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Albemarle County Board of Supervisors Regular First Meeting, Wednesday, August 6, 2025

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- Official agenda: https://albemarle.granicus.com/AgendaViewer.php?view_id=1&clip_id=1377

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[00:00:01] I am pleased to call to order this regular meeting of the Elmira County Board of Supervisors on the 6th of August at 1 p.m. in Lane Auditorium. I'd like to note at the dais we have Supervisor Mike Pruitt of the Scottsville District, Supervisor B. Lepisto Kirtley of the Rivanna District, Supervisor Ann Malick of the Whitehall District, and myself, Diantha McKeel of the Jack Chewett District.

[00:00:31] A quorum is present. Board taking note of the two empty seats. Supervisor Ned Galloway will be joining this meeting this afternoon remotely. And Jim Andrews of the Samuel Miller District is requesting now to participate remotely in accordance with the applicable board rules of procedure.

[00:00:52] Rule number 8B1D, enacted pursuant to the Freedom of Information Act. Supervisor Andrews. Good afternoon. Would you please state your location and your reason for remote participation?

[00:01:13] Yes, thank you. I am on Guestrick Road in Sorrento, Maine for a personal family event. All right, thank you. I will now entertain a motion to allow Supervisor Andrews to participate in the meeting remotely.

[00:01:30] So moved. Second. We have a motion from Supervisor Malik and a second from Supervisor B. Lapisto-Kirtley. Without objection, if the clerk will call the roll. Ms. Lapisto-Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel?

[00:01:45] Yes. Mr. Pruitt? Aye. Welcome, Supervisor Andrews. As you can see, based on Chair Andrews' remote participation, I will be chairing the meeting today, and I will add that Chair Andrews leaves big shoes to fill, and I'll do my best. We are joined on the dais by County Executive Jeff Richardson, County Attorney Andy Herrick, and to my far left is our Board Clerk Claudette Borgenson, and our Senior Deputy Clerk Travis Morris. To my

[00:02:19] far right are Almar County Deputy County Executives Ann Wall and Trevor Henry. I'd also like to welcome Alamara County Police Officers present, Master Police Officer Jerry Shank and Police Officers Enzo Azari. We thank you for your service today and for the work you and your colleagues do every day throughout the county for the safety and security of our community. Now, if all present, could stand as you are able and join us for the Pledge of Allegiance.

[00:02:53] Everybody okay? I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

[00:03:19] Thank you. Would you please join us for a moment of silence? Thank you.

[00:03:37] Our next item is adoption of the final agenda. I am looking around to see if any supervisors have anything that they would like to add. I do. Thank you. Under amending the agenda, due to my error, neglecting to copy all board members on my request to the clerk to add these items to the printed agenda by Monday deadline, I would like to add them now.

[00:04:03] In the end of the meeting, matters from the board or after. First would be Earliesville truck traffic from Phil Activities on and off Earliesville Forest Drive. And the second is presentation of petitions from the Crozet Community Association. Thank you.

[00:04:18] Okay. Thank you, Ann. board. Per our rules and procedures, adding Ann's items to the agenda needs unanimous support. I'm looking around at everyone, and I don't see Jim, but we need unanimous support. Jim?

[00:04:41] There he comes. Jim, okay. I'm fine with it. All right, so if everyone's fine with that, then hearing no objections, let's add Supervisor Malick's two items, the Earliesville Forest truck traffic from fill activities and the presentation of petitions from the Crozet Community Association as items 21 and 22. Thank you. And then our adjournment will become agenda item 23. So at this time, the floor is open to a motion to adopt the final agenda

[00:05:16] as amended. So moved. Second. All right. So we have a motion from B. Lupisto-Kirtley and then a second from Ann Malick. And the clerk will call the roll. Ms. Lupisto-Kirtley. Aye. Ms. Mallett? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Okay, very good. All right.

[00:05:36] Our next agenda item is our announcements by board members, and I think everyone has the order, so I will start with announcements from Supervisor Pruitt. Thank you. I would just like to begin with a personal announcement and a clarification just for the public. So a lot of y'all have heard I've announced a campaign for Congress. I don't want to talk about that campaign here from the dais. I don't think that's my role. I have gotten the question from several people about whether or not I intend to continue to serve in this capacity while running. And the answer is

[00:06:16] yes, I will resign. I will resign once I win, which will be before the conclusion of my term. In the meantime, I was elected to do a job. I think I'm still capable of doing that job. And also, I ran because I

think my perspective is valuable on this board, and I think that is still true.

[00:06:35] So I'm going to continue to serve in this role. I do sometimes hear from members of the public, from some of my peers, differing opinions on, like, what our role as a supervisor is. There's a common thing you hear that, oh, we're nonpartisan, Or, oh, we're not politicians, we're public servants.

[00:06:54] I don't agree with that. I am partisan, and I am a politician. And that is the capacity in which I serve on this board. And I think that should be reflective in the way I conduct myself, not as a neutral arbiter, but someone who is here to have opinions about things. That being said, the work that I'm going to be doing across the district as a candidate and the work that I do as a politician on this board do not have significant overlap most of the time.

[00:07:19] And so I say this for the public, for people who would try and reach out to me about things related to that campaign. Do not do so on my government means of communication. Please do not call my county phone. Please do not reach out to my county email with things related to public office.

[00:07:36] And I will not do the same. I will not email you or conduct business related to my campaign from this perspective. I think there was one other thing I wanted to say about this, but I forget what it was. Oh, well. We can come back to you if you think about it.

[00:07:53] Sure, thank you. Supervisor Lepisto-Curtley? Yes, I just wanted to announce I, along, and I saw Supervisor Malik. I don't know if others were able to attend last night's night out. That is something that is national, and it enables the relationship between neighbors and law enforcement to become stronger.

[00:08:21] So it's really a wonderful event. It was held yesterday from 3.30 to 6.30 at Putt-Putt Golf. You did not have to bring your own putter. They had putters there. But it was really a wonderful event attended by many, many, many people, many residents.

[00:08:43] And what was really nice is you had not only police, Albemarle County Police Force, You also had Albemarle County Sheriff's and Albemarle County Fire Rescue. So it was really a wonderful event that I had the honor of attending.

[00:09:00] And also last Thursday, I attended the Albemarle County Fair. I don't know if anyone else was able to go out there. It was last Thursday, Friday, Saturday. It was held at Highland Monroe's Home. Really a wonderful event with all kinds of animals, sheep, ducks, chickens, and a bunch of other animals they don't even recognize.

[00:09:25] But it was really a wonderful event because you see all the little children and then they bring in their animals for, you know, to see if they can win awards and everything like that. To me, they were all winners. But anyway, it was a great event. If you get a chance, oh, and good food.

[00:09:41] So if you get a chance to go next year, please do. Thank you. That's all I have. I have to ask, did you get the right size putter? Yeah, I had to get a custom one-and-a-half-foot putter. Sorry, I digress. Supervisor Malick.

[00:09:58] Well, it seems I've been following Ms. Lapister currently around the county. I also enjoy very much at the county fair at Highland the Mobile Museum of the BA 250 history project for the subsequent centennial next year.

[00:10:15] The exhibits are very well done. It's great for all ages, handicapped accessible. And Carla Mullen, who was there representing the VA 250 local effort, said they are really seeking living history

participants to have presentations during 2026 talking about what it was like or how the news of the Declaration of Independence actually arrived in Albemarle.

[00:10:41] So there are lots of different things. York County is doing stuff based on their battles, and New England, of course, has been doing stuff since Lexington and Concord last year, early this year, so I think it's really important for people to give themselves a little chance to try out some history and make sure that they take advantage of all these things, because I won't be around for the next big anniversary, that's for sure, and it was very, very well done.

[00:11:07] Secondly, at the Putt-Putt, I had a great conversation with Michael Downey at the Forestry Department, and he's talking to me about the wildlife, wildland mitigation, wildfire, wildland wildfire mitigation programs, and they have grants now through the Department of Forestry for neighborhoods and clusters of people who live near each other who can get assessments of their fire risk and suggestions of ways that they could make themselves a little safer to prevention.

[00:11:39] He said the biggest cause of spreads and structure loss is flying embers, and there are ways that you can protect yourself on that. So I will leave the brochure and his card with the clerk, and people can contact the Department of Forestry to get that information. And also thanks to Mark Wood and his entire family for hosting the night out again.

[00:12:00] It was a great spot, nice and cool, lots of fun. Lots of children. It was great. Thank you. Thank you, Anne. I would think that would be interesting for neighborhood associations. And it doesn't, yes, definitely, because they prefer a cluster of things, but they're also willing to do high-risk places that are on their own in the rural area.

[00:12:20] But you do not have to have an organized neighborhood association. They just would love to have clusters of people who can get together. I'm going to mention it to several that I know. Please do. That's great. Thank you very much. Supervisor Andrews. Thank you.

[00:12:40] Thank you. I very much appreciate that information. I have no announcements. Thank you. Okay. Then I do have a few things. I just want to recognize, for those that may not be aware, that Alomarro County was awarded a \$9.7 million grant from the Virginia Business Ready Sites Program, and this is to continue our site readiness work at Rivanna Futures.

[00:13:07] Glad to see you clapping. Yes, I agree. And we are really just to express our gratitude to the Commonwealth of Virginia for its continued investment in Rivanna Futures. Oh, really wonderful. The other item that, or I have a couple of other items.

[00:13:24] I want to just remind folks that every year the NAACP has, sponsors the Freedom Fund Banquet, which is really their main fundraiser of the year. This year it is scheduled for Friday, September the 19th at the Omni.

[00:13:40] Tickets are available right now. They're on sale, and you can just notify or call the Elmore-Charlottesville-NACP for information. And I have it as well if you want to reach out to me. I go every year, and it's really a great party and a good event.

[00:13:57] And I did attend the 16th annual Elmore County Public Schools National Society of Black Engineers Summer Academy Graduation. That's a mouthful. But there were six graduates, or seven graduates, I'm sorry.

[00:14:14] And it was held over at the engineering school at the University of Virginia. It was wonderful to see these seven young people who are planning to go into STEM arts. And it's a course that bridges engineering with the arts, which is really an interesting concept.

[00:14:36] They presented aerospace engineering models that they had produced and built. One was an F-22 fighter jet, and the other one was an F-35 fighter jet.

[00:14:53] But, of course, they were models. But it was really a great graduation, and I enjoyed it a great deal. And I want to thank Ms. Pearl Early and Georgia Garcia for the work. And the only other item that I wanted to point out today was, and I keep hearing about this and it's very concerning, parked cars are now the leading source of stolen guns.

[00:15:20] We have to do better than this. We have to do better. So cars being broken into in parking garages, in neighborhoods along the streets. So those people that have guns that are carrying their guns legally, I'm sure most of them are legal, but they need to be locked up appropriately because we just can't continue to have these guns being stolen and then used in bad ways.

[00:15:49] And that information was from the Council on Criminal Justice, which released five years of gun theft data reporting. So we've got to do better. and with that did you think about what you were going to say i did it was again very self-serving but um well first i did want to i was also thinking about the county fair and so double tap everything that was already said specifically want to thank our local rural 10th and 4-h who do a lot of work to get that fair off the ground um but also what i was going to say is i consistent

[00:16:25] with everything else about the congressional announcement i did want to just say for the public. I'm currently working three jobs. It is quite challenging for me to be very responsive in a timely way to people right now until I quit my main job in September. So my nine to five that I actually get paid for, I am stepping away from in September, at which point I will hopefully be much more caught up on my county emails. And I apologize to the public in the meantime if I am not as responsive as I would hope to be. Is that the beginning or end of September? I'm just curious.

[00:16:58] It's mid-September. Mid-September, okay. Just so people know. Yep. Thank you. All right. Our next agenda item is a proclamation recognizing the Soul of Seaville Festival, and Supervisor Pruitt will read it in the form of a motion. Yes.

[00:17:15] Whereas Soul of Seaville is a celebration that honors the rich cultural heritage, vibrant arts, and community spirit that make Albemarle County unique, and whereas Soul of Seaville serves as a platform for fostering unity, promoting diversity, and supporting local business, the 2025 theme being Firmly Planted, Fiercely Flourishing, and whereas the low-cost-to-free, family-friendly Soul of Seville Festival returns to Ix Art Park from August 10th to 17th, 2025, uniting residents and visitors from all backgrounds and walks of life

[00:17:52] to enjoy a diverse array of performances, food, award recognition, scholarship, giveaway, and activities, and whereas the 2025 celebration marks the fifth anniversary of Soul of Seaville, a collaborative effort with the Ix Art Park and various black-owned businesses that seek to amplify the voices of local artists, musicians, and entrepreneurs, and engaged community members and contribute to the economic development of the city and county.

[00:18:18] Now, therefore, be it proclaimed that we, the Albemarle County Board of Supervisors, endorse the values of inclusivity and cultural appreciation and encourage community members to participate in

the wide range of Sol of Seville festival activities from August 10th through August 17th.

[00:18:35] Second. All right, so we have a motion from Supervisor Pruitt, a second from Supervisor Malik. Would you call the roll? Ms. Lapista-Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes.

[00:18:53] Mr. Andrews? All right, very good. And I believe that Kalilah Jones is here to, there she is in the very back. I was looking for you. Would you come forward? And we'd love for you to make a few comments.

[00:19:09] And then I imagine the supervisors would like to add some comments as well. And make sure you address the mic so that we can hear you clearly. There you go. That's good. You came near me? Yep. Okay. All righty. Well, hello. And what an honor. On behalf of the entire Soul of Seville team, Sheik and Classy Image Consulting, Beyond Fitness with Sabrina, and 101 Jams, I just want to say thank you for this beautiful proclamation.

[00:19:35] As someone who has worked for Albemarle County for over five years and simultaneously co-founded and organized Soul of Seville, I can truly say this moment feels full circle. What started as a seed, an idea rooted in culture, connection, and celebration has grown into something that has not only shaped our community, but also has shaped me.

[00:19:59] This work has pushed me, stretched me, and grown me in ways I couldn't have imagined. It's been one part public service, one part community organizing, and all parts passion. And as we celebrate our fifth year, this year's theme, firmly planted, fiercely flourishing, couldn't feel more real. The body of work that we've created, the partnerships, the programming, the scholarships, the economic development, the people, we're living proof of what happens when you stay rooted and still make room to rise. To the Albemarle County Board of Supervisors,

[00:20:37] thank you for your support. Thank you for seeing value in what we do. And to the Office of Equity and inclusion, communications, and public engagement. Thank you for always making space for us to show up and share our vision, whether that's through tabling opportunities or real community conversations. We appreciate you. We know you all are the ones making things move behind the scenes. Receiving this recognition during our fifth year feels incredibly special.

[00:21:07] It's a milestone, and it's a reminder that what we're doing matters, that joy, style, resistance, and community are not only worth celebrating, but are necessary for us to continue flourishing. So LaCieville kicks off Sunday, August 10th through August the 17th, and I invite you all to come out.

[00:21:29] Go ahead and head over to Ick's Art Park website to view the full lineup. We have a lot going on this year. Come through. Bring a friend or five. You're all welcome, and let's flourish together. Thank you. Thank you very much, and I know the supervisors probably would like to add some comments, so stay where you are, and I'll turn to Supervisor Pruitt.

[00:21:52] Yes, thank you so much for the work you do. You know, it is not that far in our distant past. It is relatively recent in our community's history that when encountering black businesses, This was a community that sought to stifle them and uproot them.

[00:22:10] And we are now in a place not that long later where we're seeking to celebrate and uplift them. I think that's an incredible progress story for this community. And I know that wouldn't be possible

without the work of yourself and the many black-owned businesses in this community that are continuing to try and thrive in a community that has not always welcomed them.

[00:22:31] So I'm very grateful for the work that's gone into this. I'm also, you know, it says Seville in the name, but I know there are quite a lot of Albemarle County residents who are benefiting from this and who are engaged in this. You know, Best of Black Seville just earlier this week recognized Deja, who owns WeGrow in Scottsville, who I believe will be part of the festival.

[00:22:52] You know, that's away from Seville. That's in my district. That's my people. That's all I got. Thank you. And Best in Black Seville is actually, I organized the awards ceremony as part of Solo Seville this year. Extraordinary. I got to see if there's anything I need to vote for Deja. Supervisor, will be still quickly.

[00:23:11] Hi, Kalilah. So Kalilah and I met about six years ago as part of 100 Black Women of Seville and Albemarle. You continued, you amazed me then, and you continue to amaze me, all the things that you do, all the organizations you support.

[00:23:30] I probably shouldn't say this, but also your elegant dress. I take advantage of that. I see how you are, and it's like, okay, that's what I aspire to be. I haven't made it yet, but anyway, I can always aspire.

[00:23:45] But you have done so much for the community, and I so enjoy always seeing you and working with you. And thank you for doing this. It's really, really appreciated. When is the Ix? I want you to say it again. When is the program at Ix?

[00:24:01] So the big day is August 16th. That's at ICCS, but we have programming all week, August 10th through 17th. We have some satellite events, but four of the events will actually be at ICCS. So I would check out their lineup on their website. Okay, and that's August 16th?

[00:24:18] From when to when? From 4 to 8. Pardon? 4 until 8. 4 to 8. Okay, I just wanted everyone to hear that. Thank you very much, Kalilah. All right. Supervisor Malek. Thank you, and thank you so much for your work, which has really contributed, and your organizations, to the evolution of our local culture here.

[00:24:38] I, in the 50s, would drive down with my father, who was a rural veterinarian, to visit contractors who were helping him, or with whom he did business, who were on Vinegar Hill. So I have personal memories of those situations and their prosperity, and it's taken a while to get back to where we were, but I'm very grateful.

[00:24:59] culture, connection, and you mentioned something else and I lost it. Such wonderful words because they benefit and carry that message out to everybody across the community. So we all need to rise and thrive together and I'm so grateful for your work. Thank you. Thank you. Supervisor Andrews. Yes. Yes. Thank you. Thank you, Kalilah. And congratulations on this fifth anniversary. I look forward to many, many more. I was struck by the juxtaposition of fostering unity and promoting

[00:25:34] diversity, which I would argue are compatible and necessary endeavors to put together. I love the theme, firmly planted, fiercely flourishing. And again, congratulations, and thank you for being here. Thank you. Thank you for being here, and I certainly agree with everything that's been said.

[00:25:52] And it's lovely to see you again. We were so happy when you were with us, with the community connectors. And personally, I really enjoyed working with you with my Citizens Advisory committee you were the liaison for a while we miss you but you've gone on to bigger and better things and i agree with b

about uh the way you dress just one day i have to we women have to acknowledge that because you are a fashion model that's exactly right regardless i think mike has

[00:26:22] a present that has the proclamation for you it's a presentation there you go all right thank you come back to see us all right supervisors our next agenda item is public comment regarding matters on the agenda but not listed for public hearing or on matters previously considered by the board or matters that are pending before the board do we have anyone signed up yes i have it oh you already have it i didn't it came behind me i guess i'm impressed all right uh supervisor

[00:27:01] Lepisto currently will read the rules and introduce the speakers. Okay, we do have three speakers today. During the time set aside for public comment on matters previously considered or currently pending before the board other than scheduled public hearings, individuals may address the board of supervisors concerning matters previously considered by the board or matters that are pending before the board other than items listed on the agenda for public hearing.

[00:27:28] Individuals are allowed one opportunity of up to three minutes to speak at each board meeting. A sign-up sheet is managed by the clerk's office. Timekeeping is conducted through a timer and light system at the podium. The green light will go on when you begin speaking, which begins your allotted time.

[00:27:47] The yellow light indicates you have one minute to finish speaking. The red light indicates your time has expired and you will be asked to end your comments. In order to give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines.

[00:28:03] When addressing the board, state your name and, if you live in Albemarle County, your magisterial district. Address comments directly to the board as a whole. Any written statements or other supporting material may be given to the clerk. If representing a group or organization, you may ask others present to raise their hands in recognition.

[00:28:24] Speakers may not share any unused time with another speaker. Back and forth debate is not permitted. Do not speak from your seat or out of turn. All comments are live streamed, recorded, and published on the Albemarle County website.

[00:28:41] And our first speaker today is Peter Krebs. Good afternoon. I'm Peter Krebs from the Piedmont Environmental Council and the Albemarle County Parks Foundation.

[00:29:02] Last night, I submitted a petition with around 300 signatures calling for the county to make Freebridge Lane permanent. Freebridge Lane is a wonderful outdoor space for walking, biking, running, strolling, teaching a kid to ride a bike, roller skating, whatever you do along the Rivanna River.

[00:29:22] You did the right thing last fall by closing the road on a trial basis. Since then, different groups like the Pantop CAC, the Hospice of the Piedmont, and Sentara have stepped up and improved the space, helped take care of it, and added cool temporary installations.

[00:29:41] I see the future of Free Bridge Lane unfolding in a very similar way, with different groups stepping in and making contributions once the county goes ahead and permanently closes the road and makes some minor upgrades for safety, access, and stabilization.

[00:29:59] This will unleash the community and the private sector to fundraise for the promenade and other permanent improvements. That includes the Parks Foundation, by the way, in that commitment. We

don't have to wait until we meet the goal to get started, though.

[00:30:17] The county's engagement page is already full of pretty cool ideas of improvements, ranging from obvious things like benches, creative trash cans, stuff like that, to other things like roller rings, bike gardens, planters, audio tours, food trucks, and even festivals. It begins today with some specific actions from you. While I have your attention about today, I'd also like to turn our thoughts toward tomorrow a little bit. The county's budget currently doesn't envision any meaningful spending for parks, CIP infrastructure. I don't think

[00:30:56] that's what most people expect I don't think it's what will happen so as you think about your budget planning for this next year please include startup monies for free bridge Lane but also other cool and shovel ready projects along the Rivanna River such as Brook Hill Park which is right off at 29 and also an extension of the Old Mills Trail out to Milton and even Glenmore really cool stuff that is actually eligible for a match funding I'd like to conclude with some just huge thanks to the Pantop CAC really for having the vision to include

[00:31:34] this in the master plan. You all, the county staff who got us where we are today. So lots of good news to go around. Fruit Bridge Lane isn't only one of the coolest places in the county. It also embodies the best approach where citizens, businesses, groups, and government all work together to make the community better thank you so much thank you our next speaker is Stewart Overby you might need to adjust the mic I'm not really sure just we want to make sure we hear you

[00:32:12] clearly yeah I think that'll do can you hear me yes okay hello everyone I'm Stewart Overby I live in the Samuel Miller district um I'm a member of don't spread on me we're a group of people who understand that spreading sewage sludge on farms and forest lands a really terrible idea and a really harmful practice, and we're doing what we can to stop it.

[00:32:37] The sewage sledge is also known as biosolids by the waste industry that spreads it. And hopefully by now you all have taken a few minutes to review all the information on don'tspreadonme.org, which I've sent to you in the past, including the files we received from a FOIA request regarding a Synagro reissue permit that's now pending before the Department of Environmental Quality.

[00:33:03] And you understand that sewage sludge from Washington, D.C. and other places is on its way to Albemarle County if this permit is approved. Even though it's a reissue permit, some new land is allowed to be included.

[00:33:20] So there's 1,649 new never-before-spread-upon acres included, and the total 5,770 acres that are in the southern and eastern half of the county. There's a whole other permit for the other side of the county.

[00:33:37] So even more acreage, but that's a different time and issue. This one is just kind of up in the air right now. We're not sure what the timeline on it is, but the clock is ticking. So counties in Virginia can't ban the land application of sewage sludge, but there are a few things that you can do.

[00:33:58] And the most important one is to pass a biosolids ordinance, which you can use to uphold a current law and explicitly according to the state create a program for testing and monitoring of biosolids so as I said the clock is ticking we've taken the liberty of writing an ordinance for you it's based primarily on the successful Rappahannock County ordinance and we'd love to meet with you all to discuss it we also

can bring some subject matter experts here to elucidate the subject further. Notably, the scientist from Stroud

[00:34:35] Water Research Center in Pennsylvania has agreed to come. Her name is Diana Oveedo Vargas, and she did a study that was referenced in some of the New York Times reporting recently looking at 10 farms that had had biosolids spread on it. And surprise, she found a lot of PFAS in the ones that that happened and some other disturbing findings um so i'm going to follow up with an email to all the supervisors with that study and you can reply if you'd like to look at a copy of the draft ordinance um and i'll look forward to speaking with you all more about this

[00:35:13] soon thank you thank you thank you and if you have anything you want to share with the board clerk feel free to do that okay all right and our last speaker is denise uh tanner belfand hi i'm denise is Tarver Belfon, and I am from the Georgetown Green community. You might not smile after I'm telling you about everything going on. So we have a couple of things going on, and

[00:35:51] we have come to speak to you all before about the construction at the Albemarle County High School, And today I'm here to speak to you about the rats and about the 24-hour construction.

[00:36:10] So when the original building was destroyed, it was not treated for the rat infestation that it had previously, that you all were treating it for on a regular basis.

[00:36:29] And so the rats that were living in it then came into our community that is directly next door. And so we are currently fighting those rats. And because our addicts are connected, when one unit does an extermination, it doesn't matter because they then go to the next unit.

[00:36:54] So we are battling that. These aren't field mice. These are actual rats. And they are destroying our AC units in our attics. They are eating through plastic and rubber.

[00:37:11] They are causing flooding in our attics because when you turn on the AC and they've eaten through the pipes, they are eating through the PVC. They then cause the overflow. of the water to then come through, and you don't know it until the water is coming through your ceiling. We are asking the county to help us. We need help. They are burrowing in our backyards.

[00:37:43] We need help. We are at a point right now where the construction is going on 24 hours. we need help. We can't do it. Are you all going to allow that to continue to happen when the kids are going back to school? The building is not going to be completed by the time the kids go back to school. There's no reason that the construction should be going on at 11, 12, 2 o'clock, 4 o'clock in the morning. We need to be able to sleep as well. We have a man on hospice next door to us, and he can't even rest. He's 96 years old, and we need to be able to rest.

[00:38:20] we're desperate at this point in time we call the police and the police tell us that there's nothing that they're able to do because legally because they're working on a school building that the ordinance says that they're able to do construction at any hour thank you very much thank you and that is all we have thank you okay thank you all right we'll now board move on to item eight, which is our consent agenda. I'm not aware of any amendments or anyone that has

[00:38:57] wanted to bring anything to our group. So if not, I would entertain a motion to approve the consent agenda. So moved. Second. So we have a motion by Supervisor Malik and a second by Supervisor Lapisto-Curtley. Would you call the roll? Ms. Lapisto-Curtley? Aye. Ms. Malik? Yes.

[00:39:18] Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. All right. Thank you very much. Our first action item is next, item nine, recommendations for use of the Affordable Housing Investment Fund.

[00:39:36] Stacey Pethia, Assistant Director of Housing, is presenting. Welcome.

[00:39:49] Good afternoon. I'm Stacey Pethia, Director of Housing, and we are here today to talk about potential funding for two different programs.

[00:40:11] in the county through the affordable housing fund these two programs are really they're housing related not specifically affordable housing but the first is albemarle county's energy improvement program support and also the housing navigation partnership with piedmont housing alliance and their financial opportunity counseling center and a little bit about the housing fund um there will be a total balance as of today for fy 2026 of 5.2 million dollars um if you the

[00:40:49] board remembers uh last month or two months ago i forget the exact meeting date i'm sorry uh staff came before you to talk about changes to the way the housing fund is um administered uh and so the funds for this year will be put into three different pots one is grant funding to non-profits or for-profit developers who are providing projects with 100 percent affordable housing also low-cost loans which be available to for-profit and non-profit developers and then a third bucket of funding which we are calling emerging housing needs and those are needs that

[00:41:26] are staff identified so these two projects fall into that for that that last bucket both of the programs are really focusing on housing for households earning between 50 and 80 percent AMI those are the main target categories and the first is the energy improvement program this is a county program that is run with the climate action team i believe it was in 2022 the board authorized or approved funding of 250 000 to match funding for that program that was provided by the

[00:42:00] county it effectively doubled the program at that time today we are recommending that the board approved \$150,000 from the housing fund, again, to match what the climate access team is putting into that program, and again, doubling the reach of the program. And it enhances the housing affordability by reducing the cost of household utilities. And it really helps to keep low and moderate income homeowners in their homes. So it helps those homes continue longer into the future than they may would have without this assistance. The other program staff is recommending funding

[00:42:36] for is the Housing Navigation Partnership. Again, that is a partnership with Piedmont Housing Alliance and their Financial Opportunity Center. The program assists low and moderate income county residents to locate and secure affordable rental housing. It also connects them with credit counseling and financial counseling, really helps address the issues that they may have being able to search for insecure housing on their own. The county, the board approved funding initially for this program with ARPA funds. And so this is to continue that partnership through at least the

[00:43:10] next year or two. And the funding, again, will ensure services continue. And staff recommends that the board approve fully funding both programs today. And that is the end of my presentation, and I'm happy to take any questions. Thank you very much. And before I ask the supervisor to see if they have any questions or comments. I want to let you know that as the sitting chair today, I am awarding you a promotion because our note said assistant director of housing, and we all know up here that you are the director of housing, so my official duty is

[00:43:49] to give you a promotion. I second that. That may have been my fault when I put the thing in. The promotion is recent, so I may have still called myself assistant. congratulations and it was fun showing off my my power here just teasing so with that comments or questions supervisor Pruitt yeah congratulations on the actual promotion thank you um so um with the PHA housing navigator um this I know the person who does the job they do

[00:44:26] great i'm curious if there's any if there's any match funds from the from the city or from pha itself or either of the because there's another partner involved not just pha right um that i am i am not sure of i believe there is but we would have to confirm that i i do just wonder because it is a service that you can avail uh of if you're in the city and i think even if you're in other outlying counties it would be interesting to know if we're getting any contribution from from any other localities out of that. I also, and this is me more waxing poetic, I'm not trying to critique

[00:45:03] the program here, but when we have an ecosystem that becomes more complex, I sometimes wonder if we're doing ourselves any favors. I know, for example, someone who's a recipient of a voucher will often have someone assisting them at the county level, and then they will also have a housing navigator, and it makes the environment for the individual potentially more complex.

[00:45:25] This is always something I think would best live in government rather than in a nonprofit. But, again, this is me waxing philosophical. I'm not trying to solve this issue right now. Similarly, and this is, I think, something that you might have predicted coming from me because this is a drum I've banged a few times.

[00:45:44] I do like the way that we're breaking down the future needs of the housing trust fund and still having something set aside for emerging housing needs Because I know the transition to a competitive grant-based program and loan-based program, there was the concern that that would remove our ability to be quick on our feet.

[00:46:03] With that being said, and again, this is not me opposing the proposal before us today, but these aren't emerging needs. These are needs that are predictable and calendarable. And I think I would raise this for the staff that are here, that are involved in the budget process, that these would more appropriately live in our long-term budget planning rather than come as individual discretionary actions from the AHIF, because these aren't emerging needs.

[00:46:31] These are things that we could have predicted and we could have calendared and budgeted into our 2025 budget. And the last thing, this is just me thinking out loud, probably not the right form for it, but I don't often have the right form for it. AHIF, as you put it, does really good work in making sure that housing, owner-occupied housing, particularly in the rural area, remains affordable.

[00:46:56] There is a problem, I was actually recently discussing this with Supervisor Malik in an event we had with the folks doing the housing study for the region. The problem is we have a whole generation of people who have affordable housing in our rural area, and that housing lives as long as they do, or as long as they continue to desire to live in their home that they own.

[00:47:17] And then the moment they sell or the moment they pass in as a sold by their estate, it stops being affordable because the value of that home has increased significantly underneath them. I am curious if AHIF, I'm almost certain they don't, but if they would be interested in starting to consider with

their disbursements, which are primarily serving older residents, having some kind of resale provision tack to it to do actual affordability preservation that goes beyond, right?

[00:47:46] It would have to be a contractual agreement that they would enter into with beneficiaries. And I could see arguments against this also. But I see that as being critical if we want to actually maintain affordability that outlives the tenancy. That's all I got. All right.

[00:48:04] Supervisor Kirtley. Well, I do support what you're proposing. I do have a question. The uses, the one-time use I think was the \$80,000 that was used from ARPA funds. and then now we want to put it into a different fund to continue it to make sure it continues was that program how successful was that program it was pretty successful i don't have the exact numbers we are compiling the totals from the different reports that they've given us over the

[00:48:39] years and i just don't have that final amount but it is something that albemarle county residents take advantage of regularly. I think the last couple of months there was about 80 or so residents that were in the last two months off the top of my head that have received services. They're pretty good about they can't help everyone move into housing but through that process they can help them identify what barriers they have to reaching that on their own beyond just simply needing affordable housing. So for many of them it's a bad credit score that they can help them improve their credit scores so that they can actually qualify for the housing. So it's helping them

[00:49:19] not just locate housing. They also will help negotiate with landlords to maybe potentially lower the rent or lower security deposit. They help connect them to security deposit assistance or other types of assistance they have. So it's a pretty valuable service. So it's actually helped people get into housing as opposed to being \$80,000 for bureaucratic paperwork. Correct. Okay, good. That's the answer I wanted. Thank you. All right.

[00:49:47] Supervisor Malley. Thank you very much. So catching up here, the energy improvements, the match was with Dominion dollars. This is for whether, is it weatherization or is it cost to help pay electric bills? No, it's to make homes more energy efficient. Okay, So it is weatherization.

[00:50:14] Yes. Okay, very good. And that's with partners who have been doing this for a long time, the AHIP people. And LEAP. And LEAP, yes. Okay, very good. Now, next question on the navigation partnership. I'm very intrigued by comments made already about we have county staff who are paid to do this, and now we're going to be giving money to a nonprofit to do the same thing, and that troubles me.

[00:50:42] So I would like to learn more about this, and the reports, I think there's been discussion and requests for reports for years, and they're always right around the corner. And maybe you have them, it's just that maybe we have not seen them, but I think this kind of accountability is becoming more and more needed because the dollars, it's not incidental.

[00:51:05] And anything that we put to this cannot then be going to something else, which may be a crisis as well. So 80 people in the last month that you have heard of who have had help, and that's from the PHA side, not the county side.

[00:51:22] So, no, those are county residents that were served through that program. But through the PHA partnership as opposed to DSS. Your office, for example. Correct. So our housing counselors, the housing office provides Housing Choice Voucher households with a list of affordable, where we know there are affordable units available or offered.

[00:51:44] So they're simply providing them with the name of a property and a telephone number and potentially a contact name. Through the program, we cannot actually negotiate with landlords to get residents into those units. So all we can do is provide them with the rental assistance voucher and provide them information on places that they can search for somewhere to live.

[00:52:05] But our housing specialists do not help navigate them through those. So we actually refer them to the housing navigation program to help with that. And that's a lack of authority to do that or decisions?

[00:52:22] There are. So housing specialists have a very specific role in the HUD program, and that is to make sure tenants or families are eligible to receive assistance, and they do that annually and any time their income changes. So that is their specific role.

[00:52:41] Okay. Eligibility caseworkers, basically. Okay. That answers my question. Thank you very much. Supervisor Andrews. Thank you. I'm supportive and I appreciate the comments made by the other supervisors of gauging past success and looking into what we're expecting from our partners and appreciate that the energy improvements hit both the climate aspects and also the housing aspects of our strategic plan. Thank you.

[00:53:16] Thank you, and I agree with what my fellow supervisors have said, and I'm very supportive. I think the motion that we're approving today, this is an action item, so we're approving the full amount of funding being requested, and I just want to make sure that everybody's aware that what I have is a funding amount of \$230,000.

[00:53:41] The affordable housing investment fund will have a remaining balance of \$4,777,000. I got an update of that this morning. It's close. It's just under \$5 million remaining balance. The remaining balance will be \$4,999,130.

[00:54:00] That's even better. So thank you very much. I just wanted to make sure everyone in the audience and everybody was aware. So I would, unless there's any concerns or any more questions or comments, I would entertain a motion to approve the full amount of funding being requested.

[00:54:19] So moved. Second. All right, so we have a motion from Supervisor Pruitt, a second from Supervisor Malick. Without objection, would you call the roll? Ms. Lapista-Curtley? Aye. Ms. Malick? Yes. Ms. McKeel? Yes. Mr. Pruitt?

[00:54:35] Aye. Mr. Andrews? Yes. Great. Thank you very much. And I think we'll see you later today again. All right. Oh, yes, we will.

[00:54:50] Yep. All right. Our next action item is a report and recommendation on the Freebridge Lane Pilot Program. And presenting is Albert Karina Plung, Transportation Planner. And I got your title right, I'm sure.

[00:55:06] No promotion today? All right. Good afternoon, Chair. My name is Albert Karina Plung. I am a Transportation Planner within Community Development. And this presentation will cover the summary of the last year of the pilot program for the Freebridge Lane Promenade.

[00:55:26] So for our agenda for this presentation, we'll first touch again what the proposal was, compare some usage between summer 2024 to the spring of 2025, explain the next steps in the discontinuous process, discuss park maintenance slash future projects and potential staff next steps, and finally conclude with board direction on if staff should pursue a permanent discontinuance of Freebridge Lane. As a

reminder, here's what it looks like before it was closed to through traffic. It was a low volume unstriped roadway going from the very bottom of the screen is Route

[00:56:02] 250. The very top is Darden Town Park. It was degraded and poorly defined shared use path along the river's edge. There is a future site of the county park that is the large wooded parcel just south of Riverside Shops Way and currently it is owned and maintained by VDOT. On Friday, November September 1st, 2024, Freebridge Lane was closed to vehicular traffic with the gates.

[00:56:29] We were all there for that. It was very fun. The land use permit for that expires on October 6th, 2025. The board needs to decide before then if they would like to pursue the discontinuance process. If the board decides to end the promenade program, the road will be reopened through vehicle use as it was done before.

[00:56:49] Albemarle County Parks and CDD staff has heard very positive feedback from the public on the park. there's better access to the river, a safer feeling for pedestrians and bikers on the road because there's no cars going through, and a continuous extension of Darden Tao Park and the Old Mills Trail. The VDOT Transportation and Mobility Planning Division conducted month-long studies in both August 2024 and May and June 2025 to measure bike and pedestrian counts on Freebridge Lane. The numbers showed that pedestrian and bike counts increased when the

[00:57:24] road was closed through vehicles. There are a few steps for the road to be fully discontinued. The board needs to have a written petition to VDOT supporting discontinuance. The template for that I've provided as part of the materials. VDOT then concurs and advertises the proposed discontinuance, hosting a public meeting if it is requested.

[00:57:46] The board then formally adopts a resolution supporting discontinuance. The VDOT Charlottesville residency approves it, sends it to Richmond for review. Finally, the resolution of discontinuance is approved at the next CTB, Comparable Transportation Board meeting. This whole process starting today is expected to take several months.

[00:58:05] Right now, we are on step one. Parks has told planning staff that they have the means to maintain the promenade as it is now. If CIP funds are requested and allocated, FEZ has the bandwidth to manage improvement projects on Freebridge Lane.

