regulated energy providers to meet concerns and avoid shifting climate-related costs to rate payers.

[03:54:29] I think that is abundantly applicable to this chapter. I think it's something we would probably agree on, and it's really essential for climate resilience, and I think it needs to be included in here. I don't have as particularized answers, like actions, but I know other key things that we highlight as really kind of pressing concerns of climate change that threaten our community specifically as a heavily outdoors and an agrarian community are increased pestilence in the form of specifically like ticks and tick-borne illnesses.

[03:55:06] And I'm sure there's other examples. And also really injurious effects to our growing seasons. I don't know what an action for that looks like, right? I'm not going to sit here and claim I know what the right government interventions for these are, but there are things that we call out in our own climate risk assessments.

[03:55:25] And it does feel like I would then expect to see something at least posturing as an effort to address those concerns, because Those are things I'm concerned about. Those are things I have

constituents who are concerned about. I've got a lot of farmers in my jurisdiction, and I've got a lot of people who like to hike and get ticks on them, as we were just discussing during the break.

[03:55:45] So I would be curious if there is a way that we could target an action toward that. It's all gone. Thank you. I like this chapter, and so I didn't have anything to take away from it. 1.14, it says pursue federal funding.

[03:56:03] It should be state and federal. But I actually really like the suggestions that Supervisor Pruitt has made. I don't know how much we put legislative agenda into these documents, but I know we have some. And so that would be appropriate with respect to rate payers.

[03:56:19] And what you can do with spotted lanternfly ticks, other types of invasives, is a whole other issue. But one that I think we should be thinking about because it's going to have an impact. Sure.

[03:56:36] And I'm not disagreeing with Supervisor Pruitt. I think, though, that when you bring up the TIC piece and the other one, when you call out the resilience, I don't know if it's in the resilience plan, so I'd have to go back and look at it. But that's why I like in 1-1 and 1-2, to me, that's the call-out.

[03:56:54] If it's in our plan and our plan's effective, then that's the comp plan endorsing that. And if those points aren't in the plan, I'd almost say get them in the main plan. Because we're calling them out in the comp plan. That's where it should be. Not that I don't think, if they're not in the plan, then I think it may be appropriate to call it out on this comp plan, but by the next time we get there, it should be in the actual plans because I think that goes further to strengthen the point made by Supervisor Crowe.

[03:57:23] Thank you. Thank you. And just one quick comment, if you don't mind. Oh, sorry. Getting back to what Ned was talking about to expand the issue a little bit further, we're talking about fire and concerns about fire spreading. I would add a thought about the University of Virginia Foundation.

[03:57:44] Their foundation has a lot of wooded properties, and many of those wooded properties back up to neighborhoods. And I can tell you that as the trees fall in those properties or they go in and cut the trees down, they just leave them.

[03:58:04] Because I just paid money to have their fallen trees removed from behind my house because i considered them a fire hazard so just to say and i i could i did that having said that it is foundation property and i don't think it's it's necessarily all their property but they do have wooded property behind neighborhoods and just thinking through the lens of working maybe with the foundation and it used to be you could just fell trees and walk away and leave them

[03:58:35] there's more concern now so just thank you so board we have one last section to get through before we do our next section before we go to our break, which is on the community facilities crosswalk, which has two objectives in it.

[03:58:58] If you put those objectives up or at least put up the question that you've raised at the end of this, which has to do with at least the first two, expanding urban agriculture as a shared resource actions 2.1 and 2.2.

[03:59:15] But in addition to that specific question, I guess we open up to any comments on the text or other actions and objectives for this section. Supervisor McKeel. Yes. Expanding urban agriculture as a shared resource for public land.

[03:59:33] And I'm assuming that we're talking there about parks because that's really what we do. Correct. And I would say yes to that, to our parks. I think that would be, we have a lot of parkland in this community, in Elmore County.

[03:59:49] And I think allowing folks to go in and figure out some way to have community gardens on some, on the appropriate places, not everywhere. So my answer to that one is yes. I'm not sure I'm getting at private property here, but certainly if someone owned private property and they wanted to provide it, I would say yes to that.

[04:00:12] can you expand a little bit on the private two point two property yeah but i wanted her to expand a little bit more on it it's 2.2 but 2.2 and you know on private property this would potentially be for a development that has say 100 houses or something like that if they wanted to set aside property for community gardens could they i would love to have that i remember thinking about that as I was reading through this because in place of dog parks, this would be a much better use of the property.

[04:00:47] So for bullet one, yes. My answer is yes. And I think I'm fine at this point. I don't have any more feedback or any more questions. Thank you. Thank you. Supervisor Malek. Thank you. Yes to bullet one. And the question on page nine, I really enjoy it.

[04:01:07] I think that the community resilience hubs layout is excellent And the renewable energy sources, please think about including battery storage. Because one can have all the solar power on your roof that you want, but you can't. There's an automatic shutoff to disconnect you from the grid if the power goes out.

[04:01:27] And if you have your own energy source, you can actually be a true resilience hub. And there's also lots of, or there was, lots of good funding for battery storage going on there. And just to let you know, the Elyseville, the Buck Mountain farmer's market is year-round.

[04:01:46] Indoors in the wintertime and outdoors in the summertime, just so you know. And there may be others that I'm just not aware of. But we used to have 15 farmer's markets, and I don't know how many of them are still going. Thank you. Professor Lapista Curtis.

[04:02:01] Yeah, I definitely agree with bullet point one. I'd like to see more community gardens in the urban area. yeah, I'd like to see farmer's markets in the urban area. And I think that's something really extremely important, especially the farmer's markets in the urban areas.

[04:02:19] That would really greatly help a lot of people. I have a question on 1.1, the action item. Would you explain to me, I'm not getting it, regarding the life expectancy gap between any two census tracts is less than five years.

[04:02:39] What does that mean? I'm going to have to think about it myself. I think what this is trying to get at is the provision of health care between census tracts. So if census tract A, life expectancy, is 82 years old and census tract B is 72 years old, how can we provide health care to the individuals in that census area that their life expectancy is so much lower?

[04:03:14] lower than surrounding census tracts it might be an indication that health care would be important for that area i think for a comp plan that's very esoteric and i just yeah because that is also affected maybe of what's going on globally and going on in the world that something could happen that people's life expectancies decline i mean i think we have so much in here that talks to

[04:03:47] the quality of health and loads of fishes and getting people good food and community gardens and such like that. We have so much there that this, to me, just, as someone's going to spend time on this, tracking this, I don't know. I have a question. I don't think that's necessary, but that's just me. Thank you.

[04:04:10] Mr. Conley? Thinking about those comments. I mean, I think it's clunky what it's trying to say it's doing while it's a notable piece if you've got because it could be an environmental feature of the census track it could be a number of factors that could do that so understanding that there could be a section of your community that is down like i think it's noble to understand what it is and try to correct it i just don't know that it the way it's worded really gets at it um whether it's

[04:04:46] access or uh you know there could be in so many different factors or a combo of i most of this i'm i'm good with um i guess i struggle with 2-1 and 2 the question because the way 2-1 and 2-2 is worded doesn't necessarily get answered by my question if i say yes or no because it doesn't really call out private property in 2-1 it says opportunities in more locations but doesn't say public or private it just says in more locations and then in 2-2 it only identifies public unless

[04:05:22] like part of a community resilience of is private so i mean if you're just stating that it's okay for a new development in the development area wants to put in a community garden for their residents and then it's up to them whether or not they want to allow neighboring or whatever then i'm yeah i'd be okay with that um if it's somebody in the row area that wants to start doing a produce stand based on their little garden that they have on their own property they're not allowed to do that now i guess i thought yes they can so arms on farm sales Yes, absolutely, and off-farm as well.

[04:05:55] Off-farm sales, right, of their products, yeah. So, I mean, I'm okay with it. I'm okay. I just, what we're wording there doesn't seem to align with what you're asking me to answer. Like, if we're already allowing it and doing it, fine. Nobody has a problem with it.

[04:06:11] If it's some sort of scalability, then I guess I'd be okay with that. And in the development areas, I'd be okay with allowing them to use their, you know, if that's what their community amenity they think would work for their community is, well then sure why would that be any different than a play tot lot or a or you know supervisor mckeel's dog barks i'd be okay with all that or i would suggest we can pass out antibiotics for people to go and turn to supervisor pruit but just before i do just want to make the comment because i was the one who started to say it was in 2.2 and it obviously is not uh but i had read

[04:06:50] somewhere in here and i don't i can't find it now that it was described as well could we put is urban agriculture permitting a community garden or garden for the facility as opposed to in place of a dog park or a top lot as part of the amenities that would be required for green space. And anyway, that's what I interpreted that to mean. Supervisor, Bill? I have no issue with the first element. I do personally sometimes suspect that urban agriculture and community gardens are a popular idea that i don't know thrive as as well in practice um very frequently

[04:07:28] but if there's a community that's going to make it happen it's this one um i say kind of as a joke but also very true right um are we also going through these because i feel like i've heard a few comments going through the i wasn't sure we're just answering the question okay i have very few comments on this one. I just want to weigh into the 1.1 discussion, because I actually like 1.1 a lot, right? That's, I think, a very helpful measure of health equity. We complain sometimes that we don't have smart goals, measurable goals, and that is a measurable goal, and it's tied to

[04:08:06] what it's saying it's trying to do. The only thing I would add, I normally bring up that we default to census tract level data and it is not as granular as i think we talk like it is um i'd be curious if this is data that is available at the block group level it might not be um and also going into the block group level might make it so that disparities become more arbitrary just because the end size gets smaller but i just raised that it might be more appropriate at the block group level, right, because it could be the census tracts don't necessarily represent contiguous

[04:08:45] communities in a meaningful way because they're just so freaking big, right? Like, you can't see, the thing I would say is you can't see Esmont in a census tract because it is occluded by being submerged in several other rural communities that surround it.

[04:09:04] That's actually all I have. Thank you. I agree that census tract may be too big, but I get the idea, and I think I like the idea. And I, again, interpret the 2.2 or 2.1, 2.2 private property as urban development comes in and people want to do something with it.

[04:09:23] The only comment I'll make otherwise on this section is in the text, and this actually applied to the previous section as well, you have two call-out boxes that are this light green color and you have white text in the white on the light green. I don't really have trouble reading. That's good feedback. Thank you.

[04:09:40] And, Jim, I'm going to pull my chip for going first, if you don't mind, because I think you're through. This is really important for me, and I forgot in an effort to move along, 1.1, and it gets to what Mike is saying, but what we could use, and it is really important that we leave 1.1 in somehow or another, and it connects to all these others, we should be using the ALICE data.

[04:10:07] Siri showed us, Siri Russell, when she was here, showed us the ALICE data. United Ways all over the country, certain United Ways use the ALICE data. It gets down into magisterial level. It does not use census data, because if you use census data for us, you pull in half of Charlottesville.

[04:10:28] I mean, or whatever. So the ALICE data gets at this, and I know from the ALICE data that I have constituents that live on one particular area in my urban ring that have an average life, their average lifespan is 70 years younger than they average in the county.

[04:10:46] So we can get at that data, and I just talked not too long ago to someone from the University of Virginia, and I can give you their name, who had the data and said, yes, we're sending health buses into the city, And we just realized, Diantha, that your district, parts of your district are needed even as much as some areas in the city.

[04:11:12] That data is out there, and we ought to be using it to make some of these decisions. And this is really important because it ties to where we're connecting John and Kat for folks who need transportation to health care clinics. It connects to a lot of this.

[04:11:29] And I am chagrined with myself that I had wrote Alice across here really large, and I forgot to mention it. So thank you. With that point of clarification, I think that's good. That's a better measurement. And that data is out there, and it's not. I mean, it's there.

[04:11:45] Okay. Thank you. Thank you. Have we given you your additional comments? Just on 2.1, one of the things that came to mind that I forgot to mention was that if you have an existing commercial entrance, then it was a zoning clearance to get a farmer's market, and it became very cumbersome for any other small group who wanted to just put something in a field once a year, once a year or, I mean, once a

week, or the Forest Lakes one on 29 had a hard time getting started without a special permit and blah, blah, blah.

[04:12:18] When you have a bunch of neighbors, they can't afford a special permit, but they really could have an effective. So that's what I thought we were talking about, perhaps, to work on updating the zoning ordinance. So just for your benefit going forward, thank you. Thank you. Have we given you the feedback you need for now?

[04:12:34] We have. For now. Thank you very much. Appreciate that. I will look to the county attorney, but I had previously asked for the agenda to be amended so that we could go to from the board, and I don't think we have time for that right now. I think we need to go into closed session. Yes, sir. Thank you. We have a motion to go into closed meeting.

[04:12:49] Yes, I would like to move the Board of Supervisors to convene a closed meeting pursuant to Section 2.2, TAC 3711A of the Code of Virginia, Under subsection 1, to discuss and consider appointments to various boards and commissions, including, without limitation, the Albemarle Broadband Authority, Community Police, blame my last, the Community Policy and Management Team, the Historic Preservation Committee, the Jefferson Area Board for Aging Advisory Council, the National, blame my last, the Natural Heritage Committee, the Pantops Community Advisory Committee, the Piedmont, Virginia Community College.

[04:13:49] Good evening. Supervisor Pruitt, do you have a motion to bring us out of closed meeting? Yes, I would like to move to the Board of Supervisors, certified by recorded vote, that to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act, I identified in the motion authorized in the closed meeting, were heard, discussed, or considered in the closed meeting.

[04:14:13] Second. We have a motion from Supervisor Pruitt, second from Supervisor Malik, without objection, if the clerk will call the roll. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Malik? Yes. Ms. McKeel? Yes. Ms. Laquista-Kirtley? Aye. Thank you.

[04:14:29] And I believe we have a motion coming out of a closed meeting. We do. And the motion is for appointments to boards and commissions. And so I'll read through all of them. The Almaril Broadband Authority, William Walsh, Waldo Jekwith, Trevor Henry, and Bill Fritz.

[04:14:52] Historic Preservation Committee, Ross Stephenson, or Stephens, I'm sorry. Catherine Gayhard, Milan Mukherjee. Thank you very much, Mukherjee. And then Jefferson Board for Aging Advisory Council, Joanne Hoyle, Natural Heritage Committee, Jennifer Olson, and the Pantops Community Advisory Committee, Ann Oliver, Dylan Henry, Henry Light, and Judith Joyce.

[04:15:26] And that's it. Second. So we have a motion from Supervisor McKeel, second from Supervisor Malek. Without objection, if the clerk will call the roll. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Mallett? Yes. Ms. McKeel? Yes. Ms. B. Stoke-Hurtley? Aye. Thank you. Next item is from the county executive and I look to Mr. Trevor Henry and ask if there's anything for tonight.

[04:15:50] Thank you, Chair Andrews. Not a report, but just wanted to call the board's attention. I forwarded an email announcing three interns that are supporting the county executive's office this summer. We have one that has made it into the night, Mr. Noah Ellington. He's working on a dual masters from North Carolina, class of 2026. He will be directly supporting county exec's office.

[04:16:17] Earlier in the day, you would have seen Leah Rockwell, who is working on her B.A. in public policy from the University of Virginia, Class of 27, and Wyatt Scott, working on his Master's of Public Administration in the Class of 2026 from JMU.

[04:16:34] They both will be supporting the Performance and Strategic Plan Division of the County Executive. So we're excited to have them on board for some help in learning and sharing, and you'll see them around in meetings and other support. Excellent. Thank you. We welcome them, and thank you for being here.

[04:16:52] Thank you. Our next item is from the public. Matters on the agenda but not listed for public hearing are matters previously considered by the board or matters that are not matters pending before the board. Or for public hearing.

[04:17:09] Say that one more time. Sorry. Matters previously considered are currently pending before the board other than scheduled for public hearings. And we only have folks today that are in person, no online, and I will read the directions for you guys to follow.

[04:17:27] During the time set aside for public comment on matters previously considered or currently pending before the board, individuals may address the Board of Supervisors concerning previously considered matters or matters that are pending before the board other than listed on the agenda for public hearing.

[04:17:44] Individuals are allowed one opportunity of up to three minutes to speak at each board meeting, and the sign-up sheet is managed by the clerk's office timekeeping is conducted through a timer and a light system at the podium the green light will go on when you begin speaking which begins your allotted time the yellow light indicates you have one minute to finish speaking the red light indicates your time has expired and you will be asked to end your comments in order to give all speakers equal treatment and courtesy the board requests that speakers adhere to the following guidelines. When addressing the board, state your name and if you live in Albemarle County,

[04:18:19] your magisterial district. Address comments directly to the board as a whole. Any written statements or other supporting material may be given to the clerk. 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. Back and forth debate is not permitted. All comments are live-streamed, recorded, and published on the Almar County website. And we have two speakers

[04:18:48] signed up today or this evening. The first speaker is Alicia Linehan. Welcome. Good evening. My name is Alicia Linehan. I live in the Scottsville district of the county. It's good to see you all.

[04:19:11] Federal and state government continue to label all immigrants as dangerous criminals committing assault, rape, and murder. This is patently untrue, especially in communities that welcome and protect newcomers. Facts matter. A higher proportion of immigrants does not equate to a higher occurrence of crime. According to a report by the Center for American Progress, there are on average 35.5 fewer crimes permitted per 10,000 people in sanctuary counties compared to non-sanctuary counties. Another study done at UC Davis finds that immigrant men have had a lower incarceration

[04:19:49] rate than U.S. born men for the last 150 years of American history and continue to do so. Immigrant men are also 50 to 60 percent less likely to be incarcerated than U.S. born men. The administration is accusing sanctuary jurisdictions of leading, quote, a lawless insurrection against the

supremacy of federal law. Again, facts matter. A sanctuary jurisdiction is defined by its commitment to limit or refuse to share immigration with federal immigration officers like ICE and CBP regarding its constituents or citizens. Sanctuary jurisdictions

[04:20:27] are legal. The 10th Amendment states the federal government may neither issue directives requiring states to address particular problems nor command the state's officers or those of their political subdivisions to administer or enforce a regulatory program such as immigration enforcement. Last week, DHS identified Charlottesville and Albemarle as sanctuary jurisdictions. Far from standing up for our values and principles or the people who live here, both local governments adamantly denied that they have any policies or practices that prohibit or impede cooperation with federal immigration laws

[04:21:03] or law enforcement officers. In fact, Virginia has been identified as an immigration enforcement hotspot along with Texas, Florida, Georgia, and North Carolina. Five southern states with democratic-leaning cities. These states have been most cooperative with ICE in rounding up immigrants through deals known as 287G agreements, described as force multipliers by border czar Tom Holman. These practices fly in the face of public safety. They ignore all our constitutional rights and they're wrong. We should wear the label sanctuary jurisdiction as a badge of honor.

[04:21:40] We know that heroic leadership has its risks for you and for the rest of us. Be open and transparent about what the county may face tell us who and what you fear thank you thank you thank you the next speaker the next speaker is susan mcculley we ask that you show support with hand raising rather than making comments from your seat please introduce yourself first yes hi i'm susan mcculley i'm a resident of the county in the samuel miller district and an organizer with

[04:22:19] Keep Going Together, a group whose mission is to reduce suffering and harm in our community. The suffering and harm and the numbers continue to grow. On May 19th, the administration got the go-ahead to revoke Temporary Protected Status, or TPS, for approximately 350,000 Venezuelans designated in 2023. TPS grants temporary protection from deportation to people from countries affected by war, natural disasters, or severe humanitarian crises. Similarly, on May 24th,

[04:22:57] the Supreme Court allowed the Trump administration to strip temporary legal status of nearly 500,000 migrants who came in through humanitarian parole processes for Cubans, Haitians, Nicaraguans, and Venezuelans. These are people who were screened and vetted by the government as needing temporary status in the United States due to the inhumane conditions of their home countries.

[04:23:24] Those conditions have not changed. Marginalized people who had status are now subject to detention and deportation and will undoubtedly be hunted by ICE. And yesterday, there was another ICE action at the Albemarle District Court. There are judges across the country who are standing firm in the face of the torrent of threats. They're defending the rule of law and honoring their oath, which states in part, I will do equal right to the poor and to the rich and will faithfully discharge all

[04:23:59] the duties incumbent upon me under the Constitution and the law of the United States. There are communities that are facing down heavily armed packs of federal agents in defense of their neighbors. Like scores of Americans before them, they're standing up to the unjust, immoral actions of rich, powerful people. As members of this community, we strive to embody Emma Lazarus' poem, The New Colossus, which is inscribed at the foot of the Statue of Liberty. Lazarus names the statue

[04:24:34] Mother of Exiles, and she writes in part, keep ancient lands your storied pomp. Give me your tired, your poor your huddled masses yearning to breathe free the wretched refuse of your teeming shore send these the homeless tempest tossed to me i lift my lamp beside the golden door it is time it is past time for our local government to be straight with us and to join us thank you thank

[04:25:07] you thank you uh board uh this brings us to our public hearings for this evening the first is on fiscal year 2025 budget amendment and appropriations. And this is being led by Ryan Davidson, Deputy Chief of the Office of Management and Budget. Welcome. Thank you.

[04:25:38] Sorry. Good evening. I'm Ryan Davidson, the Deputy Chief of Budget. This agenda item tonight is a public hearing and action item to amend the FY25 budget. I have a couple of brief slides to just provide the overview of the contents of this amendment, after which time I will turn it over to the board chair for any questions, and then we'll hold the public hearing. So the Virginia code requires a public hearing before amending the budget when the total amount of the funding exceeds 1% of the currently adopted budget. That's the case with what is in front of you

[04:26:12] for consideration tonight. Overall, the budget amendment is approximately \$21.2 million. Of that, \$3 million was approved by previous board actions and previous appropriations in March, April, and May of this year. And then we have \$18.2 million that is under consideration for approval tonight. There are two appropriations that I kind of wanted to just take a minute and pause and bring back to the attention of the board as a refresher for the board and for the public. The first of these is \$13.2 million of undesignated fund balance. This appropriation, as well as the other one

[04:26:47] we'll discuss about the tax rate rates, was discussed with the board as part of the FY26 budget process, but it was a long budget process. A lot was discussed, and so I felt it would be nice to just give that refresher on these uses that we had approved as part of this process. These are uses above and beyond the county's financial management policies of the 10% fund balance and the 2% budget stabilization, and these were worked in and approved as part of the budget development process.

[04:27:17] The full details are in attachment A, but a couple of the main points are \$2 million is going towards our capital budget. \$2.4 million is going to the health fund to fund the county government share of the one-time health health care infusion and in addition to that we talked about the 6.2 million dollars that we're that we're contributing to the health fund which contributing to the schools who will then contribute that back to the health fund for their share of that one point that one time infusion within the health care fund and so that's the the bulk of what makes up that 13.2 million

[04:27:50] dollar appropriation the second one i wanted to give a brief refresher on is related to the fy25 general fund revenue that is being generated from the approved tax rate changes that were discussed as part of the FY26 budget. As you know, the tax rates are approved on a calendar year basis, and so half of the FY25 will be under these increased tax rates. We had not initially accounted for that revenue, and as part of the budget process, we discussed with the board potential uses for this additional revenue in FY25.

[04:28:26] This is no changes to what we have set, what we had discussed with the board, but just the administrative action to allocate those funds. These funds did go through our normal revenue share split with the schools, which is, and CountyGov and CIP, which is 54% for the schools portion, excuse me, 36% for the local government, and 10% for our capital program.

[04:28:50] And so just under \$7 million is going to be appropriated to the capital fund, which includes the schools portion, which they decided they wanted to send to the capital program, and our normal county government capital portion of about a million dollars. And then the remaining local government portion of approximately four million dollars is going to be allocated between three million dollars worth of one-time funding to that affordable housing fund, and just under a million dollars to the economic development fund. Again, all uses that we discussed as part of our FY26 budget process. But I did feel it was important to give a reminder of those since they could easily have gotten lost in the discussions of everything we

[04:29:28] were talking about during the budget process. Here's a summary slide of, as I mentioned before, \$21.2 million worth of appropriations under consideration. This gives you the main categories for where each of those are going to go. I'm not going to go through and read off every single one of these. Again, attachment A from tonight's agenda contains the details for a lot of these, as well as the attachment A's from the March, April, and May meetings.

