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Albemarle County Board of Supervisors Regular Second Meeting, Wednesday, July 16, 2025

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[00:00:01] This works for me. I was using my computer for my phone and took it out to my phone. Good afternoon. I am pleased to call to order this meeting of the Albemarle County Board of Supervisors on the 16th of July at 1 p.m. in Lane Auditorium of the Mectar Ops building.

[00:00:20] I'd like to note at the dais we have Supervisor Ann Malick of the Whitehall District, Supervisor Ned Galloway of the Ryo District, Supervisor Diantha McKeel of the Jack Jewett District, Supervisor B. Lapisto-Kirtley of the Ravenna District, Supervisor Mike Pruitt of the Scottsville District, and myself, Jim Andrews, representing the Samuel Miller District.

[00:00:36] A quorum is present. We're also joined by our County Attorney, Mr. Andy Herrick, and our Clerk, Ms. Claudette Borgerson, and Senior Deputy Clerk, Travis Morris. I believe others will be joining us shortly. Also, let me please welcome Albemarle County Police Officers present, Master Police Officers Ronald Van Devere and Dana Reeves.

[00:00:58] Welcome. Thank you for your service. today and every day on behalf of the people of albemarle county for our safety and security uh if all present could now stand as you are able and join us in the pledge of allegiance

[00:01:11] thank you and if you would now join us in a moment of silence please thank you uh board as

[00:01:58] always our first uh action is to adopt the final agenda and i have not heard of any recommendations for any changes uh if not then if we have a motion to accept the final agenda second we have a motion from supervisor malik second from supervisor mckeel without objection if the clerk will call the roll mr andrews yes mr galloway yes miss lapista kirtley i miss mallet yes miss mckeel yes mr pruit i thank you uh board uh we'll go through our order today for brief announcements by board members, starting with Supervisor Pruitt.

[00:02:34] Yes, just one very short thing, since the Department of Elections page is not loading on my computer, if someone else could hit that one. But we do, of course, have elections that are always coming up in Virginia, so make sure you're checking to see when that is going to come up and maybe one of my peers can get the page to load, because I can't, to give you those exact dates.

[00:02:54] And as one other thing, this board is just coming back from a brief summer vacation. We had our first meeting in July off. I imagine a lot of other members of the community are coming back from summer vacation. During this time where we're talking about summer vacation, I hope we're also being conscious of summer heat.

[00:03:13] It is a time where it is often quite dangerous to be outside, so please exercise reasonable judgment. But also I want to just flag this. It is sometimes dangerous to be inside. This is a climate strain that we're monitoring, I think, at the board level in our comprehensive climate strategy and something that affects people individually, which is that increased heat and longer periods of heat during the day put additional strain on infrastructure, and that often means failing heating and cooling systems.

[00:03:44] A lot of our residents don't control their heating and cooling systems because they are tenants. If you are a tenant and your cooling is out, that is a health and safety issue that is likely in violation of your lease, and that is something you have a right to address urgently on.

[00:03:59] So I would just say for the public, always remember that you have a right to cooling in your home, and if you are not getting the satisfaction you need from your landlord, That is something you should be bringing to their attention and working with various legal services organizations such as Legal Aid Justice Center and Central Virginia Legal Aid.

[00:04:17] That's all I have. Thank you. Supervisor Malin? Oh, thank you. So the biggest announcement is that many members from Virginia were present at the National Association of Counties meeting, and I will, when I get them, share links to lots of really informative presentations to everybody, but I did want to announce just a couple of things.

[00:04:42] My committees are Energy, Environment, and Land Use, Natural Disaster Task Force, Arts and Culture, and Veterans and Military Services, and just some topics that people can be watching for at the federal level. The EELU debate centered around water quality and the need for federal policies to prevent contamination from occurring and stopping the production of the PFAS family of chemicals in order to begin to remove it from water, wastewater, and consumer products once and for all.

[00:05:13] If we don't stop the production, then we'll never get ahead of cleaning anything up. There was lots of discussion for SMRs, or small modular reactors, to provide sufficient power for data centers. There is general outrage from representatives all across the country about the tripling of demand on the electric grid nationally for private profit and ratepayer expense from data centers.

[00:05:36] Socializing the risk is happening everywhere, and people are very, very concerned. There's equal concern about the loss of agricultural land and food production, especially food production close to home to maintain local food availability and avoid the repeats of the supply chain issues that were seen during COVID.

[00:05:54] You can imagine that the Texas floods were on everyone's mind, especially in the Natural Disaster Task Force where the meeting attendees were five times more than they were in February. takeaways, especially from the Natural Hazard Task Force and the former head of FEMA who spoke to us. The county is ahead on many of these issues because of our thoughtful staff work and emergency preparedness. Planning ahead. Blue sky conversations is what they talk about. When you are making plans for how you're going to solve problems before the rain even comes. I know we've

[00:06:32] heard lots about tabletop exercises, but there's no time to figure things out after disaster strikes. And communications are essential. Use every mode, every time, not just social media and only for certain things, but alert people of areas to stay away if there's a public safety danger. Use radio, use everything, not just one, because there are so many different ways that people can get information if they know where to look. Take that pre-disaster time to

[00:07:09] Educate residents about the essential nature of the alert system. There's still many people in Albemarle who are not signed up for the CUA alerts, and they need to do that. Radio is essential, as cell phones and Internet often are the first things to go down when these happen. Local governments need to respect floodplains and floodways.

[00:07:28] Old protections from 10 years ago are no longer good enough to save people's lives. Avoid giving waivers from safety rules. Invest in river gauges and early warning technology and get them installed in advance to learn how to read the data. To have registrations for all present in high-risk locations.

[00:07:48] Some campgrounds and RV parks in Texas had no idea who was there, how many people were there, and therefore they have no idea how many people were lost or are still missing. There's much counties can do in advance during that blue sky stage to arrange pre-contracts for aspects of recovery, such as debris cleanup, provision of shelters, food suppliers for those who might be displaced.

[00:08:11] So we all have a lot to do always, but we have a lot more to do now and to think about and get good ideas from our community as we go along. And I thank you all very much. Thank you. Supervisor Gallagher. Thank you. I, too, attended the NACO, the National Association of Counties, annual conference.

[00:08:32] They did have, it's NACO at 90. The organization's been in place for 90 years. I'll have this behind me if you all want to just take a peek. It kind of gives a brief history of it. Community Economic Development and Workforce Committee, and 18 resolutions passed out of this committee for advocacy at the federal level, and not to go into all of them, but it was an interesting mix of what all counties supported in those resolutions, support for individuals experiencing homelessness, but also ways to get permanent affordable housing in place.

[00:09:08] And workforce, modernizing the Workforce Modernization Act that's going to help those who are in the country illegally gain access to legal means to become legal citizens and join the workforce. And then also hitting on the economic elements that help not just protect local control but understand the

importance of small business and local economies to the overall health and vitality of everybody that lives in the community.

[00:09:36] So it was an interesting mix of different things that truly hit the three items that that committee serves on. So it was nice to see those resolutions passing with support by all counties around the country and calling on Congress to get to work and do some meaningful work on those types of topics.

[00:09:55] So I thought I would share that. Thank you. Supervisor McKeel. Yes, thank you. I see a theme here today, especially with climate, probably because of our current climate challenges, rain, heat, storms, lightning strikes, it goes on.

[00:10:15] So I just wanted to share that I happen to subscribe to the New York Times. I don't know how many people subscribe, but the Sunday, July 13th edition had an absolutely wonderful insert about climate and really down-to-earth information that is, I think, excellent for homeowners, for residents.

[00:10:42] And, Jeff, I'm going to give you this copy because, of course, I only have one copy. But if you could share it with the right person on our staff, I know that much of what's probably in here staff already knows, but there may be some nuggets that they could pull out because it really is a very informative document insert in the newspaper.

[00:11:06] So I'll give that to you a little bit later. But I think it really does, it's important for all of us to be thinking about, as Ann and Mike have said, weather conditions, rain, storms. I think Jim just experienced some of the flooding in New York as he was coming back home from a vacation.

[00:11:28] So, I mean, it affects us all, even if it's not our specific home that's affected, the climate affects us all in different ways. So thank you very much. Thank you. Supervisor Lupista Curley. Thank you very much. Something that is very dreaded is now surfacing throughout, well, I don't know if it's throughout Albemarle County, but definitely around Albemarle County, and that's the spotted lanternfly.

[00:11:54] So that has already been relayed to me in several areas where this is now being seen, And I would encourage everybody, if they see the spotted lanternfly, frankly, to put an end to its existence.

[00:12:13] Also, there's a website. You can go to abomoral.org forward slash lanternfly to learn more about the spotted lanternfly, which is an invasive bug and insect and needs to be eradicated.

[00:12:41] And then that will give you more information as regarding what to do and who to report it to because the state also wants to know where these little guys are. The second thing, the Charlottesville-Albemarle Convention and Visitors Bureau welcomes thousands of visitors to the region each year from all over the world who are seeking a variety of unique experiences in history, food, wine, spirits, and adventure.

[00:13:12] The CACBB serves as the global resource for marketing the tourism assets of the city of Charlottesville and Albemarle County and assists tour operators, meeting planners, and other groups in planning visits to the destination.

[00:13:28] The CACBB's mission is to enhance the economic prosperity of the people of the city and county by promoting, selling, and marketing the area as a destination in pursuit of the meetings and tourism markets.

[00:13:48] So with that, the month of July, they are having a defining us, a regional identity workshops. There's a schedule for that in July. There are four in-person sessions being held in Whitehall,

Charlottesville, Samuel Miller, and the Rivanna districts.

[00:14:08] You can learn more by going online, spell it all out. Each word has a, the beginning of the word has a capital, we see you, seeville.org. And then attend in-person. There are also two virtual sessions.

[00:14:24] So I encourage people to get involved, let them know why we are so great. This brings in, if I remember correctly, I'm thinking like \$200 million a year visitors spend in Abemarla County in this area.

[00:14:41] So this is something very important to our economy. Thank you. Thank you. And I appreciate all the comments made today, in particular about the connections between today's meeting and climate and issues relating to resiliency as well as offsetting inputs.

[00:14:59] So with that, yeah, I did just get back from getting away for a little bit and apparently there was a lot of rain in New York. And there was also a lot of rain sporadically here, so our rain gauge was totally full and the driveway washed out.

[00:15:15] So thank you. With that, we'll turn to the next item, which is a great honor, And it is a resolution recognizing Colonel Eric Haas, and Supervisor Malik will read this in the proclamation as a motion. Thank you. I move this resolution recognizing Colonel Eric Haas.

[00:15:35] Whereas Colonel Eric Haas, a native of Williamsburg, Virginia, and a graduate of the College of William & Mary, was commissioned as a military intelligence leader as a second lieutenant in 1999, and has served his country with distinction since his commissioning.

[00:15:48] And whereas Colonel Eric Haas assumed command of the National Ground Intelligence Center, NGIC, in Charlottesville, Virginia, in July 2023, overseeing the day-to-day operations of INJIC, whose mission includes the production of scientific and technical intelligence and military capabilities analysis on foreign ground forces required by warfighting commanders, the force modernization and research and development communities, Department of Defense, and national policymakers.

[00:16:16] And whereas Colonel Eric Haas during his tenure at NJIC has been instrumental in supporting the significant expansion of NJIC via the ongoing construction of an 80,800 square foot addition and multi-level 150,000 square foot parking garage at NJIC scheduled to open later this year.

[00:16:35] And whereas Colonel Eric Haas has been a key partner to Elmore County staff and the Board of Supervisors in improving regional collaboration to include partnering with Elmore County public safety leadership to coordinate emergency responses to Ravana Station, the Elmore County's Executive and Economic Development Office in supporting the development of Ravana Futures, and finally, has answered the call in many ways to publicly represent the military at various regional events and has served as a role model of partnership overall within the community.

[00:17:06] Now, therefore, be it resolved that we, the Albemarle County Board of Supervisors, do hereby honor and commend Colonel Eric Haas for his years of service to our county and to the residents of Albemarle County and wish him well in his next duty assignment at Fort Bragg. Signed this 16th day of July, 2025, Jim Andrews Chair, and we know you're coming back after your next bill.

[00:17:29] Second. We have a motion from Supervisor Malik, second from Supervisor McKeel. Without objection, if the clerk will call the roll. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. LaPista-Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Thank you, and I believe Mr. Henry will introduce Colonel Haas and say a few words before we say a few words.

[00:17:52] Thank you. Welcome. Chair Andrews, members of the board, Trevor Henry, Deputy County Executive. As part of my role in the exec's office, I've been able to work with military and veterans in our community, and it's my distinct pleasure and honor to introduce Colonel Eric Haas, I think the proclamation stands on its own, but I just want to publicly thank the good colonel for his true partnership with Almar County over the past two years.

[00:18:18] I think the relationship of support and coordination between Almar County, local government, and Robana Station is at an all-time high in all aspects of our work. And it's his leadership, I think, that has directly allowed that to happen.

[00:18:35] He promises that he has done a great turnover to his relief and that we'll continue that relationship. And also, I think it's worth noting that his wife, Colonel Erica Haas, in the Air Force, they will both be stationed at Fort Bragg, so they'll be able to be rejoined for the first time in four years.

[00:18:57] And so I will turn the mic over to Colonel Haas. But before I do, I want to also just note that in the tradition of the military and public safety, When you have a hail and farewell, the tradition is to exchange a challenge coin. Albemarle County created this similar process a few years ago.

[00:19:16] We have a coin that has our values on the one side, our seal on the other. And on behalf of the executive office and the board, it's my honor to give the challenge coin. Standing before you today, I'm filled with a profound sense of gratitude and humility.

[00:19:37] To be recognized by the Albemarle County Board of Supervisors for my service, as the commander of our National Ground Intelligence Center, is both an immense honor and deeply meaningful event for me personally. Again, both having been here as a small child from up through kindergarten in Charlottesville, but then back as the commander of the National Ground Intelligence Center.

[00:19:58] I don't think that young child who attended Johnson Elementary School would believe the path that led him here, but again, just the honor that the board has given to be really to the workforce at the National Ground Intelligence Center. So thank you so much. I'm incredibly grateful to the National Ground Intelligence Center staff and analysts, the unsung heroes who labor in the background, piecing together information and drawing insights from complexity that really helps provide our military and national leaders the intelligence they need to make informed decisions.

[00:20:30] To the Board of Supervisors and Citizens of Albemarle County, I extend my deepest appreciation. Your support of NJIC has fostered an environment in which our mission can thrive. The Ravonna Futures Project is a generational investment that will increase the economic resiliency of the region while ensuring the Central Virginia Corridor maintains its unique character and charms.

[00:20:53] There is nothing more inspiring than being here under the shadow of the Blue Ridge Mountains and knowing that we are part of this vibrant community. INJIC is not an isolated entity. I think that is really what makes us unique, unlike most other military installations that tend to be a very tightly controlled, gated community.

[00:21:12] We are part of the community. Our children attend local schools, we shop in the stores, and we invest in the well-being, and the prosperity of Albemarle County is inherently the prosperity for all of us. When NJIC accomplishes its mission, it's because of the solid foundation provided by this community, which values service, integrity, and pursuit of excellence.

[00:21:35] Let me also take a moment to acknowledge the broader community of public servants, those in uniform, police, fire, as well as those in civilian roles, who work tirelessly and often without recognition to make Albemarle County and our nation a better, safer place. I truly have enjoyed working with Mr. Richardson, Mr. Henry, Ms. Kilroy, definitely you all for all the events that you have come both to Rabana Station as well as having both the proclamation for Veterans Day and then today as well that just allows us to highlight the incredible work done by the folks at the National Ground Intelligence Center.

[00:22:11] so thank you again i truly am deeply humbled and honored and thank you to the support to the community uh that you all have provided it's been a privilege to serve i am truly thankful to be a member of albemarle county and really look forward at the end of my time in service to being back and even more working in the area so thank you very much thank you just remain for a moment i'll call on the supervisors to express their gratitude uh supervisor pruit thank you so much you know we had a few months ago, we had a bunch of new enlistees who were here celebrating and honoring

[00:22:48] their new enlistment. And each of them got palmed a challenge coin. They did not have as much experience with the act. And we had to pause and give a little gouge on how you're actually supposed to receive a palmed challenge coin. So I appreciate the experience that you bring to this role. But jokes aside, you have led NGIC through what is probably one of the most I think periods of greatest engagement in quite a while. There's a lot of tremendous changes that are going to really reshape this county that you have, you inherited a command right as it was going to be at the heart of all those challenges and opportunities coming toward them

[00:23:27] and I think you have worked with us and led your team with grace and aplomb. So thank you so much for being a game and willing and capable partner. And I wish you luck in your next endeavors. Supervisor Malin? Thank you.

[00:23:43] Well, I'm so glad you're coming back after Fort Bragg. That's always my first question when I go to a change of command is, are you keeping your house? Because that's really important to us. Because the members of your injured community are such an important part of our community and such valued friends and neighbors.

[00:24:01] And one of my neighbors and longtime colleagues in the Earliestville Area Residence League never really told me what he did for his job, and when I was touring with Steve Hood in 2008, there comes Eric walking down the hall, and I went, what do you do? Do you work here?

[00:24:18] And he said, ah, yeah. So that is the kind of quiet work that you do, but thank you so much, and we'll look forward to seeing you again soon. Friday. Supervisor Calloway. Thank you. Colonel Haas, I joined my peers in expressing my sincere appreciation to you for your service and your expertise, and especially your partnership during what has been mentioned is a very transformational time for us in an economic development arena in Ravana Station. My only regret is that you've only been able to be with us for two years, and I guess I have to fault the military for that, but they've got their purposes and their approach, I suppose, but we'll be looking forward to when you get to rejoin our community after your

[00:24:57] next assignment. Thank you, sir. Thank you. Supervisor McKeel? As the other board members have said thank you for your service to our community and to the state and the country. You really do have deep roots, though, in this community, as well as Virginia. And we will look forward to you coming back. And I'll bet when you come back, if you get bored, we will have some opportunities for you to help the

county out in a further way. Make sure that you give your successor a binder of information on as Trevor alluded to right yes we would like him to be

[00:25:35] very informed as he comes in or she yes thank you very much and we look forward to seeing you again supervisor Lapista currently so very very proud um that you you're in Rivana station which is so extremely important to all of us our community and that you're returning and no one mentioned it, but I just want you all to know that he's coming back and living in the Rybana District.

[00:26:04] FYI, you know, that's extremely important. So it's probably why that what brought him back here or make him stay. Also, your education that started here in kindergarten, excellent education, started you on a career path that is very enviable.

[00:26:26] So shout out to our schools for doing that. Also, just wanted to say that we're very, very, once again, very proud that you're coming back and what you've done and worked with us this past year, especially with Mr. Henry.

[00:26:46] That's fantastic. We just really appreciate that and look forward to having you back again. And lastly, go Army. And I'll just add my appreciation for all that you've done and second the comments of the fellow supervisors.

[00:27:03] Supervisor Malik has the actual resolution to hand to you, but in the meantime, I think we all would like a round of applause for the work you've done and for your service. Thank you. Thank you.

[00:27:33] Excellent. Well, Board, this brings us to public comment on matters previously considered or currently pending before the Board other than scheduled for public hearings. And Vice Chair McKeel will read the rules and introduce the speakers. I will. During the time set aside for public comment on matters previously considered or currently pending before the board, other than scheduled public hearings, individuals may address the board as supervisors.

[00:28:00] Individuals are allowed one opportunity of up to three minutes to speak at each board meeting. A sign-up sheet is managed by the clerk's office. Timekeeping is conducted through a timer and light system at the podium. The green light will go on when you begin speaking, which begins your allotted time. The yellow light indicates you have one minute to finish speaking.

[00:28:18] 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 Elmore County, your magisterial district.

[00:28:34] 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.

[00:28:50] Back and forth debate is not permitted. Do not speak from your seat or out of turn. All comments are live streamed, recorded, and published on the Elmore County website. And we have four speakers today that have signed up in person, and there's no one online.

[00:29:07] So our first speaker for this afternoon is Gary Grant. Good afternoon.

[00:29:24] Welcome back from vacation, by the way. My name is Gary Grant. I live in the Rio District. And first, I have to tell you that you all never look nervous to me. I always feel nervous up here, and I know the

public does as well.

[00:29:41] I've been trying to encourage more of the public to come and speak, but they just don't want to do it. A few questions and comments here today. If you ever get the General Assembly and Albemarle voters to allow you to take \$25 million a year in sales taxes from taxpayers for school construction, will you then reduce our real estate tax rate by the equivalent eight cents?

[00:30:13] Since Albemarle already has taxpayers' personal information that was compromised by your cyber security staff's inability to protect it, why is it that it's Albemarle residents who have to make all the phone calls now to the Kroll company to request monitoring services?

[00:30:37] County government should make the call for all and get all covered with one call. By the way, the coverage is neither complimentary nor free, as your staff's news release claims.

[00:30:55] Government has no money. It comes from taxpayers. Taxpayers will pay Noel's bill. On page 10 of your AC44 engagement document for today's work session, do any of you actually trust the survey that contends that the number one preferred future travel mode is walking in the 725 square miles of Albemarle County? Additionally, on page six of

[00:31:30] your AC44 implementation document, your six strategic plan goals are missing a seventh, a goal that speaks to saving taxpayers some of their money. Finally, Albemarle County residents still don't appear to have any evidence that the Rio District Supervisor has come through on his April 10th promise to tell us where he is going to change and how he will pay for future

[00:32:04] snow cones to be given away to county residents. We're waiting. Thank you, Gary. Our next speaker is Peter Krebs. Welcome. Good afternoon. I'm Peter Krebs from the Piedmont Environmental Council.

[00:32:28] Last year, Albemarle County requested about a million and a half dollars from the state as part of its legislative priorities to build a greenway trail in Biscuit Run Park from the future and now under construction, Monica Nation Tribute Park in Southwood, to the also future and soon to be constructed Hickory Street Trailhead in Biscuit Run. Thanks to the staff solid proposal, strong support here and around the Commonwealth, and leadership from Senator Deeds, Delegates Coulson,

[00:33:02] and Delegate Laufer, the legislature voted to approve these funds. Unfortunately, the governor vetoed that budget item. In the meantime, support for the trail has only increased, and we know for sure that there'll be a different governor this time next year. So we at the Piedmont Environmental Council and many others encourage you to try again in this upcoming legislative package. We ourselves have not been idle. With ongoing support from the GNN Morrill Foundation, PC has been working with

[00:33:40] Line and Grade, county staff, and others to study the trail corridor in detail to investigate the most realistic ways to get the project done promptly and efficiently, and looking for additional connections in the community. The screenway will be an important transportation link, but it's actually about a lot more than that as well. It will be a highly accessible way for residents of Southwood and throughout the area to connect with fresh air and exercise in Albemarle County's

[00:34:18] largest park, but also to observe and interact with the stream that is being restored in the area, and an invitation to discover the deep history of the region, both culturally and ecologically. We thank you, the county staff and our community partners, and especially the state legislative delegation, for the great

work you've already put in. Now, let's push for a better outcome and hopefully a new trail getting underway in 2026. Thank you. Thank you, Peter.

[00:34:53] Our next speaker is Megan Rapp. Welcome. Good afternoon. My name is Megan Rapp. I live in the Whitehall District in Crozet, Albemarle County. I'm noticing some themes today around safety and climate, and so I think that my comments will be right on theme. My most important role is as a mom to two young children, one of whom has a chronic respiratory disease. I also serve as Assistant

[00:35:29] Vice President of Clery Act Compliance and Youth Protection at the University of Virginia, where I oversee federal safety requirements, as well as safety procedures for the 30,000 minors who visit Charlottesville and Albemarle County coming to grounds annually for camps and youth programs. My work spans from anything from supporting emergency incident response via our critical incident management team to assessing and establishing child to camper ratio, teacher ratios in camp programs. So it's fair to say that I am deeply invested in safety, both personally

[00:36:08] and professionally. So when my son was in kindergarten in an Albemarle County public school, my husband and I quickly realized that no amount of personal safety planning on behalf of our family could keep him healthy in a packed indoor classroom. Despite every precaution, he missed many, many days due to illness. We also had concerns about the learning environment overall. And so that's why we turned to an outdoor first school and it really changed everything for our family. Outdoor schools emphasize thoughtful planning and safety awareness. Staff are trained

[00:36:43] in first aid, weather, how to do a terrain risk. My preschooler recently taught me how to, what to do when you see a snake or a bear. Things I hadn't considered in my line of work, but super appreciate. In two academic years at an outdoor school, my son hasn't had a single sick day or emergent doctor's visit. Let me say that again. Not one single illness absence or emergent doctor visit in two years at an outdoor-based school. Compare that to 10 absences and four urgent care

[00:37:16] trips in just one year at an indoor kindergarten. Fresh air, movement, reduced exposures, being in nature have dramatically improved his health and well-being. And we're not alone. Outdoor learning environments have real benefits from kids, which I'm sure you all know. But schools and camps in Albemarle County are struggling to secure land use. Competing with developers, they're often losing.

[00:37:41] If we value outdoor opportunities for Albemarle County kids, this board must step in to protect land, prioritize access, and support these types of programs as essential to childhood development. Please consider the Albemarle County Comprehensive Plan and how are we prioritizing our children's safety. Thank you so much. Thank you. Our next speaker is Emily Dreyfus. Good afternoon and thank

[00:38:21] you for the opportunity to speak. I'm here today to ask that you modify one of your legislative priorities on the agenda packet today. I was very glad to see proposed support for potential steps that will positively impact the urgent housing needs facing Albemarle residents.

[00:38:37] However, I hope you will support more than a study of the anti-rent gouging legislation because the proposed state law will actually only allow localities the opportunity to adopt an ordinance.

[00:38:54] Supporting the anti-rent gouging bill would allow you to discuss and potentially act to limit rent increases to no more than 3% per year. The bill last year included provisions for localities to grant exceptions for capital improvements or higher operating expenses.

[00:39:12] It also allowed exceptions for new construction. Studies have found that rent stabilization with these provisions did not reduce new housing construction. It is very likely these considerations will be included in this bill as well. All Virginia families, no matter their race, income, or neighborhood, deserve the chance to build a future in their communities.

[00:39:33] but for renters who are one in three of all Virginia households, drastic rent increases are making this impossible. Since 2019, average rents in Albemarle have gone up over 30 percent. Residents of the county are not able to sustain severe and compounding rent increases that far outpace their wage gains and inflation rate. Additionally, we are on the verge of witnessing massive cuts to health care and food assistance. This will only increase residents' risk of eviction and homelessness. Over the past five years, over 5,500 eviction cases have been filed in Albemarle.

[00:40:11] And over the past three years, landlords won judgments that averaged over \$2,400 per case. The passage of the state anti-rent gouging law will give you an opportunity to consider whether this solution will help to stabilize Albemarle's communities, improving economic prosperity and children's educational outcomes. I hope you will support including the anti-rent gouging bill in your list of legislative priorities. Thank you. Thank you, Emily. That's everyone. Thank you.

[00:40:43] Thank you. Board, this brings us to our consent agenda, and I have not heard of any requests to remove or change anything from the consent agenda, so we're looking for a motion to approve it as presented. So moved. Second. We have a motion from Supervisor McKeel, second from Supervisor Malek.

[00:40:59] without objection if the clerk will call the roll. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Lapista-Kirtley? Aye. Ms. Mallett? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Great. Thank you. Board, this brings us to our first of work sessions for the afternoon. This one on AC44 draft implementation chapter and this is being led by Ms. Tanya Schwartzen-Druber,

[00:41:25] planning manager. Welcome. Thank you. Good afternoon. I'm Tanya Schwartzen-Druber, planning manager for the community development department. I'm joined by several members of staff to bring to you the implementation chapter of the comprehensive plan. So I'm very proud to acknowledge that you've now received the initial draft of the comprehensive plan so you have all

[00:42:05] the pieces but today we'll be focusing on just the implementation chapter. You received parts one and two as well as two of the appendices. I'll go through the remaining opportunities to gather feedback when we go through the schedule at the end of the presentation. We really only have one question for you today and that is did we get the big moves right? The slide will show up at the end of the presentation for discussion purposes and please feel free to stop me along the way if you

[00:42:42] have any questions as we go. So what do we mean by implementation? First, it's making progress on the recommended actions listed in AC44 across several county departments. It's also internal education on how this document should be utilized. It's about keeping track of the progress and reporting out about not only our accomplishments, but the effects of those accomplishments.

[00:43:07] So why do we implement? No community needs another plan that sits on the shelf. Implementation is about turning the vision of AC44 into action, providing accountability and building momentum. Currently, we have just over 250 actions across nine topics and multiple departments and external entities, so it really will be important to prioritize our actionable first steps of implementation. We prioritize for several reasons. One, it's best practice for modern

[00:43:46] comprehensive plan updates. And given the number of actions and the 20-year planning horizon, prioritizing plan recommendations is important for providing implementation guidance, focus guidance over the next five years. Prioritizing recommendations allows the county to effectively allocate limited funding and staff capacity, better informing the strategic plan, capital improvement program, and county budget. On the screen right now are the six big moves that

[00:44:21] staff and leadership have drafted for your consideration. These big moves are strategic groupings of key initiatives organized around common themes that have the greatest potential to advance the goals of AC44 over the next five years. They span across multiple policy areas and often involve collaboration across multiple city departments and external partners.

[00:44:48] These were drafted by staff with input from leadership, keeping in mind the themes that we heard through public engagement and commission and board feedback. We'll go through each one briefly, and there are more detailed descriptions in the packet that you received.

[00:45:08] The first one is aligning regulations to support AC44. This one would look at updating and modernizing the zoning ordinance, for example, to allow residential uses in commercial districts by right in some locations.

[00:45:31] The second one is to increase affordable housing access and options. We can do this by updating our zoning and land use regulations to allow for a broader range of housing types, which is really that missing middle that we've been talking about, duplexes, small-scale multifamily, and accessory dwelling units.

[00:45:56] We're really looking to focus greater density and intensity in the activity centers. Secondly, we identify and protect at-risk homes and support rehabilitation with potential subsidies and grants.

[00:46:13] For this one, working with both the county and state housing offices will be critical. Projections show that we will need to accommodate 31,000 people, about 13,000 households over the next 20 years.

[00:46:31] And this third one addresses where that happens. Our growth management policy tells us it should happen in the development areas. And our comprehensive plan recommends that it happens primarily in the activity centers. This increase in density and intensity takes advantage of existing infrastructure and allows for more efficient provision of new and or upgraded infrastructure and services.

[00:46:59] Investment in infrastructure services and amenities make it a place where people want to live, work, and visit. This fourth one, supporting agriculture and forestry uses in the rural area, comes from the Economic Development Strategic Plan that you heard about roughly a month ago, looking at preserving or encouraging food production to preserve our rural character, heritage, and environment.

[00:47:30] So really trying to support those agricultural and forestry businesses and protecting the environmental sensitive areas in the rural area. Also in support of the economic development strategic plan, we included expanding economic opportunity as we are able to through the effect of the future land use map and future area planning processes.

[00:47:58] This last one is to mitigate and prepare for the impacts of climate change. We've been hearing a lot about that one today. This includes not only mitigation, but preparation for an event that may occur.

[00:48:17] And we can do this by reducing local greenhouse gas emissions and increasing carbon sequestration. Our natural systems can offer high-impact climate protection. and we can also proactively

invest in our infrastructure upgrades in advance.

[00:48:35] Moving on to tracking and reporting. We've been discussing internally with leadership exactly what we will track and how we will track it. We have settled on tracking progress on the big moves as articulated with several metrics that will paint a complete picture of the progress we are making.

[00:48:59] Keep in mind that metrics show trends and patterns, specific performance indicators, are established will be established as part of the street strategic plan effort considering um big the big move three which addresses accommodating anticipated growth in the development areas and specifically the activity centers our metrics that we may use and track are the number of housing units in the development areas that are within a 15 minute walk 15 minute walk of a park the number

[00:49:31] of fatal and severe crash crashes for cyclists and pedestrians also miles of shared use paths and or dedicated bike lanes these are merely examples of the metrics that we will be looking at we're discussing internally what exactly those metrics should be in response to your comments on the big moves the metrics will be update will um sorry the metrics updates on actions will be reported as part of pc's annual planning report which will be forwarded to the board as part of

[00:50:10] or in coordination with the annual spirit spirit report that you receive this would occur annually we also have in i believe it's part two we've identified the development areas report which is a report that we will gather information for every five years at a minimum this is when we normally look at updating our comprehensive planner we're required to by state code however that report can be requested more often by you all just a little bit more information about

[00:50:50] that development areas report. On the screen there are a few examples of the factors that will be evaluated as part of that report and will be which will be prepared at a minimum as I mentioned every five years or at your discretion. So we're really looking at evaluating our transportation level of service for example, water and sewer feasibility of service, environmental stewardship, assessing those critical resources that we have. I'd like to recognize the great partnership that we've been

[00:51:27] developing over the last month or two with Gabe and Christy and our Office of Performance and Strategic Planning for the ongoing coordination to determine how AC44 and the strategic plan relate to one another. First of all, the big moves that are identified in AC44 can inform the goals and objectives of the strategic plan update and the next five years of the capital improvement plan and county budget. Secondly, working with Gabe to update, we worked with Gabe

[00:52:02] to update the names of the topics and definitions. So we're using the same nomenclature in both documents and the connections between documents are clear. Third, as mentioned in the tracking and reporting discussion, AC44 will measure the trends and patterns with metrics.

[00:52:22] Specific targets and for performance measures or performance indicators will continue to be established as part of the strategic plan effort. We did receive some feedback from the planning commission. We met with them about a week and a half ago. I think it was July 6th.

[00:52:43] Specific feedback that we heard on the big moves was on move number two. This relates to housing. We should address aging in place. Third move, which is about the development areas and activity centers, we should include green and inviting.

[00:53:07] The fourth one, which includes agricultural and forest use support, We should address recreation and tourism economy, and that could further be strengthened by focusing on local agricultural support.

[00:53:23] The sixth move, which is reaction to and accommodating climate change, we should address relocation due to climate change and incorporate better site design to mitigate the effects of climate change.

[00:53:40] In general, one comment that applies to all is to incorporate themes of social fabric, social gathering, arts, and culture. The other two things we wanted to highlight that we heard from the Planning Commission was highlighting the importance of partnerships in implementation and also considering to reduce the number of total actions for the plan.

[00:54:10] I want to look to the schedule and the next coming events. We are anticipating with your feedback that we hear today and in the coming weeks that we will have a complete draft to publish on our website and with hard copies available upon request in early August.

[00:54:36] So roughly two weeks, two and a half weeks after that, we will have a community check-in where we will sort of give a state of the document and effort and also gather feedback, which is the week of August 21st. About a week after that, we'll be going to PC to discuss the full document and then coming to you on September 10th, which is a special call meeting. Then we'll have our public hearing PC, September 23rd, and we'll be coming to you

[00:55:11] looking for a hopefully an approval of the document October 15th as a reminder for those that are in the audience and maybe listening online we'd like to encourage y'all go to our engage site that is listed there this is where we post all of our information all updated events and opportunities any surveys that might be coming up you can also through this this section of the

[00:55:43] site, sign up for emails and newsletters. So with that, I'm going to turn it back over to you to ask any questions you may have and let us know what you think about our big moves. Thank you. And board, we have a big afternoon plan. So I encourage us to try to focus on these big moves and see what we think to explain whether they're the right big moves. There's a lot to discuss underneath them i'm aware but obviously people have whatever comments they need to make

[00:56:17] so starting with supervisor proof chair just to clarify before i dive in um i want to am i purely addressing this question because there's also separate like sub chapters right plan policy community story which i don't think require as much feedback frankly if i'm being honest i'm prepared to touch on those very briefly because i have only the briefest things to say about those and answer the big moves question because I have to see that as the only actual substantive element. In the interest of time. I'm not trying to drive the train. We may go around again, but if you have short comments to make, it's fine to do them now. I'll just address the

[00:56:57] question that's in front of me first, which is I'm actually going to begin with a question reflected back at you because it's going to inform how I engage with it. Am I to understand the big moves and these categories as being fully encompassing of our actions and ordering those actions or am i to understand there as being actions in the comprehensive plan that we don't understand as encompassed in one of the big moves because i could see it cutting either way if that makes sense right because these are broad

enough that we could maybe shoehorn everything into them sure you could i think what we're we were trying to capture with those six big moves

[00:57:36] is a collection of actions that move the plan forward the most over the next five years, also recognizing that some of those actions might continue over the next 10, 15 years.

[00:57:52] So we're really looking to make sure that we have really focused our priorities on these six big moves correctly. Which I appreciate putting back up on the screen for this discussion.

[00:58:08] I don't mean to sound unfair. I'm still not sure what the answer to the question is on that. Because I could interpret it, I think, in either direction, right? I could probably, if I worked really hard in every action for our comprehensive plan that we've gone, like, page by page, line by line, 1.2 urban, you know, I could probably make an effort to fit them into one of the big moves.

[00:58:37] And I understand that the big moves themselves are prioritized. And I'm wondering, is the intent that we are saying there are things that are not contained within the big moves and they are lower priority, or is the intent that everything is contained with them? I'm also thinking this speaks to the Planning Commission's feedback, right?