[00:58:21] Staff right now is moving forward to receive a 30% design quote from consultants so projects can be prioritized and money can begin to be allocated. Following board direction, staff will mail the discontinuance petition to the VDOT residency.

[00:58:37] If you receive concurrence from VDOT, staff will return to the board with a resolution of discontinuance later this fall. Thank you, and any questions? All right, thank you. I will open this up for comments and questions.

[00:58:53] Supervisor Pruitt. I'm not sure I have any questions at this time. I'll wait to see what my peers have to say. Supervisor Wapista, currently. I am so in favor of this. I am just very, very excited. This is finally coming, hopefully, if the board votes for this to fruition and we can ask VDOT for discontinuance and then we can maintain it.

[00:59:18] I just want to let the board know that since November 1st, 2024 until July 28th, 2025, the trail counter marked, the numbers are 37,979.

[00:59:36] That's how many people have taken advantage of Free Bridge Lane. And frankly, not everybody in the county still knows that it's closed. So I think we can see that number only increasing. I was down there just the other day.

[00:59:51] There's a nice walkway that goes under the Free Bridge over to the other side. And that's, you know, nice, well taken care of. It is a wonderful area. Currently, there's even enough parking. I know we hope to have more parking, but people are really taking advantage of this area.

[01:00:11] It's close by, especially for Cascadia, Fontana, and Franklin. Anywhere in the drivability to come there is nice for people to be able to stroll, walk, run, roller skate, bike ride, whatever.

[01:00:30] But it is being used a lot as opposed to being used just by, for a cut-through. So I'm very much in favor of this. All right. Supervisor Malek. Thank you very much. If the October 6th date, if the board decides to pursue discontinuance, that doesn't matter anymore.

[01:00:55] The status quo would just continue through the winter, even though our permit to keep the gates there expires in October. Can you define status quo? Status quo of the road. Well, as a pedestrian walkway. As a pedestrian, I believe so. I have to double-check. But I think we've been speaking with VDOT, and they're obviously aware of this.

[01:01:13] And if we move forward, we're not going to, I don't think, have a battle back and forth between that. Very good. Well, the sooner the better from my perspective, that's for sure. Because having been a walker trying to coexist with cars, it's very scary. So this has been a real treat.

[01:01:29] And certainly, I support the improvements of the greenery along the way and the control of the invasives because the spotted lanternfly has hit the Alanthus down there big time. So, I'm glad that those are on the list of things to fix as well. Thank you.

[01:01:44] All right. Supervisor Andrews? Thank you. Thank you. Yes, I'm also very supportive. I'm interested in the numbers that were given. And I heard Supervisor Lupisto currently mention a trial counter of nearly 38,000, which over that period would amount to 140 a day or so.

[01:02:08] And a lot of bad days in there, I'm sure, as well. So one of the things I was curious whether it had been looked at is the parking lot usage. In the plan there, there's parking at both ends, and I'm not sure what's there now, how that's been used.

[01:02:26] What are the plans to measure that? parking was not measured as part of the counters measuring bike pad as referenced before um that is something that staff can look at to see what we do if we plan to do parking improvements there that is something that we can get to see how much more parking would be necessary at which end of the road as well thank you thank you all right um for my part i think this is a wonderful project And I'm very supportive of it.

[01:03:04] Help me out just a little bit with the back page of our presentation has all these lovely pictures of different photos. I'm assuming these are possible to be determined.

[01:03:25] For example, public art. It talks about public art, play equipment. And these are just examples, but you all are looking at, assuming that we approve this, right? You are looking to, and could you just talk a little bit about what the future might look like for the public?

[01:03:41] Could I see what you're holding up? Oh, this. Okay, that was the, I believe that was the presentation from. Sorry, I didn't see a number on it, but anyway, I was looking at this. From the master

plan. Yeah, those are examples of facilities that can be done either, again, through CIP or through, want to go?

[01:04:02] Kevin's behind you. There you go. Thank you, Kevin McDermott. I'm the Deputy Director of Planning. And Alberic wasn't really involved at the time when that document was created, so I figured I'd step up and let you know what I'm aware of on that. So when this project was started, we hired a consultant to do sort of a conceptual study that would show the potential of the park out there so that's what you're looking at right there are these things that are really just potential um we i don't see those things being the immediate needs out there we have uh looked at some of the more immediate needs uh similar

[01:04:41] to what supervisor andrews mentioned uh addressing potential parking problems is one of those uh i I think those parking issues are mentioned in there, but there's a lot of things that are mentioned, I think, that are really more further down the line that we might want to look into.

[01:04:58] The immediate needs are parking and access right now, I think. And thank you, Kevin, for saving my question and coming up and answering. Having said that, it will come as no surprise that when I see art, I get very excited. So I'm just, I honed in on this, and I understand these are down the road, But I mention it just because I think it would be wonderful.

[01:05:21] I will not be on the board, but I think it would be wonderful if we can move to something like this eventually. But obviously there are other basics that have to be addressed first. But I couldn't let it go without at least mentioning it. So with that, yeah, absolutely.

[01:05:36] Sorry, I'm going to exercise some speaking-first privilege to revisit some thoughts I've had since then. And based in part on what Supervisor Andrews and Supervisor McKeel said, It strikes me that in the short term, the shorter term, some of the most immediate benefits of the Freebridge Lane Promenade are actually going to be its function as a trailhead for old mills and also as a trailhead for a county side parking for the Rybana Trail, right?

[01:06:08] Because there's not much on the Freebridge Promenade, but those are very well-established trails that you can easily get to from there. I raise that because it does seem like the sooner we can get a handle on parking usage, the better, because that actually might be the most important metric in the short term, because that is the more valuable service this is providing in the immediate term.

[01:06:28] It's a place that people can walk to other immediately proximate amenities, whereas the trail itself is mostly connecting up to Darden Tau Park in a kind of unusual access point. So it seems like that would be something we'd want to know sooner rather than later.

[01:06:47] Also, I don't believe you raised any, but I want to make sure when we initially, on a temporary basis, decommissioned this road, there were costs associated. They were pretty de minimis, but there were costs associated, I think, just with the gating and with pollards or something.

[01:07:05] Are there costs associated at this time, before we start building all the cool stuff, Are there costs associated with making permanent our removal from the VDOT road system? There's no direct cost right now, just the staff time to make this permanent.

[01:07:26] But as we mentioned, there are a few items that we think we do need to address, the parking and access being those. So what we're looking at is potentially using some county funds to have a

consultant look at those two issues. And then if we get that, we would come back to the board to talk about how any of those improvements would be funded at that time.

[01:07:52] I'm going to be difficult. I'm sorry. I hate that I'm continuing to talk on what should be a very simple thing. But are we having a consultant develop a plan for potentially then creating a plan for the parking? Or are we having an engineer say what it would look like?

[01:08:07] We are hiring an engineer to design what, to address what they think our needs are, what that design would look like, and give us cost estimates and initial designs so that we can keep moving forward. I think you can see the question I'm kind of begging here, right?

[01:08:24] Are we creating an extra step that we don't need to if we know we need parking? Can we just freaking build the parking? It sounds like it's getting at that. Yes, sir. In a relatively straightforward, straightforward for government purposes. we we feel we need to get an accurate cost estimate before we start really moving into that so that we know what we're getting into and what it's going to look like um and have them design an appropriate parking we don't want to overbuild it we don't want to underbuild it we want to make sure what we're doing is correct so that's what we're hiring these people for it i think it's

[01:08:57] really the necessary next step but we would come out with a a build ready or a not a build ready but a proposal solicitation-ready blueprint that actually shows? Yeah, I think so, yeah. We're looking at 30% is what we're going to try and get to so that we can determine if we want to invest, how much additional money we want to invest in the actual construction, final design.

[01:09:25] Thank you. Good discussion. And, B, did you have something else you have? No, I'm ready for it. And part of this with the parking and certainly the access as well, and I know it's been referenced in here, is ADA access, which we need to make sure we get that right as well.

[01:09:41] And I know you all are going to work to that. But anyway, that adds some cost as well. So that's another reason why we really need to make sure we look at it appropriately. Any other? Just piling on to that, because I had earlier written, has anyone in your planning of what questions to ask your engineer thought about taking the beautifully paved lot that is there now on the north end and making all of that handicap parking because people who are able can walk the extra 50 yards or whatever it is, 150 yards from the parking

[01:10:19] that's already available at Darden Town. I mean, if you're going to be walking all the way to Woollen Mills or Riverside or whatever, then that small extra distance should not be an encumbrance, whereas the people who have difficulty walking or need something to be able to use the handicap spots in that beautifully paved area by the gate would be great.

[01:10:41] So I'm just throwing that idea out there. You can put it in your list of ideas. But that's the sort of when you're not an engineer, you come up with all sorts of crazy ideas like that, and people just have to deal with it. All right. I don't have any more. Thank you. I don't see Jim coming online right now, so I think we don't have any more questions or comments.

[01:11:00] So with that, we need a motion to support the permanent discontinuation of Free Bridge Lane and authorize the county executive to submit a petition for discontinuance to the Charlottesville VDOT Resonancy. So moved. Second.

[01:11:15] So we have a motion from Supervisor Lepisto-Curtley and a second from Supervisor Malik. If you would call the roll. Ms. Lepisto-Curtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Right.

[01:11:32] And I will just add, the pictures were not as beautiful as your staff report is, but what is now called CTAC, The chart committee talked about putting up gates in 2004. So it's just one example about how sometimes it takes a long time to get the result that we need, but go for it.

[01:11:51] That does seem like a long time. It does. Some of those members have been reaching out about that. Remember. So I think you have another slide to finish. Did you? You're good. I want to make sure you're all done. Thank you very much for the presentation. And, Kevin, thank you for being available as well.

[01:12:10] All right. With that, we're scheduled to take a recess right now, which I think is a good idea. I am going to suggest, though, our next agenda item is a high-interest agenda item in the community with the data center's work session.

[01:12:31] I am hesitant to start it 45 minutes early because I do think we're going to have a lot of people that are interested in this item. I'm looking to our attorney, but I would love to take an extraordinarily longer recess than we normally do because I know there are going to be people that are going to be frustrated if we're already in the progress and they come on.

[01:12:53] Is there anything else we can take? I was going to say, do you want to see if there's anything else we can move forward? I'm looking at Andy to make sure. That's the prerogative of the board. I might suggest, though, that given the amount of interest and given the amount of questions that may arise from the board, Maybe that would indicate that the board should go ahead and begin after 15 minutes, say, at 2.30.

[01:13:13] That would allow more time for the board to ask questions of staff. I think we have staff that are here, and that's great, but I think we have such an interest in the community. What are your all's thoughts? Is there anything else we could move up looking at the agenda?

[01:13:31] Ms. McQ. Yes. I just thought about this, so I hadn't prepared anything in my head in advance. One of the items that you could consider, you could take your 15-minute break and what you could do is you could slot item 17, a presentation on biophilic cities by Mr. Ellington, which is supposed to start at 6 o'clock, and then that's going to get you 15 minutes of extra time this evening on a long evening.

[01:13:55] If he's available, that would be great. He is available, so we could take our break, come back in 15. He can be teed up and ready to go, and provided that Mr. Herrick. If there's no objection to the board to that rearrangement of the agenda, if the board's in agreement with that rearrangement of the agenda.

[01:14:13] I really think data centers is high enough interest, and I don't want to start. Is anyone here currently here for data centers from the public? Sure, sure. Okay. And there will be more, and online, so I'm just saying.

[01:14:29] So let's do that then, if that's possible. Does that work, Ann? All right, then let's take a break until, say, 2.30-ish and come back, and we'll see you at 2.30. Thank you.

[01:14:57] All right, welcome back. I appreciate everybody letting us adjust the agenda a little bit. So we're going to start off of our agenda a little differently. Our next item is a presentation of the Biophilic Cities

Network, And Ann Wall is coming up to, Ann Wall, Deputy County Executive, will introduce our presenter.

[01:15:19] Well, thank you. I am honored this evening to introduce Noah Ellington, who will be making a presentation to the Board of Supervisors about the Biophilic Cities Network. Over the last 10 weeks, Noah has served as an intern in the County Executive's Office.

[01:15:36] NOAA's internship was designed to provide an overview of local government management combined with substantive work experience and work projects. NOAA will soon be leaving Albemarle County. He'll be returning to the University of North Carolina at Chapel Hill, where he'll be completing a dual degree in city and regional planning and public administration.

[01:15:58] Before I turn the podium over to NOAA, I did want to take just a brief moment to make a quick comment about the Biophilic Cities Network. This network provides an opportunity to share and gather information about integrating nature in our community.

[01:16:15] Noah will speak much more about that network. But it is important to point out that this network will provide access to valuable resources to much of our staff while not significantly increasing workload or work requirements over the year.

[01:16:32] So with that, I will turn it over to Noah. Interesting. Welcome. Well, thank you, board. It's an honor to be standing in front of you.

[01:16:48] My name is Noah Ellington. I am served as an intern, as Ann said, for the summer with Elmore County Executive Office. Let's get the presentation. There you go.

[01:17:12] Coming up. All right. Good evening, board. Like I said, name is Noah Ellington. I've had a great privilege serving Almar County this summer. Tonight, I am here to present the Biophilic Cities Network, a global organization of cities founded by UVA's own Tim Beatley, who it would be sitting in the audience if we were doing this at 6 o'clock, but I told him really quickly to hop online if he can.

[01:17:41] So if not, he'll be able to live stream it. but we had a great conversation about this network. For a purpose of information, the board did receive a letter on May 20th of this year from the chair of the National World Heritage Committee recommending Albemarle County to apply for membership.

[01:17:59] So the Biophilic Cities Network is a group of more than 30 localities across the globe who promote human-nature connections. It is a vision-driven organization focused on inspiration and idea sharing and not on limiting local action. The Biophilic Cities Network recognizes that humans have co-evolved with the natural world and that we have an innate need for contact with nature and other forms of life.

[01:18:26] The mission of a biophilic city is to create equitable opportunities for people to learn about and connect with nature. Such a city places nature at the core of its design and planning functions, which encourages placemaking and sustainable urban design.

[01:18:42] Additionally, it protects, grows, and celebrates local nature and seeks to inform its citizens on the importance of biodiversity. Decades of research confirm that contact with nature reduces stress, improves mental health, and sharpens cognitive performance.

[01:18:59] Even short, daily exposure to green space can measurably enhance well-being, especially for children and those in under-resourced communities. Cities that invest in biophilic design see real returns.

Green spaces can help manage heat and flooding, improve air quality, support biodiversity, and lower public health costs.

[01:19:22] They also make communities more attractive by boosting property values and drawing residents and businesses in seeking a high quality of life. There are many benefits to being a part of the network. For one, members will have access to an online repository full of articles, reports, and policy guidance from peer cities.

[01:19:45] There are a host of engagement opportunities, ranging from monthly webinars, partner hosted by partners to annual conferences. Additionally, membership in the network provides the board and staff opportunities to visit other cities to see their biophilic initiatives or even host a delegation here in Albemarle County. It should not be understated that this opportunity could strengthen the county's connection with the University of Virginia faculty and staff, which does have the potential for downstream benefits. This opportunity coincides

[01:20:21] with Albemarle County's strategic plan, particularly objectives relating to quality of life. More specifically, membership in the network can help fulfill the last sub-goal about access to parks and recreational opportunities. There are also indirect implications for economic development and education, which are other goals in the strategic plan.

[01:20:44] I thought it would interest the board to see where on a map these cities are located, since I can't begin to list all of them out. Most of them are in the global north, as you can see. The majority of cities are here in the United States, but there are also several in Europe and Asia. Notably, there is a cluster of dots along the eastern seaboard and particularly around Almaro County. So cities in the network are of various sizes. The largest is Singapore with six million inhabitants, and the smallest is Fremantle, which is part of the Perth metropolitan area in

[01:21:21] Australia with 36,000 residents. There are four localities in Virginia that are part of the network, including Arlington, Reston, Norfolk, and Richmond. Their populations are listed on the slide based on five-year estimates of the 2023 ACS data. In April of this year, the Charlottesville City Council initiated their application process by adopting a resolution supporting the goals of the Biophilic Cities Network. I then wanted to show the board a few examples of nearby partner localities and how they have incorporated biophilia. I had the privilege of speaking with the staff contacts at

[01:21:59] each of these localities and i'm very grateful for their time so first is arlington county they joined in 2020 i spoke with them about what membership and the network means to the organization they acknowledged the benefits of this sort of self-reflection period and told me that it reinforced several existing policies including their minimum tree canopy ordinance which dates back to i believe 2002 in 2022 the county adopted a redevelopment plan for the pentagon city neighborhood that includes biophilic design through a set of guidelines, including an emphasis

[01:22:33] on plantings and open spaces along what they call the green ribbon. The county also holds annual internal workshops and programs, which serves as a mini conference for sharing ideas on how they can become more biophilic. Second is the city of Norfolk. They joined in 2019. The city is currently working on NFK 2050, which is their new comprehensive plan that incorporates biophilic principles in every chapter in the regular planning process. They also adopted a minimum tree canopy zoning

[01:23:07] amendment using language and expertise from Arlington's policy and staff. The last one that I have to share is a little bit closer to my hometown, City of Raleigh, joined in 2022. That same year, the city launched a program to identify areas that lack street trees, and they offered residents free plantings. So over the past three years, staff have planted more than 1,000 street trees through this effort, and the map of that is below, or on the slide, excuse me. The city is also in the process of updating their comprehensive plan with a renewed focus on biophilic principles

[01:23:45] and strategies. So to recap, there are several advantages to joining the Biophilic Cities Network. This initiative can help inform ongoing future and future land use policies, reinforcing many of the goals already outlined in the AC44 Comprehensive Plan draft. It also aligns with other adopted efforts such as the Climate Action Plan and the Biodiversity Action Plan. Participation requires tracking performance metrics, which supports the ongoing work of the SPEAR reporting team.

[01:24:20] Joining also provides a framework for recognizing the value of both our developed and rural areas while offering tools to address urban challenges such as heat islands, mobility impediments, and environmental inequality. Additionally, as Ann mentioned, joining the network will not require a new position to be created or cause a significant workload increase for staff. Importantly, this is an aspirational, non-binding commitment, and there are no penalties from the network if the board has to make difficult policy decisions in the future. So staff is seeking guidance from the board on

[01:24:58] whether to pursue membership in the Biophilic Cities Network. If the board is supportive, the next step would be adopting a resolution acknowledging the network's goals. From there, staff would begin the application process, which involves submitting a narrative of the current initiatives that the county is undergoing, aspirational goals for the county, and five metrics that the county will track to approach those goals. While there is no membership fee, members are expected to submit an annual report on those selected metrics. And so, again, thank you for the opportunity to present

[01:25:35] this inspiring network to you, the board. I'm also deeply grateful for the chance to serve Albemarle County this summer. It has truly been a privilege to work alongside such a dedicated and talented staff, and I'm especially thankful to have learned from mentors like Ann Wall, Trevor Henry, and Jeff Richardson. Finally, I'm happy to answer any questions you may have regarding this matter.

[01:25:56] Thank you. Great. Thank you for the great presentation. That was really good. I know a lot more now than I did before. So I'll open it up to questions. Supervisor Pruitt? Thank you. So I'm going to just begin by saying I'm very supportive of this. As I think members of the board know, both the person who kind of heads up this network at the University of Virginia and is very much in charge of this, and the head of the Natural Heritage Committee who recommended we adopt this are both constituents of mine and have both reached out to me about getting this on the board's agenda. So I'm happy to see such a fulsome opportunity for discussion rather than just

[01:26:34] something on the consent agenda. So I think that's great. I want to just make sure we're being very clear about the the concrete um requirements that this is going to pose so can we actually go to the previous slide sure because that's where i think we most directly um because this is of course this is the first question every single one of my peers asked i think correctly when when i talk to you all about it um i see this as the primary the staff who's designated as coordinator based on my conversations with external stakeholders it seems like the main thing they do is they sit on a

[01:27:07] monthly call um is there a significant additional deliverable other than the the recurring monthly call and the um and the narrative that's looks like biannually yeah um so the annual reporting on the metrics that the county chooses will yeah and so basically like what you were saying the staff or whoever is identified as the you know partner um will be sort of the liaison for this effort and will kind of spearhead and in my conversation with other localities i did discover

[01:27:45] that it's not always just one person and so staff you know get provided direction from the board can deliberate and decide if that's going to be a team of folks or you know one or two um that that would be in the works this kind of leads into a question and maybe even a concern uh on my end and it's more it's not about the biophilic cities program but it caused me to reflect on something i maybe have other concerns about which is this board and this government are invested in quite a lot of climate related concerns and our community is certainly deeply engaged on climate issues

[01:28:17] but currently our um our initiatives related to climate um can feel fragmented across departments in a way that i think can confuse the public sometimes confuses me um and so like it was part of my reflection on who we're even designating as this coordinator um to also think well where where do we think climate initiatives live where do we think um a biophilic initiative lives um does it live in park does it live in parks does it live in facilities does it live in planning because all of those implicated right um so that is maybe a concern i might i say to you but i'm

[01:28:57] reflecting back to my peers on the board i'm reflecting to mr richardson as the county executive who who runs our staff that this is something i've heard from the public it's also something, looking in our own org, I do find some cause for concern. It does not seem like we've thought coherently about how we want this to be realized, if it's going to be a core strut of our mission, where it should be housed, where it should live, where we should think about it moving forward. I do feel like I had one other thing I wanted to ask about this, but I'm blanking on it.

[01:29:29] And Mike Ann is coming up. Oh, yeah, please, please. And if you think I'm mischaracterizing this. Supervisor Pruitt, I think that we have in the last year recognized a need to provide potentially more structure around climate. In the last year, FEZ, where climate is housed, has created a climate leadership team, which is a group of department heads who meet periodically to talk about the broader vision of climate, what are our climate activities, what are the

[01:30:03] activities that we're going to pursue. We would imagine this effort sort of working alongside of that as well. It is important to own that Albemarle County does not own climate. Fez does not own climate. It is a community initiative. It is a community concern, right? And so we need to organizationally support it, but we don't necessarily own it. But I do believe that that climate leadership team is helping really to provide more, as we would call, leadership intent,

[01:30:37] broader supervision, discussion about key climate efforts and projects that we're undertaking. What is the periodicity of that meeting? I'm sorry. Of the climate leadership kind of round table that's interdepartmental? Right now, as it's in its startup phase, we're meeting periodically as we are frankly at this point talking about how it is that we spend or that we allocate the funds provided to climate in the budget.

[01:31:05] So I feel like we meet probably every couple of weeks. At some point, we'll figure out the right cadence for those meetings. Great. Great. That makes a lot of sense. I remembered the one other thing I

was going to raise, which is you emphasized toward the beginning that there aren't concrete commitments other than what we create ourselves.

[01:31:22] I think it is interesting. Do we have the list of localities in the Commonwealth? You had that earlier. Yes. Let me jump back a little bit. One of these isn't a government, which I find fascinating. It is a community association, because some census-designated places, the community association functions in a quasi-governmental role, but they have no devolved powers from the state.

[01:31:47] I just find that fascinating. So Reston, it's the same as the Crozet Community Association, right? Maybe slightly more robust, but they don't have any devolved powers from the state. The only comparison I have is the Neighborhood Association in Arlington have their own funding and a tremendous amount of decision-making, but I don't know what this...

[01:32:05] This is a different county, so I don't know exactly what the details are. The Neighborhood Association in Arlington, I almost think of as in some ways comparable to our CACs because they're quasi-governmentally designated. Anyway, just some musing for my MBA student.

[01:32:22] Well, the city's term here, you know, you have, yeah, Arlington. It's a loose term, you know. Yes. All right. Supervisor Lepisto Kirtley. Yes. One point of clarification was answered by Ms. Wall, so I really appreciate that because it sounds like we do have people ready within the climate leadership team that could take this on that wouldn't add a boatload of work, which is what I was concerned about.

[01:32:53] And that sounds like it would be part of it, a natural part of it, frankly. Okay, great, great. You mentioned about the tree canopy, which I'm totally in favor of, of course. I think we all are. You mentioned the urban heat islands.

[01:33:11] Who establishes where those heat islands are? Is that our responsibility? Is that something from the organization that helps us with that? be it satellites or whatever? I don't know. I don't have the specific name of the organization, but I know there's several out there who do heat island mapping across the United States, so I would assume that we'd be able to tap into some sort of national database there and, you know, go start that as a baseline and then, you know, do some rigging on our side following intervention.

[01:33:47] Okay, well, that's what I was interested in regarding costs associated with where the heat islands are. But if there's some kind of a... Okay, Ms. Wall is going to speak. Excuse me. Supervisor Lupisto Curley, I just want to point out that NOAA's example of the heat island was really illustrative.

[01:34:10] Those were the kinds of issues that could be tackled and that the Biophilic Cities Network could help us with some research and how other communities have done it. It's not necessarily a specific activity that would be tackled under it, unless it's something that we say, yeah, that's something that we want to look at.

[01:34:29] Right. I didn't know if that was part of the yearly report that you want us to do this. And so I now get the idea. Thank you very much. And you've answered also about the staff coordinatorship.

[01:34:44] So I'm good. I think it's a good idea. Thank you. All right. Supervisor Mallard? Thank you, and thank you for your presentation. and we will miss you when you go. I'm really glad to hear all of this, and as someone who lives way out in the country and has benefited from growing up way out in the country, I

know that people who live in the urban area do not have the same exposure to nature that country people do by necessity.

[01:35:11] You're on your own, and you better take care of whatever it is, is the sort of philosophy. So this program I see as a way to bring some of those rural benefits to the urban dwellers and really help to improve that whole quality of life here as well. Thank you. All right, Supervisor Andrews.

[01:35:33] Thank you, Noah. That was a masterful presentation. But I'm fully in support of this. I guess I'm just going to push back on a comment made by Supervisor Lupisto currently in a friendly way as far as added work. I think that the main point is that this is already work that we've obligated ourselves to take on in the Climate Action Plan.

[01:35:57] we're committed to doing, and this particular aspect of becoming part of the biophilic cities doesn't add to that. But I think there's a lot of work to be done. Thank you. I just want to say, yes, Supervisor Andrews, they answered that question for me, and that was my concern, but it seems like it's going to all flow seamlessly, and thank you.

[01:36:20] Thank you. I just want to make a comment that you should add masterful to your resume. Thank you. Albemarle County referenced you as masterful. That's all good. No, this is really a great presentation. And I do want to just say thank you, Noah, because I've been to multiple events since you've been in the county, and you have been there.

[01:36:43] So you haven't been ensconced in your office or whatever. You've been participating in our events and coming to our meetings, and I just really appreciate that. That's thanks to wonderful leadership. Yeah, well, so when you're finished with all this, come back to see us again after your education is completed, regardless.

[01:37:02] I really support this very much, and Ann has comforted me in figuring out how staff will be pulled in different directions on this, so that's great. And I think having more than one staff person really makes a lot of sense in a way, but that's up to you guys to decide.

[01:37:22] I would just, you know me, I'm going to always ask this question, and I don't want to take us down in a swirl. But it does seem like to me that sometimes the school division and we can operate in silos around different things. They're doing a lot of work, because I go to the meetings as a liaison, around climate change.

[01:37:41] And just to say that, as we're doing this work, if there are occasions or opportunities to include the staff's climate change folks, I mean, the schools, climate change folks would be a great connection, perhaps, because maybe they can get some help, too.

[01:37:57] Absolutely. Yes. And in my conversations, you know, I talked with Jamie Powers and folks in other departments as well, you know, not just climate. And I understand that they have ongoing initiatives towards education. That's one component of the indicators.

[01:38:13] Like, there's certain parameters that you have to fulfill when you make these indicators. And so one of them could directly be related to education. and making sure that everyone is aware of, you know, not just because there is a distinction between biophilia, you know, that's human nature connection, whereas climate action is more reduction strictly of greenhouse gases, but they're complementary, you know, and there's a lot that can benefit both. So I look forward to, you know, upon direction from the

board, potentially looking at indicators that could track that. That's great, because I think they marry very well together, And I will say that the school is full of all kinds of young people

[01:38:50] who would love to plant trees and do things to help us with this. So anyway, that's great. So I'm looking at we need to simply nod our heads. We don't need a formal vote.

[01:39:05] I'm looking to Ann. Don't need a formal vote. We just need to be in agreement that we're interested in moving forward with this proposal and that staff would come back with a resolution of intent at a later time for adoption of the resolution of intent.

[01:39:26] And I would suggest just asking. It could probably just go on the consent agenda, and then we would have more full-blown discussions later. Is that so? I mean, looking to. Head nodding. Jim, are you nodding your head? I am. I am.

[01:39:44] Okay, thank you very much. So with that, you've done it. Masterful. I just want to say I've worked with you on the EDA here. I know we all have worked with you. And we do not, okay, I'm going to speak for us.

[01:40:01] We don't think you belong in Raleigh. We think you belong here. So you need to move on back and join us. Thank you. Thank you very much. And thank you for the opportunity. It's been an honor. It's a true honor. Thank you very much. We appreciate it. We'll miss you.

[01:40:18] All right. With that, we're going to go back to our original agenda, and I'm going to look to our clerk. Claudette says, we have a supervisor waiting to be. Oh, right. That's lovely. So, Supervisor Ned Galloway is requesting to participate remotely in accordance with applicable board rules of procedure.

[01:40:40] Rule number 8B1D, enacted pursuant to the Freedom of Information Act. And Supervisor Galloway, would you please state your location and reason for attending remotely? That's the wrong supervisor.

[01:40:58] Sorry. I'll say good afternoon. Can you hear me? Yes, we can hear you, Ned. Thank you for asking to join or considering to let me join remotely.

[01:41:15] I am in Fort Myers, Florida with my family. All right. That's lovely. And I would now entertain a motion to allow Supervisor Galloway to participate in our meeting remotely. So moved. Second. I have a motion from Supervisor Lepisto-Curtley and a second from Supervisor Malik.

[01:41:33] Without objection, would the clerk call the roll? Ms. Lepisto-Curtley. Aye. Ms. Malik. Yes. Ms. McKeel. Yes. Mr. Pruitt. Aye. Mr. Andrews. Yes. welcome supervisor galloway all right thank you absolutely so we're going to move on to our next agenda item which is phase two work session on data centers and presenting i see they are already at the dais is uh our bill fritz and we're always excited to see you yes so go on and introduce

[01:42:11] yourself go on and introduce you all formally introduce yourself just one second here while While he's doing that, I'll introduce myself. Amelia, yeah. Yes, ma'am. Amelia McCulley. I'm a project manager with the Community Development Department. There you go. And Bill? Hello.

[01:42:26] Bill Fritz, Development Process Manager with the Community Development Department. And you can take it away. Okay. Thank you very much. So we have a pretty lengthy presentation for you today, so I apologize for that in advance. The outline of this is going to be, we're going to give you some background to this phase two data center work that we're doing.

[01:42:49] We're going to talk about the county's authority in zoning regulations, the proposed zoning overlay, excuse me, the existing and proposed performance regulations, the proposed zoning overlay district, some taxation information from the finance department, Some discussion about the public input, and then we have some very specific focused questions that we'd like to get some guidance from you on, and then discuss the next steps.

[01:43:18] So to get started, the text amendment would establish standards for all data centers, and the zoning map amendment would create the overlay districts. And I'm going to talk in more detail about both the ordinance and the overlay districts in a minute.

[01:43:35] So data centers are places that house computer systems that process large amounts of information. They can provide for a more diversified economy and tax base.

[01:43:52] They do have some unique features, including the need for uninterrupted power, and they consume large amounts of power. The equipment in data centers generates a significant amount of heat that requires cooling. They can be in large buildings, and they typically require fewer staff per square foot than other industrial or office spaces. They can support local economies and enable innovation and operate with minimal disruption to surrounding communities. Data centers often have lower sewer demands than other industrial uses. Depending on the cooling method, they can have lower or higher water demand

[01:44:32] than other uses, and I'm going to talk about that in detail later. They typically generate fewer truck trips compared to most other industrial uses once they're operational. So what can the county do in regards to data centers? It's a typical zoning thing. We can limit the zoning districts where data centers can be located. We can establish setbacks, size requirements, height requirements, noise limits, landscaping, the standard zoning toolkit. What we cannot do

[01:45:06] is we cannot regulate based on energy consumption or the type of energy that they use, the employment, the customers they serve, the technology they use, or the origin of the equipment used to operate the center.

[01:45:23] So let's talk about the proposed ordinance. I'm going to move on to the discussion of the proposed ordinance in the overlay districts. All of the discussion that follows is based on extensive research the team has done. We have reviewed numerous ordinances and talked to other localities and water authorities to determine what has and what has not worked.

[01:45:45] So the starting point is the county currently allows data centers up to 40,000 square feet on property with industrial zoning. Over 40,000 square feet in industrial zoning, it requires a special use permit. And of any size in commercial districts, it requires a special use permit.

[01:46:06] The proposed regulations, I'm going to go through different series of regulations. I broke them out to try to put them in bite-sized pieces for you. So setbacks, the proposed regulations maintain the existing regulations outside of the proposed data center overlay district.

[01:46:24] The only proposed change would be that there is no increased setback within the district. So 200 feet from any lot line would only apply outside of the district. Inside the district, the standard district regulations would apply. But still the 200 feet from properties outside the district and 500 feet from rural area zoning.

[01:46:46] Moving on to generators, the current regulations, they have to be enclosed in sound dampening enclosure, and they have limited hours of operation except during power outage. Under the proposed regulations, we would maintain those existing regulations.

[01:47:03] We would also only allow natural gas or low-emission generators, and battery energy storage systems would be permitted. For the landscaping and screening, under the existing regulations, landscaping requirement can include two rows of trees.

[01:47:23] That's the existing landscaping requirement. If it's in an entrance corridor, there could be some more, but just sticking with the standard landscaping requirements. The proposed regulation would be increasing planting requirements. It'd be three rows of evergreen trees, and that would be from an approved list.

[01:47:42] The county could determine where those trees would be planted, so that it would be the most appropriate location. And if fencing is provided, it must be between the building and the screening, so it can't be outside. The fence needs to be screened also.

[01:48:01] Building design. Currently, the only regulations are on the entrance corridor districts, and what is proposed is a requirement that would break up blank walls so that there would be recesses, windows, changes in texture, color, and materials, things like that.

[01:48:19] And that equipment would be contained within an enclosed building or courtyard. So, water regulations. If water is used, the current regulation is if water is used for cooling, it must be in a closed loop or recycled system.

[01:48:37] The proposed regulations that you have before you in the packet would be that coordination would be required between the Rivanna Service Authority and Albemarle County Service Authority when you're doing your initial filling of the system or any flushing or maintenance of that system.

[01:48:58] We've been doing a lot more research since the preparation of the packet. After further study and discussion with several water authorities with large numbers of data staff is going to be recommending some additional language we don't have the exact language yet but what we're going to be getting at is that there be no groundwater use permitted it's implied now but we want to make that explicit that no use of evaporative systems occur and that's what really drives the the water uses is the evaporative system we're still working on the exact language we want to define what a closed loop system is what recycled water is we've

[01:49:37] We've looked at a variety of different ordinance regulations from various localities. We can do it, and what we've discovered is that with the right types of regulations and the right kind of design, data centers consume water at or lower than a comparably sized office building.

[01:49:57] So we're still working on that. I just want to let you know we don't have the exact language. We know we can do it. We just don't know what the exact best language is right now. Noise regulations. The county currently does have regulations for all uses, all industrial uses included.

[01:50:15] The proposed regulations include more restrictive noise standards than contained in the existing ordinance. The maximum daytime limit in the ordinance right now is 60 dBA, and the maximum nighttime limit is 55 dBA. This is the most restrictive standard that's currently in the ordinance.

[01:50:35] What we're proposing is that this standard would apply to data centers regardless of the designation of the adjoining property. The standard changes whether it's a commercial property or an industrial property that's adjacent. So you can be louder next to a commercial or an industrial building.

[01:50:52] We're proposing that no matter what, they have to use the lowest standard period. It would also require a sound study to be submitted prior to approval, And then it would require post-construction monitoring, testing, to see whether or not they're achieving the sounds that they were permitted to have.

[01:51:15] And that if not, they must take corrective measures. There are also proposed regulations for increased setbacks in landscaping. So all those things combined are really the noise regulations. So I'm going to move on to the overlay district now.

[01:51:35] So I've discussed the proposed regulations. They would apply to data centers in any overlay district or outside of any overlay district. So now we're going to talk about just the data centers. In our consideration of how to appropriately allow data centers, we focused on criteria for that overlay district that assures adequate infrastructure, appropriate land use designations, and locations that would limit impacts.

[01:52:00] All of the areas in the proposed overlay district are already designated for some type of intense development. And data centers would have more requirements than any other uses currently permitted on those properties. And the criteria we have had to be in the development area, had to be recommended for industrial research and development or some similar type of use in the comprehensive plan.

[01:52:24] Needed to be served by public water and sewer and needed to be close to high voltage power lines. In many cases, the high voltage power lines is actually on the property or inside the district. So what could happen, and we're not recommending any particular tier, but we wanted to give you an example of the kinds of opportunities that you have that you could tier these should you desire.

[01:52:53] You could have one area as a tier one, one area as a tier two, and we have 40,000 square feet, which is the existing regulation. That would apply outside of any district, and that is a footprint, and one of the things we're proposing is a definition of footprint because, believe it or not, we don't have one.

[01:53:12] right now. So regardless of the outcome of this effort, we will probably come forward with you to bring forward to you a definition of footprint. So this is for footprint. So 40,000 square feet outside of any district. And you could have a tier one district of 125,000 square feet or 50,000 square feet, excuse me, 500,000 square feet. And again, footprint. These numbers can be very hard to visualize. Just to give you an idea, 40,000 square feet is about the size of the Harris Teeter and Crozet or the Whole Foods on Hydraulic Road

[01:53:47] or Harbor Freight on Route 29. Those are all around 40,000 square feet. The bigger buildings, we actually have an example for you and want to show you. So three of these examples are essentially right next to each other. Seminole Place is 460,000-ish square feet. Costco is 155,000 square feet north of grumman is 255 000 square feet and those are essentially next to each other just so people can get some other comparisons walmart is about 153 000 and the state farm

[01:54:24] building in pantops is about 400 000 square feet and all these sizes are approximate so this is the zoning map of the county it shows the existing zoning of all the parcels in the county the area in white is the rural areas. I want to emphasize that all of the areas of the proposed overlay districts are within the

existing development area. I'm going to highlight each of the five areas individually. I know that the stars that I'm going to show you are small, but I wanted to

[01:55:01] emphasize that these areas are within the areas already designated for development. The development area is about 5% of the county's total area, and the area of the proposed overlay district is about three-tenths of 1% of the county's total area. And I'm going to go through a series of slides zooming in to get to parcel-specific boundaries, but I wanted to show you this just so you could see roughly where they're going. And the areas are the star at the north there is the Emerson property. The next one is Ravanna Futures. The next one is the airport, North Fork, Pantops,

[01:55:40] and then Route 29, I-64. I'm going to zoom in a little bit more. And again, there's the Emerson property to the north, the Ravanna Futures property, the airport, North Fork property, or North Fork area, Pantops, and Route 29, I-64.