[04:29:58] To wrap up this presentation, staff's recommendation is after the board holds the public hearing that you adopt the resolution in attachment B to amend the FY25 budget. And with that, I will turn it over to the board and board chair for any questions that you may have and to hold the public hearing.

[04:30:16] Thank you very much. Appreciate that. We'll go through our order. Starting with Supervisor McKeel. Thank you. I appreciate the refresher. No questions. Supervisor Malek. No questions. Thank you for the presentation. Supervisor Lupito Kirby. Thank you, and no questions.

[04:30:32] Supervisor Galloway. More requests, a question built in a request. It mentioned that the savings from the Southern Feeder and Patter Elementary School was to go towards two parcels, adjacent parcels, that I'm assuming is next to where they're going to build the school.

[04:30:48] If you could just send those. I'm just curious what the properties are, if those could come up in a follow-up email. Okay. Thank you. Thank you. Supervisor Pruitt. I have no questions. Thank you. And I have no questions either. These are all straightforward from our budget discussions over many months.

[04:31:04] And so with that, I will open the public hearing. Do we have anyone signed up to speak? Then I will close the public hearing. And the matter is back before the board. And we're looking for a motion to resolution to approve the additional fiscal year 2025 appropriations in the form of attachment B.

[04:31:26] So moved. Second. We have a motion from Supervisor McKeel, a second from Supervisor Malik. Without objection, if the clerk will call the roll. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Malik? Yes. Ms. McKeel? Yes. Ms. Lapisto-Kirtley?

[04:31:41] Aye. Thank you. Aboard. This takes us to our second public hearing, which is on SB 2024-00022. We'll also be discussing the special exception 2024-00031, both relating to the Living Earth School.

[04:31:59] And this is being presented by Scott Clark, Conservation Program Manager. Welcome, Mr. Clark. Thank you. Good evening, supervisors. This is a presentation about a request for the Living Earth School special use permit and, excuse me, Rama, slight technical difficulties, special use permit and special exception request.

[04:32:34] All righty. Apologies for the delay there. So this is a request for a special use permit for a camp for outdoor and environmental education on a site adjacent to Walnut Creek Park of about 287 acres.

[04:32:59] The request is for a maximum of 250 attendees for camp activities and also up to six events per year, fundraisers, facility rentals, et cetera, for up to 500 attendees.

[04:33:15] development includes camp facilities staff residences camping areas and a pavilion so this is an aerial view of the site outlined in red again this is about 287 acres and the light green area to the west is walnut creek park and the access to the site is along red hill road at the north end of the site so for the remainder of this presentation all the maps will be rotated with north to the right rather than up just to make them fit on the screen better and that's the

[04:33:55] the way the plan is laid out. So in summary, the use would include eight weeks per year of summer camps with up to 250 campers. For the remaining 44 weeks per year, there would be other programs for up to 100 campers for camping groups, environmental education, both for students and adults. Throughout the year, there would also be permission for up to 12 programs. Again, these are environmental education programs for 200 or fewer attendees, and then the six events

[04:34:30] for up to 500 attendees and as currently proposed and recommended by the planning commission the attendees for those six events above 200 would arrive by shuttle vans and buses rather than in individual vehicles structures on the site would include a welcome pavilion a camp hall cabins for campers staff residences other small structures nature library and an activity pavilion. And there will also possibly be a central water and septic system request that

[04:35:09] would come to you all later, depending on how the applicants in engineering goes, if they decide to implement that approach to water and septic management. This is the applicant's plan showing the main features of the proposed use. Again, north is to the right. So Red Hill Road is at the right.

[04:35:30] That's where the entrance is here. There is one staff residence proposed to be at the front of the property. And then as you come south, there's the welcome area that is where the majority of campers would be dropped off. There's a pavilion there and also a maintenance building. Just south of that is White Oak Creek, where there's an existing stream crossing for the road that would be replaced. And then again, going left or south in this case, that main yellow area is the main

[04:36:09] camp activity area where the camp hall and the cabins would be. To the west of that in the red hatch is the area for the remainder of staff residences. The light blue areas are the primitive camping areas, which would be tents mostly in the woods. And then farthest to the south, there's the pavilion and the floodplain area. This is the only floodplain area on the parcel, so there's no floodplain crossing for the access route. The use includes a vegetation management plan, which

[04:36:49] would control the degree of clearing and open area use on the site. There are four categories from light green to dark. The light is the most impacted of largely open areas with some trees ranging down to the darkest green which is the majority of the site about 70 percent that would remain as lightly managed forest just taking care of invasives and dead trees and things like that otherwise left essentially natural zone 2 and 3 would be the areas for camping and other

[04:37:27] activities so about 70% of the site would remain largely natural forest as it currently is so just to review the Sunday ordinance factors for approval of special use permits under no substantial detriment the applicants have worked with neighboring landowners to address issues such is visibility and noise. You'll see there on the left that the welcome area, that area is within about 500 feet of a dwelling, but it is about 40 feet lower and there's a band of trees buffering

[04:38:06] visibility and sound from there. On the bottom, excuse me, also in that map on the left, the driveway has been moved from its current location so that it would be built about 250 feet away from the nearest dwelling it's currently quite a bit closer than that as it's right on the property line so the applicants have altered the plan to show that driveway would be moved to reduce the impacts on that nearest dwelling to the property on the bottom right there's some screening shown in the area near the front entrance where the first staff dwelling would be

[04:38:43] and that's to screen visibility of that driveway on that very narrow section of the property from the existing dwelling next door. Another criterion for special use permit review is that the character of the nearby area should be unchanged. You can see here the existing pattern with the large residential and forest parcels and the large park parcel. There are some large residential lots in here as well, and the floodplain of the South Fork hardware. The proposed layout for this use

[04:39:19] would maintain essentially that same pattern, and the more open areas would be isolated toward the middle of the property with a buffer around most of it of the less-managed forest areas. Under health and safety, again, the site would be accessed via Red Hill Road.

[04:39:40] VIA DOT had no objections to the proposed use. The applicants have requested a special exception for critical slopes disturbance. Here on Red Hill, you can see where the cone is on the right is the driveway location. It is roughly where the entrance would be. And then just past the zoning sign there is a bank constructed a steep slope as part of the road cut when the road was built.

[04:40:04] And about 0.06 of an acre there would be cleared and pulled back to increase visibility, especially for folks leaving the site in that entrance so they could see the approaching traffic. Emergency access within the site, again, there's no floodplain in the way of access to the internal areas where main activities would be.

[04:40:31] The concept plan shows an internal road design as requested by Fire Rescue. You can see the illustration there with a 20-foot improved surface and a 20-foot clear area overhead to make sure that emergency vehicles can get through. Also, it's wide enough to allow emergency vehicles to enter while other vehicles exit.

[04:40:50] Conditions would also include approval of an emergency access plan. There is one safety-related issue that has changed slightly since this item went to the Planning Commission, and staff has worked with Fire Rescue to amend the conditions related to fire vehicle access and to campfires to address emergency access concerns and fire safety concerns.

[04:41:17] So you will have seen this in your transmittal summary. Condition 6 has had the second underlined sentence added regarding ensuring that the replacement crossing for White Oak Creek would be sufficient to support the county's emergency vehicles.

[04:41:35] and then condition 12 at the bottom has been added this is a new condition regarding campfire management there was some concern expressed before and during the planning commission hearing about outdoor fires in a context where there are dwellings in a wooded landscape nearby so this condition would require that the outdoor fires be in firings in locations approved by the county those might change over time but they would need to be approved when they're established Fires must be attended by camp staff.

[04:42:09] Fire extinguishers must be there at each side of the fire. And firings must have a clear zone without trees around them. You will have seen in your transmittal summary this was recommended to be 50 feet. There was a request earlier today for clarification from the applicants about why that was 50 feet, which is a fairly large area for a campfire.

[04:42:32] we double checked with fire rescue and fire marshal confirmed that the 50 foot clear area is more intended for open fires on the ground that don't have a fire ring or a fire pit whereas fire rings such as these should have a 25 foot clear area around them so we are recommending that that condition be changed to pull that clear area from 50 feet down to 25 from the edge of the fire rings. Under consistency with the comprehensive plan, there were several items in the 2015 plan

[04:43:10] that this application was consistent with. Under natural resources, increasing the community's awareness of biodiversity and retaining and improving land cover near rivers and streams and wetlands. Again, going back to the vegetation management plan and the extent of forest cover protected on the site. In the rural area plan, protect and preserve natural resources, protect historic archaeological cultural resources. You'll note there's a condition of approval regarding the existing old stone walls that are still on the site. And lastly, again, providing information to citizens so they understand and are well informed about cultural, economic, and

[04:43:49] ecological aspects of the rural area. Quite often for special use permits in the rural area, we compare them to what might be possible under by right development if the special use permit were not approved this particular site could have as many as 23 dwellings built on it those buildings would have no particular limits on structure size there would be roads and driveways to access each of them and we would have very limited control of vegetation changes on the site

[04:44:25] residential lots could be cleared at most we may have some ability to manage the vegetation in the stream buffers but otherwise the site could be completely altered under the camp proposal there there would be less extensive construction and significantly less vegetation removal possible.

[04:44:47] We also wanted to compare the traffic impacts. So the table you see on the right there at the top shows the traffic estimates for the 23 dwellings, 261 trips a day during the weekday, as well as 134 on Sundays. Those are from the ITE estimates. The remainder of the table is from the applicant's own estimates from reviewing their own past uses on other sites. So it's broken down here into two sections. One is for the eight weeks of the year for summer camp, and then the bottom row

[04:45:22] is for the 44 remaining weeks of the year. So for the summer camp for the eight weeks, for 250 overnight campers, there would be a peak of 333 trips on Sunday and Friday, and relatively few trips the rest of the week. For a summer camp that had 250 day-only campers, then every day Monday to Friday there would be about 384 trips. Both of those are somewhat higher than the residential level, but they are both worst case scenarios. The truth is somewhere likely in

[04:45:58] between. It's rare for this operation to have all overnight campers or all day campers. It'll be a mix. So for those eight weeks, the traffic impact is likely to be slightly higher than that for the residential development, but probably not quite as high as it showed in those worst case examples, because it'll be a mix of day campers and week-long campers. For the remaining 44 weeks of the year with the proposed uses of day uses of 100 up to 100 people or fewer than it

[04:46:36] drops to about 144 trips a day so again that's lower than the traffic counts from the residential development so briefly i just want to cover the special exception that's been requested here again this is located at the entrance to the site on red hill road they're requesting to disturb 2,674 square feet. Again, about 0.06 of an acre. And this is entirely for the purposes of site distance on Red Hill. Small disturbance area on an existing road cutting. It's not under a

[04:47:14] reservoir watershed or a stream buffer. It's not located on a designated scenic highway or entrance corridor. The disturbance area would be subject to site plan, stormwater, and erosion control requirements, as would the remainder of the site when they do a site plan for the construction.

[04:47:32] And the disturbance would increase site distance at the entrance, which would be a benefit for safety. So I will just quickly review our recommendations and then be happy to take your questions.

[04:47:48] For the special use permit, the Planning Commission voted 6-0 to recommend approval with conditions. Staff recommends approval with the following conditions. These are the same ones that you saw in your transmittal summary, with the exception that under 12C, The clear zone distance around the fire rings has been reduced from 50 to 25 feet.

[04:48:12] And then for the special exception, staff analysis indicates that this request meets the criteria for approvability, and staff recommends approval of the request to disturb these critical slopes. So I'll be happy to take your questions, and I'm sure the applicant will have a detailed presentation.

[04:48:31] Thank you. And we'll go through our order. Supervisor McKeel. Sure. Thank you for the presentation. I'm going to ask some questions, and maybe they would be better for the applicant, but I'll start with you. Okay. And I may have missed it.

[04:48:47] What are the ages of these students? They can probably give a more accurate total range, but as I understand it, the summer campers will be largely or entirely high school or younger. The other 44 weeks of the year could be homeschoolers, could be adults, depending on who they happen to contract with for a particular program.

[04:49:10] So there will be some elementary school age children. As far as I know, yes. Some young children. Okay. Thank you. That leads me to my second question, which is a concern around fire and forested areas and how we flip from drought off and on to droughts these days in this community and the concern about fire.

[04:49:36] I'm a little concerned about the reduction of 25 to 25 feet. Let me ask a question. If we were in the middle of a really bad drought, would the county have the ability to say it's not safe for this camp to be held right now, this week, this month?

[04:49:57] There's not a mechanism in the conditions to create that level of control. Whether a fire rescue has that ability, I don't know personally what the fire marshal's authority is. I'm very concerned. We're already seeing, and this is not exactly the same thing, but we see numerous fire calls every day during dry periods from cigarette butts just being flicked out of windows.

[04:50:23] I am very concerned about fire and a drought especially, right? So I guess the applicant can talk to me about that. Well, they can talk some more about that, and we did talk about that quite a bit with fire rescue. I am very concerned. And the two things I would point out, one is that compared to a previous site

that was considered by the same organization for a camp, this one is particularly close to a very large water source, which is the Walnut Creek Lake, which county firefighters have access to.

[04:50:55] So they did say that this was not a particular concern as far as distance to a suppression water source. The other thing I think is that the applicants intend to have water tank storage on the site. They have their own, and they've communicated this to us in the past, that they already have their own fire management criteria as part of their existing operations, and they've been operating on several other sites for many years.

[04:51:23] And they tend to, for example, have fire pit locations that are vehicle accessible. So it's not that you have a fire source remote in the woods that you can't get a truck, even a pickup truck with water tanks in it, but they tend to make them vehicle accessible.

[04:51:40] But they can't address that in more detail. Okay, thank you. And my other question I had, help me understand parking. It looks like to me there's little or no parking. I don't think the applicant is intended to establish an exact number of parking spaces with this conceptual level plan.

[04:52:04] Again, remember, a lot of the folks who will be coming to this will be dropped off at that Welcome Pavilion area, and those vehicles will leave again. So as those arrivals and departures are spaced out, they don't need to have parking for a vehicle for every attendee.

[04:52:21] And then for the six large events, one of the reasons that we had recommended that they use the shuttle vehicles was, again, to address that you don't need a large, impervious parking area for 500 people just for those few events a year.

[04:52:38] So, yeah, I think the exact number of spaces will be set at the site plan stage rather than the special use permit. but I understand the concern and the applicants can probably speak in more detail to the way they manage parking to reduce that demand. So when we've required shuttle buses in the past, they've not worked very well and they have not been used consistently. Bad experience from my viewpoint. And so there are going to be a number of adults that will be coming in,

[04:53:17] not just children being dropped off at a camp because you are going to be having events. So who from staff will be monitoring the buses and monitoring the parking and making sure that they're using the buses properly and that they're not parking along the roadway during these events?

[04:53:38] I mean, who from staff will be monitoring that? There wouldn't be active staff monitoring. It would be like any other zoning enforcement. It would be by complaint. If a neighbor or another landowner sees that those activities aren't being carried out properly, they're going to call us through the complaint line.

[04:53:54] and we're going to go and inspect but no we're not going to have staff on the ground every day or even every week to kind of check off the checklist of did they use the buses this time just not the capacity to do that so it would be through the same complete based enforcement system we have for other uses so i'll talk to the applicant thank you that's all my questions supervisor mallet thank you very much so clarification the 250 attendees for those weeks that's all at once not 50 a week or something like that it's 250 kids on

[04:54:31] site all at one time right so it's 250 students for the eight weeks of summer camp it's 250 kids okay second question the clear zone canopy that's the radius away from the pit 25 feet yes so it's 25 feet

from the edge of the fire ring not from the center from the edge all right that's even further but anyway that's I just want to make sure that wasn't the diameter. Was there any discussion about the protection of the Virginia Indian artifacts, which are certainly sprinkled everywhere down there from the properties to the west as well as, you know, down toward Walnut Creek? I'm sorry, I think I missed

[04:55:10] the key word. The Virginia Indian artifacts, as far as how they would be handled when they're found, and perhaps the applicant can talk about that. Okay, and if the board is willing, that's the condition about giving the fire marshal daily approval as they would for any fireworks or anything else during a drought situation i would be in support of that so that's all i have right now thank you supervisor lapisto kirtley yeah i'm waiting for the applicant i have no questions at

[04:55:47] this time thank you very much professor galloway the uh the off season for the 100 campers that's just i'm presuming following their programming or was that just to limit i mean summer of course would be the higher intensity because kids are out of school so is the rest of it us trying to say we don't want that activity year-round or just mirrors their programming and that's the applicants proposal for the their standard programming and they're not going to have as many people for their non-summer programs but it i understand that it varies quite a bit depending

[04:56:22] on it could be a small group of adults doing environmental education or nature identification or it could be a homeschool or other small student group for a day program or even the occasional overnight. My guess, and I'm sure the applicant can answer, but somebody should probably be ready to tell us exactly what the fire marshal can and can't do before we get to a vote for the site.

[04:56:53] My understanding during an application a few months ago is the fire marshal can prohibit any outdoor burning during a drought. I see some other people shaking their head back there, but I just would want that officially confirmed because it sounds like it's something we're all might would have questions about.

[04:57:11] But the case would be that even with the sign-off, if a drought is declared, the fire marshal could just ban open burning, period, across the whole county, not alone to the specific site. I'm sorry, I don't know, but I'm going to try to find out.

[04:57:29] Well, I'm just throwing that out there that we may need somebody to come up and officially answer. So the open burning law of the county's, it's Chapter 6 of the county code rather than the land use part of the code, but there is a provision in Section 6-404 of the county code, open burning shall be prohibited when atmospheric conditions or local circumstances made such fires hazardous.

[04:57:51] Then it goes on from there. Yeah, and that's everything, bonfires, backyard fires. But you have to know about it. Well. Somebody has to, yeah, be aware to follow it. understood but i mean um okay the uh is the sign so the bridge piece because it says it just needs to be signed off at the site plan stage that they they're going to build this new bridge are they specifically already telling the applicant what size vehicle they need to build a bridge for i don't know that they've communicated that yet and the applicants to

[04:58:27] my knowledge have not designed a bridge yet it's just a matter of they both know they have to work together to figure out right because that i mean you don't want to build a bridge and be like no that doesn't work. It's all ahead of time, right? Yeah, that would be worked out during the site plan stage. All right, I'm good for now. Thank you. Thank you.

[04:58:46] Supervisor Pruitt. I have no questions at this time. Okay. Just following up a little bit on the traffic questions, you know, the 500 people, that was buses. We don't know exactly how many that would entail, but 384 is sort of a potentially eight weeks of the year type of number.

[04:59:08] This may not be possible, Vita, I probably just said they had no concerns, but is there a level of daily impact at which they would have concerns? Is there, I mean, would 500 have been a concern if it were private vehicles? Do we have any way of knowing that?

[04:59:24] I'm not sure that, given that's only six days a year, I'm not sure that we ever got a traffic generation estimate for the six events. The applicants may have something in their information about that. But again, that's going to be hopefully held to a lower number by the...

[04:59:43] But even the 384, I mean, we did get that was looked at by VDOT, but we didn't... Well, I don't know where the threshold would have been. I'm just trying to understand the science here a little bit. And there's also a KOE campground just down the road, I believe, and it's commercial operation.

[04:59:58] I'm not sure what its traffic levels are. I don't know if any of that was looked at. Fairly small campground and a couple miles away. I don't know offhand whether or not VDOT actually looked at these exact numbers. I know that they reviewed the application and said they had no concerns.

[05:00:18] Okay. Okay. My other questions are going to be for the applicant. I will just, out of curiosity, ask, is there a history here to the shape of this parcel that caused the narrowing of that one spot?

[05:00:36] I dug back a ways, and there were some subdivisions and transfers a long time ago, but okay it's been quite a while so yes but i can't explain it i appreciate that all right um if there are no other questions of staff i will open the public hearing do everyone signed up to speak i know we have the applicant here this is for the living room okay seven speakers in person

[05:01:07] and no one online so i will read the rules get the correct rules during public hearings the board will acknowledge speakers addressing the item listed for public hearing. Speakers are limited to one appearance of three minutes per public hearing item. 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. The timekeeping is conducted through a timer and light system at the podium. The green light will go on when you begin speaking, which begins your allotted time. The yellow light indicates you have one minute to finish speaking. The red light indicates your time has expired

[05:01:47] and you will be asked to end your comments. In order to give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines. When addressing the board, state your name and if you live in Albemarle County, your magisterial district. Address comments directly to the board as a whole.

[05:02:04] 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. Back-and-forth debate is not permitted, and do not speak from your seat or out of turn.

[05:02:20] All comments are live-streamed, recorded, and published on the Elmore County website. And, of course, the first is the applicant, and I understand this is Kelsey Schlein and Mr. Huffnott. Welcome.

[05:02:43] Good evening, Chair Andrews, members of the board. My name is Kelsey Schlein. I'm a planner with SHIMP Engineering. I've been assisting the Living Earth School with their special use permit application.

[05:02:59] Let me just get my slides up here. I want to thank Scott and staff for working with us throughout this process. I know they've worked with Hub quite a few times on a few different properties, and we really feel that this property is the right one for the Living Earth School to call home for a long time to come.

[05:03:20] We received quite a few questions from the board, but we do have a lot to get through in our presentation. So we're going to get through our presentation and then hopefully have time to answer all the questions that we received from you all after that. I'm going to kick it over to Hub to give you an introduction to Living Earth School, and then I'll hop into the details of the application.

[05:03:37] Thank you. Thank you, Kelsey. And thank you, Scott. Scott's been a champion working back and forth with us a lot, so I appreciate it. I don't know if he's sick of me yet, but I've been co-running the Living Earth School for 23 years, and we've held a great place in the community, and we have a great safety record.

[05:03:59] Neighbors have always been happy with us in how we've conducted ourselves, and our mission is earth care, people care, and we're designing our org to be here for 100 years because I do believe we're at a time with all the media and all the things that the scrolling the kids are doing that they need nature more now than ever for mental health and just for being curious and being alive and nothing brings that out more if any of you have had a wild childhood running around the woods you know how important it is and how much it holds a place in your heart and kids don't get that enough these days so we're

[05:04:36] here um i hope someday we're out of business because they're like why would i pay for nature connection but anyway that's what we're here for and we work with um somebody asked a question about ages and currently we work from ages like five all the way up to 80 something and bulk of it being kids but we have a lot of adult programming and um i'm here for the next generation and the current people here a lot of parents thank me all the time for these programs that we provide for the community and how alive their kids come home and are full of life and i hope that this carries on way beyond my time on this earth.

[05:05:12] And I feel like I have an obligation here as a human and a lover of nature and people to educate this next generation into loving this earth. And I've watched past students who said the work that we've done has impacted their life choices and that nature is deeply in their heart.

[05:05:31] And I think it's those times, like just yesterday, I was sitting around camp with some former campers that were campers since they were eight now they're adults becoming staff and sitting around asking them about what they're curious about in nature and they're telling me about the plants and animals and I would tell them stories and ask them questions and give them a challenge and just because they need mentors this next generation needs mentors and I've had great mentors and that's why I'm here today I wouldn't be here without people in my life that believed in me so we need we provide that for these kids and it's a deep honor to be able to provide that for them honestly and to see them come back with a spark in their eyes ready to tell me a story

[05:06:11] of what they saw out there and i get to ask them a question to make them even more curious so it's a beautiful thing that we've created here and um for um 23 years we've also patched together our

programs like we built this robust program that serves over a thousand people a year all across in a lot of different places and we rent facilities and we're always patching together we're loading trailers taking things and it's exhausting to be honest and it's time you know into our nature org nature is place-based and to be able to put our roots down in the community and on a piece of land that the kids can learn about and love and also learn how to tend

[05:06:47] and make this land even richer i've talked with neighbors about how it used to be there and that yes and you mentioned about the native american artifacts there is a grinding stone in one of the rocks just on the edge of the property and to be able to use these things to teach people about the past and to honor them and um is awesome and i'm excited for it and And this parcel of land, you see the kids up there that do things, and they just come alive.