[00:58:55] Because some of that I'm like, well, my first, I came in here thinking everything is contained in the big moves. And then I'm like, well, I don't need to call something out in them, right? Does the question make sense? I think I do understand where you're coming from. And we are saying that not every action would be included in these big moves because we can't possibly pursue over 250 actions all at once.

[00:59:20] The intent was to prioritize those moves that likely need to come first just because of priority or because it needs to happen just as the first step of many. Okay. I will dive in immediately and say one, two, three.

[00:59:39] I support. I think they're listed in the correct order. I believe there were some Planning Commission feedbacks that spoke to two, an aging in place. I don't remember if there was anything. Three spoke to green communities. I feel that's more of a corollary planning consideration.

[00:59:55] I'm not sure it's essential to the core thing we're trying to accomplish here if we're talking about big moves, right? So that is a difference in how I would have answered that based on the feedback you just gave. I question whether or not this organization's current thrust is reflective of the ordering of four and five, right?

[01:00:20] Not even to say my own personal opinion, but we are leaning forward very intensely as a county on economic development. It is the thing that is, I know, front of mind of a lot of leadership and a lot of members of this board. And also it feels like the tugboat for agricultural and forestry also.

[01:00:40] um that doesn't feel like an ordering and again this is also i should clarify i'm interpreting these as ordered now i have to ask that question because i did not see these six as in any particular there was no intention as far as the order well that is my misunderstanding i saw numbers and i thought they were ordered these are just as priorities priorities for ordering the rest of the actions so this is a challenging thing given that and also given my previous point as to how broad

[01:01:18] these are, I wonder if that's the right move, having them non-ordered. Because I don't see this as radically narrowing the areas of focus because they are as inclusive as they are.

[01:01:34] I'm not the one who's going to be doing the implementation, right? We set policy. We review things that come before us. We are not in the weeds actually updating the permitting process with tools. We're not in the weeds of working with contractors. So if it is staff's belief that we can prioritize this many things, then have at it. I love to take credit when you do so. But I look at this, and if we're saying that these are the six big things that are the priorities, then I don't think we have

[01:02:07] priorities. Military loves an adage. I had a captain who used to always say, if everything's a priority, nothing's a priority. The main thing needs to be the main thing. People would say safety is a priority. Safety is always a number one priority. And he's like, no, no, safety is not a priority. It's a planning consideration because if safety was the priority, we wouldn't do anything where the military would stay in port. I'm unclear if there are priorities because these highlighted priorities are so broad. I think the way to fix that if we want to keep these would be ordering

[01:02:43] personally. And I think I'd be broadly supportive of the ordering of these things based on how critical they are kind of just in the float, not critical in an individual like climate's more important than housing or housing is more important than climate, but just in the order in which we would probably need to do things, right? Regulatory concerns are most urgent, and that is the first thing that is listed, so that is why I interpreted that. So that's, I think, a big structural concern I would have. Speaking broadly to the other chapters, because I don't have that much to say on them, I normally mostly go on the line by

[01:03:20] line of individual action items and not speaking more to narrative chapters. This is kind of functioning as the conclusion in a large paper. Something I learned in legal writing as a lawyer is you don't introduce new facts in the analysis or in the conclusion. And you also don't repeat yourself in the conclusion, which is a thing that we are always erring toward. I am looking through some of the tables. I'm wondering if these are new facts that we're mentioning for the first time in a community story. And I'm also wondering how much of this is duplicative of things that we say in others. I did not have the time to go line by line with our intro paragraphs to see if these

[01:03:59] are duplicative or entirely new. But a conclusion should be doing, I mean, the things we're talking about with the big picture, right? Saying, here's how we execute what we've already talked about. It's new information, but it's not new facts, and it's not repeating yourself. I also will say, I did pause and think, is a community story something we want sitting at the end of this document?

[01:04:25] And people will only get to it by scrolling through however many hundreds of pages when it's something that's designed to be a storytelling component for the public. It almost feels like an enclosure, a companion piece, something that would be separately available on the website, something that people would separately be handing around and circulated and not something that would live as an appendix C of a very lengthy document and, frankly, never read because you've got to scroll.

[01:04:55] Those are my initial reactions. I'm sure I might have follow-on things depending on how that strikes people because I threw a wrench at stuff. Sure. Thank you. Supervisor Malek. Thank you. I guess I'll begin with a question.

[01:05:12] Appreciate you. so i think what i heard was this is the priority list and things that are not on this list are going to wait for years five to ten so we have spent a year talking about everything and now i it seems as though 80 of it is not going to be considered so i for me to make any input it seems like how are the individual chapters reflected in these six things i mean i can sort of guess but I would rather not guess and then assume something that's not correct.

[01:05:49] You know, water protection is not here at all. And if you don't have clean water, you can't have any of these other things. So the rural areas are not anywhere except as a place for agricultural business to happen. So this is, I'm just trying to understand this.

[01:06:07] I thought I had it, until the introduction today, I thought I was doing okay And just had a couple of little comments, which I can quickly put in on this particular few pages as well. And just a follow-up question.

[01:06:25] You've been taking notes all along, and regarding the schedule that you already presented, where will we be able to read the pages to see how our comments and questions, and I don't support this or do support this type of thing, is reflected?

[01:06:42] Because the public hearing stage is way too late. for any of those things to happen. So I would love to get some information about that and wait for that answer and then I'll go through my quick questions. So on the schedule, we'll be publishing a final draft in early August.

[01:07:04] So we'll be coming to you September 10th to get your comments on the full document. That would be when we would gather that input. So all the pages we've looked at and all the chapters will be in that email link that you will send us. Okay, that's good.

[01:07:20] Then let me just report out a couple of things. Number one, the updates paragraph. I support that wholeheartedly. I think that's a really good sort of summary, and either as an introduction or a closure. I'm not sure which, but I think it's a good summary of where we've been trying to go.

[01:07:39] Number two, the affordable housing and access, things that I highlighted, I'm glad to see in here, preserving the existing stock so we don't end up going backwards. And anti-displacement strategies, having seen the misery of what's happened to my constituents who have been in mobile home parks and are now being driven out by tripling of rents, I hope we'll swiftly find a way to do better on that.

[01:08:09] Let's see. And, oops, okay, number four was just drinking water. So I guess I've already mentioned all of those. That wasn't too painful. So I will stop there. Thank you. Thank you. Mr. Malek and to some extent Mr. Pruitt, you know, I think one way to think about these big moves is sort of like, this is a load start.

[01:08:36] These are kind of the big themes from the, we've gone through this whole process. It sort of helped point us as a community, hey, these are some big six things, not necessarily in the order, but six big things we're trying to get done as a community.

[01:08:52] And I think it's a reflection that, you know, a lot of the actions that are in the document are ones that will be done by multiple different departments. Some will be with partners that we work with. And it sort of helps us to keep coming back to the community. Hey, we're really trying to, it tries to simplify the document to these big priorities that we're trying to do.

[01:09:12] So they are somewhat broad, but they can help us keep orienting ourselves as time goes on. If we can get these six things put together and accomplished, we can really accomplish many of the aspects of the plan. And so I think if you look at these things, and Anne spoke a little bit about number four maybe being too narrow or something like that because it's focused more on, I think you mentioned something about water quality or something like that.

[01:09:40] If some of the environmental aspects are not pushed hard enough at this, that may be something that you want to tell us. You need to expand one of these big moves so that it helps you all in your body over the next 10, 15 years, either when you're doing the strategic plan or when you're thinking about other aspects that are coming in front of the community.

[01:10:02] We're trying to get these big things done. Hopefully that helps. Thank you. We'll continue this discussion, and I think once we've all had something to say, I think we'll be able to summarize a little better.

[01:10:18] Supervisor Gallo? Yeah, I just, I guess, to answer the question, I had this conversation with my planning commissioner this morning, Nathan Moore, who represents RIO. I think, and I think I agree with him.

[01:10:35] I don't know that I actually told him that this morning. I think I just listened. But one of your slides suggested that the PC feedback was on arts and stuff to incorporate that throughout all the different places. I found myself making more of these type of comments when I was on the school board than I have on this board.

[01:10:56] But I think when you do that, it loses its purpose and its point because it's not valued as a big deal. Now, historical and cultural areas seem to be embedded in the rural sense, in the rural nature of this county.

[01:11:23] What he basically, and he describes it as arts and parks, is to have, and he typed it in here so that I got the wording right, there are key needs for physical safety, economic security, but the idea of social belonging and social enterprise and the appreciation of the aesthetic beyond just what's there in nature is not really addressed, and is that a big move that we should be?

[01:11:53] And, of course, it's his opinion that, yes, it should be. So he would be advocating for a seventh, but that's missing in this kind of big move in the general sense. And I was thrilled that he had cited, I think we all can remember in 2023 when the Surgeon General put out a white paper on the sense of belonging and loneliness and how that was a big deal.

[01:12:17] And if a local government does not provide the venues or the places, at least, in which social belonging can happen and other types of human creations can be experienced and enjoyed, then you don't experience the transcendent moment of what that could do.

[01:12:39] So I really appreciated him bringing that up and having that conversation this morning, because in the school division, I would always advocate that arts for art's sake is an important piece, and I don't think we value the arts as much as we should. um and and um with that being said i'll use my just a few weeks ago was in savannah georgia 150,000 people in the city of savannah it is a city a very grid-like pattern but when you look at the grid and you walk around savannah they have all these squares every couple of blocks that have trees and they have not all but some do they some have fountains some have statues

[01:13:16] some have a combination of them all it's pretty interesting how that grid pattern i know was i think modeled after new york city but the um but you think about those squares work as square abouts not roundabouts to keep people from just hightailing it down a straight street so it it has a traffic calming element of it but those particular social places some are very small some are very large but it's the it's the

jurisdiction providing a place where social gathering can happen whether it's organized or not so if you're out walking with a bunch of

[01:13:52] different people. The square brings people together whether they want to be together or not because they're navigating the city. Now, I'm not advocating for a grid piece because it's very different here in terms of the geography, but the point is not lost that the jurisdiction is providing places for people to be able to come together. And then once in those places, a variety of things are provided to speak to not just social belonging, but the transcendent nature of experience art or history or something like that. To me, I think that's worthy of a big move as opposed to just being interspersed throughout all these other different chapters. And what brought

[01:14:32] it home for me is that thinking about, that's right, because in school divisions, we all think it's fun to have a drama club or a music club or to offer a class and whatever, but yet we'll spend millions of dollars on social-emotional learning. Where do you learn social-emotional learning? in arts classes but we don't spend those millions of dollars on quadrupling or multiplier by 10 in terms of arts teachers and things like that so i guess my to drive the point home is that if we think that's important and we think that's worthy of big move then we should say so because if it

[01:15:09] gets interspersed and through everything else it's going to seem like that's being done in serving the purpose of all those other things and not worthy of itself or worthy of its own piece as an endeavor and i think that i think we could learn or i think we could appreciate that in our current designation of what our parks are we're developing and building out biscuit run park i think it would be important to have that idea mentality involved when we're programming and figuring out that park is going to come to exist and as we think more and more about like the rio small area plan and these activity centers, that the jurisdiction should take some responsibility in providing

[01:15:49] these places and inform the design of not just providing, but what then is there once it is provided. So I throw that out for consideration to say that I appreciate Nathan bringing that up. I appreciate his advocacy for that, that it should perhaps be a seventh big move.

[01:16:08] I guess to just provide some comments based on what has already been stated, you know, The comprehensive plan, you know, I always have wondered if the state didn't require it of us if we'd even do this. And that's maybe why they required it because some places were, who the hell knows what they were doing and get your act together.

[01:16:29] And it was probably some sort of thing like a lot of times top-down mandates are. But in this county, we do five-year financial planning. We do the strategic plan. We do all of these things that are getting at the things that the comp plan is trying to state. and then we say things like well there's no way we're going to achieve the 250 plus actions in the next five years by the time we do the next comp plan it's like well okay well then is that a good plan but i always have to remind myself that it's a general plan that's supposed to i and i was re-looking at the state code just to say but even they say it's supposed to be

[01:17:05] general in nature it's supposed to give scope and purpose so that people regardless of their developers or their residents or their whoever have something to rely on that this is the direction the county is going in. So I'm getting myself trying to climb some elevation to get too worried about the details and go, well, are we succeeding in providing that general scope and direction? Yeah, we are. So these six moves, I believe, do that to the great extent with my

[01:17:38] support of adding that seventh one in. I would just make the comment, and Supervisor Pruitt mentioned economic development regarding number five, but economic opportunity and economic development are two very different things. So economic development is specific to economic activity and your plan to make that happen as you see fit in your jurisdiction. Economic opportunity is a lot of things outside of that. So I think that should be a big move and support that there.

[01:18:11] I do question on the reality of how things exist in Albemarle County if number four really captures what we are about we argue all the time about rural area and development area and just mentioned water supply water there's a lot of appreciation for the aesthetic value of nature in this in this county are we really going after agricultural and forestry uses in the rural area or is it about maintaining what currently exists in the rural area to the greatest extent of possible whether you agree with that or not or see that fit that's what that's what we've been doing it's certainly

[01:18:47] what board actions usually come down to continuing what's been there or not so i question number four because agricultural and forestry uses i don't know that that's if we're trying to turn the tide and move that to there i just don't know what the i don't know i i'm doubting that one and then number one it says align regulations to support perhaps we should consider language like border supervisor put it on the board board actions will align to support ac44 regulations who the hell's

[01:19:23] in charge of regulations well i guess the board is i guess staff is but you know you could say county code or you could say zoning but those words get lost and i think one of the things i've heard of you know that we've talked about is that um like in the past in the development area uh density has only been approved at 58 of what the capacity was stated in the in the current comp plan. So who owns that? Well, the six individuals that sit on the board do. So it's our comp plan.

[01:19:52] It's our county's comp plan. Perhaps we need to step up and say the board action will support the implementation of AC44, because then everything else should fall under that. And all our regulations should go based on those actions. Decisions should play down, and that should impact everything we do. So I just throw that out as maybe a tweak that puts the responsibility on the elected officials to make the decisions and not go against their own comp plan and their own implementation. And I say that knowing full well that I have voted against the comp plan in

[01:20:27] the past, saying things like, oh, well, it's a plan. It's not the Bible. Otherwise, it wouldn't be in front of me for a vote. So I'm using me as an example. But I should be reminded quite a bit that, well, you voted on this comp plan. With this comp plan's approval, I will no longer be able to say well i wasn't on the board when that last comp plan was adopted so that's why i thought some changes were going to be there but you know at this point i should be able to say yes my intent as a supervisor in general is that my actions should support the implementation of this comp

[01:21:04] plan once it's approved thank you thank you supervisor mcqueen yeah it's interesting because I listened to the planning commission meeting, which was very informative for my way of thinking. I'm getting at what Ned's going to.

[01:21:21] I had a note today, add to big moves, priorities, where to place communities' health and social fabric and arts and culture. So I'm going right to where. And it's interesting because I was smiling as Ned was talking because I said, oh, that's my bullet.

[01:21:40] I did not mean to steal your thunder. It's okay. No, I just am thrilled that we agree. Well, we often agree, but regardless, I just, and I don't think anybody will be surprised knowing my emphasis in my district over the last 12 years on art and culture, but I do think that it's ironic because I'm always saying when you have too many priorities, you don't have any priorities, and now I'm saying we need to add a seventh here, but I do think it's really critical.

[01:22:13] Our community is an aging community. We need to take that into some of our work as well. When I talk about community health and our social fabric, but it's not just the aging folks that need that.

[01:22:30] But when we're talking about transportation, many of our residents really can't walk a quarter of a mile. I mean, seriously? But the devil's in the details. So here is the big kahuna, right?

[01:22:45] these are the big kahunas and the devils in the details when you're talking about what's going to be coming back to us at a later time and that we have discussed for, what, 18 months? A long time, having said that. So how you word it and how you get there, but I would really agree with a seventh on communities, health, and social fabric and arts and culture.

[01:23:07] I'll leave that wording to you, but it gets to what Ned's saying exactly. The other thing that I would like to agree with is, and let me just find it here, our agriculture. Fourth, it read to me as if we're just going to support more of the same.

[01:23:30] I'm reading my notes here. Currently, we have a few successful farms, but the data from the Department of Agriculture shows that we don't really have agricultural farms. Now, Ann frowns at me. People can frown about that. But what I'm saying is, how do we support farming viability?

[01:23:50] That's really critical. Support small farms. And really, I'm interested in, with our agriculture, supporting farms that put produce on the table, not hay in the fields, necessarily. Because that's what we have a lot of.

[01:24:08] So trying to get at that. and I do agree with Ned about economic opportunity is different than economic development not saying that one is you need both right but they are different and what else did I want to mention probably have gotten to the big my big points but I really I will say that I really like

[01:24:41] The circle that we have that you show on page eight, green, resilience, welcoming, equitable, thriving, and prosperous, and connecting and accessible. I think everything really does have to come up under that. But I do think that I would add a seventh, if possible, here, and you all wordsmith it.

[01:25:03] I'm just trying to quickly look over my general comment. Oh, and this was interesting because my planning commissioner, Julian Bivens, said a comp plan is a bureaucratic document. Lots of people repel from the word bureaucratic, but bureaucratic document that has to provide clarity and predictability.

[01:25:27] And I think he's right. Whether you're a developer or an investor, you're going to look at the comp plan and say, these folks really mean business or this is a lot of fluff, right? um so the comp plan should be viewed and i'm saying this comp plan should be viewed um and written to indicate we're building community um we're not about creating walls to keep people out

[01:26:06] we're about building community and that should be obvious through our comp plan um and i guess i have a couple of other comments about reporting and all that but i'll save those for later because I think we're going to come back. Yeah, so that's fine.

[01:26:22] I'll stop with that. Thank you. Thank you. Supervisor Lupisto-Curvin. There's a lot to unravel here. I'm overall supportive of what you have. I understand, I know some have asked for a seventh one, and what I'm wondering, because I think the arts and culture is, that's extremely important.

[01:26:45] I'm wondering if that wouldn't go or could go under either Seventh One or under the activity centers, because it seems like our activity centers are, and some of them anyway, are wide open to be able to have something, you know, some arts, some culture.

[01:27:07] That's what I'm wondering, whether or not they could be incorporated in there, and frankly, actually incorporated everywhere. I know someone mentioned about Biscuit Run, okay, and there's also Freebridge Lane. Those are all opportunities for arts and culture in those.

[01:27:25] And I think probably if we ever get an urban park up and running, something there also. But I'm just wondering whether or not that could not be part of that, part of the activity centers.

[01:27:41] That's one. Number one, the aligned regulations to support AC44, I think that's extremely important. I don't know if we need to say BOS, because I think in my reading of it, it seems to be implied, because we're the ones that do the comp plan, it's implied.

[01:28:01] And what I worry about, I know that every five years you can go back to the, we review, we update every five years. You can get new board members. They can change things. So I don't know, you know, how effective that would be because I just think, like Supervisor Calloway said, and I've done it too, well, we have voted against the comp plan.

[01:28:29] So whether or not we can make that, uphold that for future board members, I don't know. I don't believe, I like the fact that this is not a priority list because it wouldn't necessarily be my priority list.

[01:28:48] Okay. Support agriculture and forestry. That one I am very supportive of because I have a lot of, there's a lot of agriculture, forestry in my areas.

[01:29:04] And to me, that's what makes Abomarl a place to where people want to come to. I mean, anyone can go to a city where they have buildings all over the place, but that's something that really makes Abomarl, we want to go here. We want to have trails.

[01:29:21] We want to walk along the river. I mean, our river, I would love to see that expanded for tourism and for locals, just to be able to walk along the river and such, to be able to improve our trails.

[01:29:38] I mean, I think that's a huge draw. Not every place has a beautiful river. Not every place has the beautiful mountains, the areas that we do. So to me, that's important. Expand economic opportunity. If we didn't have economic opportunity, we wouldn't have the EDA because we have to have that opportunity in order to have economic development.

[01:30:00] So that goes hand in hand. Mitigate and prepare for the impacts of climate change. I'm wondering whether or not our water, which is extremely important in what we're doing to make sure we have safe water, you know, Were there reservoirs and such if that couldn't be incorporated into that line?

[01:30:23] Whether or not it has to be called out, I don't know. Maybe it does. I think it's probably important enough. Those are my comments. Thank you. Thank you. I'll add mine.

[01:30:39] I hope I don't add more confusion, but I'll try to do it in response. I think not to pick on Supervisor Galloway, but I'm responding to some of his comments. It's particularly clear. In each of these,

I recognize that the big move description is a shorthand for something that encompasses a lot of different pieces.

[01:30:57] And so whether that shorthand is sufficient to incorporate or not may be part of the issue. And so I have to look at this in terms of the descriptions as well that follow. And, for example, the line regulation to support AC44 implementation, the description certainly seems to suggest that we're talking about staff actions as far as getting a zoning update.

[01:31:20] and doing those subdivision regulations and other policy changes that are necessary to be brought before the board to improve, to support AC44's other goals.

[01:31:34] So I also almost would suggest that if it is a compromise, align regulations to support AC44 implementation could be align regulations and support board action to support AC44 or somehow incorporate board action because obviously a big part of this is making sure the board actually tries to implement AC44 and doesn't just say, well, sure, that was a nice thing in the document, but that's not how we're going to decide this particular.

[01:32:05] special use permit or zoning amendment but in any event i do see this as a lot of staff action and number two increased affordable housing and access i think that's one that's pretty pretty well stated it specifically talks about multi-pronged approach and so there's a lot in this and it's something i think is a very high priority for the board So I think it's appropriate to put it as a big move.

[01:32:37] In number three, invest in compact connected development areas with an emphasis on activity centers. I see the activity centers as incorporating some of the social gathering components that have been talked about as an additional number seven. But I also heard from the Planning Commission a request that somehow it not just be compact and connected, but it be welcoming and green.

[01:32:58] And so the fact that that's not reflected, and I don't think it's particularly well reflected in the description either, is something I would like to see because I don't want it to just be compact and connected if it's not inviting otherwise. Number four, I kind of agree with the number of comments that have been made that support agriculture and forestry uses in the rural areas as a shorthand doesn't capture an essential element of that.

[01:33:26] And the description, I think, does better in that it's also for preserving the county's rural character, cultural heritage, environmental health. And it talks about protecting environmentally sensitive areas, wetlands, forests, wildlife corridors, watersheds. So some of those things that we're worried about are incorporated in the description.

[01:33:42] But in this particular case, it feels like the shorthand is a little too short. It needs to be something that talks about preserving our rural character as part of that. Economic opportunity, again, the description clearly immediately jumps into the economic development strategic plan, but it also says that these complement each other.

[01:34:10] So it really is something that's different to talk about economic opportunity incorporates some forms of economic development. I don't have a problem with the shorthand. version of this. Mitigate and prepare for impacts of climate change. Yeah, I'm on board and see it as a high priority. So those are my main comments. As far as a seventh, I have a lot of sympathy for the idea that we would do more with gathering. I think something like Biscuit Run, for example,

[01:34:44] is not reflected in these as a priority alone. Maybe I'm wrong, and it would be helpful to understand that better but if it's not then that that kind of activity needs needs a number seven that includes it as well as other ways in which we can bring the community together provide space for that and there was also comment connected to this as the whole plan talks a lot is that overarching goals of equity and climate and i know the climate is specifically called out equity is mentioned in the context of aligning regulations to support but that doesn't

[01:35:22] jump out as a topic as as an equitable emphasis but i it's in there but maybe there's a way to highlight it a little bit more and maybe that number seven could do that i'm not sure so i'm going to stop there and we'll go back through the order to um to get additional responses and then also since you know we're just focused on this implementation chapter i know there's a lot of things in the packet that I'm sure people will have comments on, but maybe save those.

[01:35:53] For now, we want to see if there are other things. I will say just with respect to what we got in the packet, there were a number of things I'll provide later of wordsmithing, repetition that's been mentioned even within the document. There's one paragraph that repeats the very next paragraph and things like that that I'm sure will be picked up as you go through it again.

[01:36:13] But we'll go back to our order again. I will try and be brief because we have a lot to work on, and we're reiterating ourselves. We're repeating even within the document at this point. I do still, I mean, I guess I'm still struggling with the issue I brought up at the beginning, which I guess maybe I'm not fully joined by a majority of the board on.

[01:36:38] It did not sound like, but I'm just going to reassert it, right? I appreciate, and you made this point after I was done speaking, and I think you made it well, I appreciate that it helps talk about kind of board grand strategy it's kind of helpful these big moves are helpful for a almost a public storytelling my concern is that they are not as constructed they are not useful for an accountability purpose and I can think of that in two different directions accountability from board to staff and also accountability from public to board

[01:37:11] i don't think we can actually use this document uh as a as a priority tool uh at various so if we are setting like five years as what we're saying we're trying to accomplish in a in a priority a big move um if we still haven't developed an incentive package for how to get like hot dog stands on boardwalks uh i say that a little tongue-in-cheek but that's spoken to by a specific action in one of our chapters i'm forgetting actually which chapter but it is there's a specific action on that and i could say oh well i think that means investing resources in compact

[01:37:47] and connected development areas and staff could say well i actually don't think that's entirely what that one paragraph is speaking to and it is not a central priority it's about hot dog vendors on a boardwalk there is not the clarity that is necessary for for a goal that we're actually tracking to um it does not feel like something i as a board who has we have legislative oversight over the executive arm of our government.

[01:38:14] I don't feel like I can use this as a tool for oversight. And by that same token, I'm not sure that the public will be informed with the tools that they need to be able to say, you as a board in your comprehensive plan have promised X, Y, Z deliverables within five years, and it has not been achieved.

[01:38:35] I think that is an accountability that is essential in government. Frankly, the first one is an accountability that's essential in any organization of a certain structure and size. I'm just not sure that this has the clarity necessary for it to be a tool helpful for accountability, which I see when I think of a priority, I think of that being a key part of it. It being something that I can actually then say, well, did you do the priority? And from that perspective, I don't see this as a usable goal. I see it as helpful. If I were to be cynical, I might say it is helpful to justify what we have decided we're going to prioritize this day.

[01:39:14] because of the structure of it um so that is my final piece on that i might not have the support in my way um i would um i think agree with a few other comments on four i thought this i neglected to say it um and i think it's been better said already um this especially yeah i think supervisor andrews uh points were well made the headline is not really what we're doing or what we're saying we want to do. Supporting agriculture and forestry, the thing that would support agriculture

[01:39:48] and forestry use would be very intrusive, like semi-industrial co-located facilities that we don't have an appetite for, right? Mills, large CAFOs, things that this board has grappled with during earlier parts of this board, canneries, right? I continue to be uncertain that we actually have the political appetite for in this county um and it does seem like we're talking and what the text of this is speaking more to is um the broader like suite of positive externalities that

[01:40:26] come from having a rural community um which includes knock-on effects from tourism includes like the environmental quality the water quality that we benefit from things that other people have said i think for the most part the text speaks to that especially the second graph of the text The headlines just probably are wrong.

[01:40:44] Thank you. Supervisor Malek? Thank you. So we're still talking about the five things as opposed to – Well, I think at this point we're adding whatever other – on this implementation chapter or comments, you know, not necessarily NITS, but, you know, big-picture comments.

[01:41:02] Okay, very good. Then I'll – I have a couple of things to zoom through. I just will say that I absolutely, as I mentioned in the announcements earlier, having local food that actually provides directly to consumers, no matter which it is, if it's lettuce or strawberries or beef or whatever, is incredibly important.

[01:41:22] I just looked up, we still have 866 farms and a fewer because of consolidation really is more than loss, which is a lot. As one of those who has been reporting on the Ag Census many years, the 187 acres is right in the national average, which is weird when you think of so many farms being 10,000 acres or whatever.

[01:41:48] That's just over the top. I agree that staying out of the way as much as possible is a solution. Not saying you can pollute or anything like that, but sometimes extra regulations that might be necessary for an auto plant are not necessary for somebody who's selling eggs or whatever.

[01:42:17] So keeping that in mind as people go forward. To me, the calm plan is not, it's a vision. It's not something that I can then use for metrics because it is the overarching vision. And then as we go down into all the sort of smaller sections, then that's where the rules and regulations will happen.

[01:42:39] At least that's in the history that I've been part of here. Page four, the vision for the county is not a lofty thought but an expected reality. And I find the vision to be very appealing still and hope that we will do our very best to hang on to it.

[01:42:58] On page five, I sent these to staff, but I just wanted to reiterate quickly how important it is that we are understanding what the jurisdictional area for public water and sewer is all about.

[01:43:15] Because I highlighted in yellow the strict adherence to public water and sewer extension policy strengthens the comp plan implementation through efficient use of infrastructure. And it doesn't say this, but it protects rate payers, because if you're running pipes all over the place, the cost will go through the roof.

[01:43:36] And so let me put that over there. I don't think I have any others, but I will just see. Oh, I already – that's fine. I'm going to stop there. Thank you. Thank you. Mr. President, I guess there was a slide on the five-year report or development.

[01:44:02] Could you go back to that? I'm sorry, I don't know the slide number. There was something about every five years we will... Yeah, it was further along in the report, I think. No, back one more.

[01:44:19] Minimum of every five years, development area. Could you just go back and read? I apologize, I was chasing a mental butterfly apparently for the first half of your explanation of that slide, but by the end of it, I went, wait, that triggered a different thing.

[01:44:36] Could you just restate what you were saying on that slide? Sure. In our part two, which addresses the growth management policy, we looked at different factors that we need to evaluate every five years or more often to really assess how we're doing as a county implementing some of our goals.

[01:45:07] I guess I'm trying to marry what occurs annually versus what happens every five years. Why do we need a five-year report when we have annual? Maybe I'm not understanding the differences in the reporting. It gets much more detailed in that five-year report.

[01:45:24] We get into more factors, more analysis. So is this kind of in the spirit of, oh, by the next time you do the next comp plan, you've got this real in-depth piece of the last five years? Yes. I mean, that's kind of the intent?

[01:45:40] That is the intent. And with the title of it being the Development Area Utilization Report, So we've set all these goals for ourselves to try and use the development area efficiently. As we look at all those metrics, are we doing that? Are we running out of room? Do we need to expand it?

[01:45:55] Are we going in the right direction? Are we using it efficiently as it stands today? But this in no way is getting rid of the idea of what we've said we need to see in front of us during actual rezoning applications. Right. It does not. These are all kind of tiered together. We've got one that's working and its function is there's an application in front of us.

[01:46:16] we've got one that's stating where we're at on an annual basis then we've got a really in-depth one that's going to inform perhaps the next comp plan development is that yeah stated slightly differently or maybe basically development area report every five years how are you doing that utilizing your development area when the rezoning comes with sort of a subset of that report on this particular parcel how does this how does it one relate to that larger thing and then up at the top of this slide we're talking about tracking these trends so like for these big six or maybe seven big moves generally speaking which way are we headed you know more of a trend line

[01:46:56] analysis we sort of think that when you get to doing your strategic plans you will be adopting performance indicator measures we want to increase affordable housing by you know 10 000 houses over

over the next five years, or whatever the number is.

[01:47:13] That's too high, honestly. But that would be much more tied to something very specific, in large part because that's where you guys are working with the budget, and the budget is really how you advance those goals, whereas the COMP plan is trying to give us this 20-year vision of how we're trying to get someplace.

[01:47:32] As you're working through that strategic plan, you and other folks at the board will be, that's where the implementation really happens. Thank you. That was helpful. I mean, I just wanted to tie it all together, so thank you for that. Yeah, I'm just trying, I guess, just to try to understand Supervisor Pruitt's approach as an accountability type thing.

[01:48:00] I don't know. I mean, I went back and just pulled up, and man mentioned vision. Like, I went back and looked at our mission, vision, and our values. And when you look at those, it seems like these big moves are trying to achieve a similar point that a mission statement, a vision statement, and your values.

[01:48:22] If you look at those overarched general pieces, I mean, you can't really use them as an accountability because they're too general. But they do give you an idea of what the general direction of the county is. So I think that why kind of looking at these big moves, I'm not looking at them as priority one, two, three.

[01:48:42] I'm just looking at it as, oh, yeah, that's kind of the general idea when you read this comp plan you should be sensing are the big moves that should exist in here. So I'm still comfortable with that, but I'm still kind of attempting to ponder that thought.

[01:49:00] But that's all I've got. Okay. Thank you. Supervisor McKeel. Sure. Maybe you just should take the numbers away. Just use bullets. Because, yeah, because they're confusing people, to be honest with you. They lead people into a, so just use bullets, take them, just let them stand alone, somehow or another.

[01:49:20] And I'm not going to say anything more about the six other than I would like to see a seven. That social fabric and health and cultural, which I do think play in together somehow or another.

[01:49:36] And I did make a note on this particular page. I wanted to just mention the reporting. I definitely agree with the reporting annually. Where I have a little concern is the development area report, and it says a minimum, and I understand that.

[01:49:55] But I think five years with the growth that we have in the development area and our inability to build at the density that we know we need and what we're actually doing in the development area for our aging community as well as our middle income people, I'm a little concerned that we're going to get that every five years, because if it says five years, I'm concerned that the minimum somehow will get lost as we just churn through year after year after year.

[01:50:27] I don't know where the last 12 years went, right? And so I just think that maybe, at least with the development area, changes that maybe five years, really, we need to think about that somehow or another. if i could respond to that yeah our idea here is with that annual report if you're starting to see yeah trends going in the wrong direction that would be an opportunity to say hey staff could we get a more in-depth report and maybe that's year two maybe that's year five but um hopefully

[01:51:02] that yearly report would start to give you some indicators or some idea that we should start looking at things in a more detailed way and i will only add to that maybe staff should say to the board of

supervisors we're seeing and maybe we need to do this board of supervisors because this is a teamwork in a two-way street right so if you wait for the board of supervisors i think that's where i get concerned because we have lots of things where you all do too yeah so um and i guess that is really the only thing i would say is that to get back to what

[01:51:40] Julian talked about. We need clarity and predictability when we read this document. And I would look back at repetitive language, some cleanup perhaps. I think just not to pick on economic development, but that portion was repetitive and how, you know, the economic development piece that we had. I just would think about how to look through a lens and all of this as cleaning it up and not repeating. That's all. But thank you very much. This really represents

[01:52:12] It's a lot of hard work on staff's part and everybody's part, and I just appreciate so much your patience, and I'm thrilled that we are where we are. So thank you. Thank you. Supervisor Lupista Kirby. I really do like Supervisor McHill's idea about staff using metrics or staff bringing the information back to us maybe sooner.

[01:52:37] Maybe we'll catch it, maybe we won't catch it, but if you see a disturbing trend one way or the other, I think that's important to highlight it, to bring, to make us aware of that. I think that's extremely helpful. I like metrics that show trends and patterns, and I like metrics for accountability.

[01:52:59] I know we discussed this at our EDA meeting last night, and we brought, you know, they were, we were, the board was, looked at wanting to have metrics or, you know, some board members that metrics are good so that we know where we're going, how we're doing, and I think it's not just a guessing game.

[01:53:24] Yes, we're doing well in that, but to have some actual metrics, I think that that's important. Speaking of that, regarding number two, increase affordable housing access and options, I know we're not supposed to get into the weeds, so I'm going to do it.

[01:53:41] I would just say adding apartments in there because we talked about small-scale multifamily townhomes, accessory dwellings, duplexes, et cetera, et cetera, but we don't have apartments. And I think we should have – it's about time we place that in there because I know if you go above six feet, you have to go into steel and everything.

[01:54:05] There may come a day, maybe in 5, 10, 20, 30, 50 years, I don't know, that it is financially feasible to go up higher and to be able to have some affordable units, additional affordable units, or to preserve the land and such.

[01:54:25] So that's my two cents worth there, I think. Oh, and regarding the, I think it was number four on page four, regarding the, we can go to page four, please.

[01:54:46] Side four. Pardon? Side four. Page four. Page four. Yeah. Okay, side four. Page four. There you go. No. Okay, well, we had, I'm sorry, well, we had, okay, I got me.

[01:55:02] Well, we had everything, the big moves, I'm sorry, excuse me, my bad. Okay, yeah, number four. Okay, good. I support agriculture, forestry.

[01:55:17] It would be nice to have maybe support the continuation and preservation of agriculture and forestry uses in the rural area. Maybe that would be more of a broad thing because I think that's important. And that's all I have.

[01:55:34] Thank you. Thank you. I'm going to first jump back, if we could go back to that metrics, tracking metrics slide. and i get past yeah and i'm going to have to go back to earlier as well so there we go okay this one um yeah that one uh reporting occurs annually in development areas report minimum every five years just to be consistent you know we're talking about the implementation chapter and i'm looking

[01:56:07] at page 13 of what was distributed tracking and reporting and i don't see a mention of five years in here anywhere so it's on the slide but it isn't really reflected in the we can we can add that it was um located a new idea that hadn't been incorporated in the draft yet well i we included it in part two where the development areas report was uh where that uh report detail lives so but we can also add it here so that it's clear okay that those two reports are related

[01:56:45] Help me understand what the difference is here. And, again, not to get into the weeds, but you have example metrics, and some of those are a little bit too vague, maybe like vehicle miles traveled. I don't really know what that implies when we don't know the population per capita and a lot of other details.