[01:56:02] Now I'm going to zoom in to the actual areas. The blue area is Emerson. The green area is Ravanna Futures. Unfortunately, at the time we were working to prepare your packet, Our GIS system, we weren't able to do the mapping quite the way we wanted to do, so I was only able to map the parcel boundaries, not the zoning boundaries of Rivanna Futures.

[01:56:25] Things have gotten better. Some of these areas are zoned rural area and would not be included in the overlay district, so I've modified the map to approximately show the portion that would not be included. So I'm going to show that to you so you can see now the difference.

[01:56:44] That would be the Rivanna Futures overlay district. I would also like to point out that the remaining green area would have a 500-foot setback from the rural area boundary. So that area I took away, not only is it not in the district, it imposes an additional 500-foot setback within the district.

[01:57:06] The airport, North Fork property, was very hard to map because it's so long north-south, so it doesn't fit on a slide easily, and I didn't want to rotate the maps for you. So this is the northern portion of UREF, North Fork.

[01:57:21] A lot of this area is actually covered by an application plan, and it's an open space or floodplain or other types of things, and those would all still apply. This is the southern portion of the airport, North Fork development, and all these maps are in your packet also.

[01:57:44] And then this is the Pantops area, State Farm. This is the property at the properties at the intersection of Route 29 and I-64. So when zoning map amendments or zoning text amendments are considered, the code includes factors to consider when reviewing those.

[01:58:12] We've taken all these factors into consideration and will provide a detailed analysis of each factor during the public hearing. But at this time, we would like to share some economic study information with you, and that's this specific language. And Jacob Summers is going to give you a presentation now.

[01:58:33] Thank you, Bill. Board of Afternoon, Jacob Sumner, Chief Financial Officer for the county. And my portion of this presentation is to talk a little bit about the financial impact of data centers and particularly on the revenue generation component for the locality.

[01:58:49] I first want to start just with a reminder of our budget conversations back in the spring. And we talked a lot about the diversifying our tax base and our current reliance on our residential taxpayer,

particularly the real estate. And the goal in moving forward, looking at how do we diversify our tax base and really start finding ways to balance out that residential and commercial tax base for our community.

[01:59:16] Data centers can be a tool in helping find that diversification. It's an option, and it's not the only option, but it is an option and a tool that can help in addressing that balance. Data centers do provide two revenue streams for localities.

[01:59:35] First is a tax on the real estate, as you imagine, and can tell that this would be on the land that a data center would be on, but also include the improvements, which is really the buildings that house the data center itself. The second revenue stream would be the business tangible personal property.

[01:59:55] This represents the servers, the racks, the other peripheral computer equipment that essentially makes the data center run, and that's the equipment that's housed inside the building itself. This equipment is a substantial investment in data center development, and it's particularly to note that this business tangible personal property is a depreciating asset.

[02:00:20] And so unlike the real estate, which typically holds value over time, the business tangible personal property and how we assess it quickly depreciates from about 25% of the original cost of that equipment and depreciates over seven years until you get to about 10%.

[02:00:35] So there is, over time, some decrease in, I won't say volatility, but a decrease in the tax revenues over the depreciable life of those assets. I will say the useful life of most data center equipment is between five and seven years, all really depending on the intensity of the use and how often that equipment, how often those servers need to be replenished.

[02:01:02] and that can be taken into account when we go to look at these properties and look at these tax sources. The other thing I wanted to mention on this slide before we move on to my next slide is back in May the board received a presentation on the cost of community services ratios and particularly that was focused on how much does it cost to provide services per dollar of revenue generated from different categories. So for instance, the county's ratios that were presented for residential revenues, for every dollar of residential revenue that was generated,

[02:01:39] there's a cost of about \$1.31 to provide services to our residential community. The commercial ratio is 0.32. So about every dollar of revenue generated from commercial tax base costs about 32 cents to service that community as well. Data centers and the research that we've done have an even lower cost of community services ratio than our current commercial.

[02:02:05] Now, we've seen these as low as 0.1, so every dollar of tax revenue generated would or could potentially have a cost of service of 10 cents or even less in some localities. And this is really driven by, as Bill mentioned earlier, there's, you know, data centers typically have lowered vehicular traffic.

[02:02:25] There are fewer employees compared to other commercial uses, and all this just requires fewer county services provided to the property. So if we go to the next slide, we did want to provide some scenarios so that the board and the community would have some ideas of what the tax revenue generation potentials would have with the different size districts that Bill mentioned earlier in his presentation.

[02:02:52] So the chart on the screen, broken it down into average annual revenues. And so this isn't a total revenue. This is an average annual revenue for these three different sizes. And as I mentioned earlier

with the business tangible personal property and the great change or spread in revenues from when that property is put in service to when it depreciates over its useful life, there is a range.

[02:03:19] So an average is most appropriate to show the annual revenue. For the districts that are, for anything outside the overlay district at the 40,000 square foot, in total we'd be looking at an estimate of about 1.3 million in additional revenue for a data center that would fit into that size.

[02:03:38] For a data center that fits into the tier one district with the 125,000 square foot, you see the growth in the business tangible personal property comparable because as that property, as the building gets bigger, you can house more equipment in there. And that would average about \$4 million of annual revenue. The final tier, tier two, which is the 500,000 square foot size, it would yield an even additional higher business tangible personal property and average about 16 million in total or 16 million in average annual revenue for property of that size. And that's just

[02:04:15] one data center. That's not saying there's multiple. That's just taking one and trying to create some examples and put some visuals for the board so you all can help provide the financial lens on your discussion. And with that, I'll turn it back over to Bill to walk through the rest of the slides. Thank you. So getting close to the end, I wanted to talk to you a little bit about the public engagement. I know you've received, I've lost track a lot of comments. You have some in your packet and I've forwarded some and I know many have been forwarded to you. We also have our Engage Albemarle site, and we want to provide you with some statistics.

[02:04:55] This was, I believe, yesterday, information as of yesterday. 1.4 thousand people are involved. It is the fourth highest ranking right now on our top five Engage Albemarle projects. I don't know what special prize I get if I get all the way to number one. But I just wanted you to note there's significant public interest. I know you said that earlier today, but there is significant public interest in this project. I'm not going to talk about or try to say what the comments were, but we've broken them into some basic categories. Climate impact, water impact,

[02:05:36] maintaining the current size requirements, prohibiting them altogether, the cost and benefits of them, and the noise and air pollution. This is sort of the categories that we've noticed of the comments. What we're looking for today is to get guidance from the board on the following questions. Does the board support the concept of the proposed regulations, knowing that we do need to make some more work on them? Does the board support the boundaries of the proposed overlay districts? Does the board support tiered districts? And if the board supports consideration of tiered

[02:06:12] districts, how should each area be designated? So that's what we're trying to get to today so we know what to do for our next steps. And with that, I'm going to end my presentation and try to answer any questions that you have. Thank you, Bill. That was very helpful. I appreciate it a lot, and I know the board will certainly have some questions. So just for clarity today, because this is a work session, and this is phase two of our work on data centers, we've already gone through phase one. And just a quick clarification, when you're talking about

[02:06:52] existing and proposed regulations the existing are the ones that we determined during phase one in april just so everybody understands yes yes that's where that's the baseline you're operating off of is what we approved correct and now you're coming back to us with changes to phase one which is phase two and correct and just so where we started with that is during phase one there was direction from the

board and the planning commission about what to look at in phase two and that's that's how we started doing this work for the phase two regulations right so just so the

[02:07:29] public understands so there's not a specific vote today so we're providing direction and we need to provide directions on these four questions we would like but first we're going to open it up for questions and and see where this so what the board would like to ask so framing it that way i think is fair. And I really appreciate all of your good work on this. So I'll turn to Mike.

[02:07:54] Mike, you are the first one up. Excellent. That gives you the chit that you can come back again. I am going to try and answer all four of these questions. I do just want to quickly make some, I think, framing remarks, which probably aren't surprising to my peers. But I think I remain deeply skeptical of data centers. They are something that sit uneasy with me. I think that was reflected in my initial feedback on the interim ordinance, which already I found more permissive than I might have preferred. I was, I will remind the board, uncomfortable

[02:08:30] with the 400, or sorry, 40,000 square foot limit and had, I think, proposed either 4 or \$10,000 as an alternative for when buy-write would be permissible. So I would present that as just a reminder of my previous positions.

[02:08:48] This is heavily driven by concerns about energy grid costs and how that is ultimately, in our current formulation, going to be borne by ratepayers when we do need to upgrade the energy grid. And it could also cause even free upgrade necessitation knock-on effects just because of supply-demand models on other Dominion Energy and Appalachian Power customers, right?

[02:09:11] They are a single customer, but they will not bear the entire brunt of the cost to upgrade it. We will. Our constituents will. I do have long-term viability of it as an economic development strategy concerns because, yes, there is currently a very significant demand on more facilities for data center management for this kind of technology that we're developing.

[02:09:38] I think we are in the middle of a bubble that new technology is going to create an effect on, right? We are not to be too wonky. We are, I think, alarmingly close to the deployment of widespread quantum computing. I think it will be within my lifetime, certainly.

[02:09:56] It would not be surprising, I think, if we see that deployed in 10 years. That will radically change the square footage requirements of data centers. and the ones that are going to be offlined first are going to be the ones that are further from NOVA, further from the transatlantic cable.

[02:10:12] So I am concerned about us and other southerly localities that might be deploying these as a long-term development strategy being phased out as new technology comes on and we will have invested already in the infrastructure upgrades necessary for them.

[02:10:28] That is a long-term concern I have. And finally, I think it's fair to say, I mean, we've all received the same presentations about the way that this can be really transformative to an economy. And I don't disagree that it can be a real boon on revenues.

[02:10:46] I think that is a really, you know, Jesus in the desert kind of deal that is especially hard for some of our poorer neighbors to turn away from, which is why I think we see a lot of eagerness from some of our poorer neighbors. As in, like, Louisa has already deployed a lot of these.

[02:11:05] Louisa has also recently voted down their fourth data center because they are already concerned at the scale of deployment. And some of our neighbors even further south are particularly excited to solicit these because they don't have other economic development opportunities. This is the only thing they have.

[02:11:20] I think we should recognize part of our privilege in being a wealthy locality in being able to have the comfort to not have to rely on these, what I think of as fairly destructive land uses.

[02:11:37] So with that said, I want to go through this list of questions. The regulations that are proposed here, I actually like. I think they are thoughtful. Most of them are adding additional levels of what I would say are common sense things. It seems to borrow in part from what we've learned from solar, actually.

[02:11:56] Interesting. The tree buffering requirement, it sounds identical. So I think for the most part, these are really good. The only one I would flag is the blank walls requirement, the breaking up stylistically.

[02:12:12] This is something we see in residential development also, like a requirement for creating visual interest in large residents. And it actually confines people to, I think, lazy architectural decisions in residential contexts. I see what it's reacting to.

[02:12:28] It's reacting to the Boeing warehouse. I used to live in Everett, which had the largest landmass-wise building in the United States. It's a giant Boeing facility that just has a single flat wall. But I guess, is this something we see in other ordinances in peer localities?

[02:12:49] It is, and I will also tell you that even after the writing of that language that you have in the ordinance, We've done some additional work, and we found some other models that might be better written to allow a little bit more flexibility on the part of the architect, but still achieve the same goal of breaking up the massing so we don't do that.

[02:13:11] So that's one that we're still working a little bit on also. I'm fine with it staying in here because this is not a final draft. I might want some samples of what we're talking about to visually review. And also, like, if this is something that affects cost, you know, that's always something we have to be weighing.

[02:13:33] I think the boundaries of the overlay districts discussed make sense. These are the places that make sense for a data center. The only one I would flag as being possibly one I'd be concerned about is state farm, right? Because that is near natural habitat trails.

[02:13:50] That is near some residential. I have some concerns about that. I'm happy to see that we're no longer including downtown Crozet, but I have some concerns about the state farm location. I understand why it's there. I understand we're struggling to place tenants in this really important industrial location, but I think its negative externalities could be particularly potent there. Also, there is a part of a tickle in my brain that is wondering about North Fork, because we are expecting to place a lot of residential uses there in the near future. They're not there yet, but we just voted and UVA Foundation came and said we're going to

[02:14:28] deploy hundreds of people in affordable housing there. So I do have caution there. That's not me saying that I don't think that's the district that makes sense right now based on our current land use. Then we get into the harder things. I get why the tiers make sense. I don't support them.

[02:14:52] I am uncomfortable still with allowing bi-right usage above what we have currently authorized in our interim. We have never had a data center proposal come before us, right? We voted on a solar ordinance that we struggled with, I think, pretty seriously, and we had a lot of serious public comment on it.

[02:15:13] It was a hard thing, and that was itself iterative on our own experiences with quite a lot of solar developments, and we knew how solar developments played out. had had some that we had worked on. We had seen ways that the community reacted negatively to things that we had authorized, and we iteratively developed on those. I understand that this is coming to us, and it's iterative on other localities, but I don't know how my constituents are going to react to something in their backyard, and I'm uncomfortable with the scale that we're talking about in the tiered one and two proposals. I would be very uncomfortable

[02:15:47] with that before i've deployed a single one with with my approval and with a public feedback process so again i i think the way you're thinking about it makes sense i can't support it at this stage um and that i think solves four or two although i would say i would flag the previous ones i expressed concern about um if we're talking about which ones to designate which tiers right i think state farm is surrounded by a lot of incompatible uses, and North Fork will soon be surrounded by a

[02:16:24] lot of incompatible uses. That's all I have. Okay, and I'm curious because you had some concerns in there. I'm assuming that you would like staff to respond to your concerns or questions. So can you give some questions? If you think that my big, like, normative concerns are appropriate for response. I thought that's what we were doing. We were asking, this was a... Oh, I was answering questions well we are answering questions but but at the same time asking staff to respond to the concerns and questions i think is appropriate sure but i think they need the questions so the the

[02:16:56] thing i flag is one of my central kind of load uh load star concerns is is about energy grid costs and i want to make sure you don't think i'm mischaracterizing that right that there will be knock-on costs to consumers especially if there are upgrades to the grid that are required I wish I had a better answer.

[02:17:19] I've worked on trying to have a better answer for this, and unfortunately the county does not have the authority to do that. That authority rests in Richmond, and I can't say anything beyond that, really. And I know that our peers in the GA, I think, are currently grappling with this exact issue, trying to require that they not have these knock-on costs, but it's stalling out.

[02:17:41] That's what I was going to say, that there were multiple bills introduced last session, And of those multiple bills, there were many that were related to passing on the costs to the customers, particularly the residential customers, unfairly.

[02:17:57] Yeah, did not pass them on. They did not succeed. Yeah, the bills were to assure that they did not pass on these higher costs of the new infrastructure to the residential consumers, but none of these bills succeeded.

[02:18:13] But they could in the future. Yes, depending on the makeup. Another question. You had multiple concerns, so I'll ask you another question. I talked about, I'm not sure anyone, including myself, are in a particularly good position to philosophize on future developments in quantum computing.

[02:18:34] But if you think I'm off base with that, I would invite any critique on that. I couldn't provide any comment on that. Those were, I think, the two things that could be formed into substantive questions. And

I just wanted to make sure as we have concerns and questions that staff had an opportunity at least to share what they might have.

[02:18:53] So with that, are you, is that good? All right, I'm going to turn to Ned. Ned, you're there somewhere. So it checked. There you go. Are you able to hear me? Yes, we can. I'll start with some questions first. Bill, I appreciate in the report the showing buildings of comparable size that already exist in the county.

[02:19:16] And I can't recall if I had asked this back in April or not. And it may just be because of what you spoke about in terms of electricity. But when the other impacts that give people pause or concern, electricity, water use, have you done a comparison of businesses that already exist in the county that aren't just size comparisons, but also could be?

[02:19:39] Well, you did mention water briefly, actually. I think I heard you say one might be the comparable use from a water standpoint of existing businesses. Could you just repeat for my own ears? Sure. We've had some conversations with other jurisdictions, the water authorities there, and the information they're giving us is that their actual experiences is that data centers are consuming water at a rate equal to or sometimes less than comparable-sized office buildings.

[02:20:12] And if I could just add to that, one of the things they're experiencing is that some of these newer data centers are air-cooled, or they're a hybrid, rather than predominantly water-cooled. So they require less water, or they can recycle the water that they would use for cooling.

[02:20:31] And then do we have any sense on electrical? No, we don't. Power demands or power usage? No, no, we don't. Sorry. But from a building size and a water standpoint, you know, we don't, like when Home Depot came online. I don't recall thinking about, oh, what would the water usage be for Home Depot when we had to consider that rezoning. But Home Depot is one of the places, I don't know if it's one of the ones you showed, but that's about 140,000 square foot building, I believe. I think that's

[02:21:08] right, yes. In our conversations with Ravanna Water Sewer Authority and the Albemarle County Service Authority, obviously in their water planning, they're looking at our comprehensive plan and our zoning map to determine what types of uses can go into those areas. So, for example, if it's an industrial area, they're using an approximated industrial water consumption number that they use to say, okay, we need to be able to bring X amount of gallons to this area. And if it's an office area, we need to be able to bring X amount of gallons to that area, commercial, likewise. And they throw in, if it's a commercial area, how many hotels might

[02:21:46] get built in there because hotels are high water consumers. So in their modeling, they're already doing those kinds of things. I guess part of the questioning here is, I get it, this is kind of a new thing for us. We don't have huge data centers in here. So of course there's going to be concerns as there would be for most things, but it's also activity in terms of impacts that we're already seeing and a lot of times except without a lot of scrutiny in terms of if it's zoned if it's in the development area and home depot wants to come set up shop we just make sure it looks good from

[02:22:24] 29 and that they're obeying our setback regulations but we don't say oh we don't want this type of big business coming in fact we applaud it when home depot comes at least so far i'm sure there's some out there that would wish home depot had stayed away um jacob i have a couple questions for jacob And yeah, and then I'll jump back to the, I had some questions around the tiers.

[02:22:53] So you made the point about the depreciating, and thank you, Jacob, you made the point about the depreciating asset. And then you said the, did you say the life cycle was in that two to three year range? So I took your point to mean, and correct me if I'm wrong, that when they do the replenishment or the replacement, then from a value standpoint for taxing purposes, the values reset. Just like if I had a 10-year-old car and got a brand new car, the brand new car is going to be taxed at a higher rate because it's higher value. The replacement equipment's higher value as well. Do I have that right in the way I'm thinking about that? You do. You do have that

[02:23:30] right. And when data centers first started becoming more popular and more in existence, the two to three-year time horizon for the replacement of that equipment was more prevalent. And as we've seen the development of the industry, what we're encountering is the replacement cycle of that equipment is a little bit longer because the equipment is becoming a little more robust.

[02:23:53] And so that was a two- to three-year replacement cycle, and now it's more at a five- to seven-year replacement cycle. And it really is also based on the demand and the intensity of the demand and usage of that data center. But to your other point, yes, absolutely correct. Once that equipment is obsolete and needs to be replaced, the replacement equipment comes in at a higher value, and then that depreciation schedule will be reset at that 25% of original cost.

[02:24:22] And in similar fashion, I guess I've never thought about this before, but when we think of this type of tax, I mean, we think of cars and our residents and how we tax cars. But when we think of machinery or the things that get taxed this way throughout the rest of the county, what's the majority of things that are being taxed business-wise that would be similar to this type of expense?

[02:24:45] There are other, you know, equipment that I'm going to stay away a little bit from the machinery and tools because those are really designated for the manufacturing side. But business tangible property is going to really be a lot of your office equipment, a lot of your office infrastructure.

[02:25:01] Computers are also part of that. But within state code, we do have the ability to have a separate designation and essentially category for business tangible personal property, specifically related to computers and computer equipment used to run data centers.

[02:25:17] And so that is a separate category in and of itself, too. I guess what I'm trying to get at in my own brain to see if it's a fair comparison or not, if we take UVA, the health system, the university, et cetera, set aside their own data center and just think of what they use to do daily operations for the academic side and the UVA health system, that's a lot of computer equipment we're taxing. Is that right? Or is it probably a bad example because it's the state and we're not taxing them, period. But from the equipment standpoint, I mean, I'm just trying to wrap my head around this. So Martha Jeff,

[02:25:55] let's use them as a big system. We're taxing all of their computer equipment? Yes, that'd be correct. That'd be part of their business tangible personal property filing each year. And another example, we used Home Depot as an example that you mentioned. So anything that, you know, those registers, everything used in their electronic inventorying system would be accounted as far as that business tangible personal property, and even really the racks that are housing the inventory as well. So in like fashion, the racks probably aren't being replaced on a two to seven year cycle, but computer systems could be. Could be. That'd be a good

[02:26:32] example. Yes, sir. All right. So we've handled this before. We're dealing with this reality now in terms of the depreciating assets of what we tax, things get replaced, and then the value restores and we tax. And we just have to account for that in the course of during our financial plan. Yes, sir. That's correct. Thank you, Jake. Bill, I guess I'd have a question about the tiers.

[02:26:57] Remind me, I mean, I understood that, well, if I have it wrong, you'll correct me, but I'm under, You know, tier one is the buy rate up to 125,000 square feet. And then tier twos are buy rate up to 500,000 square feet.

[02:27:14] And then special use permit for both if it goes beyond that in the tiers. Was the idea, well, I'll just ask the question, what was the idea behind the tiers again or the rationale? We wanted to give you an option. We wanted to demonstrate the option that you could do a tier system if you want.

[02:27:31] And the size that we came up with, the reason for those two numbers is 500,000 square feet. It's about the size of the largest buildings in the community. So that's how we picked the 500,000. And that 125,000 number, that was a number we were seeing as a fairly common large building size that we see in numerous locations.

[02:27:52] Cobb's Fifth Street is 125,000 square feet. Costco, Walmart, Stonefield, Hollymeetown Center, you start seeing that size building over and over again. And I would say, too, that the idea behind having tiers is that perhaps some property is smaller or it's adjacent to residential development at a density that you can't really, you know, adequately, appropriately build a larger data center and be able to offset the impacts.

[02:28:28] Yeah. So thank you, Abelia. I mean, in my brain, I was sitting there going, okay, we can identify tier one because we believe, based on that particular site, that 125,000 we wouldn't have concerns about, provided our regulations are met. However, this property over here, similarly to how we might think of property A being okay for a tier one, property B could be okay for a tier two because the same impacts and concerns are mitigated by the regulations that they could make.

[02:28:56] That's exactly the answer. And we're basically saying up front, we recognize this. So let's not, we can do the tiers. We don't have to, because frankly, coming to the board for a special use permit, I've heard other people talk about how costs could rise or what could add to costs.

[02:29:13] Well, having to come in front of the board of supervisors for a special use permit is a cost adder. So if we can identify properties correctly and allow by right to a certain extent, it can save the costs of the project, which at the end of the day, when we talk about passing along costs. It doesn't really matter what the cost is. If they can try to pass it along, they will. I think we all recognize that. So that's one area where we could have some definitive impact on it. Bill, I cut you off. I was just going to say you stated it exactly. That's the opportunity we were trying to give you. That's exactly what we were trying to do. You hit it nail right on

[02:29:52] the head. Well, knowing that this is going to come back, my questions have been answered. I appreciate that. I'm just going to make some commentary. And I'm not going to counterpoint Supervisor Pruitt, because I think these are opinions at this point. So I don't think countering, not counting, or anybody else that has these thoughts maybe after I speak and they offer their opinions. But I would offer the Jesus in the desert comment about Louisa County being a poorer county. I think in a lot of ways that the data center income is allowing them to

[02:30:24] offset taxes that they don't want to set, which is what our whole revenue diversification is about. So it's in my opinion that it's not because they're a poor county that they've had to turn to this, but the revenue that they're bringing in from, and correct me if I'm wrong, but they've got, they turned down the new Amazon one, which was going to be the biggest, but I'm talking, their other ones are like, what, three, four million square feet? I mean, they're huge data centers, but that revenue that's coming in isn't necessarily a glut on revenue they otherwise couldn't have had. It's just allowing them to put a very low tax rate out there and reduce the

[02:31:04] burden of taxes. Politically, they may not be for taxes. I haven't ever heard one say they were for taxes. But I don't want to make it sound like this is just something that localities have turned to because they're poor. It is something that they can turn to if it helps them achieve their revenue strategy of how to pay for things without having to put the entire burden on the shoulders of real estate owners in their counties. I think in terms of long-term viability, we have to be incredibly

[02:31:41] careful about that because the private market, I think, a lot of times will determine what exists or doesn't exist. I think with the exception of some areas in the country, indoor malls, including our own Fashion Square Mall, just kind of became dated and not something people wanted.

[02:31:59] So 30 years ago, 40 years ago, 50 years ago, when indoor malls were being built, I don't think anybody would have, I mean, I'm sure there were some out there going, oh, I think these are a passing fad. They won't last very long. But I suppose developments or economic activity in a place, if you started to worry about the viability 40, 50, 60, 80 years down, maybe even 10 years down the road, I don't think you govern or regulate that way. I think you have to allow the market to to work in providing something. And if it succeeds, great. If it succeeds for a long time,

[02:32:38] even better. But to suggest that maybe we shouldn't allow something because we're worried about it may or may not succeed down the road or be viable for a long enough period, I don't think that enters into how I think about economic development activity, what a local government or any government could be focused on in allowing or setting land use policies.

[02:33:06] And economic activity, again, is not something that the county is necessarily doing. We are trying to put things in place that allows economic development activity to occur in the way we hope to see it. Case in point about these data centers, the people that just don't want them, prohibit them, don't allow them, period.

[02:33:28] Well, OK, that that could be an economic development strategy, I suppose. Then the other complete end of that argument is don't regulate them at all. Allow them however they exist and wherever they want to exist. And it seems to me that what staff has brought forward is pretty well reasoned in the way that we like to approach things in Albemarle County.

[02:33:54] I don't particularly think we would ever want as supervisors to have what Louisa County has in these millions of square foot facilities. I'm paused or hesitant to say that because I have yet to see the project that could occur where a million and a half or three million square foot facility could work in our county, knowing where the zone places are.

[02:34:19] Even the ones we've identified, I don't necessarily think they could physically support buildings that size. But I think North Fork with the residential is going to be on the southern end of North Fork with the with the industrial activity happening on the northern part of their pack.

[02:34:34] I think it's smart to allow activity there in a by right way because it can allow had the impacts be mitigated and not have any bigger impact than if they build an office building out there of similar size, which they could reasonably do with the land they have. I think that the Pantop site and that Pantop's building already has the building of 400,000 square foot existing, and it's similar to our Fashion Square Mall.

[02:35:00] It's not really doing anything for us as a county. But to the point about concerns about natural resources out there and the impacts it could have, we have to remember that State Farm, when you had thousands of people working there, could have the same concerns relative to what could happen to the natural areas around it.

[02:35:20] So this, in some ways, reduces the amount of people activity that's happening around those natural resources if that building had computer equipment in it. And I offer that just to say that there are different ways to think about what the tradeoffs are.

[02:35:36] But less people driving in and out of Pantops and having a viable business there that's producing revenue for the county doesn't add to the transportation woes that are currently existing on Pantops, but does allow for a viable business that both the business can reap some rewards from as well can the county in its tax revenue base.

[02:36:01] I'm not going to sit here and act like the tax revenue that these things could come in is just a passing fancy. Sixteen million dollars on the upper end. How many? What's a penny again? Three million dollars. One penny is three million dollars. So just as a for instance, if we did one that was half of that and yielded us eight million dollars in tax revenue, we wouldn't have had to significantly raise the tax rate like we did to pay for some things that we paid for this past budget cycle.

[02:36:37] I mean, we ended up raising about, I mean, it was four cents, so it was about \$12 million. But if we had something like this that was established in here or some other comparable business, that's the point. That's how we could have paid for those type of things without having to raise the tax rate.

[02:36:55] And, boy, I can see, you know, I do know this budget cycle. People did put comments out there about why can't you be more like Louisa? And they're actually reducing. And I'm like, well, it's because they found an alternative way to bring the revenue. So it's something we do have to consider. It's something we said we would consider. It's something that got favorable feedback in the town halls when we were out at the budget time. So I want to make sure that that point is voiced.

[02:37:20] To your specific questions, you know, I'm supportive of what staff has brought forward in terms of this regulations. I think these are reasonable for Albemarle County. I think if they were in any way larger than what currently existed in some other business capacities in our county, I think I would probably be hesitant as well.

[02:37:44] But I'm not because this is staying within the bounds of what we already allow in places that we have already identified for economic activity. I do support the overlay districts and the sites you've identified, and I'm supportive of the tiers that you have proposed, knowing full well that this will get further review, that today is just a work session.

[02:38:11] And none of these opinions are necessarily final, but more information will come forward to us as the discussion continues. But thank you. All right. Thank you, Ned. Moving to Supervisor Lapisto-Kirtley.

[02:38:26] Thank you very much, and thank you, Bill, for really an outstanding presentation. I have a few questions that I wanted to ask regarding the, and I know these are all our opinions and such, But regarding the cost, the Dominion cost and such, and I know you don't have figures on that, but just wondering if at some point in time can we get some kind of figures to know maybe in some of the other counties the average increase in utility bills that they've experienced since having a data center before and after type thing.

[02:39:05] If that's possible, I don't even know if that's possible, but if it is, that would be nice to have if we could do that. just to get a comparison. Do you want to give Phil a minute to see if he can respond? He may just say, but...

[02:39:21] Dominion's already put that suggestion out. He may give me a flat note. They don't do it that way. They don't do it by jurisdiction. It's their entire rate structure. So we wouldn't be able to say, Loudoun County's gone up by X or... Which they probably do on purpose. It's the entire system, so...

[02:39:38] I see. Okay, well, then that's not going to work. I'll cross that one off. The other one, investment costs, what would be our investment costs? Maybe that's for something down the line you could get back to us because we're talking about investment costs and I'm not sure what kind of investment costs.

[02:40:01] If I understand your question correctly is what would the county have to do to get a data center to facilitate the development of a data center? And the answer is we wouldn't, just like any other use. If someone comes here with a warehouse, we don't facilitate that.

[02:40:16] They would go through the normal site plan review process, and they would need to comply with all the regulations and make whatever improvements they had to stormwater and utilities and the like. So there would be no direct county investment in a data center.

[02:40:34] Thank you. Thank you. I was hoping that would be the answer. Okay. Being on the EDA, economic development requires flexibility. It's not static. We don't even know what's coming in the future, but this is something that we have now that we could possibly use.

[02:40:53] I know people were very unhappy with our tax rate increase. It seems to me that you all have really done the work. I'm actually quite impressed with the work you've done to be able to answer a lot of the questions that the residents, you know, the e-mails we've been receiving, to answer a lot of those questions.

[02:41:15] You've answered the questions regarding water usage, and you said that that would be public water and sewer. no groundwater. We are looking into the no evaporative piece. Okay, these are all questions that our residents had about that. I did want to ask about, because it's been brought up about the local water level tables. You know, people have said, well, that's going to diminish the local water tables. Can you address that, please? The groundwater tables? Groundwater tables, yes, sir.

[02:41:54] There would be no use of groundwater, so there would be no impact on the groundwater. Okay, that answers another good one for me. Oh, on page 204, reducing the setbacks within the overlay district to 200 feet from the boundaries of the district, the standard setbacks of the underlying district would still apply.

[02:42:21] Could you explain that, because I want to make sure that, are we applying that to the overlay district? So if you had a, I'm going to give you an example of a data center outside of an overlay district and

a data center inside of an overlay district.

[02:42:38] If you are outside of an overlay district and you're an industrial property and you're adjacent to another industrial property, you would have to have a 200-foot setback from that property line. If you were within the district, you would not have to have that setback.

[02:42:54] The only setback you would have to have from the adjacent property would be meeting building code requirements. Right now, two industrial properties can build very close to each other, and that's permitted. And that would be allowed for a data center also.

[02:43:12] But they would have to be 200 feet from the boundary of the overlay district, regardless of what the adjacent property is outside of the overlay district. And if that property outside the overlay district was zoned rural, they would have to have a 500-foot setback.

[02:43:32] Just to give you a comparison, the existing setback requirement in the industrial district adjacent to a non-commercial or non-industrial zoning, so residential, is 50 feet.

[02:43:48] So we're proposing to increase that to 200 feet or 500 feet. If it's rural, it would be 500 feet instead of 50, and if it was residential, it would be 200 feet instead of 50 feet. Okay, so...

[02:44:06] I'm sorry, that's a lot of information, so if I need to do it again... Right, right, but what I'm concerned about, I'm concerned about the overlay district, the boundary of the overlay district being next to a residential rural area. So there are some cases where the boundary is, and I can go back and show you, for example, there are going to be some locations where the boundary is adjacent to either residential zoning or to rural zoning.

[02:44:33] Those properties are already zoned industrial, and they would have a 50-foot setback right now. So if a warehouse or some other office building or manufacturing facility wanted to go in, those could be 50 feet from the property line. Data centers would have a 200-foot setback.

[02:44:51] Okay, and why not a 500-foot setback? If the board directs us to do a 500-foot setback, we'll write a 500-foot setback. But this is already four times greater than any other. And data centers would also have building design requirements that no other use would have.

[02:45:08] They'd have enhanced noise requirements that other uses don't have. And with the generators and screening, so we thought that all those things combined, that 200 versus 50 was appropriate. Okay, because I just want to make sure that if it's near a rural area.

[02:45:28] Okay, so it can be in a rural area, residential. If it's near residential, could it be 500 feet? But if it's near a rural area where there are no residents, you know, right there, could that be 200 feet?

[02:45:47] So all these regulations that are written, the proposed regulations are in the supplemental regulations. So, for example, it would say 500 feet. And if there were some unique characteristics of the property where the adjacent property owner was supportive of a reduced setback, the Board of Supervisors could reduce that setback to any number they desired.

[02:46:08] Okay. And I think it's worth saying that it is the board's prerogative. If you all want to make the regulation that it's 500 feet from any adjacent rural areas or residential zoning, you can do that. You can give us that guidance and we'll write it that way.

[02:46:24] There's very little in the areas that have been depicted for the overlay district, there's very little that is adjacent to these properties that is actually zoned residential. In drawing the district boundaries, we took into consideration the characteristics of the adjoining property.

[02:46:42] So there were some properties, for example, particularly in the North Fork Airport area, that are currently zoned industrial and are shown for research development or industrial use, but they are adjacent to residential property. We did not include them in the proposed overlay district.

[02:46:59] All right. So in North Fork, really, we're talking about the northern part, not the southern part where the residential area would be. To Supervise Galloway's, or I think it was Supervise Galloway, North Fork does have the opportunity to do residential development in the southern portion of it.

[02:47:15] We didn't make that distinction there because it was all under the same ownership. So we didn't make that distinction there, and it's covered by an application plan. So we didn't make that distinction there. And I think you adequately cover the area because people were worried about diesel generators, And there would be no diesel generators.

[02:47:37] No, they can have diesel generators. They either have to have natural gas generators or Tier 4 generators. There's an EPA standard of Tier 4, which is the lowest emission standard for generators, period. So is that the diesel generator, the Tier 4?

[02:47:53] If it was not a natural gas, if it was diesel, then it would have to be a Tier 4, yes. Okay. All right. Well, that answers my questions. I am, going back to your questions, I'm not really a proponent of the Pantops area because I consider that too close to other residential areas.

[02:48:17] There's also a senior living home not that far from it. But you're saying that that whole building, everything is over 500 feet away. No, because right now it would only have to be 200 feet.

[02:48:35] As written, it would have to be 200 feet from the boundaries of the district. If the board were to change that regulation and tell us we want it to be 500 feet from residential or rural, then yes, it would have to be 500 feet. Okay, but you say 500 feet from the overlay.

[02:48:52] Does the overlay stop at the boundary of the State Farm building? In the case of State Farm? I think the county owns a parcel that's Greenway that wraps around it. Correct. So the two parcels that are there are both owned by State Farm.

[02:49:10] State Farm is on one of those parcels. The building itself is on one of those parcels, and then there's the other piece that kind of wraps around the... Right. And Supervisor Malek was saying this particular property on parcel 20J that's there, I've not shown you the topography of that property.

[02:49:35] There are steep slopes on that property. So you can't just look at these and go, okay, they can use all of it. They would still have to meet stream buffers and the steep slopes overlay district. Exactly. Oh, could you go back to that picture, please? I'm sorry. Sorry, sorry, sorry.

[02:49:51] Okay, so really the State Farm building itself is 78-20F. Correct. And then the rest of it would be the overlay district. The blue would be, the entire blue, so it would be 20F and 20J would be the overlay district. Okay, and it would have to be 200 feet from, for example, look at 78-20H.

[02:50:12] It would have to be, that building would have to be 200 feet from the overlay district. Those buildings to the north would have to be 200 feet away from those property lines. The building or the outline of the overlay district? Any structure would need to be 200 feet from the perimeter of the blue area.

[02:50:31] They would have to be 200 feet from the perimeter of the blue area. From the perimeter of the what? Of the blue area. The entire blue area would be the overlay district. The numbers we're talking about are a building setback. Correct. Okay. Data center building.

[02:50:47] So the setback would be 200 feet from all the properties colored in white on this screen. Okay. And also people have brought up, residents, constituents have brought up the decibel level.

[02:51:03] But you're maintaining that it would maintain the 60 decibel level during the day and 65 at night. And that would be enforced. That would be monitored. And if there was any kind of, if they went over that, then that would be noted and corrected.

[02:51:24] If they exceed that, it would be a zoning violation and it could be pursued, but the proposed ordinance also has a requirement that after they finish construction that they do actual testing, determine if it is meeting the standards or not, and the ordinance says that if you at any time are not meeting, you have to take corrective measures.

[02:51:46] Right. And could you, would you explain that a 60-decibel level, that that is, then, I know we had it, well, I know that exceeds if you're in a building or something, but I mean, what would that be equivalent to, just for the audiences?

[02:52:04] And I'm sorry, I don't know, and maybe, I don't know if somebody else may have those numbers handy on the team, but I don't have it handy to be able to say 60 is equivalent to a conversation or a fan. I don't remember. okay standard i mean i can try to look that up quickly normal conversation or an air conditioner and that comes directly from google and it's measured at the property line it's measured at the property line the building itself that we're talking about is set back either 200 or 500 feet depending on the board's plot it so it's exactly and just one quick thing what we're talking about

[02:52:43] in terms of the post-construction noise studies, that is above and beyond any current standard that any industrial use or any other use in the zoning ordinance has to do. These are additional standards. So the difference really between us and what other districts, other counties may have with very, very large buildings, a million square feet and such, is that they don't have the regulations that we are now saying, imposing upon anything, any data center that we have.