[05:07:14] And this parcel of land has almost a mild hardware river on it. It has Walnut Creek and White Oak Creek, and it has flood plains and rich old forests with trees wider than this, and some rare plants. There's a hemlock forest on the property. And there's just a lot there that is an awesome place to teach people and get them excited about nature, and it's accessible.

[05:07:36] It's on a good road. the location is convenient to charlottesville um so i just ask that today that um you think i guess approve it if you if you feel i'm open to all your questions but i think you know we do have a great track record and ours we've been working with fire for 23 years and it never even been close to jumping out of the ring and on days where it's dangerous we just don't do it and we take safety precautions and we also educate that next generation on how to handle fire properly which is a lot of people don't and I see people lighting bonfires on windy days to burn their

[05:08:12] debris and it gives me a heart attack so to teach kids how to properly do these things they need that they're not getting that at home as much these days and it's up to us educators that are professionals with what we do and we do trainings and we do all types of things to make sure that we're passing on what to do in lightning storms how to handle things how to be nature smart basically and in that they fall in love with nature and they fall in love with nature and they have mentors that care about them and that means the world to them um so yeah that's all i have for the moment and i'll pass it over to kelsey thanks hub um so as um hub mentioned uh

[05:08:52] the the property is absolutely stunning and and offers the living our school um plenty of river frontage um plenty of walking trails um and just places to to do camp um it's 287 acre property and it's also just kind of an excellent property to lay out just from a from an impacts perspective so you see here we have 287 acres and all of the activity is really concentrated towards the middle

[05:09:25] to create as minimal impact as possible on neighbors we have tons of space to work with and just kind of these go through a little more of of all of the the details of the areas but in the time i have left i kind of want to get to um this overview here what scott had up in in his plan as well and as a condition of approval but i think that this is just um you know kind of a testament to living our school um commitment to conservation and preservation um and we've

[05:09:59] established these different zones on the property for vegetation protection and so you can see zone one is where we've identified the welcome area and the main camp area that's where all camp structures dining hall welcome pavilion that's where all of those structures will be located zone two some smaller structures staff residences things like that and then zone three is primitive camping so pretty minimal tree removal and zone four is woodland protection zone so between zones

[05:10:34] three and four we have 83 percent of the of the site dedicated to being highly protected from from a vegetative cover standpoint and then also just kind of given the layout of this site we have a great distance between any camp structures and nearby residences and so scott mentioned we've There's an existing road coming into the property, working with staff and going through the revisions process.

[05:11:04] We shifted that road further away from the property line. It currently follows the property line in this location. So we've pulled that off quite a bit. So we have, when it's all said and done, we'll probably be about 200 feet away for our entrance point to the nearest residence.

[05:11:22] And then between the nearest structure and the existing residents, it's almost 500 feet. I will note on our concept plan, which is part of the conditions of approval, we did call out a greater setback around the property edge, so a 50-foot setback is required for structures, whereas depending on the property line, for side and rear, that would be 25 to 35 feet in the rural areas elsewhere.

[05:11:54] And then just kind of speaking to the traffic impact one, and I think Scott did a wonderful job kind of going over this, but the 250 camper cap in the summertime is for day campers and overnight campers.

[05:12:12] And so we kind of presented this worst case scenario for transportation impact, but 250 is the max total on campers permitted on the property between day camp and overnight. And so I just want to make it clear that, you know, the table that Scott shared, it's not, it wasn't the day campers and overnight added together.

[05:12:36] It's 250 total campers permitted for the eight weeks in summer. Outside of the eight weeks in summer, it's limited to 100 campers per day or 100 program activities. And just make one quick closing comment.

[05:12:53] We'll go through our order and I'm sure someone will ask for it. Sounds good. Thank you for the opportunity. Supervisor McKeown. Thank you very much for the presentation. Help me understand, so you're obviously going to have day campers and overnight campers at the same time.

[05:13:12] What's your student ratio with adults or instructors? I don't know if you call them instructors, staff, teachers. It is one to six. And currently, for in the past 23 years, we've never gone more than 100 campers at a time, but we were told to ask for what potentially could be down the road, so we never had to come back and bother you.

[05:13:34] Yeah, move your mic because we're having trouble hearing you. Did you catch that last part about, like our max right now is 100 campers at any one time, and that's where we've been for 23 years. I don't know if we even go above that, but we were suggested to reach for our max, what we might see 30 years down the road.

[05:13:51] So even though that's a worst-case scenario, I don't really see moving that way just because we're not really, you know, doing that right now. Right. And I have a question about the use of the buses. Concerned about that because we have had some experiences with buses that don't work very well, have been bad experiences, or haven't been realized, I guess I could say.

[05:14:17] Where are you going to stage the parking and the buses? Sure. um so as far as well and i think one comment that i'll make with the um with with the shuttles and the buses is that um you know hub and his team are asking for a special use permit here and so that has conditions and it is very much in his best

interest to continue to operate the camp if this is approved and to offer his programs to uphold those those conditions and and and you know be a good steward of of the uh safeguards kind of put in place um and so then i guess as

[05:14:52] far as just kind of like parking areas we really don't want to have large gravel parking areas on this whatsoever and so we've kind of designated there's a parking area by the welcome area and then there's also a parking and drop off by the main camp area and those are kind of for day-to-day use for larger events the main camp area in this area is there's an existing large clearing and it's pretty flat um and once and there's not really a lot of you know once obviously once

[05:15:31] the road is improved it'll be very easy to get to and from the grassy area that's kind of around this main camp area so during larger events there will be grass parking in around the main camp area if there's overflow needed from where the you know formal parking lots are installed maybe i'm confused about the buses the buses where are you using and how are you using buses the so the buses are required for any event that takes place with more than 200 people so where are you staging the

[05:16:06] buses as in where will people kind of get on and off of them where do they park their car and get on and off the bus oh thank you yeah i'm sorry no yeah no that's that's okay and maybe i'm i'll kind of talk to that i mean i like a lot of events you end up having the final alternative which means talking to existing parking areas that are underutilized during that event time and working out something with them so like i know some yeah there's a lot of different places that people have used for parking areas like that so we don't have i mean we haven't gone and bothered anybody yet about that but i know like talking to shuttle services that they do have places where people

[05:16:44] have parked in the past is what they've told me so and then at the site the buses if they had to stay on site in the existing parking areas they could on the gravel because i don't want to bus on the grass so yeah so yeah i guess that's all i have for right now thank you supervisor malik okay many of my questions have already been answered so i think i'm going to stand down momentarily thank you thank you supervisor lapisto currently uh yes you said that around the fire ring it was 25 feet away from the edge of the fire ring and that was approved by the fire department

[05:17:23] correct okay and we've already acknowledged that they have the ability to close it down it's really really conditions require it um the children are they separated by age or separated from adults from as i notice in the cabins and yeah so i mean so that's a good question um is if there's an adult program happening there they're not mixed in with the kids unless it's a family program and then the families are there and um like when the kids are there separated by age i mean so like our camps like eight to 12 year olds will be together sometimes we separate the

[05:18:02] cabins out by age and there's always an adult present and all of our staff have background checks and have all these the standard things that you would expect as a parent to sending your kids to a place to have that they're in you know safety precautions in place so does that answer your question well and the staff they sleep in the cabin also not i mean so yeah there's a staff on duty and the ones that aren't end up sleeping in one of the staff housing or they have tents that they will sleep in near the kids because we like a lot you know extra hands around if we needed it so okay but um and is this a total no smoking site yeah i mean we at all times and we

[05:18:41] have in our policy currently that there's no smoking on site and during programs with children there's no alcohol on site or really no alcohol allowed on the camp facility so so really you have a you have

families that come here uh and they can stay and do they bring do they stay in the cabins or do they bring their own RV or something?

[05:19:04] We don't do a lot of family program currently because it's very hard moving from site to site that we just have tabled. We used to do family father-son programs, mother-daughter, and all the different variations one could imagine. And if they came, they would stay with their kids in a tent or a cabin, whatever their options were presented to them at the time. But we never really had somebody ask if they could bring an RV to the site.

[05:19:30] And you said that the summer camps, that's not overnight. That's just during the day. There is day camps and overnight camps. Okay, and the overnight camps, what's the age range of the children? Currently, they're 9 to 18, but historically they've been 8 to 18.

[05:19:49] Okay, and that's where you have the 8 and 12-year-olds together. Yeah. Okay. All right, because you had mentioned that it also goes from age 5 to 8. Right, yeah, yeah. Yeah, no, I wouldn't want to have a five-year-old first-time sleepover with me.

[05:20:05] That would be, like, a lot of work. Not that we're afraid of work, but that's for, like, a little program that runs from, like, 9.30 to 3.30. And it's a short little introduction to nature, and then they go home.

[05:20:22] And last, I know you're going to have a kitchen in the dining room, right? Yeah. And is that going to be propane or electricity? Electricity. I mean, it might be propane. I mean, the building codes will probably dictate a little bit of what we have to have in a commercial kitchen.

[05:20:39] Everyone will be staying in cabins. They won't be staying in tents, or you do have some tents? We do. So the primitive camping areas have what I call glamping tents. There's the blue zones, and that's set up. If you've ever been out to Sugar Hollow, there's the Girl Scout camp, and they have these canvas tents that are typical Boy Scout, Girl Scout camping tents on platforms.

[05:21:00] that kids sleep in and they're they're nice because they're safe they're up off the ground and i don't have to depend on a kid bringing a tent that might not have a pole with okay or the zipper doesn't work and they're all within walking distance of the restrooms and everything yeah okay yeah thank you those are my questions thank you supervisor galloway um i noticed the condition with the sound amplification can you just talk a little bit about what you actually do for sound amplification are you i'm assuming this is to direct 100 kids at one time no yeah we don't do any of that currently i guess it was just put in there like for a fundraiser if we want to have

[05:21:38] like up in the main camp area a small like acoustic band come out that we could have that but currently we've never actually hooked up a mic at camp or even a speaker so you're not even doing sound amplification at this point do what you're not even doing that we're not even doing it was just more like keep it in there because if we did a special event and somebody wanted to come and play as part of the thing obviously there's codes to how loud it can be and things like that so um that was just keeping that in there so we had some options you don't want to hear me singing on a speaker all right i'm good thank you thank you supervisor brood i apologize i probably should

[05:22:17] have asked this during the previous segment but um help me with the staff residences are these like full residences with certificate of occupancy are these okay and you have requested up to six i'm seeing five on there is the six just a maximum and the notional plan you haven't worked that out okay

that's all that thank you uh just following up on some of the other issues you said you know 23 years you've not had a occasion to call the fire department for a fire or whatever okay um

[05:22:55] This is a silly kind of, but I'm curious. There was a mention in here about dead trees as something you'd have to remove. Dead trees, are they fire hazards, are they fall hazards, or are they habitat? I guess all of the above.

[05:23:12] All of the above. Okay. Just for clarity on the forest, Virginia Department of Forestry did create a very thick management plan for the property for us with lots of different things about fire management. in there as well as forest health, and I specifically said we're not interested in cutting a lot of timber for any commercial production. It was more just like habitat improvement for diversity and wildlife and what's here and what resources are here and how do we improve them and keep it safe. So, and fire was one of the key feature in that. I could email it to

[05:23:49] you if you want. It's only like 50 pages. And then my last sort of safety related question is, You know, we've seen some pretty severe flood events and some tragic results. And you've got the Hardware River and you've got this Whitehall Creek. I'm not as familiar with Whitehall Creek, but how would you plan around that?

[05:24:10] How close are you to the river as far as what's the floodplain and what are the risks here? So if you look at the lower left primitive camp area, that's the closest we've probably ever camped to the river or be near it, especially during a flood event, because I know the hardware can get up.

[05:24:30] I know, like, last year with the hurricane, it got up 14 feet is what I measured or what the meter said further downriver. I don't know what it exactly was here, but I can see the lines. And, I mean, really, it's just, like, it's part of the hazards that we teach with kids.

[05:24:46] It's just, like, not to go near it. And where the E is on that primitive camp area, that's about where I'm foreseeing just from the layout of the land, where the best primitive campsite will be. So I don't know how many thousands of feet that is away from the floodplain.

[05:25:03] It's also much higher. Yeah, it's about 100 feet higher than the floodplain as well. Historically, I think that happened last in the Bible or something like that. Pretty long time ago. Okay, I appreciate that. I didn't know if you had any other comment that you were interrupted on, but we're going to turn to the public next.

[05:25:25] I think we covered it in the response. Great. Thank you. Appreciate that. Yes, I just wanted to ask, you have your staff residents separated by quite a distance. Is one administrative and one's more staff or what?

[05:25:41] So the front one is partly for security purposes, too. It's like there was a lot there. There's actually a current existing cell and septic tank already there. And before we bought the property, the previous owner took out the trailer that was there. Not me.

[05:25:58] So, and the other ones are more for, like, year-round staff that are working their full-time job and not where the day-to-day day camp staff will be and stuff like that. And a lot of them end up going home. Thank you. Thank you. Additional questions?

[05:26:13] So that triggered something for me. So year-round staff, so you have some folks that are year-round that work for you permanently. Yes. And then I'm sure you have some part-time folks that you hire.

Yeah. Yeah. And I have a quick question. This is not, and I know this is about land use, but I'm curious, but you're obviously for profit.

[05:26:34] We're non-profit. You're non-profit. I'd missed that somewhere. Okay, so you're a non-profit. So you offer scholarships, sliding scale, some sort for? We do a lot of that. I mean, we've only been a non-profit for three years, so we started as a for-profit, and we've gone, and almost every year we've been able to double what we offer in scholarship or financial aid assistance.

[05:26:59] and that's partly the main reason why we became, is just not turning away people that couldn't afford programming and it's one of our core it's like when we came up with our strategic plan, it's one of the core tenets in there of like how do we make this accessible to more and more people because it's you see the wealth disparity growing in a lot of different directions but yeah, so I don't know if that answers your question Thank you very much Thank you Thank you. And I think now we can turn to our public speakers in the public hearing.

[05:27:33] We can. And we have seven folks that have signed up, and I will start with the first name of Scott Cunningham. And make sure as you come up to adjust the mic for your height or your, so we can hear you clearly.

[05:27:55] Thank you. have no idea what you're saying. I'm Scott Cunningham. I just found out I'm part of the Rivanna District, Magister District. I looked that up. So thank you all. I appreciate it. A lot of good information. Scott Clark, thank you for covering the fact this aligns so well with the comprehensive plan. Prior to what I'm currently doing, I was as the Director of Finance and Operations for the Living Earth. I flipped it from a for-profit to a non-profit started the structure and and miss mckee we do offer a lot of scholarships and those are not free

[05:28:33] so we would love donations to subsidize because our our employees that we do have several full-time employees that work in the nature industry um do need living wages which is why it's so important that we have residences to offset the cost of living here it's very important i was thinking on the way up here when i first got into this nature connection world there are about a hundred or so entities like the living earth school across the u.s only a handful have the community's support

[05:29:10] to have an opportunity to have a permanent land that they can put a house and a home and put programs on that they'll be able to control for generations not my kids or your kids but our grandkids and our other grandkids, seven generations, we look at this and we look at the impact. So that's what this organization is looking to do and this is what they've been doing and this is what they do so well. It's a survival. They're teaching kids risk, responsibility.

[05:29:43] They're teaching kids how to assess what makes sense to do and whatnot and how to care for other things outside of themselves and that's through their mentoring that the counselors provide that hubs taught that everybody's brought in. So it's a great place for the kids to heal, to grow, to learn about time management. Anyway, thank you very much for entertaining this.

[05:30:08] I give my whole heart to the organization. I donate. It's very, very important to our kids and to our future. So I hope that you can support it. Thank you. Thank you. Thank you. The next speaker, excuse me, is Robin Crisculo. I maybe have mispronounced that. If I did, you'll help me. Thank you. You got it. Robin Crisculo. I'm in the Whitehall Magisterial District where I operate a small nature preschool out of my home. I am here because Lavera School

[05:30:44] changed my life. And I was a summer camp staff and then a year-round staff for a while from 2009 until I think 2016. And I see the work, the impact this work has on kids and on the staff and community members and it's just a beautiful thing um as far as the safety you know as former staff we went through extensive training um live air school has always been extremely conscientious with fire safety with taking care of the land and passing that on to future generations so

[05:31:23] i know the land will be in good hands um and yeah i work with younger children now i work with ages two to four and we know that time outdoors is essential for kids of all ages and for humans of all ages science backs that up all the things we already know intuitively it's just something that we need and this community needs and has already been again in the community for 23 years and under tremendous leadership the founders of living or school have given so much and will

[05:32:01] continue to do that so i'm really excited for this i hope you all vote yes and thanks for your support thank you the next speaker is john i believe this is outland okay i do live in the county i live in the scottsville district and i'm fortunate enough to have three children as well they're all teenagers one of which has attended the living earth day camps not overnight um i also sit on the board so um i'm i'm just excited we have 287 acres that sits next to 525 acres of the

[05:32:39] County Park that we have the opportunity to develop. It's already very biodiverse and it's not loblolly pines. It's old growth forest and it's exciting. It's exciting that your concerns are our concerns. Fire safety, how do we get people in and out safely? How do we properly manage the forest? How do we create a sustainable environment so that kids, adults, youth, everybody has a good experience in nature? So it's excited that that's your concerns. Those are our concerns, so I'm pretty sure we'll be able to work together and we'll figure this out.

[05:33:14] What we also have is the anti-phone. Having three teenagers, I'm very aware of the detriments that face the youth. I ran an outdoor school for 25 years. I've been an educator with teen mental health for 30 years, and it's a hard time to be a teenager. The Living Earth School is about in-person connection and it's about nature connection. Life is about problem solving and what we've done a lot with our children is we've tried to eliminate the problems that they're going

[05:33:48] to face in life. If you spend time in nature, you realize that time spent in nature is problem solving. Nature gives you natural consequences. If you're worried about a higher power, stand in the face of a storm and you'll realize real quickly where you stand in the realm of things. We have an opportunity here in our county to provide what we already have but we to provide a home for an organization that already has a reputation of providing excellent service to our youth I think it's exciting that we get to work

[05:34:25] together to develop this land if you have an opportunity Val Washington over here loves taking people for walks on the land I'm sure she would be happy to take you for a walk on the land it's very pristine it does have a mile of river frontage it also has white what a creek which is a nice place to stick your feet in the water there is something magical about a campfire the county does have the right to say when fires are permitted and when they're not and we would of course follow that but i think kids that sit

[05:34:59] around the campfire there's they experience awe they tell stories it's a rite of passage that's been around for years and i think that's one that we would respect and we would take care of and nurture so thank you for your time appreciate being able to be in front of you thank you kate not hi there so i'm kate not and i live in nelson county and i'm the co-founder of living

[05:35:34] earth school which we started in 2002 because we love the earth because we love nature because we love people and so hub and i started this school because we didn't feel we had a choice but we had mentors that pass the love for this earth, the love of nature onto us. And we had a responsibility to pass that along. That's mentoring. That's how we change the world. That's how we make this a better place. And Hub and I have put all our heart and soul into this organization. And honestly, it's hard to even call it an organization. It's a family. It's not even a program, but it's a place

[05:36:11] where people come and they feel like they belong. And we need that in our world. And let me just say, if not here, then where? This land could not be a better place. We've been looking for the Living Earth Sanctuary for 22 years.

[05:36:28] Let me tell you, we've looked long and hard. Trudging through muddy creeks, looking, meeting with realtors, you know, finding out that maybe this wouldn't be the right place. This is the right place. If not here, where? We're close to town.

[05:36:44] The neighbors seem to all be in support, and they want us to be there. this could be a development. This could be a neighborhood with more traffic, more impact, deforestation. You have people here who love children. They love the earth and they're stewards of the land. I could not imagine a better opportunity for Charlottesville or this for people who love nature than living our school, making this their home and their sanctuary.

[05:37:10] So I was blessed last weekend to be at the memorial of our dear beloved teacher, Tom Brown, who we would not have living in our school and our nature school without this man. And I got to gather with all the different people at his memorial, and we started talking about when we started doing this work, we did not see debris huts in the woods.

[05:37:32] But you go out to parks now and places, and you randomly see debris huts out in the world, around everywhere across this country and across the world. There are these schools like ours, not just here, but all around the world.

[05:37:47] And we're connecting kids to nature so that they know they belong, they have a place, and they love nature, and they're passing that on. And my mentor who just passed that on to me, and we're passing this on to future generations who are going to continue to do so because they belong and they love this place.

[05:38:05] So I know you have questions and concerns, and we have tended fires with kids. We're in fire rings. We're safer than anybody. We don't do bonfires. We're talking, we don't do big fires. We do little fires where you can be warm sitting around, and we're so careful.

[05:38:21] And, again, if not here, then where? Thank you for listening, and thank you. Thank you. Next speaker is Brian. I think it's Benson. Good evening.

[05:38:42] My name is Brian Benson. I'm in the Whitehall District. I want to plus one everything that's been said up to this point. I wanted to share my personal journey with the Living School, which started seven years ago. I joined one of their adult programs, which was one, you get there Saturday morning about nine o'clock and you leave Sunday afternoon about three o'clock.

[05:39:04] And it was just a reprieve from daily life, from work, from everything. The connection with the other people learning about reconnecting that thing that I had as a kid, right? As I started working, go to

college, you lose that connection.

[05:39:22] And I got to reconnect with Living Earth School. I enjoyed it so much that I sent my kids, and so we've homeschooled our kids. I have a 14-year-old daughter and a 12-year-old son. They've been part of the Living Earth School for the last six years, homeschooling programs, the overnight camps, the day camps, et cetera, and it's been just amazing.

[05:39:45] The point about screens, I deal with screens and trying to deal with that, and we have those discussions with our family, but the Living Earth School gives them the reprieve from that. They can see the value in being present and being part of nature.

[05:40:01] So that's been a phenomenal thing. I think one real highlight is with my daughter, and that is that she has developed such a confidence in being able to be self-sufficient and going out into nature. We talked a lot about fires.

[05:40:17] Well, they're not lighting fires with matches. They're lighting them with a bow drill, which if you haven't done it, it's an amazing experience because the satisfaction you get when you finally get that coal and you blow and you finally get that fire, you did that.

[05:40:35] Now imagine that. That was me as an adult. Imagine that with kids, right, and the self-confidence that that builds, that they know that they could do that. And so what I see with my daughter is just this confidence, but I also see when my daughter and my wife get in fights, which tends to happen, teenage girls.

[05:40:56] she goes outside and she walks she walks into nature she goes into the woods that's how she deals with uh with the stress of that and i hope she continues that for the rest of her life that skill set to be able to deal with life stress which is going to impact her more and more as she gets older like that's what she got from the living earth school so thank you very much thank you the next speaker is scott parsley is that correct he left all right sorry we missed

[05:41:29] him. Then the last speaker is Carolyn Schuyler. Welcome. Thank you. I'm grateful to be here. My name is Carolyn Schuyler. I'm from Albemarle County. I stood here about 10 years ago to ask for a special permit for Wild Rock. And at the time I was feeling quite emotional because it was my dream and I felt so passionate about creating a space for children. And I'm here today because I see that in the Living Earth family. I know how hard they've worked to build something that is an

[05:42:06] incredible contribution to this community. I hear all the time stories about how Hub and Kate have changed lives. You can't be in this sector working with children in nature and not hear about the incredible impact of the Living Earth School. I have deep respect for them as people, as stewards of the land. They have the character to do this right. They're high integrity. I echo everything you've heard today. I walked with Hub on this land recently, and he was telling me about the native plants that are endangered, that are on the property he cares about. He talked about his concerns that Ann raised about wanting to be a good steward to the Monacan history that's there.