[01:57:04] But, again, these are examples, and I recognize that there's a lot of detail. Now I'm going to go back, though, to Supervisor Pruitt's comments so that I make sure that we've fleshed it out. And if we disagree, we disagree, but I want to make sure that we're all on the same page.

[01:57:22] So if you could go back to, I think it's like slide four or five. It's the why prioritize slide, just before you go into the big moves right there. Okay, so this is where you were talking about the idea of why you're doing this, why you're saying that there's going to be at the very end this chapter that talks about the big moves.

[01:57:39] And I think I almost interpret Supervisor Pruitt's comment, forgive me if I'm wrong, as questioning whether this chapter is really something we need, if it's implying something that we're not necessarily doing in the rest of the document.

[01:57:56] But I recognize that you've tried to address that in this slide as best practices and implementation guidance, allocation of funding. Where I worry, though, is that it suggests that somehow 250 actions, they don't fall in these categories, well, we can't do them. And I don't think that's the case, and I wouldn't want that to be the case. So he asked a question at the very beginning about, well,

[01:58:29] is everything included in these six or seven big moves? And you said, no, I don't want it right now, but I would like that fleshed out a little bit, a little bit more sense of what are the examples of things that you're saying, you know, that's not really in the big moves. And what does that mean as far as policy when we adopt AC44? Thank you. Being able to address those bright lines, if they do exist, would also address, I think, a lot of my concerns, because it would, so much of my concern is I can't use this, because it doesn't actually show me.

[01:59:05] Right. It doesn't, in my mind, I'm not sure this chapter accomplishes what we say on the screen, just because I don't know that I have the clarity to say what is and is not prioritized based on the big moves because the big moves are big. Right. And I could see a lot of things that don't appear to be directly under the big moves that could still fit. I mean, we talk about rural preservation. We talk about climate and mitigation, but we don't talk about whether the dark skies ordinance fits under one of those or the other. But I wouldn't want us to say, well, you know, yeah, we said we wanted a dark skies ordinance, but that's not one

[01:59:39] of our priorities, so we're not going to do it. That would be unfortunate. Thank you. This has been very helpful. I want to look around to see additional comments. Just one more. I really appreciate your wrap-up on that, Jim, because I think he's exactly right.

[01:59:57] I mean, I was assuming, and I think a lot of us were, that some of these other – we're not going to fall off the face of the earth. I do want to – and just because I forgot, it was in my own brain, the tracking and reporting on page – well, page 13 of what we had, I really do want to just make a comment.

[02:00:15] And I understand these are examples, right? But it is really important when we talk about the number of cost-burdened households. We have talked about the census data and the ALICE data, and they are very different, and they can't be lumped into the same pool because they give very different looks, right?

[02:00:37] And I don't think I need to go into a lot of the details with this, but when you have the census data, that is a big swamp. You end up pulling in a lot of Charlottesville. The census data is what it is, and I get that. But the ALICE data is specific to magisterial districts and specific to Albemarle County and really looks at it through a different lens.

[02:00:59] And I don't want to lose track of the fact that if we're commingling the census data and ALICE data, we just have a mess. You understand what? Yes. Okay, thank you. So the ALICE data is critical. Thank you.

[02:01:15] Thank you. Supervisor, please, so currently? Yes. Now that we're on page 13, I did have another comment. Vehicle miles traveled. Could you explain that, please? Sure. I'm probably the only one on the board that doesn't get that, but I have a question.

[02:01:31] It's really about an inventory of the number of miles a given person travels in a day or any given amount of time. So, for example, if in a week I travel 20 miles, that's all my trips to work, it's my trips to the grocery, it's, you know, my trips to the mountains to go for a hike.

[02:01:57] I travel 20 miles, but maybe Michael only travels 10 because he lives closer to his grocery store. So that measure is really trying to get at how much are we in our car. And with single occupancy.

[02:02:15] Yeah, I think the single occupancy component of that is important because obviously the single occupancy is important because as people reduce single occupancy driving and there are shifts to other modes, whether that's because they live closer and can ride a bike or walk to where the destination is or because they can use mass transit, it's a measure that allows us to know if we're using our transportation system efficiently or if we can get more efficiency out of it, as well as sort of a measure of quality of life.

[02:02:48] But how do you differentiate between, or are you talking about everybody that comes into the county to work or live? Because we have people outside of the county that are coming in through 29, through 250. Are you talking about our residents or are you talking about everyone that comes in?

[02:03:09] In this regard, it's for everyone. Certainly, when we're looking at commuter traffic into the community, it's one of the factors that drives congestion in the a.m. and p.m. peak. The extent that we can have them vanpool or use mass transit to come to town really helps the investments that we need to make as a community to manage that peak hour traffic.

[02:03:36] Would it not be easier to just be able to calculate how many people are using the parking rides, how many people are using microcat, how many people are using RTA, how many people are, you know, I guess, walking a map. I'm not sure how, I mean, it just seems like that's a big ask, what you're stating, and it's very large and broad, and I'm not quite sure how we're going to do that, but I would be interested in knowing, are our park and rides full?

[02:04:10] Our microtransit, are there 10 people using it or 500 people using it? The same thing with the buses. I mean, that's going to give you more information. We're not going to be able to control who comes in and out. It's only if they use the services we provide.

[02:04:28] That would help with congestion. Thank you for those suggestions, and we'll put that as an example. We wanted to get a little bit of input from the board about the big goals, the big moves that we're trying to use. We're going to come back and try and work the trends that would best represent that.

[02:04:48] I think on one level, we want to make sure we're not giving you too much data so that it starts to become overwhelming. So there's a fine line, and maybe VMT, vehicle miles traveled, is not the thing. Maybe it is carpool or bus usage or something like that.

[02:05:04] But we'll work through that. That will be part of what we work to wrap this up. Those trend lines will be provided for you. Thank you. Thank you. And looking for additional comments, I think that we've given you some feedback.

[02:05:19] Is there anything else that we can give feedback on at this time? I don't think so. The only thing I will mention is some of the other chapters that were included in your packet. We'll take feedback on that at our meeting in September. or if you would like to email us any wordsmithing or repetitive paragraphs or any language like that, please feel free to email that on to us so we can incorporate into the final draft.

[02:05:49] Okay. Thank you. Thank you very much. Thanks for all your hard work. Thank you very much. And likewise, thank you all for all the great dialogue. That brings us to a 15-minute recess. So before we start legislative parties, we're a little bit ahead.

[02:06:05] Okay. Welcome back. Our next item is a work session on legislative priorities. And this is being led by Mr. Andy Herrick, our county attorney. Initial discussion, 2026 legislative priorities and a review.

[02:06:42] Good afternoon, Mr. Chair, members of the board. Andy Herrick, county attorney. It's a pleasure to be here this afternoon and to go over with the board the legislative priorities. This will be our first go-through of legislative priorities. We'll take a look back at the 2025 General Assembly session and then take a look ahead at the 2026 legislative session as well.

[02:07:02] I'm joined today by Emily Kilroy, our Director of Economic Development, who will be going over many of the slides with you. Deputy County Executive Trevor Henry was also involved in this process. He will not be speaking to you today, but he was involved in the process earlier, along with David Blunt from the TJPDC.

[02:07:19] And I know that James Douglas in our office has been very involved with the legislative process as well. So my thanks to them all. As mentioned, we're going to be starting today's presentation by taking a look at the 2025 priorities in the legislative session. Before we pivot and start looking ahead to the 2026 session, as well as starting to take an initial look at strategies and approaches that we might have.

[02:07:42] This, again, will be the first of three legislative priority sessions that we will have over the course of the summer and the fall. so this is just an initial run through. Nothing is set in stone at this point. So again, I will begin with the discussion of the 2025 session before handing off to Ms. Kilroy to go over the 2026 session. As you may recall, heading into the 2025 session, this board had six legislative priorities that it wanted us to pursue, or excuse me, five legislative priorities that it wanted us to pursue, three of which involved potential amendments to the Virginia Code. There was an initiative on the part of the board to expand offenses that were subject to property forfeiture

[02:08:22] for community threats. Unfortunately, there was not a patron for that in the assembly, so that did not proceed. Having taxing authority for or enabling a referendum to allow for an additional one-cent sales tax for school construction is an idea that has gotten more traction. As the board may recall, that actually advanced and was adopted by the Assembly in 2024, but then vetoed by the Governor. And unfortunately, it suffered the same fate in the 2025 session, where again, it was adopted and enacted by both houses of the General Assembly, but then vetoed by the Governor.

[02:09:02] And then the Board also had asked that there be an expansion of the authority for photo speed monitoring devices. The bill that was most similar to what the county had advocated for was House Bill 1666. That unfortunately failed. There were some other related bills dealing with photo speed authority that were adopted. Unfortunately, they actually limited or put additional specifications on the places where localities could have photo speed enforcement. So there's continuing activity in that area. It's not necessarily positive or what the county might

[02:09:40] see as favorable. But again, there's continued assembly interest there. There were also a couple of budget amendments that had some success. The county had requested \$11.2 million in state funding for the Rivanna Futures Project. That was introduced by Delegate Lauffer and Senator Deeds. However, unfortunately, those amendments failed. They did not proceed through the assembly. Our efforts to get funding for the Biscuit Run Park Monacan Indian Nation Tribute Park Connector Trail, that did get more traction. That would have provided for \$1,368,000 in funding

[02:10:17] for a one-mile ADA accessible trail in the Biscuit Run Park. That actually was in the initial budget that went through the assembly. The governor amended that or suggested an amendment to reduce that amount, the assembly reinstated the full amount that they had additionally adopted, and the governor outright vetoed that. So unfortunately, at the end of the day, despite the fact that that had a fair amount of support in the general assembly, it also was vetoed by the governor. So unfortunately, we don't have any funding to show for that, despite the fact that it seems to have some pretty broad support. And finally, the six initiatives, I was correct,

[02:10:53] it was six initiatives, was for a legislative study for tools to mitigate rent increases caused by multifamily residential redevelopment, that wound up not being an act of the Assembly, but that was something that Delegate Coulson requested administratively of the State Department of Housing and Community Development.

[02:11:12] So that's an overview of what happened in the 2025 Assembly with the county's legislative priorities. And with that, I'll turn it over to Ms. Kilroy to talk about 2026. Thank you, Mr. Herrick. And I will apologize to the Board of Supervisors up front.

[02:11:30] David Blunt, who is our really wonderful partner on regional, items of regional concern. He also supports local efforts, really represents the Thomas Jefferson Planning District Commission in the

General Assembly, in the halls of the General Assembly, through his participation in some other statewide organizations like BACO and BML, is out of the office this week.

[02:11:53] And so this item would have been on your agenda a month ago, and he was fully prepared to support us at that time. And so I am going to do my level best to do his words. He thankfully left us his words for the next couple of slides. And then it'll be more of the work that I would normally do.

[02:12:13] But he provided us with some of his insights into the 2026 session. No year in the General Assembly is created equal. There's a lot of dynamics at play. And David does a wonderful job of stepping us through what we might expect in the year ahead. So significant topics that we expect to be addressed in the 2026 session are, in a way, very much dependent on the outcome of the elections that are happening in November.

[02:12:40] And so exactly what these look like, heading into this past year's session, we had a greater understanding of what some of these issues might look like in the session ahead, because there was no election heading into last year's session. This year with an election, the direction of some of these is still very much in play.

[02:12:59] But David Blunt provided us with an understanding that there continues to be discussions by stakeholders on the topic of meeting Virginia's energy needs. A big part of this conversation is driven by the continued growth and demand for data centers and the energy demands of that sector, which is an entree into the next item, data centers themselves.

[02:13:25] There were many, many bills introduced last session on the topic of data centers. and all of the data center legislation that made it out of committee ultimately failed in last session, and it's expected that many of those bills will return in 2026.

[02:13:41] On housing affordability, there will continue to be efforts to incentivize as well as require actions to increase the stock of affordable housing across the Commonwealth. This could include a new version of the housing targets legislation that required localities to increase their total housing stock by 1.5 percent per year over five years that failed this past year.

[02:14:06] On Medicaid, Medicaid and other human service areas are areas that could be most affected by federal funding reductions. The legislature added \$640 million to the state biennial budget this year to close a Medicaid funding gap driven by higher participation rates and costs. Cuts in federal Medicaid funding would drive tougher decisions about backfilling with even more state general fund dollars. And on education funding, along with Medicaid, this is the other big state budget driver. The legislature was able to finally, after about 15 years, restore to previous levels state funding for K-12 support personnel. The question is, will the commitment to education

[02:14:44] funding priorities and to long-term responses to the 2023 JLARC education funding report be possible in the face of declining revenues that may be needed to be filled? Some takeaways from the 2025 session that could inform the approach for 2026 are preservation of local authority fared well, which is a position that this board, as well as many other communities in the Commonwealth, have held for a long time. With a few exceptions, bills to restrict or remove local land use authority did not pass during the 2025 session, and we expect that that will

[02:15:22] continue into 2026. And on the House and Senate committees to review federal impacts, special subcommittees of the House and Senate that are examining federal funding are meeting regularly

and receiving reports and analysis in many different program funding areas. This work will hopefully position lawmakers to be more informed when addressing state budget decisions brought on by any federal funding cuts. I'll make sure that we send you all a link to those subcommittees. The reports that they receive at their meetings are incredibly content-rich and good light reading in all of your spare time.

[02:16:02] So as I mentioned earlier, the 2026 session is really going to be shaped by the outcome of the November 4th elections. The candidates for November statewide offices are set following Tuesday's primary election. This was a month ago. We know no matter what that Virginia will have its first female governor, but beyond that, there's still a lot in play.

[02:16:25] For the FY26 state budget adjustments and the new FY27-28 biennial budget, all of those are going to be heavily influenced by federal funding and the most current economic conditions that we're seeing here in Virginia. So the next two-year state budget will be shaped during the January to March session, and a lot of the issues that we talked about on the last slide will be drivers there.

[02:16:49] And just mentioning again, energy and data centers as well as housing could be the top issues in the General Assembly this session. just based on all of the things that are happening in those areas right now um so a lot um a lot to sort of think about heading into 2026 uh and um the the part ahead is really driven um and informed by conversations that um that staff in the county attorney's office my office with the executive office and david blunt had trying to debrief what happened in 2020 uh 2025 um some of the

[02:17:28] sort of assessing some of the changes that we've made in the past couple of years to try to streamline the legislative priority process and focus on a few priorities and put a lot of effort into them. And so I'll start with sort of a big-picture look at our recommendation for how to approach this year's legislative program.

[02:17:50] And so there's three chunks here. And it's really the idea that there are organizations that are purpose-built to address statewide issues, issues of statewide significance, and they have a lot of horsepower in terms of staff resources, in terms of their footprint in Richmond during session, and working to sort of leverage those organizations for items that would be more statewide significance or impact.

[02:18:22] be a good focus for us this year. And then where we can really add value as a locality and really the shared constituency that you all have with the local delegation that represent our community in Richmond are those things that are really delivering specific value for Albemarle County.

[02:18:42] We've had great success in recent years with items that are specific to Albemarle. While Biscuit Run was vetoed, it made it all the way to the end of the General Assembly process. We know that one cent for schools, when we first started having that conversation with you all, the focus statewide was really on this fact that some localities in the state code have the specific ability to have a referendum and then enact a one cent sales tax for schools capital.

[02:19:13] And so initially the thought was it would be wonderful if Albemarle was added to the list of localities that could do that. We happened to join a wave of momentum where lots of localities were pursuing that at the same time, and it's really become a statewide issue. And so we think we could be really effective if we think about it in that way.

[02:19:32] So the strong connection with our local delegation carrying local priorities, we think, is a good way to set our community up for success. And I'll talk a little bit now about what that might look like. so

requests for new legislation budget amendments for 2026 staff wanted to put forward for the board's consideration again looking at biscuit run monacan indian tribute park trail funding again this was very successful it made it to the end of the process and with a new governor in the enrichment we think there's an opportunity to see a different outcome for that project

[02:20:13] There's a timeliness with this one as well. There's a stream restoration project that is happening at Biscuit Run. And trail work in tandem with that stream restoration work presents some opportunities for efficiency. And so we think this would be a good year to pursue that.

[02:20:30] Ravanna Futures, we continue to believe that state-level advocacy for Ravanna Futures is critically important to the success of that project and that the General Assembly is a really important piece of that. We were excited to host the General Assembly Military and Veterans Caucus, not the whole caucus, but members of that caucus, out at Rivanna Futures a couple of weeks ago.

[02:20:55] And we've talked to that body, which is a bicameral and bipartisan group that meets every year during the session. We've been presenting on Rivanna Futures for years. This was the first time that we were able to get them out on the ground with us.

[02:21:12] And we really saw the gears turning in real time as folks connected what they knew about the project to what the reality when you're out there really looks like. So the outcome of that site readiness grant that we've applied for and talked to the board about over the past several months will help us refine what a strategy for the General Assembly might look like specifically.

[02:21:34] But right now we wanted to have this as a placeholder on this list for the board's reaction if this is a good thing for us to continue to pursue. And by the time we're at our next work session, we expect that we'll know more. So some of the items that would apply statewide that we could work through VACO, VML, VA, PDC, and other statewide organizations to advance could include what is, again, now a statewide interest in gaining local authority for a one-cent sales tax increase for school capital, expanding local authority for photo speed cameras.

[02:22:08] And this last one is a new one based on recent remarks made by both candidates for governor that would look at ending the personal property tax in Virginia. When this came up last year, there was a lot of concern expressed by localities that ended up getting routed through VACO and VML and they were successful as organizations in getting a lot of attention and conversations happening about the impact that that would have for sort of across-the-board Virginia localities.

[02:22:34] So staff recommends that the board consider this as a topic heading into 2026. The final thing that we wanted to talk to the board about today is the 2026 Positions and Policy Statements. This is that document that's a broad articulation of support or opposition for statewide issues and it positions staff to respond to requests by an inquiries from the local delegation during session when it's impractical sometimes for us to reach out to the board to get a poll on where you might stand on a topic.

[02:23:08] After many years of additions, we add to that document every year. we took a look at that sort of holistically. It's grown to 49 positions and policy statements, and some of the things in there feel like they may have been hot topics at a point in time, but perhaps that time has passed.

[02:23:31] And so staff wanted to recommend that we take some time this year to fully revise that document just to make sure that it's still relevant and look for opportunities to shift towards principles that, again, we can use as we respond to legislator inquiries during session.

[02:23:49] I have one more slide, and then I'll open it up to you all for comments and questions. But just sort of where we are in the process. Again, we normally would have had this work session a month ago, but we're glad to be here today. We'll be back at your second meetings in August and September.

[02:24:09] And our goal this year is to meet with the legislators aiming for October. Typically, we aim for November following the election. What we have found over the past several cycles is that the General Assembly has orientation sessions, caucus meetings, committee meetings ahead of the start of session.

[02:24:27] And then you're into the winter holidays. And so it can be really hard to get that day on the calendar as you get into November. And so we would endeavor to work towards an October date, knowing that we know who our local delegation will be this coming session. And then continue engagement work with them in the fall and winter, heading into and during session.

[02:24:48] That is the content for you all. And I'm going to work with my colleagues to address your questions and comments. Okay. We'll go through our order. I'm going to ask just up front, though, are there specific things you are particularly looking for a reaction?

[02:25:06] I think this is probably one slide to focus on. Is there feedback on this general approach of focusing the legislative priorities on local items and working with the state organizations on the statewide items? Thank you.

[02:25:22] We'll go through our order. Supervisor Prove. Sure. So I want to very quickly just speak to the things that we already have priorities, and it seems like they're being carried over very briefly. I've previously on this board expressed, like, minor concerns I have with both sales tax and the speed monitoring devices, but I also understand how gravity and momentum works.

[02:25:45] So great, glad they're being included. There are more goods than outweigh the cons on those. The thing I want to flag is personal forfeitures for community threats. We didn't get a sponsor. I know we have struggled with how we structure this solution, right?

[02:26:03] I appreciated when we met with our legislators being able to speak about the problem and, frankly, explain that we recognize we're struggling with the solution. I also appreciate the work that I know the team put into developing the solution that's on the page.

[02:26:23] I also recognize that I look at polling. I also see what's been vetoed. I think we're going to have a very big year legislatively in 2026, and I'm not sure this is a good use of our time. and energy, which is valuable and finite, to be continuing to kind of bang our heads on a wall with a problem that we can't figure out how to plug cleanly with a legislative solution, which frustrates me.

[02:26:51] It makes me mad. This is an issue I'm still mad about, and I think it is a broader systematic problem in this country that we don't have a clear tool set to grapple with, but maybe it is not the appropriate time and place in this document to try and grapple with the systematic problem of how governments are stymied and hindered by um by threats of violence and by politically motivated um hoaxes um so i would be in favor of mixing this from the priorities because i i think we're just going to continue to spin our wheels um i um from my own you know day job

[02:27:30] work as a as a housing lawyer and also as a as part of that sometimes a part-time housing advocate the General Assembly. I would concur with the assessments that are made. I think the gubernatorial candidate, specifically the Democratic gubernatorial candidate, seems deeply deferential to

VACO. I think we see that in our housing suggestions, which are incredibly deferential to VACO. And so I think that is a well made statement.

[02:27:59] The possibility of grappling with personal property becoming something that is under i'm familiar with uh the lieutenant governor talking about this i'm not as familiar with congresswoman spanberger talking about this um i think it invites a bigger conversation than we're necessarily wanting to have right now um but there is i don't want us to instinctively say we need to maintain personal property taxing authority because it's a pool of money that we have if we're going to talk about this and there's alternatives for elimination of personal property tax i think we need to talk about what those alternatives look like and whether or not they

[02:28:37] actually might be more equitable. Income tax is probably the most equitable and progressive taxation method that can be accomplished, and it is exclusively the ambit of the state, right? We do not have income tax authority. The state does. If there is a one-for-one replacement of the value with a metric that we think we can get behind, then frankly that would be better than the personal property tax, because personal property tax, in addition to taking off our constituents whenever we have to adjust it, is less equitable than income tax. It does harm the poor more than

[02:29:14] income tax. So I think that's a serious conversation that we need to have, like what does it look like? And frankly, I think we all still kind of play a guessing game between real property and personal property as to which is more equitable. We do not actually have good data on which is the more regressive of the two tax schemes.

[02:29:38] And frankly, that would be something we would need to have a conversation about if we were to actually grapple with the possibility of elimination of personal property tax and where we fall on that politically. I realize that was a bunch of big statements, but truly, right, this is core to how we build a just society is how we tax and how we fund the things that we're doing.

[02:30:01] And I don't want the instinct to be, this is money for the government, the government has needs, therefore we need to protect it. Which, you know, I alluded to it, but this is also my concern about the school tax concern, right? Because that's the least equitable way we can possibly get that money.

[02:30:20] I want to flag, because I'm not sure we're necessarily going to talk about it today if we don't individually flag things. This board, even before I joined, talked about locality enforcement of the Landlord-Tenant Act.

[02:30:36] It's something I'm particularly passionate about. It's something I know other members of this board are particularly passionate about. I think it could be symbolically valuable if we elevated that to a key priority. This is something we know is struggling every year.

[02:30:52] It keeps getting brought by a handful of champions. I think a little bit of extra gas on that pedal could symbolize this board's support of that priority, which I think is important. I also got to gird myself.

[02:31:09] The discussion of rent gouging as a study was something that we made as a compromise, I believe, when it was previously discussed as being possibly included as a priority last year. I had introduced that idea. We backed it into a study.

[02:31:25] Part of the concern was that this was an issue of first suppression to this board, and we had not had the time to research. It has been a calendar year. I certainly have had time to research it. I know we

have not had any formal presentations by staff, but we are lawmakers. I think sometimes we have to do our own due diligence and identify things, and this is something I am in support of, and I think, again, it is empowering our government to have a bigger set of tools in our toolbox.

[02:31:52] It is not committing us to this choice of action, which I do think would be something we would want staff to have that presentation of how we would actually implement it. But I believe in local power. I believe in local authority. I believe in weakening Dillon at every chance we get. And I see this as an opportunity to add another tool to our tool chest that we can use as we see fit based on the recommendations of staff and what we're able to develop on that.

[02:32:16] So I would support eliminating this as a study, Just support, line out a state study of rent stabilization, rent gouging protections. And we could caveat that if we wanted to, to be only those that are enabling authorities rather than directive ones.

[02:32:35] Support of enabling authority related to rent stabilization or rent gouging protections. That's all I have to say. Thank you. I'm just pointing out that there is already a place in our...

[02:32:53] Are we hitting a second set of presentations and discussions? Well, no, we have a rent stabilization thing under housing. But then that specific study was for redevelopment. So it wasn't about rent stabilization in housing. It was about, well, probably if the property is turned over and it's getting new owners and they're going to do something should we study what tools might be available to us.

[02:33:15] It's very different. I understand that. I think I understood us to have endorsed one as a priority and one as a policy position. two different studies as a policy position supporting the possibility of studying that should it come up, and as a priority, the redevelopment one that Delegant calls in Ford.

[02:33:34] Gotcha. But they're two different ones. They are two different things. Supervisor Bell. The framework that you show on screen seems very workable, so that's a good idea.

[02:33:53] I would expect that the bills removing local authority from last year will be back because lots of people with whom I agree quite often about lots of issues have absolutely no respect at all for local government.

[02:34:08] And so they think that their judgment is so much better on everything and they're willing to squash us like a bug. So that is a real problem for me. And they certainly are not in the ability, don't know all the things they need to know in order to make those kinds of decisions.

[02:34:24] So I think we should be prepared on that and expect that others are doing the same. And Schuyler's 1.5% housing thing was so hard to figure out what the numbers were, and so I know he's coming back with that or something similar to that.

[02:34:40] I learned that directly. I am concerned about the property tax having lived through the turn of the century when the no-car tax thing came along, or 90s or whenever it was, that it's never been the same.

[02:35:04] So I think there are a lot of people who have no trust that the state will live up to their will-keep-you-whole promise, which failed immediately and has never gotten above 50% and is now going lower and lower and lower. So I don't have a solution for that, but it will, I guess, really depend on how things go in November and who will be there.

[02:35:30] And regarding the forward, for the policy statements that you're suggesting that we look over, will you send us a red line copy to start with of things, or do you want us to start?

[02:35:51] And how do you want that to proceed? Yeah, thank you for that question. I think the staff thought was that we would take a first pass, and for your August work session, that that would be part of the packet for the August work session so that you could respond to a red line from staff and then we continue to work from there.

[02:36:12] Well, the red line would be really helpful. Sure. Thank you. That's all for now. Thank you. Supervisor Calloway. The main thing I wanted to talk about, I think, will be covered under the rewrite notion of the priorities, that big priorities list, if I understood you correctly.

[02:36:32] You know, I have no issue with the three, the photo speed, the other items that were there as carryovers. But I think we need to have a really just blunt, blunt, direct conversation with our delegates and Senator about transportation funding in the state.

[02:37:02] We have a transportation priorities piece under the priorities. It speaks to the transit authority. It speaks to all this other stuff. But it just gets lost in the ether. The total cost for smart-scale applications throughout the Commonwealth this past year was \$9.4 billion.

[02:37:17] The smart-scale request was \$8.2 billion. The awarded amount was less than \$1 billion. That's statewide. Now, we're talking about getting rid of the real property tax. The state loves to be able to tell us, one, they like to tell us to do things that they don't fund.

[02:37:37] They like to underfund us on everything we do out of local dollars. And now they want to take away tools or things that we have, good, bad, or indifferent that those tools may be. They want to be like, well, you don't get that anymore. Well, maybe they should look to their own needs and decide how to fund something that isn't a Republican or a Democrat thing.

[02:37:57] One of the number one things that local elected officials hear about are road projects and transportation issues in their localities. and if you're funding at one-ninth the amount um stop talking about taking away our funding tools and figure out your own damn funding tools and how you're going to fund basic infrastructure in in the commonwealth i mean i look through this list of things now they're out of those 9.4 million dollar costs there's probably a fluff project or two in there but but i recommend i probably say 98 of them aren't that their actual needs in those communities just like our smart

[02:38:35] scale applications are actual needs and critical and we put forward what five and then with the pdc we got up to eight or nine and and we left projects that are critical off out of that mix so they need to figure out how the hell to fund not just road maintenance but road projects in the state and and i don't remember in my eight years we've never really had a conversation supervisor to state officials that i'm aware of during the legislative priority process I could use the same rationale for the photo speed monitoring.

[02:39:09] They like to tell us what to do and how to do it and all that. Well, they're not the ones listening to all the constituents complain about speeding through the neighborhoods. Give us the extra tools. We already see the impact that the school zone is doing, but speeding is just as critical. I mean, you know, okay, they found themselves to try to limit speeding in school zones.

[02:39:29] Well, good on you. Maybe you could help us figure out to eliminate speeding in all of our areas of our community by giving us that tool. So I think we just need to have those conversations and really rally around it. So I think if we do a rewrite of all of those priorities, we may find others like this one that I'm kind of honing in on right now in a similar vein and figure out a way to do this that has bigger impact

in the conversation so it's not just – Because it seems, for better or worse, in the past, whatever the two or three things we're asking for always gets the prime time when we meet with them.

[02:40:08] And we need to hit on some bigger funding issues, I think, relative to the transportation. So hopefully the board will agree with that. And I know there's time to go around. You know, this is going to come back to us a couple times. I would also say offer that October's, I mean, I forget what year it was, but there was a year where we got chastised even when we did have the meeting.

[02:40:30] October and they told us it was too late we're doing it in the summer so i mean um it might October might i would say October needs to be at the latest um and you know this is this is but this is going to be their two and two year budget this is a big year coming up um so anything related to funding or dollars uh the sooner the better uh we need to get to them to get at that one but that that's going to be a big one i think that this board needs to contend with that's all i got thank you supervisor mckeel sure it is interesting because over the years we've

[02:41:08] heard oh not in an election year we can't possibly talk to you until the election is over and then i mean it we seem to get the run around i guess is what i'm saying about what the right timing is so let's see if we can lock something down and lock it down early um because we we really do need to have that meeting um i agree with Ned completely and what we were hearing the regional transit partnership from the state folks that join us often at that meeting that this was going to be

[02:41:39] the transportation year now it's the data center year sorry if i seem frustrated but um but we need to get back to transportation and um i will say just to add on to what Ned said we had pipeline projects in this community that we were told by VDOT were extremely important to the state.

[02:42:08] And pipeline projects were often expedited, all of this, and we couldn't get one funded. It is just amazing. And yet we have cars backed up on the bypass. We're lucky we haven't had a major accident on the bypass with multiple people killed in both directions. I'm sorry, I'm not frustrated with you, Emily.

[02:42:34] I'm just really frustrated because it's a crazy world. And VDOT is spending most of their money on picking up after storms and cleaning up from storms. So if you tie this to climate change, they don't even really have as much money as it looks because they're having to dip into some of their other money because their maintenance projects are just eating everything up, their cleanup.

[02:43:00] having said that um so i agree with with transportation really needs to be um priority and i also agree that we start giving them an out to not for our um uh personal property they're going to grab it and they won't give us anything back i'm just saying i'm right now i'm hearing chatter um our Sean Reeves our um chief of police said to me that what he's hearing now is chatter that they are wanting to move the dollars that we're receiving

[02:43:40] from the speed cameras in the school zones back to the state now that money's not going necessarily into our operational but we're using it for road improvements transportation speed you know safety issues they're going to take that because i will remind you that they took the lottery funds that they were they promised us years ago decades ago we were given lottery funds for the school division they took those back and same thing happened with school bus stop arms on they took

[02:44:14] that money back i'm just saying that this is whack-a-doodle world this is crazy we need a reckoning around transportation in this in this state and certainly we can start with our own legislators

and hold them accountable and help in the work together to figure this out having said that um i am very also um very interested in calling that document lots of it's old and a red

[02:44:48] line would be great we just need to because if if they look at so much then we really it just waters everything down you know it's kind of like you have so many priorities you don't have a priority but same thing so i'm very interested in that and i wouldn't hesitate to you all give us the red line and then we can scream and yell if we don't agree with one but be bold um um and the only the other thing that i would mention and i really to stop a minute i really appreciate

[02:45:20] mike being realistic thank you very much because i know that that was near and dear to your heart and i appreciate your realism and say just scratch it because it is what it is um the other thing i would say though is that i think i don't know if all of us but certainly several of us that represent the urban area really need to we need to figure out how to focus on a landlord tenant act i can't tell you how many times i have sad sad cases of people calling me because they're

[02:45:58] renters and they rent us they may have a single family home that and they're a renter or they live in one of my old apartment complexes, right? And a couple of them even have HOAs that do them no good because they've been co-opted. But they're under property management companies or individuals, and we have no teeth to help them. We have no way to help them. We have people coming to speak to us occasionally about this very issue, elderly people, people that in any way. So I am very interested in trying to figure out if we can't do, elevate

[02:46:37] at least the Locality Enforcement of Landlord Tenant Act. I think that's really important. Maybe it can take the place of that. I don't like it. And I think with that, I'll let it go. Supervisor Lupita. Yes, thank you very much.

[02:46:54] I do agree a lot with what Supervisor McKeela said, frankly. Our three priorities, I support those. That's not a problem. regarding the study tools to mitigate rent increases and everything, I just want to make sure I'm supporting this study, and I'll tell you why, because I want to make sure that whatever is done there does not inhibit, does not put a damper on people building more affordable units and coming in here and building more affordable units.

[02:47:35] Pardon? This was already submitted to the, So this, the one that you're pointing out on page one, is the one that Delegate... Sorry, this is confusing because there's two different things. This is the one that Delegate Coulson already transmitted to the agency.

[02:47:52] DHCD, thank you. Okay, I'm just saying I'm in support of that study there. I do agree with Supervisor Pruitt in taking out, expending the property forfeiture. I think that's a very nice move on your part. I really agree.

[02:48:09] Personal property tax, would I love to see it go away? Yes. Am I going to support it going away? No. Not unless we have a one-for-one. You take it away and simultaneously there's something else that we can do to have the same amount that we're losing.

[02:48:27] That I would support. But to do away with it and then count on the legislature to give us a tool, maybe at some point in time, perhaps, we'll think about it, that's a no-go for me.

[02:48:47] Transportation, as we stated, that is probably the number one issue I hear from constituents. I'm always hearing about roads, traffic, congestion. That is probably the number one issue that I hear

about. So it would be nice to see something regarding transportation.

[02:49:06] Data centers, I think we're going to figure that out locally. So I don't care what the state does, but we can figure that out locally. So I don't want to spend a lot of time on data centers unless they're forcing us to accept something and don't give us the opportunity to put in controls for data centers.

[02:49:30] Quickly going through here, let's see. I do Locality Enforcement of Landlord-Tenant Act. It would be nice to give us that authority. I agree with that. And the last page, page five, the demerit points for truck violations, I really support that.

[02:49:49] I think that is so good because I think that's part of the problems we're having, especially on our rural roads where trucks are not authorized, but they're there, the over-length trucks. and we're having problems, we're giving out tickets, I understand that, but we're not giving demerits regarding that because, speaking with Chief Reeves, the officers want that flexibility to be able to give them either demerit points or not.

[02:50:24] They hesitate because someone could say, well, this is my third demerit point. You take this away, I lose my license. you know people are naturally concerned about that officers are human and so they're concerned about that uh but i i do believe there needs to be a stronger they're not obeying the signs we have signs everywhere i mean carrie's here i've had i've had her put up signs all over around 20 22 to 31 i mean there's signs everywhere and yet they still come through still oversized trucks

[02:50:59] should not be on rural roads um and the last one there i have a question it says private police department line of duty benefits i i'm not sure private is that like that was for the winter green that was for the winter green oh requested by nelson county okay got it okay i thought that passed i think it passed i think it passed this year so that'll be part of that would be one that would be one to remove because it all right so we're we're the ones that are no longer applicable we'll be removing them coming back to us okay that's all i have thank you thank you uh so just

[02:51:37] looking at the big picture uh focus programs are out more specific i definitely think it's a great idea i noticed that that seems to apply to the budgetary items uh i do think that we had identified the speed cameras and sales taxes two big items for us when we start to leverage vaco again i think that's great leveraging tjpc and vaco but i don't think that it's necessary that our uh priorities will always align with DACO is going to help tremendously with local control, I believe.

[02:52:08] But there's not always one correspondence of our priorities. And I wouldn't want to lose important legislation for Elmore. And I fully agree with the comments about transportation. I think that's something that we should take a harder look at this time.

[02:52:26] I'm not going to repeat the other comments, but I really don't know what we're talking about with personal property tax without hearing what kind of proposals are put forward. And I don't see, I don't know what VACO is going to say or TJPTC, but this is obviously something where we need to be held harmless if it's, yeah, unlikely.

[02:52:49] And I'm fine with removing the civil forfeitures, but also fine with going a little further with landlord-tenant protections. including RAND. And then I just want to make mention that, of course, Solid Waste Alternatives Advisory Committee, which I sit on, has recommendations relating to environmental legislation, and I hope that gets looked at.

[02:53:17] I looked at it, and it's pretty consistent with what we have here already. There may be a couple things, like a study of microplastics, that aren't specifically in our list, but they're in their list, and I think they're worth advocating. Thank you. Are there any other questions for us?