[02:53:18] We are studying, sorry for interrupting, did you get to finish? We are studying best practices across the Commonwealth, and I have surveyed 19 localities, and just a quick bit of that, there are 16 counties within that.

[02:53:35] Six counties are currently under review for amending their regs, six within the past years have amended their regs, but from all that, we're distilling best practices and lessons learned from colleagues throughout the state. And to your point, yes, what we did find is that a lot of the first ones were put in without any special regulations for them, and a lot of lessons were learned, and we're trying to take advantage of that. Right, and we're doing this to actually prevent others from just coming in and doing what they want. Correct. Perfect. Okay, last

[02:54:10] thing. I know the, not the tiers, the timeline we have for the percentages, 25%, 25% down to 10% after seven years, or after 10 years, pardon me. Okay. Thank you, Jacob. What happens at the end of the seven years?

[02:54:34] It stays at the 10%. It stays at the 10% unless the equipment on the inside is refurbished, then when the clock starts ticking again. Yeah, so typically when equipment gets to that age, it just needs to be replaced. And so the new equipment that is the replacement would start over at that 25% of original cost.

[02:54:54] Okay, good. I'm going to actually say that for the board's consideration, if we could have maybe a Tier 1, 125, maybe a Tier 2 at 250, and then a Tier 3 at 500, if that's something we could possibly look at in the future.

[02:55:16] Yeah, and I would say that the staff would need to take a look at that. That's what you're saying. Yes, that's what I'm saying. The staff would need to look at that. Not today. No, no, no, no, not today. No, because we're only giving our opinion today. Okay, that's all I have. Thank you. All right. Supervisor Malek.

[02:55:32] Thank you very much. I've been taking good notes, and some of my questions have been answered, but I will just go down in a linear fashion, which means they're going to be disorganized, and I'm sorry. Are there proposed or are you thinking about different fee structure for this particular industry as far as county processing and covering inspections and things like that?

[02:55:58] I know we've done two fee studies in the last 18 years, and it was a monumental thing. So I'll just put that on your list to think about. This is a whole new realm of activity for us. I feel the precautionary principle is really important to me as far as things need to be proven safe before they're sold, and the United States doesn't believe in that, whereas other countries in the world do.

[02:56:25] So that's why we have all these chemicals and PFAS and stuff that now we're finding out 50 years later are really deadly. So trying to avoid that, but that means we are facing, because we are beginners in this, we are facing a lot of risk due to our inexperience.

[02:56:41] And I appreciate very much the effort that you all are going through, but I will just jump to one particular thing that Mike Turner on the Board of Supervisors in Loudoun has been saying since March. Under no circumstances should any county ever allow any of these things without a special permit, because we have hundreds, he says, and it has been a disaster.

[02:57:01] So that's the short story that is being told by people who have more, and they have just done something to their ordinance in the last month. I have not gotten a copy of it, but perhaps you all already have. So anyway, that's sort of the basis for my concern.

[02:57:18] And I think the board has received lots of very thoughtful, thorough input about this sort of amplifying the different elements that goes into that special permit consideration that I think are very important, especially with Albemarle's crazy hilly topography and the way sound travels already.

[02:57:40] We know, as Amelia has spent a lot of time with me, at wineries all over the place trying to get control of some of these events and the damage of the industrial home that we had in Crozet. I mean, these are different kinds of noises than a neighborhood teenage party or anything that we're really used to dealing with because they're incessant.

[02:58:03] And we have no real evidence that what we're putting in, even though it sounds like it might work, we really don't know. And so that uncertainty is causing me some concern. So, Ian, you mentioned some things.

[02:58:19] Let me just see if staff would like to react to any of those. I'm just trying to make sure as we go through with trust and concerns that staff has an opportunity. I don't have anything to give me. That's sort

of the initial introduction here. So the depreciable asset has been mentioned in numerous communications.

[02:58:37] It's why would we stake our financial future on a depreciable asset, especially when a lot of businesses are, I mean, that's the business personal property that just goes down, down, down. They may have promised the community that they would be refurbishing in three to five-year schedule, and then they're finding out it's 10 years instead.

[02:58:57] So are there rules, as some are doing, that are you considering rules that would say mandatory refinance your personal property at five-year schedule? just so they know that ahead of time. We're not proposing that.

[02:59:14] No, I'm just asking you to think about that as far as something that could strengthen our, I guess over the years, the times when I've been the most disappointed about the way things turned out legislatively has been when we've been promised one thing and then something else totally different happens.

[02:59:30] And it's often because I'll take responsibility. I didn't ask the right questions and get the right answers before deciding how I would vote on something. So this is sort of the lesson learning here trying to get going. Anna, help me understand better what your question is to stay.

[02:59:49] Let me get to the next one. I was just asking about them to put on their list to consider having a mandatory depreciation reassessment schedule, which others are doing at five years, instead of allowing them to just keep the same stuff for 15 years and then not re-up it again.

[03:00:08] Machinery and tools, that whole category is something where the county is last in line to really get the benefits that were promised because they always seem to come back, whether it's solar people or others, and say, oh, well, the legislature has now wiped out all those things that we promised you, and so forget it, and that happened with machinery and tools on the solar stuff.

[03:00:28] Now, let me go down my list here, please. I talked about Loudoun County already, generators, power outage. So with the statements that Dominion has made in their IRC saying they will not have power to provide and are apparently currently already telling applicants, we're not going to be able to provide you power for your new data center for 10 years, their solution that they have authority for is to just reduce everybody's power in order to cover these spikes.

[03:01:03] And that is another concern when you have hospitals and things. So I wrote down the term in your presentation, minimal disruption, And I guess I have a much lower threshold for what minimal disruption means, so that's something that we'll have to get more information on of how we would have metrics to measure that.

[03:01:24] Refilling, flushing water, what are the volumes used in something? And you could have up to 125,000 foot or some sort of tier so we can peg what the water use is. thinking that Ravana is treating and selling between 10 and 11 or 9 and 11 million gallons a day for our 150,000 people in our community. The numbers, there is no number. There is no number yet. Okay. There's a number that needs to be there someday. There is no number and there will not be

[03:01:58] a number because it is entirely dependent upon the design of the system, the size of the facility. The numbers are just – and the information is just simply not available, and we don't know.

[03:02:13] But what we do know and what we have learned is that by having a requirement of coordination of the filling and flushing of the systems, that can address the problem. Ravana has already expressed to us they've had some problems with people doing pool fillings, and that's caused problems.

[03:02:33] What we're proposing is that data centers would have a requirement to coordinate with Ravana so that they could even have their own on-site water facility that they slowly fill over time so they don't put a big demand upon the system, and they use that then to flush their system.

[03:02:50] Ravana and Albemarle County Service Authority also have the ability to control the discharge. The data center may have to treat it on-site or hold it on-site and release it at a rate that can be accepted into the system. so we think we can come up i shouldn't say that we know we can come up with a regulation because other people have done it also so pre-treatment for the waste is what you're mentioning with that it could be required depending on depending on the design of the system and whether or not it's needed and and that's already done for other industrial uses that's what i was going to say

[03:03:23] okay um so technology and designs everything is evolving all the time so some of the things you regulate it. You talked about noise and the sound study. Who is going to be verifying the validity of the sound study that's going to be presented, I guess, as part of the application? It would need to be done by an engineer with adequate certification, adequate qualifications. To do acoustical work, which is not all engineers. So the applicant would be paying for this? Yes, yes, yes.

[03:03:58] Okay. So you mentioned post-construction sound testing. Is that before the issuance of the certificate of occupancy so that there would be some leverage otherwise they're going to go yeah we'll fix it later some other year so it would be after the certificate of occupancy otherwise it wouldn't be an operation to be able to test it so it would need to be an operation so that it could be tested and the ordinance would have a requirement of corrective measures and some recommended language that we haven't even talked about that i've learned from some other localities

[03:04:35] is to write that the testing has to be done during a peak time. Right. As with, I mean, we've learned this from lighting tests and noise tests around here and stuff like that. It has to be during a peak operation, not when it's covered up by traffic from I-64, for example.

[03:04:52] Okay. So we've talked about that. Let me go down my list. We've talked about that. Oh, some comment, God knows where, talking about the construction quality of these buildings, as not being designed or constructed to last very long and some suggestion or something that's done other places is to require a 50-year design standard in order to have an assurance that

[03:05:25] the real estate assessment would be valid for something i mean it seems like a you know giant butler building is not really what we have in mind here and certainly wouldn't be able to hold any sound in or anything else so that's just something else for your to-do list to think about going down the list okay someone mentioned the term transformative economy but let's study very carefully what loudon and prince william are already pulling back as fast as they can go

[03:06:01] backwards on some of these things pittsylvania just denied and that's a very very business friendly community they just denied their plant and because it was going to be powered by the largest gas-fired diesel plant in the country.

[03:06:19] So that's just the kinds of, there's just a lot of different approaches to different issues that people are very aware of, and it's important that we not be, we need to be very detail-oriented, as you have done so far, which is great.

[03:06:39] Someone talked about blank walls. I just want to say again, and I mentioned this to Margaret Malaszewski, the plans that the breaking up the massing really works because I was appalled when the plans came forward for the self-storage at the corner of 250 and Crozet Avenue and now it looks very respectable and so it does work if we make sure that we require those kinds of things.

[03:07:08] Mandatory recycling, are we... Okay, come back to that. Someone mentioned about not wanting to increase costs for these projects but I think considering the revenue that they're making and how much they're spending to buy land, we shouldn't worry about the cost of a special permit.

[03:07:31] It is that? Oh, okay. I will jump to the districts. These maps are great to show how close all the rural residential is around all of these.

[03:07:49] And so I think the larger of your setbacks will be very helpful to protect the residents who have been, And whether they're in the rural area side or the growth area side, in each one of these projects, they are all surrounded by some very close small lot residential and some not so close.

[03:08:16] So I just think having the bigger size of the setback is going to be incredibly helpful. And a comparison was made about existing industrial around the airport, Dickerson Road area.

[03:08:34] But those small lots where they have a little warehouse or rooftop services or whatever is not, I don't think that's a fair comparison. So I think that, I think I understood you to say that those had been not counted as far as what would be included in the district. But I would really wanted to make sure that we're keeping things in the right category.

[03:08:59] I'm watching your body language. Did you want to make a comment? No. I mean, I'm just. Sorry. It looked like she wanted to say something. Thank you for keeping that. I'm on to the four questions here. definitely i support the concept of regulations i support having special permits for everything as we do now because of the variability of every site the unique impacts depending on what they're proposing the designs they're offering since we have so little authority to regulate them during or after the fact we need to be able to the board the county needs to be able to get what it can get

[03:09:37] and have all the information it needs to make a decision beforehand. So I would fervently support retaining the special permit process that we have now. As I mentioned, for number two, I think that pushing the distances to residential, I would be much happier with the 500.

[03:10:01] I was looking, I mean, that's a tenth of a mile. I was looking at your keys on your maps are in miles instead of feet, so I was figuring that out. But I think that would perhaps protect people who live around. Number three, I don't support tiers by right.

[03:10:20] So I don't know if we need tiers because if you stick with the special permits, then I don't know what the tier gets you. But there may be something that the bigger it is, the more requirements it has, in which case we do. I just don't have the answer to that.

[03:10:36] Number four, oh, yeah. I guess I've already explained in the ones, shrinking them down to make sure that the impacts for the surrounding businesses are respected would be okay for number four.

[03:10:57] There was another question there, too. Oh, in the districts, there's a lot of mixed uses, a residential here, a small business there, inside those circles? No.

[03:11:13] None whatsoever? No, they're all shown for industrial or commercial within the proposed overlay districts. Okay, so none of you. The only exception would be the North Fork, which does have that potential for residential within the application plan for the North Fork Industrial Park.

[03:11:32] Which they'll have to decide what they want to do with. Okay, thank you. That takes a big load off right there because I was thinking that there were still some of those little houses on the map that were included. Thank you. I've taken a lot of time. I appreciate your help. Well, you had good questions, and I will move on to Supervisor Andrews.

[03:11:56] You're not Supervisor Andrews. But we could clone you, you know, or something. Can you hear me at least? There we go. There we go. Okay. Thank you. There's a lot of great stuff in here, and I think the thoroughness of staff thinking on this is really appreciated.

[03:12:19] I think anyone reading through very carefully and watching the presentation appreciates there's a lot of misinformation and comments that we've received, the things that are addressed in this, and I really appreciate that. I'm going to ask some questions that probably are answered, but I'll try to make sure I give my spin on it, I guess.

[03:12:41] Just to start, you know, there's a lot of discussion about the square foot size, which is described as a footprint size. What is the practice and experience in other places with multi-story data centers and heights of data centers?

[03:13:03] I'm trying to get a better sense. I've already sensed that we're not talking about things that are the millions of square feet that some of our neighbors have seen to the north. Sure, that's an excellent question. What we're seeing is that they do tend to have, they tend to be one story.

[03:13:23] That story tends to be taller than the average story. There are some that are multi-story, but they tend to be small and sort of niche and probably are below the 40,000, I think is what we have found. It really is only a small data center that will have multi-stories.

[03:13:42] But typically they're single story, but that story is taller than the average story, so it's more than the normal 12, 15 feet that you see for a single story. Have we considered putting in this ordinance, then, height limitations to go along with the square footage?

[03:14:01] We did not because we didn't really see a difference between the data center height or the height that would be permitted for any other use in the underlying district. Okay, I understand.

[03:14:20] I'm just going to harken back to slide 27, which is Jacob's slide. When it talks about comparisons, it talks there about sizes as well in terms of, I think, tax effects.

[03:14:37] And I'm not sure whether that's also footprint sizes as opposed to the square footage total of a building when we're comparing things. Jacob has come up. Jim, if you want him to. Thank you. Yeah, great question.

[03:14:52] Just as Bill described, we size these in our modeling on the revenue scenario the same size as Bill described them as far as the one story, the same size footprint. So we try to be consistent in the description that Bill and Amelia put together as well as the financial analysis.

[03:15:12] Okay. And then sort of keeping on the theme just for a moment, let's see. The water usage was described as also comparably, that of a comparably sized office building.

[03:15:30] And so there we're talking about, again, an office building that would be a 500,000 square foot office building, which is not something we see around here, but certainly exists. I guess I'm just trying to make sure all my size questions are connected up together.

[03:15:48] I'm not sure there's a question there. If there's any comment, just let me know. I don't think so. Okay. Well, maybe we were just trying to say, compare apples to apples, what were we seeing?

[03:16:04] So if they have 125,000, it's the same as what they would see for 125,000. If it's 300, it's the same as they would see for a 300,000-square-foot office. they did note that it is substantially less than some of the people we talked to, substantially less than what you have for apartments or...

[03:16:25] Hotels? Why can't I remember? Restaurants. Hotels. That was the other commercial use I was thinking of. Yes. Thank you. Thank you. That's what I mean by saying that I think this presentation does a lot to dispel some misconceptions about what would be allowed under this ordinance and what we would allow in this county.

[03:16:53] The noise, I just want to touch a couple things on noise. There were some comments that asked a question that I admit I'm not qualified to answer, and that is the difference between A-weighted and C-weighted decibel measures and the effect of low-frequency hums.

[03:17:13] I guess I want to know whether that's been considered or looked at, because I know a lot of the concern is that the type of noise is different. We're going to continue to look into that. The current noise regulations are very typical of other localities' noise regs in the zoning ordinance in that it's A-weighted, and the A-weighted decibel system doesn't pick up the low-frequency noise, as you just indicated, as well as the sea-weighted decibel-based system.

[03:17:49] So I've actually done some recent reading about some ways that some other localities have addressed that, because with the sea-weighting, it's a little more difficult to enforce. So I don't really have an answer for you right now, just to assure you that we recognize that's worthy of more study. Oh, thank you. Another aspect of sound is that, you know, we are a very hilly community, and some of these sites are above others, above neighboring properties. It's been pointed out in

[03:18:25] the past that sometimes we say we're going to measure the sound level at the boundary. Would that allow for the possibility that someone who is much further away actually hears a much louder sound because they happen to be at the same height as the facility. And I'm thinking, for example, of the 2964 triangle. You know, if you're down at the road on 29, you might not hear it very well.

[03:18:57] But if you're across the road, up the hill at Shepherds, Sherwood Farms, you might. And I want to know that they would get some protection. So one of the things that's happening with this modeling that's being done by requiring the modeling to be done we can take into consideration or require that to be taken into consideration when the modeling is done the requirements don't necessarily stop right at the property line it talks about receiving area generally and i don't think we have anyone on staff who is qualified to really answer this kind of technical question

[03:19:33] though i understand i just want to raise it because i i know that's been a concern by some people um okay um moving on from noise i want to kind of get to the specific questions a little bit um and

i'll jump here a little bit uh we have a building like state farm um are these ever put into the kind of data centers that we're talking about are they put into existing buildings

[03:20:08] so they're almost always some sort of new construction what what we've what we have learned and what the information we've been given is very very unlikely that they would be able to reuse an existing building that's the layout they need the cooling systems they need are just so specific right just just the design of the design of the building is is is specific to the the industry. Makes sense. But that does get me to a kind of supervisor Pruitt's other concern that

[03:20:43] if there isn't a long-term viability to the kind of data center that might get put in, have we considered any consideration of decommissioning the way we do with solar panels to expect that they won't abandon this monstrosity that they don't use anymore? They just hollow it out and don't use it we have not we have not and except for solar there is no decommissioning requirement for any type of of building that i understand but you've already said that these are

[03:21:19] kind of unusual so i wanted to make sure that i brought that up um yeah we will we'll we'll keep looking into it though i think at least one of the localities i've researched has that but i'd like to talk to them and understand you know if it's working or if it's a lesson learned that it's not working the decommissioning requirements okay uh thank you i just yeah like i considered um and so kind of getting to the specific questions um i really think you've done a an admirable job

[03:21:57] of recognizing that you know when we when we uh special use permit is is a costly thing to go through. And if we know what we want and what we expect, we can lay that out and make things a little easier. But one of the pushbacks that I saw over and over and over again from the public, which really resonates with me, is that, you know, we've said we're going to try to reach certain climate goals. And when we look at the energy use of data centers, it kind of far exceeds

[03:22:30] the usage in other areas, and it really opens us up to, as a society, of having a very limited ability to get off of fossil fuels. This is a sort of different way of stating that I would have been more supportive of this had I more confidence that the EPA was still going to

[03:23:00] consider greenhouse gases as an endangerment. These recent changes really leave me with a great deal of frustration as to whether or not, looking forward, we could expect that our electricity will become cleaner and cleaner. That makes me really hesitant to just be overly confident of what we could do here. I note that in the proposal, you have a provision 5.1.65i, which says for the

[03:23:37] special use permit requires information indicating how power will be supplied to the data center. Now, that's not the mix of power. I think that's the concern about transmission lines or something because it's not in one of the, because it's a special use permit, it exceeds what we've otherwise said? Correct. The reason that we put that language in there is because that the overlay districts that we did, we know where the power lines are. We know where the power can be brought to the data center within the overlay district. So we've already taken into consideration

[03:24:12] what disruptions might occur to the community by bringing the power in. If you're outside of those areas, we don't know. We don't know where that disruption may occur. So we wanted to be able evaluate that as part of the special use permit. And we are allowed to evaluate that as part of the special use permit. I understand we're not allowed to evaluate some of the other aspects of energy use? What

we're doing at that point is we're really evaluating holistically what the impact of the proposed use is on changing the character of the area in the special use permit

[03:24:45] process. Okay, I appreciate that. There's already been some mention of state legislation that is not really accomplished much, I guess, with respect to regulation of the energy use and sources. I flag this as something that perhaps we and others should be considering in their legislative agendas to try to convince the state that they still should pay attention to this and be concerned. And, you know, these are reasons why I'm really reluctant to go with a

[03:25:23] beyond what we've already approved in our current ordinance. But it's really that one issue that bothers me the most. But I'm still going to continue to answer your questions because I think that they're worthy of answering.

[03:25:42] The overlay districts, you know, it's a really important concept to say, you know, these are where we think that these could go and not just anywhere. And the only thing is, is that, you know, I guess when we do a special use permit, typically, you know, that requires the notice to the neighbors and people to really get a chance to say, you know, this is in my area and this is the impact it's going to have on me.

[03:26:11] Now, we approved a solar ordinance, which covers areas which are not defined with their neighborhoods, but at least we've had enough projects in the county that people had a chance to see what a solar project looks like and could understand our ability to say, you know, if we do this, if we have these conditions, that it's going to be okay at different locations that it might end up.

[03:26:40] I guess I don't feel like we've necessarily had enough public vetting of the overlay district. I see a lot of comments that maybe misunderstand it. And I know that in the special use permit of the past, you know, these distances and impacts get vetted very well.

[03:27:03] I don't think we should have to necessarily throw out the idea of keeping this out of the special use permit process for that reason. But I think that having a little more time and obviously engaging people in the area to know that these are the proposed locations is important for our transparency.

[03:27:24] I think it helps with the public process. I guess a little comment. I didn't say anything about dark skies. I assume that it's completely covered by...

[03:27:42] They'd be subject to the same regulations as everyone else. Which is something we're going to be looking at eventually anyway, so I have no problem with that. As far as understanding the tiers, just to push back on how many tiers we need, I understand the purpose of the tiers is really to try to make certain that we've roughly matched particular sites.

[03:28:05] So we only need as many tiers as we would expect the overlay district to accommodate. So if we look at each district and say, well, this just really doesn't accommodate that big a parcel, then it shouldn't be in that tier.

[03:28:24] It should be in a different tier with a smaller footprint. In particular, a comment on the one in the Samuel Miller district, I-64 US-29, that property is hilly and very difficult to build a single structure of that size on it, I would think.

[03:28:45] But that doesn't necessarily mean that you couldn't combine structures. And I didn't know if there was any discussion in here or any thought about whether, maybe it's not done, a data center is broken up into multiple buildings.

[03:29:02] They often are, yes. Okay. And I would want to understand that better and how it would fit to the terrain of these different locations before deciding which tier any one of them would be most appropriate for.

[03:29:20] But I trust staff to look at that hard and give some sense to it. So those are my major comments.

[03:29:38] I am concerned about residential impacts. Community Climate Collaborative talked about these being near low-income neighborhoods, but I wasn't sure I saw that. So I do like the way you've drawn boundaries around this, and I think they can be made to work.

[03:29:58] So thank you. All right, and I think it's back to me. And I really appreciate everybody's really good questions and comments because I've learned a lot as we've gone through.

[03:30:15] I will agree with several of the supervisors that there is, unfortunately, a lot of misinformation in the community. For example, the paper this morning talked about our discussion today in this huge mega data center picture.

[03:30:33] And that is not what we're looking at, just to say that. And I appreciate they went to get a picture that they could get, but it's confusing to the public. Let me just ask a couple of questions, and then I'll just, man. We talked, and I don't know, we talked a lot or heard a lot about Loudoun County.

[03:30:55] And I don't know if Jeff or Bill or whoever would like to address Loudoun, because we're taking some fears away from what has happened in Loudoun. And I think Loudoun has approached this very differently than Albemarle County. That's just where I'm going with this question.

[03:31:11] Amelia has done more research on this than anyone, I bet, in the Commonwealth. So I'm going to let her answer it. Loudoun just let them start building, right? I mean, I'm just saying, not what we're doing. Correct. And Loudoun initially allowed data centers by right, essentially, where they had industrial zoning.

[03:31:32] They are actually also involved in a two-phased zoning text amendment. The first phase has then made everything that was previously by right by special exception, which is their equivalent to a special use permit. And for various reasons, they had so many.

[03:31:50] I don't have the numbers right off the top of my head. And they didn't have the robust performance standards that we're looking at. And they just wanted the ability to look at them one by one. because even when they adopted the Phase I regulation to require the special exception, they had so many in the pipeline.

[03:32:14] The numbers are astounding. It blew me away, like 50, 60, 70. It's a lot. I don't know if that helped or made it worse, but anyway. Just laughing.

[03:32:31] Well, I mean, I had to ask, but I keep hearing about Loudoun. So, Jeff, you're leaning in. I'd like to take what Ms. McCauley said and elaborate just a little bit, not so much about the planning, but about the financials, if I could. Yeah. In 2008, Loudoun County was very concerned about their tax-based diversification.

[03:32:55] They said specifically they had an over-reliance on the residential tax base. At that time, their commercial and industry equated to 19% of their total tax base. I'd point to the board to our budget discussions where we all identified that ours right now is just over 11%.

[03:33:13] And I believe the board set a goal for us to move that needle back into the 15% to 17% range, which was probably what it was in Albemarle County 10 to 15 years ago. And it's not that we've lost commercial and industry tax base as much as the residential revaluation, the cost of homes here has gone up and has outpaced the amount of commercial and industry tax-based investment in our community. Jacob Sumner, our chief finance officer, modeled for

[03:33:49] this board what would the year-over-year investment need to be over a 10-year period to get us back to that 15 to 17 percent. What's different also in Albemarle County, and I'll go back to Loudoun in just a minute, but what's also different in Albemarle County is that so many of our peers across the state look at residential and they look at industry, commercial industry. And in Albemarle County, we also have to remind ourselves of agriculture and land that's in conservation.

[03:34:22] We have the highest amount of land in the state of any county that is in land conservation. And that's not a concern for cost for services because I believe it's about 54 cents. So for every dollar of revenue we get on this land, agriculture and land and conservation, it's not a problem for us.

[03:34:45] It's just that you take that off the table. And in Loudoun County in 2008, they said, we're at 19% and we're concerned. I also want to say something out loud about Loudoun County, as known as the data center alley across the world.

[03:35:03] Loudoun County right now, pursuant to their website, they have 49.4 million square feet in their data center alley inside of Loudoun County. They have the most data center square footage of any place in the world.

[03:35:27] Their data centers now, data centers, their data centers are 22.9% of their total tax base. So in 2008, they were looking at a concern with all of the business and industry equating to 19%.

[03:35:42] Data centers equate to almost 23%. Last year, they cut their real estate tax rate, and last year, they cut their vehicle personal property tax rate. So it has been a tax diversification strategy for Loudoun County because Loudoun County is one of the most expensive places in Virginia to live.

[03:36:01] Average home in Loudoun County is \$808,000. That's an average home in Loudoun County. So it's been a tax-based diversification strategy for them. I think it's also been a strategy for them to keep Loudoun County as affordable as they can keep it. Northern Virginia is expensive.

[03:36:17] So they're very different than us. I think we, around 2018 or 2019, really started paying attention to our residential tax base and that weight of the burden. Every board member has talked about it, and we heard quite a bit about it during the budget town halls.

[03:36:33] And what I would say to close is that I appreciate the board's open-mindedness to taking a look at this, and I think, as you can see today, from a technical standpoint, we've had our first team on this. We've got our best people in the county that has the most experience.

[03:36:48] But the depth of technical background of these folks on my left is amazing, alongside our financial people, to where we're on the front end of this. We're looking at what do performance standards look like if it was by right? What do performance standards look like?

[03:37:04] Performance standards mitigate impact. You don't have to have a special use permit. If you don't have a special use permit, you can have performance standards that mitigate impact. That's certainly

something the board has to consider. But I think these folks have done an outstanding job of saying if we're going to allow the \$125,000, the \$250,000, what would we want to ensure coming out of the gate?

[03:37:27] And I think they've done a great job. And I think as a tax diversification strategy, Ms. McKeel, it's something that really the board asked us to look for as we look for commercial and industry capital investment. So thanks. I would just comment that I think you're correct on that.

[03:37:45] That's my memory. You were correct. That's my memory. I did. And I'm just trying to think about this from the viewpoint of buy right, because if we have the right performance standards, then that leads us to the buy right.

[03:38:05] I think in my head, buy right provides some flexibility. Can you talk a few minutes about why we would do the buy right when we're looking at economic development?

[03:38:20] It's really critical for the companies that are looking at us. They don't have three or four years. So help and connect those dots for me or for the public. So first off, one of the things that I sort of think of as the supplemental regulations, think of almost as if those would be the conditions we would put on a special use permit.

[03:38:40] So if you go through the process of developing the appropriate list of supplemental regulations, those would be the conditions you would normally put on a special use permit. Well, if you can come up with those regulations, then you don't need to go through the process of a special use permit, which is time-consuming for the applicant, and it's costly for the applicant.

[03:39:01] It's also costly for the county. The county doesn't recover its full review cost for a special use permit application, for any special use permit application. And the uncertainty, you still pay your fee, you go through your eight-month review process, and you don't know until the evening of the board meeting whether or not you're going to get your special use permit or what the conditions might be on that special use permit.

[03:39:28] So having it by right with known conditions makes for a very certain climate, not only for a potential developer, but also for the community. The residents know they have to do this every single time.

[03:39:43] This is what has to be done. That helps a lot. And what you're talking about is the performance standards bring certainty which is what we're talking about a lot that we're not getting right now at the federal level but certainty and yet it allows a business to have faith that if they do certain things and they meet our performance standards they're not going to have to spend two years or three years come to the board and then see it all of a sudden fail correct i'm just putting it i I mean, that is what it is because, well, I won't belabor that anymore.

[03:40:20] Jeff, you leaned in. Do you have something else you want to say? Just from an economic development standpoint, a large data center industry, they're going to want to know certainties up front. They're going to, from time to market, they're going to want to know, is the jurisdiction, if we meet these standards, are we going to be able to build this?

[03:40:39] Are we going to be able to hook up and go? And I think it's what Bill has laid out. And I think that's exactly the case, not just in Virginia, but everywhere. And I always say the devil's in the details, and those details are going to be the performance standards that are going to be critical.

[03:40:57] And I really trust our team to come up with solid performance standards. I will just say that as a retired UVA nurse, UVA has four data centers. Three of them have been around for a long time.

[03:41:15] The fourth one at Fontaine is going online, and it's at 40,000 square feet. I think, somewhere around there. So people think the old Comdial building has a data center. People think that we don't have all these data centers. Actually, we do. And the University of Virginia, with the new biomedical building that they're putting in on Funtake, they couldn't even open it if they didn't have a data center.

[03:41:37] So when we have people say we don't want any data centers at all, that's not reality. It's just not going to work. So with that, I just have a comment, and then I'll say about these, I am in support of all four of these, given the discussion we've had and more work that you all are going to do to bring back to us.

[03:42:06] Because I think you've captured our questions and what we're looking at, and so we'll get yet another bite at this apple, I guess, sometime in the near future. I think that Albemarle County is being proactive in creating a culture that will prevent some of the worst fears that our community has.

[03:42:29] And I think you all are doing an excellent job, and I look forward to the next discussion. And with that, sure. I just think, I'm just suggesting, the PowerPoint that we received today was so outstanding and clarifying. I would like to see this sent to each one of us and, frankly, put online, you know, under the Albemarle Newsletter.

[03:42:52] Because if this goes out to the public, that eases a lot of fears that people have and answers questions that they have regarding data centers. We can do that. Thank you. Okay. Thank you. And I want to – oh, go ahead, Ann. I was just saying, I'm going to have to go look for that PowerPoint because I didn't see it.

[03:43:10] Just as a, and I appreciate all the things that everybody has said and really want to have confidence and look forward to sort of line by line on those performance standards because I think the uncertainty is always scariest from my perspective. As I've said to people or businesses for years, what people can imagine is so much worse than the truth.

[03:43:30] So just tell them what you have in mind. That took 20 years to get to the community meeting for that reason. but just for perspective we require a special permit for an existing preschool to add some children and yet i'm not sure we should do that that's the frame of why why aren't we for a billion dollar business to come to town why aren't we having the same standard for them that's where i am right now i know i know we need to change a lot of things but there are uh concerns that yeah and i get that um i just want to make sure though and i don't see anything i want to make

[03:44:06] sure um ned and jim don't have another question or because as we're moving away from this because some of us added something else and i want to make sure they're not have a chance in the virtual world wanting to say something and they haven't had an opportunity and i'm looking at claudine and i know she's looking we do have one more slide after this okay sounds good jim i see you are there you're no i'm just shaking my head saying no i'm i'm fine i said what i need to say thank

[03:44:41] you just wanted to make sure and ned because we're here and in person and it's easy for us to comments for in response to some other well just wanted to make sure as we're yeah leaving to make sure you all didn't have anything else you wanted to add or question or because some of us have jumped in another time yep all set thank you actually okay i have a question for staff all right so mike does yeah so uh

you know something i know um chair andrews will often do and that you will do is say like have we answered all your questions I heard every one of us answer your

[03:45:17] questions and I'm also I'm conscious of the fact that on questions two and three there was a three three split and this is a work session designed to create a finished product for us to then vote on I guess this is a very open-ended question I'm wondering if you all have a sense of how we proceed in into the next phase given the existing split on the board what existing split can you go Oh, special permits?

[03:45:43] Is that what you're talking about? So I counted noses. I heard three people who were in favor of almost the exact staff proposal and three who were concerned about questions three and four and how that implicated a tiered system that would have special permits that have higher square footage before they trigger.

[03:46:05] So when we came into this, we said we weren't voting on anything. I recognize that. And staff was going to take our input. And I guess what I'm reflecting is we got perfectly split input. Okay, from where? I'm not hearing that, so which ones are you talking about?

[03:46:23] Okay. I can articulate very clearly what I think I heard from most people. We all went through and answered these questions. Myself, Supervisor Malik, and Supervisor Andrews, I heard say pretty clearly that we're uncomfortable with tiers one and two, which would create those special use permits that have a higher trigger level.

[03:46:45] I'm looking to see if that correctly reflects what you thought. I was probably stronger to say special permits for everything over \$40,000. Yes, well, I mean, that's the end result of that position. And I also heard that from Supervisor Andrews. I want to make sure I'm hearing that. And I recognize, again, we're not voting, but it is a hard split in the feedback we gave because I didn't hear that from you, Supervisor Galloway and Supervisor Episto currently.

[03:47:12] And I heard a softer concern in that take this to staff, give it to staff, and let them come back with recommendations on how some of those concerns might be addressed. And that's kind of what I'm asking staff. What does the next step look like given this split?

[03:47:29] He said he had another slide. Well, the following slide is next steps. There you go. We're going to follow the board's direction and prepare the necessary documents. And I was going to sort of summarize what we, at least I personally think I heard.

[03:47:47] I did hear some concern about having by right over the 40,000. If that were the case, there would be no need for overlay districts at all. And I did not hear anyone say they should only be in the overlay district, so just by special use permit, so going with that.

[03:48:10] we could prepare and we want to do some further public engagement we could we could work with this where we have we and we also heard support for the at least i heard support for the performance standards whether there's an overlay district or not so we could bring forward to you uh options at the public hearing where it is you you just adopt the performance standards and not an overlay district. Perhaps you do an overlay district, but with different requirements of different size

[03:48:43] limits within those overlay districts. We also heard some concerns about the designation of the overlay districts and its relationship to some other features around it, including the setbacks from residential areas. So I heard a lot of different things. I don't know how we would necessarily respond to

that. I want to sort of absorb all that, but one option we certainly could bring back to you would be one where it's just the performance standards without an overlay district or performance standards with an overlay district, and you can, a la carte, act on those.

[03:49:21] And what I'm saying is that we want staff to have the opportunity to take a look at what our discussion was, take pieces from that, and then come back to us and address, I'm not trying to stop the, but I just think that they need that opportunity. Is that fair? Okay. And I think I mentioned, I'd also like to see like a tier one, two, three with the, okay. We heard the different sizes that were in there and we'll, we'll, we'll consider all those. We'll try to give you as many options as, as you can. So, uh, you get the ordinance that you want. That's great. So are we

[03:49:58] good? Yeah, we will work to prepare the necessary documents. We will prepare those and engage with the public to inform them this is what we are going to bring forward as a action to the Planning Commission. We're planning to go to the Planning Commission in, I believe, October and to the Board of Supervisors in November. So we'll prepare those things and we'll coordinate. That's great.

[03:50:26] That's what we'll do next. Thank you. And we do thank you for all of your hard work. You've been working really hard with this. And we thank the public for their emails and their involvement and all of the good work. I'm just the face of a very large team. All right. With that, we need to go into a closed meeting.

[03:50:44] Supervisor Pruitt, do you have the motion? I do. I would like to move the Board of Supervisors to convene a closed meeting pursuant to Section 2.2, Act 3711A of the Code of Virginia under subsection 1 to discuss and consider appointments to various boards and commissions, including, without limitation, the Crozet Community Advisory Committee, the Places 29 Hydraulic Community Advisory Committee, and the Places 29 North Community Advisory Committee. Second. All right. I will call for the vote. Mr. Galloway? And you had, I'm sorry. Mike made the motion and Anne made the second. Mr. Galloway? Yes. Ms. Lapista-Kirtley?

[03:51:24] Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Oh. Three yes or not.

[03:51:46] We're live. If everyone could please have a seat, came back to order, and look to Supervisor Pruitt. Sorry, I didn't have my mic.

[03:52:03] You could say that next sentence very slowly. I will, so you can chew your cookie there. I called the meeting back to order and looked to Supervisor Pruitt for a motion certifying a closed meeting. Supervisor Pruitt. Thank you. I'd like to move the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting.

[03:52:33] Second. All right, we have a motion from Supervisor Pruitt and a second from Supervisor Malik. um without objection if the clerk will please call the vote mr galloway i will i will abstain as i did not participate in the meeting ms lapisto kirtley hi ms mallet yes ms mckeel yes mr pruit hi mr andrews yes yes all right and i believe we have a motion coming out of closed session uh yes we do regarding boards and commissions of vacancy and reappointment lists

[03:53:09] I'm proud to announce it for the Crozet Community Advisory Committee, Andrew Joyner. For the Places 29 Hydraulic Community Advisory Committee, James Clemenco. For the Places 29 North

Community Advisory Committee, David Mitchell, Frank Safital, Misty Parsons, and Anthony Pagnuco.

[03:53:37] Okay, thank you, Anne. So we have a motion from Supervisor Lepisto-Kirtley, a second from Ann Malick, and call the roll. Ms. Lepisto-Kirtley? Aye. Ms. Malick? Yes. Ms. McKeel?

[03:53:53] Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. All right. Is there a report tonight from the county executive? No, ma'am. Not this evening. Okay. All right. Next up, then, is our agenda item from the public, matters on the agenda, but not listed for public hearing or on matters previously considered by the board or matters that are pending before the board.

[03:54:18] And I believe we have someone signed up to speak. We have nobody online. If it would be okay, no, I guess it's different.

[03:54:35] Never mind. Okay. During the time set aside for public comment on matters previously considered or currently pending before the board, other than scheduled public hearings, Individuals may address the Board of Supervisors concerning matters previously considered by the board or matters that are pending before the board, other than items listed on the agenda for public hearing.