[05:42:43] He talked about wanting to respect elders in this community that carry wisdom, that he wants to elevate. He went on and on with values that are critical and vital that we want to pass to our children. So I'm just here to echo the support and just hoping that I can celebrate with them that their dreams come true. So thank you. Thank you. The applicant has a five-minute rebuttal.

[05:43:09] Additional comment? Okay. I will turn to the board then to see if there are any additional questions or concerns for the applicant. Supervisor McKeel? No, I don't have any more questions. Supervisor Malik? No questions. Thank you. Supervisor Lupisto-Curtley? No questions.

[05:43:29] Supervisor Galloway? Just a quick comment. I do want to thank Scott because you had covered what the potential development rights were going to be. Because that was a question I'd written down, but then you covered it in the presentation. I appreciated that that was included already. Thank you. Thank you. Supervisor Proven?

[05:43:46] I have no further questions. And I have no further questions, so I will close the public hearing. The matter is back before the board, and this isn't the same amount of district, but first I'll look and see if board members, anybody want to make any additional comments? Supervisor McKeel? Sure.

[05:44:01] I really appreciate your addressing the concerns so well that I had. We have had in this community, you know, about a year ago we had a really bad fire that was pretty scary in the community. And some of the droughts that we've had can be very scary.

[05:44:18] So I really appreciate you addressing the concerns that I have had about fire and children around fires. And I am supportive. I think this sounds like a great option for children. But I don't have any other comments or questions right now.

[05:44:38] Thank you. Supervisor Malik? Thank you. I am supportive as well and have known graduates of and participants in this program for a long time. I count on them to really live up to the conditions of the permit and do their job well.

[05:44:56] Thank you all. Thank you. Supervisor LaPista-Curley? I, too, am very supportive, and I think the children will learn so much, and we may have a bunch of future firefighters. So thank you. Supervisor Calloway?

[05:45:13] No, I will be supportive as well. I think the, I'm glad that the fire marshal signed off on the conditions and that they will be doing the inspections and then ultimately have the authority to make the call whether or not burns could happen. I also trust that the applicant knows what they are doing and teach this very thing.

[05:45:29] And I agree with the statement that said, if not here, where? I think our rural area is the prime spot for programs like this. And not only the physical location, but the things that they are teaching there goes to support the value that we put in our rural area.

[05:45:46] So to teach that to future generations certainly makes good sense, according to our comp plan. Okay. Supervisor Brown? I'm supportive. I believe it aligns with the comp plan. I think there's evidence of an incredible amount of diligence. I think it was well articulated.

[05:46:02] the commenter who said that the school cares about the same things that our comp plan does, and they have paid attention preemptively to the points of diligence that I think this board would normally be concerned about. I can't see any issues with it.

[05:46:18] I also am supportive and so happy that you've been able to find this home. I do want to call attention to our county attorney has suggested that we could add a new condition, and I want to read it, but I want to ask whether it's really necessary. it would read as 12D, campfires may be prohibited when

atmospheric conditions or local circumstances make such fires hazardous as determined by the fire marshal.

[05:46:43] And, Mr. Chair, the reason I'm suggesting that is I read you earlier one passage from the open burning law which allows the fire marshal to prohibit open burning. The problem is that there's an exemption for campfires. So campfires are exempt from the open burning law, the dangers of reading the ordinance on the fly here.

[05:47:01] So that's why I'm suggesting if prohibiting that in hazardous atmospheric conditions is a concern of the board, one way to be safe is to add that condition 12D that I provided to the board. So this would tell the applicant that they would have to abide by the fire marshal's determination that it was unsafe to do open burning of doors, regardless of what exceptions there might be otherwise.

[05:47:23] Then, if that's all right, I will move to adopt the resolution attached to the staff report as attachment E with condition 12C amended to read firings must have a clear zone without trees within 25 feet of the edge of the firing, and to add new condition 12D, that campfires may be prohibited when atmospheric conditions or local circumstances make such fires hazardous as determined by the fire marshal. Second. Second. I've made the motion. Supervisor Lepisto-Curtley, I believe, came in second. Without objection, if the clerk will call the roll. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr.

[05:47:58] galloway yes ms mallet yes ms keel yes ms lapista currently hi thank you have a good evening oh board we have another oh we have the action to take on this and that is thank you we have uh this is uh that was a motion related to the special uh use permit we also have uh I move the approval of the resolution to approve SE 2024-00-031,

[05:48:35] Living Air School, the special exception for the critical slopes in the form of attachment F. Second. And with that motion, then Supervisor Malek second. Without objection, it's the clerk who will call the roll. Mr. Pruitt? Aye. Mr. Andrews?

[05:48:50] Yes. Mr. Galloway? Yes. Ms. Malek? Yes. Ms. McKeel? Yes. Ms. LaPista? Gertley? Aye. Thank you. We didn't forget that one. Okay, board. Thank you, Scott. This brings us to SP 2024-0026, Woollen Mills Industrial.

[05:49:09] This is a light industrial park project, and this is being presented by Rebecca Ragsdale, planning manager. Welcome. Thank you. My presentation queued up here.

[05:49:35] Thank you and good evening. I'm Rebecca Ragsdale, planning manager with the Planning Division of Community Development. and i'm joined here by our deputy county engineer tony edwards and he has been very involved in the lead for engineering on the review of this request this is a request that you don't see that often so we want to spend some time this evening going over the particulars of the floodplain characteristics in the location where the fill is requested. It is a 1.9 excuse me, a 1.496 acre site excuse me, the fill

[05:50:14] requested is 1.496 acres and it's a 7 acre site. I want to orient you to the location and then we will take you through the comprehensive plan information and like I said, spend a minute especially with Tony on the floodplain analysis. So this property is a lot of...

[05:50:34] You might just adjust your mic a little bit and get a little closer to it. It may just be me, but I would appreciate it. Thank you. Sorry about that. That's okay. This is the vicinity map to orient you to the

location of the property, which is located along Franklin Street, which is in the city.

[05:50:53] It is on the edge of the city-county line between 64, the Ravana Water and Sewer Treatment Authority facility, and within the Woollen Mills neighborhood. This is an aerial view of the site that shows you the location adjacent to Franklin Street where the fill is requested.

[05:51:18] This yellow line is, bless you, is the outline of the site. We mentioned the RWSA facilities that are to the south and east of the site, and then there is the RWSA property where the wetlands project has occurred.

[05:51:36] north of this property and you may have seen referenced in the planning commission information is what is really where the woolen mills industrial development is currently underway there is a site plan approved for that and this site has the property under review right now has a relationship to that site in terms of under the same ownership but it is its own parcel and then again the city

[05:52:08] neighborhood across Franklin Street is residential. This is another view of the site. Again, it shows you in a little bit more detail the current characteristics and that existing industrial development that is already underway. And then in terms of this property, this is an existing industrial use where a fill-in-the-flip plane request was approved in 1997 or 1998. These are just some pictures of the area looking to the south looking across and adjacent to the residential

[05:52:46] the undeveloped property and the nearby industrial uses we mentioned the current uses the blue on the map indicates the industrial zoning much of which woolen mills is zoned and then the historic Woolen Mills is zone commercial that is in the pink area. Also applicable is the flood hazard overlay district, which is the focus of this review this evening. This shows you the critical

[05:53:22] resources, not only the floodplain in blue, but in purple along Moores Creek and the Ravana, the stream buffer, the yellow and green, and also the tannish color are the steep slopes and the critical slopes in this case and what Tony will focus on in a few slides is the particular unique characteristics of this floodplain location so this is the map of the what has been referred to the backwater area of the floodplain but he will provide the technical

[05:53:57] explanations on that this is the comprehensive plan it designates in the southern and western master plan much of the area that is already zoned industrial as green systems so that includes sensitive environmental sites parcels that have flood plain slopes or stream buffer it may also include parks but in this case we believe that designation is primarily because of the environmental

[05:54:28] systems it includes properties that are also developed or outside of the floodplain so there was a great deal of green space designated in this area that included existing improvements this area is this particular parcel there weren't any specific recommendations in the more recent look at the area with the broad excuse me the Broadway blueprint so we wanted to go over you know i mentioned the focus this evening is on the fill in the floodplain request which is to allow

[05:55:05] grading and and fill activities within the flood hazard overlay district this is just a list of some of the other uses that are allowed that fill would need to occur or be approved and need to occur before any of the light industrial uses of the existing zoning could be could be developed So that would include things like manufacturing and processing, storage, warehousing, laboratory, R&D.

[05:55:35] The LI district has broad categories in terms of allowed uses that are permitted, but it brings with it a number of additional regulations. And this is a slide that has a lot on it, but we wanted to make sure that you understood where we were, and for the public is where we were in the process of considering the floodplain and fill on this site. The applicant has submitted to FEMA a conditional letter of map revision that FEMA did not have any concerns about and now you know we must review it under our local ordinance

[05:56:13] flood hazard overlay district to allow fill the 1.496 acres that they've requested and that would need to be addressed and any conditions met if the special use permit were approved before they could then conduct the fill and following that working with FEMA to amend the floodplain map so any and Tony's going to go over this but any of the prior letters of map review revision that FEMA may have approved on other sites in the county or the city have been considered in the

[05:56:50] engineering analysis for this so and then again we've already covered generally the light industrial allowances we can go back to that if we need to but the focus is on the issues around the flood hazard overlay district but if they were to move on to those next steps that would include compliance with the li district but within the within our ordinance we have as you've heard us mentioned before many many layers of regulations and for industrial districts in particular for those uses that that we may have concerns about in the LA

[05:57:26] district they either are by special use permit and that wouldn't change on this parcel with this request or they have a number of what we refer to as supplemental regulations which are could be additional setbacks buffer and screening prohibiting certain outdoor activities any of those industrial uses that we looked at on the prior slide would have to happen indoors and then since oftentimes we're not we don't know at the site plan stage or the special use permit stage what industrial uses or future uses might

[05:58:02] be in a zoning districts we have a requirement referred to as the certified engineers report which goes over the exact processes and nature of an industrial activity to make sure that it complies with the ordinance and any other applicable regulations such as things that might be hazard, well, not hazardous, but materials related or radiation, not radiation, but vibration, noise is the main one.

[05:58:34] And then, you know, assuming they go through all of these processes, The very last steps would be the building permit and the zoning clearance process. And we're happy to go back to any of those steps if you need me to. And in this case, having covered the general characteristics of this parcel and how we got to this point and why the fill-in-the-floodplain is requested, this site is shown in green are the outer limits of the parcel in light green, and then dark green is indicating the stream buffer area along Morris Creek.

[05:59:10] This line here where it's labeled floodplain fringe and the floodway, the area between the floodway and the floodplain fringe is the only area where they could request fill. So that 1.496 acres is generally shown with the yellow outline.

[05:59:31] Retaining walls will be necessary to add the fill. Moores Creek Lane, again, is up here, and the existing industrial site up here, Moores Creek Lane, provides access to the RWSA property. And in this case, the request has the offer potential in the future if we were to ask for a future dedication of the stream buffer for a public greenway trail, but that, as I mentioned, is not something that's specifically mentioned in our comprehensive plan

[06:00:05] or in development by the county currently and this is the criteria that is applicable generally to all special use permits which we want to make sure we cover in our staff reports and go over with you this evening and with the floodplain requests of course the health and safety and detriment to abutting properties is a paramount concern and we have looked at the comp plan in this case and we have considered the nearby character of the area and the industrial uses

[06:00:42] if it were to be developed we don't believe the character of the area it would be a significant change although it would be a change to this property given the other industrial uses and we'll focus in the floodplain section on the substantial detriment and how we came to the conclusion that we did not find any in this case and tony is going to go over that one next and we have already talked about the comp plan i did want to mention we did have a community meeting you have received the emails and summary i believe of the community meeting it was not included in the staff

[06:01:21] report but there have been concerns brought up and we have seen those recent emails and we have tried to cover those in the special use permit conditions that we have recommended or address those in our analysis.

[06:01:38] I think I'm going to hand it over to Tony to talk about the floodplain characteristics at this location and then the ordinance regulations. Thank you, Rebecca. Everybody hear me okay? Yes. Yeah, we're, as you can see on the screen, we're referring to two sections of the floodplain, which the first would be the floodway fringe, which is the outer limits as depicted on the previous slide that Rebecca had shown, and then the regulatory floodway.

[06:02:11] The floodway itself is the channel that the river needs to carry the capacity needed for in the adjacent area that would be in reserve to handle the discharge from a base flood event and any accumulative increasing.

[06:02:31] The water surface area, no more than one foot. The floodway fringe allows for extra capacity on the outside. However, it's not necessarily the area that's needed just to carry the floodway during an often as referred to as a 100-year event or 1% chance flood.

[06:03:01] Next, in the Planning Commission meeting, there was some concern about the terminology of backwater conditions, so it provided this information here to give you some grounding on what that would entail.

[06:03:19] This is a somewhat unique situation in that it discharges in close proximity to the Rivanna. The Rivanna River acts as a constriction for this 1% flood event that we're talking about.

[06:03:40] And in that restriction, it creates a backwater condition, essentially slowing the flow that's coming out of Morse Creek. Here's some of the characteristics from this.

[06:03:55] This is considering placing fill in this backwater area. It may not cause a rise in the floodplain because the backwater area is typically a low-energy zone and has minimal flow connectivity to the main river channel, which would be the Ribana in this situation.

[06:04:17] And this is during normal or potentially flood conditions. So some of the characteristics of that to consider for this is the hydraulic isolation characteristic, which is backwater areas such as Knoxville Lakes and wetlands that offer a disconnected, to have a limited interaction with the main river flow, creating essentially a backward flow direction in Meadow Creek.

[06:04:52] Adding fuel to this area doesn't significantly alter the main channel's capacity to convey the floodwaters, so the floodplain water elevations remain unaffected. Next characteristic is a low flow velocity.

[06:05:08] These areas experience stagnant or slow-moving water, mainly that they don't contribute substantially to the floodwater movement. This lower velocity is often what you see when you have such an obstruction.

[06:05:25] You'll have a very steel-flowing situation, and that reduces the risk of erosion and other damaging effects that sometimes a massive flood would have. Floodplain storage capacity is primarily determined by the main channel, Again, the Ribana in this situation and adjacent low-lying areas actively involved in flood water conveyance.

[06:05:57] Backwater zones such as this often lie outside of the active zone and some modify them with fill and doesn't reduce the floodplain's ability to store or convey the water. So that just gives you a broad overview of that potential situation.

[06:06:17] Now, this is more specific to our location. As you can see at the top there, there's where the parcel location is. This is a FEMA floodplain map, which has also been provided in their study of this area for this purpose.

[06:06:35] That location is, as you can see by the text box down below, is well within the Rivanna River where the back float condition begins up to that elevation line of 324, which is well upstream of the site.

[06:06:59] Do you have a pointer? Yeah. Do you have a pointer you can use? Yes. Would you like me to show you where the 324 line is? Yeah, yeah. But if you had a pointer, that would be great. And did you show us where the river, the creek and the river are? Yeah, that black line, the cross-section of the stream.

[06:07:18] Could you repeat what you said, the paragraph that you just said? I was trying to find what was going on, and I missed something really important because I have no idea what you said. Just the last thing when you were talking about the black line business. What I was trying to clarify is from that cross-sectional line, the black line that the pointer's at right now, That's a 324 elevation.

[06:07:45] That's where the backwater extends back into Moores Creek. So that extends all the way down to the Rivanna River. So you have a leveling or equilibrium, basically, of the elevation, a 324 elevation, through that whole reach of river.

[06:08:04] And that's due to the fact that the restrictive force, in this case, is going to be the Rivanna River. Can you point out the Rivanna River and Moors Creek on this? Yes. Okay. This is the Rivanna River over here to the right, and then this is Moors Creek along here.

[06:08:33] Okay. I have another slide for you. This is the floodplain without the backwater condition, just so that we can have this for comparison. This is not the situation, but we wanted you to realize the difference in the two would be the difference in elevation.

[06:08:55] In this case, if you see where the site is located, just upstream from there, the elevations tend to decline as you get closer to the Ribana. This is based on new information that FEMA has started to produce towards creating new FEMA maps for all localities, which will most likely be adopted hopefully sooner rather than later, but it may be as long as the end of the year or next year.

[06:09:28] But we wanted to make that comparison to illustrate the point that the elevations or the water surface elevations will decline as they go towards the Ryvan River. So you're actually at a lesser elevation in this scenario than you are with a backwater condition.

[06:09:51] but the backwater condition is uniform. So that's the distinction I wanted to make. And then that is taking us through the unique characteristics of that property and why we wanted to make sure that the significance of the term backwater was explained and how we had looked at the Timmins report and their different modeling, which was based on the most current floodplain information, as we mentioned.

[06:10:25] If any fill is allowed in the floodplain, this is the criteria in the ordinance that must be met in terms of minimizing obstruction. We've talked about it not being able to be placed in the regulatory floodplain, excuse me, the floodway.

[06:10:40] And then the importance of the base flood elevation in any floodplain analysis and limiting that, in this case, to one foot above that 324 if they fill it. And then we have provisions to, further provisions to protect against erosion, pollution.

[06:10:57] It allows the floodplain administrator, which is the county engineer, to require any additional documentation, engineering studies that can, that may be needed in a certain circumstance. And then, of course, there is the requirement for a site plan.

[06:11:16] And this is all in addition to the FEMA process. And this map may help, again, to provide that explanation if you need to as far as the backwater conditions and where the elevation is of 324.

[06:11:34] And we are happy to come back to any of this if you would like. We have included a recommendation of approval. The Planning Commission recommended 4 to 3 for approval. So there were some concerns from some commissioners regarding the green system designation in the master plan and then also protection in general of the floodplain for its water quality purposes.

[06:12:06] So when it went to the commission, this item was recommended for approval with conditions 1 through 3. 3 was added to address concerns regarding potential archaeological resources. We had the information from our Historic Resources Planner and the state database, and based on those comments, we recommended the provision for a Phase I archaeological survey.

[06:12:34] We have also Conditions I and II backing up to that cover everything we've just talked about in terms of the engineering aspects of it and the limitations and the additional requirements that must be met to conduct the fill and develop the site.

[06:12:51] And then the fourth condition may look familiar in terms of the language. It is one that we added to require stormwater treatment to be provided on-site and for the phosphorus reduction to be twice what would normally be required for that 1.496 acre area that is requested for disturbance.

[06:13:15] So we felt like that was an appropriate condition to mitigate and offset that proposed disturbance and fill in the floodplain. And I said it may look familiar because it was a proffer that was offered and a mitigating aspect that you saw previously in a proffer.

[06:13:37] But we are able to also require it as a condition because we believe it addresses those concerns regarding impacts to the floodplain or loss of that area of the floodplain to fill. So I mentioned we had recommended approval and wanted to make sure you had the updated conditions that we talked about, the one that was added.

[06:14:01] We have gone over the findings from the engineering study that was prepared by Timmins. The applicant's team is here, and we'll speak to that as well. And then, as we mentioned, the property is already zoned LI, so this would allow use of that 1.496-acre area.

[06:14:21] And then we do note the concern that it is not consistent with the current green system's designation, but a majority of the site, almost 5 ½ or more than 5 ½ acres, will remain consistent with that designation.

[06:14:39] So that is part of our recommendation and analysis for approval. So we'll pause and we'll be happy to answer any questions that will field them between Tony and myself. Thank you. This is one of the more complicated ones, so we'll take our time, starting with Supervisor McHugh.

[06:14:58] Thank you. A lot going on here. And I think I've learned just a little bit that I didn't know. So this has really been great. Thank you. Would you go back to the process? One of those, and I should have looked at the slide number. I'm sorry, Rebecca, but one of the, at the very beginning, you talked about the, yes, this one, regulatory process.

[06:15:20] So just very quickly, help me real quickly to go back through this process. Because it looks like, to me, there's a lot to come once the approval happens, once our.

[06:15:35] I just am trying to go through this one more time so I understand it. Yes, so the, and Tony may answer this better, but the top three are primarily where top two boxes are where we are now in terms of considering whether or not to allow the fill.

[06:15:56] If we allow the fill, that's when a lot more engineering happens. Right. And Tony. Yeah. Just to repeat, the CLOMAR, the conditional letter map revision based on fill, that's what the F is for, that has gone through FEMA.

[06:16:16] They've reviewed all the same documentation that we've reviewed, and they've found consensus with us that it is found to have no impact there. However, it's conditional. So they don't have a final determination until the actual LOMAR is applied for, which is a second step of review for them, and that will come later, and it will also be determined based on our reviews for, like, the water protection ordinance

[06:16:51] and what's decided tonight for sure and any other requirements that we may have with the site plan and the floodplain permit process. So they would look to us, the county, to verify that it is constructed, the fill that is, appropriately per design that's been approved by the locality, and then they would review that to approval.

[06:17:21] Thank you. And that's all I had right now, Jim. Thank you. Supervisor Mal. Thank you. My brain is exploding, so I have lots of questions. Sorry about that, but that's the way it goes. So just, I guess, process-wise, this is the only shot that the board has.

[06:17:42] After today, we don't get to see this again, no matter what you find in any of these other boxes. Is that correct? Well, there are no, the special use permit is the only legislative action that's required.

[06:17:58] There are no other steps subsequent to this one that would require it to go back to the planning commission or the board unless it was related to the industrial district regulations, if they were requesting something that needed a special use permit or another waiver from another section of the ordinance.

[06:18:18] In terms of this evening, you know, we've brought it to you for the public hearing. It's at your discretion, the admins before the board as far as approval, denial, or if, you know, you weren't comfortable making a decision, deferral. Very good. Next.

[06:18:37] So when was the FEMA conditional letter sent, received, et cetera? I mean, was that two years ago? It was just past year. It was in 24. I don't have the exact date with me. But fairly recently, just because there's been – I'll just go through my questions.

[06:18:58] No interpretation right now. So right next door to this site is the remediation planting for Ragged Mountain, part of it. The rest of it's out in Buck Mountain Creek. And I'm trying to understand how filling an acre and a half, four to six feet, to push this land up to 325 at least is not going to push a whole lot more water in that backwater over onto the forest that's been planted at great expense by RWSA and the ratepayers for RWSA

[06:19:36] because there's nowhere else for it to go. So help me understand that. Yeah, and that was my attempt at least to better define what a backwater condition is as opposed to a normal flow during a flood event.

[06:19:54] Because of the restrictive nature of the Rivanna, the backwater that it creates is this more low-velocity, almost stagnant kind of flow that would create an equilibrium of elevation all the way through.

[06:20:17] And the hydrology of that doesn't get influenced by the fill that's being proposed. And that's the findings in this case, through their study, through FEMA's review and acknowledgement, as well as ours, that this fill would not displace and cause a rise in elevation through this area of backwater?

[06:20:47] Okay, so to help me understand, say it rains a lot in Biscuit Run downstream, or uphead waters. There's also high water in the Havana, so the Moores Creek water cannot leave, and yet there's a whole lot more water coming in from Moores Creek.

[06:21:05] It's not just going to sit there. It's going to go up. I mean, the whole reason why the whole lower level of the Woollen Mill renovation has nothing in there is because it is designed to fill up with water. And that's eight feet above where the creek is regularly.

[06:21:22] So I'm just trying to understand something that is so counterintuitive to my brain. Having seen the way water behaves up close and scary, I just have a lot more alarm perhaps than other people. So I'm not sure it would always be moving slowly, number one.