[02:53:37] I'm going to go to this slide just to say if you have a specific item that you want to make sure that staff is aware of and puts into the conversation for you all in August, please reach out to Andy Herrick and myself, and we'll make sure that we include those in what will be the second conversation for this session.

[02:53:59] And then staff will work between now and then to develop that red line version of the positions and policy statements document. I heard several of you talk about the importance of transportation and also that Landlord-Tenant Act. And I want to do a listening check to say we could work to structure what we hope will be an October meeting with the local delegation to make sure we're intentional about carving out time to talk about those.

[02:54:28] Maybe not with a specific ask, but more of an opportunity to talk through some of the challenges that you all see. And does that sound like a good approach based on your discussion today? I would echo a point that was previously made, which is I've heard from my delegates previously in October, we haven't had your meeting yet.

[02:54:50] That's too late. Oh, yeah. Which I realize puts staff on a hard timeline, but I do worry that we are not getting this information to them in time. They already have, like, they're having to basically back-channel, hey, what's coming on your legislative priorities?

[02:55:06] Because I need to already fill out my list of bills I'm going to bring forward. And they're being besieged already with lobbyists and things with their lists as well. It probably gets earlier every year. Maybe David could help us out with that.

[02:55:21] Yeah, earlier than October. Yeah, possible. Or late September. One quick thing I forgot. Trailer parks have become a new venture capital thing all across the country, and the abuse of those tenants is something that may already be folded into the landlord-tenant things that are being discussed.

[02:55:43] And if it needs to be separate, I just wanted to put that out there, because the takeovers of the ones in the Whitehall District have meant lots of people being pushed out because their rent has just gone up three times. And none of the promises made when the approvals were done in this room have been held.

[02:56:01] Secondly, the other thing that I heard about at a recent board meeting is mandatory collective bargaining is expected to be back. So we need to be thinking about that as well. And that's the extent of my information. But I know for counties who have it, it's been a real budgetary.

[02:56:18] One last comment. But I hope the legislature realizes they could really save a lot of time and effort if they just gave us a home rule, and then we wouldn't have to monitor it. Pointing that out. Oh, well. Well, if you don't take a big swing.

[02:56:35] You don't ask, the answer's always no, right? All right. Okay. Thank you. All right. Thank you. Thank you. Board, this brings us to our visit from Carrie Shepard on the VDOT quarterly report.

[02:56:52] Welcome, Ms. Shepard, Charlottesville Residency Administrator. Is that residency or resident administrator? Resident engineer. Okay, that's what I thought. But it doesn't matter. But yes, good

afternoon, Mr. Chairman, members of the board.

[02:57:14] My name is Carrie Shepard from VDOT, here to give my quarterly presentation. I want to start with this slide. It's our preliminary engineering slide. There's a lot of exciting new things that I can talk about with this slide.

[02:57:29] Usually I can just say it's status quo, but this time I have some updates for you. The Route 29 shared use path, it did go to add last month, and we expect to have a bid letting by the end of July, so that's very exciting. For the 107 park and ride, we are expecting to have a public hearing in October of 2025, so just a couple months away.

[02:57:49] There will be a press release as that approach is closer. Fifth Street Hub and Trails, we did also go into another milestone on that project. We are in the right-of-way acquisition phase. For the 250 Route 20 improvements for the Pantops Corridor, we are still expecting a spring of 2026 add date, so that is also just around the corner.

[02:58:12] Route 702 Fontaine Avenue, it's the bridge replacement project over the Maury Creek. That also went to add in June, and we expect a bid letting at the end of July. And also, just while I'm on this slide, I will mention that we do have a smart scale meeting with the county scheduled for Monday to talk about round seven.

[02:58:33] As far as our design build bundles, work continues on the pedestrian bridge over hydraulic. That's making very good progress. As far as our next design build bundle, which is the five elements, the four roundabouts and the green tea at Belvedere, that project is officially under construction with the 240-250 roundabout.

[02:58:55] there was a press release last week about the detour that's going to be in place beginning July 23rd that will be in place through December while the roundabout is actually being constructed and then when we reopen it it'll be in the roundabout configuration but obviously construction will continue and as far as the detour is concerned there are maps that are on our website that can show that but it's essentially just a segment of route 680 and I guess since the last time I've been here also for the final bundle which is the district avenue roundabout

[02:59:33] Fontaine and the Fontaine components we did have a public hearing at the end of May we did have a decent number of citizens citizens attend that so that also went well that project is moving forward as far as our rural rustics right now Sutherland Road is under construction since we have now part two included with part one so that entire road will get finished this year and we also are working on Glendower Road phase one and two for construction activities um same

[03:00:10] for Old Ivy Road bridge 601 over 29 that's that's moving forward um new for this slide is route 712 plank road it's reconstruction of a head wall that project just started July 7th and we expect that to be complete August 8th so just a little over a month for that um for that temporary traffic signal and change.

[03:00:35] And then finally, I did not list out all the traffic engineering work orders that we are working on, but I can assure you that we are continuing to respond to citizen requests that come in through the work order system, generally for signage, speeding, crosswalk, sidewalk issues, mainly anything under the sun.

[03:00:54] So if there's anything specific that you would like me to follow up on, please let me know. Otherwise, that is the end of my formal presentation, and I will take any questions. Thank you. We'll go through our order, starting with Supervisor Pruitt. You know what I got a text of a few weeks ago?

[03:01:10] Pictures of some construction going on on Glendower Road, and that made me happy. That's all I got to say. Okay. Supervisor Madeline. I'm also very happy to hear all of your reports about the 242-5680 because it's very, very welcome.

[03:01:28] And nobody has complained a bit about the detour, so that's wonderful. A question was telephoned to me this morning, and so I do not expect an answer, but I hope you could get one back to me. I assume that with all the data that you generally collect, it would be fairly easy to get a cost-to-date to VDOT within the last year of work on early soil forest drive because I just drove it again today, and unfortunately all the work that they did two weeks ago is kaput.

[03:01:59] So this is just whack-a-mole in all capital letters, and thank you very much, and I will share that out once I get it. Supervisor Galloway. Thank you, Carrie. Good to see you. The limited access control piece on that update on the John Warner Parkway, I just don't know what that means.

[03:02:18] I hadn't seen that phrasing before. It was on your slide. Yeah, honestly, that's a little bit new to me, too. I know it's in the process, but I don't know all the details. I didn't know that it was going to the CTB. So if you could maybe send an email elaborating on that, that would be helpful to just understand what that means.

[03:02:37] And then a couple of the other small things I'll send you an email on so I can list them out. Like you said, this item, your speeding and signage and things like that. I'll send out a couple instead of taking the time here to go through them. Thank you. Supervisor McKeown. I don't have anything right now.

[03:02:55] Carrie, thank you for the report, and thank you for all your help. You're responsive. You really, we just all really appreciate you. And whether it's potholes or sidewalks or whatever it might be, thank you very much. And I'm looking forward to our pedestrian bridge opening.

[03:03:13] thanks I'm going to jump on the love wagon and just say thank you also for everything you do and you are very responsive you and your team could you go back to page 5 I do have a I think that was it okay stony I'm sorry this page okay stony point pass the paper the pipe that was washed out that was completed and is that point to paving up to i can't remember the name pardon penny baker lane

[03:03:49] yes is that completed also or not no the rural rustic is not complete this was just the washout the culvert washout from the storms which it reopened at the beginning of june mid-june so i think that i think that's scheduled to be done this summer though yes that's our goal very much so. And it looks like you're moving up the 20 to 50 up to spring of 26? Yes. Thank you. Thank you.

[03:04:16] Thank you. Much appreciated. Yes. At one point it was even into 2027. So we have made some time savings on that project. Good for you. Thank you very much. That's all I have. And I will jump on as well with the gratitude that I can express here publicly for all the times you've bailed me out privately when people come in with concerns and i send them off to you and get that response that helps me to know where we're at um there's more coming so i'm sure supervisor galloway suggested i will uh hold those for emails but um i really appreciate all the help you've given us so thank

[03:04:51] you and you did come at a good time because you heard our rants about transportation And I'm sure you share our sentiments.

[03:05:10] Well, in 93, when 700 employees of VDOT were laid off because the governor used the bottom line budget, I mean, we've never recovered. You've never recovered from that. Actually, well, it's just awful. They lost more than that, but anyway.

[03:05:28] Thank you. Thank you. Appreciate the report. Board, this brings us to our closed meeting. A little early, but we need this time. So I will turn to Supervisor Pruitt for a motion to put us in a closed meeting. Yes, I would like to move that the Board of Supervisors convene a closed meeting pursuant to Section 2.2, Tax 3711A of the Code of Virginia, first under Subsection 1 to discuss and consider appointments to various boards and commissions, including without limitation the Albemarle Conservation Easement Authority, Community Policy and Management Team, the Pantops Community Advisory Committee, the Region 10 Community Services Board, and the Board of Directors of the Charlottesville Albemarle Society for the Prevention of Cruelty to Animals,

[03:06:07] second, under subsection 5, to discuss and consider a prospective business or industry or the expansion of an existing business or industry in the vicinity of Seminole Trail in the Rivanna Magisterial District, where no previous announcement has been made of the business or industry's interest in locating or expanding its facility in the community.

[03:06:28] Third, under subsection six, to discuss and consider the investment of public funds related to an existing performance agreement with Bonamus Incorporated and related to a potential performance agreement for commercial development on Seminole Trail in the Rio Magisterial District, where bargaining is involved and where it made public initially would adversely affect the financial interests of the county.

[03:06:47] Fourth, under subsection eight, to consult with legal counsel regarding specific legal matters, including both a performance agreement with Bonamus Incorporated and a contract payment issue requiring the provision of legal advice by such counsel. And eighth, under subsection 29, to discuss the negotiation or renegotiation of separate public contracts with Bonamus Incorporated and a commercial development on the Seminole Trail, and a commercial development in vicinity of Seminole Trail in the Rio Magisterial district, each involving the expenditure of public funds where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the county and the board.

[03:07:26] Second. We have a motion from Supervisor Pruitt. Second from Supervisor Malek. Without objection, if the clerk will call the roll. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Lapista-Kirtley? Aye. Ms. Malek? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Great. Okay. Good evening. Thank you for your patience as we get started a couple minutes late here. Before we transact any further business, we need a motion

[03:08:03] from Supervisor Pruitt to bring us out of a closed session. Of course, I'd like to move that the Board of Supervisors, certified by a recorded vote, that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act, and identified in the motion authorizing a closed meeting were heard, discussed, or considered in the closed meeting. Second. So we have a motion from Supervisor Pruitt, second from Supervisor Malek, without objection if the clerk will call

[03:08:27] the roll. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. McKeel? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Thank you. And I believe we have a motion coming out of a closed session from Vice Chairman McKeel. We do. The board would like to appoint, excuse me, the following people to boards and commissions. To the Alamaro Conservation Easement Authority, William Rex Linville, to the Community Policy and Management Team, or CPMT,

[03:08:58] Eugene Conte, to the Pantops Community Advisory Committee, Megan Nostrup, Richard Ruffin, and to the SPCA Board of Directors, Nelsie Birch. Second. We have a motion from Supervisor McKeel, second from Supervisor Malek, without objection if the clerk will call the roll. Mr. Andrews? Yes. Mr.

[03:09:21] Galloway? Yes. Ms. Lepister-Pirtley? Aye. Ms. Malek? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. thank you uh lord this brings us to from the county executive is there a report this evening yes sir thank you very much i'll be brief this evening but we do have some nice uh nice items to bring before the board and as this board knows we tie our monthly report to our strategic plan to our six goals with the work that's going on in the organization all righty so we'll get started and i'll first talk about trevor henry he's on the left in the picture Trevor Henry does a lot of work in the community.

[03:09:56] He's our deputy county executive, and he's connected hard into the veterans community, supporting the defense affairs work in our community. We have an active veterans footprint in our community, and we appreciate that very much. Well, Mr. Henry recently learned that we have a really interesting and wonderful citizen in North Garden.

[03:10:18] His name is Rod Clark. He is 99 years old, and he is a World War II Marine. a Purple Heart recipient so mr. Henry back in July early part said let's go visit this gentleman and let's learn a little bit about his service in our in World War two as well as his distinguished career all in Albemarle County so we visited with mr. Clark we were so happy to honor his service his long-standing connection to our community he is a property owner he owns a farm in the North Garden area and it's just just amazing to be with him mr.

[03:10:53] Henry said that that's probably one of the best things we've done recently and I would certainly agree so certainly got a 100th birthday coming up in March of next year and we told him we expected an invitation to his birthday party this will be good all right regarding performance the Simpson Park spray park recently received several upgrades including improvements to enhance safety accessibility and usability throughout more of the year and boy we needed this over the last month. Upgrades included new water filtration, pump systems, and improved performance and maintenance. New spray features and updated surfacing, enhanced safety and user

[03:11:31] experience. Restrooms were converted to year-round use, and the project reflects our commitment to community wellness and equitableness access to outdoor recreation. Board, I'm pleased to announce, and our IT director is with us this evening, a new GIS viewer is now live.

[03:11:55] It's a modern web-based tool that restores search and mapping functions that will continue to improve with regular updates. Right now, users can search by address, parcel ID, or owner name and view details like acreage, zoning, school district, floodplain status.

[03:12:13] Key layers like proffers, steep slopes, and water protection ordinance are also available. Some features from the old platform, like sketching tools, identifying abutting owners, and viewing certain data

layers are still in progress, and they will be added in future updates.

[03:12:29] And, Roderick, thank you for your team's hard work in getting this back out, because we've heard a lot from our public that this is essential, and they appreciate being able to pull this information up. So thank you, board, for your patience. This picture is our Albemarle County Hearts team.

[03:12:45] They attended an international co-responder conference recently in Atlanta. For our audience and folks listening, I'll remind you that our Hearts team is a multidisciplinary team. It's a firefighter paramedic. It's a social worker. It's a police officer, and they were responded to calls in our community that are coming in that seem to be a mental health-related crisis.

[03:13:09] We now have our second team on board. This team brought back new insights and best practices from a national network of behavioral health and professional public safety professionals. Kaki Demick, who is our Chief Human Services Officer, she was the keynote speaker at this national conference.

[03:13:27] This board knows that she was the one that really researched this in terms of an opportunity for our organization to do this type of program. So she shared tools for emotional intelligence and high-pressure response work. Her talk focused on resilience, adaptability, and connecting people in the moment of crisis.

[03:13:47] And so this is just some good work and good partnership between our police department, our fire department, and social services. Regarding our people and our investment in our organization, 11 staff that are pictured here on the slide from throughout our organization recently attended the University of Virginia LEAD program during fiscal year 25.

[03:14:12] This is a one-week program, and it's focused with our managers on building their leadership, education, their development. It's a commitment, and they are in these classes with other local governments who come from all over the United States at the University of Virginia for this one-week session.

[03:14:29] This group of graduates, let me read their names. From left to right, top row, Kenise Marshall, Jason Martin, Stacey Pethia, Jeff Dumars. Middle row is Stephen Sweat, Serena Gruya, Laura Andrade, Patricia Bennett. And the bottom row, Kai Mowry, Tyler Gifford, and Ryan Lipscomb.

[03:14:49] They come from all different departments in the organization, and I love seeing their commitment to growth and development. We really are seeing the benefit from this investment. Okay? So, board, I recently attended the graduation of the most recent Recruit School 25 out of our fire rescue department.

[03:15:20] Twenty-six weeks of intensive training in EMS, fire operations, emergency vehicle driving, firefighter survival, and 22 dedicated individuals graduated with their families.

[03:15:37] The pinning ceremony, a real celebration at Monticello High School earlier this month. We celebrated their achievements with the graduation, the pinning ceremony, and this was the kickoff of the start of the careers of these men and women into the fire service.

[03:15:56] Our fire chief delivered the keynote address, and he talked about these folks dedicating their careers to public service, and it was just absolutely amazing. It was very moving, very uplifting, and I really am proud of our fire rescue department.

[03:16:12] And so I believe that we are wrapping up, and I'd like to take this opportunity. Colonel Sean Reeves, the chief of our Albemarle County Police Department, he is here this evening. And Colonel Reeves, thank you for being here.

[03:16:28] And we recently announced Major Camille Stewart joining our ACPD department and our broader Albemarle County organization as deputy chief. This is following a national search. Camille is with us here tonight. She's bringing 29 years of law enforcement leadership.

[03:16:47] And, Sean, could I invite you and Camille up, and could you please, Camille, just address the board and introduce yourself and talk to us just a little bit about your career. And, Sean, if you want to introduce her more formally, please do. Welcome.

[03:17:03] Thank you, sir. Chair Andrews, members of the board, I'm Sean Reeves, Chief of Police of the Albemarle County Police Department. It's my privilege this evening to introduce you to the newest Deputy Chief of Police of the Albemarle County Police Department, Major Camille Stewart. As Mr. Richardson alluded to, this was an extensive search.

[03:17:22] It was a nationwide search conducted by the Virginia Association of Chiefs of Police and our Human Resources Department. Camille was selected amongst 30 applicants for this position. There was a highly competitive process that consisted of multiple boards: a community panel, a chiefs of police panel, as well as an internal panel of staff, as well as without further ado I would say in the brief time I've got to know Camille she is a valuable asset to our community and our police department so I will now turn it over to Major Stewart so she can say a few words. Thank you, welcome Major Stewart. Thank you so much. Good evening, board of directors. I'm sorry, board of

[03:18:01] supervisors. My name is Camille Stewart. As you said, I'm the new major at Albemarle County. I recently retired from Fairfax County Police, and I spent 29 years there. I was able to have multiple assignments while I was there involving internal affairs, investigations, operations, a flight medic on the helicopter. I'm a member of our incident management team in the NCR. So that's a multidisciplinary team that we can be deployed on different incidents.

[03:18:32] I was a public information officer, so I got to do a lot of great things. Recently was able to participate in a reinforcement effort for the French Olympics in Paris. And I worked with the French police, and we were assigned a precinct and just helped with their reinforcement.

[03:18:54] So that was an amazing experience. So I'm super happy to be here. I'm originally from Botetourt County, and so I have passed through Albemarle numerous times from Fredericksburg, where I used to live. So it's a beautiful place, and I'm so happy to be here now. So thank you very much for having me.

[03:19:11] Thank you. Welcome. So, board, that is the report for July. Again, I appreciate, and one of the board members asked, maybe, could we pay attention to key executives that are hired in the organization and get them in front of the board on a timely basis?

[03:19:33] So I appreciate Chief Reeves coming over with Camille and really a nice background, and she's going to fit in. And so, Mr. Chair, before I turn it over to the board, I wanted to take one more second. Because earlier today, to me it was very meaningful that this board recognized Colonel Haas and his work out at NINJIC and his commitment to this community.

[03:19:52] And in fact, Ms. Malik, as she read the proclamation, she talked about the fact that he's going to keep his house and they're going to come back to our community after he retires. I want to read to this board comments that were made to our 22 graduates from the Almar County Fire Rescue Department.

[03:20:08] This is just a portion of Chief Eggleston's words that he imparted on the academy earlier in July. The meaning of service at Almar County Fire Rescue, service is not just about something that we talk about. It's the foundation of what we do every day.

[03:20:24] You will respond to emergencies. You will solve problems. You offer comfort in moments of fear and uncertainty, and you do not do this for recognition. You do this because someone in our community needs you. You've already lived this value during your training.

[03:20:39] Think about the moments when a teammate struggled and you stepped in, or when you hit a wall and someone pulled you through it. That's what this job is all about. The job sometimes can be dramatic, but sometimes it's those quiet times that will also make an impact. For an example, you will go and replace a smoke alarm in an elderly resident's home.

[03:21:01] You will go and check on a family several days after an extremely tough call. You will stay late after shift to support a fellow firefighter who is going through a difficult time. these small acts build something powerful it builds trust and trust is the foundation of our profession so board thank you for letting me share that with you it was very moving for me to be at that graduation it is public service and it's not just fire rescue but i thought that was especially moving and i wanted to tie that back to several things that we talked about earlier today so mr chair i'll turn it back over to you thank you and we'll go through our order for any comments

[03:21:40] Supervisor Pruitt. I don't know that I have anything to add other than to say it's always great seeing how much expertise and new staff training we have and all the incredible career milestones. I love seeing the fire recruits graduating. Good stuff.

[03:21:58] Supervisor Mal. Thank you. I just wanted to emphasize what a remarkable change it has been in 18 years about the numbers of applicants we're getting and the training ourselves, growing our own has been such a success in all the public safety agencies, and I'm so proud of the leadership that's made that happen.

[03:22:18] And just so people are aware, Dan Eggleston is on the National NACO Board representing the fire service, and he is so well-respected here, but also when people see him, they're shouting across the hallway about people he's met from all over the country.

[03:22:35] So it makes us very proud. Thank you. Mr. Professor Gallagher? Yeah, thank you, Mr. Richardson. A wonderful report, and Major, your reputation and credentials arrived to us before you did, so it's nice to meet you in person, and we look forward to having you on the team. Welcome.

[03:22:51] Supervisor McKeel. Yes, thank you for the report. I will just add, and all of this was just really wonderful, I don't think there's a week that goes by that someone in the community doesn't express appreciation for the HARTS team. And just this week, I received an email from a constituent thanking me for the fire department coming and handling their smoke alarm.

[03:23:20] So we really are, our staff is really serving our community. And I really want to add, thank you very much for our new hire with the police department. This is a win for us. We get a wonderfully

experienced officer, and you get better traffics, because our traffic here is much better than Fairfax.

[03:23:47] Supervisor LePistro-Curley. Yes, I just want to say I am so extremely proud of not only our police department, but our fire department. I truly think they excel. I've never seen a finer police force in fire department, and I come from Los Angeles.

[03:24:09] So I'm very proud of what they do, and congratulations, Major, on your appointment. It's really good to see how you become part of our team and part of our family. And also to Chief Reeves for the exemplary people that he hires.

[03:24:28] And same thing with Chief Dan Eggleston and the firefighters. We've never had so many people apply for a police and fire that I know of in recent memory. And that's due to the quality of our leadership and the quality of the people they hire.

[03:24:44] So thank you. Thank you. And I'll just second these comments that have been made. And again, my welcome to Albemarle County and appreciation for this report. Every time we hear it, Mr. Richardson, it's been good news.

[03:25:01] So thank you. Board, this brings us to public comment on matters previously considered or currently pending before the board, other than this evening's scheduled public hearings. And Vice Chair McKeel will read the rules and read the names of the speakers. Yep, we'll read the rules. 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.

[03:25:26] Individuals are allowed one opportunity of up to three minutes to speak at each board meeting. A sign-up sheet is managed by the clerk's office. Timekeeping is conducted through a timer and 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.

[03:25:44] 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, your magisterial district.

[03:26:02] 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.

[03:26:18] Back and forth debate is not permitted. Do not speak out from your seat or out of turn. All comments are live streamed, recorded, and published on the Elmore County website. And we have five speakers tonight, and there's no one online.

[03:26:35] So the first speaker is Mary Stewart. Welcome. I'm Mary Stewart. I live in Elmore County. On June 11th, the Department of Justice issued a memo entitled Civil Division Enforcement Priorities.

[03:26:58] Among the concerns it raises is a threat to naturalized American citizens. Federal law has always provided for revocation when an individual became a naturalized citizen through fraud, lying about, or concealing facts related to their eligibility.

[03:27:15] Denaturalization has been used judiciously across Republican and Democratic administrations with the exception of its use against alleged communists during the McCarthy era in the late 1940s and

early 1950s. From 1990 to 2017, the DOJ filed only about 11 denaturalization cases per year.

[03:27:38] All American citizens naturalized or born here are subject to the penalties of criminal law if they commit crimes. Ripping someone away from their family and their established life has been too harsh for anything other than the most heinous crimes.

[03:27:54] For instance, Nazis who lied about their role in the Holocaust were stripped of citizenship if discovered and deported. Far from prosecuting criminals, the DOJ will now accept, quote, any other cases, close quote, that it deemed sufficiently important to pursue.

[03:28:12] The any other cases provision is so vague that it will permit the division to denaturalize for just about anything. It could be something prior to or following naturalization. Or, given the other priorities discussed in the memo of June 11th, it could be exercising First Amendment rights or encouraging diversity in hiring, now recast as fraud against the United States.

[03:28:40] or troublesome journalists who are naturalized citizens or students or university professors or infectious disease doctors who try to reveal the truth about epidemics or lawyers, all are now vulnerable to the vagaries of an administration that has shown a preference for deporting people without due process and dealing dismissively with questions that come up after the fact.

[03:29:06] In 2023, there were approximately 25 million immigrants in this country who have become naturalized American citizens. Today, their lives have become a little less certain. Too few people in our community are aware of the danger we face.

[03:29:23] We are asking you to use your positions to educate the people who rely on your leadership. We are also asking you to take courage and stand firm. The American people are the guardrail that will prevent the destruction of our democracy. Thank you.

[03:29:39] Our next speaker is Alicia Linehan. Welcome. Good evening. My name is Alicia Linehan.

[03:29:55] I live in the Scottsville District. Thank you for the opportunity to speak. In June, the Supreme Court gave the President the power to dismantle the Constitution through an executive order. You may think that the decision-limiting nationwide injunctions was simply administrative. It was not.

[03:30:11] For a short time, the birthright citizenship protections afforded by the 14th Amendment were only available to the plaintiffs named in existing cases. A class action lawsuit was filed. A federal district judge in New Hampshire issued a national restraining order protecting the citizenship of babies born in this country.

[03:30:30] The federal government has appealed. If it prevails, the executive order will become law on July 25th. Citizenship will be denied to babies born to undocumented mothers and mothers with lawful but temporary immigration status unless the father is a U.S. citizen or lawful permanent resident.

[03:30:49] To paraphrase Justice Sotomayor, these injunctions protect newborns from the exceptional, irreparable harm associated with losing a foundational constitutional right and its immediate benefits. The lower federal courts honored the most basic value of our constitutional system.

[03:31:08] They kept the government within the bounds of law. Today, it's birthright citizenship. Tomorrow, an executive order may do away with our right to free speech, freedom of assembly. Perhaps the administration will target the Tenth Amendment in order to limit the powers vested in state and local governments.

[03:31:27] When asked recently what keeps her up at night, Justice Ketanji Brown Jackson gave a candid response. Quote, I would say the state of our democracy. I would say that I am, I am really very interested in getting people to focus and to invest and to pay attention to what is happening in our country and in our government, end quote.

[03:31:47] It was her call to action, her clear appeal to the public that truly stood out, to focus, to invest, and to pay attention. Ultimately, Justice Jackson's message is both a warning and a challenge. The state of our democracy is fragile and it will not be preserved by accident or inertia.

[03:32:06] It will require all of us to stay engaged, to speak up, and to care deeply, even when it's difficult. The state of our democracy is worrying a Supreme Court justice. It should worry all of us as well. Remember Martin Luther King's admonition that history will have to record that the greatest tragedy of this period of social transition was not the strident clamor of the bad people, but the appalling silence of the good people.

[03:32:33] Too few people in our community are aware of the danger we face. We are asking you to use your positions of service and trust to educate the people who rely on your leadership. Thank you. Thank you. Our next speaker is Ron Ignaz.

[03:32:55] Thank you. Ron Ignaz, Scottsville District. And you can adjust the mic a little bit if you need to. We want to just make sure we hear you.

[03:33:12] Thank you. Okay. We've all heard about the enormous amount of money going into ICE and Homeland Security. We haven't heard nearly as much about the programs that are on the chopping block and being stripped bare and the people right in this community that will suffer as a result.

[03:33:33] Earlier this year, Move to Health Equity wrote a letter to Congressman McGuire carefully explaining how his constituents would be affected by proposed Medicaid changes. These are some of the facts that he seemed to ignore.

[03:33:50] Nearly 2 million Virginia residents depend on Medicaid and CHIP for their health care. Of that, 166,000 live in the 5th District. This includes newborns, young children, adults, pregnant women, and older adults.

[03:34:07] Widespread cuts to Medicaid and CHIP will leave many without access to comprehensive health coverage or critical services. Far from being lazy people, a recent study by the Center on Budget and Policy priorities show that the vast majority, 92% of the adults below age 65, are enrolled in Medicaid, are either working, caring for family, ill or disabled, or attending school.

[03:34:36] Because Virginia is a trigger state, if federal funding for Medicaid expansion falls below the current 90 percent more than 630,000 Virginians including 53,000 in the 5th district will automatically be disenrolled from Medicaid. Supplemental Nutrition Assistance Program or SNAP is also on the chopping block. It's the nation's most important and effective anti-hunger program.

[03:35:09] It helps reduce poverty, improve health and economic outcomes, supports low-wage workers, AND SERVES AS THE FIRST LINE OF DEFENSE AGAINST HUNGER DURING ECONOMIC DOWNTURNS. IN VIRGINIA, 827,000 RESIDENTS RECEIVE SNAP.

[03:35:26] 67% ARE IN FAMILIES WITH CHILDREN, 33% FAMILIES WITH OLDER OR DISABLED MEMBERS. IN OUR STATE, THE AVERAGE MONTHLY SNAP BENEFITS RANGE FROM \$506 FOR

HOUSEHOLDS WITH CHILDREN to only \$118 for households with older adults.

[03:35:49] The average daily SNAP benefit is \$5.84. My question to the board is, how is the county working with providers such as the Free Clinic, Region 10, Sentara, and UVA Health? Thank you.

[03:36:07] Our next speaker is Karen Mann. Welcome. Hey, my name is Karen Mann.

[03:36:23] I am not a resident of Albemarle, but I am the pastor of Sojourners UCC here in Charlottesville. I'm here as a concerned community leader and with these other concerned community members. Like you all, I'm sure we're watching with alarm as our federal government escalates its attacks on our immigrant neighbors.

[03:36:42] We feel overwhelmed and at times powerless to protect our neighbors, so we look to you, our local leaders. And we thank you for the stances and leadership that you have already shown on this, so thank you for that. The budget bill recently signed into law pours \$170.7 billion into immigration enforcement, more than the military budgets of all but 15 countries.

[03:37:02] It provides \$45 billion for detention facilities and \$29.9 billion in ICE enforcement. This is a threefold increase in ICE's annual budget, making ICE the largest federal law enforcement agency in the history of our nation. The government is doubling down on its efforts to execute the largest mass deportation in history.

[03:37:20] And now ICE and cooperating agencies are sweeping up anybody they can get their hands on rather than the promise of violent criminals only. Governor Youngkin's office boasted about Virginia's progress this year. While the governor described the 2,512 people arrested as violent criminals who are illegally in the United States, neither his office nor state or federal agencies involved in the operation provided any documentation about those arrested that verifies who they are, what they were charged with, or whether they've been deported.

[03:37:51] Nationally, the Cato Institute found that 65% of the more than 200,000 individuals ICE has detained between October 2024 and June 2025 had no prior criminal convictions, and 93% of people detained were never convicted of any violent offenses.

[03:38:08] These actions erode public confidence and safety, and we look to our local leaders to demonstrate moral leadership in the face of the immorality of our federal government and to do everything possible to protect the residents of this community regardless of their status. Specifically, we are asking you to follow the example of Huntington Park, California, who recently passed a resolution strongly condemning the use of unmarked vehicles, masked, and unidentifiable personnel in immigration enforcement activities.

[03:38:36] This would focus on verification by directing the local police department to confirm the identity and legitimacy of individuals claiming federal authority, to address community fear and distrust resulting from the presence of masked individuals in unmarked cars claiming to be federal agency, to demand transparency and identification from those claiming to act with the federal authority. We concerned community members are circulating petition with a draft resolution for the county to consider that we would address these concerns. We ask that you, local leaders, protect our community from this immoral and dangerous escalation from the federal

[03:39:11] government. Thank you. Thank you. Our next speaker is Sage Bradburn. I'm a little choked up hearing the other comments. So I'm Sage Bradburn. I'm in the Jack Do It district. I'm also here to talk about the Department of Justice's memo on civil division enforcement priorities, which raised several serious concerns, including the decision to use our long-standing civil rights laws to

[03:39:48] combat private sector DEI policies, programs, and activities that the Trump administration has decided are illegal. One tool the DOJ will use is the False Claims Act. Instead of pursuing criminals, perpetrating fraud against the government, the DOJ is going to prosecute entities receiving federal funds while knowingly violating the civil rights laws. Schools, cities, nonprofits, the list of potential targets is endless. And the DOJ is going to seek treble damages, a punishment with awesome budget implications. Awesome is an awful budget

[03:40:28] implications for localities. The DOJ is trying to force people opposing the administration's hateful policies into compliance, as we saw them do in Jim Ryan's resignation and in their ongoing interference in that case. Another DOJ priority is ending sanctuary jurisdictions. Those jurisdictions exposing, exercising their legal right supported by the 10th Amendment and upheld by the courts numerous times to limit cooperation with federal immigration enforcement. The 10th Amendment

[03:41:04] reserves powers not delegated to the federal government, to states, localities, and the people. This principle of federalism, dividing power between the federal and state governments, is foundational to our Constitution, but the federal government has been using executive orders to try and circumvent the Constitution. We know that local government and law enforcement are under enormous pressure to comply, and that recent developments constitute significant threats to you and to our community. But we are here today to ask you to stand strong,

[03:41:44] to keep resisting that pressure, and to let you know that we will stand with you, and we will fight for you. We've got your backs. Thank you. Thank you. Thank you. That completes that. Thank you. Thank you very much. Ford, we have several public hearings for the evening, And the first is Spotlight Declaration 50 Churchill Lane in the Samuel Miller District.

[03:42:11] And this is going to be presented by Jalen Boone, Property Compliance Officer, and Lisa Green.

[03:42:27] Welcome.

[03:42:41] Good afternoon, Chair Andrews and Board.

[03:43:02] My name is Jalen Boone, Property Compliance Officer for Albemarle County. I am joined today by Lisa Green, Manager of Code Compliance. I will be presenting one property for your consideration today as a blighted property authorized by the Code of Virginia.

[03:43:18] On March 19th, 2025, the Board approved the resolution of intent authorizing today's public hearing regarding this property. I'd like to provide you with an update on some previously blighted properties. 5624 Brownsville Road was recently abated by the county June 2025.

[03:43:40] we will monitor the reimbursement of the expenses used to abate this violation on 2941 rolling road in october this property will meet the criteria outlined in the virginia code allowing the county to initiate its sale and recoup the funds expended on the cleanup at this time community development will be able to request that finance initiate the judicial sale process through taxing authority consulting services or tax. Now, I'll present the property for consideration today, 50 Churchill

[03:44:18] Lane. Here is an aerial view of the property located in the rural area in the Samuel Miller District. This property is uninhabited, dilapidated, and deteriorated, and as such, endangers the public health, safety, and welfare of the residents of Albemarle County. Next, we are going to show you a series of pictures of the property. In June 2025, at our most recent site visit, pictures were taken. However, we are going to show you pictures from December of 2024 so that

[03:44:57] you can clearly see the house without vegetation. The condition of the house is substantially similar to the pictures taken in June. These shots were taken facing the west. You can see the foundation is crumbling and unstable. These shots were taken facing the south and southeast. You can see that the house is open to the elements and unfinished. These shots were taken facing the west and the east. You can see that this small accessory structure has mold and the wood is deteriorating.

[03:45:39] Here are shots taken facing the west and south. This third structure, an accessory structure, you can see the holes in the roof and you can see the structure is partially collapsed. As of July 3rd, the owner has been in contact with CDD to obtain a demo permit.

[03:46:02] They do intend to demo all three structures, seed and straw. But because the work has not been done yet, we would recommend the board consider a spotlight ordinance for this property. We have received the demo permit from the owner, and it is currently under review.

[03:46:22] But if the owner fails to complete their abatement plan, the county will abate the blighted structure. We will verify the county abatement plan. We will confirm the costs, and we will execute and recover those costs. That completes my presentation.

[03:46:41] I will have motions should you be ready to pursue the ordinance. Thank you. Before opening the public hearing, we'll all have questions. Starting with Supervisor Pruitt. Do the two accessory non-residential structures, are they also subject to abatement and demolition?

[03:46:58] Yes. I guess I'm going to pause and just... I would have previously understood the Spotlight Ordinance as being primarily concerned with habitability and with that safety, right? That's kind of the hook we use for our authority.

[03:47:16] I gather from your certainty with that answer that we are able to ameliorate conditions on non-residential properties and things that don't have that use. I guess I would just reflect that I'm surprised. That's great.

[03:47:34] Is there a timeline that we seek to hold the owner to, right? These things can have delays. Oh, I had the guy come out, but he had to cancel, right? Can you walk me kind of through those hypotheticals? So the reason we're here today is because this is not the first time I've brought this to their attention.

[03:47:53] Got it. And so because it has taken a longer time than I would like, here we are. A lot of times we have owners come in, I would say, the 11th hour. And because I'm sitting here today, they would like to kind of now speed up their process. But if they do not follow through, that is why we're asking for this ordinance.

[03:48:14] Understood. All I have. Thank you. Supervisor Malik? No questions. Thank you. Supervisor Calloway? Just as a process piece, I don't know who to direct this at, but we've sometimes have alluded to the idea that a blighted property could turn into something that the county owns and then use that for, say, affordable housing type of purpose.