[03:55:01] 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.

[03:55:20] The yellow light indicates you have one minute to finish speaking. The red light indicates your time has expired and you will be asked to end your comments. In order to give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines.

[03:55:38] When addressing the board, state your name and, if you live in Albemarle County, your magisterial district. Address comments directly to the board as a whole. Any written statements or other supporting material may be given to the clerk. If you're representing a group or organization, you may ask others present to raise their hands in recognition.

[03:56:00] Speakers may not share any unused time with another speaker. Back and forth debate is not permitted. Do not speak from your seat or out of turn. All comments are live-streamed, recorded, and published on the Albemarle County website.

[03:56:20] And our first, we have seven speakers, so I'm actually going to ask three at a time to come up, if they would, in the interest of time. And they can sit right up front. John, Harriman, Alicia, Lenahan, Sage, Bradburn.

[03:56:40] I think we have a couple available seats right there. John and Sage? John Harriman? He's already here. Oh, okay. You're first, John. Come on up. And if you would adjust the mic so that you're speaking directly into it, we can all hear you. Thank you.

[03:57:15] Well, my name is John Harriman, and I'm from the Samuel Miller District, and I'm here to plead the case for prohibition of data centers in Albemarle County. Virginia already has 600 data centers. Only two states have 300. Residents in the affected counties like Louisa and Loudoun and others have begun to wake up to the damage of data centers.

[03:57:42] Have citizens been told about the utility increases, water increases, extremely high noise levels they're capable of, and land annexation for power lines? where is the cost-benefits analysis? Dominion

Energy has already proposed in Virginia 190-foot view-destroying towers to feed data centers. That's 19 stories. There are proposals to put

[03:58:14] polluting coal-burning plants back online to power data centers. Why does the proposed draft allow data centers? Don't we have a responsibility to preserve our environment? Don't we have a sacred obligation to our children and grandchildren to leave our county a better place or at least as good a place as we found it? Why are we abandoning our commitment to fossil fuel reduction? And to those who say that this is an elitist argument, AI is predicted to eliminate

[03:58:50] 20% of the jobs of working families. Albemarle County is a center of higher learning, orchards, tourism. Why destroy our beautiful county, the source of employment for so many? This is a crucial moment in our history. I respectfully suggest that we seek numerous expert opinions from non-developer-oriented consultants. At the single under-publicized event about data centers in

[03:59:24] June, the tenor from citizens was alarm and concern. Thankfully, we were told that we can stop data centers if we choose. Let's stop them now. Efforts to inform the public haven't been adequate. Public comment and feedback forums need to be publicized, and we citizens need to have our representatives prevent this obvious harm to us, our children, and Albemarle County. Thank you very much. Thank you. Alicia Lenahan. No clapping, please. Raise your hands, okay, but no clapping.

[04:00:02] Good evening. My name is Alicia Lenahan. I live in the Scottsville District, and I'll jump right in. Over the course of the last three weeks, the government has given ICE access to the records of all the people on Medicaid, allegedly to enable ICE to find undocumented immigrants. ICE now has access to recipient's name, ethnicity and race, birth date, home address, and social security number. The administration authorized the deployment of National Guard units at immigration facilities, escalating its use of the military as part of the immigration crackdown. The National Guard will be

[04:00:37] deployed in 20 states with Republican governors, including Virginia. Governor Yunkin welcomed this development. Expedited removal allows someone to be deported without a judicial hearing. It was typically used to remove people detained within 100 miles of the border and within two weeks of arrival. That was expanded and applied to people across the country who had arrived within two years. Recently, the administration has lifted the two-year restriction and applied expedited removal to people across the country with any length of residence. Finally, we just learned

[04:01:11] that images from hundreds of automated license plate reading cameras, FLOC, paid for by Lowe's Home Depot and stationed in their parking lots are being fed into a massive surveillance system that federal law enforcement can access. We are deeply concerned about the aggressive cruel overreach demonstrated by the federal administration on literally a daily basis. Our immigrant and refugee neighbors are the most vulnerable. However, the record shows that U.S. citizens and immigrants with lawful status are also targeted, exacerbating distrust and public safety risks. We're offering a resolution modeled after the one passed by Huntington Park, California

[04:01:51] that condemns non-transparent federal immigration enforcement tactics and affirms our community safety principles. You each have a copy. Use this resolution to state unequivocally that the Albemarle Board of Supervisors believes that non-cooperation must not be confused with inaction and that Albemarle Police and county staff will proactively work within legal bounds to document, verify, and safeguard against federal overreach.

[04:02:20] Use this resolution to state unequivocally that Albemarle County is committed to the rule of law, civil rights, and the safety and dignity of all its residents, regardless of immigration status. I'm not here to fight for a political party. I'm here to fight for the democratic process, and the stakes could not be higher.

[04:02:39] we all have to take a stand the board of supervisors has to take a stand we know you won't make this decision lightly but you can make it with absolute moral clarity thank you thank you next we have sage please do not no clapping no clapping sage bradburn i'm sage bradburn and i'm from the edgy district can you hear me okay um i second the request not to allow data centers in Albemarle County. We are in an existential climate crisis that has worsened so dramatically over the last three or four years that even experienced climate scientists are

[04:03:18] shocked and afraid. And data centers worsen climate change by consuming massive amounts of fossil fuels and dramatically increasing the greenhouse gases that drive climate change. Anyone who thinks these claims are overblown can consult NOAA's data, which is up there even though Donald Trump is president, on how the number of billion-dollar weather events in the U.S., in other words, weather events that have cost at least \$1 billion in damages, how these, let's see, has increased over the last 45 years. During the 1980s, the average number of

[04:03:55] billion-dollar extreme weather events per year was 3.3. Between 2000 and 2010, it doubled to 6.7. Between 2010 and 2020, it almost doubled again to 13.1.

[04:04:12] During the last three years, the figure rose dramatically to 24.3. And last year, we had \$27 billion weather events in the U.S. The average number of lives lost per year has also increased over that time.

[04:04:29] Lives lost to extreme weather events. It was averaged 307 between 1980 and 2009, went up to 512 on average between 2010 and 2024. And last year in 2024, we lost 568 lives to extreme weather events.

[04:04:50] Climate change also worsens the affordable housing crisis due for many reasons, including the loss of housing stock as entire communities are decimated by fires, storms, and floods. And the average cost of homeowners insurance has risen by about 27% over the last four years, forcing many homeowners to choose between giving up their homes or giving up their insurance, which is incredibly dangerous.

[04:05:18] I still haven't recovered from the cost of the 2018 floods we had here. I lost \$12,000 in rental income. I had to pay \$14,000 to install an interior drainage system and a sump pump. And now, every year since then, my housing costs, my annual homeowner's costs have risen over \$600 a year because I have to pay for sump pump maintenance and flood insurance.

[04:05:44] We can't afford this. There's no good, there's no financial gain that can come from data centers that is going to outweigh the damages in property, lives, and our communities. Thank you. Thank you. We're asking you not to applaud, please.

[04:06:04] You can raise your hand, but we can't go through a long public hearing tonight with everyone applauding after almost every speaker. That's not going to happen. It takes a lot longer, and it's intimidating for some folks. So we're not going to do that, and we're asking you respectfully to stop.

[04:06:23] Next we have Hugh Murr, Lisa Gerler, and Minsu Kim. And there are three seats right in the front. You'll see right down here, if you'll just have a seat. This helps speed our public comment process

along a little bit so that we can...

[04:06:43] Mr. Murr, you're first, so you can step right on up. Good evening. My name is Hugh Marr, and I live at 4242 Seven Hills Lane in the White House District. My wife and I moved our family here from Roanoke in 2002 because of the enlightened nature of Albemarle's government.

[04:07:04] In particular, the land use policies. We have not been disappointed. We love where we live and appreciate the many services we receive. Thus, I'm here tonight because I'm worried. I ask that you slow down what now appears to be a runaway train, the approval of data centers.

[04:07:25] Nearly 120,000 people live in Albemarle County, and from what I have learned, less than 500 citizens appear to be aware of what is about to happen. They aren't knowledgeable of what impact approval will have on their electric bill, the potential impact on local water resources, and the peaceful and rural nature of the county.

[04:07:49] Please take your time with an issue that has the potential to blow up into a public relations disaster. We need more adequately publicized meetings to work this out. Thank you for your attention to my concerns.

[04:08:05] Thank you. Thank you. Next, Minsu Kim. Sorry. Hi, good evening. I'm Lisa Gaylor. I need to be first. I'm a long-term resident of Crozet in the Whitehall Magisterial District. I'm here in my position as the Vice President of the Crozet Community Association.

[04:08:30] Now, my colleagues will discuss three resolutions that the Crozet Community Association has passed. My role here, actually, though, is just to introduce you to the Crozet Community Association, in case you're not familiar with us.

[04:08:48] So the Crozet Community Association is a grassroots, nonpartisan organization of Crozet residents. We are 40 years old. We were organized in 1985, so we predate most of the other community organizations by a bit.

[04:09:07] We welcome and indeed we encourage everyone in Crozet and the surrounding areas to come to our meetings and get involved with us. Involved in, you know, at least in discussing the things that we do as well as some of the events that we put on.

[04:09:23] You may have heard of the Crozet Independence Day celebration. This is one of the things that we do that we put on. But the main thing that we do is we serve as a forum for folks to find out about what's happening in Crozet, what's happening in the county, and discuss these issues and come to some kind of way to work on these things in a respectful and effective way.

[04:09:53] And we are aided in this by our county supervisor, Ann Malick. She attends our meetings. She lets us know what's going on with county things that are relevant to us, interest or important to us. And she also advises us on ways for us to address things.

[04:10:09] So thank you very much. Occasionally, the CCA feels the need to take formal positions on issues that are facing us. So in order for us to validate the amount of support that we have on any resolution that we do, we have a protocol whereby any resolution that's brought up to the CCA does not get voted on until a subsequent meeting.

[04:10:37] And that allows people to find out about it, gives people time to think about it. It also allows us to advertise it or spread the information about it. It also prevents like a cabal of people, a large people

coming and taking over a meeting and pushing something through.

[04:10:53] So we like to feel like we have a strong, we'd like to have confidence in the strength of our support for resolutions. So these three resolutions that my colleagues will present were supported unanimously at both of those meetings. Between the first and second meeting, it was reported on by the Crozet Gazette, our local newspaper.

[04:11:14] Your time is up. Please share the rest of your remarks with our clerk. Okay, I will. Thank you. She's right over there. Next, we have Minsu Kim, followed by Lee Gallagher. Hi, good evening. My name is Minsu Kim.

[04:11:29] I'm a resident of Crozet Whitehall Magistrate District. I'm here tonight on behalf of Crozet Community Association. With community input in the support of Supervisor Malik, this spring we crafted four formal resolutions to convey Crozet's most pressing concerns and ask for help.

[04:11:48] It's been three months since these resolutions were given to the county executive, Jeff Richardson. Instead of accepting our invitation to meet in person, his response totaled seven sentences that did little more than to shift his responsibilities to the board of supervisors and his own subordinates.

[04:12:06] It's now clear that our community's concerns have been dismissed and outright ignored by Albemarle's top public servant. We are not deterred. In fact, it only strengthens our resolve to provide advocate, resolve to advocate for our community, and we will never stop.

[04:12:23] I will now briefly summarize the purpose of each resolution for the public record. One, the first resolution deals with the blatant violation of the county's water protection ordinance at the Mount Clare Development Site in Crozet. There, a developer disturbed land without a local permit and without an approved erosion control and stormwater management plan.

[04:12:46] Our resolution simply asks you to address this violation and enforce our local law. Why is it so hard for the county executive and its supervisor to do that? Second, the second resolution deals with the long-awaited Eastern Avenue Connector Bridge.

[04:13:03] As you know, the county expects to finalize a contract to build it by the end of this year. All our resolution asks is that the county do exactly that. Complete a deal to build the bridge before rezoning land at that exact same location for yet another high-density residential development.

[04:13:21] Why is it so hard for the county to keep on its promise to build the connector before adding even more stress to our overwhelmed transportation infrastructure? The third resolution is perhaps the easiest one. We simply ask the county to specifically include a reference to Virginia state law that dictates the maximum geographical size of Albemarle County's growth area before you approve growth management chapter of AC44.

[04:13:50] Why is it so hard to get Albemarle County to document that it will follow the state law in our comprehensive plan? Four, final resolution specifically concerns issues with the public hearing that occurred last February involving Montclair rezoning.

[04:14:07] This will be addressed by our next speaker. There are real legal issues affecting Crozet's future. As representatives, we ask you to uphold your own ordinances, your predecessor's promises, and Virginia laws.

[04:14:21] Above all we ask you to simply honor our community's input. Thank you. Next we have Lee Gale. Good evening. My name is Lee Gale. I'm a 27-year resident of Crozet in the Whitehall District. As the last speaker mentioned we have repeatedly asked if the county enforce its water protection ordinance at the future site of the Montclair development. I'm here to give you additional important context to what's really going on here. Here are the facts that we all can agree on.

[04:14:57] There is a stream at the Montclair site. The county has repeatedly determined that the stream is there and its riparian buffers are protected by our water protection ordinance. We know that last February during the public hearing to rezone this property for Montclair, the developer promised to establish and protect the entire length of the stream and its buffers. Part of his rezoning application shows a map clearly demonstrating this. But we now know that two days prior to that public hearing, the developer submitted an application to Virginia's Department

[04:15:34] of Environmental Quality to bury this very stream he promised you and the public that he would protect. And we now know that the developer went ahead and buried the very stream this county told him to protect. And we also know that the developer plans to place a sewer line and a stormwater discharge where the stream bed and its buffers used to be. We also know that just last year, Albemarle County, enforced its water protection ordinance at other sites over 356 times, issuing

[04:16:07] landowners 78 notices to comply and 15 stop work orders. So in addition to immediately enforcing the county's water protection ordinance at the Montclair site, we believe this board and the public deserve an explanation from the developer. We want to know why he apparently deceived this Board of Supervisors in its rezoning application and in the public hearing. We want to know why he did not attempt to get his permit from Albemarle County before he disturbed land and why to date

[04:16:40] the county failed to enforce its water protection ordinance. Therefore, we hereby ask that you schedule a public hearing to get answers to these questions and hire outside legal counsel to ensure our water protection ordinance is being applied properly and equitably at the montclair site and across this county thank you for your time thank you and that's all and just let me check with claudette is that the no more speakers no one online okay okay great just a couple of um updates

[04:17:16] for you because i know many of you came in late we have two supervisors that are joining us virtually. So you'll be seeing them in a little while. Supervisor Andrews and Supervisor Galloway. They're here even though you're not seeing them at the dais. The other thing I want to let you know is that we changed the agenda this afternoon because we were trying to adjust for some timing.

[04:17:41] And so the presentation that is listed next is number 17. The Biophilic Cities Network presentation has already been completed so you know so i'm going to then move to our first public hearing of the evening which is to consider the 2025 community development block grant with stacy pethia presenting good evening stacy good evening stacy pethia um director of housing yeah i will remember that one day uh this evening we are here to hold the first public hearing that

[04:18:19] is required for the Community Development Block Grant funding. Community Development Block Grants are a federal program administered by the Virginia Department of Housing and Community Development, Community Development Block Grants, or CDBG for short. Funds can be used for a variety of housing and community development projects that benefit low and moderate income communities specifically, and types of projects that can occur with these fundings are housing rehabilitation, public infrastructure projects, community service facilities, and business district revitalization.

[04:18:51] In calendar year 2025, the Department of Housing and Community Development is making \$16.3 million in CDBG funds available for competitive grants, as well as an additional \$1.8 million available for open submission applications. So those are accepted on a rolling basis until, I believe, December 31st. Localities that wish to apply for funding are required to hold two public hearings. The purpose of the first public hearing tonight is to provide information on the amount of CDBG funding available, so \$16.3 million, types of projects that qualify for CDBG funding, and to solicit proposals for a potential Albemarle County

[04:19:31] CDBG application. This year, Albemarle County is eligible to apply for up to \$2 million in CDBG funding. Any organization interested in potentially partnering with the county on a CDBG application must submit a request to the Office of Housing no later than next Friday, August 15th.

[04:19:51] The request should include a brief description of the overall project, the amount of funding being requested, the proposed use of those CDBG funds, and a description of the anticipated project beneficiaries. CDBG applications are due to DHCD by August 26th of this year, and staff will return to the board on August 20th for the second public hearing should we have a project.

[04:20:15] All right. I will turn to the supervisors to see if they have any questions. Supervisor Pruitt. Yes. So I just want to make sure I'm thinking about the tranche of CDBG that we're applying for currently. This would be that has been previously appropriated, is not threatened by anything contained in the big, beautiful bill, right?

[04:20:37] Correct. So this is protected by empowerment. Correct. I'm embarrassed I actually don't know the answer to this. Is there an expected reduction or drawdown in subsequent years that we know to expect from the feds? We don't.

[04:20:53] Nothing definite yet. Housing is a weird one, right? Because, like, they actually increased the funding and made permanent the funding for LIHTC because LIHTC has private industry support in the big, beautiful bill, which is an affordable housing program, something you'd think would be reduced, but it wasn't.

[04:21:09] And so I'm not sure how CDBG plays in that. Ostensibly, it's a state's rights thing, but who knows? Do we have any sympathetic grant programs, right? Like I know we had previously, I think we were competing for the, I think it was called the POWER grant.

[04:21:26] It was a HUD-level planning grant. Do these applications inform and speak to each other? Are they designed to be sympathetic or are they siloed? They can be, but you always need to be careful that there's not too much federal funding going into one project.

[04:21:45] and cdbg is really pretty specific uh housing construction generally cannot be used with cdbg funds so it would really have to be rehabilitation uh but they could provide funding to uh to install new infrastructure public water sewer to affordable housing projects so those types of things they can go together you just got to be careful at the level does um does it matter for our application that we're subsequently that we're also seeking funds from the state on the same project no that's

[04:22:16] right supervisor galloway do you have any questions comments thank you stacy um remind me i mean i know this is a two-step process while the second public hearing um could you just briefly go over how my presumption here is we do outreach to prospective applicants and remind them of the dates and

that sort of thing and you just speak to that a little bit certainly um generally we hold the first public hearing um sooner than the second so there's a greater time period between the

[04:22:52] to do. Virginia DHCD announced the opening of their application period pretty late this year, so we didn't have a lot of time to schedule everything. But really, we reach out to non-profits within the area for them to present proposals for CDBG funding. We review those and see which ones we believe would have the greatest chance of being awarded funding through the CDBG program.

[04:23:18] Those are then submitted to the Department of Housing and Community Development. They review those. It generally takes several months for us to get an answer. And then if we are awarded, we are generally notified in October, between October and December of each year.

[04:23:33] Great. Thank you very much. That is all. Chairman McKeown. All right. Supervisor Lapisto-Curtley. No questions. Thank you. All right. Supervisor Malik. No questions right now. Thank you for your staff report. Supervisor Andrews.

[04:23:53] Yes. Thank you for the report. No, the questions that have been asked, I appreciate, and I have no further questions. Okay. All right. And just from me, just to want to make sure. So the county is announcing funds are available, and this gives the opportunity to the public to speak to proposed projects.

[04:24:15] Correct. So proposed project, proposed needs, non-profit. The CDBG funds must be applied for by a locality, so a local government organization. So we would need to partner with any nonprofit organization that brought a project forward. All right.

[04:24:32] So I will open the public hearing for tonight, knowing that we have another public hearing coming up. So this public hearing is open. Do we have anyone signed up? We do not. We do not have anyone signed up, so I will close the public hearing. And I will turn it back to the supervisors.

[04:24:53] I have no further comments. Okay. No comments. Ned, Supervisor Galloway? No worries. I'm good right now. Thank you. Okay. And Supervisor Andrews? Same. Thank you.

[04:25:09] All right. And Ann? I'm just going around. I'm sorry. Thank you. I was so hoping there would be some people who would say, we want to apply, which occasionally that has happened in the past. But this, at least having this public hearing tonight, helps to get the word out to those who might not have heard and stir them to activity quickly.

[04:25:25] Thank you very much. So I have closed the public hearing. So I guess what we're needing then is a motion for the board to receive the information on the funding and eligible uses and to receive input from the public, and is that all we need?

[04:25:42] Dr. Pathia, do you actually need a motion, an approved motion, or is this just for public input and public information? We don't need a motion at all. No, no motion is necessary. That's even easier. We would just need the sign-up sheet to show that nobody signed up to speak. Oh, okay, to approve it. Yeah. All right, sounds good. Then we're great. Then we're completed.

[04:25:58] Thank you very much. All right. Our next public hearing is Special Use Permit 2024-00023 and Special Exception 2024-00027, Congregational Beth Israel Forest School.

[04:26:17] And I see Sid Schoff and Kayla Barnes, yes, thank you very much, are taking their seats. And I'll let you officially introduce yourselves and make our presentation.

[04:26:33] Thank you. Thank you. Good evening. My name is Sid Schoff. I'm a senior planner with the planning division for the county's community development department. With me is Michael Barnes, the director of planning for the community development department. Tonight I'll be giving staff's presentation for special use permit SP 2024-23 and special exception SE 2024-27.

[04:26:57] Congregation Beth Israel, also referred to as CBI a lot tonight, and Fuller School Dudley. This is a special use permit request for a private school on a rural area zone parcel and a special exception request to waive the curb and gutter requirements in the parking areas along the travelways.

[04:27:14] So some background. The subject property is located south of the city of Charlottesville. It is approximately 1.2 miles west from the intersection with Old Lynchburg Road and approximately 2.7 miles east from the intersection with Red Hill Road.

[04:27:29] The subject property is located at Tax Map Parcel 89-64, which is between 1644 and 1658 Dudley Mountain Road. The subject property is approximately 156 acres and located on both the north and south sides of Dudley Mountain Road.

[04:27:47] It is zoned rural areas and includes critical slopes, shown in orange, and mountain protection areas, shown as purple. Lastly, the comprehensive plan designates it as rural areas. And there's also water protection ordinance buffers shown on the map as purple towards the south side of the map.

[04:28:04] This is a zoomed-in area of the subject property where the proposed special use permit disturbance would be. It is an approximately 15-acre area that is directly north of Dudley Mountain Road. The area south of Dudley Mountain Road is approximately 10 acres and not proposed for disturbance.

[04:28:22] Overall, the subject property is mostly undeveloped aside from an existing driveway towards its eastern boundary and a farm road towards the western boundary. The adjacent properties are all zoned rural areas, and each contain a single-family residence. This portion of the site is impacted by the water protection ordinance buffer and critical slopes areas.

[04:28:45] So there are two applications before you this evening, and just to recap, the first is SP 2024-23, which is a special use permit request for a new private school with a maximum enrollment of 144 students. The second proposal is SE 2024-27, which is a special exception request to waive the curb and gutter requirements in parking areas along travelways.

[04:29:09] I'm going to start with discussing the special use permit first. This is a map provided by the applicant that provides an overview for the site. Please note that the orientation of the previous maps has shifted 90 degrees to the left. Of the 156-acre site, the applicant is proposing for the developed area to be within a 15-acre area.

[04:29:28] the remaining 146 acres of the site are proposed to be put into a conservation easement the applicants proposed disturbance area does not include critical slopes mountain protection areas or the WPO buffer here's a screenshot of the applicants concept plan if the special use permit and special exception were to be approved by the board the applicants proposing for two phases of development the first would include the main school building which is referred to as base camp with additional associated school buildings.

[04:29:59] The second phase would include additional school buildings and a religious assembly building which is permitted by right if it is for 200 people or less. Please note that after the PC or Planning

Commission public hearing, the applicant provided this revised version of the concept plan.

[04:30:15] It removed a portion of a fire access road from the WPO buffer and revised the base camp building's maximum square footage from 6,415 square feet to 8,000 square feet. Lastly, the conceptual plan looks visually different since a different firm prepared it.

[04:30:32] The applicant will go over their proposal in depth, but here's a brief overview. The maximum enrollment request is for 144 students, which is for pre-K to fifth grade. The number of staff would be 29. The proposed maximum enclosed building area would be 25,144 square feet of building space, which includes an 11,000 square foot by-right religious assembly building.

[04:30:57] The school would operate nearly year-round. The hours of operation would be 8 a.m. to 5 p.m., with the morning drop-off period from 8 a.m. to 9 a.m. Throughout this entire process, we've received plenty of public comment and participation. As a reminder, special use permits are evaluated on a case-by-case basis, and the facts in each case are unique.

[04:31:18] However, these are the four factors of consideration that are assessed by staff during each special use permit review. For this application, based on the screening and setback mitigations proposed by the applicant and the proposed conditions drafted by staff, We found that there would be no substantial detriment to the adjacent parcels.

[04:31:36] Additionally, the proposed conceptual plan limits the disturbance to areas where necessary, and the rest of the 141 acres of the site would be put into a conservation easement, which is consistent with the comprehensive plan and would not affect the character of the nearby area.

[04:31:54] However, staff are concerned about the public health, safety, and general welfare from the transportation impacts of this proposal, which affects both the character of the nearby area and the harmony. In the initial materials submitted by the applicant and what was presented at the Planning Commission public hearing, the applicant provided data from the Institute of Transportation Engineers, or ITE, trip generation data, which estimated 589 vehicles per day for the proposal.

[04:32:22] At a high level, ITE data is estimated by the type of land use, and in this case, due to the school's proposed demographics of pre-K to fifth grade, the closest land use data that this was based on was a daycare instead of a traditional private school. The applicant provided estimated traffic count data, which estimated 460 vehicles per day after the PC public hearing.

[04:32:44] The applicant can explain their methodology in more depth, but in sum, they collected this data at their current location and with their current enrollment. The applicant then extrapolated the figures based on the proposed enrollment for 144 students and estimated 460 vehicles per day.

[04:33:02] Staff believe this number is more accurate than the initial ITE data from the applicant. The 2018 Average Daily Trips, or ADT, data was conducted by the Virginia Department of Transportation. For this collection, VDOT placed tubes on the road to capture when a vehicle drove over it.

[04:33:19] In this 2018 collection, VDOT estimated 130 vehicles used Dudley Mountain Road per day. If this special use permit were to be approved by the board, there would be an estimated 590 vehicles on Dudley Mountain Road per day. This figure was generated by adding the applicant's estimated data and the 2018 VDOT ADT data.

[04:33:39] According to the VDOT road design standards for rural local roads, there are minimum requirements based on the traffic volume on a given road. For an ADT under 400 vehicles per day, the minimum width of pavement is 18 feet and the minimum width of a graded shoulder is 2 feet.

[04:33:57] If the ADT is between 400 and 2,000 vehicles per day, the minimum width is increased to 20 feet and the minimum width of a graded shoulder is 3 feet. There are other factors such as minimum stopping site distance and minimum radius along the road that are also considered in the standards for rural local roads.

[04:34:14] As is, Dudley Mountain Road's width pavement is highly variable. According to VDOT measurements, the road has sections less than 15 feet and as wide as 20 feet. Additionally, the road has a substandard shoulder or no shoulder at all. As is with existing traffic volume of 130 vehicles per day, Dudley Mountain Road does not meet the VDOT road design standards for rural local roads with an ADT under 400 vehicles per day. If the board approves the special use permit for the private school, it would generate 590 vehicles per day and add additional traffic on a road that does not already meet VDOT standards. VDOT has also provided a review comment letter that shared

[04:34:52] the same concerns as a county, which is attached in the staff report. Additionally, staff are concerned about the sight line at the intersection of Dudley Mountain Road and Old Lynchburg Road. There's a maximum 45 mile per hour speed limit on Old Lynchburg Road, and prior to the intersection with Dudley Mountain Road, there is a hill that disrupts the sight line. Staff are concerned about the safety at this intersection with the higher level of traffic utilizing it with this proposal.

[04:35:19] At the intersection of Dudley Mountain Road and Old Lynchburg Road, which is on the top right of this map, there are high frequency of crashes with four over the past five years. This is in addition to 10 crashes in the last five years along the entire stretch of Dudley Mountain Road. So in sum, staff found two positive aspects. The first is the proposed use limits the development to only 15 acres of the 156-acre property. The second is that outdoor environmental education is consistent with the comprehensive plan goals promoting greater public familiarity with the rural area and with natural systems. However, there is one concern. Dudley Mountain Road does not meet

[04:35:58] applicable VDOT standards for rural local roads. At the May 13th PCE public hearing, the PCE voted 3-2 to recommend approval of SP 2024-23 with conditions. Staff recommends that the board, uh sorry should the staff recommends that the board adopt the attached resolution attachment h to deny sp 2024-23 should the board wish to consider approving sp 2024-23 staff have prepared conditions of approval for review these conditions are listed in your board packet however i'm happy to go over the conditions at the conclusion of my presentation if there is interest there's a

[04:36:37] there's also the special exception um to the in association with the special use permit this is request to waive the curb and gutter requirements in parking areas along travel ways. The ordinance requires curbs and all institutional developments with eight or more parking spaces. Due to the rural nature of this proposal, the limited amount of impervious area, and the slope of the site, staff supports the waiver to allow alternatives to curb and gutter. The applicant will still need to adhere to Virginia Erosion and Stormwater Management Program, or VESMP, requirements which would be addressed at the final site plan phase however since staff are recommending denial the

[04:37:15] associated special use permit staff also recommends that the board adopt the attached resolution attachment i to deny se 2024-27 i'm happy to answer any questions from the board i know i just

threw a lot of information at you thanks all right thank you for your presentation i'm going to return to our speaking order and i'll ask supervisor pruit if he has any questions for staff um thank you. Sid, could you go back to the, we went past it very quickly, and I think it's the first time I've seen it, the traffic impact heat map that you had? That one. Just a quick correction. This

[04:37:52] is crash data. Yes. So I just wanted to review this and reflect, kind of talk out loud what I'm seeing, which is that there are known crashes on this road, including those with visible injuries, sometimes severe injuries, it does also seem like it is less than other traffic areas.

[04:38:18] And I'm thinking back to, like, two years ago when we had our patrol officers leading town halls on traffic impact that highlighted on a heat map where we had the most traffic incidents, and they're overwhelmingly not in the rural area, right?

[04:38:34] So I guess they're overwhelmingly in the development area and mostly on, like, major intersection points, right? I think 20 is dangerous all the way down, but the heat map tells me that 20 is really just dangerous at the intersection near Thomas Jefferson Parkway.

[04:38:50] I'm rambling, but the way I would articulate this into a question is, is this remarkable? Is this traffic incident data actually remarkable for a road of this type? I think the number of accidents, especially at the Old Lynchburg Road intersection, is somewhat remarkable.

[04:39:16] I think the other one is that on this particular road, we're at 130 trips. So relatively speaking, yeah, of course, in the development area, you're going to have a much higher frequency of numbers. You've got a much higher volume of traffic. So it's not without concern from staff that a road that's on average having 130 vehicles is experiencing five accidents in the past year, past five years.

[04:39:42] I'm also realizing in real time that I've only ever accessed this road from Old Lynchburg. I do a turnaround before I ever get to the end of it. I know that the Old Lynchburg intersection, if I'm remembering, is not signalized or has signage, right?

[04:39:59] there's not a there's there's nothing you just turn off the road right um is there is it uh is is red hill is it is there a sign on red hill that would require slow down or stoppage i'm assuming no yeah i mean there's stop signs there's stop signs on the dudley side exactly but not on the two streets you know the crossroads okay i would just say that um dudley mountain down by red hill is kind of a tricky intersection.

[04:40:30] It kind of drops down, and the sight lines aren't great there. Has the applicant indicated at all which direction? I might assume that the applicant would expect that their traffic is going to come from Old Lynchburg Road and exit via Old Lynchburg Road, but I'm realizing that's an assumption.

[04:40:46] Has there been any indication? They can probably speak more to it. I'll reserve that question. That's a good point. And Supervisor Pruitt, I saw Kevin McDermott leading in a little bit. Do you want to see if Kevin wants to add anything?

[04:41:01] He seems to not want to add anything. He says no. I saw your body language, and I thought maybe you did. Help remind me here. This land seems, and this might be mooted by the fact that we're going to, the applicant, or rather the owner, is going to put a significant portion into a conservation easement.

[04:41:23] But how would this, because this layout of this land seems to be begging for a partition, how would approval here survive a partition? So I can go over the conditions at this time. One moment, please.

[04:41:40] So, yeah, we've drafted seven conditions. Would you like me just to go over all of the conditions? Yes, but I'm not sure that actually speaks to the question I asked. Yeah, so to answer your question about surviving future development, this first condition limits the areas of disturbance.

[04:42:00] So for the school itself, it would be restricted to the conceptual plan that they provided. Which is just a drumstick leg there. Yes. However, we have not received, they've stated that they're going to put it in a conservation easement. We have not received a conservation easement at this time.

[04:42:16] We do not know the conditions of that conservation easement. So what we have here are the conditions that we've drafted. Before I have the rest of my questions, did you want to go over those? Because it sounds like my peers would also like to hear the conditions. So this first condition, so there are eight drafted conditions for this application.

[04:42:33] The first is to be developed in general accord with the conceptual plan provided by the applicant. That's in your board packet as well. And there are a couple of major elements, and so that's the location of the proposed buildings, location of proposed parking areas, the limits of disturbance, and then the maximum building footprint of the base camp building to be 8,000 square feet.

[04:42:55] Oh, there's a couple more. The maximum building footprint for each classroom will be 1,200 square feet, an establishment of a 50-foot side building setback, and then additional screening must be provided along the property's boundaries where vegetation does not exist. The second condition is for maximum enrollment requested by the applicant, 144.

[04:43:14] The third is related to the hours of operation. The fourth is related to the morning drop-off time. The fifth is to restrict the building heights so they are consistent with the rural areas requirement. Conditions number six and seven are related to improving the frontage of the subject property to current VDOT standards and to dedicate 50 feet of right-of-way.

[04:43:35] And lastly, condition number eight is to establish and maintain stream buffers. That's great. That is also helpful because one of my next questions was these are conditions that it sounds like the county has developed, or county staff has developed. And I'm not clear at first blush whether or not any of these require design plan changes from the applicant.

[04:44:00] Do we know if the proposal, like, I'm not aware of any building higher than 35 feet that is planned, but maybe there is, right? Is there anything that we're aware of that would require a change in plans by the applicant? With these conditions, no. Okay. You mentioned how there was an extrapolation from the applicants in their traffic study.

[04:44:22] There's an extrapolation from what I assume is their Reservoir Road site previously based on their enrollment there extrapolated to a new enrollment number. What is the enrollment at the previous site, the Reservoir Road site? What's the difference here?

[04:44:39] I'm not sure. The applicant can speak further on how they gather these numbers. It's a fair point. I should save that question for the applicant also. I've now got two in the hopper. That's all I have. Thank you. All right. Our Ned Galloway, Supervisor Galloway, would you like to ask any questions? Yes, thank you. Thank you, Sid. Just remind me, the ADT, the average daily trip count, so when we say one trip, that equates to one car driving to the site and dropping

[04:45:12] a kid off that is correct but then then coming out is trip two correct coming back later is three so basically we we can presume if every single person had one car per student staff whatever that each one of them per day is is essentially in the report counted as four trips correct the concern at the well let me ask this question first the intersection with old lynchburg dudley mountain and old lynchburg i'm not sure if you're aware of this maybe maybe kevin is is this on our

[04:45:51] transportation priority list dealing with the safety issues of this road and specifically this intersection and the site issues cited it is not um and likewise i'm assuming on the other end any issues that we have concern with red hill those on dudley mountain where it intersects with red hill no that is not one of the um you know our targeted list for improvements and i don't want to go down a rabbit hole here, but I think I saw in the PC conversation that Kevin was explaining

[04:46:26] the number of 400 isn't necessarily some magic number about 400. It's just almost sounds like you have to draw a line somewhere and 400 was the number. It sounds like that the hard line number is less the concern versus the increased volume just increases the probability. So we have concerns at an intersection we've had some crashes there this is existing we had more people now the chances for those crashes go up is that the rationale behind staff's concern here just you

[04:47:03] know we have more cars passing each other than we do now we have cars passing each other now we just might have more cars passing each other now so we have more possibility of an issue that i understand yeah and obviously the that break point of the 400 is like once you start getting above that that VDOT's looking for a wider road to make safer conditions.

[04:47:24] But it's a probability is what I'm saying. It's a percentage base, right? It's nothing. They picked 400, but if it's 402, it triggers you're past the line, but how does it change the two more trips really enhance the percentage? So I'm just trying to look at sometimes with these things, you can just go by the hard line.

[04:47:43] Or when we look at special use permits in front of us, we go, all right, let's think of what the logic is behind something. is this is this is there a reasonable way to go if the multiplier here was 10 20 500 you know all of it is different based on if they're just saying well it's getting the chances are getting higher that people are going to cross so i'm just again trying to understand the staff's request for denial seems specific to the traffic and in some ways specific to that intersection so we're just

[04:48:18] in line with how VDOT perceives this stuff. More volume increases the probability of more potential negative crashes or instances. In addition, it seems like maintenance is also of concern to staff because of those increased trips, but that's different. That's just, okay, the more trips that go out there, the more use of road gets understood on that.

[04:48:43] I think you've captured that. It's a relative probability. The standards are obviously something better guidepost in this circumstance uh a few trips either side of it probably aren't meaningful but i think we come back that uh regardless of which side we are 400 the road is is small it's probably unlikely to be something that vdot would upgrade in the future and um i think there was also some discussion the planning commission that maybe this would help the

[04:49:18] The road rise to something that BDOT would maintain, and we have so many other roads that we need to take care of in a county that I think this one's going to be hard to try and get up to a level that we'll be able to find funds to improve the road.

[04:49:38] Yeah, sure. Understood. I mean, we're so used to seeing developments in the development area where the trip counts are so much higher, and it comes down sometimes to that probability, too, where we're adding a significant more than what's even happening on this road if this were approved.

[04:49:55] So you have to kind of make a judgment call, I think, sometimes on those percentages. All right. I'm sorry. Somebody was going to say something. I was just going to say one last point. I mean, these numbers are relative to a cross-section of a road, the width of the road.

[04:50:11] I think Sid also made a reference to how many curves are there and the sharpness of those curves. This road's a pretty windy road, too. So it's not only that its width is not sufficient to meet those standards, it's also a very curvy road with both vertical and horizontal curves, and that contributes to some of our staff's concern.

[04:50:35] Got it. Thank you for adding that. Appreciate it. And I'm assuming that if we had a reason to have a new traffic count out there from the 2018, we would use it. I mean, again, I'm used to more traveled roads getting the data count.

[04:50:53] Do we know why VDOT did the count out there on that road? Was it just normal? It's good that the count happened before COVID, but I'm just trying to say that there's had to have been growth on the road.

[04:51:09] Do we know that, or is that a – maybe that's an incorrect presumption? Well, to your first question, yes, VDOT does periodic traffic counts, and so that's – it just happened to do this road in 2018. We did not require the applicant to do a traffic study. I guess we could have done that to figure out better data today and use that to get closer to a full study that might have shed more specific light on it.