[06:21:44] Relative term, I guess. Yeah. Slower than it would be if the restriction wasn't there. Right, if the neck wasn't there at the river, then, well, maybe then even more Rivanna River water would come in. I mean, who knows? Anyway, all right, so another counterintuitive thing is how is grading activity, including fill, not counterintuitive to a floodplain fringe?

[06:22:14] It was in one of your slides. I didn't write the slide number down, I'm sorry. So there we go. Could you clarify what you mean, how is it not counterintuitive? Well, I mean, it's a flood hazard area.

[06:22:31] How is it not putting all this fill in there not going to impact it? That seems to be what you're saying in this upper paragraph, correct? Well, keep in mind, the floodway is the flood-carrying capacity that FEMA looks at to manage the flow needed to be transported through the area for that storm event, the 100-year storm event.

[06:22:55] Right. So the floodway fringe is in addition to that capacity-wise. Phil can be placed in the fringe and still only have minimal effect on the floodway capacity, no more than one foot in elevation.

[06:23:19] And that's the basis for analysis that FEMA and ultimately that we look at. So from what you just said, if the fill were there, you said it would cause no more than a one-foot change. Is that what you meant just now?

[06:23:35] If the floodway fringe was entirely filled, not just this site, but everything, then it would be less than one. Okay, and that's even taking into consideration from 324 all the way to 316 as it's going southeast.

[06:23:55] That's a huge drop, number one. So, okay, let's see. And I will add to that with the new data that FEMA is proposing with the floodplain mapping, they're seeing that the elevations here with more accurate data of existing conditions is possibly reducing some of these elevations that we're gauging this site by, the 420 or the 324 elevation.

[06:24:29] because there's more accurate data available. Here comes Frank. I mean, a transit is a transit, so I don't quite understand that either, but I'll leave that alone because I don't think that's going to help me. Hi, Frank. Hello, Frank Pohl, County Engineer.

[06:24:46] I just want to try to expand a little bit on what Tony's saying. So the backwater condition starts at the Rivanna. So if you look at this picture, 324 is at the confluence of the two rivers. Well, you said it's also up here at the Black Line. So it runs all the way from the river, the Rivanna, all the way back.

[06:25:03] through the site. And the reason why you don't get a rise in a floodplain because of fill is because it's controlled by the Rivanna River. It's not controlled by riverine flow through the channel in front of the site. So whenever the hydraulic head is controlling the elevation in the backwater area. And I think maybe the Timmons engineer, I think is here, can also try to help explain it in layman's terms, but it's not a riverine flow through this area because of the backwater condition from the Rivanna.

[06:25:42] It's controlled by the head created from the confluence where the two rivers join. Okay. I understand the words. I don't know if that helps. I'm just driving, driving down Franklin Street and seeing the water around those new houses that are built up on stilts.

[06:26:02] Flooding will still continue to occur. Flooding will still continue to occur on Franklin Street. This is not exacerbating the flooding. That's what the model shows. That's what FEMA approved. And we agree with the model. The model is a standard in the industry.

[06:26:20] They're meeting the standard for filling in a floodplain. Our regulations allow it. It requires an SP, though, but it does allow it. So that's how we judged our recommendation is all I wanted to say.

[06:26:39] All right. I will stop there. Thank you. Okay. Thank you. Thank you. Supervisor Lupisto-Kerber. Yes, could you go to page four, please? Okay, so I see the area, 40B2, that's the area that we're looking at.

[06:27:07] Just above that, that ends in 4,000, that has been filled in? Is that what I heard? Yes. Okay, so that's been filled in to what elevation? Do you want to know? Don't call exactly, but I think it's right at the same BEFE, base flood elevation.

[06:27:32] Okay, so that's already been filled in. That's an industrial site that's already working. Any problems there that you know of? No, I'm aware. Thank you. So no issues, and that's been there since 1998. I think that's what you said.

[06:27:50] Yeah, granted, I don't have a long history with the county's flood issues, but I'm not aware of any. And page six? Okay. So this whole area in light blue, that is zoned light industrial?

[06:28:10] Yes. Okay. And then there was a greenway area. I know part of it is, there's got to be another slide where it shows a park, you know, further east.

[06:28:26] Well, there's a couple slides. There's the comprehensive plan, broad category of parks and green systems. So there is no specific park or trail amenity that's identified in this plan or for the area.

[06:28:46] And you will notice this is one of our master plans that is not updated to our current preference with green systems and parks designations. This does not make a distinction between a public park versus just private green systems that could include a park but is designated that because of its environmental critical resources.

[06:29:10] And correct me if I'm wrong, but I understand that under the previous comp plan, that area was zoned industrial, light industrial. And then underneath that, we had what they called green systems.

[06:29:29] And that was because they really didn't know what else to do with it or label it or anything like that. Because it wasn't specifically stated as a park. No, there's no specific park. Okay, thank you.

[06:29:47] On the next one, nine? Okay, that's not it. Next one? No? Okay, go back. I'm sorry. Okay. Yes.

[06:30:04] Well, that will work. I understand that the whole industrial site zoning is for warehousing, research, and development, correct? Those are approved.

[06:30:20] So where are you referring to the... Light industrial. What the Light Industrial Zoning District allows or what was approved with the development that's already occurring? Both. So the Light Industrial District allows, I have a slide for that.

[06:30:39] Right, there was a slide for that. For the district regulations, if you don't mind me shuffling until the end. But we have the broad, that slide that had the overlay districts was just meant to show the relationship for the two districts.

[06:30:57] But these are the broad categories that I mentioned in terms of what the industrial district primarily allows by right. And that is these categories where we lump a lot of things together. But manufacturing, processing, assembly, fabrication, recycling, and then we define what that means.

[06:31:19] And another category we have sort of combined into one in the ordinance is storage, warehousing, distribution, and transportation. So that may be what the bread facility is. They may bake the bread, but they're also distributing it and transporting it.

[06:31:34] And then we are familiar with labs, R&Ds, and testing. So those are the broad general categories of uses that could be by right. But we also have uses that are prohibited, uses that may be by special use permit or uses. That's the slide about the certified engineers report.

[06:31:50] So we don't know for the 1.496 acres of fill in the floodplain which of these uses a future user may be. I also have the site plan of what's under development, but that's showing footprints. I can look and see if it shows uses labeled, but that's something that the owner may be able to speak to in terms of potential future users on this site, the other site.

[06:32:16] Okay. No, that's good. I'm just seeing that we do have a need for light and dust trail. And I'm seeing that R&D and laboratories fits into our economic development authority plan.

[06:32:31] Also, storage, warehousing, different types of warehousing fits in also. And I understand that CLOMER was approved by FEMA, and then with no problems. And then once that goes through, along with the archaeological survey and everything, once that goes through, it goes, and we approve it, it goes back to Clomer, right?

[06:32:56] Because it goes from Clomer then to Lomer for review, and then it goes, then it gets approved. Yeah, the owner will have to establish that they've constructed that according to the... Correct. They have to make sure that they meet the requirements that are set down in what you've presented.

[06:33:19] Those are all the questions I have right now. Thank you very much. Thank you. Supervisor Galvin. Many of the things I was going to ask have been asked, so I'm going to let the applicant go and hear from the public. Supervisor Pruitt. I want to make sure I'm correctly understanding this.

[06:33:37] When we're looking at overlays in terms of our floodway, floodplain, fringe, these are terms and designations that are not the counties, correct?

[06:33:53] These are coming from FEMA, am I? It is a FEMA designation terminology that they use, yeah. Do we have an, and this might be better left to the applicant, do we have an estimate on the total tonnage of fill that we're going to be looking at?

[06:34:09] I don't have that. I know the elevation, but I'm not aware of how much tonnage there is. Okay. To cue it up for the applicant, I'm kind of trying to think through what the intrusiveness of the fill operation itself would look like and kind of how many truck trips, as we have all become quite familiar with consternation regarding numbers of truck trips for fill operations.

[06:34:43] I think that's all I have for now. Thank you. I'll start by following up on that question with a related, I guess, and that is when looking at the impact on nearby areas, which is the county's analysis, did that include the other side of Franklin Street?

[06:35:03] So you're looking at the whole area regardless of whether it's technically in the county's jurisdiction or not. Yeah, we're looking at the area that the floodplain currently occupies and evaluating whether there's any change or any impact to that.

[06:35:19] So that would include Franklin Street and the other side. Okay. Thank you. Let me see if I understand this. Primarily what this sounds like is doing is preventing the risk of sort of the massive erosion event that comes with fast-moving water.

[06:35:36] It doesn't necessarily prevent the rising of the water due to the flood because of the confluence up to the 324 feet or higher. The concept of the backwater is it's the controlling factor.

[06:35:53] Yes, it slows it down. It reduces the risk with erosion. And, of course, our review process with the water protection ordinance would do the same. We would all be looking at that in finer detail. But what it's saying is that it's not increasing that surface water elevation any more than what it is right now during that storm event.

[06:36:24] Could you tell me a little bit more what the proffer for phosphorus load reduction, how is that going to be accomplished at this site? How would they accomplish the condition that they provide for twice the total phosphorus load reduction?

[06:36:41] Yeah, they would have to develop their site with that in mind and put in the facilities, the stormwater facilities that would do that. Some sort of retention pond? It could be that. It could be a variety

of measures that they might consider.

[06:36:58] And I can ask them where they would be doing this on the site. I mean, is this inside the wall, I take it? Yes, right, right. It could be. We would want to limit it to the edge of the floodway. Okay.

[06:37:14] And I take it the first thing that goes in is the wall. They have to build the wall and then start filling in. Yeah, I think the applicant can probably speak to that more because there's been some discussion about the wall versus sloping options, but the last we saw was a retaining wall.

[06:37:35] And then there was discussion about the buffer being somehow enabled for use. is there any access that there's there's green space that's being maintained but is there is that i'm not seeing it here so maybe i misunderstood something that uh this preserved along the stream buffer area for future dedication what's the access to that currently there's a road along the bakery you know along the along the bakery okay the bakery just so that's the only that's the only way in yeah okay i remember talking about that at the community

[06:38:12] It's also my understanding that Franklin Street is at about 324 feet already in this region.

[06:38:41] So this is basically bringing it right up to street level. That's the way I read this. The 324 feet is right at the level of Franklin Street currently. And then the homes are higher than that on the other side for the most part.

[06:39:01] Yeah, this site, as part of the condition for the special permit, is to elevate the site one foot higher. So it has a free board of one foot in relation to the flooding. Right. Okay. Thank you.

[06:39:20] I actually have one more, and I apologize. We're going to go back around and around the drain around the question I know we've been hitting on, but I just want to make sure I'm understanding it. So the point that has been made is that the pressure head of the Rivanna regulates moors and it therefore does not raise the elevation of the flood fringe when there is a flood event, even with this fill.

[06:39:49] I follow that. The thing that I want to just make sure I'm completely understanding is it is also being asserted that the footprint of the flood fringe is also not altered by this.

[06:40:07] And I don't see how that would be regulated by the pressure head of the Rivanna. So is it just that it's not the footprint of the flood fringe is not being altered because it's negligible or is that also... It would be negligible.

[06:40:22] Okay. So it is displacing water potentially laterally. It is just in such a way that it is negligible and therefore not measurable. I think that kind of gets at what Supervisor Malik was not understanding. Or am I telling tales out of school?

[06:40:40] It will change the footprint because when you raise it above the elevation, that line that used to go along the Bread Company building to Franklin Street will now jog around the site the fill area so it will change that's that's what when the where the loamer comes in so the loamer has to be issued prior to them being unable to do anything on the site because until that loamer is issued it's still shows a regulatory floodplain over the site and the shift of that and maybe i've just missed it because i'm not paying close enough attention

[06:41:18] do we do we not or do we already know what the re-designated footprint would be following the fill or did you just answer that and i didn't understand it's kind of the rough outline of that yellow line there and the floodplain would still flow in between and into franklin street as shown on the other map

that shows flooding on franklin street i think i follow thank you i just want to look across did that supervisor malik did that speak to the questions you had also or are we

[06:41:58] talking about different issues oh i it's nice to know that actually the water's going to be higher that was a big change but if there's an appropriate time to answer i can't find the thing i saw before about the location of the wall i assume it's at that yellow line at the yellow line so that means that high water in the flood way will get higher velocity because it's constrained by the wall and then we'll shoot out at the end of the wall and broaden out again just

[06:42:34] like when you put your finger over the end of a hose it's going to come out a whole lot harder when it's free of the wall constriction. So how is that taken into consideration and its impact on everything else? Yeah, this constriction here is not the primary influence on that reach because it's in the backwater condition.

[06:42:56] It's still the right band that's controlling it. I'm thinking in flood stage. You know, Moores Creek has flood stage. So that's where the questions I think I have to ask because ordinary day is one set of facts, and what may happen on another day is what I'm trying to find out, trying to understand okay if there are no additional questions then uh i will open the public hearing and uh mr mckee will read the rules and i believe we have the applicant and several members of the

[06:43:34] public okay thank you all right so directions are as follows during public hearings i'm just making sure no there's no one online during public hearings the board will acknowledge speakers addressing the item listed for public hearing.

[06:43:52] Speakers are limited to one appearance of three minutes per public hearing. 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 light system at the podium.

[06:44:07] The green light will go on when you begin speaking, which begins your allotted time. Yellow light indicates you have one minute to finish speaking, and the red light indicates your time has expired, and you will be asked to end your comments. In order to give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines.

[06:44:26] When addressing the board, state your name, and if you live in Elmar County or Magisterial District, 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.

[06:44:44] Speakers may not share any unused time with another speaker. Back-and-forth debate is not permitted, and all comments are live-streamed, recorded, and published on the Almar County website. And I'll start with the applicant, Tim Miller.

[06:45:05] Welcome, Meridian Engineering, Meridian Engineering. Yes, Tim Miller with Meridian Civil Survey. I represent Chris Donaldson, the owner of the property. I work with him on generating the special use permit plan, and also work with him on the wool and mills site that's currently under construction.

[06:45:25] I understand most of the conversation is about the floodway and the Clomer F and Brian with Timmons is here to speak to that after I give a little presentation about the property itself.

[06:45:41] Chris is currently constructing the wool mills industrial site and because of that has determined the need for the light industrial because of the interest in that property.

[06:45:57] He owns this property across from it and felt that there is a pocket area there that could add some light industrial use next to the Carter Bakery and his development there. So he's followed all the guidelines that the county and FEMA require, did not try to maximize the use on the property, just make it sufficient enough to support light industrial use.

[06:46:29] And in trying to keep with the recreational use requirements offered to dedicate the stream buffer to the county as public property for whatever they deem appropriate for that in sometime in the future.

[06:46:49] If you have any questions about the site or the special use permit plan, I'll be glad to answer those. I'll turn it over to Brian now to try to answer your questions about the Colomar F. Thank you. Thank you.

[06:47:06] Hi, I'm Brian Sahaki with the Timmons Group. Make sure you put just a microphone, please. Thank you. We can hear you clearly. Brian Sahaki with the Timmons Group. I may not look like it, but I do have 15 years of floodplain experience. So there's a lot of questions. I'm happy to answer all of them.

[06:47:24] I've got a little over seven minutes left, so I'm going to get through as many as I can. But if there's still questions out there, I'm happy to answer them. I'll try and give you a quick summary of kind of how we approach floodplains and what we saw in this situation, because I regularly turn clients away if I don't see that it's a viable solution. So what we've done in this case is we start with FEMA. We get the model from FEMA for what is effective. And in this case, there was two models actually that we looked at, the effective and a preliminary. And that was important because they're in this transition period where there is some better available data. So we looked at both. So we start with looking at

[06:48:02] these models. We had some experience in this area already. So when we were contacted by the client we kind of knew what was going on and as you've heard this backwater condition let me try to explain that a little bit clearer if i can so what happens is morris creek is a smaller creek river with a different time value to the flow there than the rivana river so what happens is morris creek peaks earlier and that water is subsiding later the rivana river hits its peak

[06:48:35] and the water actually flows backwards up Morse Creek and elevates to this point of equilibrium with the Rivanna River. So Morse Creek no longer has any influence on the controlling flooding elevation through this unique section of the river. And when the Rivanna River starts to drop as the floodwaters subside, that water then slowly drops. That's the slow velocity that you heard about. Unique is the best way to describe this because there are certain situations with flood plains where areas are not conveyant. They don't contribute to the flow of water. They simply

[06:49:14] inundate. The water just rises and stays there. It's static. It goes nowhere. And then it just falls as that equilibrium falls as the river subsides. So we felt so strongly in this case that we prepared a no-rise certification. So we're saying that we, as the professionals, are certifying that the placement of this fill is going to create no increase in floodplain elevation or footprint. So anything that is already within floodplain will stay within floodplain as regulated by FEMA. We're creating no new floodplain. We're creating no increases in the

[06:49:52] water surface. We submitted that to FEMA. They reviewed it. The conditional letter of map revision based on fill is only conditional because it's not built yet they review it just like it's a real project it's going to be built or it has been built is the way that they perceive it so it's conditional only that you have to build it as we presented it to them and that is where you know we and when we do the low mar later we'll hold everybody accountable and i'm sure that the owner uh and and tim will also um you know monitor the the work on site to make sure it's built

[06:50:28] according to the plan. A quick summary on FEMA's regulation. So you heard a little bit about floodway and floodway fringe. Again, this is a unique situation where in this floodway fringe, there's no conveyance to it in this particular area. And that was by design in the area that we chose to fill. If we had gone further, we would create impact. We would take away conveyant areas.

[06:50:58] So we stopped where we stopped by design for a reason. So the floodway is, as Tony said and Frank said, is the minimum conveying area. Picture it like this. You build walls down the river.

[06:51:15] It needs that much space to convey the water with creating no more than a one foot rise. So if you were to fill the whole floodway fringe and you had walls down this river, that's what the floodway means. It's the minimum area. never want to fill that area if we can help it now floodways can change over time with different characteristics and that's a whole different topic but in this case not in every circumstance when you fill the floodway fringe will you have no impact but that's I hope that I made that clear floodplains are

[06:51:50] complicated so I think I've addressed as many as I possibly can if we can go back to slide 16 if that's possible I'll try to describe one more time this situation that's going on. So where Morse Creek, the end of Morse Creek, the confluence with the Rivanna River downstream, we see that 324 elevation. So there's no impoundment or slowing down of the water downstream of the Rivanna. That water is free-flowing downstream. So in this

[06:52:29] circumstance, it's basically the cross-section of the river is saying, I need to be at water surface 324 to pass the water down the Rivanna River. And it just so happens that Morris Creek is right next to me and it has low-lying areas that are lower than 324. So my water is just going to spill over that way. It's not helping me pass the water. It's just filling up to find equilibrium because that's what water does. So in this instance, that's why we can so strongly certify that this has no impact. The placement of this field has no impact to the Rivanna River

[06:53:05] or Morris Creek. So we've evaluated it in both circumstances and come to that determination. FEMA's looked at it, come to that determination, and the county's looked at it and come to the same determination of agreement. I've got two minutes left. Any questions?

[06:53:22] Well, we can keep you up here as long as we're asking questions, but if you're done with your presentation, we'll go through our order. Supervisor McKeel. That was very helpful. I appreciate it. I'm going to, not asking questions right now, may have some later. Thank you. Supervisor Malek. Yes. Thank you. I'm beginning to get it a little bit. The phosphorus treatment, I thought there had been a change about not allowing these in the flood way anymore because I know that used to be the old days and then they would fill up and

[06:53:59] everything would wash out. So can someone help with what that current rule is? I don't know what the applicant's future plans are for that. Well, we were told it was going to be in the right there at the

edge of the floodway and so that's right at the edge so that was what i was asking about yeah typically that would be the design to stop before the floodway but with regard to the phosphorus nutrient it's more of a stormwater quality character or requirement

[06:54:32] than the stormwater volume there's two aspects of it the nutrient removal is typically handled through purchase of nutrient credits or installing BMPs, biofilters, pervious pavers, those type of mechanisms that reduce the pollutants from stormwater, not the volume.

[06:54:54] And that's what that condition is referring to, is providing twice the amount of nutrient credit purchases or removal for the property. The stormwater volume is a whole other aspect that isn't involved in the nutrients oh i understand that that little bit i do understand absolutely that you're dealing with the quality yes quantity it was just the location of it as was presented that it was right at the edge which i was asking if that was a flood prone area because we don't want it to all wash out before you have a chance to absorb all the phosphorus out of

[06:55:30] the water that's in there i mean it gets in the way of your process if it's continually filling up with blood water. I'm sorry, I didn't understand that. I may be the only one going down this rabbit hole. I will stop for now. Thank you.

[06:55:48] Okay. Thank you. Supervisor, you still correct me. No, thank you. And no questions at this time. Thank you. Supervisor Cowell. Yeah, I'm going to hold until we get through the whole public hearing. Supervisor Pruitt. I think I'll ask my permit.

[06:56:04] Actually, no. You know, I asked earlier about estimated tonnage and truck trips. Can you speak to that briefly? I've been informed that to fill one acre one foot requires 120 trucks I think cubic yardage might be a more appropriate term instead of tonnage and I think we've estimated like 3,000 cubic yards of material to fill in that area at this time does that answer your question I guess

[06:56:42] I would be it does answer my question but I'm realizing I should have asked a better question I would like to understand this better in just the terms of human impacts in the neighborhood, which truck trips is a good way to quantify that, but I know the number of trips per day is going to vary.

[06:57:02] Can you give me an estimate of just what the fill operations kind of timeline would look like for that neighborhood? Well, actually, the construction on the Woolen Mill industrial site has the dirt volume necessary to fill this area in.

[06:57:19] So it would just be a matter of leaving that site, going down Franklin to this site, and dumping it there. So I don't know the time estimate of what that would take, but they wouldn't be running up and down Franklin Road all day, every day.

[06:57:38] It would be just from that site to this site. Thank you. Okay. Okay, thank you. You mentioned something a minute ago, and I'm going to follow up on Supervisor Malik's question about the nutrient credit purchase.

[06:57:55] And you mentioned credit purchases, but I thought the proffer said on-site. So I'm trying to understand how you satisfy this requirement. I didn't hear the last part of your question. The special use permit condition language, I'll pull that up.

[06:58:13] On-site. Must be provided on-site. so that implies to me that you can't do it through purchase purchasing credits elsewhere am i misunderstanding this i was i didn't make that connection before

nutrient credit purchase is a valid stormwater quality measure sure i didn't catch the on-site wordage in there

[06:58:44] yeah it's i mean what we're what we're asked to act on as conditions that say on-site so i'm trying to understand how this would take place on site i i believe you wrote the condition this doesn't this condition is specific to the nutrient credits and does not allow the purchase of off-site credits to meet the stormwater requirements so we make sure we get water

[06:59:22] quality measures on the property um and tony may so that is uh what the intent of that condition is it doesn't prohibit i think we don't have a design yet in terms of their stormwater facility We don't have a site plan yet, so when we have those or other engineering plans, that would indicate what those measures would be, but it must be on-site stormwater treatment and not the purchase of off-site credits.

[06:59:53] Physical? With physical improvements. Improvements. Okay, I stand correct. Credits are still a viable option. The credits would still be a viable option. You're saying both sides of the argument. I'm totally confused. Totally confused.

[07:00:09] It's either yes or no. That seemed to be entirely one statement until the last sentence. Yeah. If you're building a water quality feature on-site or if you're buying credits. Right. But this special use permit condition says on-site.

[07:00:27] So this doesn't permit this to be accomplished by buying off-site. It doesn't. You're right. Okay. Make sure the applicant understands that. Yep. It does seem to be news. It is.

[07:00:44] I guess we'll be providing on-site water quality. Thanks for bringing that to my attention. I understand that you had the original evaluation, the CLOMER, I guess it's called, from FEMA last year.

[07:01:05] This is a very odd question to have to ask, but I'm not aware yet what the future of FEMA will be and what happens with FEMA. Is there a provision for how this gets enforced if FEMA says, well, we're not really going to do that anymore?