[03:48:33] How many, what steps have to occur before we can actually get the property? Well, Supervisor Galloway, the first step in the process, again, would be the declaration that it's a blighted property. And the board's declaration that it's a blighted property then allows the county not only to raise the structures on the property, but also allows the county to own the property at that point.

[03:48:55] So there's really not a constraint on what the county can do with the property once that declaration is made. It's just a first step. At this point, the county's plan is just to demolish the building. But there's nothing saying that the county couldn't do something else with that property once it's declared blighted.

[03:49:13] Understood. Thank you. Supervisor McKeel. I have no questions, and thank you very much. Supervisor Lupisto-Curton. No questions. Thank you. Just following up on that question, is this property part of an HOA or any other neighborhood?

[03:49:32] They do have a neighborhood HOA, I believe. Okay. And I don't know whether that impacted, would the county still be subject to it if it's part of the property's deed, I guess? Well, any owner of the property would be subject to the neighborhood covenants. Okay. So, thank you.

[03:49:49] If there are no other questions, then we will open the public hearing. And we have at least one speaker. We did. So, Supervisor, Vice Chairman McKeel will read the rules and introduce the speaker. During public hearings, the board will acknowledge speakers addressing the item listed for public hearing.

[03:50:10] speakers are limited to one appearance of three minutes per public hearing 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 and you'll be asked to end your comments in order to give all speakers equal treatment and courtesy the board requests when addressing the board state your name and if you live in almaro county or magisterial district address comments directly to the board as a whole. Any written statements or other supporting material can be given to the clerk. If representing a group or organization, you may ask others present to raise their hands

[03:50:49] 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. All comments are live streamed, recorded, and published on the Alomar County website. All right. We have, as I said, one speaker and that speaker is Therese Gibson. Welcome. Good evening. My name is Therese Gibson and I am a resident of the Samuel Miller District. 50 Churchill Lane adjoins my backyard, and Jay has

[03:51:29] done a beautiful job of presenting what this property looks like, but I would also like to add that no mowing or downed tree removal has occurred in the past four years. Garbage, toilet bowls, and old appliances are what is stored in what is left of the barn. As a member of the HOA Board for Lankford Farms, I know that we have repeatedly requested that the owner comply with our neighborhood covenants, only to meet with no response. In February of 2024, our family dog

[03:52:02] fell into the old in-ground silo while chasing a deer. The floor of the silo is between 10 and 20 feet deep, but it's hard to know because of the debris filling the floor. My husband had to use a 24-foot ladder to retrieve our dog and carry him to safety, and fortunately, neither were injured, but this story

might be different if a child fell into that gaping hole. I request that the board declare 50 Churchill Lane a blighted property and ensure that it is cleared and all

[03:52:36] dangerous structures and safety hazards removed. I ask this out of concern for the health and safety of our neighborhood. Thank you. And I also have a letter from our HOA president who is out of town at the moment. He says, Dear Almar County Board of Supervisors, one of my key responsibilities as president of the Lankford Farms Homeowner Association is to keep our neighborhood and our neighbors safe from physical and financial risk to the greatest degree possible. The property to which this blight finding is being evaluated has for some time presented a physical risk to the

[03:53:13] neighborhood due to its poor overall condition and proximity to families with pets and young children. The buildings on the property are structurally unsound and are at risk for imminent collapse. There are also at least two open pits that similarly pose a risk to the safety of our neighborhood's children and pets. It would be a tragedy for an injury or even a fatality to occur when the potential risks are known to all and nothing was done to mitigate them. With this in mind, I as president strongly encourage a blight finding so that our neighborhood can be made safer for all who live there with regards kevin fox thank you thank you and that's all that's it

[03:53:52] thank you then i will close the public hearing and the matter is back for additional consideration by the board supervisor prude i think this seems pretty straightforward um i continue to have uh saw the same interest that i think uh supervisor galway gestured toward but i also don't know that we have the internal infrastructure, staff capacity to deal with any kind of banking or repurposing of land at this time. I think that needs to be something more strategic that we plan for. Thank you. Supervisor Malin? Thank you. I think the process has been followed and I support

[03:54:27] this. Supervisor Callow? One additional question. Are the costs that are estimated for the demo, does that include the admin costs and all the costs associated with staff having to come to us and do all that as well? Is it just purely the demolition cost? It does have to do with some staff cost um i mean you may not if you don't know that's fine well from the from the people that we have or from the staff that we have here in the county who do sometimes do help with the cleanup gotcha so i mean if it's just the demolition like you all are being paid to be

[03:55:01] well are you volunteering your time i'm just saying that the demo could be just the pure demo of the of the on-site issues but there's costs beyond that and i i didn't think to ask that in previous we've had a couple of these blights now i just hope that all the costs are being sought to be recovered not just the on-site demo right now the demo costs are for the demo and the staff that is providing that service it is not for county staff maybe in the future we start thinking about

[03:55:35] adding a service fee or something to the demo costs and i'm not expecting an answer or support of that tonight this is a go think about it and you can you can come back to us yes sir but i'm also signaling that i mean if the letter is to be to be believed and this has been ongoing in six years and it's getting on our radar i'm ready to start understanding what it takes to start owning properties that that get to this point as a county we'll take that as direction and we'll work through the county attorney's office to determine what the what the what we can and cannot do with the

[03:56:12] prevailing ordinances in law. Thank you. Thank you. Supervisor McKeel. Yes, thank you. I'm certainly supportive of this, but I will say that I think all of us have these blighted houses in our neighborhoods and in our districts, and I just really appreciate the process and the work that's happening.

I thank you very much. Supervisor Lopisco Kirby. I just had one question regarding the two open pits that are there would those be filled in with the demolition of the all the

[03:56:48] buildings and the land level yes okay thank you and i am supportive thank you and it is unfortunate when it comes to this but i'm glad we have this ability and i know that we don't take it lightly and on that basis i would move that the board of supervisors adopt a spotlight blight ordinance attachment g for the property at 50 churchill lane second i've made the motion supervisor malica seconded without objection if the clerk will call the roll mr andrews yes mr yalloway yes miss lapista kirtley hi miss mallet yes miss mckee yes mr pruit hi thank you and

[03:57:26] mr chair from my it's just i just want to add this additional point if there are those out there that allow these properties to get blighted and they know and they have the financial means to Just let us deal with it and pay the bill. That's how it could turn into just neglect over years. Now, if you don't have the means and the dollars, that's a different scenario.

[03:57:43] But for those who do have the means and want us to just do it, until we start taking properties, that's the risk. Losing the property becomes a different level of risk. That's why I think we need to move to that. Because as soon as we do that the first time, I bet you this gets a different reaction. If I might add, at the housing conference, it was called the maintenance district district that Henrico and others had created. It can be done parcel by parcel, and that is what involves them being able to then make use of it in the future, and that may not be the perfect term, but I know Stacey is well aware of the existing process that already others are using.

[03:58:22] And Ned, and I'm sorry, but Ned, to your point, I have a blighted house that's already been declared blighted in a neighborhood, and I've had a developer who said to me, I would love to have that house because I could turn it into an affordable house in this community, and I would just gutted inside because the structure, you know, most of the structure on this particular one is okay. It's just the floors have collapsed inside. But I'm just saying that some of these houses maybe could be turned into affordable houses. Not all, but some. Thank you very much.

[03:58:58] Appreciate it. And board, this takes us to our second public hearing for this evening, SP 2024-24, Spring Hill Farm Subdivision, also in the Samuel Miller District, and Rebecca Ragsdale, Planning Manager, will present this one.

[03:59:17] For the public, typically the supervisor of the district where the property is located makes the motion, if amenable. Yeah, that's right. I was just telling Jim he was popular tonight. Yes. Good evening.

[03:59:38] Thank you for that introduction. I'm Rebecca Ragsdale, Planning Manager. and community development, and I have a special use permit for you all this evening that I'll be presenting. I'm going to go over the general vicinity and location of it and then get into a little bit of the history and then the particulars of what we are asking you to take action on this evening. It is located sort of between Ivy Road and 64, near the Ivy exit. It is off of Grassmere and Dickwoods Road.

[04:00:13] Oh, sorry, went a little too fast. These are the parcel boundaries. It is configured that way. It is currently 340 acres, and there are sections of it that have been previously subdivided with the Spring Hill Farm that we are going to discuss this evening.

[04:00:32] The background is a bit interesting and unique in terms of this special use permit that goes back to 1981, when the parent parcels were originally created or originally subdivided and subject to the

special use permit that the board at the time approved.

[04:00:52] They had a residue at that point in time that they did not develop. As you can see from this history, they have come back before the board to utilize portions of that residue over the years. Those special use permits in between 1981 and the one you saw in 2002-2003 all expired.

[04:01:15] So more recently, you saw a request to create two lots from a portion of that larger 400-and-some acre residue. But right now, we are talking about the remainder of that parcel, that larger parcel.

[04:01:33] Originally, just to recap, it was about 480 acres, and they created 33 lots, and they came through and created two more lots, and now we are doing the final special use permit step for the remaining acreage that they have.

[04:01:50] The parcel boundaries, again, just to orient you before we move into the concept plan, The property has frontage on Grasmere Road, just over the railroad tracks, and then also Dickwoods Road.

[04:02:08] And it has a number of streams that are on the northern end and then the eastern edge of the parcel. I mentioned the special use permit that was approved around 2002, 2003. That was those two lots where the map is labeled that were accessed off of Dickwoods Road.

[04:02:31] These existing cul-de-sac streets are part of the original development, some of the original lots that were platted and set up for an extension of the subdivision. So right now, it requires special use permit approval primarily to review the layout.

[04:02:51] and the minimum lot size must be 21 acres according to the ordinance we went over in the staff report as we did last time when the prior special use permit was before you it is a primarily wooded property there are some critical slopes in the orange and then the purple and the blue buffers are showing up along the floodplain for ivy creek and then Little Ivy Creek. This is, since it is such a large parcel, it is a little bit tricky to see

[04:03:29] the concept plan, but that's what this is. They have a general lot layout to create six parcels that would range in size. Again, the minimum is 21 acres. They're primarily 21 to 30 acres with 144-acre lot. They've also taken care to create areas that would be what is termed as conservation on the plat, but areas that would be set aside for where the critical resources are, the stream

[04:04:03] buffers. And this was considered by the Planning Commission in two meetings, actually. The first concept plan that was presented to the commission was not recommended for approval we both staff and the commission recommended some adjustments to that and that's what you see before you this evening but this concept plan before you on the screen is the one that both staff and the planning commission have recommended approval of and we think it makes a good a good use of shared

[04:04:37] driveways and placement of building sites so that minimal impacts can be reduced and still create the 21-acre lots. It also locates building sites and driveways where they can, utilizing Loblolly and Spring Hill Lane that are both existing. That does result in a couple different points of access, but we think this is the type of property. You've seen the kind of awkward configuration of what's left that makes sense this is also a proposal that had a community

[04:05:11] meeting and the neighbors are in support of it but they believe it's consistent with with the surrounding area and they didn't have any objections to the way that it is laid out and proposed we have noted obviously additional residential development is not a recommendation of our comprehensive plan,

but this is a unique situation in this older special use permit that just didn't fully utilize their ability to subdivide back in 1981, mentioned that

[04:05:51] we didn't believe there would be any issues with being in changing the character of the area, and we also noted the other ways in which they have made efforts to be consistent with preserving natural resources and those aspects of the comprehensive plan.

[04:06:13] So staff believes with the combination of what they have provided on the concept plan and the special use permit conditions, which are, I'm going to go over those in a second, at a summary level, are pretty restrictive in terms of rural area development.

[04:06:32] But we thought that there were some positive aspects to this proposal the special use permit conditions require development in general accord with that concept plan that we showed you with the limited residential lots of six eight excuse me not six acres six residential lots of 21 acres or more and then limiting the location of the driveways entrances and hiking trails and providing for that open space conservation area if you will that they've proposed additional conditions also require replanting of any disturbed stream buffers

[04:07:12] and it provides for some additional regulations for agriculture in terms of providing a best management practices plan it limits land clearing for residential uses to two acres so it doesn't allow any additional clearing for any any residential uses including accessory structures and lastly there is the requirement that regardless of the amount of land disturbance that there is

[04:07:47] the highest level of engineering plan review that this property would be subject to and then to make sure we had adequate driveways and turnarounds the fire marshal recommended we had an additional provision for that. I know that was a quick summary. We'll pause for any questions you may have. Thank you. We'll go through our order. Supervisor approved. I'm not sure I have any questions at this time. Supervisor Malek. Thank you. You may want to put this off until after

[04:08:20] the conditions, but when I see all this residue, was all that in land use all these years just waiting to be subdivided um i cannot speak to the text uh it has been used it has been um used for forestry uses and um the applicant may speak to to that or okay well they can if it's been managed and timbered or just sitting there uh secondly i was taken aback by the history and the repeated

[04:08:55] oh we'll have a little nibble over here and a nibble over there when it seemed to be very clear that everything was going to be in conservation that was left over multiple different times. So is this the next iteration and another one that's coming back in 10 more years to do even more?

[04:09:13] Because this is in the rural area. This first was purchased right after the downzoning. So I'm really not surprised at all that there were so few units that were put in in 1981 because I think there was strong resistance to doing rural subdivisions back then.

[04:09:31] So those are a couple of my questions, and I can wait until some of the others. To answer the question, they are only allowed to do six more residential units with the minimum lot size of 21 acres, so there wouldn't be a next.

[04:09:52] I mean, a special permit could come back again. I mean, this is what I'm saying. Is this really it, or is it a conservation easement for the rest? I would consider it to be it in terms of what they could

achieve in terms of density on this parcel. They're limited to six. They're not in an area where they can request additional development rights.

[04:10:10] So that's where this is the last six they have left to achieve on the residue. From the original 1980? Yes. Five two acres plus 21? Yes. Okay. Well, I'll stop there for now and probably come back again. Thank you. Thank you.

[04:10:25] Supervisor Galloway? I'm good right now. I'll maybe ask the questions and comments after the applicant goes on. Okay. Supervisor McKeel? I don't have any questions right now, Rebecca. Thank you. Supervisor Lopez McKeel? Yes, I'll wait until after the applicant speak.

[04:10:43] And just to confirm that my understanding is that but for the previous special use permits or the previous applications, this would have been just under the five development rights and 21 acre rule.

[04:10:59] But it was the fact that there had been this previous development that complicated matters and forces them to come in today to do anything further. Yes. Thank you. Thank you. I will now open the public hearing on this, and Vice Chairman McKee will read the rules before the applicant presents.

[04:11:21] Again, we have one speaker, and I will read the 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.

[04:11:39] 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. 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.

[04:11:56] 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 Elmar County or Magisterial District. Address comments directly to the board as a whole.

[04:12:13] Any written statements or other supporting material may be given to the clerk. If representing a group or organization, you might 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.

[04:12:31] All comments are live streamed, recorded, and published on the Elmar County website. And with that, I invite the applicant to come forward for the presentation. Good evening. My name is Ethan Miller. I am, along with my wife, Diane Edgerton-Miller, who's sitting over there, we're the owners of Blue Springs Land Corporation, which owns this property.

[04:12:54] And I'll try to be very brief tonight. The history is interesting. The property was first acquired by my wife's grandmother, Nettie Marie Jones, in 1980, May of 1980. And then in 1981, she brought forth a plan to the Board of Supervisors to create 33 lots in two special permits on what was originally 695 acres.

[04:13:19] And there was approximately 500 acre residue, plus or minus, after that project was done. Fast forward, lots sold, and the key to the plan was that they were going to attempt to retain the character of the farm, which was the original farmhouse, which dates back to the 1830s or so, which was done in the

middle of the property was left as a farm with the old farmhouse, and then the subdivision lots were put along the sides.

[04:13:46] Perhaps, Rebecca, you could put back on the concept plan so I can address that. In any case, this is the plan. So it's sort of in the center, as we see, that's where the original Spring Hill Farm property was, which has retained its character.

[04:14:02] It's now owned by John and Maria Hedges, who have a lovely horse farm there, approximately 56 acres, something like that. In any case, the lot sold reasonably well, but then, unfortunately, Mrs. Jones passed away in 1991, leaving the property, the balance of the property undivided.

[04:14:22] It's very clear from a review of the original project, which was done by Will Riley, maybe known by you folks, and surveyor Kirk Glockner, that they left space for additional development. They left a right-of-way in the Phase 1 Spring Lane for additional development, and they left a temporary cul-de-sac at the end of Phase 2 for additional development.

[04:14:46] So clearly that was their intention, and they left in their covenants clear language that the developer intended to continue development. But that was never done. And then in 1993, my wife and I acquired the property from her grandmother's estate. So we owned the property, and we had various different ideas what to do with it, but during that period, it was in forestal use.

[04:15:09] You saw a picture of the aerial. All but about 10 acres was in forest, and essentially is still in forest today. And as most forests, again, not to be facetious, but what the trees were doing was growing. So in any case, in large measure, there's been selective timbering over the years, but never clear-cutting, because it was never the intention to do what we call commercial forestry, which my wife has been very active in the course of her career to attempt to keep these old-growth forests from being clear-cut.

[04:15:42] In any case, so in 2022, we had owned the property 29 years and really hadn't thought much to do with it and decided now, well, we'd better figure it out. So what we did was we subdivided off two lots on the southern portion, which Rebecca pointed out in 2022, which is really the southern hundred plus or minus acres, which are topographically completely distinct and separate from the rest of the property.

[04:16:08] It's severe, essentially not accessible from the northern portion of the property. And those two lots are accessible at Dick Woods Road, just at the new Ivy Creek bridge that was constructed on Dick Woods Road.

[04:16:23] Anyway, here we are today. We submitted in November 2024 this plan to subdivide the balance of the property, 342 acres. And we've come up with, we had an initial plan, which we then worked with staff to revise. So it's what you see in front of you tonight. And it involves six additional lots, which you see ranging from 21 to 44 acres.

[04:16:44] And we've, you know, we've, we've, what very significantly, what Rebecca, it's in the staff report, which you didn't mention, and in the restrictions, is in our plan, not just are we going to have six lots, but we restrict the clearing of the forest for residential purposes to no more than two acres per lot.

[04:17:06] And that includes the driveways. So essentially what we're doing is we're taking 342 acres that exist today, which is all in, again, land use, forestal and agriculture use, and we're saying that only 12 acres can be used or cleared for residential purposes. So essentially we're preserving 96.5% of the property.

[04:17:25] 330 acres will never be used for residential purposes, only 12 acres. Now, the plan, as pointed out by Rebecca, we had a community meeting, and I've met several times with the members of the community out there and they all are very supportive of the plan some may well speak tonight and the key I think for us is first of all to answer this point this is it this is the end and this is very important this is we will now this there will be no more special permits we have completely used the property the restrictions are that that the addition that the Lots one two three four five and six can only have

[04:18:03] one residential building site and that will be in the covenants in other words when we when we convey the property a building restriction when the developer when our company conveys it to the owner of lot one it will include a restriction that it cannot be subdivided further subdivided okay so we will only have six more lots now in terms of the the benefits to the to the community there are several one is that essentially the property remains just as it is today. There are six additional lots. Two of the lots will be accessed from, excuse me, three of the lots will be accessed from Grasmere Road, which is a public road, four, five, and six.

[04:18:41] So there will only be three additional lots on the existing Spring Lane and Lobby Lane private subdivision roads. One on Spring Lane and two on Lobby Lane. And again, with the use of joint driveways, we're only going to have 3,600 feet, linear feet of additional new driveway construction, which will comprise, we've computed approximately one acre of the 12 acres for residential use will be driveway. So there you have that. The residents, the benefits of the

[04:19:16] residents are is that it gives them certainty. They're certain now that no future board of supervisors will ever decide to rezone this 342 acres, which is literally four miles from the city of Charlottesville, and decides, you know, again, the political winds, as you know, do change.

[04:19:36] So by taking this action tonight, no future border supervisor will ever, with political winds having changed, decide, oh, well, this is a good, this is very close to town. We should have, regardless of what the old ordinances were, we should have, you know, 50 new lots there.

[04:19:51] What a great idea, because this is a big piece of property, very close to Interstate 64, very close to 250. Again, what we do tonight and why the residents are supportive of it is that will never happen. So, and, you know, I've been, I'm a resident of Albemarle County.

[04:20:07] I've been here a long time, I guess, 43 years, not as long as some of you, not as long as my wife, who's been here close to 60 years. But in any case, Albemarle County has changed dramatically since when I first came here in 1977, 1980, whatever it was became. This area was really largely farmland, but it's not anymore. For anyone who looks at the tax map, you'll see that this property is surrounded by a joint. This property is adjoined by 30 properties, 30 separate properties adjoined this property that we're

[04:20:41] looking at tonight with an average lot size of four acres. So it no longer is this out in the middle of the countryside. It is in fact, you know, a relatively speaking heavily developed area of ivy um but so in any case we're not going to change clearly we're not going to change the the um residential character of the area this is a good plan we think we are hoping you folks can support it um and if you have any questions uh happy to answer them thanks very much thank you are there any questions for the applicant we'll go through our orders supervisor pruit i have nothing further professor malik i know i have mine answered thank you thank you supervisor

[04:21:19] i do mr miller um and i just appreciate you saying political wins because you opened the door to some of my questions because they're probably all going to be political and this has really no bearing on my decision of the application but these six tracks with the limited the covenants in the homes what price point will these homes be in um i'm not sure that i can give you an answer but i'm not sure i understand i'm not sure what the uh not to avoid your point but um you know Typically, the lots in this area have sold varying prices.

[04:21:56] Typically, it's a question of views. But I will say that the two lots that we did subdivide to the south each sold for the same price, \$995,000. And that's the whole lot? One was 64 acres, one was 28 acres.

[04:22:14] Whether we're able to get prices that are, again, it depends on the market, depends on views. It also depends on access. I think that one thing that I've been told by real estate agents is that there are three lots which access Grasmere Road across the railroad tracks.

[04:22:30] And the real estate agents I've talked to have cautioned me to say, don't expect sky-high prices for lots that have to access across the railroad tracks if you're familiar with that area. So the lots that have sold in Grasmere on that side have been substantially less.

[04:22:47] I think we were quite lucky to get those elevated prices. But the lots over on Dickwoods Road, they're very secluded. They're lovely pieces of property. Both have beautiful views. Don't know. Again, we'll see what the real estate agents tell us, and then it's like anything else.

[04:23:06] You put the property in the market, and you see what happens. The ballpark, you're thinking, a million dollars? You said \$900,000? I don't think that we'll be able to get that kind of money for the lots under Esmere Road. I think they're looking more at, you know, somewhere between \$5.00 and \$7.50.

[04:23:23] For the land or for the built home? Just for the land. Just for the land. That's fairly consistent. Now, if you move to other parts of the county for Union, Garth Road, I've seen prices \$1.3 million, \$1.5 million over there. I haven't seen any prices like that over in South Ivy, but, you know, you just don't know.

[04:23:44] So earlier when you quoted the other two things, you were saying that was for the land, not for the home. No, we don't build houses. We're just going to sell, and we've never, my wife and I, in this project, we've never built houses. We just would sell the property. So, again, if you've been paying attention, which I'm sure you have, to prices of land and houses in Albarn County over the past 30 years like I have, it's quite remarkable.

[04:24:08] I remember in 1995, we sold a piece of property for a 21-acre lot for \$250,000, and I thought we had robbed the bank. And now I've sold property for \$100,000, and the people resold it in five years for \$300,000.

[04:24:25] So, you know, we've seen quite remarkable prices in Albemarle County because it's a desirable place to live. Who knows? Over the course of years, I've also seen real estate downturns where you couldn't sell anything.

[04:24:41] So who knows? But I hope I've answered your question. Thank you. Thank you. Supervisor McHugh. I don't have any questions. Thank you. Supervisor Pete Socrates. No questions. Thank you. You answered all the questions, the questions I had. Thank you. Thank you. And from there, we will go to the public for comments before inviting you back for rebuttal.

[04:25:01] And we only have one speaker tonight, and his name is John Hedges. Welcome. My name is John Hedges. I'm the president of the original Spring Hill Farm that Mr. Miller referenced there in the middle of the subdivision.

[04:25:24] Arguably, we are the property most affected by this development. Has the board ever seen a developer like this that has come to you with 400 acres and said, I want to build six lots and confine those dwelling units to a two-acre parcel and leave the rest of it forested?

[04:25:45] I don't think the board's probably ever seen that. Maybe you have, but the point is it's a good project, and I urge the board to approve it, approve the special use permit. The developer has spent a lot of time meeting with the neighborhood, meeting with the surrounding properties, and attempting to do the best of their ability to come to something that the neighborhood could get behind.

[04:26:16] And I suppose merely that I'm the only one here speaking in support of it points to the work that they've done. and the success that they have had in the community. One last point. This is a land use decision. That's all it is.

[04:26:32] And frankly, I believe that whatever the price of a lot may bring is not a consideration for a land use decision and is irrelevant to the question. Thank you. Thank you. And do you have a moment for rebuttal, five minutes, if you want it?

[04:26:50] If not? Just to say thank you, John. And, you know, as John has said, we have made a big effort to engage the community, and they are in support of it, and I hope that the board will approve it.

[04:27:08] Thank you. With that, I will – any additional questions? I did think of one Rebecca question, which I had marked and forgot to ask. Okay. You had mentioned in the replanting of open buffers or buffers that were disturbed, and I didn't know if that meant during this construction project or all along and so an effort will be made to replant along all the buffers if they're not if they've been previously you know wiped out in the logging or something like that in the past uh yes if it's any disturbance to the buffers okay so it that will be an improvement to replant

[04:27:47] the buffer of the streams throughout thank you that was what i was hoping appreciate it thank you thank you um no other questions i will close the public hearing and look to see if additional comments by the board otherwise i'll make a motion then uh have it up there oh you okay we'll go through we're going the round we'll go through the comments oh i definitely have comments okay good start with supervisor i'm not sure that i have substantial comments on this other than to say this is sometimes i've referenced the fact that i'm not sure we grapple entirely with the fact

[04:28:23] that the highest and best economic use of land in the rural area we talk about is agricultural and recreational value but without other strictures on it the highest and best as in what an investor is going to get out of it is still going to be residential uh this is kind of showing that reality and also the type of residential that we get out of it thank you president yes and i will say that looking at the how closely together those lines are on the topographic map there are plenty of challenges that come with this which is i think why they found the six places where they could

[04:29:01] build and that's very good and i expect it will be done well and so i'm all fine thank you thank you um well i'll state up front that i'll be supportive of the application as it comes forward and i appreciate mr hedges backing my point that my questions had nothing to do with the land use application in front of us so now i get to make my political statements that in the past the little acreage that does turn from

unforested while we look at the 97 or 98 percent that remains forested, the political winds have said, no, let's just deny it and keep it all forested. So that's happened

[04:29:39] politically here. I've seen that happen. If we've, but I can't, you know, we have bandied about in affordable housing conversations about in the rural area that the only type of lots that can be developed and can exist new are these types. So whether the land use, the low end was \$500,000, the high end might be \$900,000. That's just the cost of the land. I don't know that a developer is going to buy that lot and build a \$200,000 house on it. So this drives my point home to

[04:30:17] which brings my second comment, and I won't belabor this one either. But when the Chestnut Grove application for 50 units was in front of us, which was also going to use not the entire lot, but develop a portion of the lot and the rest remain wooded. The scrutiny against the comp plan relative to transportation, fire service, utility, etc. was much greater than what I saw in this report. Now, very different area, character of the neighborhood where the Chestnut Grove would have changed because nothing like this has existed this lot is create this is creating

[04:30:55] something that's in is similar to the character that already exists there but my point then was why is this getting such a level of scrutiny to the point we were talking about commuter times yet this project comes forward to us in a special use permit it doesn't have that same level of scrutiny so i asked that question respectfully of staff i'm not looking for an answer tonight but i would like a follow-up and an answer to that or at least a conversation about it because i i do know that things are different now than they were 25 and 50 years ago and i offer

[04:31:33] that one of those differences is that land is now selling for 500 and 900 thousand dollars per lot homes that are being put on it are certainly not affordable and that this is the only type of new construction that can happen in this county and we have to contend with that and we have to deal with that. So Mr. Miller with all due respect to you I'm just using your application to make my non-land use application remarks but as I said up front I will be voting to approve this special use prevent tonight. Thank you. Supervisor McKeel. I will simply say thank you for those

[04:32:12] remarks Ned. I appreciate them. We do seem to have even within when we have and again I'm supportive of the application just to say but when we have applications coming before us we sometimes use it doesn't meet the comp plan and then other times we completely work around that so i mean we are inconsistent ourselves i think some of us as a board just saying and we had a big discussion this afternoon um with the comp plan talking about the comp plan so i'll leave

[04:32:49] at that but um i am supportive of the application supervisor lepito kirtley i'd like to ask supervisor galloway the chestnut that included what 50 homes you said and then this one includes six would that be and i'm just asking would that during the chestnut grove application i drew the line between what would be by right which happened to be six units there just by sheer coincidence versus what they were asking for with the 50 units.

[04:33:20] So I'm simply making the point that the scrutiny level, I'd like to see some conversation about that and using these two as the examples. And the points that were being made to oppose Chestnut Grove was that those six units would probably be in a much more affordable range for the six buy rights.

[04:33:43] And we were throwing around, well, they'd probably be million-dollar homes, which I would offer based on the price of land, a million dollars is probably more a two million dollar estimate, not a

million dollar estimate, depending on the type of house that's built. But if the land cost is already going to be \$500,000 to \$900,000, well, I mean, we know that even a small, modest house, the sticks of it are \$200,000 to \$300,000.

[04:34:11] Okay. Thank you. No other questions. Thank you. I guess I just will reiterate that Mr. Hedges said how we don't see this very often. Well, this would have been, but for the previous uses, it would have been a by-right application.

[04:34:31] They're all more than 21 acres. Which is the point. Right. But it is not necessary in those cases and at Rumble that there's this restriction to keep all but two acres. forced it, and I appreciate that very much. Board, if there are no other comments, if you have the motion there, I can just say it. I moved to adopt the resolution of the staff report as attachment

[04:35:03] D to approve SP 2024-00024. Second. So I made the motion. Supervisor Malek seconded. Without objection, if the clerk will call the roll. Mr. Andrews? Yes. Mr. Galloway? Yes. Mr. Kirstow-Kirtley? Aye.

[04:35:18] Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Thank you. Thank you. Board, we have one more public hearing, and then the room is still quite full, so I think there's a lot of interest in this.

[04:35:38] ZTA 2023-01, Commercial Sola, presented by Mr. Bill Fritz, Development Process Manager. Along with Mr. Farris. Just need to do a quick switch out here.

[04:35:52] Bill Fritz with Community Development Office.

[04:36:29] I also have with me tonight is Mike Ziener, who is the consultant that Albemarle County hired to help us work on this zoning text amendment. And both of us will be trying to answer all of your questions. So I'm going to walk through this fairly quickly.

[04:36:45] I'm not going to go through all the details because there are a lot of details. And I'll instead just try to answer your questions. So this ordinance includes definitions for solar energy facilities and all the other things.

[04:37:04] so that's the first thing it does it creates what one of the things we do is we have a panel zone that's the area that's under the panels and the associated aisles we talk about energy facilities which is your here you'll hear me say that energy facilities when I'm saying that I'm referring to both battery and solar and then we have battery and we have the solar we also have wildlife corridors the main elements of this ordinance is that it be by right allow for by right location of these solar facilities over top of existing impervious

[04:37:38] areas by right 500 square feet when ground mounted by right 21 acre fenced area for existing ra parcels and that would be one 21 acre area on any parcel in existence on the adoption date of the ordinance when the planning commission heard this request the original proposal that went forward to them was 21 acres of panel zone and they modified that to be 21 acres of fenced area and we do have a provision that would require fencing once it reads a certain minimum size so you can't get around that by not having fencing larger

[04:38:13] facilities would be allowed by special use permit in the rural areas we do also discuss battery energy storage systems there are some regulations for those also they're allowed by right up to 500 square feet and larger by special use permit in the RA and industrial areas. We have supplemental standards.

They set out all the minimum requirements, and they will address everything. The larger facilities, the smaller facilities, and they're all in there. So it sets out the minimum requirements. These supplemental

[04:38:47] standards can be increased during special use permit review. So for example, we have setbacks that would apply, but during a special use permit review, they could be increased. These supplemental standards can also be modified by the Board of Supervisors in a particular case so for example if there are two adjacent property owners two adjacent properties and they're owned by the same person and they want to reduce the setback the board could for example reduce the setback in that case so what are those standards we have and again I'm not going to go through each of the standards we have standards for height for setbacks making sure they're

[04:39:27] not in significant environmental areas the Virginia pollinator smart certification is required once they reach a certain size screening building code and fire requirements a fence design that's consistent with the Department of Wildlife Resources to make sure there's no deer entrapment and allow for animals to move back and forth limitations for locating and high scoring forest and farmland soils clarification the facilities must comply with the water protection ordinance and the lighting requirements for the special projects that come in by special use permit we have a list of things that

[04:40:03] they must submit so there's there's the minimum information to to submit to allow a review we can supplement that if the if we think it's necessary in a particular application it also allows the county if we think it's appropriate to use a consultant which the applicant would then pay for and it incorporates the 2232 review and that's the review for the compliance with the comprehensive plan we have decommissioning standards that are in there these decommissioning standards comply with the state code they covered disposal and recycling of materials a method to update cost and an escrow

[04:40:39] account that's my formal presentation to you the planning commission did recommend approval of this by six to zero one commissioner being absent they made some recommendations and i mentioned those in in the Transmittal Summary. One of those was to move away from a panel zone to a fenced area, a limitation on size. The other was to try to come up with some way to minimize the impact on prime wildlife habitat, forest areas, and soils. And so what we did there is we proposed that

[04:41:14] any by-right facility cannot disturb more than 10 acres of prime soils. Prime farmland soils is identified by the USDA, or 10 acres of areas shown as a forested area of 4.1 or greater in the biodiversity plan and the comprehensive plan.

[04:41:32] The reason that we picked that is when this board was reviewing the wireless standards and trying to figure out what an avoidance area was. There was a lot of discussion about using that 4.1 as sort of the threshold to determine what an avoidance area is, so we just borrowed that same logic.

[04:41:50] With that, that's all I have for you as a formal presentation, but I'd be happy to answer your questions. Thank you. We'll go through our orders. Supervisor Pruitt. Thank you. As a threshold matter, I just want to say, and I don't want this to come off as overly critical or unkind, but this was a very brisk presentation.

[04:42:11] And this is like a very substantive legislative action. I would say since I've been on this board, maybe one of the two most substantive legislative actions we've taken as the zoning text amendment alongside the cell tower ordinance. And I know it's also a process that the public has, when I was running for office, we were talking about this and I launched over, so like we're talking a three year process at the

minimum, just since I've been engaged in county business that we've been working on this ordinance, that I know there's been a tremendous amount of work in and quite a lot that

[04:42:47] has come out through public engagement through planning I might expect to see that reflected in the public presentation for both our own use and for the the public engagement that I hope that is taken the spirit is given it I am surprised that something that is a substantive we proceed through at this speed um now to kind of also having exercise frankly some of my frustration with the speed that we've also gotten uh this before us um I think this is something that bears a lot on our current economic development strategy.

[04:43:27] It bears currently on a lot of the health of our rural area. And I've been somewhat frustrated that it's taken so long for it to get before this board. Turning to substantive things, sorry. Can you tell me and for the public's benefit a little bit about the panel versus fence change that you said was implemented at the Planning Commission level?

[04:43:54] So there was a lot of discussion. Originally, we had the panel zone, and we picked the 21-acre. The logic behind that was that in the rural areas, you can do a 21-acre lot by right. And that can come out of agricultural production.

[04:44:11] It can be clear-cut. It can be turned into a residential. So we picked that. The commission talked about a variety of different things. They talked about the panel zone. They talked about a fenced area. They talked about the area of disturbance, the area that's cleared. And when they talked about the area of disturbance and the area cleared, it was difficult to get their arms around about how you measure that.

[04:44:33] So that's how the settling on the fenced area came into play because that really does sort of set a parameter. And just so that I'm, I think, further articulating it for public benefit and consumption, also make sure I'm understanding it by making it so that we are constraining the 21-acre limit to the fenced area.

[04:44:53] we're basically saying the the whole site can be 21 acres whereas if we constrained it to the panel area the actual site size could exceed 21 acres because of the bump out of the screening of the fencing of any co-located equipment that's necessary and cleared area to to prevent shading of the shading of the panels and the commission did talk about that and and they they they talked about should there be a different number but they ultimately settled on the 21 acres but

[04:45:21] Obviously, if you thought the 21 acres, and they did discuss it, but they settled at the 21, you could make it 15 or 17 to try to account for that, and the commission just went with the 21 panel zone, excuse me, fenced area. Something that has crossed my mind, I have not actually heard this as much in the public discourse on this, that I want to make sure we're thinking about in how we've structured the by-right element, is how we treat and consider multi-site aggregation.

[04:45:54] As in, the Woodridge solar complex is not one field, it is several. Is there anything constraining a developer from acquiring five sets of adjacent 21-acre parcels and developing five different buy-right uses when they would otherwise have to come for a special use permit?