[04:51:39] Yeah, that's fair. I mean, I get it. If VDOT hasn't done it again and there was no specific reason or request to do it, then I wouldn't expect it to have occurred. I guess I work under the operating presumption that all roads in our county, with the exception of perhaps some gravel roads, but one would probably argue that that's not the case either.

[04:52:00] But most of those roads would probably have seen some growth over the last seven years. All right, I'm good for now. I appreciate Supervisor Pruitt's questions. Look forward to other supervisors' questions as well. Thank you. All right, Supervisor Lepisto-Curtley. It seems that everything is, the denial and the approval by the Planning Commission is all based on the road count, on the number of trips, correct?

[04:52:27] I mean, no one seems to be able, no one seems to be against the actual school itself, but it's the condition of the road. Yeah, we have concerns with the increased traffic volume and the current conditions of the roadway. Going back to my, if we can get the slides back on the screen.

[04:52:48] there were two positive aspects it's only 15 acres of the 156 acre property and we found that the proposed outdoor school is consistent with the comprehensive plan goals and in some areas of deadly mountain road i've driven that in some areas are 15 feet and some are 18 feet that is correct it's highly variable is there a lot of because i've dealt with this on stony point pass Are there a lot of areas that are only 15 feet?

[04:53:22] Are there a lot of areas over 15 feet? Or 15 feet. I guess what I'm trying to find out is whether or not, because I didn't, when I drove it, I didn't measure the road. So I'm trying to figure out if most of the

road is 15 feet, most of the road is 18 feet, half and half, and here comes Kevin to the rescue.

[04:53:45] We were going to get you up here one way or the other. Supervisor Pisto-Kirtley, this is Kevin McDermott, Deputy Director of Planning. Thank you for your question. So the average of 15 to 18 feet, that was actually a number that VDOT provided us.

[04:54:01] When we asked them if they were going to comment on this project or the condition of the road, they sent someone out and they did some measurements. I don't know exactly what that was. We did, county staff did go out there and take measurements. I think that there's less of the road is 15 feet than probably 16 to 18.

[04:54:24] Very few, I think, are over 18 as well. But we did not measure the whole road. The applicant did do an assessment, and they have some additional numbers. I think they just kind of picked a few points throughout the road and did some measurements as well.

[04:54:42] I think, as Sid said, it's highly variable out there. There's no specific width. It goes from 15 to 18 within a couple hundred feet sometimes. So it's all over the place. So it would be fair to say it's between 15 and 18 feet and it's curvy, which probably describes, what, 80, 90 percent of the roads in the rural area?

[04:55:06] Yeah, correct. Thank you. No other questions. Okay. Supervisor Merlec. Thank you very much for the starter presentation. Let me zoom back to the top of my list here so I can get started.

[04:55:24] Okay, so I can sort out the math following up on what colleagues said. The 589 or ADT, that's ins and outs. So that automatically per vehicle is in half, 245 cars to have 490 trips.

[04:55:49] Yes, okay. All right, so how does that work with the 400 number that you all... Is your 400 number also the same, one way only, one direction only?

[04:56:07] The 460 number on the screen? Oh, it's a different screen. I guess it had 400-something if it was above or below 400. Yes, okay, so that is one way. So that's equivalent to twice that for the number.

[04:56:24] Yeah, I think the way to directly answer your question is, Yeah, PNOT's considering trips there or back or one way and going someplace else. Their standards are if you have 400 trips on the road, that's their threshold between these two standards. If you take the 138 that's out there today that's traveling the road and then you add the school, that's where we get to 590 for a total projected ADT in the future if the school was approved.

[04:56:54] So the 138 was the people going to the grocery store in one direction. going to work just normal normal traffic very good and so for the incident map that you showed the cluster of accidents on i mean the combined while there may not be very many cars on dudley mountain road there are considerable numbers of cars on old lunchburg so it's the conflict of those at the intersection is what's caused that hot spot there and the commuters who come through

[04:57:28] um likely the preponderance of them are probably some people may have been just traveling on old Bunshberg Road heading south and lost control on that intersection, too. Okay, so it's not always, these dots here on this map are not always two-car conflicts, then?

[04:57:44] It's not always two-car conflicts. I mean, all of this stuff you can get, all this stuff you can get much farther down into the details. No, there are certain, as worrying about intersections, it's, I understand the difficulty of it.

[04:57:59] Okay. Are there solutions that anyone has talked about at VDOT for any of these issues that have been mentioned that are sort of in process, in consideration? Yeah, again, Old Lynchburg's problem is in part because, especially if you're looking to the north, the road's kind of bending away from you and it's dropping over a hill.

[04:58:24] So to create that site distance or to fix that problem, to give a larger one, you're talking about clearing some of those trees and dropping the far end of that picture. You can sort of see how the road is going over the hill. You'd have to sort of flatten it out or do something otherwise to physically increase that site distance.

[04:58:45] Again, that would take public monies to do that, and that's of all the four priorities in the county that doesn't rise to a high priority. This time so flashing light at certain times of day to warn people to bring it down to 35 for that section something like that yeah I guess there are those types of options correct okay I mean I've just heard those discussed at other places so I just wondered if they were in play here um whoops the uh all the discussion in the staff report about building height etc that applies only to

[04:59:20] the base camp building because there would be no requirements for the religious assembly building They would need to comply with the rural areas part of the zoning ordinance, and that's consistent with the conditions. I believe it's 35 feet. For both? Yes.

[04:59:35] Oh, okay. That's a clarification. And I guess this already came up tangentially, but a question I had written down was sometimes VDOT thinks differently depending if there's more use. And we've had other applications where they've said, well, we're not going to make any improvements now because the growth hasn't come yet, but once the growth comes, then we'll do that.

[05:00:00] Now, those were in the growth area, but is that a similar thing that can be applied here as a possibility or not? It's a hypothetical question in some regards. Obviously, especially if the board was to direct us to work on this particular problem, it's just a matter of resource allocation.

[05:00:24] We could prioritize something like this to be fixed if it was raised to a high enough priority. I think at this time, money is always tight for projects we have. It would be, I mean, it's a hypothetical question.

[05:00:41] It might be difficult to find the resources to get a project like this one fixed. All right. And my last one is, do you have any information about cut-through traffic on Dudley Mountain Road, Red Hill to OLR particularly? We don't have that kind of information.

[05:00:59] VDOT would have that, I guess, from their traffic counts. The traffic count is just a tube, it's a dumb tube, if you will. It's just right there counting what's going over top of it. It doesn't know where that car started its trip or where it's going.

[05:01:14] So it could represent somebody who lives on the road, who's just going to town and coming back. It could represent somebody who's over on 29 who's cutting this way to go up to the development area. So I guess it would need different information about the numbers if they're construction trucks or gravel trucks or whatever.

[05:01:32] who are going from the quarry to somewhere else? Yeah. Okay. But you don't have any of that information now? No, ma'am. The traffic data was just only vehicle tires going over the counter. Very good. Thank you. Thank you.

[05:01:48] All right. Supervisor Andrews. We're just a couple of them over again in a way, different way. We've been talking in previous meetings about the rural rustic road program, and I know that that's intended, for the most part, it's been used to pave gravel roads.

[05:02:08] But there's also flexibility now, as I understand it, to perhaps improve gravel roads. Does that program in any way provide funding to address any of the issues with Dudley Mountain Road? Supervisor Andrews, Kevin McDermott, Deputy Director of Planning.

[05:02:28] Unfortunately, the Rural Rustic Road Program only addresses unpaved roads, so there's no real opportunity for utilization of that. The options for improving these roads are essentially through the smart scale project, which you know is competitive and would likely not be able to fund something like this.

[05:02:53] The maintenance funds, so they can do some minor maintenance on these roads, but I don't think anything like that would ever be able to address the width problems or the site distance problems. And then they have state of good repair funds that are used for roads that are falling apart and they need to bring them up to current standards and finally safety money.

[05:03:18] So there are some options with safety money if we started to see an increase in accidents out here. However, that money doesn't come until after the accidents start happening, unfortunately. Thank you. That's distressing.

[05:03:34] I know that there's been a discussion about the fact that the applicant previously had been on, I don't think recently, but had been on Reservoir Road. And I know that wasn't part of an approval process like this, but is there any information available as to the impact that the school's operations had on traffic at Reservoir Road or concerns that people had or accidents that may have happened during that time period that could be attributed to school traffic in any way?

[05:04:05] uh supervisor andrews we do not really know the details of those of what type of operation they had out there so um it's hard for us to say how this relates to this school how many students they had out there what time periods i will say that because of the similarities of this project and another project out on reservoir road we did look at reservoir road is um is a possible example as of what could happen out here because we had another school that came in and went out there

[05:04:37] on that road. In my review, the accidents were much less frequent on Reservoir Road, at least the portion that provides access to that school out there. As we were thinking about, you know, being consistent with recommendations, we did check that, and it does appear that uh reservoir road for whatever reason it is slightly wider um and so uh and maybe built a little bit better um it did have fewer accidents at least in the section uh closer to that other

[05:05:12] school thank you uh and then i guess the last question is uh there was specific mention uh that you did not require the applicant to do a traffic study um in light of the fact that staff's primary concern was the road is that how is that decision made and was the applicant invited to do a traffic study was it something that was ever considered in light of the issues um well when we do a traffic study typically we uh require that of applicants when uh they have a trip generation that's over

[05:05:49] a thousand vehicles a day obviously this project didn't didn't really do that and typically uh what traffic impact analyses do is they look at the impacts of traffic on intersections and delay and things like that, which is not really the question that we were trying to ask here. The issue is really about safety

and the safety of the road. The applicant obviously could always do whatever study they wanted. I think we did make them aware of the concern we had with safety out

[05:06:25] there and so um but you know that that possibility could have been there for some sort of an analysis of the the safety uh beyond the fact that we know 10 crashes in the past 10 year on dudley mountain and uh 10 crashes in the past five years on dudley mountain and five intersection related questions or crashes at the intersection of dudley mountain and old lynchburg road thank you thank you very much. That's all. Thank you, Jim. I think it's back to me, and maybe, Kevin, you need to answer

[05:07:04] this question that I have. Most of my questions have been answered for right now, but I do have a question for Kevin because in my experience in the Jewett District, I often have community members who want us to lower the speed to help make a road safer. Can you address lowering the speed limits for us? Sure. Well, for one thing, that's a decision that's made by VDOT. And typically, our issue with lowering speeds to address safety problems is that lowering speed

[05:07:40] limits do not typically lower speeds on roads. People drive what they're comfortable driving, and oftentimes they're comfortable driving faster than they should be, unfortunately. So simply lowering speed limits does not typically result in lower speeds. And what VDOT looks for in when they do lower speeds is that they want to see that the average speed is within five miles of the proposed speed. So if we wanted to lower the speed limit to, say, 35 or 30 on

[05:08:17] old lynchburg we would have to do a study that showed that this the current speeds are at least 35 or below so that would be the requirement for it because they don't want to set a speed that is unrealistic there's safety issues with that because you'll have some people that drive the actual speed limit because they're obeying the regulations and then there's people that ignore that and that differentiation in speeds can cause safety issues as well not to mention that it's just it becomes kind of impossible to enforce when your speed limit is so low that um that

[05:08:54] traffic is not going to really drive that speed thank you very much because that's been my experience we managed to get at least one or two road the speed limits lowered and folks came back to me a year or so later and said well that didn't work i mean i'm just saying and it's it's counterintuitive sure because people think if you lower the speed limit people yeah all right and that was the only additional question oh i did have one more question but and i'm not sure um thinking about old lynchburg road southwood is not the build up at southwood is not completed yet

[05:09:33] that is correct so we're going to have we have more people now on the old lynchburg road because of Southwood and that build out is going to continue. Now, I would in all fairness think that many of the people leaving Southwood will go towards town as opposed to taking the left and going down Old Lynchburg Road, but we don't know that. I mean, any thoughts about that at all? And I don't know if that's for Kevin or, because that's another more increased traffic on the Old Lynchburg Road. Yeah, I mean, just generally speaking, we are a growing county, whether it's

[05:10:09] southwood or other places i think we can expect that traffic will grow over time i mean i drive that way all the time and watching southwood go up which is great i'm not complaining about southwood i'm just saying that thinking about the traffic along that road yeah yeah i mean we have other developments in that area or you know attain is coming in with some more units so there is growth happening in that area it continues yeah thanks and that's all i have oh sure yeah i'm sorry and Maybe this is for Kevin, but what we saw, Old Lynchburg Road, and it seems like the concern is going south.

[05:10:46] It goes up, and there's a curve there. Coming down, coming, I guess that would be north. Would that be north? It would be north. North, north. Right, so coming south a lot, you know, if you come from that curve, coming south towards Dudley Mountain Road, Is there a sign up there before you turn the curve that says slow down curve that would maybe just, you know, if VDOT approves it, could drop people's attention?

[05:11:17] Because it seems to me that's the problem I know, and that's a problem in many of our rural roads, too. Sure. We have this issue all over the place. So the picture that we were looking at was from the intersection of Dudley Mountain and Old Lynchburg looking north.

[05:11:35] where the site distance I think is a really problematic it's a little bit difficult on the south but mostly that's because of a vegetation a lot of Jason and it's not nearly as bad we signage is it signage warning people of curves or upcoming intersections is is the easy thing that we could do it's not always the most effective but you know if we typically what we're doing all the time is looking at areas where we see crashes in the county and trying to evaluate what might be effective ways that we could try to address those signs or something we'll look at. I think we could

[05:12:15] consider that out here as you're heading south on Old Lynchburg to warn people of a busier intersection and a blind curve. That's something we could definitely look at that might help. I would just add to that. I looked on Google Earth right then.

[05:12:33] There's a sign before you get there that mentions bikes and sharing the roads. It's a big area. A lot of people go and bike as well as the curve as we're approaching. There's some of the Chevron yellow signs on there that sort of indicates the sharp curve. It does not appear as though there's one sort of saying intersection ahead per se there.

[05:12:54] There is one. There is not. There is not. And I think that's what you were asking. Right, right. Should we be notifying drivers as they're coming around the curb that, hey, there's an intersection at it? Because probably the cars coming south and hitting Dudley Mountain Road, that's probably because they're, you know, taking that curve maybe a little too fast and don't have enough time to see that there's a car pulling out.

[05:13:24] So that might help, could help. Yes, that's all. Thank you. All right. If everyone, no one else has any other questions. All right, I'm going to, this is a public hearing, so I'm going to open the public hearing, and Supervisor Lepisto-Curtley will read the necessary rules, and I do want to just let folks know that when we received our packet last week, just so everybody knows,

[05:13:59] these were the emails that were included in our packet, and this does not represent the second round of emails that started coming in. So it's not for lack of hearing from you all. And I know my fellow supervisors well enough to know that I'll bet you that almost every one of these was read over the period of time that they came in. So we appreciate the public comments and the input. And think about tonight with your comments that we have already been through even

[05:14:32] more than these. Just saying. All right. With that, I'm going to turn it over to Supervisor Lapista currently to read the necessary rules. Okay. We have both in-person and online speakers or people wishing to speak. The online speakers will go last. And we have 29 in-person speakers.

[05:15:00] So I will read the directions. 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.

[05:15:19] 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. Community members physically present for the meeting will speak first, then those who are attending the meeting electronically will speak.

[05:15:35] For those attending electronically, the clerk will announce each speaker before it is their turn to speak. For in-person speakers, timing is conducted through a timer and light system at the podium. The green light will go on when you begin speaking, which begins your allotted time.

[05:15:54] The yellow light indicates you have one minute to finish speaking. The red light indicates your time has expired and you will be asked to end your comments. For community members who are attending the meeting electronically, timekeeping is conducted through a timer.

[05:16:13] The timer will commence when you begin speaking, and this begins your allotted time. You will be notified when the three minutes are up and you are requested to bring your comments to a close as your microphone will be muted after about five more seconds. In order to give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines.

[05:16:36] When addressing the board, state your name, and if you live in Albemarle County, your magisterial district. Address comments directly to the board as a whole. Any written statements or other supporting material may be given to the clerk. If making comments through Zoom, you may upload written comments through the e-comment portal or email your comments to the clerk.

[05:16:59] If representing a group or organization, you may ask others present to raise their hands in recognition. Speakers may not share any unused time with another speaker. Back and forth debate is not permitted. Do not speak from your seat or out of turn.

[05:17:16] All comments are live streamed, recorded, and published on the Albemarle County website. If participating by phone, press star 9 to let us know you want to speak. Then star 6, if from a landline, to unmute.

[05:17:32] If by Zoom, please remain muted until you are called to speak. All right, and at this time, the applicant, and I believe the applicant is Kendra Moon. You can come forward, or both of you can come forward.

[05:17:47] and you have 10 minutes to present. Thank you. Thank you to the Board of Supervisors for meeting with us tonight. My name is Jill Abby Clark and I'm the director of CBI Forest School. For the

[05:18:24] past 27 years, Congregation Beth Israel has proudly supported child care needs in Central Virginia. Our students range in age from 18 months to fourth grade with 70 percent under the age of five years old. They represent the youngest members of Albemarle County and also the future of it. In the spring of 2020, when the pandemic shut down our schools, we took a bold step forward.

[05:18:53] We pivoted to a forest school model embracing outdoor learning to keep our doors open for families. This was not just about surviving a crisis. It was about adapting to the needs of our families and ensuring that children had a safe space to learn and grow. In partnership with Camp Holiday Trails, which is located on a winding rural road, we became the first Jewish forest school in the United States. This vision of schooling created students that are resilient, joyful, and rooted in the natural world. We were honored nationally in 2021 for our work

[05:19:32] in Jewish education, recognizing innovation and leadership, bringing positive attention to our region. In 2022, we sought to lease a property in Ivy, but the cost to set up a school in a rented space were prohibitive. So when Dudley Mountain neighbors stepped forward and offered Congregation Beth Israel 155 acres of land to support this vision, we knew we had to continue on this path. This gift has the potential to be more than just land. It is our future. A future

[05:20:08] rooted in stewardship, education, and Jewish values. Of the land, 140 acres will remain undeveloped. And once the building plans are complete, all of it will be placed in conservation, aligning directly with Albemarle County's Rural Area Master Plan, achieving both education and preservation. Albemarle County also understands the vital role of faith-based institutions in building inclusive, resilient communities. Congregation Beth Israel has called Albemarle

[05:20:45] County home since the 1800s. We are part of the civic, spiritual, and social fabric of this community, but the fabric has recently been tested. Since 2017, we have seen a disturbing rise in anti-Semitism. We've had to change the way we operate. For many of our families, the idea of a rural off-site campus means something priceless, a sense of security when sending your child to school. Since the Planning Commission meeting, I've had the chance

[05:21:19] to meet with many of the Dudley Mountain neighbors through meet and greets, coffee dates, and email conversations. While we may not see eye to eye on every detail, what matters is that people are coming to the table willing to brainstorm and willing to work together. Some neighbors have even started to see the potential benefits of this project. We're talking about better signage, we're talking about partnering to keep the road clean, and we're even talking about taking steps to slow down speeders and make Dudley Mountain safer for everyone. This kind of shift from

[05:21:57] opposition to collaboration gives me hope. Because real progress doesn't happen in isolation, it happens when we engage and when we look for solutions together. But here's the bottom line, without a specialties permit, we cannot continue the Forest School. I see tonight as a moment of opportunity. This is a chance for our county to strengthen early childhood infrastructure.

[05:22:30] This is a chance for our county to support religious and cultural communities. This is a chance for our county to honor our natural landscape while preparing the next generation to protect it. This land will be cherished.

[05:22:47] I'm going to now turn this over to Kendra Moon to talk about the technical aspects. I'm Kendra Moon with Lining Green. I'll have to move quickly. It's a shame to gloss over all the positive aspects of this project because i feel there are so many but i want to leave time to discuss traffic so just something i'll point out there were a lot of consultants involved in putting together this plan so much thought has been put into it and how it's laid out decentralized to try to keep the footprint

[05:23:20] minimal we've got a fully compliant vdot entrance we're proposing to move the entrance to the center of the site with the best site distance, and we have an internal drop-off loop that will keep all of the vehicles queued up for drop-off off of Dudley Mountain Road. We've been working with county staff and consultants to fine-tune our plans, so there have been some iterations.

[05:23:48] Currently, we've moved the fire road out of the stream buffer, and we're proposing to widen Dudley Mountain Road to 20 feet in front of the site. This site will be phased. In the near term, all it's planned for is the main base camp and three classroom cabins, as well as the road improvements.

[05:24:07] Here are some precedent images for what we imagine on the site. There are earth tones and natural building materials, so it will integrate very well with the natural environment. A neighbor is donating this land to CBI and plans to establish a conservation easement over the entire property.

[05:24:25] And so the conservation easement allows for development, but in a very specific location. we even have to identify exactly where the buildings will be and the conservation easement will extinguish the four development rights that are associated with this property so this will eliminate the possibility of any buy right uses including winery brewery or four single family residences there's ongoing stream buffer restoration some of this work has already begun to remove invasive species on the property and to mitigate impacts we're working to replant in front of the proposed parking areas so that parking will be screened from view and trees will

[05:25:04] be preserved wherever possible on the site. Some of our low impact design includes precise grading. So you'll notice this site section of a typical building will be up on piers to avoid mass grading of the site for a slab on grade and will maximize stormwater infiltration on site through the use of permeable pavers and bioretention facilities. The water use is minimal. It's comparable on a yearly basis to just one or two single-family homes and for traffic safety. So Dudley Mountain

[05:25:43] Road is on average 18 feet width. We conducted a study that staff requested and we found it was between 16 and 20 feet and on average of 18. I believe that's included in the materials presented to the board. There is precedent through this rural rustic roads program for VDOT to allow roads up to 1500 vehicles per day in the same condition so they don't have to meet the roadway standards they have this precedent and reservoir road is one of them so county staff's opposition is based on the premise that substandard geometry of the road necessarily means that it's unsafe

[05:26:22] however the crash data which we have shared with staff shows 14 accidents over the stretch of Dudley Mountain Road in the past five years but 10 of which were at night the school use would be strictly during the day. Five of these were under the influence of alcohol, which is abnormal, and two were in snowy or icy conditions. So again, the school would not operate in these conditions.

[05:26:45] Only one was not related to alcohol, ice or snow, or darkness. We also looked at Reservoir Road, which has higher traffic, about 600 vehicles per day, and they had about seven accidents in the past five years that were not related to alcohol so it kind of it it tracks directly and then we looked at two examples of roads that that do meet the minimum standard width and do have center line striping and they still show the same number of accidents so we're not seeing that this is unsafe road and we looked at the intersection of old lynchburg as well so i can go on and on about that

[05:27:22] But our proposed increase on the road is actually only to 498 vehicles per day. This is because 80% are coming from Old Lynchburg Road, so you don't add the entire trip count to the existing.

[05:27:39] You add 80% of it, and then the other side only increases by the 20% of the trip counts. So, again, we can come back to this, but this is nowhere near the 1,500 vehicles per day precedent that VDOT has set. cbi has collected their own traffic data and they found that there will be less than two vehicles per minute in the peak hour drop-off and this is partially because they're going to enforce that families sign up for a drop-off time slot between in a 20-minute increment which will force the

[05:28:12] traffic to be spread out over an hour thank you all right thank you so i'm going to return it back to the board members for questions, and Supervisor Pruitt, you were first. Yes, so I'll begin with the

questions that I already asked, and I'll ask them now to the applicant.

[05:28:36] So there are several staff proposed requirements. I'm curious if y'all as the applicant are actually, they're both design and operations related ones, right? The design ones are things like the height, which we learned is actually duplicative with the rural area one required already but there's also operations i'm looking at like drop-off times when instruction begins are any of these things new are they things that y'all will have to develop any new plans around the hour-long drop-off is new because they found that people

[05:29:11] naturally stagger so we haven't had to or i'm speaking on behalf of cbi but we've discussed this They haven't had to have families sign up for these time slots, but we're willing to condition that as part of this to ensure that it remains spread out.

[05:29:29] Are the specifically prescribed hours of operations, are those consistent with what CBI is already doing or prepared to do? I just think operating an outdoor school is very different than walking a dog.

[05:29:44] but i know during the summer at least lately i would not walk my dog after 9 a.m right i would want to walk them before that um it's quite hot um and this is an outdoor school uh is this consistent with normal operations or would there need to be changes this is consistent with their hours of operation thank you um there and you mentioned it briefly in your presentation but i just want to make sure i have a raw student enrollment kind of picture um at the previous location at reservoir um were we looking at a lower enrollment than is being proposed here

[05:30:21] the their current so i'll have to ask jill maybe to answer specifically to at reservoir road but currently they're at maca and their current enrollment is 93 students and the maximum we're requesting is 144. And my understanding is that Forest School has grown pretty rapidly during COVID, right? Are there currently like lotteries, wait lists? Is there a demand that is built up? Hi, Jill Abbey-Clark. I'm the director of the school. At the moment, there are wait lists

[05:31:00] in the preschool, of course, because that is where the need is in our county. We started the school in 2020 we were downtown so the school was 70 children downtown we then expanded to 100 kids and we've ranged from 93 to 100 since then okay um there was discussion during your initial comments about um uh placing this in the context of um ongoing anti-semitism globally and locally um and you raised the the sense of security that this provides it is also not lost on me that

[05:31:38] this is in a rural area, and the rural area as part of the grand compact of our growth management policy has reduced police presence. Are y'all prepared for the implication that that creates?

[05:31:56] Are y'all prepared for, please talk to me about your security plan. Well, since 2017, we've been fairly versed in our security, and we do have security guards on campus, and so we are prepared for to continue that unfortunately all right uh supervisor galloway here we go mr galloway if you

[05:32:34] could repeat your comments please i was just saying that i'll wait till after we get through everybody and then i'll ask all my questions of the applicant after i hear from everybody thank you oh okay um supervisor lapisto currently uh yes you mentioned that you would have a 20-minute drop-off period is that because and it's kind of naturally occurring is that because people are late I was the school principal, so I know how this works.

[05:33:02] Yes, and currently we do it in 15 minutes. And people, naturally, there's a group that comes, you know, and we have the stats that we took on the school currently. And naturally, there's a group that comes early, there's a group that comes in the middle, and then there's always the group that comes late.

[05:33:21] And so to work with the neighbors, we are willing to spread this out into 20-minute intervals. So then you're really spreading out that car care. So that would be more formalized? It would be more formalized. It would have early care, which would make our parents really happy, which is fine.

[05:33:39] And so that, again, and then you'll have the... I see one, two, three, four, five. We've already got them right here. And, yeah, so you'll have 20 minutes, and you'll have the 20 minutes where we normally have a drop-off, and then those late people will now be normalized. So would anything...

[05:33:56] so would it are you starting earlier than 7 30 for those who like to really no no no no that'll be the no we'll start eight o'clock and we'll go to nine o'clock okay and the classes would start at nine o'clock nine o'clock okay so no one misses instruction no very important okay and you said you're amenable to a shuttle service we are amenable to a shuttle service the issue being as we were looking into it is that car seats, if 70% of our kids are under five, it's really tough

[05:34:32] to do a shuttle. However, as talking with the neighbors, when we, you know, let's say we offer a van shuttle, even taking, you know, five cars off the road, seven cars off the road, every car, I think it's a multi-layered plan to lessen these cars. So shuttle is a possibility if people are interested but as when we were talking to staff it's not a guarantee and so we didn't want to give that as a as a solution as a solution and also i noticed that you uh your because we have received emails from all over charlottesville i mean albemarle and charlottesville would your

[05:35:12] would the parents be amenable to setting up a carpool service absolutely when we've actually practice this when we were at Camp Holiday Trails. And so we had a lot of families who were carpooling at that time. Okay. And then if we could go to slide 20. Okay. Explain to me about the precedent for VDOT to allow similar roads for up to 1,500 vehicle VPD. Yes. So this is just an example. As

[05:35:48] we already spoke about, this road is not eligible for the Rural Rustic Roads Program, but it shows an example where roads of this same width are allowed to remain and be paved. And the stipulations are that it be limited growth, which the school would limit growth to 144 students. Another stipulation is that it be drivers who are familiar with the road, which the school would be, parents who drop their student or their kids off every day and then that the traffic of the road be under

[05:36:23] 1,500 vehicles per day. So it's not a standard, but it's an example of this happening. Reservoir Road was one. So I know you haven't planned this out, but I'm going to ask it anyway. Knowing that parents are willing to have a carpooling situation, knowing that you're going to have different drop-off periods uh 15 minute increments can is there as we're discussing going through here is there any way you can kind of figure out how many um trips that would actually

[05:36:58] give you and this is to assuage the concerns of you know so many cars on the road the so the total trips per day that that would give you based on counts from the school would be 460 total all day long and in the peak hour we're estimating a total of 183 and that's you know cars in and cars out total but a maximum of about 28 in each in each 20 minute increment so less than two vehicles per

[05:37:33] minute okay so 20 within a 15 minute period or 20 minute period yes and that's not counting car pulling. It would be nice if you had a really robust car pulling. Okay. Those are all my questions. Thank

you. All right. Supervisor Malik. Thank you very much, and thank you for all that you are doing, because early care is something we're all challenged with, that's for sure.

[05:38:04] So more, I guess, trying to answer the biggest concern. Did I understand you to say that your numbers already take into account the sibs in the cars so that you're counting it not just based on the 144 student possibility but family configuration as well okay so you're already doing that homework and the uh does pickup happen throughout the day for example i mean i understand they would perhaps some come but there may be some who come at 11 or depending on parents yeah no um pick up 60

[05:38:39] percent of our students get picked up at this point at 3 15 and then it staggers through till five o'clock so really there there are hot spots of the day there'll be you know the morning top period and then at 3 15 but it'll be again a much less number because we do offer aftercare and that changes semester to semester i expect how many in the various cohorts that you have yeah i mean it stays fairly people who need aftercare need aftercare and so that stays for the year. Okay. Yeah. Oh, it's around the year. So you run a summer program as well to help

[05:39:17] those guys. We also run a summer program. Yes, we do. And are you able to predict which way your families are driving when they come out? Are they going to Old Lynchburg Road or some larger percentage going to Red Hill? Right now, the larger percentage comes from Old Lynchburg Road from 64. However, there's been a lot of interest from people south of town who would, you know what the school was um in place they would be coming also from red hill so i think that will increase over time um but right now the majority come from 64 and old lynchburg road

[05:39:53] well with all the other questions that others have asked i think i'm squared away at the moment thank you very much supervisor andrews uh thank thank you uh most of my questions have been asked or i want to listen to what people have to say before going too much further but you did mention something about carpool services at Reservoir Road, and I just wanted to ask if you ever did any kind of traffic study counts, any estimation of what you were able to save at the Reservoir

[05:40:31] property when you did that? We did not do a traffic study at the time. We were just surviving. But, I mean, thinking back, I remember, you know, teachers were bringing kids from their neighborhoods to school um and people were you know it was it was a time that people were actually helping each other out um and so again it's something we know that can happen um if it's important to to the community we can make it happen thank you uh then just a little different direction uh you said you're currently using the maca site is that right yeah that is correct

[05:41:10] we're renting Macca. And just give me a little bit of a sense of what you do with the land. I know there's a lot there, but in terms of the scope of the land, you've got 15 acres that you intend to use here. I don't think the Macca is anywhere close to that. I'm not sure how much was available at the Reservoir Road, Camp Holiday Trails property. How much of this, how is this used. That was the land use. Yeah, and we also field trip to other park areas. A lot of it is

[05:41:44] exploration of going to the creeks and having children explore the creeks and looking at the life that lives there, you know, exploring the trees. During the springtime, there was a magnolia tree that brought many hours of joy as the blossoms were pink and then falling off, and then the children were taking them home and bringing them to eat. So, I mean, they're so, I could go on and on, and I know we don't have, we have a lot ahead of us, but it's experiential education. It's letting children be children. It's being outside. It's learning. You can read a book in a hammock,

[05:42:22] or you could read a book sitting in a chair. You can read a book, you know, sitting in the grass. So it's, you know, from 18 months when the children are learning how to use their bodies, They're traversing logs, and they're picking up rocks and talking about the butterflies. And that just expands as the children get older.

[05:42:41] And that's very helpful, but I guess I'll maybe rephrase this a little bit, that I'm looking at a forest school. I'm trying to understand, you know, there's land around schools in the development area that kids could go outside and explore, and there may be some other park nearby.

[05:42:59] But if you really want to look at this location, I'd like to understand what makes this so key to the educational mission. Well, we've been looking in this time of renting different spaces. We have been looking for a school that could be used in the development areas, and there just are none.

[05:43:21] So in order to be in nature, you have to go out to the rural areas. And I think, you know, we had a donation that doesn't, for anyone who ever runs schools, that doesn't come very often. And so it brought us to this property.

[05:43:39] You know, the children, I mean, believe it or not, we have, when we were at Camp Holiday Trails, our four-year-olds could hike over four miles a day. Like, really, it, talk about development of children and their bodies and their spirits. Like, it really makes a difference.

[05:43:55] So you have to, in order to run a forest school, you have to be in the forest. And unfortunately, they just don't, there's less and less in the city. Thank you. No other questions in a moment. All right. I'm going to circle back to Supervisor Galloway.

[05:44:14] Public comments are done, and then I'll ask my questions then. Okay. All right. Oh, go right ahead. Are you a year-round school? No, we run on a school year, and then the Congregation Beth Israel runs a summer camp.

[05:44:34] I'm sorry, repeat that. So we run a school from August until June, and then in the summertime, the synagogue then switches to, it's not the school, but now it is a camp. Okay, thank you. It's all under the auspices of Congregation Beth Israel.

[05:44:51] I'm just hopefully not there. Okay, thank you. All right. So at this time, Supervisor Lapisto currently will introduce the speakers from the public. Did you have any questions? No, I'm fine. I didn't have any questions. I'm good. a public who wish to speak, and I do want to thank you for raising your hand and not clapping.

[05:45:12] Thank you. You're welcome. Okay, we have, first of all, we have an unusual request. We have a group of eight. I'll call them the group of eight. Melanie Evans, if they can all come up. Melanie Evans, Brian Armstrong, Tim Wooster, Tate McCracken, Donna McCracken, Leo Zigley, If I pronounce that correctly, Micaiah, Micaiah Kemp and Michelin Hall, they are going to actually do a slide presentation, but each take their allotted three minutes.

[05:45:49] So we'll just start with Melanie Evans, correct? There you go. There it is. Okay. Good evening.

[05:46:04] My name is Melanie Evans, and I've been a proud resident of Dudley Mountain Road for 28 years. Four generations of my family live on the parcel of land directly adjacent to the proposed development site. First, I'd like to thank you for your service and for hearing from the people most affected.

[05:46:22] This presentation reflects the collective effort of Dudley Mountain Road neighbors. This isn't just about traffic or zoning. It's about protecting the place we call home. Our community has come together to speak with one voice. We've gathered data, signed petition, and counted cars.

[05:46:40] We care deeply about our neighborhood, its character, safety, and future. We appreciate the opportunity to share our concerns and respectfully ask that you take them seriously. I want to briefly highlight what's at stake with this special use permit.

[05:46:57] Dudley Mountain Road is approximately one mile outside of the designated growth area. This rural community includes 118 property owners and over 300 residents, families who have made long-term commitments to Albemarle County. Together, we contribute an estimated \$640,000 annually in property taxes, a stable, ongoing revenue stream for the county's general fund.

[05:47:21] This is not temporary income. It's a long-term financial anchor, and it comes from a community that is deeply invested in this county and unequivocally opposed to this permit. There is strong opposition to this project. 581 people have signed a petition, and 87 opposition signs are posted throughout the area.

[05:47:43] This is a clear, unified message from residents. County planning staff recommended denial after extensive review. Their report clearly states staff have significant concerns regarding the existing conditions of Deadly Mountain Road, and if the proposal were to be approved, it would contribute to those existing unsafe conditions.

[05:48:03] Two planning commission members, Mr. Claiborne and Mr. Murray, also voted to deny, citing serious safety issues. VDOT has raised similar concerns about traffic impact and infrastructure strain. In his closing statements, Planning Commission member Mr. Bivens said the road was, quote, notoriously dangerous and that he had doubt approving it, end quote.

[05:48:25] He said he could not support adding a high number of drivers to a road like that, then seconds later inexplicably approved the plan. Finally, our Planning Commission representative, Ms. Firehawk, was absent during that meeting, meaning Arab District, had no voice in a critical decision.

[05:48:42] Given the public opposition, staff, county's recommendation, and serious traffic and safety concerns, this permit should be denied. Next we have Brian Armstrong. Hi, Brian Armstrong, also Dudley Mountain Road.

[05:48:59] The county's comprehensive plan is explicit. Any development requiring a special use permit must be suitable for existing rural roads and must result in little discernible difference in traffic patterns. The proposal indisputably fails to meet that standard.

[05:49:20] Dudley Mountain Road already falls short of VDOT's minimum requirements for a rural road serving fewer than 400 vehicles a day. Any significant increase in traffic is a red flag. Not just a planning concern, but a safety concern with potentially catastrophic consequences.

[05:49:41] This VDOT letter from April 29th, addressed to Sid Schoaf, says the project will move Dudley Mountain Road to the 400 to 2,000 trips per day requirement in the road design manual.

[05:50:00] This requires a minimum pavement width, minimum, of 20 feet. At my driveway, it's 16 feet. The stopping site distance of 305 feet with the hills and curves. There aren't many places you get this.