[07:01:24] Whenever I hear news from the federal government lately, I get very confused as to what's going to remain. I don't know that I can add clarity or predict what the case may be, but I think I can say that we're committed to processing the LOMAR after construction is complete, assuming FEMA is still regulating the floodplains.

[07:01:46] okay so someone will be presumably if fema is not i mean i would imagine if fema was not that the county would have information on hand that we would update with them as you know i guess that's really where i'll look to is the county to know that we're going to to to verify this if if fema decides we don't really do this anymore yeah if it does move to that extreme then we would certainly be reviewing it as well. I can't believe I'm even saying that. We'll be part of that process regardless. And all the information we share with FEMA, we share with the county first.

[07:02:26] Thank you. Thank you. Okay. We have additional speakers from the public and we'd like to hear from them. Thank you. We'll come back. And I think perhaps to make this, we do have 10 speakers present and then one speaker has been added electronically to make this a little bit quicker i'd like to call three names at a time and if you could come down to the front row we'll move it along that way and i see you nodding your head so thank you

[07:03:02] so bill emery is our first speaker and bill you're already here so that's great jenny mccalski and alana horning are the next two speakers and you can just sit anywhere in the front row. Welcome. Welcome. Hi, Bill. Good evening, Supervisors. Bill Emery, 1604 Willemills Road, Charlottesville, Virginia. Water is an elixir essential for life. Rivers are the circulatory system. Owning property in the James River watershed is in close proximity

[07:03:38] to a stream or river comes with responsibility. While industrial polluters can buy nutrient credits to cover their bad behavior. That purchase is of little help to riverine fauna locally or downstream. I have a lifelong dream to bike to the bay, stand in the water, and to be able to see my feet. When Europeans arrived, the bottom of the bay was visible 50 feet down. The water was crystal clear. We have not been doing a good job. We're 27 years past the Rivanna River Basin Project.

[07:04:11] Nine years passed the 2016 Charlottesville Albemarle MOU on the Environment. In 2017, the locality's planning commissions agreed in joint session to support the Rivanna River corridor renaissance.

[07:04:28] In line with these commitments, I pray you will continue with these river-supportive behaviors. Your board has an exemplary record of water quality protection. You've non-approved floodplain fill in 28 years. Do the good work. Continue to support the river, the bay, natural and cultural heritage.

[07:04:50] This project will cause substantial damage to quality of life and adjacent parcels. It will damage the character of adjacent parcels. It will be changed by proposed special use.

[07:05:07] Public health, safety, and welfare will not be improved. The proposed fill is inconsistent with the comprehensive plan. i want to read some abstracts and comments of commissioner firehawk there are lots of things we can do with engineering with big machines and modern equipment so we do have the ability to build up soil and help create an island elevation that will put the structure out of the hundred year floodplain we could also pipe the creek and pave it over and then we wouldn't have to have a buffer we could actually get a permit from the army corps of engineers to do things like that

[07:05:42] But should we? I'm also looking at this from two perspectives. One is death by a thousand paper cuts, which is all little fields cumulatively together. I don't have the confidence that we're looking at it from that perspective. I think that zoning can be old, zoning can be wrong, zoning can be a bad idea. I think this zoning is outdated. So today, putting industry along our rivers is a bad idea. I don't think the zoning is good. We're not here tonight to decide about zoning we're here to decide about filling the floodplain i'm going to stick with the

[07:06:20] comprehensive plan i think it's wise to say this is a green system jenny you're next oh yeah absolutely give them to the clerk give them to the clerk and we can't hear you we can't we can't hear you if you're on the mic yeah thank you hi i'm jenny mukalski 718 franklin street my driveway is about 200 feet from the driveway of this project the first floor elevation of my home

[07:06:54] is 322 feet. I've heard a lot of inaccuracies tonight and I don't have time to address them, but I would appreciate being able to send some comments after this meeting. Notably, one of the photographs on the presenter's presentation is quoted, misquoted. It's Moores Creek Lane, not Franklin Street. So you haven't seen a picture of Franklin Street with its houses on it. This is now the third meeting I've attended where I have heard no mention of our homes and no mention of a very vibrant environmental conservation area that was set

[07:07:30] aside by the rwsa that is immediately abutting this site in fact there would only be a culvert that they would share it is a hot spot for migratory birds the audubon society comes there at christmas for their bird count it is a critical urban habitat i'm wearing my hogwaller t-shirt That's what locals have called this neighborhood for a long time, depending on who you talk to.

[07:07:59] It's either a slur or it's a badge of gritty pride. Hogwallers were stockyards near railroads for the exchange of livestock. There's a hogwaller, in fact, in Lenoir, North Carolina. And in the aughts, they turned theirs into a historic district where it is a vibrant and popular place for recreational trails, commerce, and culture.

[07:08:22] We could do the same in this neighborhood. But tonight, we're not talking about revitalization plans. We're talking about recklessness in a floodplain. The plot that I've just showed you, if you please look at the blue highlighted parts, I just want to emphasize that's 1891.

[07:08:37] The culvert adjacent to this proposals project is there on the map as the way that they diverted stormwater for Franklin Street in 1891. There's a 135-year-old stormwater system that it's just flippantly proposing to change.

[07:08:56] It's also, I think Anne made a good point. Don't forget the RWSA is built up very high, so I think this would, in fact, create a canyon. How do you get back on a 312-foot elevation floodplain to build a 13-foot flood wall with heavy equipment without compacting and damaging the shoreline?

[07:09:15] I don't understand how that would even be possible. The FEMA line maps are outdated. We know this. Haven't there been incredible national disasters where backwaters met with the runoff from a heavy storm event, and it's when they collide that you have the disaster?

[07:09:34] Upstream of this parcel of this floodplain of Moore's Creek, we have the Wegmans Plaza construction. We have the steep slopes off of Old Ridge that were developed, new homes on Stonehenge, the new homes on Nassau, built on fill on the same floodplain, the city view apartments on Carleton, and the three-tier wine mills parking lot.

[07:09:54] Thank you. And that's all impacting this floodplain also. Next speaker is Alana. Hi, my name is Alana Horning, and I am a five-year resident at 720 Franklin Street, about 100 feet from the land unfortunately being proposed for this industrial development.

[07:10:14] As a licensed clinical social worker and someone who is trained to understand how environmental stressors impact the well-being of communities, especially those who are low income and underserved, I want to raise concerns about this proposal in regards to the social injustices to our vulnerable community that have been overlooked in this planning process.

[07:10:34] Construction in residential areas does not just negatively impact the environment, it affects the people who live there. I trust that each of you chose to be on the board of supervisors because you care about the people you represent and while our community who is being most impacted may not fall fully within your county lines i hope your concern doesn't end there in the planning staff report there's a list of requirement that the project must align with public health safety and welfare the comment provided within the report states no issues with public health safety and general welfare have been identified i'm not sure what research or analysis was conducted to support

[07:11:11] this determination because I have identified several significant issues that warrant further consideration. Research shows that vulnerable communities often lack physical and mental safety due to systemic inequality, and this proposal would deepen those vulnerabilities by disrupting the limited safety and stability our community has worked hard to build, and I'll explain how.

[07:11:33] There will be environmental safety that will be compromised. Noise pollution will increase. There will be more trucks and tractors clogging up the only accessible road that is already extremely narrow, and there can be a loss of sunlight due to how tall this proposed building is allowed to be.

[07:11:49] Sunlight is needed for general well-being. Economic safety is at risk. Property values of our homes will drop. These homes are ones that we have worked hard for as a working-class community. Social safety will be damaged. There are no large backyards in that trailer park community if you saw the picture or if you've visited the neighborhood the roads are used for families to gather kids to play it's the communal space without social support systems then the mental health and mental well-being and emotional health can weaken in the previous board of commissioners meeting there were hypothetical claims that guaranteed job creation and financial gain but those are unsubstantiated

[07:12:28] lack community input and have not been properly examined it's unclear how such assumptions can serve a valid basis for approving this proposal but if caring about our community's well-being isn't enough reason to reject this proposal let me ask you this think about your home the peace the comfort you have would you rather live next door to a natural space full of life that supports flood prevention or industrial building that disrupts your daily life i'm going to assume you would pick the former so please do not impose something on our community that you yourselves would not want in your own neighborhoods thank you thank you um i just love to remind speakers

[07:13:05] if you weren't able to finish your comments in the three minutes you can please provide them to the clerk and they can be entered in the records all right and the next three speakers sabrina juliano kristin davis and kirk bowers and sabrina you're first okay good um hello my name is sabrina juliano and i'm here to urge you to vote against this proposal for the past three years i believe without your knowing, the floodplain in question has been subjected to demolition, rubble crushing, and stockpiling by this developer. The developer's activities raise

[07:13:44] serious legal, environmental, public safety, and planning concerns, and here's why. First, the site activity poses significant environmental and public health risks. The crushing and stockpiling of demolition material generates airborne dust that may contain hazardous substances like asbestos, lead, and silica. Prolonged exposure, especially to silica dust, is known to cause silicosis and increase the risk of lung cancer. Additionally, these operations risk contaminating soil and nearby waterways and destroy sensitive floodplain habitat essential to urban wildlife. Second, the unauthorized fill of the floodplain likely violates several

[07:14:22] regulations, including the county's water protection ordinance, the Clean Water Act if wetlands are affected, and national flood insurance program requirements. The developer has also stockpiled construction material in piles exceeding 25 feet high, placed dangerously close to the stormwater infrastructure. Third, this activity increases flood risk. Floodplains naturally absorb in slow floodwaters. When they're filled with rubble, water is displaced, increasing the chance of flooding in surrounding areas. These alterations can accelerate runoff, overwhelming drainage systems. FEMA requires hydraulic modeling before any fill is approved, but that safeguard

[07:15:02] was bypassed. Fourth, this behavior undermines the public planning process. Proceeding with development before approval preempts community input, bypasses environmental review, and disregards proper technical assessment. It sets a troubling precedent, build first, ask later, eroding public trust and making it harder to enforce rules equitably. Finally, this could impact the entire community's eligibility for federal flood insurance and disaster relief. Non-compliance with flood plan regulations may jeopardize the county's standing and national flood insurance program leading to higher premiums for residents and potential disqualification from future federal

[07:15:41] assistance. In summary, the developer has attempted to reverse engineer approval by acting first and seeking permission later. I respectfully urge you to reject this proposal. Thank you. Thank you. Thank you. Our next speaker, Kirk Bowers. Oh, I'm sorry. Kristen Davis. I'm sorry. Yeah, that's okay. I looked at the wrong line. I apologize. No problem. You can hear me okay? Yes. Okay. Hi, I'm Kristen Davis. I hope that you are all sitting there silently screaming no, no, no to this. But since I don't know that, I'm here to respectfully urge you to vote against

[07:16:21] this proposal. A few thank yous. Thank you to my neighbors for bringing this to my attention. I don't know what the expectations are, what you're obligated to do in terms of notifying folks on the other side of the Albemarle County border.

[07:16:37] But if it weren't for my neighbors, I wouldn't know about this and be able to sort of speak to the concerns. I want to thank you, Supervisor Malik, for your desire to understand that this was sort of your one and only shot with this.

[07:16:57] I want to thank you, Supervisor Pruitt, for bringing attention to human impact. That was the first time I heard those words. And then, Supervisor Andrews, when you brought up sort of the question about FEMA and, like, how much should we really value what it is that FEMA is saying about any of this.

[07:17:16] These are just a few fragmented thoughts. This is not going to be coherent. There's a lot of conversation in the greater Charlottesville area about being good neighbors, right? the the relationship between uva and our community um i think that voting yes on this is um not being very neighborly mr rogers would not approve um another thought is um you know the planning commission's vote of four to three um you know out of respect for those who voted against it you know

[07:17:54] i guess i hope you will ask yourselves you know really what is the benefit is this really worth it um you know as i think a lot of us sit here and think why would you take the chance um um so so the word fill sounds so harmless um but in this case it's not harmless at all do you know what i mean fill it just sounds so gentle and we're talking about destruction of these um wetlands which I think was a word I didn't hear until another speaker stepped up.

[07:18:32] And wetlands, what I have learned is that this land is zoned for light industrial use, but the zoning doesn't reflect the ecological value. It's not a vacant lot. It's a rare and thriving pocket of urban wilderness that has developed over decades, maybe over centuries.

[07:18:57] And losing it now would be a serious failure of planning and environmental responsibility. I hope you'll obviously keep in mind that, you know. Thank you. Yep. Thank you.

[07:19:13] And Kirk Bowers. I don't see here. He's not here. Yep. Okay. So, next three names, if you don't mind coming down, please. David Slessick, Peggy Gilgus, and Robin Haynes.

[07:19:35] Good evening. I'm David Slezak. I was a 40-year resident in the Whitehall District, where my son is a farmer now. And I'm currently across the street in the city at 722 Franklin Street, the closest residential house next to the trailer park.

[07:19:57] And as I watched the light industrial happening on the hill above on the left from my house, I was pleased to know that they were going to consider this as a drain field for that structure. And I wonder if that all along was somebody's plan not to just put it off and wait to later date to say, well, we don't want to use it as a drain field anymore.

[07:20:22] And I never hear the word groundwater mentioned anymore, which I thought was the reason there was this field at 1.4 acres that was going to drain that light industrial site. And finally, I hear a lot about a 100-year flood plan in a time when global warming has provided us with plenty of 500-year floods.

[07:20:44] And I just think sometimes thinking of 100-year floods is not the wisest thing either. So I do not support this project. Thank you. Thank you. Peggy, you're next. I'm Peggy Gilgis.

[07:21:01] I live in the Jack Jewett District. I'm here this evening to ask that you deny the special use permit to add, as I understand it, 11 feet of fill to one and a half acres of the Moores Creek floodplain to create a building pad for light industrial use.

[07:21:18] I was here in Lane Auditorium for the Weldon Cooper Cost of Community Services presentation just a few weeks ago. And while I understand that industrial development may contribute more taxes to county coffers with fewer service costs than residential development, open space also has significantly fewer service costs than residential development.

[07:21:42] And furthermore, the Weldon Cooper study does not take into account the value of the ecosystem services provided to a community by natural systems such as floodplains. This week, the World Meteorological Organization reported that global temperatures are rising faster than expected and that we will officially pass the 1.5 degrees Celsius temperature mark in the next two years.

[07:22:08] They added that there is now more than a 1% chance of at least one year exceeding 2 degrees Celsius, that's 5.4 degrees Fahrenheit, in the next four years. For every one degree Celsius of warming, the atmosphere can hold 7% more moisture.

[07:22:27] And as you know, Albemarle's 2022 Climate Vulnerability and Risk Assessment states that due to climate change, we'll see less predictable patterns of precipitation and more extreme weather events, resulting in increased flooding. The risk of human fatalities is a serious concern to me, and it has been much on my mind, that we have now experienced three flash flooding deaths in Albemarle County in the last seven

[07:23:02] years. Development of this lot may be tempting, but I am here to remind you that we are not in the 20th century any longer and we cannot continue to make land use decisions as if we are. I urge you to carefully consider engineering reports based on typical or current models that may not be relevant to our rapidly warming future. As Karen Firehawk pointed out during the Planning Commission's review, creating an industrial site on this lot is inconsistent with our comprehensive plan because floodplains serve important roles ecologically and in mitigating the effects

[07:23:41] of flooding. Please be proactive in protecting our community and improving our resilience in the face of climate change. Thank you. Robin Haynes. Hi, I'm Robin Haynes.

[07:24:03] I live at 1709 East Market Street in the city, but just around the corner from this property. To continue the speaker before, I want to say that floodplain is floodplain.

[07:24:19] It is a fairly scary designation. And maybe there is a particular confluence issue between the Rivanna and Moores Creek.

[07:24:34] But we have extreme storms now. I came from Asheville. I have family up there. That was a totally bizarre thing that happened. We have been lucky here.

[07:24:51] That river is nearby, and it can become a giant. This is a small acre of land, 1.5 acres. Actually, if you have acreage, you must know that 1.5 acres makes a huge difference to drainage and storms.

[07:25:14] The owner has used the land in question tonight for dumping fill already. We drive by the big machinery and piles of debris daily.

[07:25:31] If this is temporary, remove it now. Stormwater from this property will head to adjoining land and across the street. The number of residences will soon grow with Habitat for Humanity's plan.

[07:25:48] Can all this be no concern for you guys? Thank you. The next speaker is Katie Chester. I'm Katie Chester and live in the city, 1812 East Market Street, just on the other side of the tracks from this proposal.

[07:26:22] And I am completely struck at how different this presentation was from the prior one in terms of how well researched and prepared it was and how many people are against it versus in support of it.

[07:26:42] The prior applicant had not had a fire call in 23 years, and this current property owner already has mounds of debris that he is just not disposed of properly. He's offered to donate a certain area as a stream limb, probably because he can't use it himself.

[07:27:07] the presentation didn't notice about that the stormwater offsetting credits has to be on site. Mr. Edwards, you didn't do your homework about what the elevation was of the bakery site. You just assume it was filled to BFE. Why don't you know that? The wording about the backwater, It's all hedged, and yet the gentleman in the blazer says that this is a unique situation,

[07:27:43] but the wording on the slide says backwater area may not cause a rise in floodplain. Backwater areas such as lakes or wetlands are often disconnected.

[07:28:00] Fill placement here may have no impact on the overall. backwater zones often lie outside. That's not much of a thing to go on when we're talking about filling in floodplains. And I think about the concept of slow violence, which is crimes that are committed slowly, incrementally, like letting lead pour up in water, and we don't find out till afterwards. Filling in floodplains is egregious. It's reckless. The homes across the street are not

[07:28:36] above. Many of them are trailers on cinder blocks. Please say no. Thank you. All right, that's all of the speakers that are here in person. We have one person that was added for electronic participation, so I just wanted to give a couple of just quick notes. I just want to give a couple of notes for the person that's waiting electronically.

[07:29:11] The clerk will announce each speaker that is to speak electronically. The timer will commence when you begin speaking and you'll be notified when the three minutes are up and you'll be requested to bring your comments to a close as your microphone will be muted after about five more seconds. And I

think the person that's speaking knows to state their name and whether they live in alamore county in their magisterial district and um all comments are live streamed recorded and published on the alamore county website if participating by phone press star 9

[07:29:47] to let us know you want to speak then star 6 from a landline to unmute if by zoom please remain muted until you are called on to speak and um claudette i will let you introduce the speaker mr schussell

[07:30:01] you may begin speaking welcome mr schussell i can't hear you we are not hearing you please hold

[07:30:30] moment. Mr. Schlissel, please unmute your microphone for your computer. Hey, Zoe, it's you. I'm just

[07:30:58] checking in with you and seating in. Yeah, yeah, so we're, I believe. Mr. Schlissel, we're not hearing you. I'm sorry. And we now have Kirk Bowers. We have Kirk Bowers, I believe, online, so we'll have to switch to Mr. Bowers. I'm sorry, we cannot hear Mr. Schlissel. Mr. Bowers, you may begin

[07:31:38] speaking good evening welcome we can hear you okay uh my name is kirk bowers i live in the revana district for 38 years and i'm also live 33 miles from this site we're not hearing you i'm sorry sorry hello we can hear you i'm sorry i don't know what that was caused by could you have a speaker on could you turn it off or take me off

[07:32:16] Good evening. Can you hear me? Yes. Okay. My name is Kirk Bowers. We can hear you. My name is Kirk Bowers. I live in the O'Van district for 38 years.

[07:32:37] I'm also live 33 miles from this site. We're not hearing you. I'm sorry. I submitted comments this morning. I can hear you. I'm sorry.

[07:32:55] Mr. Bowers, please turn off your speaker if you have a speaker turned on, because we're getting feedback in the auditorium. Okay. Is that better? Yes. Okay. I submitted comments this morning. I wasn't informed until yesterday, so I was not able to do a full review of the site.

[07:33:16] My background is I'm a licensed PE since 1989, and I currently work for an engineering company reviewing stormwater plants and stormwater inspection. reports. I have a couple of comments. I'll just hit on the high points from my comments today. First of all, the historic resources. This area needs full exploration due to its location adjacent to Piraeus, the port of Charlottesville, which is back when the town billed itself as the Athens of the South, and also the presence of Native Americans

[07:33:55] known to live along Moore's Creek. This may have been a burial ground for early residents, settlers, and slaves. Full exploration should be done before you proceed to approval. Secondly, were the computations based on future impacts from climate change that includes higher flow rates and frequency of storms. Today, a A 100-year storm is more frequent and intense in rainfall rates.

[07:34:26] If not, if the computations were not based on future projections, they should be done now and submitted up to the year 2050. I would also add, and I didn't have a chance to look at this thoroughly, change the gradient elevation to 325, not 324 as shown in the application.

[07:34:50] In fact, it should be 325.5 to be more accurate. The floodplain fringe is also not shown correctly. Please revise. Note, and I want to add another note, please, that another proposal is to create a

public park in the remaining 5.6-acre parcel or encourage the conservation easement on the remaining site.

[07:35:14] So my overall recommendation is to delay approval for the FCP until after the LOA Lamar is approved by FEMA. You're kind of put in a car before the horse, is what it looks like, and you need to wait until further action has been, further submittals have been made. With that, it's great to see everybody. Thank you for your time and have a good evening. Thank you. And I believe we have Mr.

[07:35:43] Schlusser for one more attempt here. Just one more attempt, yeah. You may begin, Mr. Schlusser. Do we have you, Mr.

[07:36:01] Okay. I'm sorry, Mr. Schlosser. We cannot hear you. With that, I believe we've gone through the public speakers. The applicant has a five-minute rebuttal, and I invite the applicant back up to provide that rebuttal and answer additional questions, if any.

[07:36:34] We do not have any rebuttal at this time. Okay. We'll go through our order then, and with any questions or comments, Supervisor McKeel. Sure. Questions for you all for that, and I'm not sure which one of you want to answer the question.

[07:36:56] I'd like to hear a little bit more. We heard numerous concerns about Franklin Street and the residents on Franklin Street, which I really appreciate them expressing their concerns. Could you address some of what you heard during the public comment from the people on Franklin Street about flooding in their homes and yes i mean franklin street was not necessarily part of our specific study in those homeowners and how they may be affected but what i can say is that what

[07:37:32] our evaluation shows is that we will make no impact to the floodplain so if they are in the floodplain today they will remain in the floodplain today the water surface elevation on their property will remain unchanged from the fill that's placed with this proposal so there's no impact, no effect, no exacerbating condition, and that is what we have certified to, what FEMA has reviewed, and what the county has also concurred with. So I heard from some of the residents

[07:38:03] concerns about storage and a lot of concerns about what was happening right now on some of the properties. I'm not sure exactly where that was that they were concerned about. You know what i'm talking about about the piling up of debris and and storage and all can you sort of address what's going on there uh yes it's it was approved to be used for a stockpile area for the construction of the industrial site and county was monitoring it and for erosion control measures

[07:38:41] they actually were rwsa contracted with them to help grind up the concrete that was removed from the Rivanna Water Sewer Authority improvements and to keep that from having to be transported across the county.

[07:39:01] And the owner of Chris Donaldson agreed to have it transported to his property so he could crush it up and then recycle it and use it for the construction of the Willow Mills Industrial Park. So it intended, as a temporary stockpile, it will be removed at such time that the construction is completed.

[07:39:24] but it is allowed to be used as a temporary stockpile area at the moment. Recently, they've required an amendment to the WPO plan to show that area as a stockpile as well. That's very helpful. Thank you very much. I appreciate it.

[07:39:42] That's all I have right now. Supervisor Malek? Thank you. Could someone on staff talk about the zoning impact of the crushing being allowed in a place where stockpiling was supposedly allowed?

[07:40:01] Because it's a wetland designated right now. That's what we've been told. So how did that happen and what's involved with that? I think in the light industrial area, having a stockpile or staging area like this is permitted.