[04:46:17] Yes. First, the provision is 21 acres on any parcel in existence as of today or the date of adoption of the ordinance. And the other is a sliding scale based on the size of the facility. It increases the setback away from other facilities.

[04:46:33] So if you have two 21-acre facilities, you have to separate them by a distance, and I'd have to look it up. I can't remember all the distances off the top of my head. But to prevent exactly that, that you can't have two 21-acres adjacent to each other, effectively having a 42-acre facility.

[04:46:48] Yes. I have rural residents who are passionate about environmental concern. This is a challenging issue, right, because you take a single caucus, a single interest group, and you split them against each other, right?

[04:47:04] It is my rural residents who are concerned about conservation, who are normally also the people who care about green energy and green initiatives, who are going to be most immediately affected by this because they live in the rural area. And a concern that sometimes comes to me is the alarm of what buy right means, right?

[04:47:25] We have said on this board frequently that we have developed a series of best practices. And I have heard members of this board, including myself, kind of disavow some of our own earlier approved projects. In the short timeline that we've been approving these projects, we've already learned how to make these so much better.

[04:47:44] Projects that we approved in 2017 in the early days, we're already like, oh, we would never do something like that. They're concerned about the projects that we have in 2017 and that that's now the type that we will see. Can you tell me a little bit about what the admin review or any kind of site planning process that might happen for a project that is nonetheless by right, and what levels of scrutiny that receives?

[04:48:09] Sure. So the ordinance does have a provision in it that says that it's not subject to the site plan regulations, but you need to submit all the information required by a site plan. And we did that. We do the same thing with some other types of applications, and that's to ease the administrative process.

[04:48:27] So what we do is they still need to submit all the information. We'll look at it to verify they're not disturbing critical slopes, stream buffers, all the environmental factors that are identified, looking to verify all the setbacks, the height limitations, the fire marshals involved to ensure that the separation of rows is adequate for firefighting purposes, entrance and exits, the Virginia Department of Transportation is involved.

[04:48:53] So all those things, everything that you would do with a site plan, there's a stormwater plan, there's a erosion sediment control plan that's required also. To kind of continue that theme, when I think about the requirements that we have on special use permit, larger commercial facilities, and I contrast them with the more community scale that are going to potentially be allowed by right below 21 acres, are there additional requirements that we are requiring for commercial scale ones other than legislative approval?

[04:49:23] Or is it the same set of requirements? It really is the same set of requirements. The big difference there is going to be because of the scale of the larger ones. There's a plan that's associated with it, so we know where everything's going to go, and we're looking at that. But things that you do on a large-scale one, like the routing of the energy, so how it's crossing.

[04:49:46] If you have to take a power line across something, that you're minimizing the disturbance of that crossing. undergrounding equipment, lighting, setbacks, it's the same. The difference between a

special use permit and a buy-write is during the special use permit, if the board feels it's appropriate to increase the setback in a particular location, the setback could be increased.

[04:50:12] If they feel that specialized landscaping might be required in a particular case, they can do that. In the buy-write, it's just an established set of standards. I want to take just a few steps back. When we were talking about the administrative review process for the buy-right ones, you basically said it's everything that you would provide for a site plan, but it does not go through the site plan process.

[04:50:39] Can you make sure, just for my own edification, but also the public, what are the key elements that we're not getting? What are the things that are missing other than it sounds like someone in the planning office sitting there and saying yes? No. Well, it's yes if you meet all the requirements, which is the same thing we do for a site plan.

[04:50:59] The big difference is on a site plan, if you have one of the requirements, just to give you an example, one of the requirements of a site plan is that you need to show the topography for the entire parcel plus 50 feet beyond the property. So let's say you have a multi-hundred acre piece of land and you're using five acres to do the facility.

[04:51:20] they would have to provide the topography plus five for the entire parcel. We only need it for the area that's being impacted so we can scale it up or down. So by having it not be a site plan but having to submit any of the information we feel is appropriate for a site plan, that's a way to much ease the administrative process.

[04:51:42] That's an example. And real quick, could you remind me what the screening requirement is? I'm having a hard time just finding it. Yes, I have notes on that also. Oh, and then I have one more thing.

[04:52:03] If you want, I can ask the other thing while we're searching for it. And this is maybe almost not even a question. In our last permit that we had come before us, there was actually some concern over a requirement that we're now requiring of all things, which is the smart pollinator certification, which is hard to know for certain that it will be achieved, if I'm remembering correctly.

[04:52:27] Am I remembering correctly on this? It's something that they apply for. And we even in the previous application talked about do we want to change what the language we're using for that is? Like a best efforts line and a contract instead of required? Because hypothetically it could torpedo your approval out from under you because the smart pollinator certification program went out of business or isn't going fast enough.

[04:52:53] So the concern that was stated, my memory of the concern that was stated, was the ability to acquire all of the planting materials. whether or not they would be able to do that. There was some concern that was stated. I don't know if it was stated at the board meeting, but there was some concern about what if the state gets rid of the Virginia Pollinator Smart Program.

[04:53:16] It doesn't look like it's going to go anywhere. It's there. It's something we have. We don't have any staff resources comparable to it, so we stuck with that. The Virginia Pollinator Smart Program, they would need to – they submit the plans and details to the state.

[04:53:34] The state administers that. They monitor that. If – and we did this with the special use permit that came forward where that was a condition. Staff is uncomfortable with best efforts. What is a best

effort? So what they can do in that case or in this case, if it's a by-right facility, They can come before the Board of Supervisors and say, these are the best efforts I did.

[04:53:59] I would like a special exception to not have to do that. And instead of doing the Pollinator Smart Program, I propose to do X. And we could then evaluate what that alternative is to make sure that it's equal or better than the Virginia Pollinator Smart Program.

[04:54:14] And, Bill, you may also want to speak a little bit. We talked with the state about the program and what their reaction was. We did. We talked to the state pretty extensively about this. They were excited about it. they're ready to do it. They're eager to move forward with it. They've done some other things, and they were supportive of it. That's exciting to hear. I apologize, Board. I have exactly two more questions, but sorry. And the answer on your screening is it's item number 11 in the packet on page 4. Page 4, thank you. Wait, which there's several page 4s.

[04:54:52] Are there? Page 4 of the proposed ordinance of g attachment g got it thank you um the two things i have so these were brought by the public as concerns and i i guess i would just kind of phrase them as questions to learn more about the decisions that went into the ordinance structure i think i understand what we're getting at with the um the areas recently farmed preceding an application uh piece but could you could you speak to that a little bit more so what we did is we used the definition of

[04:55:31] agricultural activity which is a definition that currently exists in the ordinance so it covers farming silviculture horticulture fisheries it's a it's a wide variety of things so we'd be asking for information to demonstrate how has the property been used in this area been used in the last 10 years we can use aerial photographs other other bits of information to obtain that information but we're using the definition that's currently in the ordinance for agricultural activity And that's not something that, that's not something a property owner can waive or get around currently.

[04:56:03] They could come to the Board of Supervisors and ask that they set aside. Special use permit, special exception. Special exception, yes. And the other one I was going to ask is, we do have height requirements that are put on the equipment itself. I am one kind of curious where those came from and kind of if that's consistent with industry practices.

[04:56:26] What I'm thinking in my head is I'm remembering, again, back when I was still running for office, before I was in this seat, sitting in that audience and seeing quite a lot of applications coming in for set-off distances on antennas for cell towers because industry practices have changed.

[04:56:46] So I guess I'd like to understand. I don't want us to be in a similar position on this. The maximum height is obviously to minimize the visibility, so the ultimate maximum height. But the maximum height above the ground, what we're trying to do is we're trying to reach a happy medium there that it's high enough should they want to use sheep, for example, underneath and to allow them to mow and maintain, but not so high that you have runoff from the panels falling at speed, creating an erosion problem.

[04:57:16] So you're trying to mitigate the impact by keeping the height at 10 feet. Okay. Thank you. I think that's all I have for now. Thank you. Supervisor Malek. Okay. Well, I'll start with what you just said, because 10 feet, I mean, 9 feet of gutter is where the gutter is on a first floor house.

[04:57:38] And there's a lot of velocity that comes off that roof in the downpours we've been having. So it just dawned on me what that meant. Excuse me. So I have been trying to organize myself for the last week

on this and have failed.

[04:57:53] So this is going to be a little confusing. But I will start off to say 914,760 square feet by right is out of my ballpark, absolutely by a factor of 20. Just that's where I'm coming from. 21-acre minimum subdivision was for one house, similar to the disturbance that we heard about in the previous application, not for covering that entire lot with solar panels.

[04:58:22] So I very much hope that three other board members will agree with me that a much smaller number would be appropriate and desperately needed to have this go forward. The impacts are just too much, too fast, when things are changing on a monthly basis.

[04:58:44] And so that's just where I am to start off. I'm not sure I still understand the 21 plus 21 plus 21 in common ownership to this 2,000-foot setback is supposed to prevent those from lining up next to each other?

[04:59:02] Correct. If you have a 10 to 21-acre facility, you need to be at least 2,000 feet from any other 10 to 21-acre facility. That's your setback between those two. To the property line of that next facility?

[04:59:17] No, from the other facility. Not to the property line, to the other facility. so that that was the next another so you can't put two facilities next to each other so the first one to get there gets all the power and everybody else doesn't and that's that was a problem we dealt with totally different topic with our zero lot line issue was that one person got the right to put their shed on the zero lot line and the butters lost out totally on the ability to do anything on theirs and that's why the board chose to remove that so this is in the same category from my perspective that whatever the setback should be should go to the property line so that

[04:59:51] we are not valuing one owner over another by mistake so there's a thought now um on your i guess this was your chart from the planning commission um the high scoring forest blocks there are so many forest blocks which are just below 4.1 hundreds and hundreds and hundreds of them that now have no protection whatsoever so i that was another very arbitrary number that seem to come out of nowhere and i don't support i don't support it i don't think it's reasonable

[05:00:28] how do we protect forests from pre-clearing to then set the stage to say oh this is fallow and has its its um timber roads are all erosion things of three feet deep and so this is going to be a much better much better situation and i did feel that when i went out to one of the earlier ones down in Donna Price's old neighborhood.

[05:00:58] But that had been abandoned for years, and it looked like a moonscape. But how do we prevent that from happening? What's the interval of rest or abandonment or whatever of the forestry or the agriculture before one can swoop in and have an application?

[05:01:14] Ten years. So that's what that means. If you stop doing your forest or your farming, you have to wait ten years before you can come in and say, this is not a farm property. Okay, and that's all the properties. uh it's not just the big ones so any facility that is um 10 they can't disturb more than 10 acres that has been used for agriculture agricultural activity within the last 10 years okay so what happens to all the okay so that's at least that brings that affected one down to 10

[05:01:51] acre protection my real concern i mean one of the many concerns i have is that anybody with less than 21 acres of panel area fenced area whichever it is it could be 914,700 has no rules no effective the

neighbors of those have no effective protections and all of the requirements for decommissioning don't exist so that's a huge gap in my opinion all the properties except for the 500 square foot backyard ones like mine have should have to have decommissioning to get those

[05:02:30] wires and things out of the land? They do. Well, it says only in the special permit ones is there decommissioning required. No, what it says is... I made that note multiple times in these 25 pages of scribbles here. So if you would like to show me where it says something different, then I will be very glad to hear it. Decommissioning must be performed in compliance with an approved decommissioning plan, and there's a provision that says it has to be decommissioned. Where is that,

[05:03:00] please. So when you get down to section D, it says you have to remove, when it's reached the operational end, it needs to be removed and that they need to notify us and that the decommissioning must be performed in compliance with an approved decommissioning plan. And it talks about that decommissioning plan that must include all the different things. So

[05:03:27] there is a decommissioning plan and what are the sizes of um applications which there isn't there isn't the size it applies to the by right facilities okay this is the perfect example one of your many respondents suggested you have parallel chunks for the different categories to prevent people like me from having total confusion about what applies and what doesn't so when the final layout of the ordinance comes forward that might be something this person was

[05:04:07] engineer, I think, and he still was totally bewildered by the whole thing. So everybody who has to... They need to submit a decommissioning plan. There is a provision in there that allows the zoning administrator to waive it based on the size. So for example, if you were doing a small facility, it was 600 square feet, maybe a decommissioning plan isn't appropriate in that particular situation. Excuse me. Okay. Board of Supervisors may permit... Oh, that's different.

[05:04:41] That's the habitat cores. Okay. All right. So what you're telling me on the record is that all but the very small accessory backyard units will be required to have a bonded decommissioning. They can be required. They can be required. Can be or will be?

[05:04:57] Which is it? They can be unless the zoning administrator determines it's not necessary based on the size. There's a provision in here that says. Where is that, please? Yes, number D3. Three. Okay.

[05:05:12] Okay, this is page seven of whichever chapter. Yes, under three, it says the Director of Community Development may waive the requirement of a decommissioning plan based on the size of the solar facility. The Director of Community Development may approve any appropriate amendments to or modifications of the decommissioning plan.

[05:05:28] And what are the criteria that are going to be, how will that person make that decision? They have not been developed at this time. We don't have any applications and the ordinance hasn't been approved. So we're going to adopt this but not have any details for this particular question. Right now it's always required. The director would have to make a determination not to allow it.

[05:05:49] Okay, and it will come back to the board when those details are available? We can certainly, if we develop something, we can certainly provide that to you, yes. Then moving on to 16, and I guess the same category, same mailing thing. Habitat cores, except the Board of Supervisors may permit disturbance of more than 10 acres by special exception.

[05:06:15] Where, and the same thing, are there criteria for this? because we've adopted a biodiversity action plan, and yet every time you turn around, there's a way to not pay attention to it. And so this is a very big concern to me. Everything in Section 5 can be modified unless the ordinance specifically says it cannot be modified.

[05:06:34] And the board has wide latitude to determine what it wants to consider and grant or not grant. So how do we get consistency, one application to another, if there's just total?

[05:06:50] The Board of Supervisors can adopt. If you want to say that the Board of Supervisors shall consider X, Y, Z when doing a special exception, you can do that in any particular case. So that was something else that good ordinance writing would say we should work that out ahead of time so that the board at the time, whenever that is, would have some rules written down to follow so that we could be consistent from one to five years later when another one comes along.

[05:07:20] Okay. All right. That one. Question both at the Planning Commission and in writings from the public about topsoil.

[05:07:42] This is page 7, if I guess it's the ordinance draft. Instead of saving it in a pile for however long the panels are up, I mean, can't this be returned to the pathways and underneath the panels once?

[05:08:00] I mean, if you're going to be growing things under the panels, which all the industry people who have addressed various things I've listened to have said, oh, yes, we're going to grow beautiful grass and wildflowers and the sheep are going to be there and it's going to be lovely and we won't have to mow anything. And I've seen pictures of it where it has occurred in some places, but I've also heard of people who have signed up to be shepherds and then been told once the thing was standing that they're not wanted anymore and so they will not use them.

[05:08:28] So what is to be done with the subsoil that's exposed during the time when the wires are being buried and the steel pipes are being put in for the topsoil?

[05:08:44] Yep. Our consultant has an answer for that. Good evening. Michael Zaner with Berkeley Group, Director of Planning and Community Development. So commonly that's something that's addressed during specific project conditions, but granted here you have buy-write applications.

[05:09:04] Usually a condition that we would recommend is that it be stockpiled and then reutilized on site. There are provisions now in state regulations addressing that to some degree on projects, but that's something the provision you're pointing at is with regard to the stockpiling of topsoil when there's reclamation of the site, so at the end of the life of the facility.

[05:09:30] But certainly that's something we can look at in terms of during the construction stage, what is to be done with it. I mean, I'm guessing that the benefit of topsoil with all the microbes and something that's in there is gone if it's been in a pile 20 feet high for a really long time or even a couple of years.

[05:09:48] So that I'm just, I mean, trying to get sorted out what questions that people have raised already. Let me go back. Okay. That is different. That's Chapter 8.

[05:10:08] We're talking about the Chapter 18 battery storage also, right? That section that was included. so accessory battery storage facility combined total area of 500 square feet they that's where there is up to that point no fencing required no chemical no cooling ventilation fire suppression related technical and safety components as there is in one that is 500 square feet or bigger

[05:10:46] so can't we have rules that just apply to all battery storage period because yes item number 12 on page 4, energy facilities must be constructed, maintained, and operated with all applicable codes and standards. And it goes on and lists all those are. So energy facilities is everything. It's battery energy, solar energy. It's there.

[05:11:06] So this thing, chapter 18, where it said what I read is no longer current. I don't know what you're saying in chapter 18. That's the whole, chapter 18 is the zoning ordinance itself. Which is what we're also adopting when we adopt it.

[05:11:22] It's chapter 18 of the Code of Albemarle. This is separating the 500 square feet and the above. So if you're saying that that separation no longer exists, I'm a happy person. This is page 1 of Chapter 18, Definitions 3.1. Yes. I don't understand your question.

[05:11:38] I'm sorry. These are simply definitions. It's defining what an accessory battery energy storage facility is. And then you go on to Section 5, and that establishes all the regulations. and those regulations apply as they're stated unless the Board of Supervisors grants a special exception.

[05:12:03] Okay, well, you can perhaps understand my confusion when one definition has a size and no extra information and the other has a different size and all sorts of other requirements required. So that's where my confusion came from. And if you're saying that that's not the case, then I will stop harping on that.

[05:12:22] But as I said, this is what happens when we go fast. Okay. I guess, there you are. Would one of you have information about conduit on the wiring when it's buried?

[05:12:43] Is the wiring just buried loose in the ground, or is it in conduit from panel to panel and row to row? It varies depending on the facility. We've seen some that is wired above ground, but commonly it's buried. and usually there would be conduit involved in that.

[05:13:02] Is that something that we can require? Only because when you've had breaks in the wires, the cadmium and the zinc that got out in North Carolina and poisoned a whole lot of land was supposedly attributed to the conduit that was 10 years ago and had no rules. So if we're saying we believe what people, some people have said that, you know, this can all go back to its previous use, then we need to make sure we're making an effort to have it real and that all the page 7, the decommissioning chapter, that everything comes out because the county doesn't need to be facing hundreds of thousands of dollars of costs

[05:13:41] to remove things that others did not. Now, another question we received recently was about the agency bringing the application and then flipping the ownership to somebody else.

[05:14:01] And so how does the ordinance prepare for a flip to a new owner and transitioning all of the contact information that the fire departments are supposed to have available? Is there something in your plans here that I could not find that would lay out that kind of information? Because we're seeing very busy agencies all across the state bringing applications right and left to local governments. There's nothing in here that deals with ownership.

[05:14:33] When the decommissioning plan is done, obviously it'll have information in there about successors and assigns should there be a transfer of ownership. But all these regulations are going to apply regardless of who the owner is. So local emergency services, somehow the county would be notified of a change in contact and then you would pass that on to the fire departments and things like that.

[05:14:55] This is on page 5, number 1 of whatever plan this is. Okay, well, I have obviously annoyed everybody on the board, so I'm going to stop talking right now.

[05:15:13] Actually, no, I'm not. I'm going to have one more thing. Talking about roadways as being exempted from decommissioning efforts. That is, in the prior site that I mentioned, the roadways were the places of largest damage. So I would suggest that some wording put in about, at a very minimum for roadways, that water bars, which are used on every approved Department of Forestry timbering site, be also included on these kinds of sites as well to keep erosion from wiping out full hillsides.

[05:15:48] And I will stop now. Thank you. They are required under provision 4, under decommissioning, to remove the roadways, except that the Director of Community Development may approve a written request that access roads or other land surface areas not be restored if other conditions are determined to be more beneficial or desirable.

[05:16:08] That's exactly what I was reading from, and I'm saying that at a bare minimum, we should specify water bars in there, just because doing nothing is not a good result. Thank you. Recording purposes, could you please identify yourself? Apologies. Michael Zaner with Berkeley Group.

[05:16:25] I'm the Director of Planning and Community Development. Thank you. Yes, sir. Thank you. Supervisor Gallup. I was just going to say, make sure you speak into the mic, too. Yes, sir. But you're tall and you're away from the mic. There we go. If you could make yourself shorter.

[05:16:42] We could make the podium higher. There is a way. It needs to elevate. I don't know how to do it, though. Abby's going to do it. Please elevate. We have that technology. Just like my desk at home. Thank you. Spectacular. Supervisor Callum.

[05:16:58] I wish I'd done that. I don't find myself annoyed, so you take the time you need to get through this. Please, don't think that. Well, let me go to the decommissioning.

[05:17:14] Let me write this note down so I don't forget that point. So, Bill, the decommissioning. Well, and I will. It's probably more poking Supervisor Pruitt, but I thought your presentation was tidy. Well, thank you. I never, if I may, I never know which way to go because I can go page by page.

[05:17:34] I think, Bill, your experience has taught you that sometimes saying less is better. But you're doomed either way. There's no question about that. So we agree. I feel you're paying because I'm doomed either way. Let me go right to the decommissioning plan because I think I've got it right.

[05:17:54] So everybody I know, it's required of everyone. I understand that it could potentially be waived or some elements of it could be waived. Community director or designee can make that determination. So the funds, though. Now, I think D or what would this be?

[05:18:11] I guess it would be 8E. This is where you're getting around that it doesn't necessarily have to be cash deposited up front. So if they come forward with a, let's see, you say performance bond, letter of credit, or other security, that they can do that.

[05:18:27] So just, and it may be there in the other descriptor that says, like, every five years they have to make sure that whatever the amount is is proper. And if it's not, then they have to update it to inflation and things like that. So for cash, they'd have to add more cash.

[05:18:44] Does this require them to go get a different letter of approval or credit rating? I mean, it doesn't waive their need to have the financial viability to cover it. But if it could change every five years, then they

have to, whatever they submitted to us, they have to come back and either reapply that or give us some other means.

[05:19:08] Right. Every five years when the decommissioning plan is updated, the security of that decommissioning plan is going to be reevaluated and updated as necessary in order to approve the decommissioning plan. Otherwise, you have a break in the decommissioning plan.

[05:19:24] So we have \$100,000 in cash. Now it's \$110,000. They've got to give us an extra \$10,000. If it's a letter of credit, then the letter of credit is going to be upped, or they can just get a big one up front, I guess. You brought up a point about, because it was talking about at the end in the decommissioning, about the soil gets put on site and then required for when it gets decommissioned.

[05:19:52] But it sounds like you were saying that when it gets constructed, if we so chose, they could take soil, store it on site, install what they need to, but then reapply that under the panels. And you're saying that because that's not included right now. It is not.

[05:20:08] So the way, the only provision that addresses topsoil is with decommissioning. It is not my expectation or experience that topsoil is stockpiled for the life of the project. It's usually stockpiled for the construction phase and then used for dressing of the site, for stabilization of the site, which is the intent.

[05:20:32] But, yes, currently the ordinance does not address that. Usually it's something that we would recommend as a condition on a special use permit. It's part of our standard conditions, but granted, there are some projects that would be by right here.

[05:20:48] I mean, that sounds like a wonderfully Albemarle-inspired type of condition, to have the soil and then put it, because then if you do want whatever loveliness underneath the panels with the sheep and such, it would actually be good soil to grow whatever is underneath the panels.

[05:21:07] We usually, in that same vein, require as a condition on projects that they mulch, remove trees on site as much as reasonable and reutilize that stormwater control measures and light. Because my only alternative thought on that prior to understanding that point was the 10-foot drop.

[05:21:28] I agree that that's a lot for water to be dropping for erosion. what's the bigger concern having the the topsoil and the loveliness as i stated it or some other treatment that helps prevent erosion or if it in my thought it would be do it in a way that helps achieve your your height requirement and whatever you do underneath the panels do it in a way that prevents erosion to the best of your ability well they're regardless they're going to have to stabilize you know the the disturbed site right so and there's you know a variety of means for

[05:22:05] them to do that you know through vegetation and plantings that they have to achieve that they're actually growing and stabilized but there's mulching too that can also take place got it so i'm open to that just a comment because it came up i do recall somewhat the smart pollinator and this whole best effort thing and i remember if well maybe it's probably a long shot to say i remember, but if memory serves, there was a scorecard they used for that that basically gave you the wiggle room to achieve best effort. It wasn't like an all or nothing. So if you attempted

[05:22:44] to get X product and supply lines meant it wasn't available, you could show that and it wouldn't necessarily negate your scorecard scoring. It would just maybe be a little lower. And you can replace it with other things. They have this whole, it's a very complex system in order to get that Virginia pollinator

smart scorecard. The points you need, yes. But I just, I remember then I was talking about what wasn't like you had to do 10 out of 10 or you got zero. You could score and if you were within a certain ballpark, so it allowed for that kind of, it had some allowance

[05:23:22] for the concerns you can trade off things too yeah um that's a comment i'll make that later i think question wise some of the other questions have already been asked so i'll allow others to continue okay supervisor mckee yeah and i do appreciate some of the questions because they have answered some of my questions but um i have um one question i have is about the i understand the pollinator program because i didn't see anything in here and of course all of this, I may have missed it, about grazing sheep, being able to

[05:24:00] graze sheep. Is that in here somewhere? Because you specifically say pollinators. Right. So it isn't. So what we did is, obviously you can do sheep. Agriculture is a permitted use. These are still rural properties. You can do it. So we don't say anything that you can do it, because obviously you can. What we did with the Virginia Pollinator Smart is, let's say, for example, they decide they're going to actively use it for some for some for agriculture which precludes the ability to meet the virginia pollinators mark that's when they would come before the board and say listen we're

[05:24:35] doing this instead of that uh and and this is why and the board could could weigh the merits of those two different things so we leave the avenue open for alternatives by having the special exception process but we don't specifically say you know you can do sheep because you can't yeah and you can't And I understand because you can't go through and name everything you could do.

[05:24:57] I mean, I get that. I just wanted to make sure that was that. It was really interesting because I was watching a program not too long ago about a farmer in Oklahoma, and his farm was struggling, and he put in solar panels and sheep, and he said, this has saved my livelihood.

[05:25:16] He said, I am a farmer today because of this. It was really fascinating. Anyway, just saying. So I wanted to make sure. Yes, absolutely. If they want to do some form of agriculture there, they can do it. Yeah, okay, that's good. And then help me a little bit, and I'll show my naivety here, but help me about fenced-in areas.

[05:25:37] I mean, I get all of that. Must provide wildlife quarters through the facility. All such fencing must allow movement and migration of small wildlife species. I think that's wonderful, and I sort of get it up here, but help me understand exactly how that would work, because I'm not someone who is, I mean, I get the deer on Afton Mountain, and we have places where the deer can actually cross.

[05:25:59] But just a really quick explanation of how that would work. Fence has to be either high enough to keep the deer out or low enough that they can come and go. And there are alternatives that you can do at the base of the fencing area to allow the small critters to come and go, or you can provide openings periodically to allow the small animals to come and go, but you're still keeping out the deer, for example.

[05:26:26] That helps a lot. And I get the openings, but you said there are other options besides openings? That's kind of interesting. You tweaked my interest now. You know, a serpentine kind of thing where they can weave their way through, but the deer can't kind of thing or the bear can't get through. Or I wouldn't be able to.

[05:26:42] But a fox or a bobcat or a rabbit, they could go through. So DWR has a variety of different ways that can be done. The most common one is a four-inch gap at the bottom. Great. And I did see that. So

that's great. Thank you very much. Okay, I'm going to sound stupid, but why do we want to keep deer out?

[05:27:04] You either want to keep the deer out because you don't want them getting in and they're getting trapped and they starve to death because they can't. So it's either let them come and go easily or just keep them out. Okay, and so we're looking at that would be subject to the person who owns the land, how they design their fence.

[05:27:27] Yep, pick one. If they can design it to allow deer or not allow deer. Okay, or in small animals. What if you have someone who doesn't do any of that? In other words, they just put up a solid fence to the ground, 10 feet high, and no animals can get in.

[05:27:46] It would have to meet the fencing standards, and I'm looking just for where they are real quick, but it would have to meet the fencing. We don't say that it has to be a chain link or a solid fence. It just can't be barbed wire, and it has to be either this tall or this tall, nothing in between, because that's to let the deer come or go.

[05:28:05] So you have to pick one. Either it has to be below this height or above that height, and you have to have the openings at the bottom. You have to have the opening at the bottom. Okay, for the little guys. Little critters. I like that. One of the things about the Virginia Pollinator Smart Program, too, is that it's a little bit of a misnomer in that it's not just for the pollinators because it does provide habitat for ground birds and wildlife.

[05:28:31] So it does have other benefits besides just pollinators. But you can have other types of maybe grasses and such with that? There's a variety of things you can do. So you answered my questions about the panels. On page 106, Planning Commission, at the very last bullet, it says establishes, and I know we've talked about decommissioning, but I'm hot on that subject too, establishes decommissioning requirements for projects requiring a special use permit.

[05:29:06] But what about those that are by right? Decommissioning is required. I don't have that up in front of me. That may have been a misstatement. Ones that are by special use permit, the state code requires decommissioning plans once you reach a certain threshold.

[05:29:28] This ordinance requires decommissioning plans, period. Period. But you said for smaller projects, then a staff member could... We could develop standards that allow you to not have a decommissioning plan or a modified decommissioning plan.

[05:29:45] Okay. And decommissioning means safely removing these panels to an approved site, and what else for the public's benefit? Restoring the site, removing all the footings and the equipment that was there, any conduit that was in the ground.

[05:30:01] restoring the site. Okay, doing anything to add amenities to the soil or anything? We would need to look at the decommissioning plan to see whether or not that would be necessary in a particular case, but they would have to stabilize the site like any construction site at that point, because it's a deconstruction site, but it's still a construction site where they'll have to stabilize the soil.

[05:30:25] Okay, because we're talking about only with the 21 acres, we're talking about fallow land, right? that's been fallow for what 10 years a portion of it would have would have not been used for agriculture within 10 years and then however long the facility is there and then decommissioning so you're going to

have a long time okay so if i have 21 acres um maybe half of it what has been fallow for over 10 years then i could use that for the solar panels as long as not more you can you can't

[05:31:03] disturb more than 10 acres of land that's been used for agriculture in the previous 10 years. Okay, but the 21-acre site, the whole thing has to be fenced in? Any panel zone of greater than two acres has to be fenced.

[05:31:20] Okay, but if I'm only using out of 21 acres, I'm only using 10 acres. It has to be fenced. The 10 acres or the 21? The 10 acres, the area of the panel zone. I mean, you can fence more if you want to, but you can't go up to 21 acres.

[05:31:36] Okay. You can't go above 21 acres. Okay. Okay, you answered that one, that one, that one. That answers my questions. Thank you. Thank you. I did maybe want to point out for the decommissioning the question you just asked under .4 decommissioning.

[05:31:55] They have to decommission so that any agricultural ground upon which the facility and or system was located is, again, tillable. suitable for agricultural uses so there could be amenities that they would need to add i'm sorry what they they apologies when they are decommissioning if any agricultural ground upon which the facility and or system was located is again tillable and suitable for agricultural uses so they may need to add amenities to the soil in order to bring it back for agricultural uses okay thank you thank you um i'm gonna most a lot of my questions have been answered and i

[05:32:35] I really appreciate this discussion. I'm going to look at the presentation and just ask a sort of basic question. It's not the first slide, but one of the first few slides, if you could just jump through here. Where does it talk about the difference between ground-mounted and not ground-mounted?

[05:32:58] Okay, buy right over existing impervious. I didn't find the word impervious in the ordinance. Maybe I missed it. We don't actually define the word impervious, and the way the ordinance works is when a word's not defined, you use the standard meaning, and that means roof, paved, concrete, believe it or not, swimming pools count, tennis courts, anything that water isn't going to penetrate.

[05:33:27] Right. I understand what impervious would mean. I'm just trying to understand in the ordinance itself, where does the language allow for those by right so that I understand what it is that is allowed by right? Because you could say ground-mounted if you had a parking lot. If you mount the panels, are they ground-mounted now? Or are they over an impervious surface and don't have to worry about the same restrictions?

[05:33:56] I'm sorry I missed it. Ground amount or parking lot, which is it? No, we talked about this. Let me find it. Bill, I think it's on page 3 of the ordinance, item 3.

[05:34:15] And the word is actually pervious, as we used there. Okay, over existing pervious areas. So pervious is used. Ground amount are limited to 500. We're placed over pervious areas.

[05:34:31] And we use, right, we're using pervious there because we're limiting the amount. We don't want to be used, in the development areas, using parking lots, buildings, great. But we don't want to be using fallow, vacant land in the development areas to put solar facilities.

[05:34:50] So we're limiting the size of pervious areas disturbance in the development areas. Okay. But let's say you're in the rural areas, isn't it? In the rural areas, it only applies, that limitation only applies if you're not in the rural areas.

[05:35:06] In the rural areas, you can go up to 21 acres, and you can do that by virtue of the language that we have when you go to page 8, where we specify what the uses are, where we say, by right, solar energy facilities with a fenced area of 21 acres or less, and that's by right, and then over 21 by special use permit, and that's how you get away from any limitation in the rural areas.

[05:35:33] I understand that. I'm still working on the word impervious and trying to understand when it becomes necessary to say, okay, if we put it here, we're not actually putting it over a pervious surface. When does that change the standard? Maybe I should just accept you.

[05:35:55] If you can give me a minute, I'll find that. I'll give you a minute, but I'll go ahead and ask my next question. Maybe somebody can jump in. There's been a lot of discussion of things like, you know, the agricultural activity in the past years. I heard that this might be something that would be waived by special exception.

[05:36:14] And then there are other times that we've talked about special use permits, and I've always been worried that I make sure I distinguish those and I would like some help in understanding what can be done by special exception and what requires a special use permit in this case as far as modifications.

[05:36:31] Sure. So a special exception would be a modification waiver of anything that's in Section 5166. So everything from on page 3 through page 8, those would all be, everything that's in there can be modified through a special exception.

[05:36:57] The special use permit would only be for facilities greater than 21 acres or battery energy storage facilities other than accessory battery energy storage facilities, which makes me remember how we did it now. So that would be by special use permit.

[05:37:17] And the difference between the two is special use permits always go to the planning commission and then the board of supervisors. And special exceptions go to the Board of Supervisors, and they only go to the Planning Commission if the Board refers them to the Planning Commission. Gotcha. Thank you.

[05:37:34] And the answer on the accessory is by using the word accessory, accessory uses are always permitted. So by saying accessory, it just allows it. I understand. I understand. Well, I'll hold back on just getting an answer on the impervious.

[05:37:52] Yeah, I'll – But I don't have any other questions at this point. Supervisor Malo. So a battery storage, if I were to get one at my house, it would be accessory to my solar panels, and that's what would be allowed? Yes, and there are... Without any fence or controls or safety or anything else.

[05:38:09] If I burn myself up, it's my problem. No, it has to meet the building code. There's a specific provision in here as to what it has to meet, and it has to meet the building code. Okay, what was just read created that separation again that I was referring to to begin with.

[05:38:24] So anyway, I'll wait for the final copy to figure this out. Let me zoom back. Fencing, forgot to ask earlier, is the barbed wire, razor wire still in here, or did it go away? Because 61 inches, razor wire is awful. It's not permitted.

[05:38:40] You took it out. It's in here in two places. So if it's gone, I'm happy because it's a file on there. Oh, right, it is allowed if you're taller, yes. So five feet is way too low to have any kind of wire like that, or deer will get caught in it and die. Yes, correct, yes. Okay, so I was looking out the window on the train on

the way back from Philadelphia, looking at all the fencing, eight-foot solid fencing, I mean panels, six-by-six grids, just like they have around the wineries everywhere, no barbed wire required, no razor wire should be allowed anywhere here.

[05:39:10] That is horrible stuff. So I'm just raising that to make sure that we get a better height. These standards come from DWR. They come from the state. And if you're over 96 inches, then you can have it.

[05:39:26] If you're under 96 inches, you cannot. So it says 61 inches in here. So if you fix that, I'm happy with that. I've copied all this stuff down right out of the text. So I'm sorry to be confusing here. Ms. Malick, I'd direct you to number 14 on page 3 of the ordinance.

[05:39:44] It talks about the fencing there. And it sort of says that the conditions, again, Bill's trying to sort of say is either make it very tall and try to keep it so the deer can get in. If you want to do that, then you can have razor or barbed wire. If you want razor wire, you have to have a tall fence.

[05:40:03] Or choice two, make it shorter, 61 inches or less, again, so the deer can get out. And in that case, you can't have barbed wire when it's shorter. Okay, so I couldn't find the 96 anywhere in here, but I'm glad.

[05:40:20] If you've read it to me, it's obviously in there. I'm a little concerned about the mulch because when there's a downpour, mulch comes up and floats away. It's hard to hold on to. The people have raised issues about the pollinators and, oh, if I can't get the special seed.

[05:40:39] The first year, you're going to put out short-term cover crop anyway to provide shade for the perennials that are going to come in. So there can't be any issue, as was at a previous public hearing. A huge deal was made about this. But I think that's well within the scope, as you have said, of substitutes and management.

[05:41:00] It's going to take nine months or so to get it, even with RAINN, to get it properly established. Anyway, oh, that reminds me of another question that I forgot to write down. Our nine-month permanent stabilization under our Overlock Grading Ordinance, does that still apply to this?