[05:50:18] there's a minimum shoulder of three feet for this standard there is no shoulder even the county's planning staff their own final report acknowledges this on page five it states the increase in traffic on dudley mountain road will have a significant impact on the number of vehicles that use dudley mountain road that will change the character of the adjacent parcels and nearby area this isn't a minor traffic adjustment. It's a fundamental transformation of a rural corridor that simply

[05:50:57] is not built for the scale of this use. Page seven of the same report also raises the safety issue you've seen discussed about the Old Lynchburg Road-Dudley Mountain interchange. In short, the county's own standards, data, and staff analysis point to a clear conclusion. Dudley Mountain Road is not equipped to handle this development safely or sustainably. Schools and religious organizations create some of the worst traffic patterns. The residents of Dudley Mountain

[05:51:31] Road are not opposed to all development, but we ask it respect the standards in place to protect our safety, the character and livability of the rural communities like ours. This proposal clearly does not. Please vote no. Thank you. Next we have Tim Wooster. Thank you. My name is Timothy Wooster I'm gonna speak about these numbers again so I apologize for any redundancy the slide reflects the previous numbers that were submitted by the applicant according to the applicants new projections the proposed

[05:52:09] special use permit would add 460 vehicle trips per day to Dudley Mountain Road to put that in perspective in 2018 V dot recorded just 130 vehicles per day that means the total daily traffic would rise to 590 vehicles a more than four four-fold increase on a rural road that was never designed to handle this volume. This isn't a small shift. It's a fundamental transformation on both the road's character and capacity. What has long been a quiet rural roadway would become overwhelmed with traffic. VDOT has raised serious concerns about the safety risks of the strain of this level of traffic would place on the road and its

[05:52:48] infrastructure. I've had several conversations with VDOT personally, and I quote, if the board of supervisors approves the proposal in question, they are doing so knowing that VDOT has made it clear that our road is inadequate for this kind of development. It's clear Dudley Mountain Road cannot safely or sustainably handle the demands that this development would create. Okay, we think it's absurd that we're making a decision tonight based off of a count from 2018. Absurd. So we as

[05:53:23] community took action since the applicant or the county did not. On Tuesday, July 1st, we conducted a community-led traffic count over a 15-hour period from 6 a.m. to 9 p.m. and recorded 591 vehicle trips, 84 of which were large vehicles. That's already a 4.5-fold increase from the 2018 VDOT figure, and it's important to note that this was during summer break when the school-related traffic is typically at its lowest. Now, if you add the applicant's new projection of 460 trips,

[05:54:00] traffic would rise to nearly 1,050 vehicles per day, almost eight times the 2018 level, and nearly double what we're already seeing now. So while traffic has already grown significantly on its own, this proposal would drastically accelerate this trend, pushing the road far beyond its safe limits this shows something critical the traffic problem isn't hypothetical it's real and it's here and if this permit is approved it will become much worse the numbers tell a clear and urgent story and we

[05:54:37] respectfully ask that you take them seriously and act to protect the safety the quality of life and the future of our beautiful and peaceful community of Dudley Mountain Road thank you next we have Tate McCracken Tate McCracken 1685 Deadly Mountain Road. This noted increase in traffic on Deadly Mountain Road isn't just a statistic. It's a serious threat to public safety. More cars mean more conflict

points, and more conflict points mean more crashes, rear ends, side swipes, and worse. The road was never

[05:55:17] designed for this high volume, and as congestion grows, so does the chaos. But the danger isn't just to drivers. It's especially serious for our more vulnerable road users, pedestrians and cyclists. Dudley Mountain Road, Old Lynchburg Road, and Red Hill Road are narrow, winding rural roads. No shoulders, no sidewalks, no bike lanes, and very poor visibility on some areas.

[05:55:46] There is no margin for error. And yet, these roads are a key part of our area's recreational cycling network. Cyclists use them daily, not just on weekends. Group rides of 10 to 20 cyclists are common. Popular routes like the Fontaine Riders Choice and the Red Hill Sunday Loop depend on low traffic conditions to stay safe. During our Tuesday, July 1 traffic count, we recorded 13 cyclists on Dudley Mountain Road in just one day. This isn't just about inconvenience, it's about

[05:56:21] our lives. The added traffic the proposal will bring doesn't just increase the frequency of conflicts, it increases their likelihood and severity. And on roads like these, a serious injury or fatality isn't a matter of if, it's when. As some of you know, I am a firefighter medic with the county. I've responded to multiple accidents in this area, and it all includes motor vehicle

[05:56:49] crashes, bicyclists, and pedestrians, along with motorcyclists. The areas that I've noted, When we're at the station, Dudley Mountain Road, Supervisor Malek's Road, and other roads in the county are some of the roads that we are extra nervous to respond to.

[05:57:15] A lot of times our response times are decreased by traffic crossing. So trying to get to the call is a difficulty with our fire engines and medics. We urge you, do not let this happen.

[05:57:31] Please consider the real human cost. safety must be first. Thank you. Next we have Donna McCracken. Hi, I'm Donna McCracken. I live at the same residence as Tate McCracken on Dudley Mountain Road. It is obvious that Dudley Mountain Road is not suitable for the increased traffic generated by the proposed special use permit.

[05:58:00] At the May 13th planning commission hearing, Mr. McDermott stated that, quote, the county would need to invest a substantial amount of funding into significant widening, end quote. He said that the property on both sides of the road was a prescriptive right of way, which meant that acquiring the necessary right of way from the property owners would be a costly and complex process. We also believe many neighbors will not be agreeable to selling their property for a

[05:58:34] variety of reasons. Mr. Moore, who voted in favor of this project, said that infrastructure was certainly needed and they were limited due to the underfunded infrastructure. He said he wishes they could stipulate that the roads be fixed in addition to the school being built, but they could not control that. Mr. Moore voted to approve the plan before ensuring the roads were suitable for the increase in traffic. As a taxpayer and resident on this road, I request that prior to approving

[05:59:12] this permit, the county secures, oh, I forgot the, sorry, the county secures the necessary road improvements to meet VDOT standards for the average daily traffic on the entirety of Dudley Mountain Road. The safety of all drivers on this road should be a fundamental priority for the Board of Supervisors. I've been in my property for a year, and I still go, whoo, when I try to make my car get really skinny when I'm just passing someone on the road. You know, and it's a bit

[05:59:50] scary, and that's the way the road is now. No shoulder, no place to pull over. You might go into a ditch. So I just want to let you guys know that. Next we have Leo Zigley. Yes, please correct my pronunciation thank you and I just want to ask are you having trouble with your presentation yes forward oh I think we can click the okay yes we found it there you go okay that's good yes so my name is Leonid Jigli and my family

[06:00:27] have been living on Dudley Mountain Road right next to the site of the proposed development for more than 20 years and I would like to attract your attention to the conflict between the proposed development and the key approval criteria outlined in Albemarle County Comprehensive Plan, particularly on the scale and character of the development.

[06:00:50] So the proposal highlights that the forest school will limit all developments of the large parcel to a small 15-acre tract and will put the rest of the parcel into conservation easement. However, most of the parcel is not suitable for the development in any case.

[06:01:08] A large part of the development is designated as mountain protection area. Other areas are designated as water protection buffers and critical slopes. And if you add all this together, we see that actually the only area that is suitable for the development is this 15-acre tract that was mentioned in the proposal.

[06:01:33] So now if we zoom in to this area, we see that proposal claims that they will have a minimum impact on the natural environment.

[06:01:48] However, when we look at what is actually proposed, we will see a high-intensity city-style use that is clearly not compatible with the character of the surrounding community, which is quiet, rural, and residential.

[06:02:06] We see a dense network of driveways and walkways, many buildings. Some of these buildings actually are significantly higher, several times larger in size than anything else you can find in the neighborhood. We also see three parking lots, and even these are unlikely to be sufficient for the 200 participants that are proposed for the weekend events with this proposal.

[06:02:35] We can contrast this picture with four residential homes shown on the right side of the slide, which is the maximum number allowable under current division rights for this parcel. This slide illustrates the stark difference between the potential impact of the special use permit and the existing division rights.

[06:02:56] So I want to ask the board members to take into consideration the severe, negative, and irreversible impact the approval of this proposal will have on the whole neighborhood of Dudley Mountain Road. Thank you. Thank you. Next we have Makai Kemp.

[06:03:15] Good evening, Micah Kemp. I live at 1948 Dudley Mountain Road. appreciate what the applicant has done in advancing this conversation from what was originally presented to us as community members, I think it was back in December-ish time frame, to what it is now. I think, you know, I don't think our community is opposed to the school, and we are certainly not opposed to their religious affiliation by any means. This really is about a concern for our safety, our well-being, and what our community is. You know, I came up prepared to talk about what was talked about in the planning commission which was a lot of false narrative honestly

[06:03:54] talking about the potential development alternatives that you see here you know there was a lot of talk about you know this is it could be a brewery it could be a winery it could be a subdivision but really focusing on what this is and I think that's key to this case and for your consideration tonight this is a school in an area that there are no other institutional uses there's nowhere else there are lights up there's nowhere else where there are paved areas I know that's part of the special exceptions. There's no driveways. There's nowhere else that's generating this amount of traffic except for the quarry down the street, which we all pull way off the road to avoid when they come down our road, and they certainly do at speed. Second, this is a private

[06:04:33] school. There is no guaranteed benefit to us as a public. It sounds like a great school. I've got a little one I've talked about who I walk down the street with. She's a month old. We pull off the road when we see cars coming simply because it's not safe. I love to send her to this school if it does end up. And so one thing I would add is if you do end up approving this, please take our concerns very seriously and do not let the conversation end here with letting this application go through and not doing something to address the safety concerns. It is a very real and viable danger to anybody that wants to be on this road, whether they live here, whether they walk there or

[06:05:11] bike there. It is a very real concern. You know, the zoning and land use issues are very relevant for some of my neighbors that are adjacent to the parcels, things like hunting rights and those things. I don't think that's going to be part of what drives your decision today.

[06:05:27] I do think something that has kind of gone under the radar is what was initially pitched to us as a multipurpose sort of events building in earlier iterations of the application are now a religious assembly building. And I don't think there's any purposeful dishonesty about that, but we know that a religious assembly is a by-right use.

[06:05:46] Meanwhile, the event center, in which we think that this would effectively be an event center, is also going to create a significant amount of traffic, a significant amount of institutional use that our road simply can't handle and is very much against the character of what we all enjoy on a daily basis. So with that, I'm going to turn it over to the rest of our folks.

[06:06:05] You kind of heard everything. Please vote with what you actually see here on the application today and not what the Planning Commission really talked about, but really that this is a safety concern for us and for the students that might be on our road. Thank you. Thank you. Next, we have Michelin Hall.

[06:06:23] Hello. My name is Michelin Hall. I live at 1931 Dudley Mountain Road. I want to address a critical misconception. How do I do this? Over here. There we go.

[06:06:41] Thank you. A critical misconception surrounding the proposal, the idea that the conservation easement protects the site. There is no conservation easement in place, as noted earlier, and more importantly, there is no documented progress toward securing one.

[06:07:00] The county should not compel or condition approval of this proposal on the promise of some future easement because it simply does not exist. What has been offered instead is a vague conceptual easement, a plan that would only cover areas already protected by existing mountain protection areas, critical slope, and riparian buffer regulations.

[06:07:19] Meanwhile, the proposal includes significant human activity, construction, parking, increased water use, light pollution, and extremely heavy vehicular traffic. These factors will inevitably have a

negative environmental impact on both the parcel itself and our surrounding rural area.

[06:07:36] So I ask you, if the people who live here, the professional staff, your staff, who work every day to serve the county and the agencies charged with safeguarding our infrastructure are all united in opposition, what signal does the county send if they choose to ignore them?

[06:07:56] VDOT and staff concerns remain critical. This proposal will greatly increase daily traffic on a road already known for safety issues. And let's not be misled by the label forest school. While it may sound low impact, the actual application shows a much larger, more intensive use than the name suggests. We need to judge this based on the facts, not the label. Tonight, I urge you to deny the special use permit as it fundamentally conflicts with the goals of the rural area land use plan and violates zoning precedent. However, if the commission is not prepared to deny the permit

[06:08:32] tonight, I strongly recommend a postponement until key requirements are fulfilled, including one, a full finalized completed VDOT traffic analysis and site distance review. Two, a road infrastructure plan including concrete funding commitments from CBI, the county, and VDOT.

[06:08:53] And three, assigned legally binding conservation easement. Approval without these requirements is simply not responsible governance. And finally, if the permit is approved, it must be subject to strict conditions. Number one, an enrollment limit to 50 children maximum.

[06:09:10] And number two, the elimination of any multi-purpose religious assembly building. Its inclusion pushes this development well beyond what local roads can support and triggers a VDOT threshold for major improvements that they cannot afford. In short, this proposal is premature at best, oversized, and out of step with our rural.

[06:09:31] If you'll give the remainder of your remarks to the board clerk. Yes, sir. Next, we have Melissa Cohen, Tom Gutha, and Richard Fox. If those three could come down, sit in the front, and we'll have Melissa's first, Tom, and then Richard.

[06:09:54] And I was just going to say, there are seats right there. Yeah, there are seats right up front. That's great. Okay, Melissa Cohen. I'm in the Scottsville District. Good evening. I'm excited and honored to talk to you today about CBI Forest School. I appreciate your time. I've been an Albemarle County resident for 18 years and currently live in the Foxcroft community. I am currently the board president of CBI, work at a local non-profit for kids and families, and most importantly, am the mother of a student at Monticello High School, as well as a recent graduate of the CBI forest school my son has attended cbi forest school since its formation so i can attest to

[06:10:32] all of the incredible aspects of the school many of which you have heard or will hear about today the school is a wonderful gift to our community allowing kids to be in the heart of nature with small classroom sizes tailored to what each individual child needs the school has strongly supported my son and our family and i am so grateful to be part of this community in my a professional world, I see the real effects of a child care crisis. There is significant lack of high-quality child care in our community. Starting and maintaining a center is extremely expensive and difficult. Rent is so expensive, partly because only 5% of land in Albemarle County is zoned by

[06:11:12] Wright for child care centers. In the remaining 95%, a special use permit is required, which adds additional time and cost to an already complex process. Staffing is also extremely challenging, and we know that early childhood system does not have a lot of resources.

[06:11:28] There are only 26 preschools and 28 child care centers in Alamorale County. This is not a lot, especially to serve our growing population. I strongly believe that CBI Forest School Project represents a vital investment in our community's future and addresses a clear and growing need for high-quality, accessible educational spaces for our children.

[06:11:50] With the population in Alamorale County growing, The problem will only get worse and not better if we don't prioritize approving early child care projects. Many families do not want a long commute for child care. The child care community and economic development sector share common goals.

[06:12:06] Specifically, both are working to create and sustain healthy, thriving communities. The approval of this project will contribute to Albemarle's economic development, improve access to high-quality child care and education, and create a school that is nurturing, loving, and supportive of future generations.

[06:12:24] I urge you to consider all these aspects when making your decision today. Again, I appreciate your time. Thank you. Let's take a minute, and here comes Abby. I was going to ask to take the presentation down. Thank you. Okay. That's good. At least you know how to do it. I don't. Thank you.

[06:12:44] Next, we have Tom Gutherst. Gutherst. Okay. Thank you. My name is Rabbi Tom Gutherst. I'm a 20-year resident of Albemarle County, and I live in the Jack Jewett District, and I also serve as a senior rabbi of Congregation Beth Israel, the only synagogue in the Charlottesville area and the longest continuously operating synagogue in Virginia.

[06:13:11] Our Jewish community has been part of this region even before the synagogue was built in 1881. I want to thank you all on the Board of Supervisors and the county staff and everyone who's here tonight. And we're grateful for your service, for the thoughtful attention you've given to the application, which the Planning Commission voted to recommend for approval.

[06:13:34] You have received many heartfelt letters. I saw that pile. And as a person who receives a lot of emails myself, I give you all credit for reading them well and taking them into consideration. from our families and teachers and supporters, many of whom are here tonight.

[06:13:51] If you're here to support the project, will you please raise your hand? You'll hear from a few of our community members tonight, but many more are here to support, and if each of them could speak, hear some of what they might say. You'd hear about children who flourished in an outdoor setting, becoming more confident and curious and resilient.

[06:14:14] You'd feel families who feel supported and welcomed, And Jewish families for whom this is the only Jewish school in the region, essentially to sustaining Jewish life in central Virginia. You'd hear about a low-impact, conservation-focused project on 155 acres with a planned conservation easement, reforestation already underway, and students who are taught not just to learn in nature but to care for it.

[06:14:44] And you'd hear about a community that has shown a willingness to listen and to adapt, already offering some traffic solutions and deeply committed to being responsible neighbors. We have also hosted two meet-and-greet events for our Dudley Mountain neighbors.

[06:15:03] While turnout was modest, the conversations were meaningful, and we made some real connections and also learned that opinions are more varied than they may appear on the surface. Supervisors, this is not just a permit application, but it's the future of our school, a once-in-a-generation

opportunity to build on donated land that was given for the good of children and the environment and the community.

[06:15:31] We ask you to see the full picture. What's at stake is not only a school, but a unique and precious model of learning and a commitment to stewardship and community that benefits Albemarle County far beyond our own.

[06:15:48] Thank you. Thank you. And next we have Richard Fox. Let me try again. Richard Fox, Jack Chewitt.

[06:16:06] Good evening, members of the board, and thank you for allowing us to speak on behalf of the agenda tonight. My name is Richard Fox, and I'm a lifelong county resident and proud parent of three young boys. I'm a firm believer of religious freedom and a strong proponent of alternative education. Shutting our children out from learning during COVID taught us this.

[06:16:23] I'm here tonight to speak in favor of approving the special use permit for the Congregation Beth Israel Forest School. What better place for an outdoor school than the rural area, and CBI is going above and beyond by placing 130-plus acres in a conservation easement. This area lacks outdoor education opportunities, and the Forest School is an excellent fit to fill that void.

[06:16:44] Our family owns and operates Roslyn Farm and Vineyard, as well as running a 300-plus head Angus cattle operation all within the county. We see firsthand every day how the outdoor experience not only is conducive to learning, but makes learning fun an enjoyable experience for the students.

[06:16:59] The proposed location couldn't be better with its proximity to Walnut Creek Park as well as the soon-to-be-developed Biscuit Run Park. There are already schools in the area. However, if the roads don't already meet the standards necessary for rural roads, then the county needs to work with VDOT regardless to bring these roads into compliance.

[06:17:16] For the safety of all county residents, no county road should be out of compliance. CVI plans to mitigate traffic concerns by staggering drop-off and pick-up times. The Planning Commission has recommended the approval of the special use permit. Not only does the school provide the benefits of outdoor learning, but also the benefits of a religious-based curriculum.

[06:17:35] CBI 4 School is the only synagogue-based school in the area, providing education opportunities for our Jewish brothers and sisters. I myself am the product of a religious-based curriculum and graduated from the Covenant School in 2008, where carpooling and siblings in one vehicle cut down daily vehicular trips drastically.

[06:17:51] I urge you all to consider the overarching positives to the CBI 4 School in your decision-making process and urge you to support the special use permit. It would be a travesty for the area to lose out on this great alternative learning experience and for our local Jewish community to feel as if they have no options in the education of their children.

[06:18:08] Thank you again, and I hope you support the special use permit. With my remaining time, Diantha, we haven't always agreed on things, but you poured your heart and soul into serving the Jack Jewett District, and I wish you the best of luck in your next endeavors. Thank you. Thank you, Richard. Yes, ma'am. Thank you.

[06:18:24] Okay, next we have Richard Monshine, Emmanuel Lodau, and Ethan Baker.

[06:18:43] Honorable members of the Board of Supervisors. There you go. Even higher, and I'll do this. We need to raise the podium for you. Honorable members of the Board of Supervisors, my name is Andrew Monshine. She's going to raise it for you. There you go. Okay.

[06:18:59] Your time will start over. Oh, okay. Thank you. All right. This worked great. Okay. Honorable members of the Board of Supervisors, my name is Andrew Monshine. I speak in support of the Special Use Permit. I'm a member of Congregation Beth Israel, and my youngest child attended CBI Forest School for four years while it was located at Camp Holiday Trails.

[06:19:20] I'm also a transportation planner certified by the American Institute of Certified Planners and an associate professor of urban and environmental planning at the university. I speak as a member of the CBI community, but my perspective is shaped by my experience as a transportation planner and educator. I deeply respect the expertise and attention that the county's planners have given to this application. And of course, safety and well-being of all users of the road is of paramount importance. I would suggest that the approach to traffic counts and

[06:19:55] crash data does obscure the picture as you've already heard and it misses the forest for the trees the crash data is the case in point you've already heard that all but one of the crashes on Dudley Mountain Road that have been that have been recorded in the past five years either occurred at night or a DUI over in snow and ice conditions that makes a tremendous difference in this type of situation of course parents driving to school would fit none of those conditions the increase in traffic will be concentrated again as you heard

[06:20:34] at specific times of day and these are not winery goers these are not truck drivers or cut through drivers what matters most on a road like Dudley Mountain is that drivers are alert and mindful of their surroundings this is a driver behavior issue it is not a traffic volume issue in fact research on traffic and safety shows that concentration of traffic at specific times of day leads to slowing down slowing down drivers in fact posted speed limits don't do that as we know but this does as you have already heard risks on Dudley Mountain Road can still be reduced by establishing clear

[06:21:11] practices for how the road will be used to reduce potential conflicts and considering a host of low-cost interventions that we've already heard are possible even at the intersection. These types of interventions can keep the road safe while maintaining the character of Dudley Mountain Road. I believe that the Forest School has presented the county with well-considered options for addressing traffic on Dudley Mountain Road, and these will have demonstrable benefits for safety, as well as allowing a truly unique school with no existing parallel in the region to support its community and the county. Thank you for your time. Thank you.

[06:21:48] Thank you. Next we have Manuel Lerda. Thank you. A little shorter than he was. Thank you very much, members of the Board of Supervisors. My name is Manuel Lerda, and I did email you recently a longer version of these comments with more details on what I'm about to say.

[06:22:13] I'm here tonight to share my assessment as a professional ecologist and environmental scientist currently employed by the University of Virginia on the environmental impact of turning the Dudley Mountain property into a religious school. I speak tonight as a local citizen with extensive professional experience.

[06:22:32] Jill Abbey-Clark asked me to evaluate the special use permit proposal because I have worked in mid-Atlantic forests for roughly the last 30 years and in Virginia forests since I arrived here in 2007. I previously served on the Albemarle County Natural Heritage Committee, the Charlottesville Tree Commission, and I helped found the Blue Ridge Prism.

[06:22:51] I last spoke to you, and I don't recall actually any names and faces from that time, when there was consideration of opening up Ragged Mountain to mountain bikes, and I performed a similar evaluation and recommended against doing so.

[06:23:08] In short, my comments on the ecological and environmental aspects of this proposal are very congruent with that of the planning staff. This will be largely a very positive event for Albemarle County, and my thoughts on the impacts and suggestions can be summarized in four points.

[06:23:31] One, by placing the buildings in the already most heavily impacted area, Area B, the marginal effect of these buildings will be very small. Areas A and C, the large mountainous area on the north, and then the riparian area to the south will be protected, and that will be essential.

[06:23:48] Invasive species are one of the major threats in terms of ecological threats that Albemarle County currently faces, and the plans to control invasive species in Area B, where they are worst, will do help that tremendously. I do think that the plan would benefit from having a formal deer management proposal.

[06:24:09] Deer are a major impediment to ecosystem integrity, and I think future collaborative efforts to develop a management plan would be very good. Finally, let me thank the Board of Supervisors for this opportunity and for taking the time over an extended course this evening to hear us all out.

[06:24:27] Thank you. Thank you. Ethan Baker. Abby, can you please help me? He needs it lowered, yes. Hello, my name is Ethan Baker.

[06:24:49] I'm nine years old, and I graduated from CBI Forest School at the end of the last school year. I'm here today because I care a lot about my school, and I want to tell you why it's special to me, and why I hope you let this school move to the new land that was donated to us.

[06:25:07] At my school, we learn outside almost all the time. We learn about trees, plants, animals, and how to take care of nature and our friends. We also learn Jewish stories and traditions, and we celebrate our holidays together.

[06:25:22] It's fun, and it makes me feel connected to my friends and to the earth. Sometimes, we build things like forts and fairy houses. We look for animal tracks, and we listen to the birds. I've learned how to work together with other kids, even how to be kind.

[06:25:42] I am excited to take everything I've learned with me to public school this year. The new land would give us more space to learn and play safely. Right now, we don't have enough room, and sometimes we have to share space with others.

[06:26:01] Having our own place would help us take care of the land and learning in the forest the way we love to. Please help our school have a home where kids can keep growing and learning. Thank you very much for listening to me today. Thank you. Thank you.

[06:26:17] Well done. And on that note, I've had a request from a board member. We've been here for a long time, and we're going to take a quick break so that we can have a bathroom break, to be perfectly

honest with you, if that works. Do I hear any objections? I'm going to call us back to order, please, if everyone can have their seats.

[06:26:45] Our next three people will be Becky Pilopowski, Leah Baker, and Aaron Lefkowitz. And while they come up, I want to just say that I appreciate the break. And given the line in the ladies' room, it was well-deserved.

[06:27:02] All right. So the next three people, do you need to call them again? We have three? I guess we do. I think we're good. Okay, we're good. There you go. Becky, Leah, Aaron. Good evening. My name is Rebecca Pilipowski. I am from the Pantops area, so the Rivana District, and I am speaking in support of the CPI Forest School Project. I speak on behalf of my community, my students, both present and former. I speak on behalf of my former youth group students

[06:27:36] and the amazing congregation behind me. I meant to talk about the road, but I'm really going to talk instead about community and about the curriculum that we are so fortunate to have. The people behind me have been in my life for the last 10 years that I've been living in Charlottesville, and they have rallied behind me in times of need, in times of success, and of times where I really just needed somebody to lean on.

[06:28:04] We are a community that shows up strong not just for each other, but for the community at large. Being a Jewish community, we are no stranger to the hardships that others experience, and we welcome others with open arms. When I think about my experience at the Forest School, I have had students come from the very beginning when they started as 18-month-olds down at the CBI location on the synagogue, and I've had students come to me in third or fourth grade for the first time.

[06:28:34] Regardless of when they came to us, we have welcomed them in, and it doesn't matter if they are Jewish or not, they are part of our community. I know that Jill and the other members of the board and our admin have reached out to the Dudley Mountain community and will continue to work with them should this project be approved to ensure that everybody is feeling that they are being mutually benefited.

[06:28:57] What I also want to talk about is the curriculum and what the benefit has been for our students. I have had the privilege of teaching the Oak class, which is the third and fourth grade students. They leave me, they leave this community, ready to go in the public schools, the private schools, and wherever else their lives take them.

[06:29:17] I feel incredibly fortunate to give them a curriculum that is both forest-based and also prepares them to be at the tops of their classes in the Albemarle County, Charlottesville City, and private schools that they go off to next.

[06:29:33] they are critical thinkers they are compassionate they are kind and they have the skills that they need to bring the future that we need from every single one of them i hold my daughter here tonight i also have in my heart with me my son at home who has been at this community for the past three years and will be in pre-k this year i feel so confident knowing that these two children and the children behind me and their families have this community to continue to go with them. Thank you

[06:30:05] so much for your time this evening. We appreciate you. Thank you. Aaron Lefkowitz. Good evening, members of the board. My name is Aaron Lefkowitz, and I'm here tonight to speak in strong support of CBI Forest School. I began my journey with CBI as a wild, mischievous three-year-old in their preschool program. I was the kind of kid who tested every teacher's patience, but somehow

[06:30:43] the people at CBI always had a smile waiting for me each morning. Through the years, I grew up in this community, and I went through the religious school program, eventually becoming what we call a madrig, who is just a high schooler who pretends to help the teachers out. I also spent every summer attending, then eventually working at Camp CBI, now known as CBI Forest School. After I aged out of attending as a camper, I started as a counselor in training for the preschool, then became a

[06:31:21] counselor, and now have become a mentor and teacher. CBI and Forest School have truly become my second home. To be part of a community that quite literally helped raise me is something I will never take for granted. This is a place that showed me compassion when I was late for work and gently taught me what it means to truly show up for a job, for people, and for a community.

[06:31:47] I've watched this community show up for each other countless times, no matter the circumstance. CBI Forest School is a community that is so special and so unique that families are willing to travel from hours away just to be a part of it.

[06:32:04] I'm speaking tonight because I know firsthand what CBI Forest School can do for children, for families, teachers, and our community as a whole. For me, tonight's decision isn't just about land use.

[06:32:20] It's about making space to grow the next generation of compassionate, curious, and connected kids in an environment grounded and belonging. Thank you for considering what this means for CBI Forest School and the future of our children.

[06:32:37] Thank you. Leah Baker. Good evening. My name is Leah Baker, and I am a member of Admiral County in the Whitehall District. I am a teacher and also a parent of the students at CBI Forest School.

[06:32:58] I've had the rare experience of seeing this school from every angle, guiding our school's tiniest learners as their teacher, and watching my own children flourish there as they've grown through the grades. One of my sons, a CBI Forest School graduate of two years ago, is preparing now to enter sixth grade at Henley Middle School, and my younger son and a most recent CBI Forest School graduate is planning to follow in his brother's footsteps and begin school this year at Crozet Elementary.

[06:33:25] Both of my sons have ADHD, and both of my sons are thriving anyway. You see, forest school learning supports all kinds of brains, and it's a special method of education that isn't widely available. We've been so lucky to experience this school together as a family, and our wish is for others to have the chance to do the same.

[06:33:43] Studies show that outdoor education improves focus, reduces stress, and significantly boosts academic outcomes, especially for young children, and especially in the face of modern times where technology and a seat at a desk is often the prioritized method of teaching.

[06:34:00] But beyond the research, I see evidence every day in muddy boots, joyful laughter, and the way our students look one another in the eye when they speak. These four school kids are deep thinkers, resilient, confident, and they genuinely care about others and our earth.

[06:34:16] Our school is a huge success academically as well, as our students are thriving both in our school, but also once they transition out of it. They've had the beautiful opportunity to grow within a community of people who love and support them at every step of the way and will truly be there for them even after they outgrow our classes. This is what CBI Forest School is about, and that is what makes the experience that this school provides so special. We've all heard the commonly uttered line that it takes a

village to raise children. Well, it's true, and this beautiful group of people are our village, and we want to be able to share that village with others

[06:34:53] too. Our established school is at a crossroads now and we're facing the demolition of our current space and we'll need somewhere to move forward. Without your approval, all these families, the Jewish community, and our town will lose this very special place. And for this reason, I ask you to please approve the special use permit for CBI Forest School today. Thank you. Thank you. The next three marianne sullivan carrie heilman ruth and ruth ellen outlaw would those three please come

[06:35:27] down i've only seen two maybe you need to call them again marianne sullivan will be up first then carrie heilman and ruth ellen outlaw okay we have all right so is marianne sullivan here marianne sullivan no okay carrie heilman thank you good evening members of the board

[06:36:02] My name is Keri Heilman. I'm a lifelong Albemarle County resident, and I'm in the Whitehall District. I'm a pediatric occupational therapist with a private practice here in Charlottesville, and I have experience supporting the children and families across this community for over two decades.

[06:36:24] I'm here today to speak in strong support for the CBI Forest School, not just in theory, but because I have personally witnessed how life-changing it has been for many families. Over 60% of the families and the children that I treat attend private schools in this area, which speaks to the need for more schools that offer alternative types of education.

[06:36:52] I've worked with students who, in traditional settings, struggled with anxiety, regulation, connection, and confidence. but at the Forest School, they began to thrive. They were seen and heard, they were met where they were, and they were empowered to grow in ways that simply weren't possible before.

[06:37:12] I have seen hopeless families find hope again in the Forest School. Over the past two and a half years, I have also worked along a non-profit local organization to start a school that supported kids with neurodiversities. We believed so strongly in creating a space where children could learn and develop in a nature-rich and therapeutic environment. But despite our passion, we ran into countless barriers such as zoning, funding, licensing, and it became clear just how hard it is to make something like this happen. And that's why I feel it's so critical that we

[06:37:52] protect and support schools like the Forest School that are already thriving and have built a place where students with unique needs can truly belong and succeed. Now they just need a permanent location where their students can continue to thrive and grow please don't let this vital resource slip through our fingers the cbi forest school is not just a school it's a lifeline in a community for so many families and it deserves your full support i thank you all for

[06:38:23] your dedicated service thank you thank you ruth ellen outlaw followed by mark andrews good evening My name is Ruth Ellen Outlaw. I was born and raised in Albemarle County, and my husband and I have owned property on Old Lynchburg Road since 1988 and most recently bought a piece on Sweet Hollow Lane off of Dudley Mountain Road.

[06:38:56] I am in the Samuel Miller District. I've been opposed to the Forest School project with safety and traffic as my primary concerns. The photos presented by the eight are a great representation of the situation that is in front of my house every day.

[06:39:21] I was dismayed that the school did little community outreach until recently, despite the proliferation of the yellow no school signs on many properties. However, my thinking has evolved. Those concerns haven't gone away, but I now support the forest school being built on the Dudley Mountain Road site.

[06:39:39] As I've learned more about the school, I've come to realize that its purpose is a vital one. Immersing the next generation in a natural learning environment to grow respect and understanding of the natural world is crucial, especially now. With the donation of this property, we have a rare and unique opportunity to help this school make a profound difference in our community.

[06:40:04] Indeed, how could a forest school not be in a rural area? I believe that the school will maintain, albeit indirectly and over the long term, what myself and my neighbors value about living here and what has been a primary concern about the project, the preservation of our natural rural environment.

[06:40:24] We like quiet. We like mountains. We like green. We like wildlife. We like having private wells, and we like not needing curtains on our windows. The school has put in much work to come up with a well-considered environmentally sensitive project.

[06:40:44] I want to better understand some details, what the school's entrance off Dudley Mountain Road will look like, for example, but it seems worth it to carve out a relatively small area that, once the red dirt sprouts green again, will have the profound impact of teaching children to protect and preserve nature.

[06:41:02] The traffic data provided during these hearings may be optimistic or pessimistic. We won't really know what the school's impact on traffic will be until it's operational. I noticed that the crash data slide did not include the area north of the intersection of Dudley Mountain and Old Lynchburg Road, but this is the section of the majority of traffic that will be traveling to the school, so it seems important to take a look at that.

[06:41:28] I don't believe that the parents driving their children to school are the main problem. The specific hazards of the increased traffic on the roads have been described at length by others. Thank you very much. You can give the rest of your comments to our board clerk. She'll include them. We have Mark Andrews.

[06:41:47] Thank you to the board for allowing us to speak with you all tonight. My name is Mark Andrews. My wife and I have lived in our home on Dudley Mountain Road for 40 years. I think that's the oldest one so far.

[06:42:03] we're in the same Samuel Miller district so during the meeting of the Planning Commission many people openly expressed their concerns and reservations about the safety of travel on Dudley Mountain Road in the adjacent Old Lynchburg Road it's only going to get worse please help me to understand the wisdom of putting a school on a road where people know it's dangerous the two 2018 statistics are no longer accurate new development at southwood and and what's happening

[06:42:41] out at biscuit run are only going to increase the volume of traffic out there it's not all going on route 20 there are proposed looks are there are proposals of looking at putting other entrances off of old lynchburg road to the dudley mountain um or excuse me to the biscuit run project there's increases in the number of trucks every day coming from the quarry number of cyclists increases in wildlife i've not heard anybody talk about that yet but i count about 15 deer

[06:43:17] every morning crossing the road and with increases in traffic there's going to be something that happens there. With a show of hands, how many people who live on the Dudley Mountain Road have major concerns about the safety of the increased traffic on the road? Okay. And with a show of hands, how many of you have had near misses from vehicles coming your way? Okay. With a show of

[06:43:54] hands how many people from the school have concerns about the traffic safety on the road okay so there are concerns from everybody that is here about safety of the road that's one of the biggest concerns and we just hope that you take those things into consideration when making the final decision we still don't know everything that's happening from the Southwood development as well as the other there's several things being proposed for biscuit run that are going it increased volume as well. And just for your information, that one picture that was up about

[06:44:29] showing the entrance to Dudley Mountain Road coming off of Old Lynchburg Road, I can tell you when people come around that blind bend there, they increase their speed because it's a straight away and they take off and next thing you know, you're going to be up on top of the turn to go on to Dudley Mountain Road. Thank you very much. Thank you. It's Marianne Sullivan. I thought I'd try another Marianne Sullivan. Okay, going once, twice, twice. Okay, next we have William Walsh,

[06:45:06] Bolly Vieira, Amanda Sebrick. All rumors to the contrary. I'm William Walsh and also known as Bucky Walsh. I thank the Board of Supervisors and the public here for giving me this chance to spend some of your time. I know after a couple of dozen speakers on this topic beforehand, you are just riveted wanting to know what it is. I have to say that's so important.

[06:45:41] So let me establish what I'm not. I am not a member of the congregation Beth Israel family. I don't have any of my children or family members going to the Forest School. I don't live on Dudley Mountain Road. I don't have any property on Dudley Mountain Road. You got to ask yourself, why am I here? And that's because I was looking at your agenda, as any good county member ought to do. And I saw, wow, there's this opportunity to look at a school. Now, I've looked at the county budget, and it seems based on the budget that schools seem to be pretty important to the county

[06:46:19] and to the folks in the county, given the amount of focus we have on that. But I've also lived here a long time. I was born here. And when I was born, although I don't remember it that well, the traffic was a lot less and the number of people in the area was a lot less. And by the time I was a teenager driving around, I could see this for myself. There really wasn't a lot of traffic when you got out in the county. It was very different than it is today. In fact, 10 years ago, it was very different than it is today. So we've seen a steady progression of traffic. And I live on one of those, well, my neighborhood empties out onto one of those roads that has the foot-deep ditches that'll eat your car axle on either side

[06:46:58] and varying width, and it's tar and chip where we live. And I've also lived on dirt roads and gravel roads. And I know the excitement of getting behind a school bus or being behind a bicyclist or being behind a bicyclist and a school bus and trying to figure that one out and how that can really disrupt your plans for where you're going to go that day and how you're going to get there.

[06:47:19] And then the guy who swings by you and swipes you off the road. I've seen all those things, and I've lived that life. So I respect all of that. But with all that said, when I think about the future, and I know we're going to have more growth in the future because we've had growth the whole time I've lived here, we're going to have development.

[06:47:39] And of all the kinds of development, a school has to be about the best kind of development you could hope to have. And so it comes to this board to decide whether that's where we want to make these adjustments. And clearly, it's not perfect.

[06:47:55] I don't think anything ever comes before the board that's perfect. But I think this is a really good idea. And I encourage you to consider it very carefully and give it your approval. Thank you. Thank you. Is it Bobby? Bobby, oh, boy.

[06:48:13] I tell you, if I had to grade this. But anyway, Bolly or Bobby, B-I-R. What you got? Look at that. Bobby Beck?

[06:48:31] Bash? Yes, Bash. That's not it. Anyway, I don't think they're here. No one's jumping in. Amanda Sebring. Amanda Sebring. Sometimes it's over. Yeah. Good evening. My name is Amanda Sebring.

[06:48:47] Thank you all so much for accepting our comments. I am really grateful to be here tonight and get to talk to you about belonging. I am speaking in strong support of granting a special use permit to CBI for a school. I'm here tonight because this school is so much more than a place of learning.

[06:49:04] It is an inclusive community, one that embraces all families, regardless of background, faith, or story. I'm a Christian, and I've been a CBI preschool parent of two for the last three years. CBI doesn't impose ideas or doctrine.

[06:49:21] Instead, the people of CBI invite you into a warm, open-hearted community grounded in values like kindness, love, and peace. Values that transcend religious beliefs and values that we hope our children carry forward into the world.