[07:40:21] It was later identified that it was not in the floodplain, which was identified at a later date. So the decision tonight will govern the action that will be taken about that stockpile.

[07:40:38] Should it be permitted through the special use permit already? Or if not, then it will need to be removed. So before any material was taken to the site, all the permits were taken through the county?

[07:40:58] Before any of the stuff was transported from the site uphill? Before my involvement with it, I'm not sure. Here comes Frank. Here comes Frank. Welcome again, Mr. Paul. Good evening. So this area was not included in the original permit.

[07:41:15] And so when, yes, so they're modified, they're submitted a modification for the permit to include this for the stockpile area. And upon review, we saw that it was in the floodplain, and this is when we advised them that they needed to remove it or get an SP. So we're trying to work with them to get into compliance.

[07:41:34] And, again, as Tony mentioned, if this is denied, then we'll work with them to correct the compliance issues. With regards to the crushing of rock, my understanding, and Bart's here, but my understanding is that crushing of rock is allowed on this site by the owner to use for his site if he uses the materials for his site.

[07:41:57] Even though it's a different site? Yeah, I don't, and I think maybe Bart can speak to that more, but I don't know if there's other materials coming in that are being used elsewhere. I thought I'd read that, so I'm not sure what that situation is, but I'll let Bart speak to that.

[07:42:17] Thank you. I was looking at him up there. Bart Swoboda, Deputy Director, Community Development Zoning Administrator. So just to add to what Mr. Poole has just said is that the SP will help us determine what the compliance is here.

[07:42:37] So without the SP for the filler activity within that floodplain, then the uses are limited and storage of dirt or other materials there won't be permitted. So this is really when we discovered what was going on there, the applicant has stopped adding that we went by this week and checked.

[07:42:57] So there hasn't been any additional activity since the request and the discovery of the materials on site. And so this will determine, as we've done in other cases, if the SP is granted and there's certain steps to come into compliance with the SP and the regulation.

[07:43:15] If it's not, then there's certain steps to come into compliance. The removal of materials and activities need to cease in that area. And does it make a difference if the material that's being crushed came from someplace else in different ownership, different location?

[07:43:32] It's not something generated on their site that they're fixing. Does that make a difference? It sounds like a commercial activity. But anyway, I guess that's probably tangential. Yeah, for this application, that's probably a different issue to bring in rock and crush it and use it on your site.

[07:43:51] This is part of now, if the SP is approved, this is incorporated within the plan. So even though it's a different parcel, it's part of the project, if I'm crushing something and then taking it off-site to somewhere else that's not part of the overall project and the plan, then that's a different scenario.

[07:44:13] So you'll investigate whether that's been happening or not? Yes. Very good. Thank you. I guess it may be time to check the math. And I think Supervisor Pruitt had also asked about the numbers of trucks. If I did the math right, 1.5 acres is just under 64,000 square feet or 64 to get cubic feet, and then cubic yards is 2,364 cubic yards or 168 trucks per foot of fill raise, which is 1,800 trucks.

[07:44:51] So while I'm glad that they might not be going down Franklin to go from somewhere else to somewhere else, I am painfully aware of the impact that trucking has on street condition and neighborhood neighbors' misery level.

[07:45:10] And so this is a great concern to me that this is being considered. I'm going to, I still have more to, I will be glad to hear what other questions other people have, but we've sort of understood our way around the environmental thing, but we have not understood our way around the human thing.

[07:45:37] Yeah. Thank you. Thank you. Supervisor LePiestro-Curvin. I'm very cognizant of the fact that we're going to have to bring in, they're going to have to bring in Phil, luckily from nearby. But if we base everything on the amount of Phil we have to move for different sites, we're not going to be building anything, frankly.

[07:46:07] And so I don't have any other questions. That's all my comments. Thank you. Supervisor Calloway. I guess I'd ask the applicant, I mean, with the on-site requirement, what are you going to do? Where is it going to be? I mean, I'm used to, when we have these, that's a question that we ask of some other applications, that if it's an on-site, the water treatment, where the off-site nutrient credits is not an option, since the special condition requires on-site, and you said, well, I guess we'll be doing on-site.

[07:46:38] So how will you be doing on-site? I know you've just been given that tonight, but, I mean, you know the site. I mean, I don't know if you have a general concept in terms of where a location might work and what you could potentially do there, but that seems to be pertinent. You don't have to buy nutrient credits.

[07:46:56] You can put impervious pavers. You can put biofilters. There are other options on-site. Nutrient credits are one of the advantages. I'm just asking what you think might be most viable on the site since you have to do on-site. At this point, given you just found out 30 minutes ago or whatever.

[07:47:14] I'm not in a position to design the site in the last 30 minutes. I will deal with that when the site plan process is normally done. I can't design the site this evening, so there are various options to use.

[07:47:30] I'll have to design it and figure out which one's the best one to use. Thank you. Supervisor Pruitt? There was a reference from the public about notice. My understanding is that our notice process is jurisdictionally agnostic and it's, what, half a mile as the crow flies from the point of impact.

[07:47:55] Do I have that right? So for the public hearing, it's abutting owners. It's only abutting owners? What about for the community meeting, though? That is, we have guidelines about the radius for that. And is that about half a mile?

[07:48:10] That is 500 miles. or 500 feet in the development area and have to look back and see what we did for this one. Okay. I was just curious, because I know several of the folks who came to speak tonight

had been notified for the community meeting, but apparently some weren't.

[07:48:28] I just wanted to clarify what that was. This is a tedious question, but it kind of touches to the question of stockpile, and this is mainly a supervisor per education question, but it slightly bears on this.

[07:48:43] How do we draw a line between when stockpiling becomes fill?

[07:48:57] One answer could be that fill is going to be a compacted material. It's going to be properly placed in lifts, and it's going to be inspected as it's being done.

[07:49:19] Mark, you stood all the way up here. Do you have anything to add? So our, well, with Bartsville Boda again, we define fill within the zoning ordinance, right? So within the confines of what happens there, there's some qualifiers in what fill is based on a project.

[07:49:41] So if I was to backfill along a house for zoning purposes, that's not fill. For engineering and building purposes, it is because it's associated with the projects. It's part of the construction of the house. Within our regulations in the fill section, if you're associated with a site plan, then the cut and fill, as we refer to it from the engineering terms, is not fill for zoning purposes.

[07:50:10] It's part of that project. So it's kind of a tricky question. Heard. Got it. This is all helpful. Thank you. Just wanted to touch on that because it also is something that came up from the public, right? And it somewhat bears on this, and it's something I want to make sure I understand, especially if I'm then expecting the public to understand it.

[07:50:33] So thank you. I appreciate that distinction. I also do just want to – it was like the very first question we asked, and I feel like I'm still trying to seek as best clarity as I can. I heard from Timmins Engineering in one of your final comments that there will not be – the floodplain or that the floodwaters will not be elevated by the fill project and also that the impact will not be increased but i feel like i heard from frank pretty clearly that there will

[07:51:05] be a shift in where the floodplain is and those seem to be explicitly contradictory terms right i heard from you that the floodplain will not change if you're in the floodplain you'll stay in the floodplain and i feel like i heard from frank that the the footprint of the floodplain will be altered in a small way but it will be altered so one of those things is true and one of them is not true they both can be true not to complicate it further what frank was saying is he was anticipating down the road after the construction is done and we process a letter

[07:51:42] of map revision to remove that area that has been elevated by phil from the floodplain that is when the mapped delineation changes only on this property so anybody else surrounding it across the stream upstream or downstream is not impacted their floodplain limits will not change the only change occurs on this property and it only occurs after construction is complete and it's going to follow along the conditional approval that FEMA's given us for the amount of fill and the location of fill that we can place to then basically carve out an island out of the floodplain on this

[07:52:20] property so that's the change in the floodplain am i misunderstanding what was said earlier because i was trying to be quite pointed about and i'll let bart or frank weigh in but i think we've talked about a number of different things the map will change the floodplain the floodway if the fill was placed it would change in the way that this did um back in the 90s when that parcel was removed from the

floodplain i think what we're trying to say is that it's not going to increase it's not going to push water over and up over into areas it isn't already going it's it's not going to make

[07:52:56] it worse and it's not going to increase uh in the technical terms the velocity the um but it won't it won't uh it won't change where that existing floodplain may be for other parcels it won't make it worse it won't but there would have to be a map change so i think we use a lot of different terminology that might have gotten mixed up yeah so um parts will vote again trying to try to try and kind of explain what i think we're struggling with in layman's terms when we push on something

[07:53:30] here we expect it to pop out over here right so when we drop that fall into the floodplain we're expecting that it's going to show or change somewhere else in the engineering on this there's not enough push to create a change in the elevation somewhere else.

[07:53:51] So we're not dropping a big rock in a small bucket. We're dropping a BB into a large bucket. Because you're also influencing the whole hydraulic system of the Rybana River. You're not impacting a hydraulic system of Morris Creek. The net result of that is even though we're having this area come out of the floodplain because of the elevation, it's not creating a push somewhere else that expands the floodplain elsewhere.

[07:54:16] which it doesn't make it expand anywhere else, and it doesn't make it rise. That's what the engineering is showing us, and that was the submittals to FEMA. So a little bit out of the zoning realm, but in my attempt to make it in English rather than engineering or code, that's kind of what it is.

[07:54:35] And so our brains kind of struggle with that just from a standpoint of if I'm pushing here, there's usually a push or pull. There's a kind of equal opposite reaction where in this particular case, based on the uniqueness of the area, we don't see that got it Bart no question you have a question for Bart stick around giving you your exercise so if I understand what you're saying the parcel that was done in the upper right hand corner back in around 98 that was raised okay and so that's now

[07:55:13] out of the floodplain and then what they're what we're proposing what they're proposing is that the area that they want to also elevate will be even with that, and then it'll have the same lack of impact, the whole thing, as that one portion does now.

[07:55:33] Is that correct? So I don't know the elevations, so I don't want to agree that they're the same. But I will agree with the second part, that based on the engineering that we have, the non-net result rate, the no change will be the same.

[07:55:50] Because the area, our mind tends to look at the area on the parcel to equate the fill with. And the analysis is about all of that backwater area to where Morse Creek and the Rivanna come together.

[07:56:09] So it's a larger bucket than kind of what we picture in the highlighted area. So that's probably some of our struggle to analyze that. And I will tell you, staff, when we're looking at this, kind of has the same, Our non-engineering staff, myself, had also the same issue, and how does this happen in that bucket, right?

[07:56:31] Because you drop something and the water level rises, that's kind of normal. But as we expand the size of the bucket and the piece actually gets smaller, the net impact is less or not. Thank you. Thank you. Do you have anything further?

[07:56:46] Okay. So I've got a couple things that I'm worried about, I guess. One is, you know, we had a number of comments from speakers that I would hope that I could have heard a response to. And some of them were difficult for me to understand.

[07:57:03] Kirk Bowers was talking about different levels, 325 and a half feet versus 324. Other people made comments about insurance and what effects this could have on insurance. And I think you, in stating that it doesn't affect the location of the floodplains, We're trying to say that it couldn't affect their insurance, but I don't know that because it wasn't addressed directly.

[07:57:27] That's one avenue of questions that I have. So if you can recall any of these, if you're willing, try to give us a sense of your response to them, that would be helpful. And then I'll just ask my second question as well, and that is this coming back to the proffer to treat essentially 1.56 acres, double 1.56 acres on site.

[07:57:53] I understand that 30 minutes isn't enough time to figure out how you would do that, but I guess I'm fundamentally worried that if it's to treat twice 1.56 acres, I don't think that it doesn't make sense to me that you could just put permeable pavers and other types of treatment in the spot that you're going to develop to treat that.

[07:58:15] So you'd have to do it somewhere else on the site, but everywhere else on the site is in the floodplain already. Am I making sense? It just doesn't seem to me that this condition can work. Okay, I'll speak to the questions about FEMA and flood insurance.

[07:58:40] So the way that typically this works is FEMA will grade localities for flood insurance rates. So it's up to the localities to keep their maps up to date. So the process that we've gone through to submit the conditional letter of map revision based on fill to FEMA at the request of county staff is exactly what we should be doing to keep maps current.

[07:59:05] And once the fill is placed, amending or revising the map with a letter of revision or letter of map revision is how we keep that, the highest grade that Albemarle County can for the lowest insurance rates.

[07:59:22] So the question of impact to insurance rates with this project is negligible because we are updating the maps, keeping them current. We have no impact on other properties. One other question that I remember hearing was concern about climate change.

[07:59:44] And I think we can all agree that everybody has concern about climate change. What FEMA regulates is today's condition. They do not want to make people pay flood insurance on areas that they don't expect to flood today. So as climate change changes and FEMA and localities update the regulation, that is how that gets updated for what we are responsible to evaluate and plan for.

[08:00:14] So if we submitted something to FEMA with a projection of hydrology to 2050, they would not accept it because they do not want to force people to pay flood insurance on future conditions for today's dollars. Does that help clarify that a little bit?

[08:00:33] Thank you. That's all that I recall from the public comment, but if there was some other specifics, I'm happy to answer any others that you might slip questions on. Go ahead. From the public comment? I heard someone asking the question.

[08:00:51] Oh, sorry. I tell everybody else to use the mic and then I forget. Sorry. I heard someone from the public concerned about the building of the wall, the retaining wall. I did hear that. Could you just address that perhaps?

[08:01:06] Yeah. Just trying to go back and remember the concerns that I heard people. I noted a few of them down. Yeah, I'm not quite sure how to address it.

[08:01:24] There was a concern about how it was going to be built and what the interruption would be or how you would be building that wall. Yeah. So typically for a fill wall, what will happen is they'll start at the toe of that wall.

[08:01:42] I would imagine that it's probably going to be a block wall. don't know the concrete okay um so basically the wall would be built and then fill would be placed behind it um so it would be an operation starting close to the edge of the work and then filling the grade up and kind of working back in the way um and it really comes down to contractor means and methods but um you know we don't see any concern about a wall adjacent to a floodplain um it's common if you look downstream there's a lot of walls adjacent to the mills development um that

[08:02:19] um i've channelized that that section of of um morse creek um so i i don't know if there's any specifics on it but that's the general approach well thank you that's helpful um i'm going to ask when this other section uh yeah my second question wasn't yet addressed if you want to try that one and then I'll come back to this.

[08:02:49] Again, I'm not sure there's 14 different DEQ-approved options for on-site water quality treatment. You have to go through an extensive calculation process to figure out what the pounds of phosphorus that are required to be removed and then find devices and methods to remove those nutrients.

[08:03:13] The 1.5-acre is not, from a water quality standpoint, it's not a huge amount. It's, again, without doing the calculations, I don't know, but I've designed for 30 years and have never had a, it's more expensive than buying nutrient credits.

[08:03:30] So that's why most people on a 1.5 acre site go to nutrient credits because it's less expensive and it's probably a better way of treating the nutrients. If it has to be done on site, then we can figure out how to do that, but it will be more expensive but it is i guess better to treat it on site in this location i'm not arguing with that it was just the typical option for a site of this size is to buy nutrient credits if we can't

[08:04:03] then we'll treat it on site with any number of methods required to do that thank you um another question that's related i guess it's not the nutrient credit but just what's going on here is It's the 7740, the existing site that was raised up, my understanding, in 1998, was it?

[08:04:27] So that's about the same size. It's according to what I see, 1.6 acres. Was that done by, do you know, was that done by bringing in truckload after truckload of material? Are there walls on this?

[08:04:44] Do we know anything about the history of how that was done at that time? I don't have the history on that particular site because it was done before my arrival at the county, but, yeah, perhaps. There are no walls around it. There are no walls around it, just slopes down.

[08:05:00] That's what I recall from seeing when I was there recently. I have no idea how they brought the term. Trying to get a handle on what kind of disruption this is going to be for the area. It certainly does

sound major. So, any other questions?

[08:05:18] Go ahead, Evan, and then I'll ask. All right, fine. so multiple times in the various staff reports and responses people have talked about significant which to me means yes there's going to be an impact but we don't care i mean it's not enough to somehow raise alarm bells but i don't know what it is so is there a definition of significant is there something concrete that one can rely on to be consistent from one property to another or one area to another or is it we haven't found anything yet so we're going to call it no impact

[08:05:54] and i'm not trying to be crabby here but i there's a big gap of understanding about what these mean and may not i mean some of the public comments about well it may not cause any trouble and often it doesn't and those kinds of things are not very comforting when people's quality of life is facing dramatic change so i would like to know if there's some more concrete information that can be provided about that.

[08:06:23] So I'll go first, and then others may, such as the county attorney, may want to weigh in. But the criteria is substantial detriment, and we may use other phrases that are synonymous with that in terms of substantial detriment or significant impacts.

[08:06:45] But there may be a state code definition of that, And each special use permit is different in the circumstance of the property and the specific ordinance provisions. In this case, we are looking to those criteria that we went over, and I know we've gone over a lot.

[08:07:03] And forgive me, we have the fill-in-the-floodway fringe standards, and we're looking at what we've really focused on this evening in terms of where's the water going to go if you fill here, and what is that going to cause to other properties and heavily relying on the engineering analysis that it's not going to make flooding worse or it's not going to, to Bart's point, push water.

[08:07:28] So in this case, when we're looking at this area in terms of how it's functioning and how it relates to that type of floodway, we're looking at that in terms of expected, what would result from placing the fill in there, And that's why Tony and us, we had wanted to make sure you understood in this case why we had come to that conclusion with it being a backwater area and the analysis that we've gone over.

[08:07:58] So that's what led us in this case to say that we were not finding significant impacts specific to that engineering analysis. And it is an area with residential development near industrial already.

[08:08:15] So that's where if it was a totally undeveloped corridor that had no other non-residential uses or was not adjacent to industrial uses, then we will say that's more significant than if the existing conditions are already there and how much of a change would happen in terms of additional industrial or additional fill.

[08:08:39] Those are the kinds of things we look at from a staff perspective. So the area you're considering is already impacted by the bakery is really the only thing that's close to where the residential is. Well, I think it is obviously subjective, and there's no bright line test or no hard definition we can go on in terms of special use permits.

[08:09:01] We do have that ordinance criteria that helps us. That's why we make sure we look at what is the level of change, really. And that's where we're looking at this site and this site. And we didn't go all the way down Franklin, to be honest.

[08:09:18] We were looking at this specific area because the activity that was being proposed to be introduced was here. But there is also that nearby industrial. I will stop while I look for other things and somebody else can go.

[08:09:38] Nice. Yes, so the the one site that has already been done back in 98 that's 34 feet high that's what we're talking about going up 34 feet or was it 24 feet i'm sorry the elevation the final grade of the site will be at 325 one 325 above the 324 elevation since this property is no longer in the floodplain it's obviously above the 324 elevation okay and there haven't been any

[08:10:13] problems or any significant impact that we know of from that development from that piece of property that is now no longer in the floodplain right not aware we don't know so and then we're talking about doing almost the exact same size and bringing it up same thing you are correct yes okay i would like to bring up something that hasn't been mentioned and was important to the planning commission was the jobs that are going to be created by this site and they felt that was

[08:10:48] very important for this area and the residential around it to allow them to have a job opportunities close by right because right now this can this is not zoned residential so this cannot be residential and it's not it's only zoned light industrial yes for the uses that we had discussed earlier manufacturing processing storage and the lower part of it that's all going to be dedicated for greenway at the moment just the the buffer along moore's creek is proposed to be dedicated

[08:11:28] the rest of the property within the floodway will remain as it is okay thank you if there are no additional questions just was said in that middle zone it said area remaining forested in one of the presentation maps. Is that a temporary condition, or is that a condition that you're planning to maintain and affirm that you will be maintaining? Tree canopy to be preserved, everything from the blue line, floodway east. So you're not going to come back in a few

[08:12:05] years and say we want to now fill in all of that too? Regulations would not require fill in the floodway, so it cannot possibly be disturbed at this time or any time in the future at the moment.

[08:12:22] county ordinances won't and floodplain requirements won't allow it is that correct yeah i would just say if if there was any increase to the work that they wanted to do on site within the floodplain or floodway we'd be back here talking to you again and we probably won't be doing that because we've seen what this site has potential for in terms of what fill you can place without impact to the floodplain um so if if we were to increase that um we would expect impact So, you know, it doesn't seem like a viable option for the site.

[08:13:01] So, Bill, I'd maybe. All set. Mr. Polo, welcome.

[08:13:17] To more directly answer your question, Ms. Malik, filling in a floodway is not allowed in the ordinance at this time. If you have this time, that worries me. Okay.

[08:13:35] Thank you very much. I appreciate the attention to this and patience with us. But at this point, we'll close the public hearing. The matter is back before the board, and I will ask us again to go through an order and give any additional comments.

[08:13:56] Supervisor McKeel. Yes, this is really, I really agree with, I think, everyone in this room that this is a hard one. It's complicated, and it has a lot of moving parts, and it is tough.

[08:14:17] We've been talking about this area, the Board of Supervisors have been for years, and looking to how we might best utilize this piece of property. I really appreciate the folks in the audience coming out with their concerns, and it's been really good to hear them.

[08:14:40] I guess, I know I'm in comments, but I would like to ask a question of our staff, if I could, please. And I'm looking at all of the folks over there. Sometimes I know that you all have a sense that you might like to answer a question that we haven't asked.

[08:15:02] And so I'm just going to throw it open to you all. Is there anything that you all would like to add to the conversation tonight or to talk about with us or to let us know? I mean, Frank, I'm just, you know, I'm always wanting to hear from staff because you all have recommended this, right?

[08:15:21] and we have grave concerns but i'd like to hear if there's anything else you all have to add uh there was a question of this is frank pole county engineer there was a question about phil and putting building the wall um there is a fifth street commercial where the starbucks is located they did a similar phil operation there in the floodplain and they built a pad and built a it's a shorter wall but they have a wall that surrounds that development um so it it has been

[08:15:56] it's not been done frequently in the county that's one that i do know about um yeah and that's where two creeks come together yeah also the confluence of i don't remember the name of the creeks but right there near fifth street station so i did want to mention that it's also a heartburn inducing process i'm sorry what'd you say that was also a heartburn inducing process i spoke with that developer recently that was a much larger longer wall i was gonna say so much bigger yeah

[08:16:29] the exposure to the floodplain i think is longer there um i think it was approved way before i got here um but it didn't occur until more recently to fill and i think there was a 0.1 foot rise on that one so there was a a rise in that case that's all i can think about right now unless you have any other questions for me that's very helpful thank you i appreciate it yeah and and i would just add what i said as we went over this item or went into this item that if there's information

[08:17:05] that you all need you're not prepared to act that you would like more information i believe deferral is an option if you wanted to revisit this item i don't think that that requires the applicant requests the deferral. I think the board can do that, but I'm looking to Mr. Herrick to confirm that. Well, it would depend on what the timeline is for review of this. I'm not as familiar with the timeline for review. Yes, we're not up against any. There is an overall cap for how long we can have an item under review before you act, but this was submitted just at the end of last

[08:17:40] year in November. It's 32 months, so we're not at that point at all. I'm not asking for it, but that's great i appreciate what you said because i did ask if you wanted to share anything else so thank you very much did anybody else want to add anything looking at you folks shaking their heads no okay thank you oh yeah come on back up frank i just wanted to add also a no rise fema looks at uh down to the hundredth of a foot so 0.00 when they talk about a no rise it's to a hundredth of

[08:18:19] a foot so uh it's not a tenth it's not a hundredth if there's a hundredth of a rise of a foot then that counts as a rise so just to understand that when they when the engineer says there's no rise and he's certifying that there's no rise that that's what he's talking about thank you thanks very much i appreciate it um so from where i and i'm going first but where i am right now is i am looking at timmons group who i respect very much you have a great reputation in the community

[08:18:55] I'm looking at my staff with their recommendation, and I am inclined to support this, looking at the assurance that we've had from the folks that know it.