[05:41:18] We specifically state that it's not eligible for any – if there is an exemption, which there isn't, in Chapter 17, they're not eligible for that. So they need to do whatever the erosion sediment control plans, whatever the water protection ordinance requires. Okay. And since they're clearly over 10,000 square feet, the WPO will apply, period.

[05:41:36] No ifs, ands, or buts. Okay. I guess I have come to the end of my yellow list. Thank you very much. Thank you. Actually, I have a question. This is an odd one. It feels less land-usey, but currently when we enter into permitted solar uses, we have revenue agreements that involve the machinery and tools feathering into a power generation agreement whenever the latter becomes greater than the former.

[05:42:12] I am not aware of if we get power generation if it's by right and I can't find it in the ordinance. Does that mean we're only collecting machinery and tools on ones that don't have special conditions imposed by a permit? Go ahead.

[05:42:27] So you can negotiate siting agreements. Granted, you cannot do that for projects that are less than five megawatts, but you could negotiate siting agreements and work through the terms of those. I would tell you commonly, I have not seen in any of the numerous projects I've reviewed in siting agreements, I've not seen any provisions about direct power usage.

[05:42:57] We're measuring these things in different scales, and I don't claim to be an expert. I don't know how big a 5-megawatt facility is in land. Yep. A good rule of thumb is that there's 10 acres per megawatt. Okay. So we can't even collect.

[05:43:15] Collect is kind of a pejorative. We are not able to work a power agreement that would result in revenues for the county on ones of the scale that are by right anyway, is what I'm kind of hearing. If it's below 5 megawatts, we don't have the authority to enter into a siting agreement.

[05:43:32] Got it. So even if these were under special use permit, the siting, we would not be able to get money from them other than the machinery and tools that they're going to use. Correct. Understood. Helpful to know. Glad I asked. Good question. Yeah, it is a good question. Yes, one last question.

[05:43:49] I just want to make sure that you are satisfied with the decommissioning rules. Well, i.e. make sure, as our proposed ordinance, is that strong enough to make sure that when the life of the solar panel is over, that we have strong enough decommissioning rules and either collecting money, because I know you said we're not collecting cash, we're collecting something else, or we could collect something else.

[05:44:24] How do we make sure that we, as a community, are protected? If someone goes bankrupt, they decide to sell, they leave the area, how do we protect ourselves and make sure that these solar panels will be safely removed so that it doesn't impact the soil, groundwater, et cetera?

[05:44:46] I wish I could give you a great certain answer, but I'm not aware of any projects, especially in Virginia, that have been decommissioned. I'm aware of one, but I'm not aware of the details of it. I can tell you that the provisions in your ordinances are as robust as we would recommend.

[05:45:09] I can tell you that the bonding provisions are probably of paramount importance because they assure that there is some financial draw there in case the company walks away. I would tell you that the decommissioning plan that they submit with their permit and that presumably that they're updating every five years, that it's important to review those and make sure that they've addressed all of the fine points of the project.

[05:45:43] Some that we've reviewed on occasion, they need to be revised because they don't have enough sufficient information in there. There are some companies that will come and tell you that they should not have to submit a decommissioning bond requirement.

[05:46:02] Utility companies will seek that, and perhaps will seek to waive that requirement. Our standard practice is to require bonding for any type of project. But I would tell you the bonding and the surety is important, whether that's a letter of credit or cash, escrow.

[05:46:23] That kind of gives you at least the level of assurance that you have those funds available should you need to utilize them. And what we're asking for, should they bail out on us, what we're asking for would cover the cost of decommissioning? Yes, and they have to come back every five years and re-review those cost estimates.

[05:46:43] Usually what we see is that on the initial decommissioning plan, they're providing a cost estimate from an engineer. On occasion, we review those and determine whether or not the cost is accurate, whether they've taken into account all of the labor materials, et cetera.

[05:46:59] We commonly, and I can't recall if it's in here, but we commonly would exclude salvage value. So they can't account for potential salvage of materials, that they don't reduce the cost of the bond for that

salvage amount.

[05:47:16] So it's the full cost, not including potential salvage. Thank you. That was helpful. Yes. With that board, I will open the public hearing. That's all right. Okay. And I believe we have some people signed up to speak.

[05:47:34] Several sheets. Vice Chair McKeel will read the rules. More than one page. We may have some legibility issues. All I would say is be patient with me if I mispronounce your name because I see a lot of names.

[05:47:53] All right. Anyone online? there is no one online and every and yeah i'm just trying to make sure i have because at least one person is marked out maybe anyway we've got it i think we're okay so um we're ready you want to read them again or we called it red because everyone was here before i think everybody was here before three minutes uh and and uh no back and forth yeah so yeah and you know the green light when you begin speaking the yellow light when you have one minute to finish and then

[05:48:31] the red light means your time is up but i think all these folks were here and if you do not finish your comments please just you can provide them in writing to the clerk but we will cut you off three minutes okay so with that we do have a lot of people signed up so i'm going to call three names at a time it will be much more efficient if you come down and sit in the front row when i call your name and then i'll call those three and then i'll call another three to come down if you don't mind i just find that works it's a quicker way to do it so the first three people are sarah delgado

[05:49:05] lila castleman and carolyn pew so if you'd come down and sit in the first on the front row and sarah you are first okay sarah do introduce yourself thank you hi thanks uh good evening board my name is sarah delgado i live in albemarle county in the rio district and i also work at the community climate collaborative thank you so much for all of your thoughtful discussion tonight on

[05:49:43] this topic i want to thank you for also taking the time over the past two years to make many improvements to the draft solar ordinance and i support the county in moving forward with this draft with a few revisions i also want to take a moment to acknowledge the good faith effort that the county has made in allocating additional budget funds for this fiscal year towards our shared climate goals after listening to this wonderful community. I have solar panels on my roof and the peace of mind it gives me to use clean energy in my home and for my electric vehicle is amazing. Plus, I think they look great and futuristic. However, the federal tax credits that

[05:50:22] allowed me to get these panels are expiring sooner than folks have really planned for. I want to see residents and local businesses take advantage of the remaining time these credits are still available to develop clean energy locally, which is why it's important to pass this ordinance without delay.

[05:50:38] Many people cannot afford their own home or the added expense of panels, so they're limited to using whatever energy is available in the community, which is still overwhelmingly greenhouse gas emitting dirty fossil fuels. It is our responsibility to make clean energy available in our community, not to push Virginia utilities to build more fossil fuel plants near neighborhoods that have already been historically disinvested in and disadvantaged, which we see about to happen again near Richmond, and that should be on all of our conscience.

[05:51:11] I hope this solar ordinance will allow for things like more community solar, giving renters and other residents the opportunity to buy into clean energy solutions for themselves and their families.

Would I like to see more than 21 acres by right for ground-mounted panels after all of the additions to restrict these developments within sensitive ecosystems?

[05:51:31] Absolutely. But this draft shows a true compromise, an opportunity for community input on future larger developments, clear guidelines for developers to go by for smaller projects, and environmental protections to ensure responsible land management. I would also like to support the county in removing the provision about prohibiting development of recently farmed land in the by right regulations as recently farmed does not signify anything about the soil quality or level of degradation and puts unnecessary limits on property owners' abilities to make decisions about their own land. I also requested the board remove the height limits.

[05:52:07] For the panels which would inhibit certain categories of agrivoltaics which can help with continuing agricultural activity on a piece of land, preventing erosion, and creating clean energy at the same time. In adopting this ordinance draft, especially with these recommended changes, Albemarle County will be ahead of most other counties in the Commonwealth in its balance of environmental protections with small-scale clean energy production. And push our county forward.

[05:52:33] Thank you. Next speaker is Lila Castleman. Hello, my name is Lila Castleman and I am a rising senior in high school. I am here to voice my support for the draft solar ordinance. Obviously, I'm not an expert on solar panels or solar energy. I don't understand all the minute nuances of drafting a solar ordinance. What I do understand is that this ordinance, while imperfect, is certainly a step in the right direction, in the direction where you, as the leaders of Albemarle County, are taking.

[05:53:12] Measures to ensure that the earth is safe and sustainable. In the past year, we've witnessed several natural disasters in our world that have destroyed neighborhoods, inflicted huge sums of money and damages, and have taken countless lives. From the wildfires in California last summer to the heat waves in Europe and to the disastrous floods in Texas, these catastrophes are directly linked to the warming of our planet. As global warming worsens, these disasters will become more and more common. Just because such a calamity has not yet hit Albemarle County does not mean that it

[05:53:48] never will. In a time where our federal government is not only spreading misinformation about the very real threat of climate change, but is also actively weakening the disaster relief ability of the government, it is vital that the local government is taking every action possible to protect our environment. And so far, Albemarle County has made a great start in prioritizing climate-friendly policy with the climate action plan, carbon reduction goals, and additional funding for climate action. The work is not yet done, however. While the additional funding allocated earlier

[05:54:24] this year will bring the goals of net zero carbon emissions by 2050 closer to reality, the clock is ticking. In the five years since the goal was written into the climate action plan, greenhouse gas emissions from Albemarle County have not decreased. If we are going to reach net zero emissions in just 25 years, more concrete emission-reducing action is needed. This solar ordinance draft will expand access within the county to solar energy and thus reduce reliance on the fossil fuels that are killing our planet. I urge you to pass this ordinance and in doing so

[05:55:00] protect the world that my generation will inherit. Thank you, thank you, thank you. Carolyn Pew, she's fixing that. Yeah, yeah, we can see everybody clearly. Yeah, but do adjust the mic as you come up and make it easier to be heard. Thank you. All right. Hello, my name is Carolyn Pugh. I do not currently live in

Elmeral County, but I grew up here in the Ryo District and have lived in the area for most of my life. I almost don't want to go after Lila because that was such a beautiful comment, and I

[05:55:34] am going to give a plus one to both of their comments right before me. Two weeks ago, the so-called Big Beautiful Bill was signed into law, creating a short runway for projects to be able to take advantage of federal incentives. Just this week, the Virginia State Corporation Commission approved Dominion Energy's integrated resource plan as legally sufficient, despite the fact that it does not comply with the Virginia Clean Economy Act. Meanwhile, due to projected data center demand, Dominion has proposed six gigawatts of new fossil fuel infrastructure, which, if built, will raise our energy rates and accelerate pollution across the state. As the state and

[05:56:10] federal government barrel towards a fossil-fueled future, and as Albemarle County itself begins to grapple with weather and how to allow dentistry data centers to be built locally the urgency of transitioning to local resilient affordable clean energy sources that can meet the county's own energy demand only increases this draft ordinance has come a long way since the first draft was released over a year ago which as some have pointed out it's taken a long time to make this forward progress i really appreciate that the county staff has taken an enormous amount of community and stakeholder input and worked to design a balanced ordinance that both allows for

[05:56:47] the solar energy production that we need and works to protect our environment. It allows for commercial projects to be built by right so long as they are both below 21 acres and meet a strict set of criteria related to screening, soil and plant management, and decommissioning. It also factors in concerns around biodiversity in our local flora and fauna, protecting high quality forest blocks and requiring the very highest level of Virginia pollinator certification which as far as I know no other ordinance in the state requires at that level. It's not perfect and there are a few modifications that we have suggested. I won't repeat them now as Sarah just reminded you and

[05:57:26] we've sent emails and comments previously. So I just want to reiterate that there is some urgency to getting something passed this is a good ordinance um overall and we urge you to act swiftly um and allow for projects to begin being built under a clear set of rules thank you thank you thank you just want to make sure kirk bowers isn't here i don't see kirk but his name's crossed out i just want to make sure he's not here okay i'll move on to the next three um reed trobuck

[05:57:58] Ishan Mittal, I believe, and I'm mispronouncing it, I apologize, and Patricia Meda, and the first person to speak is Reed. Welcome. Welcome. Members of the board, my name is Reed Crowback and I am a rising 11th grader at Community Lab School here in Albemarle. As a teenager, I will grow up in a world in which the effects of climate change are significantly worse. It is absolutely essential

[05:58:38] to mitigate climate change now by reducing our reliance on fossil fuels, especially in the energy sector. Clean energy, especially solar power, will play a key role in the energy transition, and it's important to have a clear set of guidelines for solar development. I'm here to urge you to pass Albemarle County's draft solar ordinance. As an intern at the Community Climate Collaborative, I read the first draft of the solar ordinance last year, and I was concerned by how restrictive it was. I appreciate that the county listened to community feedback and revised the ordinance to be less restrictive while still creating clear standards for solar development

[05:59:18] in the county. I know that throughout the process of revising the solar ordinance there's been a lot of concern about its potential negative impacts on wildlife and conservation. However if we continue to

burn fossil fuels the impact that climate change has on nature and biodiversity will be irreparable. I believe that the draft solar ordinance offers a strong balance between protecting nature and allowing the county to take significant steps towards addressing climate change by limiting by right facilities to 21 or yeah 21 acres. While the proposed ordinance is less

[05:59:54] restrictive than many other ordinances throughout Virginia, there is still room for improvement. I encourage you to adopt the changes to the ordinance recommended by the Community Climate collaborative. One of these recommendations calls for removing the line in section 5166A18 that prevents the development of solar energy facilities on land used for farming in the last 10 years. Even recently farmed land may no longer provide for agriculture, and no one can be forced to continue farming if they can't or don't want to, regardless of their reasoning. If these farmers want to develop a small solar energy facility on their property in order to moderately supplement

[06:00:34] their income while generating cleaner energy, they should be able to. Additionally, I urge you to remove the height restrictions on solar panels as listed in section 5166A1, since relaxed height restrictions allow for increased design flexibility and the incorporation of agrivoltaic projects.

[06:00:54] Finally, it is essential to remove the reference to undefined resources that can be used under Section 5166A17 to determine the impact of solar development on habitats and forest blocks. This section currently refers to other relevant and accepted resources, which is far too vague and subjective. With federal tax credits for solar expiring soon, it is important to have a clear set of regulations for solar development, and the ordinance provides this. Thank you. Thank you very

[06:01:26] much. Ishan, Ishan, you'll have to help me when you come up. Good evening, Supervisors. My name is Ishan Mittal, and I reside in the Rivanna District of Alvarado County. I'm a student at Alvarado High School. As climate change progresses, we must transition away from coal and natural gas to cleaner fuels that can power our country sustainably. Every month, we watch in horror on television as more people are swept away in a flood that was worsened by human inaction.

[06:01:59] Every year during hurricane season, I watch as the Ravanna River's width increases and heavy rainfall destroys homes and businesses in the county. It is the government and our collective responsibility to provide the resources and freedom to switch to a sustainable future. This is why passing this solar ordinance is important.

[06:02:17] However, I do hope that the solar ordinance will allow for more community solar that provides residents the ability to adopt solar energy. I also support increasing the by-right acreage for solar energy from 21 acres, which only has a production capacity of 2 megawatts.

[06:02:35] The current 21-acre limit is too low for the residents of the county to reap significant benefits from cheap renewable energy. But I understand the need for a compromise, as this allows communities to have a bigger say in the solar projects surrounding them. And passing this ordinance quickly is significant for renewable energy projects to take root quickly.

[06:02:54] The county should remove the restrictions on solar on recently farmed land, as this does not take into account that recently farmed land does not mean the land is well suited for farming. Recently farmed land can have significant soil degradation, so prohibiting solar production on a piece of land that does not have significant potential for agriculture production is counterproductive and will starve rural communities of cheap energy.

[06:03:19] at a time when data centers continue to lead to unwarranted price and electricity price increases the surges in demand reducing solar is not a feasible option at the budget town hall in april i asked the supervisor how far we are from meeting the climate goals that were set by the county several years ago and he didn't have an answer for me i hope you choose to vote for the solar ordinance with my recommended modifications so that we can secure a sustainable future in the County. Thank you for your time. Thank you. Patricia? There she is. I couldn't see you.

[06:03:54] I'm Patricia Maida. I live in the Scottsville District for over 25 years. When I first, I'm right off of Secretary's Road, right by Woodbrook, where they're planning to build solar panels. When I moved there, the part that they're going to use is now the moonscape.

[06:04:17] but under five years ago it was a beautiful pine forest it was gorgeous that's why we moved there it was rated if the area was agricultural historical and rural and beautiful the pine forests were gorgeous but they changed them into a moonscape correct that water that ran off first they timbered, but they just pulled up everything. But then after that, they put in all chemicals

[06:04:53] to get rid of any foliage, anything, making it the moonscape. But three years later, and that was under five years, it's just questionable that those planes, that they put those toxins down on that property flew over my house. I hang clothes outside. I was grabbing those clothes.

[06:05:23] Well, three years later, both myself and my neighbor wound up with breast cancer. Don't know if it was the toxins, but they ran off to those little creeks that went into the Chesapeake Bay.

[06:05:38] When you first approved these solar panels, it was for solar panels and inverters. And now you want to put in battery energy storage systems, which pose several potential health hazards, primarily related to the chemical leaks, fires, and electric risks.

[06:06:05] risks. The chemicals these batteries are made of are toxic and flammable. And they do have gases also. The biggest concern is the heat from these batteries. And if there's a spark, a lightning strike, it could start explosions. I live right next to it. 800 feet is not far. An explosion.

[06:06:39] There are no city waters. There are no fire hydrants. There has been no, to my knowledge, anything to deter if there is an explosion, if there is a fire.

[06:06:56] I'll lose my home. Thank you. I believe this is Paula Beasley as the next person, and then Jeannie Van Cleef and Gray McLean. Looks like we have two of the three.

[06:07:14] Maybe. Okay. All right. You're welcome. My name is Paula Beasley. I live in Esmont. Industrialized solar has brought out much discussion and apparently resentment of the agricultural land in this county.

[06:07:30] If we do not care about our agricultural and forestal lands, we should at least care about the permanent damage research shows from industrial-sized impervious surfaces. Our current special use provision kicks in at a half acre.

[06:07:47] You are now jumping in it all the way to 21 acres. That is a massive change, and I don't feel as warranted by the experience that this county has had with solar. I refer you to the July article in Seville written by Leon, I can't pronounce it, Associate Director of UVA's Environmental Institute.

[06:08:08] Quote, the fewer impervious surfaces, the more trees, intact landscapes, which includes our agricultural lands, the less severe the floods will be. One inch of rain produces nearly 30,000 gallons of

water flooding off of one acre of solar panels.

[06:08:26] You're talking about 21 acres, 917,780 square feet. That is a massive jump from what we have currently experienced. The special use process permits planning commission, board of supervisor, and public engagement.

[06:08:46] So much talk about public engagement, yet we in the rural areas will enjoy none. If you're in the non-rural areas, you can have special use permit at 500 square feet. Once the landscape is fragmented, soil, streams, and groundwater poisoned, it's irreversible and will not solve our ecosystem issues.

[06:09:08] We should be smarter. have submitted in my written comments new technology, systems that are taking carbon monoxide out of the air and chemically converting them to fuel usable in all structures. We should be smarter. I have every confidence these smarter solutions will be developed in the near term to provide cleaner, smaller, and more beneficial energy needs. Sunlight may be clean, but not when the panels contain toxic materials and penetrate deep into the earth's surface.

[06:09:41] I've submitted written comments about the specific provisions in this draft that will create serious problems, and I appreciate if you would consider those comments. I urge you to reject this draft, specifically the buy-write provisions for up to 21 acres, and that many of the provisions, as has been discussed today, and even the limitations on uh agriculture or forest blocks which of course excludes many most of the forests in this um county are fair game for industrial solar panels in this draft and the 10 acres still would permit

[06:10:21] 40 000 43 560 square feet thank you i'd like to submit i have some articles i'd like to submit for the radical give them to the clerk she'd be happy to take them genie van cleef right um can you give those to the clerk? Who can I give them to? If you want us to have them. Yes. Yes, that's great. Thank you. She'll pass them to us. Okay. Do I wait for a green light to start? It'll start

[06:10:54] when you start. Okay. I'm Jean Van Cleef and I live in Esma next to, well, adjoining Alan and Senator Van Cleef's proposed solar farm property. I am here to express my strong opposition to this.

[06:11:17] While advocating for renewable energy, there are critical concerns that must be addressed before considering this project. Oh, sorry. Okay. So the things that I oppose, the 21 acres is equivalent to 16 football fields.

[06:11:33] So that would be 21,000 to 31,500 panels. And if his neighbor does the same, there's only 0.5 acres in between, which is 38% of a soccer field, which I feel is unacceptable.

[06:11:53] And this is a rural agricultural area. This should not be allowed. There should be a special use permit for all energy facilities, no matter what the size. Draft has no setbacks. All facilities should have setbacks.

[06:12:09] Panel screening, buffering is only required if energy facility is 10 acres or more. Screening and buffering should include any size facility. All energy facilities should be required to submit a site plan prior to approval. A siting agreement should be required for all projects of 5 acres or more of panel area.

[06:12:32] Height of screening trees should be 50% higher than the height of the highest panel. No height requirement is specified. maximum height of panels should be 15 feet the draft raised to 20 feet higher visibility from neighboring parcels by rights projects are permitted to disturb 10 acres of habitat cores

forest blocks corridors connecting habitat areas and prime farmland no areas should be disturbed No height restriction on connecting infrastructure.

[06:13:12] So counties have higher and higher restrictions on approving solar, like Fakir and Madison. Louisa County is in litigation over flooded retention bonds.

[06:13:29] As a result, no farming can be done. Land was ruined. There's a \$15 million lawsuit now in Louisa over this. And I think that you've been doing a very thoughtful process, and I hope you'll be responsive to these comments and not allow the solar farm request.

[06:13:52] Thank you. Thank you. Gray, you're next. I didn't get to my article. We haven't. Good evening. My name is Gray McLean. I'm an Alamo County resident in the Jack Jewett District.

[06:14:10] I'm here this evening to, first of all, applaud the Albemarle County staff for its extensive work and community engagement on the proposed solar ordinance, and two, to urge the Board of Supervisors to adopt the ordinance. I believe it was leadership on this Board of Supervisors that called for the ordinance's development, and I think the staff's done a great job of engaging the community on the issue, and the result is an ordinance that balances many competing demands.

[06:14:38] And now is when I stop being eloquent, because I'm going off script. So like you, I've been in many rooms where climate change issues have been advocated around. And like you, I've heard many students speak.

[06:14:57] And I would encourage us all, including myself, not to smile and be proud that they're here. And proud that they're here speaking out to us and see our kids and grandkids, right?

[06:15:13] Instead, listen to them. Think about the world they're inheriting and act. and act. I can't all these all the nuances. That's your job. I sincerely appreciate you dealing with all the nuances and act boldly and do more. Thank you. Thank you, Greg. The next three speakers, if you'll come down, please. Martha, I believe it's Donnelly, Haley Owens,

[06:15:50] I believe, and Saviv O'Flynn. Yes. And Martha, you're first. And you might want to pull the mic down just a little bit yeah there you go I'm Martha Donnelly I'm a resident of Charlottesville City I'm a landscape architect proud class of UVA 75 I am opposed to this ordinance as written

[06:16:26] especially with regard to the by right 21 acre for all the reasons that have been given so far I don't know if you know the biodiversity crisis is actually a bigger existential crisis than global warming.

[06:16:43] Since 2019, we've lost about 45% of all the insects globally. They're at the bottom of the food chain. And with regard to that, trees are an essential component to being the host plants for insects.

[06:17:05] 90% of the insects live part of their life cycle in trees. The white oak is a host of more than 550 species of insects. So when you say, okay, by right, somebody can clear cut 21 acres of trees, think about what you're doing to the environment.

[06:17:33] As Gray mentioned, I applaud these young people, but I would suggest that there is a lot of information to be digested here, larger than this particular issue. I'm not going to talk long.

[06:17:51] If you have not read Doug Tallamy's Nature's Best Hope, I hope you do. It's got a lot of very pertinent information that will inform your decision-making process. Now, when I came down to UVA

from D.C., I was a young person and I could not believe and never got over the beauty of the Blue Ridge Mountains. And so I want to leave you with this quote from John O'Donoghue,

[06:18:20] a philosopher and poet, from his book, *The Invisible Embrace*, Beauty. Beauty is mostly forgotten and made to seem naive and romantic. The blindness of property development creates rooms, buildings, and suburbs which lack grace and mystery. Socially, this influences the atmosphere in the workplace, the schoolroom, the boardroom, and the community. It also results in such

[06:18:56] degradation of the environment that we are turning more and more of our beautiful earth into a wasteland. Much of the stress and emptiness that haunts us can be traced back to our lack of attention to beauty. Thank you. Thank you. Hello, Board of Supervisors and audience. My name is Haley Owens. I'm a resident of Charlottesville and a lifelong person growing up in this area. It's my

[06:19:32] first time speaking with you all and I want to speak in support of the solar ordinance, especially with the modifications that's encouraged, the deep research and collaboration done with Charlottesville community climate collaborative or community climate collaborative there's three c's so for me i've heard a lot tonight about the beauty of our area and how important our natural resources are and i'm fully in agreement like we have to hold on to our resources and cultivate them with creativity and excitement and a feeling of vitality like we can do things in this area

[06:20:10] and yet I also am so cognizant of the communities that have been burdened by fossil fuels for so long right our area is not so burdened by that we've been able to have beautiful fields and forests and such so I think it's time for us to take responsibility for the amount of energy that we consume and not just for the people who are younger than me for my people for you and your grandchildren and your children and just your own life um it's it's big stuff that's happening right

[06:20:44] now and honestly the world that we're in it feels really counterproductive at times and so for me when i see solar panels i think yes we there's still hope there's things that we can do good that people are doing something about it so please support these and listen to those who have wise and have been doing research to figure out how we can encourage these developments and

[06:21:09] responsible manners. Thank you. Thank you. She'll clear it. She's going to clear it. Claudette will clear it. Yeah. All right. Saivo Flynn. I'm a climate justice policy manager with the Community Climate Collaborative. Albemarle has been working on its solar ordinance for over three years by the sounds of it. Since that time, C3 and our community, we've stayed engaged with the updated

[06:21:44] revisions, which have each taken months to complete while the climate continues to change. And we've seen disasters unfold during the time that we've been writing this ordinance. During that time, the question has come up repeatedly. Why aren't we covering every single impervious surface in the county with solar panels before even looking at ground-mounted solar?

[06:22:04] This is a good question. I looked at it. C3 is a well-established and staunch advocate for rooftop and car park solar panels. We're a collaborator on the Energy Resource Hub with the county, city, and LEAP connecting locals with ways to affordably put panels on rooftops. We've recognized PVCC for its work on its net zero building powered by rooftop and carport solar.

[06:22:26] Our just-released 2024 impact report includes testimony from community members who installed solar on their roofs under C3's guidance. Rooftop solar is a critical part of a clean energy future, energy affordability, and energy resilience. And my point here is not to pat ourselves on the back.

[06:22:43] My point is to give context to our support for this ordinance as written. We are indeed in an ecological crisis. This crisis is caused by the same extractivist systems that are causing climate change. Climate change is the ultimate force multiplier.

[06:22:59] It is causing the exacerbation of the ecological crisis, which is having massive impact. The root cause of this force multiplier is climate change. We still don't know the biodiversity impacts of things like what happened in Western North Carolina, in Texas, in California.

[06:23:19] To inform our position on this ordinance, we've done preliminary analysis for rooftop solar's capacity to meet the county's current energy needs. That's before we electrify everything, which we all agree we want to do. Using data from the National Renewable Energy Laboratory and Google Earth's Environmental Insights, we estimate that covering every suitable residential and commercial rooftop at solar would cost today between \$1.85 and \$2.78 billion.

[06:23:45] It would exhaust local capacity, add process inefficiencies, and still leave a gap between current usage and production. Ground-mounted solar costs one-third that amount with costs borne by developers. Climate justice means that richer resource-intensive localities like Albemarle have a responsibility to engage in both energy production and use reduction.

[06:24:06] County residents consume more energy than the average American, according to utility data aggregated by freeing energy. And though it doesn't feel like it to many struggling households, Albemarle is also a comparatively wealthy U.S. county. Irrespective of our relative wealth, the cost of installing solar on every rooftop is not realizable within the urgent time frame demanded by the scale of the climate crisis.

[06:24:27] We need drastic systems change, but we know it's not happening fast enough. That's not to say give up, but we must answer the difficult question. Please pass the ordinance. The next three people, Susan Cruz, if you'll come down, Rob Props, Chad Graham.

[06:24:44] Those are the next three. Susan, you're first. Hi, good evening. My name is Susan Cruz. I am the Executive Director of the Community Climate Collaborative.

[06:25:01] And I'll leave the detailed comments to my colleagues and as you've received them over email so far. In 1979, Jimmy Carter installed 32 solar panels on the White House. The panels were the very early versions available today and were used to heat water at the White House. Carter's remarks at the time were eerily prescient. A generation from now, the solar heater can either be a curiosity, a museum piece, or an example of a road not taken, or it can be a small part of one of the greatest and most exciting adventures ever undertaken by the American people.

[06:25:37] While there was growing awareness of the scientific community at the time that sea levels and global temperatures were rising, the term climate change was not in the public lexicon until the end of the 80s, early 90s. Carter was ahead of the country, stating that he wanted to harness the power of the sun to enrich our lives as we move away from the crippling dependence on foreign oil. In his State of the Union that year, he unveiled an ambitious plan to power 20% of America with renewable energy by the year 2000. It turned out to be the road not taken that president carter predicted as president reagan removed the solar panels in 1986 and renewable

[06:26:16] energy did not return to the white house until george w bush installed solar panels in to heat the white house pool in 2002 um whoops just lost my remarks there hang on one second so um yeah where

did they go um so the point is that uh solar remarks sorry this is what happens when you do it on a computer. There it is. Okay, sorry about that. The road not taken was not just something

[06:26:54] that happened in the White House, however. It is something that has happened all across the country in rooms just like this one, where we hear from our community and while we posture and protect our own view sheds saying projects just aren't good enough. Perceptions, we protect our perceptions of environmental integrity while the world is literally burning. Climate change was paved by the road not taken. This solar ordinance is not perfect. It is not the ordinance that climate advocates would have written, but it is a step forward and it is one that Albemarle County can

[06:27:30] be proud of. And in the worlds of Robert Frost, it may not be the road less, it may be the road less traveled, but it can make all the difference. I urge you to pass this ordinance and let's get some solar and clean energy moving in Albemarle County before all these tax credits expire. It's our obligation to meet these climate goals, and I hope you will join us in supporting it. Thank you.

[06:27:53] Thank you, Susan. Rob. Good evening, Chair Andrews, members of the board. My name is Rob Probst. I'm with CEP Solar, a Richmond-based solar development company. I'm also a resident of Albemarle County and live in the Ravana District. Thank you for the opportunity to share some thoughts with you this evening regarding the proposed revisions to the solar ordinance. First, I'd like to commend

[06:28:29] the county, the planning staff, and all of those who contributed to the proposed changes for drafting a thoughtful and well-balanced proposed revisions. CEP submitted our written comments to Mr. Belfritz last week, and I understand those comments were circulated to each of you last Thursday. I'm going to only touch on a couple of points this evening in the interest of time. One of the proposed revisions is a requirement to ensure there appropriate access for emergency vehicles. CEP fully supports this idea, but we believe some

[06:29:05] minor edits are necessary to clarify what is required and ensure that the requirement aligns with what we've seen in other counties as well as what we heard from the county fire marshal's office. The proposed language could be interpreted to suggest that space be provided to allow emergency vehicles to access every panel row. This is not consistent with what other counties require, and it's not what we heard from the county fire marshal office. This would also require extra space between the rows and require significantly more land. What is typically

[06:29:42] required is an access road to each section of the fenced panels, recognizing that a project site may include more than one section of fenced panels. It's also important to include an area on the perimeter of each section of fenced panels that emergency vehicles could use to turn around.

[06:30:02] I would recommend also including language in the ordinance that requires a solar developer to obtain input from the fire marshal's office on the design of any internal access roads to ensure that the fire marshal's office is comfortable with the plan. Another proposed revision I would like to touch on is the requirement to achieve gold certified virginia pollinator status under virginian pollinator smart program within three years of the issuance of a building permit while cep supports the idea to incorporate pollinator habitat within a solar project in our conversations

[06:30:38] with professionals who are experienced in designing and installing pollinator habitat within solar projects they believe achieving this standard within three years is overly aggressive and would

require planting a pollinator seed mix too early in the life of the project when the soil may not be ready to support the vigorous growth of pollinators.

[06:30:59] What they recommend is implanting a cover crop seed mix as the first step to establishing the vegetative cover. Thank you. Thank you. Chad, you're next. Again, I'll remind people if you have comments that are in writing that you can turn in if you didn't complete your comments.

[06:31:19] Good evening, board. My name is Chad Graham. I am a resident of Albemarle County, also a property owner in the Scottsville District that I am interested in hosting a small solar energy project on. I appreciate you taking the time to update the solar ordinance and hope that the new ordinance balances the need to site good projects while not being overly restrictive for what is a proven technology that quietly generates clean energy without requiring new public services.

[06:31:56] One of the specific proposed changes to the solar ordinance includes the ability to permit a solar project by right as long as the project is 21 acres or less. I very much appreciate the common sense approach to following smaller community-scale size projects to be considered by right.

[06:32:20] However, I would respectfully ask that you consider increasing the size of this by right permitted use to 50 acres to be able to capture the type of smaller community scale size solar project like the one I hope to host on my land.

[06:32:39] Because these projects are smaller, the profit associated with developing them is less and to the extent the county can help minimize the time it takes to approve these projects, the more economically viable they can be.

[06:32:58] I believe these smaller projects can be properly sited and coexist in the rural areas of the county with little to no impact on neighbors. offering by right permitted offering by right permitted to the smaller solar projects doesn't compromise on the construction or operational standards they would need to meet but would only reduce the time it takes to permit them so i strongly suggest you take these into consideration

[06:33:34] and thank you for your time thank you thank you uh and we have two more speakers grace claire and Chris Meyer. Grace, you're first. Good evening. My name is Grace Clare, and I'm a Charlottesville resident, but I also was raised in Nelson County, so I grew up in and around Albemarle County.

[06:34:04] I'm very proud to be where I'm from, very proud to be in Central Virginia, and very proud of boards like you who put so much thought and effort into ordinances such as this, moving us into the future. Having grown up in rural Nelson County, I have had the opportunity to see the devastating impacts of climate change on rural communities. And especially in the most recent years with the extreme weather that we've been seeing, it has been getting worse and worse.

[06:34:38] So to the point where I've actually found my passion and my career in solar. So I am voicing my support for this solar ordinance, as well as the modifications expressed by the C3 representatives.

[06:34:56] This will not only set Albemarle County up for success in a continually developing energy environment where demand is increasing more than we are actually able to produce, but it will also set a good example for surrounding counties, a shining example for counties like nelson and uh how we can move forward in the best way for solar uh solar development but with consideration for the community as y'all have done so i hope that you will pass the solar ordinance

[06:35:36] with those modifications in consideration to the community and um the all of the research and work that c3 has done thank you so much for your time thank you chris you're the last speaker but not least. Good evening, Supervisors, Chair, and County Staff. I'm Chris Meyer. I'm the Board Chair of the Charlottesville Renewable Energy Alliance for Seville Rea, the Trade Association for Clean Energy Companies here in Charlottesville. I spent the last year working on this ordinance with colleagues, met a lot with Bill here, and I think it's in a good spot. We're happy with this

[06:36:16] and would like to see it move forward. The unfortunate fact of the matter is that Albemarle County imports almost all of its electricity currently. The state of Virginia is a little bit better off but it's still importing more than 30% with a lot of that now coming from West Virginia and its cold-fire generation.

[06:36:34] With this new ordinance Albemarle County would need to utilize only a sliver of its 464,000 acres to produce clean and inexpensive electricity to meet its own demand which can be done through solar power in a responsible manner. Seville Correa supports the proposed ordinance updated for many reasons, including it streamlines the permitting for commercial and industrial roof array systems that will help many of our local installers, such as Virtue Solar, Sunday Solar, and Tiger Solar, offer better and cheaper solar arrays to local businesses, helping them lower their costs.

[06:37:11] It includes and facilitates battery energy storage projects, which helps move electrons from when there's excess of them, think late at night, to when they're needing more and more expensive. I think about 5 o'clock today, everybody's turning on their air conditioner. All right, that's going to lower the electricity bills or at least stabilize electricity bills for your residents the more of those types of projects we have.

[06:37:34] And finally, it treats solar projects like any other land use and allows it for a buy-right on a 21-acre lot. This will facilitate smaller community solar projects that can benefit the county's low-income residents directly. I heard some confusion around whether or not solar projects have to meet environmental regulations even if they're buy-right, and that is not the case.

[06:37:55] I want to clarify whether it's by right, you still have to meet all the state's extensive environmental, wetlands, and forest conservation regulations. Whether you are 21 acres or 100 square feet, you have to still meet the state's requirements.

[06:38:12] Seville Rio's members develop and build the majority of Virginia's solar arrays on schools, larger utility-sized projects for the likes of Dominion, and install the majority of the residential and community rooftop solar in the Piedmont region. The industry is successful because it values and cares for the environment and the communities where we're developing these projects.

[06:38:32] We're excited about this new ordinance, facilitating even more projects closer to home. We want to do more work here. Please do approve it as proposed. Thank you. Thank you. That's it. Okay.

[06:38:47] Thank you. We really very much appreciate the comments everyone has supplied. Board, this is going to come back to us, and we're going to, I think at this point, close the public hearing. Still questions to staff can be given.