[08:19:11] And I have a lot of sympathy for the folks that live right around the area. Anytime there's construction, it's really hard. I understand that, but I've heard over and over again that nothing is going to be made worse, that the flooding that exists, and correct me if I'm wrong, the flooding that exists is not going to go away on Franklin, but that this will not make it worse. And so I'm still somewhat open.

[08:19:50] I want to hear what other folks have to say, but I am leaning towards approving it. Thank you. Supervisor Malek? Yes. Clarification. I think somebody may veto me on this, but during the last Broadway Blueprint update, it all stopped at Moores Creek Lane.

[08:20:10] This particular area was not involved in any discussions about the Blueprint in my memory. It was all the high ground from Rudy's dry cleaners all the way to the woolen mills. So I think we need to be careful about that as how it's characterized.

[08:20:27] Construction is one thing, but there's also the ongoing impact on the area for the future operations of whatever industrial building is there. There is the non-removal of the fill that was put there and the rock crushing that was done asking for forgiveness.

[08:20:52] These are things that people would be stuck with as the special permit somehow now would make those things allowable. And that's a great concern because it's just we lose confidence of the people in our community when those things happen.

[08:21:09] And there doesn't seem to be any accountability for that. There was no particular response about the 1,800 trucks. And I will tell you that even 100 trucks is a lot of trucks. So the damage to the city streets and the neighborhood streets is going to be,

[08:21:34] I would expect it'll be the same as it is in the Whitehall District neighborhood, which was not built with pavement that is of the standard to Route 64, but neither is Franklin or any of the other connections down there.

[08:21:50] So I am inclined to vote against where I am right now because I have not been convinced permeous pavers is not something that absorbs phosphorus. That's a plant activity that takes the phosphorus out of the water.

[08:22:06] So I don't see how one can substitute those other methods. I would need a whole lot more information about the details of these things before I could vote yes. Supervisor Lupista.

[08:22:22] Well, I think they addressed the paver issue by saying there are something like 15 other ways to be able to deal with the phosphorus. So he was just giving out an example, and it may be pavers along with something else, but they were giving an example.

[08:22:40] I don't know the other 14 things, and they're not ready to say, because they were caught off guard, so to speak, They're not ready to say which path they would use, and rightly so, frankly. But, I mean, we are looking toward improving with our economic strategic plan.

[08:23:05] We do need more light industrial. This is only zone light industrial. It's not going to be residential. But let's pretend like it was going to be residential. Look at all the building, all the trucks that would take place.

[08:23:22] Anytime you have any kind of building, whether it's residential, commercial, industrial, you're going to have movement. You're going to have trucks back and forth. I have that in my neighborhood. You're going to have, that's what happens when you build.

[08:23:38] Now, if we decide as a county that we don't want to build anything, We don't want to move forward with, frankly, light industrial manufacturing, which brings us a bigger source of revenue.

[08:23:54] If we don't want to build affordable housing because that's going to cause an impact on our streets, then if that's as a county, if that's what we decide to do as a board, that's what we decide to do, then we should state that up front and put a, you know, we're closed for business sign up.

[08:24:13] I'm not sure if that's what we want to do, but to me, what they had stated, we already have a proven pad that was raised 324 feet. That's been operating since late 90s without issues, without any issue.

[08:24:31] Now we're proposing doubling that. It's going to be the same thing. We've heard from everyone saying this is not going to cause additional, be it flooding or any other concerns.

[08:24:46] Those have been mitigated. Nothing is without a risk. However, I feel pretty confident in what they're doing and what they've said. And I believe staff, I believe the Planning Commission, and they've all approved this.

[08:25:03] and like i said it's not going to be used for anything else so then otherwise it just lays fallow which um that's not a good use of our land so i'm i'm in favor of it thank you supervisor callaway um yeah this is not easy by any stretch for anyone um i guess i i would like to ask a follow-up question that frank was addressing earlier um you know i hate to put on the spot, Frank, but I mean, in other applications, when we put conditions in, and I'm specifically

[08:25:41] thinking of some related to sound, where often if the condition's not met, then they must cease the activity. So in this case, when you say the hundredth of a foot can't move, and it's certified by the person that it can't, you know, they're certifying that it won't, what if it's wrong, what if it does? Do we just say that all of the stuff that they did, because at that point, It's built, the stuff that they have to do to see if the conditions are hold is already put in.

[08:26:13] Then we just prevent them from doing whatever it is they're doing? They're not allowed because they don't meet the condition? So, again, Frank Paul, county engineer. Measuring storm events is what we would have to do.

[08:26:29] We'd have to be able to measure the storm event to show that it's the 100-year event, and I don't know how you do that. It could be a 110-year event or a 100, and it's not, you know, this doesn't mean it's going to happen every 110 years, but it's really a percentage.

[08:26:49] It's the 1% storm event, which means there's a 1% chance that it could occur in any year, right? So the question is, how would you measure it and prove it?

[08:27:06] So we rely on the modeling and the processes that have been created through the FEMA, Federal Emergency Management Agency, to weigh the risk and to identify or to model a situation to try to identify the risk, I should say.

[08:27:32] So, okay, 2D states computations and plans documenting the changes. So the computations must demonstrate the compliance, which is what's being provided by the applicant's engineer. Plans must

show the existing and proposed floodplain boundaries and elevation level numberized signed certification statement.

[08:27:52] So you're saying that there's a factor in there that we wouldn't be able to verify because of the 100 or 110 might be movable? No, I'm saying that if we have a 100-year event storm, the 1% storm event, that we should see no rise.

[08:28:13] But I'm kind of asking the question. It's fuzzy because our sound ordinance says if you go above a certain decibel and we measure that, it's done. If we have a flood event and it goes above what they're saying there's no impact to, if it were a noise piece, we would shut it down because they're in violation.

[08:28:33] Correct. So is that what happens here is my question. If it rises when everything is said didn't, we just shut them down? You can measure noise much easier than you can measure a rain event. So in rain event in this channel, in this watershed, you'd have to be able to identify that this was a 1% storm event to be able to shut them down, I believe.

[08:29:00] Fuzzy. I'm going to make my other comments, and then I'm going to ponder on that. You know, I do want to speak to the Broadway blueprint.

[08:29:17] This area is in the red outline of the study blueprint for the Broadway blueprint. So the 2022 Broadway blueprint, for those who may not be or may not be knowledgeable of that, is our plan for that entire area, which did include feedback and concerns about the neighboring areas in the city, to the extent of which we have said we don't want residential there.

[08:29:41] We don't want big multi-use issues there. We want to protect the current character of the LI that exists because it is the most affordable area for that commercial activity we have in the entire county. That folks that work and employ and exist there now have no other option in our county, so we must preserve it.

[08:30:02] Our concern for the neighborhoods were that if we allow any of those other types of things, then rather than supporting what currently exists, gentrification will occur. It'll move everybody's property rates up, including in the county and in the city, and it would drastically change the character of the entire area.

[08:30:21] So we've been committed to the point of saying, well, no, we want to keep it in there. And it even considered maybe doing some overlays that we get tax incentives to commercial users down there, property owners, to be able to keep the rents that currently exist for the businesses in play to keep it affordable. That's been the game plan for that whole area since 2022. Now, 2022 is when the final plan was adopted. So you go back a couple years ahead of that of us working through the process to arrive at that final plan. Now, you know, I know how it works. I'm not, you know,

[08:31:00] saying anything to anyone. I wouldn't, if I were a resident down there, I wouldn't be thinking specifically about any given property and trying to foreshadow what could occur down the road but impacts to that neighborhood were considered during that process there were community meetings down there and and like i heard a speaker tonight say well our property values will drop well if we turn that site into something different it's going to it's going to just push everybody out i mean it's we've seen it happen in the city and the county and multiple multiple other areas so um you know

[08:31:36] there is a lot of due diligence and history behind what should be occurring in this area and this particular property and this plan for this property fits in with what we have foreshadowed with the Broadway blueprint. That's just, that's the correction.

[08:31:52] That, that is, um, that is what has occurred. Um, I, I, you know, I often try to give as much explanation of how I might vote. I am, uh, when we have engineers, um, that come into agreement and i have to come down to do i agree or trust the engineers versus not in the past i've trusted the engineers and i have trusted the studies that have gone on when there's disagreement between them and tonight's probably one of the first times there's been a little fuzziness that i'm concerned about um so i'm going to like i said think about that and hear

[08:32:27] what others have to say this also though to staff what is why in our current comp plan issues this green area on our comp plan is precisely why we're changing this in the current comp plan because green area has been suggesting to people that this is public space that's going to be protected as public green space it doesn't show that it's private property that we have no control over it's still green space i get it but if we have a comp plan that shows all this green space it suggests that somehow the county controls it and we can dictate the use on it without using

[08:33:02] zoning like we are the property owner we're not so we can say all day long what we want to do with it what we have to do to control it is provide the land uses usages and this one happens to be li which is in accord with what the rest of the area is down there i have been leaning to support this i am going to think about how i feel about about what happens if conditions aren't met i'm not a fan of putting conditions and it may not be conditions really so i have to give some thought a little bit further thought to that. Thank you. Supervisor Pruitt. Thank you. I want to begin by

[08:33:41] noting that I appreciate Supervisor Galloway's point about the texture of the Broadway neighborhood and the kind of sympathetic relationships between property values. There have been some people writing into us and also some who spoke to us today stressing the fact that this is a historically working class neighborhood and we should do our due diligence to protect that working class neighborhood it is also i think important to remember that it is a working class neighborhood in part because it's immediately adjacent to light industrial um which is a thing that affects property values and that is how you get

[08:34:19] often uh naturally occurring affordable housing i say as someone who lives in a relatively affordable owner-occupied home next to light industrial um i think this is probably the hardest vote i've had since i've been elected um i came in thinking i was likely to oppose it it is very challenging when i think it seems like the universal opinion of staff of engineering

[08:34:52] reports is that the impact is negligible to the point of being non-existent um and it's not lost me that the applicant has done the absolute best that they can with the site that they own um to prepare a proposal that affects that zero impact standard um that being said there's still key elements of this that give me pause um notably the the construction is going to be really intrusive

[08:35:23] um that is also something i could say about all all projects that come before us um and so that's why i'm sitting with it right now thank you um well it's yeah uh it is one of the most difficult I think I've experienced here because there are these engineering certifications that suggest that this is really not what we think of so for example you know there was a project in the city that was

[08:36:01] proposed that was going to be in the floodplain I think that was demonstrably different impacts because of the fact that it didn't have this relationship to Morris Creek floodplain versus Ravana River and how they back up. That said, I have to trust the engineers on something that I find, you know, somewhat implausible initially and certainly difficult to understand fully how the hydrology works.

[08:36:31] We can do it, should we, is really the question. I mean, this is, regardless of whether it's dark green or light green, it's still considered green space on the comp plan. And so as green space, do we want to take it out of that designation? It's currently zoned, light industrial.

[08:36:51] um i'm very concerned about the impacts on the neighbors but at the same time i've been you know very concerned that in the past we've had projects that have been in affluent areas and they all come in and say you know you'll let this happen and it'll destroy our neighborhood and i have to say well you know that is the nature of this piece of property that it's going to be developed this way and it's not pleasant to live next to it even though um you know it was intended to be developed It's not a lot you can change there.

[08:37:28] Obviously, this is a group of people who I have, I guess, more affinity for and worry about the impacts. But really, that comes down to primarily the impacts of the process.

[08:37:45] I'm daunted by the number of trucks and the amount of work that's going to go on. and i wish i knew how long it was going to go on because i think it is something that it put up for six months but put up for years and years it it gets to be a lot if you have to live there um very difficult and i could easily see us ending up without a result so yes so one thing that was said near the end really alarmed me and that is it's hard to measure storms but in

[08:38:24] May 29th of 2018, we had 11 inches of rain in four hours at our place. That was like a thousand year storm. And we've had several others since 2018 that were called 500 year storms by National Weather Service. I mean, it was not just me. And so this makes it really hard for me to have confidence that we have the current, we're digging in hard enough to make sure that we're not setting ourselves up for Asheville or other things. We've seen so many places in just the last few months that nobody anticipated were going to be wrecked like they have been.

[08:39:05] And so that is just, I mean, I respect the training and the diligence and the absolutely nonpartisan, non-prejudicial approach that the engineers have taken.

[08:39:22] But David Wyatt, my predecessor, always said engineers are trained to do what you're asked to do. And yes, we can, but it's the should we element that Karen brought up and Jim just brought up. that is what the board has to manage um so it's uh i'm getting more and more against and i do not agree that this would mean that we are closed to business we have hundreds of acres of light industrial land around the county that do not have the constraints of potential flooding and

[08:40:00] impacts to city neighbors and i think we need to give a whole lot more credibility to the ecosystem services that the open space provides and the health services the environment human environment as well because places who have where they have neglected to do those things have really suffered for it and i do not want to bring that kind of problem here but as i said i give great appreciation for the efforts that people have made to explain things to me because i did not

[08:40:38] It's so counterintuitive. I just had to sort of take my brain and put it over here and listen to the process three times. But I get the backwater thing now. But what I cannot bring myself to do is to set aside

the human impacts. When I was little, we took livestock to the livestock market down there.

[08:41:00] I mean, it is definitely an area that's been places for people to work and things to happen for years and years. And it also has a very loyal and active group of residents who are keeping their area alive.

[08:41:19] It's never been not alive, but it is definitely very involved. And the walks have been on down there around the Willing Mills property and, you know, trying to learn more about the Monacan sites and that kind of thing. It's a combination of a whole lot of different impacts that come together in one place.

[08:41:39] Thank you. Jim, just a couple of comments. We constantly talk at the dais about how we don't have light industrial acreage in sites. So I think to say we have hundreds and hundreds and hundreds of acres, I might push back a little bit on that.

[08:41:57] Having said that, I do want to thank the folks, the people that were involved in this proposal, because the Planning Commission's concerns were addressed. It would seem like to me, from the way I can read this, several of their concerns were addressed, and I really appreciate that.

[08:42:21] And when I go back and look at that, whatever that page number is that I still don't have in my head, with that whole process of everything that we're going to go through and all the checks and balances we have that we're going to be looking at in the future on this, That really, that gives me comfort because if something's wrong and something, the regulatory process that is yet to remain on this project that we're going to go through.

[08:42:53] And I really appreciate what Ned said because we have talked forever about, or not forever, but ever since we've been talking about this particular area, which has been years, the blueprint, years.

[08:43:09] We've talked about trying not to let it gentrify, to keep jobs for people there, to provide jobs for people that people can walk to. I understand that people have, that some of you all in the audience live there and you have jobs.

[08:43:24] What we're talking about is having a place that we can provide more jobs for folks, that they can actually walk to their jobs and have a life that really is affordable, and we don't have many of those in this community anymore.

[08:43:43] And I do think that over the last 27 years, we have learned a lot more about hydraulics and how to treat water and how to handle water and how water might flow and what the ramifications of water.

[08:44:04] Now, we're not perfect, but we certainly have learned a lot over the last 27 years. But I must admit that a lot of what we heard tonight is counterintuitive. But there are lots of things in my life that have been counterintuitive that I have accepted.

[08:44:26] And I just, I wish we could lessen the impact, but I really do feel like from my viewpoint right now, based on what I've heard from staff and the experts in this field, I feel much more comfortable now with this proposal than I did perhaps coming in.

[08:44:55] Yeah, and I've been staring at the maps and the GIS and with the elevations listed and noticed that, you know, basically most of the property on the other side of the river is slightly higher. At least if you get past the first level, there are some places down the street that may be below the 324 line.

[08:45:14] They're already at some risk. It does give me pause that some of the fill operations and things have been taking place without approvals already. And I notice, again, you know, looking at the GIS, the

properties, the current assessed value, that's the full seven acres, is \$14,200, which, if you're allowed to put fill on it, is probably not really a fair valuation at that.

[08:45:46] But if you can't use it for anything, it's probably closer to reasonable. Obviously, that would all change with the project that's put for us. if it's approved um i think we've talked out but we would need a motion and a second and we'd have

[08:46:08] to vote before we get anything done i would ask someone else to make the motion okay i move to adopt the resolution attached to the staff report as attachment d second we have a motion from supervisor lapisto currently a second from supervisor mckeel Without objection, if the clerk will call the roll.

[08:46:46] Mr. Pruitt? Nay. Mr. Andrews? This is deciding. I'm going to say no. Did you catch, did you hear? No. Mr. Galloway? Yes. Ms. Malik?

[08:47:02] No. Keel? Yes. Ms. LaPista? Currently. Yes. We are at a censor. It does not pass without a full majority. Thank you for your patience with us.

[08:47:20] Does the board wish to consider a, we have another resolution to deny if the board wishes to consider that I can forward that to the board. I don't think there's any reason to. We could if people want to do that. Does this create a weird thing where it's in limbo, neither approved or denied for the 36 months or whatever? No, the board has taken action. The board has duly considered the application. So the need for an affirmative motion is what we just did, right? So

[08:47:56] we've met that obligation. That's correct. If it had been in the other order, if there had been a motion to deny that had resulted in a tie vote, I would suggest to do a motion to approve. But since the motion to approve was done first and resulted in a tie, there's not as much need to do a motion to deny. Does the public understand what just happened? Okay, so for a board of even numbers there are six of us um a tie is a no must require a majority voting in favor for something

[08:48:29] to be approved so at this point it is not affordable uh board this brings us thank you for your um hard work on this and for your patience all of all of you everyone uh board this brings us to from the board committee reports and matters not listed on the agenda um we're going through the order, but before I do so, I do want to bring up one item that I want the board to just be aware of and consider, and that is that originally on the agenda for today, there

[08:49:06] had been an in-person report board to board from schools, and because of numerous commitments and different reasons, the schools felt that it just wasn't, they weren't ready to do that and didn't feel that it was necessarily going to be beneficial to have a presentation before us, and so we went ahead and they gave us the board-to-board report, which was on

[08:49:39] the consent agenda for information in 8.5, but it did raise the issue as to whether continuing to have quarterly in-person reports is what we're going to be asking for, or whether three times a year twice a year that that is something i want to make sure the board's aware that that's been brought up by the chair of the uh school board uh as to whether they can switch two times a year and and what our thoughts are on that so i've raised that per discussion um and that's the only thing that i have but i i want to open it up for everybody so i will go through our order

[08:50:19] supervisor mckeel i think it's valuable for the school board to give us you know quarterly reports personally i mean it's not a hill i'm going to die on i mean if we want to move to folks at the dais want to move to some other number like you know two times a year or whatever but i do think there is a value in us hearing reports from them i wish personally that we gave them reports occasionally i to be honest with you because in my conversations with the school board often they

[08:50:57] don't have a clue what we're talking about and and i understand that i'm not blaming them but they come to us and give us reports and i think it would be maybe interesting for us to give them reports too i'm just saying two-way communication is always better than one way supervisor malik no reports thank you i mean as far as the the question i very much i very much appreciate having the report, having them come.

[08:51:27] Having them come before us in person. Yes. Right. Okay. And at the very, very least, they're written because we really need those things. We're talking about the school board? Yes. Right. And then any other matters? Quarterly or twice a year. Quarterly is what I would prefer. I vote for twice a year.

[08:51:43] As far as in person. Okay. Supervisor Calloway? I don't understand. What was the rationale for not coming to do what we've always done? Too many graduations at this point, and they didn't feel like there was anything I'd have to go through. But it was more a question of the timing right now wasn't very appropriate.

[08:52:03] It wasn't very – staff couldn't be here. They were too busy with some other matters. And it's quarterly that they do the interview. It's currently quarterly. It's more of other times with getting a report and getting here, too. Yeah, this isn't the first time it's – But I have to remember when I was the chair of the board that it was every other month that we came and gave a live one.

[08:52:24] Has it moved to quarterly and I just never picked up on that? Apparently so. I think there is confusion, and I think the confusion is us and the school boards are confused, too. I think we're just trying to get this settled. Yeah, I'd just like to get some feedback on the fact that so.

[08:52:41] Here's what I will say. Based on my experience as both the chair of the school board and giving reports to this board, and as a member of this board receiving them. Oftentimes, the written report, the in-person report provides information over and beyond what's in the written report, which I have found valuable, especially for things that rise to a different level for both the school board and the board of supervisors.

[08:53:05] I also appreciated that it was a time as the school board chair, when I was answering questions, it was often around things that weren't necessarily in what I reported that day, which allowed for a dialogue back and forth. I just, maybe I'm just being nostalgic, but perhaps that's where I would be is that I don't understand the rationale for changing what has been a practice that I thought was proper and good and a good sharing of information.

[08:53:32] I think it's value added. So, I mean, I guess if they tell us, you know, the hell with it or don't show up, I guess that's their call. I've appreciated the in-person reports, what they've provided beyond the written reports in those occasions, and their willingness to answer questions sometimes to hear from what constituents are pitching at us, which is really in their ball field.

[08:53:57] I will read the email very quickly. I know you received it. She's writing a proposal. change in the scheduling of the board to boards makes sense for the board the March board board which has

become the funding request and perhaps in September when they can report on student achievement enrollment trends staffing and this year progress on the two new school facilities however routinely scheduling quarterly board boards is likely not the best use of either board's times from their chair unless you have specific issues that you would like us to report on and we would be happy to do so then for this particular meeting uh it was explained that ACPS won't yet have all the school achievement data, will not have approved new math curriculum, still has a couple of principals to hire.

[08:54:38] Progress on the construction project isn't far enough. So that was why, and then the staff would be busy with end-of-year work. So it's whether this is a particularly bad week to have them report, maybe the second meeting in June would have been better.

[08:54:56] So it's always good to have communication between our two boards. And I think that, well, I disagree with the idea behind that comment because I think it's really, and as I said, I would be happy to provide.

[08:55:15] Ms. McKeown, we can't hear you. I would be happy, sorry, to provide a report to them. I think any time we have shared dialogue, we're in a better place than if we're in SIFOs. And I do think that coming in person allows questions and answers, and that's exactly right.

[08:55:31] I can remember many a time standing in front of the Board of Supervisors, getting that report as a chair, and finding that I had entirely different questions coming from the Board of Supervisors, but they were worthy of being answered, right? And there's no worry if the answers aren't immediately at your elbow.

[08:55:51] You can send them back to us, but at least if they don't come, they don't get the questions. Supervisor Pruitt? Oh, was it to me? No. Oh, yes. I don't think I have anything else to add on the board-to-board. They're valuable. I have less experience with them than everyone else here.

[08:56:07] I've appreciated them when I've had the opportunity. And if they're not here, I'm probably not reading very closely what it says in the consent agenda from their report. That's just the truth. I have no reports. I'm very tired. Yeah, I have no reports either.

[08:56:23] The school board, would it benefit them to be able to let us know when they're best available to come and give us a report? I agree with September, beginning of the school year. I agree at some other point in time. I mean, I like hearing from them in person. If they're going to report to us in person, we have to make sure it works with our schedule as well.

[08:56:42] And the clerk, of course, will have a lot to say about what meetings we have room in our schedule. I mean, I know this year we went and met with them, you know, one-on-one or two-on-two. and I thought that was very beneficial, but I don't know. All right.

[08:56:59] Well, yeah, we would like to hear from the school board, and I have nothing else for this. If there is nothing else from any of the supervisors, is there anything from the deputy county executive? No, sir. Thank you.

[08:57:14] Then you'll be happy to know that I can say that we're adjourning to June 18th, 1 p.m. Lane Auditorium, and I guess I don't have to say all that stuff about the public access that we've been saying for the past two years since the pandemic because it was because of the electronic meetings that we would always say that public had access because of the electronic meetings and when we went out of electronic

meetings we could have dropped all that extra language the public has access to the meetings and that's on the website and we don't have to help people who were listening know that they could listen to more certainly i hope people recognize that we appreciate their comments participation in

[08:57:54] the meeting thank you good night great okay thank you



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