[06:39:05] And at some point, we're going to have to sort of look to see where we are and what amendments we can consider. There's been at least one that was distributed by the county attorney, and then there are others that have been proposed. But we first have to determine that there is a support.

[06:39:22] But at this point, I just first ask to go around for comments, but then we'll have to look at how we're going to break this up to make sure that we come to whatever form of this is acceptable. So, Supervisor Pruitt.

[06:39:39] Thank you, Chair. I'm also going to, in my comments, maybe flag a few of the amendments that I think I might have some appetite for initially just to kind of throw them in the pool. That's what I'm trying to help establish. and i'm sure maybe others will also throw amendments in the pool as we go okay um so i want to begin by saying i have a lot of residents in my district who have a lot of serious concerns with the prospect of solar at uh the kind of scale we're talking about being uh able to proceed with

[06:40:12] the speed that i think we are planning for it to uh in their backyards right um i feel however that we are having the same level of scrutiny it's just not coming before this board so what we're really talking about is the level of cost it's not about the quality of the uh of the projects that are being deployed it's really just about how much it's costing them to deploy and therefore whether or not we're only allowing major uh corporate players to develop solar or if we're actually allowing equal access to the playing field um to me that ameliorates a lot of these

[06:40:48] concerns that I hear from people, saying you're going to allow anything without any kind of scrutiny. I hear the way that this is deployed, and I say it looks like we're deploying identical standards, and we're having something that is tantamount to a site plan, almost a site plan and everything but name, frankly. And that gives me a lot of comfort on those concerns.

[06:41:13] I also, I do take the threats that we hear about to biodiversity, habitat destruction, and beauty, right? These are things I talk about from this podium. These are things that give me pause and that I weigh seriously when they're performing.

[06:41:31] But I think when we're contemplating solar, yes, it does impact some of those things. It does have impact on local animal habitats. It does have impact on beauty, although we can debate kind of how significant that impact is.

[06:41:48] And it does potentially have an impact on biodiversity by the way it impacts local animal habitats. But I think you always have to compare something to the alternative. The alternative to solar does not mean you are not having that habitat destruction. It does not mean you're not having those impacts to biodiversity.

[06:42:05] It means you're moving them and also radically expanding them. If we are not doing solar, then we are using natural gas, or we are using petroleum, we are using coal, we are using nuclear, all of which involve mining.

[06:42:21] Even nuclear, right, relatively clean, involves mining. There is not a way around the level of impact we have in solar, because solar is one of the single lowest impact approaches we have at this time with contemporary technology.

[06:42:38] Unless you're going to do some kind of hydro generation underwater off the coast, I think you're going to have a hard time getting the kind of minimal impact that solar has relative to alternate power generation that we have available at this time. We look at Virginia's energy mix currently.

[06:42:55] I can tell you solar is the least impactful of everything else in our energy mix. It has more than two figures of percent in that energy mix, is it more than 10%. That being said, I'm also concerned

because I do have large landowners in the rural area, right?

[06:43:14] If you live in the rural area, you have a significant tract of land, full stop. That's how it works. Whether or not you are rich or you're poor, you probably have a significant tract of land. And that means you have to have a way to make that affordable for you, which means most residents in the rural area, rich or poor, have agricultural land use on them.

[06:43:33] Whether or not they're overseeing it, whether or not they're contracting someone who's coming in bush hogging, That's part of how they have to make their dollar proposition of living in their home work. And currently that means almost everyone in the rural area has to, purely to be economically viable to stay put, they have to have bush hogging for hay, or they have to have, they have, wrong term of art, wrong term of art, I apologize.

[06:44:00] They are, they're doing production on hay, they're doing forestry, that maybe they're subcontracting out. Maybe they have a significant amount of chickens to make it so that they have an agricultural use that is qualifying. Regardless of whether or not that's what they want to do, this gives people another option of how they can be economically viable on their home.

[06:44:20] This gives people another option of, hey, this is a way I can take the extra land that I am, because of our zoning code, burdened with in this area, that I have to have as part of my home, and deploy something that helps me afford this home.

[06:44:37] I also hear from farmers that they would like to have some kind of cross-subsidy, frankly, for their business. Because this does have the effect of being a cross-subsidy. As in, it can be a more economically viable use of some of their land that they can use to offset.

[06:44:56] Especially depending on what their land can be used for. That they can use to offset other concerns that they have in their business problem. With that, I would say that I have a specific concern about the 10-year requirement.

[06:45:12] That one flags to me because I see it as, with those two groups I was just talking about, potentially trapping them. The farmer who is going to have cross-subsidy, that's fine. There's actually a carve-out for if there are other things on that parcel that will be continued to use for agricultural activity.

[06:45:30] But it also means the farmer who wants to quit what they're doing or the person who is doing hay because that's the only way that they can have their parcel be economically viable and that they can live on it, they're kind of trapped there for 10 years. And the only way that they can deploy solar is if they stop doing hay production for 10 years, lose their land use for 10 years, and then move into solar. I don't know that I'm comfortable with that kind of entrapment of current landowners. That forces them to continue using one type of land use before they can transfer their land into a different kind of thing that I think we want to

[06:46:09] encourage. So I do have some concern about that. The other thing, I want to dig into the, several folks from C3 mentioned this, and I dug into this separately, the relevant and accepted resources piece. At first when I read this, I thought this was only referencing what we ourselves would be referring to, as in we are, when something comes before us in a special use capacity we would be looking at the comprehensive plan biodiversity action plan the virginia conservation recreation plan and other and i was like okay that's fine it gives me more things i

[06:46:45] can reference um however if that is also going for the the special exception process for things that are by right that sounds like something that can then be used as a sword by a neighbor as in the neighbor is angry about a by right project and would like to say that they're non-compliant with some kind of other relevant resource, file something in Virginia Circuit Court and contest that they have not complied with our own ordinance. I would like to either remove that

[06:47:20] one tiny reference, just because it's vague, or replace it with something I think gets at what we're doing. Something like, or other county-developed resources designated for this purpose, which would give us the capacity to identify, because maybe we don't want to have a biodiversity action plan, maybe we want to split it into two different kinds of plans in 10 years from now. It would give us the ability to designate something in the future for that purpose if we want it to have a pending effect on our own solar ordinance, rather than it being something that is

[06:47:54] ambiguous and out there and able to be used in litigation by grumpy neighbors. Those are the two kind of key amendments I might throw on the field that I think there's support for, and that is, I think, my general feelings on the ordinance as drafted.

[06:48:14] Just a clarification. Are you asking staff to respond to those? I was not asking staff to respond to that, unless they think I've misconstrued something that bears need for correction. More question of us taking account of who has one.

[06:48:34] Okay. I'm not going to. Okay. So, Supervisor Mallett. Thank you. If I may, I have a couple of quick questions I could ask staff. Sure, of course. Okay. In the text, it talks about approval from the executive at the airport, or it talks about consultation, but does that mean that they have whatever their ideas are taken seriously?

[06:49:01] I mean, it doesn't say approval of, but I'm asking, is it approval of a location, a sighting, So wherever it's referenced in there, I'm not even going to pause through all those papers. I know what you're talking about. Okay. So in speaking with the airport authority, they ask that they just be provided this information.

[06:49:22] They believe they have the tools they need. Once they know what it is, if it somehow interferes with airport operations, they have their own set of tools that they could prevent it from using something that would interfere with airport operations.

[06:49:38] They actually told me one of the conversations we had was we may not have even put this in here because they're saying that there are airports around the country that are putting these on the airport within the fenced area of the airport because they have lots of open land.

[06:49:56] So they're actually putting the solar facilities on the airport. So they indicated they really don't have, they don't see this as an issue, but they'd like to just get a notice so that they can take care of it if they need to, either through cooperative or they have their own tools.

[06:50:11] So their tools might be that their neighbors already have easement restrictions on what can happen across the street where the vineyards are now. Could not be done in solar panels aimed right at where the airplanes are coming in. It depends on the... It's very nonspecific what you're saying. They can't have glare that's going to interfere with the airport.

[06:50:30] Okay. I guess so. That's fine. Lots of people have mentioned community solar. There's nothing in this ordinance that gets in the way of community solar or recommends it that I saw. I think you heard from a lot of speakers, some say it facilitates community solar, some say that it's too small for community solar.

[06:50:50] We got away from the whole concept of community scale and everything and treated it as a land use, how much area is being disturbed versus how many megawatts And what's the definition, people's sliding of what qualifies as large or medium scale?

[06:51:12] So those words don't appear anywhere in the ordinance. Okay, because the main inhibition for community solar is Dominion and the fact that they require \$75 a month of line use, even if you only have \$5 worth of electricity. And so only a very small percentage of people even have access to that whole thing.

[06:51:32] And I just want to make sure this was not getting bogged down in that can of worms. Okay. And the last question is the emergency vehicles, from what I understood, the roads were to be X feet wide so that a fire truck or brush truck or something could go down a road to something, a transformer or something that was burning somewhere.

[06:51:58] So there was pushback at various levels about that. And rather than having to pull a whole lot of hose, it seems worthy that they would have access to where you need to go without having to stop at a gate. Can you help me with that? So what I did is I worked with Howard Lagermasino, I always have trouble with his name, to develop this language.

[06:52:20] We didn't want to come up with specific separation standards because there are a variety of different ways that you could design it. So it doesn't necessarily require that every row be separated by a certain amount. What it says is that it must maintain sufficient separation between rows of photovoltaic panels or battery energy storage facilities to provide fire access and meet clear zone requirements.

[06:52:42] So how they arrange it, they can work with the fire official to maintain that. So there might be two rows that are closer together with a bigger area around the perimeter, or maybe you separate them so every row is fire accessible. The idea is they want to be able to get in there safely, don't get trapped, and be able to deal with any issues.

[06:53:03] So it does provide – it was written in such a way as to provide maximum flexibility to the installer of solar panels without jeopardizing public safety. Okay. But that same clear zone with the pontoons of 26 feet is sort of what I think about for subdivisions and old-scale neighborhoods and things.

[06:53:22] It's a little different. So that's probably what we're talking about. And I guess with the tilt, you're going to need pretty much that much anyway with having some flexibility. Okay, that is the end of my questions. And I have really appreciated the responses from staff about all my seeming confused questions.

[06:53:46] But I still am at the same place I was at the beginning, which is 21 acres, in my opinion, is too large. I'm happy to support five. I'm less happy to support 10, but I think 914,000 square feet of panel area by right is too much.

[06:54:04] And that's all I have to contribute, except when we're ready, I would love to make a motion for that and see if it flies. Thank you. Supervisor Calloway. Is somebody just tracking potential amendments? I'm trying to.

[06:54:20] Okay, so somebody's doing that, because I know there's the Andy one out there, then Supervisor Pruitt has done two. At some point, I'm going to need some help to go through those. Well, I'll get right to a couple.

[06:54:38] I don't know if these will qualify as amendments or not. So I guess I'll pose them as questions and then see where we go. The financial, this is about the decommissioning and the costs. I'm satisfied with what we're requiring and what we're holding.

[06:54:57] But do we, cash is clear to me. If we collect cash from somebody 10 years down the road, something goes haywire. We have to do the decommission. It's been updated. we've got the actual cash on hand to be able to do the decommission.

[06:55:14] Are we satisfied that the other instruments rise to that level of satisfaction for the county's liability concerns? We're using the same concept that we use for erosion sediment control and other types of things, but erosion sediment control is sort of the easiest one to point to.

[06:55:33] And does the ordinance allow us, because I didn't necessarily read this anywhere, okay, somebody else still owns this. It's kind of like these blighted things. It's like if you own the property and it goes haywire and I've got the cost to handle the decommission, do I have the right to go on the property and do the decommission?

[06:55:54] When we develop the decommissioning plan, that would be something that we would be considering within the decommissioning plan and we've been doing with the decommissioning plans we already have. Good. So that will be in there. All right. Got it. Can the 10-year, this farming piece about the 10 years, Was that something, and if it was said, I apologize.

[06:56:16] Does that qualify for a, can that be a special exception request? It qualifies for a special exception, yes. All right. Let me just see if I have any other questions. I think the rest are comments.

[06:56:36] I don't have any other questions or amendments to offer, so I'll allow everyone else to go, and then I assume at some point we'll have to make some more, whether we support or against, or do you want that now, too? Well, I mean, once we start going through this list, I'm hoping that. Well, I'll just do it then.

[06:56:51] Okay. So this has been an interesting issue because in the emails we've received, even prior to tonight's meeting and what we've heard from the public, which I've appreciated, it's been a little different than in the past because, you know, you always have some for, some against.

[06:57:07] But this one was, you're not going far enough. Some don't change a thing, but then some were spot on, do what you've, pass what you've put out. So it's almost like three categories. But I do want to commend Bill and staff for the work here because you've had to thread a lot of needles, not the least of which is how sometimes we like to do things in Albemarle in addition to all the concerns and everything you've heard.

[06:57:34] So, you know, I'm not going to be on the side of not doing anything. I'm not going to be on the side of doing all the extreme. As Ann likes to say, when there's pain felt by everybody, that's usually a sign that you've got something that's going to work. So I'm prepared at this point to be supportive of what staff has presented with the amendment that Mr. Herrick put out.

[06:57:56] And then obviously we'll consider some of these other amendments. But I'm prepared to vote on that and would be supportive. I think that the rationale to arrive at the 21 acres was reasonable and well

thought. I think folks in support of this ordinance should be wary of the slippery slope of using property rights to justify you can't force someone to farm if they don't want to.

[06:58:20] I know you're speaking in support of this very specific use, but when you start down that area, you could also say, well, they don't want to farm. Now I just want to clear cut and put up whatever I want, which is not allowed. In this instance, we're saying if we're allowing it to clear cut, it's limited, and we're okay with solar replacing the clear cut.

[06:58:41] But there's a lot of other things that property rights advocates could say, Well, yeah, but you could also allow to put up a big old building out there or something like that. So you just have to be careful of the line of using property rights in this. And I offer that, I think, to some of our youngsters that came out who I did listen to.

[06:59:01] I think that somebody had mentioned earlier about special exceptions or looking for consistency or specific details so that we can be consistent. And I think that that's what our special exception and special use permit does.

[06:59:16] It provides a process. That's the consistency in the absence of specific details because you come up with the specific details given the particular application. That's what the whole special exception and special use permit is about. And we see that in all our other applications.

[06:59:33] I hope this doesn't create a situation similar to our homestays where everything comes in front of us for special exception. So there is a layer, but I think at this point it's reasonable that some of the things that you've opened up for special exception or special use is appropriate. And I think it strikes a good balance between what we're allowing by right and what we're, and I think the 21-acre was pretty, was reasonable in how you arrived at that.

[06:59:59] So there's probably some other comments here that I'm missing, but with that, I've said my mark. Supervisor McKibb. Sure. So I was going to ask about the recently farmed, which that's been answered. I'm just going through mine. And I was going to ask about the emergency access, which I think that's already been answered.

[07:00:20] So that's good. Help me a little bit with someone was concerned about the pollinator program and a cover crop first bill. Could you help with that, please? Right. Pique my interest. Yeah. I don't have it right in front of me, but it requires you to, excuse me.

[07:00:38] It requires you to get that pollinator smart two years after you're issued a building permit. And I think the speaker's comment was that you may need more time than that to do that. Two years is what was recommended to us by the state.

[07:00:55] You can change it to, say, three years from the issuance of the building permit. Yeah, he was suggesting three, I guess. I thought it would be easy to do. You could increase it by a year. I want to look and make sure. Yeah, I was just curious about the – I wrote down – Yeah, it's within – excuse me, it is within three years of the issuance of a building permit, not two.

[07:01:14] So maybe I misunderstood what he was actually saying. But you all are comfortable – go ahead. You look like you're – I took him to say that do something like that, you may need more time. More time, right. You need to start with a nurse crop, and then you start working into this.

[07:01:30] You could expand that to say they have to get it within four years of it, or whatever time period you wanted to do. I'm sorry, the two years is a different thing about how they administer the program. But you're comfortable with three years. Three years is what was recommended. It's what you felt like the so-called, I guess, experts said when you talked to them.

[07:01:49] So you're comfortable with that. That's what they recommended. Okay, all right. And then we had someone very concerned about batteries, the batteries, which we haven't talked a lot about. I'm just throwing that out as a question. I was going through, I made those four notes. Do you remember she was concerned about?

[07:02:08] So there's been concerns, I think there were some of the speakers today and in some of the correspondence that you've received about the safety of the batteries and potential fire hazards and so forth. And that's why we have the very specific standards for what they have to be built to and what building code regulations they need to meet.

[07:02:32] In speaking with the building official, we were talking about how some of the older ones, simple design, about which ways the door swung and caused a problem with some of the facilities, and the code has been changed, so it swings the opposite way because they've learned.

[07:02:54] So there are things that have happened, and that's what we're referencing. But that's the concern that's been stated, is the safety of the batteries and what happens when they do catch on fire. Yeah, and you feel like that over time those concerns have been addressed in the code?

[07:03:14] We're going with the best available. Okay. All right. That helps. Thank you. I appreciate that. All right. I think that was all I wanted to ask. I don't have any different suggestions, so you don't have to add me to anything down.

[07:03:34] I mean, I'm interested in some of the others, but that's fine. And I just, I guess we're making our comments now as well. I think that's appropriate to that point. Absolutely. So I am supportive of this. I really want, of this proposal. I want to thank staff for the thoughtful work.

[07:03:54] And you have had considerable outreach to our community, multiple factions in our community, and experts in this area. And I really appreciate that. You didn't draft this in three or four months and come to us.

[07:04:13] It's been very thoughtful. And to some degree, I take Ned's point because some people love it, some people don't like it at all, and there are a lot of people that are kind of in the middle. And maybe that's where, when you make decisions, sometimes that's where you need to be, it seems like to me.

[07:04:34] I mean, that can be a win. And as far as my, I have one comment, and then I just want to share a few thoughts. And we hear a lot of chatter now about fusion reactors.

[07:04:53] Lots of people are talking about fusion reactors now. And in my opinion, we have a fusion reactor already, and it's called the Sun. And we need to take advantage of it. Just big picture, my opinion. And I have a friend that lives in Earliestown whose name is Pamela.

[07:05:12] And I read her email and she really captured exactly the way I feel about this. And so I'm going to read Pamela's four bullets because she says it better than I probably could. She said the reason to pass, some of the reasons to pass include it allows by right solar for fenced areas up to 21 acres, making small community scale projects easier to build.

[07:05:41] Second, unlocks economic opportunity by reducing permitting barriers. Number three, creates clarity and consistency for developers, landowners, and the public in an uncertain federal context.

[07:06:03] And the last bullet helps Albemarle make progress on its net zero by 2050 climate commitment. And I think, in my opinion, my friend Pamela captured what I think we're attempting to do. So with that, I'll wait and see what the amendments offered are.

[07:06:22] Thank you. Supervisor LePiestro-Curtley. Yes. I understand Supervisors Pruitt regarding the farming and the 10 years, but I also worry that if we don't have something like that, that people are going to take advantage and just put in solar panels on their farms.

[07:06:50] And, you know, that would be a degradation of the farm or agricultural business and such. I wouldn't like to see that. I mean, I really support the solar panels on fallow land that is not being used, but not where they go in and, you know, clear cut and then start putting up solar panels because it might be easier than farming.

[07:07:22] So for that reason, I mean, I do like that 10-year period of time. The batteries, I did want to ask about the batteries because are those the same type of lithium batteries that are hard to put out? There's a fire, do we know?

[07:07:41] Because I know the fire department has recently purchased blankets, which is the only thing they can use now to put out car batteries. That is generally what is incorporated in those designs. And the NFPA code references in the draft ordinances take into account suppression systems in the design of those facilities.

[07:08:06] Okay. And the batteries would be located in a building near there? They're usually in almost like a storage container. Okay. And as Bill had referenced, the code provisions reference blow off doors in case there's a fire or explosion or like, and I believe they're required to incorporate suppression within the enclosure for them as well.

[07:08:29] And I also had a question regarding the looks. I mean, I would hate to see, but I think on page 4, number 11, energy facilities with a fenced area of at least 10 acres must be screened from public streets and abutting parcels, not under common ownership.

[07:08:51] So I believe that takes care of my question about not having a lot of solar panels in a beautiful area, like driving towards Afton, you know, along 250. You've got a lot of beautiful land, and to see a bunch of solar panels.

[07:09:09] But I think that takes care of that, right? For facilities over 10 acres. Scenic? Pardon? For facilities over 10 acres, yes. For facilities over 10 acres, okay. And I think the, well, I guess we're going to go over the amendment that was suggested.

[07:09:26] Okay. Thank you. I will also be supportive of most of what's written here and maybe some additional changes. An additional comment I guess I'd like to make is, while I very much value our forests and our agricultural production, when it comes to carbon sequestration, the studies by UCS and others have shown that the amount saved by an acre of solar panels

[07:10:05] greatly exceeds the amount that would have been sequestered. If you just, you know, left it without that or left even the woods that are in there, except maybe the oldest growth, that in fact, yeah, the amount that you save in terms of carbon output, sequestering, you know, compared to leaving a forest

there, which of course preserves the carbon, versus preventing the burning of the fossil fuels by using solar instead.

[07:10:36] if you compare the areas you actually come off better with the solar than you do with most of the you know pine plantation type operations that said that's not a sole criteria there's a lot more to it and the biodiversity impacts wildlife corridors and things like that are important and i don't belittle that nor want to dismiss it but i am generally supportive and i do think that under the circumstances we need solar.

[07:11:10] So, board, I am supportive, again, of the 21 acres. We have a version that does add the sentence by right ground-bounded solar facilities and rural areas are limited to 21 acres. That was not reflected, so we have this one to work with.

[07:11:28] And I'm assuming that that's a starting point, so I know there has been a request to take it down to five acres. Um, and I, rather than go through and have a motion, do you really want to, do you want to do it by motion or do you want to, can we just look at it and say, you know, is there support for reducing this from 21 to something less?

[07:11:52] Okay. Um, since I'm on the topic. Okay. Yes. Chair, I might just, because I don't know that's been said very clearly. Um, and I think it bears on this for the public. We talk about the 21 a lot.

[07:12:06] I think it's worth highlighting that in practice there are not many circumstances it seems like the 21 is easily on the table because if you are disturbing more than 10 acres of forest habitat or if you're disturbing more than 10 acres of prime agricultural soil, then it does require legislative action in the form of a special exception, meaning the functional cap for many of the kinds of areas that people are expressing alarm over is actually 10.

[07:12:36] Otherwise, it requires a legislative action. That band of 10 acres to 21 acres is probably small, because that's going to be places that are already clear. Correct me if I'm speaking out of turn. Places that are already cleared and places that are not prime agricultural land.

[07:12:52] So basically, low-quality soil that happens to be clear, which is unlikely to be, like, just frankly aggregated in that amount, because you'd be using it for either agriculture or you'd be keeping it forested. So I would just raise that as a way to address some of the concerns that I know Supervisor Malik is bringing up and also some of the concerns I hear from the public.

[07:13:17] Thank you. So we're still not at a motion, but I'm just trying to take some straw polls to see where we're at. There's been a discussion about the idea of properties that haven't been farmed in the past, that if they've been farmed within the past 10 years, that they would be subject to a much stricter scrutiny than not.

[07:13:39] And I guess I am supportive of removing that language because I don't see that the mere existence of farming is indicative of the quality of the soils that are being maintained. And therefore, it doesn't really mean a lot to me to say, oh, yes, it was farmed within the past 10 years.

[07:13:57] We have to preserve it. It doesn't tell me that it's prime soil. It doesn't tell me that it's 4.1 forest or any of the other criteria that we're using. So I would recommend removing that language. But I don't know if there's support for removing the language that...

[07:14:14] Did I understand correctly that it already has a special exception waiver available? Yes, it does have a special exception waiver. So if we remove it, we're not even requiring a special exception. Oh, I

understand. Right. But it does have a sort of middle ground already in there.

[07:14:32] Yes. And I think that's important whenever we discuss these, many of them will have a middle ground. The background for me is the use of farm roads, which historically up until Advanced Mills Farm was built, were allowed to be converted to subdivision streets without any drainage or planning or anything else.

[07:14:53] And now they have to be, they can't be used for two years. And that basically put a stop to that practice, which caused a change in the direction of the North Fork and the Rihanna River when so much erosion ran down the mountain in that farm road.

[07:15:11] And so that's the whole basis that I have for supporting. And because it avoids the sort of pre-clearing to create open and the destruction of habitat and everything else that goes along with that on the just-in-case to make it easier to get the permit that you want.

[07:15:30] That's the reason that I think it's important, especially when the special exception already exists. But at least people would have to provide some information. I would support keeping it in if we can. I would support keeping it as it is, and if someone wants to come in for a special exception, they could do that if it's less than 10 years.

[07:15:52] Okay. We need one more to... Well, I'm going to say I have to ask staff if they would have concerns about it. Okay. That's where I am. I mean, I think it's intriguing, and at first blush, I think, yes, but I would like to hear from staff. We were trying to respond to the comments made by the Planning Commission.

[07:16:10] This language did not appear in the original ordinance that went to the Planning Commission. So this is trying to read the tea leaves of what the Planning Commission was saying. So that's why we wrote it the way we wrote it. So then I would probably support what you're saying.

[07:16:25] Support. I mean, I guess the reason that makes me hesitant and be satisfied with the special exception process is you don't want, especially with the significant. But that's not what I'm talking about. The significant. No, I'm talking about the significant change.

[07:16:42] Part of the reason of the 10-year in my mind was that you don't want someone just on a whim making the decision to stop something and start this other thing, start going on a buy right thing, and then that didn't work, and then they try to convert it back. So, I mean, it seems that the special exception process would require you to give a little bit more effort and process to say, all right, I really do want to stop this endeavor and start this endeavor without it just being done.

[07:17:14] And then, oh, it didn't work. What's the recourse there if it's by right? Do you have any sense of how long a special exception process can take or how quickly it can be? I'm going to do it off the top of my head, but I believe it's 90 days in the ordinance.

[07:17:31] Is that right, Andy, if I'm remembering correctly? Well, I'm not sure that there's a minimum period, but it's more about logistics. How fast can staff process it? Yeah, I mean, you're going to be processing mostly a site review, and then we need to get it on your schedule, which is maybe two to three months.

[07:17:52] I just want to be aware that that's the additional burden that we're putting on things whenever we put a special exception in, as opposed to... You know, it just seems to, it's different if you're just putting

in a... I mean, if you decide to go this way and you clear cut, and then you're like, oh, maybe I don't want to do this, that this gives a little extra time or thought into the decision-making to say, all right, do you really want to commit?

[07:18:15] That's why... Investigate a little further, perhaps. Yeah, I mean, just, oh, this isn't working. I don't like farming anymore. I'm going to switch to this. We do have requirements beyond... I mean, we regulate the heck out of property owners in this county. So to take, with all of the support of viable and what we're saying is supposed to be good farmland that's actually in farming and not, I don't want to use any phrases that are going to get people upset, but it seems like it just adds that extra element to say you're really committed to this.

[07:18:49] What's the reasoning? And then, you know, if it turns into we're getting, you know, like the homestays, if we're getting repeated special exceptions, then maybe it can be revisited. But it seems to just press the pause button for a minute and say that we want to take something that's a viable farm and just switch it because, oh, I think this is what I want to do now.

[07:19:08] I don't know if that's a good argument or not. That's just where my mind was. I'm thinking of it in part from, like, a docket management question, right? Like, a docket management question, right? Like, I think the reference to homestays is apt because, I mean, I think we hope that there will be significant solar investment in this community.

[07:19:28] at the smaller community scale. And so one might envision we suddenly get an agenda that's quite clogged with these. And so honestly, selfishly, I'm a little concerned about that. But the other thing is I think this differs from homestays in the important way in that we can talk about the time frame of turnaround, but I think there is also part of why we have a by-right thing is that neighbors don't like their neighbors having solar.

[07:19:57] these will take more time than a uh in the public process and take more money in the public process to um to process because there will be a resistance to them from immediately adjacent neighbors that we don't see frankly with homestays at the same kind of scale and and i could see that being chilling to prospective applicants um in a way that i don't think makes them like good one-to-one corollaries? Well, I guess I would also argue that what we're likely to see are,

[07:20:34] you know, people have talked about haying as a farming practice. Those are the kinds of properties where it's really not producing a lot. It's not necessarily the same as trying to produce a food crop. And yet we're telling them, well, you know, you've got to stop haying for 10 years before you can do this without going through the additional time and looking at our current circumstances, time is of the essence because even being able to do this this year. I don't agree that hay is not a crop. It's not agricultural.

[07:21:06] I'm not saying that it's not, but I think it's a little different quality of soil left over when you're done. I don't see a lot of hay as necessarily always on the best soils. It's different than agriculture that puts food on the table. No, but it feeds the animals that put food on the table.

[07:21:25] You need the hay for that portion of the cow. The yield of acreage to calorie intake for the human being is significantly reduced. My real point is that a farmer should be able to decide that the crop that they're producing just isn't worth it and not have to wait 10 years to make that decision.

[07:21:51] But I need four to be able to say we'll go forward on this. People would be advised to investigate, if they've been in land use, what the rollbacks and penalties are going to be. Of course. Because if they don't take five minutes to do that, it may change the entire math program for them.

[07:22:07] And if they're just not even thinking about it without having any kind of process in the way, it's a really big problem. Another option I'll throw out, if there isn't support for this, is to switch it from 10 years to five years. And now it's kind of tied into our rollback as well. Because if they've done it within the past five years, they're kind of probably claiming land use under that, and they're going to have a rollback of five years.

[07:22:31] That's a good compromise. Would that be all right? Five years? I wonder if that speaks, Ned, to what you were suggesting about we do want there to be gravity and intentionality in the decision-making process, because it does still trigger the same thought process.

[07:22:47] Yeah, and the special exception could still be in play for the five years. Yeah, I could be supportive of that. So five years instead of 10 has some support that may work. I'd like to ask staff what they think about that.

[07:23:02] Again, we were just trying to read what the Planning Commission was doing. We didn't have a recommendation on that initially. That could work. Okay, thank you. That could work. Supervisor Pruitt, and I will support this, mentioned how there's a in number 16 there's a list of sort of documents and things to look at and it includes at the end other relevant and accepted resources and he had suggested uh instead of other relevant or accepted resources if i'm correct suggested or other county uh i said

[07:23:38] county developed resources how about county designated resources for this purpose great So county-designated means we say what other resources, not just anybody comes in here.

[07:23:54] I'm sorry, what passage are we looking at? Number 16, page 5. It is near the end of that rather lengthy block. So I'm sorry, how is the board wanting that to read? The suggestion is instead of and other relevant and accepted resources, to instead replace it with four other county-designated resources for this purpose.

[07:24:22] Yeah, I think that's good. I like that. I'm seeing support for that. This is a pretty technical one. But it was good. It was a good case. Okay. I'm going to just run through some of these others. We did have a request for the modification of the space between panel segments.

[07:24:42] You've kind of addressed that as saying it's more flexible than may have appeared, but I don't know whether there is support for the modifications. I'm not sure what the modifications were because segments doesn't mean anything to me. Was this the fire or something else?

[07:24:58] Yeah, it was the fire. But I don't think that they explained it. Okay, so I want to say that one's not going to go. There was a concern about cover crop or the possibility of four years versus three years for the smart pollinator.

[07:25:14] And I don't know whether there's a way in which you say, well, cover crop within one year, smart or smart pollinator within three. I don't know. I'm just trying to understand what we would do if we did something differently. I confess while we're waiting for folks to come up.

[07:25:31] This is one I still am a little foggy on because I guess I'm trying to picture the enforcement scheme for something that's supposedly by right but then has something post hoc that triggers that they

fail to meet. But there's a state process by which they go through requesting it, and I'm sure gets feedback along the way to tell them, well, you need to do this, you need to do that.

[07:25:53] It takes years to get that certification. What you have to do is you go through and you have to plant it, then they have to monitor it and make sure it's stabilized. They can give you a provisional certificate, and you have to do remediation. The whole idea is that you get the plantings in, and then they're self-sustaining, so it does take some time to do that.

[07:26:12] And four years? I think my understanding of the program is similar to Bill's, where you are establishing a performance plan to get the certification, and then you're showing performance that you're not necessarily having to check all of the boxes within that three-year period.

[07:26:32] But the most important thing to me is that we already have a nine-month permanent vegetative cover ordinance rule in our overlaid grading. It's been on since 2010. Okay. So that comes first. You stabilize it, you get that done, and you then improve the quality of whatever vegetative something is growing there.

[07:26:49] Because nobody's going to keep something open and expect expensive \$5 a pound perennial seed to grow the first time. It's just not. Cheap stuff down and grow it. Are people interested in changing the three years to four or just three years? Okay, three years.

[07:27:10] Maximum height of the lower edge has been a request, certainly C3. It talks about the 10 feet to the lower edge. And I'm very sympathetic to the argument that while I'm worried about being too tall and having additional erosion and runoff, to some extent the height is going to be dictated by the cost of materials and it is unlikely that anybody wouldn't have it not be have more than 10

[07:27:45] feet for their lower edge unless there's a really good reason to want that and so again you know do we have to go through a special exception or or do we need that minimum uh that 10 feet uh i guess maximum for the lower edge to maximum for the lower edge right question is it 10 feet a standard It is what we commonly recommend, and I think the comment was made with respect to the potential that it precluded some type of agrivoltaics, but I can't envision livestock.

[07:28:19] That wouldn't preclude livestock grazing, perhaps corn, but I have not known of corn to be grown in association with solar. It doesn't grow in the shade anyway. Correct, so I don't think, I've not heard that as being an issue for agrivoltaics.

[07:28:35] Okay, all right. Well, it can always be a special exception. I'll throw out there, because I wrote it down originally, is there have been a number of requests for 50 acres. Yeah.

[07:28:50] Okay, going higher. And then there were issues raised about whether we would have additional battery restrictions, but I'm not sure what they were, so I don't know if there's anything. I think I raised that because there seemed to be some in the rural area particularly that didn't get any of the protections.

[07:29:08] But then Bill explained that they were all the same and there was no division. And as long as that's real, then I'm happy to be quiet about that. It's just it kept showing up in different places that there were two sections, one above four or five hundred and one below. Does anyone else have any, aware of any amendments that they heard and would like to have discussed?

[07:29:31] We probably should read the one so that the public knows because Andy sent us one. Well, that has actually been stated over and over again during our discussion. It just happened to get in here wrong.

Right, and the email says that it makes it clear that by right ground-mounted solar energy facilities in the rural areas are limited to a maximum of 21 acres of fenced area on any parcel in existence at the time of adoption of this ordinance.

[07:29:58] So you can't go and divide things up and then claim that you've got multiple 21 acres. They can for the next five minutes. Right, right. No, that's a good point. It was certainly discussed before, but it wasn't in the version that went online.

[07:30:14] So with that, I am hearing support for that change, for a change to five years instead of 10, and a change to other county-designated resources for this purpose instead of other relevant and accepted resources. I didn't hear support for any other changes.

[07:30:35] How do we do this? Do we need to have that written out? Well, I've been scribing as you've been going along, and I'm happy to send you an updated version with those three changes just mentioned. If that's the extent of the board change, I'm happy to send those.

[07:30:51] I'm not aware of any other changes. The review panel, as you said, made it really easy to find, so that was the perfect format. Yeah, that was nice. It was easy to find. Just start your fingers. The motion doesn't change, right?

[07:31:15] Well, the motion refers to this version. That's the only, and it's now on our inboxes. How do we refer to this? I think the same way as the previous one in the previous email. So all these changes moved to adopt as revised July 16th.

[07:31:32] So that isn't even relevant anymore. It's what we're doing now. The other one was also the same way, so I just want to make sure the second one. So how do we specify that? I suppose you could refer to the time of the most recent proposed ordinance sent by Council.

[07:31:49] Okay. All right. So, would someone like to make that motion? I move to adopt ZTA-2023-01 as revised July 16, 2025 in the most recent version submitted by Council at time 2,227.

[07:32:09] Second. We have a motion from Supervisor Pruitt, a second from Supervisor McKeel. Without objection, if the clerk will call the roll. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Lopisto-Kirtley? Aye. Ms. Mallett?

[07:32:25] No. Ms. McKeel? Yes. Thank you. I tried to make it as good as I could. Motion passes. And thank you for this. It's still Wednesday. Thank you. It's still Wednesday.

[07:32:42] It's not Thursday. You did have low expectations, Mike. Some of our staff were up late last night. And I was here up 3.30 in the morning to get here. All right. So, board, this brings us to from the board.

[07:32:59] Committee reports are matters not listed on the agenda. Are there any urgent committee reports? Supervisor Pruitt. I have nothing to add at this time. Supervisor Malek. I will wait. Thank you. Supervisor Galloway. None. Supervisor McKeown. I'm going to wait. Supervisor, if you still care.

[07:33:15] Nothing. And I will wait. And on that basis, I will call us adjourned to, unless there's anything further from the county executive who's gotten up, okay, adjourned to August 6, 2025, 1 p.m. Lane Auditorium. Thank you and good night.

[07:33:31] Good work, guys. Thank you, staff. Thank you.



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