[06:49:39] Through songs, stories, and food traditions, our lives have been deeply enriched by this Jewish affiliation. On every event invitation or newsletter notification from CBI, you'll see the words, all are welcome. Those three words are not just a phrase or tagline. They are how our family feels in this community every single day. During our first week at CBI in 2022, we took a leap by attending an outdoor kid-friendly Shabbat. Was it our first Shabbat? Yes. Did we know any of the songs or blessings? Not at all. But we weren't alone, and we were greeted with warmth and kindness

[06:50:19] and with delicious challah. CBI fosters connection throughout the year intentionally and across lines of differences through hikes, camping trips, potlucks, and celebrations. Some of our closest and dearest and most trusted friendships have risen from the relationships we've built here.

[06:50:38] CBI doesn't teach children what to think. It teaches them how to think with curiosity and creativity. Whether it's taking turns flying a downed log airplane at upper tree land or gently trying not to scare the toad in a hole in the meadow. Our kids are learning how to explore and engage with the world. They're learning how to care for the earth, care for each other, and how to grow into their own voices with confidence and compassion. What started as a solution for child care while my husband and I work turned into something far more meaningful. Nothing about this community feels transactional. It feels like our family. Tonight you have an opportunity to say

[06:51:16] yes, not just to a school, but to this model of education that embraces diversity, fosters belonging, and helps raise the next generation of thoughtful, caring citizens of Albemarle County in Charlottesville. Let's support that future together. Thank you so much. Thank you. Thank you. Next, we have Phyllis White, Bruce Highland, Hugh Meagher.

[06:51:43] Phyllis White, I'm in the Scottsville District, although I'm closer to Charlottesville because I'm on the north end of the five mile long president's road um I was a Jewish educator for 35 years I've been I have a huge resume full of volunteer environmental and nature education I was on the Rivanna conservation society board for five years I'm a stream watch monitor I led groups at been leading groups at Ivy Creek youth groups and school groups and

[06:52:20] believe me I know about nature deficit disorder and if you haven't read the book I highly recommend it. I went out several weeks ago and drove this Dudley Mountain Road back and forth end to end, and I found it pretty quiet. I saw, of course, that the road could use improvements. Well, I live on five-mile President's Road. Dudley Mountain has nothing in terms of blind curves and whatnot, and we have hundreds more people that live on our road. What about Old Ballard Road?

[06:52:50] They have a one-lane bridge over a creek, and hundreds of people live out there. People have died from, you know, the creek coming up. So let's get together. I've already volunteered to Jill to be on a committee to support trying to improve this road.

[06:53:09] I mean, VDOT, really, there's some great people at VDOT. I'm, you know, I live on a working-class road, and believe me, you know, we're kind of last on the list. But I've had some great people from VDOT come out because my road gets washed out and they come with the gravel and they repair things and do things.

[06:53:28] And, you know, they can do this, you know. I mean, they come through every few years and put tar down in front of all the driveways, you know, and they come through and do the side, you know, trimming along the side. I noticed that Dudley Mountain Road could use that. So, you know, let's focus on the positive and what we can do here because if it can happen on President's Road, it can happen on Dudley Mountain Road.

[06:53:52] Let's bring down the speed limit, no through trucks. Let's, you know, fix the spaces. Let's, you know, a school. How great is that? I mean, you want a buy right winery or brewery where people are going to be driving drunk on your road?

[06:54:11] I don't think so. And I think it's a good thing to slow down. I used to be a fast driver, but I live out past Monticello and Ashlawn. I have come to learn how to slow down. And you know what I say? I say thank you to these tourists that I'm being slowed down by because it gives me an opportunity to look at this beautiful countryside.

[06:54:30] And I thank them for coming to visit our area. So let's get together and focus on the positive and what we can do and make this a success because this is a great thing to do in our community as opposed to yet another winery. And believe me, we don't talk about all the pesticides and herbicides and whatnot that get sprayed on all that.

[06:54:50] Thank you. Thank you very much. Okay. Bruce? I'm going to hear you struggle through that last name one more time. Yes, I'm Bruce Halevin. Halevin. H-L, yeah. And I live on Dudley Mountain Road.

[06:55:08] And I'm going to try to keep this brief, and I'm just going to sort of comment on my observations of all the comments I've been hearing tonight then. One of the things that you know I think it's gonna come down to the traffic I mean your job tonight it can't be easy there the picture painted by the applicant is beautiful who doesn't want thriving nurturing smiling kids I raised a couple in the county I want more of them I think so I I don't envy your

[06:55:43] decision in your discussion that you're gonna have to have the I want to point out that the increase in traffic that we've been talking about none of those estimates include the increase of traffic from the special-use religious services building so everything we've been talking about those numbers there's going to be inflated numbers from that other large building and I think that is

[06:56:16] allowed to operate anytime seven days a week so I don't know look into that the the other thing that I've seen but here is that the the applicant has really painted a very rosy picture with some maybe not fulfilled promises there's there's one of an easement that has very little meaning and no verification there's this idea of car pulling that may happen that may reduce the numbers a

[06:56:51] little bit. Again, the cyclists have not really been taking into consideration enough, in my opinion. And, you know, again, it's a very powerful mission, this model of education. And I am all for it. I just think this is the wrong place. And it's the wrong place for the reason that you all know it's the wrong place. The roads can't support it. And there are going to be consequences based on your decision that you make tonight. And they could be very serious consequences. And despite

[06:57:26] the land being gifted by a wealthy landowner with its perhaps attendant conflict of interest I really think this is not the place for the school thank you for your time thank you Hugh Mager you Mager you anyone by the name of you with the last name that begin our last name begins with an M no okay got it

[06:57:59] jennifer richardson and jeffrey donowitz thank you for giving me the time to speak and thanks for your patience tonight staying so late to hear us all out i appreciate it my name is jennifer richardson and i'm a parent of one cbi forest school alum and one current preschool student

[06:58:36] i wanted to speak today to talk about the profound impact cbi forest school has had on my two children my oldest child began preschool at cbi when it was taking place at camp holiday trails in 2022 off Redmore Road. We had a poor experience at another Charlottesville area preschool and were apprehensive about starting somewhere new. Additionally, I was concerned sort of about the forest portion of the school. It might be too much for my four-year-old preschooler.

[06:59:04] What I wasn't prepared for was how this school would change our entire lives. We were instantly treated like family. My child spent the majority of his day playing under the canopy of changing leaves and did his academic work outdoors on picnic tables. It was idyllic. Over the course of a year, my four-year-old child went from complaining about hiking even a half a mile to happily and enthusiastically hiking four miles by the end of the year. He is now better at identifying poison ivy than I am, and he can recognize what type of trees different leaves come from. The two years at CBI have truly instilled a desire in him to be a good steward

[06:59:41] of the earth. The overarching theme of forest school is a Hebrew phrase called *tukun olam*, which in Hebrew means to repair the world. And being based in nature caused these kids to learn how to do this. One year, my child won an award for being a litter pickup superhero, which he took so much pride in. He learned to look but not touch foliage, animals, and how to practice safety if a snake or bear were to appear. In addition, Reservoir Road is extremely narrow and windy, as we found out very quickly, and I had never gone as far as Camp Holiday Trails on it before.

[07:00:19] Still, most of us using the road to get to the school had precious cargo. We took extra care and caution using the route to not only ensure the safety of our children, but to be good stewards of the land. Additionally, while we understand the limitations of a rural road such as Dudley Mountain Road, and we

know VDOT is not currently planning to improve the road. VDOT does have a point system for priority improvement lists, and the presence of a school gives a road on it way more points than the lack thereof. So the most likely way Dudley Mountain Road would be improved

[07:00:55] by VDOT is to put a school on it. We are the only Jewish school in the county and the only Jewish forest school in the county. So preserving the natural integrity of the forest educational model is paramount. So please consider that. Thank you. Thank you. And last of the in-person speakers, Jeffrey Donowitz. Thank you. You guys nervous? I'm nervous. I haven't been in this room since I think I was in middle school on a field trip. So my name is Jeff Donowitz. I'm in the

[07:01:32] Whitehall District. I'm an associate professor of pediatrics at UVA. I'm an NIH-funded researcher with a program on childhood growth and development. So first, I want to thank each of you for your elected service. You know, I was always taught that, like, elected service at any level was the most difficult and one of the most important tasks in American society. So thank you for all working to make this community better, especially Ms. Malek for being my representative. So, you know, First of all, Supervisor Pruitt, you had asked a question about the kids outside and whether time of day and you don't want to walk your dog in the heat.

[07:02:12] Let me just tell you, my three-year-old and my five-year-old, I dropped them off in the freezing rain with their full minus 20 rain boots. There's only like two companies that make minus 20 rain boots that are fully waterproof, by the way. And they go out every day and they don't complain.

[07:02:31] They love it. these kids understand nature, and you've heard about that. From my perspective as a scientist, the data on time and nature is clear. So one of the best and largest studies was actually a Canadian study that showed for every two-hour block outside, a kid's adverse neurodevelopmental outcomes dropped by 20 percent. So their chance of having an adverse neurodevelopmental outcome dropped by 20 percent. But the literature on this is this vast literature that shows huge benefits on BMI, health, peer relationships, adversity management skills, and of course, neurodevelopmental

[07:03:09] outcomes with time outside. So the Forest School is this kind of program, and you've heard about that. I understand that there's concerns about the road. And when I evaluate any article that I evaluate, whether I'm writing it or whether I'm reading it for a journal, I don't just read the abstract, right? I look at the data behind it. So 14 crashes in five years. Only one of those that was not night, snow, or drinking related, that's an important part of this story. So respectfully with the staff's recommendations, the data doesn't show such a risk there. You know, and I think

[07:03:48] we've heard a lot of these sides. I know these folks are nervous. I know we're nervous. There are a lot of voters in this room. We're a big community. We're a supportive community. We're a community that's really tight. And it's not just those in the school.

[07:04:05] It's not just those of us with ties to the CBI community. I mean, my in-laws are in the back there. My mother-in-law started the Catholic school in town. They're not Jewish. They had nothing to do with CBI until their daughter married me. We all make mistakes.

[07:04:23] But we vote. And this is a really important issue to our community. Thank you very much. We appreciate it. Thank you very much. Okay. Thank you. Now we have three people, electronic participation, and I'm going to let us know when they're online.

[07:04:41] Oh, that'll help you. Yeah. Dan Grigas, you may go ahead and speak.

[07:04:55] Mr. Grigas, you may need to press star six to unmute your phone.

[07:05:10] Good evening. This is, my name is Dan Grigas. My wife and I live on Dudley Mountain Road. I'm a physician licensed to practice in Virginia. I'm board certified in internal medicine and critical care medicine. And I want to comment tonight on the public health impacts of the proposed...

[07:05:41] Hello? Yes, we can hear you. Okay, great. My name is Dan Grigas. My wife and I live on Dudley Mountain Road. I'm a physician licensed to practice in Virginia. I'm board certified in internal medicine and critical care medicine.

[07:05:57] And I want to comment tonight on the public health impacts of the proposed CBI forest school. Young children prolicking in the forest sounds idyllic, but that's just not the case.

[07:06:15] In the past year, the Virginia Department of Health has issued alerts to physicians about the significant increase in tick-borne diseases and emergency room visits for tick bites in Virginia and the Mid-Atlantic. Children are at increased risk.

[07:06:33] Tick-borne diseases, including Rocky Mountain Spotted Fever, Lyme disease, bifidiosis, and alpha-gal may lead to chronic debilitating conditions. For example, this week, Justin Timberlake, the entertainer, announced that he would no longer perform because of complications of Lyme disease.

[07:06:54] Children are at particular risk. Precautions suggested, such as long sleeves, pants, hats, spraying pyrethium on skin and clothing and frequent examinations of the skin for ticks, particularly at the beltline and hairline, are difficult, if not impossible, in young children.

[07:07:15] I would not allow my children to attend a forest school in Virginia. This is an example of a facility that is wrong for this location and should not be approved. Motor vehicle accidents are the leading cause of death and disability in preteen children.

[07:07:34] Dudley Mountain Road, as you've heard, is well below DOT standards, and this does not include the increase in weekend and after-hours trips.

[07:07:49] Dudley Mountain Road is not brought up to DOT standards. A tragedy will result. Preventable tragedy that will affect the children, their families, my family, friends, and neighbors on Dudley Mountain Road, as well as the many bicyclists that use Dudley Mountain Road for exercise and relaxation. Thank you very much. Thank you very much,

[07:08:16] Mr. Grigas. Thank you very much. Next, we have Rebecca Cobbs. Good evening. My name is Rebecca Cobbs. I'm a parent, and I've been a part of the CBI Forest School community for just about a year now. During that time, I have come to know some of the administrators, teachers, and families that make up this welcoming, kind, and thoughtful community. I have also learned about the values that make up this school, which while seemingly abstract, are firmly and deeply rooted. Over the

[07:08:55] past year, I've also been following the Dudley Mountain Road project closely, since this is obviously a very important project, not just for my family, but for both the city and the county, since there is an extreme shortage of high-quality, full-day child care in the area. I had the opportunity to attend the Planning Commission meeting in person, and I also attended the two meet and greets with the neighbors earlier this summer. Those events have given me an opportunity to listen closely to the thoughts, concerns, and wishes of the neighbors. Based on these experiences over the past year, it's clear to me that everyone, and rightfully so, wants to be seen and heard by

[07:09:33] the other. The neighbors want the school and the county to know that people speed down this already narrow road, which has blind turns and is often used by cyclists and pedestrians. They want the school to know that many of them live precisely where they live where they do, precisely because of the beautiful landscape and the feeling of seclusion. They want the school to know that they are worried. They are worried about their wells, worried about traffic patterns, and worried about the future development along the road and in the area. The school, in turn, wants the neighbors and

[07:10:09] the county to know that this is a once-in-a-generation opportunity to permanently capture the lightning in a bottle that is this school. If this permit is not granted, this opportunity will almost certainly be lost, not just for our children, but for the hundreds of children to follow. Almost everyone seems supportive of the project in theory, but the opponents just don't want the school here. But there isn't some alternate parcel that is buildable, accessible to the area's Jewish community, ecologically diverse and situated on a perfect road. It doesn't

[07:10:45] exist. This project is only possible due to the generous donation made by the owner of this particular tract of land. There is no alternate site. This project is the best hope for us and for the county to secure the future of this school, which is of the benefit not just to the hundreds of people who support this project today, but for all of those who will utilize the school in the future. We want the neighbors to know that we both hear and understand their concerns. We share some of them. We want them to know that we will be good neighbors. We care about the safety of

[07:11:19] the road. We care about the ecology of the land. And we are eager to collaborate to solve any obstacles that we face together. Please vote yes and grant this special use permit for the benefit of the county today. Thank you very much. Thank you. Next, lastly, we have Kent Schlüssel. Can you hear me? Can you hear me? Yes, sir. My name is Ken Slushel. I've been a taxpaying resident of Alvinville County for the past 48 years. I've seen a lot of changes in the county, but first I'd like

[07:11:56] to compliment the Dudley Mountain Road people for the presentation. In fact, if I did not know better, they copied what the residents along Rowell Road, where I live, tried to do several years ago with all the rezoning of the land around Rowl Road. Rowl Road, the two-lane portion of the thing, that's a curvy road, kind of narrow in spots. And you can still hear me? Yes, we can hear you.

[07:12:30] Continue. Continue, please. Rowl Road, the two-lane portion is curvy, narrow, lots of traffic. And the past 10 years, over a thousand apartments have been approved by the county. And when we presented things to the Board of Supervisors and the Planning Commission about traffic, accident data, that wasn't a concern because the county was more interested in getting more apartments for some reason.

[07:12:58] So I'd like for the Board of Supervisors to at least be consistent if they can improve entrances and exits and a tremendous increase in traffic along a two-lane road and what is called the urban ring now.

[07:13:15] they certainly can improve a minimum amount of traffic on Dudley Mountain Road. I'd also like to point out that I've been on Dudley Mountain Road many times. One of the former property owners, Ed Tate, where that is located now, and Steve Thornton, used to have tree farms next to one another.

[07:13:36] I can assure you during December, that road was extremely crowded with people chopping down Christmas trees. So having traffic has always been there. So I'd like to say that traffic is a concern.

[07:13:51] I think we can improve upon that by making a considerable effort with VDOT to improve the road. I strongly support the CBI special use permit. Thank you. And that concludes all of our speakers.

[07:14:09] So with this, at the conclusion of your all's comments, the applicant has five minutes for rebuttal. Or not. It's your choice.

[07:14:25] but you do need to come on up if you want a rebuttal here okay a few clarifications sure one is about the conservation easement um the reason why the conservation easement hasn't been talked about with with the planners is that it's part of our lease and that the lease doesn't go into effect until we get a special use permit once we get a special use permit we can then put a conservation easement over the master plan. So it's a very layered event. And so for that

[07:15:01] reason, we couldn't go forth and do that. So just to clarify that point. So I just want to close by speaking to the concerns that we heard tonight. And we've heard a lot tonight. Can you hear? Okay. We are teachers. We are parents, clergy, and volunteers. We are trying to build a home for a school that we believe in and like many of you we care deeply about this land and this community yes the roads are rural but our county is growing and we have to meet that growth with care and

[07:15:35] intention we've listened to concerns and we share them with you safety protecting the land and process i really hope the neighbors of dudley mountain know that we do care we're proposing practical solutions. We want to slow down traffic. We want to extend drop-off times. We've talked about marking blind driveways with certain neighbors, and we will widen our portion of the road. Our footprint will be light. We will protect the land, and we want to work with you to make

[07:16:09] things better for everyone. Tonight, I invite you to stand with us. Let's protect our rural lands and use them wisely. Let's invest in children and their futures. Let's be a community that makes space for Jewish community, for nature, and for learning. Thank you for your time tonight, lots of time, and for your commitment to Albemarle County's future. Thank you. Thank you. So board members, now we're going to come back to the board and have to see if we have any questions or concerns that we want to ask before I close the public hearing.

[07:16:49] So this is your last opportunity and I will turn to Supervisor Putt. I'm not actually sure I have any additional questions at this time. I'll save some time for comments. Alright. Supervisor Galloway. Potential by-right development of this could be. Could we just clarify and confirm that? I believe I read one thing but then it sounded different based on the speakers I heard.

[07:17:21] Could staff speak to what the If this were not approved and they developed it by right, what the potential is? Yeah, we missed the first part of your question, but I believe your question is, what is the potential of this site with the by right uses? Is that correct?

[07:17:38] Yes, thank you, Sid. Are you able to share the screen, please? You had a slide. So this property is zoned rural areas, and so just to give – we've heard a lot today, And I just want to remind folks, there's this Religious Land Use and Institutionalized Persons Act and Right to Farm Act, which basically doesn't allow, it's from the state, regulation of religious use and agriculture.

[07:18:11] And so the county can't regulate a lot of those things. However, in the rural areas, we allow by right agricultural, forestry, and fishery uses, detached single-family dwellings, Religious assembly uses of not more than 200 persons, and so that building that has been referenced tonight, if it is 200 persons or less, they would be allowed to have that buy right.

[07:18:34] The special use permit before you is the private school of use. Other uses in the rural areas that are allowed are farm brewery, farm distillery, farm winery, and they are subject to further supplemental regulations. And in our ordinance, there's a whole list.

[07:18:51] I believe it's somewhere between 30. 30-ish uses that are allowed by right in the rural areas. There's only three development rights. Is that correct? I get the religious assembly and what the other uses are in the RA zoning.

[07:19:09] I'm just curious, if this developed to single-family detached homes, how many could be built here? So they have theoretically four development rights. And so that can be, you know, they're theoretical. We would need some sort of proposal. There's a lot of ways it could be potentially carved up.

[07:19:25] So I don't have a definitive answer there. that's how many development rights would be there for correct for um great thank you uh is the applicant i'm sorry the the um ma'am i've the leader of the school i've i didn't get your name down jill jill jill yeah my apologies no that's okay she's coming to she's coming up yes the um at some point you know it's been mentioned i mean obviously i understand the wherewithal of the

[07:20:00] having the land donated to you but it's been suggested i think by a couple of folks that at this option that there would be no other option so is that is that the case if this is denied you just you stop trying to find a place for the poor school well we've been looking for a place for the last two years we tried to rent a space in ivy and and when you are renting a space the costs to make it into a school are just too prohibitive and so the chances of getting another donation of this magnitude is is pretty small but if it's not donated you're saying that there's

[07:20:40] yeah for you to continue and you want to have a rural space regardless if it's albemarle or not it sounds like if it's not donated to you you're not going to attempt to fundraise to purchase your own property or anything like that it's possible at the at the moment we are we are renting space to buy time. And it is very difficult in Albemarle and in Charlottesville to find a building with a special use permit or a permit to run a school. So we've been lucky so far, but our time is running out. Thank you. Understood. We've had other school applications in front of us, even nature

[07:21:17] schools like this one. So we've had this piece where there's modified drop-off times. I think you were saying 20 minute increments in your presentation yeah um and it seems like traffic is a really big obviously it's a probably the biggest issue for this particular item what if you're doing these slots and you mentioned people get their slot and then get the late comers i guess that come into their own slot but what's the internal knowing the significance of people needing to adhere to those slots what would be your approach uh or consequence for those who don't

[07:21:55] adhere to what you try to set up because you're saying that would be one way to go about doing this to make it appealing to others, but then it has to be practiced and put into practice. And that's not something we can necessarily condition. The school would have to, you know, would have to monitor and deal with on their own. Right. So if you've dealt with this before, what has the consequence been for those who don't adhere to their slots?

[07:22:20] I think it's about money. And so if you come earlier, you pay more. If you come, you know, at the different times. So people come when they do follow rules. So when they have a time, that's the time slot they have. So it's about communication. I mean, in any situation where you have rules, will people try

to break them? Yes. But it is about school and community and trust. And this is how we operate. We are a small school, under 100 children at this point, I think about 70 families, 67 families.

[07:22:51] So we have personal relationships. So I think that's very different when thinking of a school that has 1,000 kids and how do you manage that and how do you make sure people are following the rules. It is different in a small school where we depend on each other and we trust each other to make it work.

[07:23:11] And knowing that we are part of a community, we're going to be hopefully part of the Dudley Mountain community, and we plan to work with that community. So this is how we will make it work. Thank you. I believe I'm good.

[07:23:31] Thank you. All right. Supervisor LaVista. Courtney? Yes. I don't know if this question would be for Jill or for the staff, but I understand one of the by-right uses would be a religious assembly, an event space, I guess, a religious oriented event space.

[07:23:53] Is that correct? For up to 200? The applicant can speak further on what their proposal is. From my understanding, it's a by-right use for religious assembly for up to 200. Right. That's what I'm talking about. By-right use for up to 200 people, religious assembly.

[07:24:11] So, yeah. If you didn't do the school, then there still could be a religious assembly, correct? They could be operating. Theoretically, we could build a synagogue tomorrow.

[07:24:28] Okay. Right, but the school is our primary focus, right? Right, right. And we put the religious assembly, well, actually the community building, out there just to say this is our dream, this is what we'd like.

[07:24:44] But what we're fundraising for right now is a school. So this is a dream. It's not something we have actually put into practice. But my point is, by right, you could put up a building, a large building near the road that has 200 people coming in and out, and you could have events that could be practically daily.

[07:25:12] I'm not saying you're not doing that, but you're proposing a school with a lot less students. Yes. The main focus is not the religious assembly. The main focus is the school, which is a lot, possibly 144.

[07:25:30] At the biggest, right? Right, it's a lot less than 200. Correct. That's my whole point, is that by right, you could just go in and put in a large building and 200 people show up all the time, in and out. Yeah, that's my understanding. And by asking for a special use permit, we are saying that we want to limit, we will limit to 144 students because as a forest school having more students than that on the land would destroy the land and so we actually at different points in this process um different government officials had said do you want go bigger why don't you go bigger because that's not

[07:26:04] the that's not the mission of the school thank you you've answered my question is that it okay Supervisor Malek. Thank you very much. I don't know if board members had a chance to see.

[07:26:21] I forwarded, someone had asked about transportation and how they managed it. Alexandria Seals from the Lewis and Clark Exploratory Center has, they've been hosting for three years, the school programs, and she sent an email about how well managed the transportation worked, and they have 50 to 60 families coming to bring children within that time period, and they just drop off and go through.

[07:26:46] So that's just one bit of information I wanted to make sure that people had a chance to look for. There was some discussion about having a no-through truck possible investigation because of the traffic that comes from the quarry through to Old Lynchburg Road.

[07:27:08] And I didn't know if, and I don't know if Supervisor Andrews has any more information about that or not, but people, several people had made comments about how scary it is to meet a dump truck. So I don't know if the staff would have any information about that possibility, and I understand that the board would have to make a request to carry, et cetera.

[07:27:33] Won't you let Kevin speak to that? He might have some information. Yeah, thank you, Kevin McDermott, Deputy Director of Planning. And Supervisor Andrews asked the question of me at one point, if that was feasible, of course, we would have to go through the VDOT process of a through truck restriction, analyze it, and then the board could make a request for a through truck restriction on that.

[07:28:02] The only thing I would say, I think we want to get the counts and find out if that's worthwhile at this point. If it's 130 vehicles on the road, my guess is there's not a lot of through trucks there because there's over 130 houses that would generate all that.

[07:28:19] So I'm not sure how significant the through truck traffic is on the road. We're happy to evaluate it, though, if the board would like to do that. Good. And I think that's all for my questions, and I'll have more discussion.

[07:28:41] All right. Supervisor Andrews? Thank you. Just some follow-up questions. I want to make sure I understand things. And some of these are just asked. So you said there were four development rights. But that does not include the large lot 21-acre division rights, or does it?

[07:29:04] So development rights are required if a lot is less than 21 acres. If it's 21 acres or more, it does not require a development right. So this could theoretically be developed not just to the four, but in additional. But, of course, they'd have to find sites, and it's not clear that the terrain is acceptable for that.

[07:29:21] But I just want to point that out, if I'm right. There was a statement made about VDOT priority list points for a school. I just want to confirm whether that's true or not.

[07:29:42] Kevin's coming. Yeah, sorry, Supervisor Andrews. I'm not aware of a point system on that. They do look at when they're doing maintenance, obviously traffic volume is a significant consideration as to how much or how regularly they're going to do maintenance on a road and when they do snow removal, things like that.

[07:30:05] But I'm not aware of a point system that VDOT has unless we're referring to something like the SmartScale program. But that doesn't even really address schools. So, sorry, I'm not aware of that. Okay, I just wanted to check. The other thing is there is a discrepancy.

[07:30:23] The 130 counts was in 2018 by VDOT, which is what I would ordinarily trust, but it was seven years ago. And then we had a resident from the road say that neighbors recorded 591 vehicles in 15 hours.

[07:30:40] Now that raises the question whether the through truck traffic is significantly increased or other through traffic is significantly increased because it seems unlikely to have 591 vehicles just for the people that live on the road.

[07:30:59] But we don't have any way of really further fleshing that out. I guess. I don't know if that's a question or more of a statement. There were by right uses that were discussed. And of course, you know, there's an expectation with a special use permit that you put in a school means you give up your right to put in a winery, I assume, or do not. I

[07:31:33] mean, I guess I'm trying to understand whether some of these by right, whether any of these by right uses sort of survive past the special use process no but yeah the special use permit is for that use in theory they could maybe not exercise that and come back and apply for another special use permit for another use some point in the future or just develop it with a buy right use if they don't do the special use for use you're saying well they i mean special use permits last

[07:32:09] for, you know, the property, I mean, in theory, they could have a school, operate that for 10 years, it fails, and they could come back and do another special use permit for something else. Supervisor Andrews said that getting a special use permit does not extinguish the by-right uses of the property.

[07:32:28] Okay, that's what I wanted to know, so that having a special use permit doesn't mean that they've given up any of the rights to the other potential uses, and I don't know whether that's something that gets put in conditions or whether we just expect that this being used as a school is not going to be used as something else. The question for the applicant, and that is just following up on the question about health risks, I just wondered if you'd take a moment to address that issue that was raised by the doctor. I know I've found several yellow jacket nests the hard

[07:33:05] way this summer. And nature is wonderful and yet unforgiving. So the question was about the comment about the dangers? Yeah, the ticks. I point out the yellow jackets and other things.

[07:33:25] You clearly have to have dealt with this. Absolutely. I'm going to have the doctor answer that question. Okay, thank you. I should have been more specific. My research is on pediatric development my clinical practice is pediatric infectious disease so ticks and tick borne diseases are my wheelhouse uh these things are risks to us all the risks are minimal in virginia we have rocky mountain spotted fever extremely rare we have ehrlichia which is another tick-borne disease slightly more common uh but generally won't kill you um and we have lyme

[07:34:02] disease which is even slightly more common uh than ehrlichia and then there's alpha gal and a handful of other things that are kind of minor. The risks to children from these tick-borne illnesses are generally extremely rare. The one you have to worry about most is Rocky Mountain spotted fever. And, you know, is that out there? Sure. Do I think that the benefits of education outside far, far outweigh the risks of sort of the rarest of these? Yes. I think there are other things that we have to worry about like Lyme disease there are other things that

[07:34:39] are treatable that are not going to permanently harm kids but but yeah as a member of this community I and an infectious disease physician I put my kids outside every single day thank you and you are currently serving doctor correct you're currently working practice thank you I just want to also add that we have protocols at school for safety so every single night those children go home they get a ticks check they get in the bath and and we haven't

[07:35:15] had any issues for the last five years so so far so good okay thank you and those are all my questions to follow up I guess maybe one last sort of question to staff but it's really going to be to my fellow supervisors is the the idea of not just a through truck restriction but any request to vdot i assume really comes from the supervisors saying we want to either put you know staff resources or our our names behind asking for

[07:35:51] flashing lights at an intersection or other uh ways in trying to improve safety um kevin you want can you comment on that process uh yeah sure um if we have requests for that we can work directly

with our vdot residency um for low cost things like that uh i think we can usually identify funding for uh well for signage flashing lights they tend sometimes that tends to do get it that gets expensive depending on the types of uh warning signals you're putting out there

[07:36:30] but um if the if the board would like us to reach out to vdot and talk through some of those issues we're happy to do that and that should be able to be done uh with little um cost to the county or staff time thank you i don't have any additional questions thank you i think it's back to me um i do have a i had two questions um so i'm looking at kevin um i did want to ask about the point system but i think you've answered that because i never heard sorry i'm not aware of that

[07:37:07] no i didn't know about that either um they mentioned of i think i'm scribbling at this time of night i'm trying to read it but a vdp precedent she had there somebody had a oh i just had not heard of that what is that yeah that's uh i think maybe a misreading of of the vdot program i think what the applicant was referring to is the the rural rustic program so this is the program that can pave unpaved roads uh there is a in order to qualify for a rural rustic road

[07:37:42] the volume has to be under 1500 vehicles per day so i think that's what it is of course rural rustic roads when we're doing that they do uh allow um some deviation from the the typical standards. However, it still holds that if you're over 400 vehicles per day, VDOT does strive to try and get those same standards at the minimum of 18 feet with the two-foot shoulder. So those standards are still in place. And realistically, this just is not

[07:38:19] a rural rustic road. If it were, we wouldn't be able to approve this because the board signs the resolution stating that you're not aware of any new development occurring on a rural rustic road and if a school were to go in you would be aware of that so um it's just not quite the the the way that that number is intended to be used and i just wanted clarity on that for one thing i'd never heard about it referred to as vdp right but now i understand what you're talking about and it vehicles per day yeah yeah so it's not applicable sure in this case okay all right that's good i don't have any further oh yeah i have one other question from the applicant

[07:38:56] if you would yes well either one of you yes so you're you currently have 93 students yes um and you're applying for 144 at the max at the max max how long do you think it's going to take you to get to 144 i mean i assume it's not going to be overnight no it's not going to be overnight right um but i'd say is magic no i was at a wishful number or it's a it's a wishful number and it's the max number and that's what we were planning to build to so i mean for the next two

[07:39:34] years we are still sort of as i like to say wandering in the wilderness but we are going you know finding spaces that we can use so we are not growing anytime soon is what i can tell you and then how long is it you know will we grow to 144 that's also you know in the dream of potentially going to fifth grade whether we you know again as a small school you have the ability to pivot so we might not do that um so i mean i don't think i would think in five years ten years this is sort of the long-term plan long-term plan okay but you'd be able to start within once it's

[07:40:10] built a couple years you'd be able to start with nine i think we will probably be at where we are now which is about you know 93 to 100 kids thank you very much thanks okay i'm looking around to make sure and i don't see anything else from ned or jim so with that hearing no objection i'm going to close the public hearing uh and bring it back to the board members um at this point i think it would be good for us to talk about how we feel about this project and so um i will again turn

[07:40:48] first to Supervisor Pruitt. Yes, so you'll forgive me. The board knows this, the audience doesn't. Sometimes I like to briefly introduce how I'm thinking about something with a little story. So my husband is a priest, and until he moved in after we got married, he served in a church.

[07:41:09] And as sometimes happens when you're a priest serving in a church, your congregants sometimes invite you to dinner with your spouse or your partner. So I had the opportunity to frequently go to dinner with his congregants. And we once sat down with a couple and lovely. And then during dinner, the gentleman who invited us over was like, you know, you know, Father Will, some people don't like it when you do politics from the pulpit. That just makes some people uncomfortable

[07:41:43] and continued about the dinner and I on the way home was like how dare he how absolutely dare he tell you how to do your job up here um and Will said well no that's important feedback because even if I disagree with that that's his experience of church and that is the hardship and the difficulty that he's encountering in his life and it's a real critique and it was easy for me from the outside to view this as a polemic thing, but to Will, as the person who actually had the power

[07:42:19] and made the decision, it was still very critical feedback. Even if he still is going to sometimes preach a little bit of politics from the pulpit, he needs to know that real critique. I think this is very applicable to how I've come to really think of my job here. And I say this because several uh several people especially i think some of the dudley mountain road community who recognizes the value of this and also knows that they might not prevail or they might prevail tonight express the concern i hope you at least are hearing our concerns so i say this all to introduce the fact that when we reach a decision or at least when i reach a decision it's not because

[07:42:59] i am not taking the concerns that are raised very seriously um i think the concerns specifically two concerns that are both kind of related are really serious and I want to address those. I think we've elided the issue of road condition and the issue of road hazard and the more we talk about the more we look at them. I think they're actually two discrete issues, right? Dudley Mountain Road itself is a poor condition road. It is narrow. It is scrappy. It is not wide enough to accommodate

[07:43:38] passing cars sometimes, more or less passing trucks. That does feel actually separate and distinct from the road hazard problem, the traffic hazard problem, which relates to the nature of Old Lynchburg Road primarily, and the hazards of those intersections. Those are both real concerns.

[07:43:57] And again, I do think they're slightly different concerns and we're kind of combining them. I'm not pretending that that's not a real concern. What I'm saying is I have to weigh this against the null hypothesis. I have to weigh this against what we're weighing it against, which is the value of the Forest School.

[07:44:16] I see the value of the Forest School as outweighing these concerns in this case. And I do think there is a serious argument to be made that the Forest School gives us a little bit more ammo to go back to VDOT and at least correct some of the road hazard conditions, as we were just discussing.

[07:44:38] As Supervisor Andrews suggested, it gives us the ability, or we are in a better and stronger position to go back to VDOT and say we would like additional signage. We might even like some additional investment, and maybe one day, much further down the road, given that we already are seeing higher traffic, maybe even additional investments for improvements on Dudley Mountain Road, recognizing that

that might be quite far in the future because these are very strapped funding streams, and VDOT does not always like to play nice with our rural areas.

[07:45:08] And I do have to also keep in mind the constraints we're under, right, as a county. There was a discussion brought up in President's Road. I know what my district looks like, right? I know that we have a lot of scrappy roads, and there are a lot of people who live on residential roads.

[07:45:25] I will drive down, and during a bright, sunny day, I will still manage to have to turn around because the road's washed out. This is the nature of driving in this county. That's not to excuse that. That's not to say that's safe and acceptable. But it is to say that's the community we have, and that's the community we've built, and that's the community we can afford right now.

[07:45:42] Sometimes our roads do not meet the ideal levels that we would like them to, and that doesn't prohibit life from happening in those communities. I also would like to very briefly address one concern that was brought up that I would politely push back on.

[07:46:00] There was a bit of concern brought up about project scale and comparing it to the buy-write uses, specifically residential uses, and examining the footprint. I think the demonstrative aerials that we looked at don't adequately do justice to the degree to which this is integrated into place.

[07:46:24] Having viewed the previous site on Reservoir, I have not seen their interim site, but the previous on Reservoir had a similar number of buildings in their footprint. And you would not look at it and say, oh, damn, this is real sure built up.

[07:46:40] You would look at it and say, oh, here's a few, like, outhouses in the woods, because that's the vibe it gives. It is, I think, in practice, quite authentically rural, and that's in part because it doesn't involve significant tree clearance, right? There's still canopy existing there.

[07:46:58] You'll see it. It is not the degree of, I think, character change to that community. So, yes, I would like to say I am in favor of the applicant and will be voting in favor of them.

[07:47:14] I am also in favor of Supervisor Andrew's suggestion that the board draft a letter to our Culpepper District to request additional signage and additional support in making this intersection safer. All right. Supervisor Galloway.

[07:47:32] Mr. Kiel. Can you hear me? We can hear you loud and clear. We can see you and hear you. I had a little issue there with my microphone and sound, so I just want to make sure.

[07:47:48] All right. I appreciate everyone who came out to speak on both sides of the issue tonight. I think it's so personal to you all that you wonder, well, you may or may not wonder, but the board actually has had other applications that, while not specific to these, seems to definitely relate or parallels to other things.

[07:48:11] So as Supervisor Pruitt mentioned, but I think a lot of us like to explain how we think about these things. But also, I know that a lot of us try to vote consistently with how we voted in the past on projects, especially if there are some similarities.

[07:48:29] So I'll try to speak through that here tonight. You know, somebody said, what signal do we send with our vote tonight? Well, there seems to be so many people for this project. And there is, I think, by just sheer population size, not as many against. If maybe the population on Dudley Mountain Road was higher, there potentially could be.

[07:48:48] I mean, we've definitely had people that lived around projects come out and not always before the project that's in their area. But the signal is that we recognize that while we, you know, saying yes to this could disappoint a lot of folks and saying no to this could disappoint a lot of folks.

[07:49:06] So it leads you into a situation of, well, can we get to yes, while maybe not both would be satisfied, both groups, but can we get to yes in a way that impacts can be mitigated, if not immediately in the future?

[07:49:22] And that's kind of the position we have found the board finds itself in a lot of times when it's dealing with these applications. But in the effort of trying to get to yes, I think that's what responsible governance is. Is it an appropriate place for something? And then if it's not ideal from an infrastructure standpoint, what can happen to try to make it as ideal as possible?

[07:49:44] I happen to agree with a speaker that said that where else can you put a forest school? I don't agree that a school like this should go in the development area. And not just because the forest isn't available, but the fact is it's not the highest and best use in a county that's decided that a lot of the weight of density and economic activity is going to happen in that development area.

[07:50:04] So it leaves projects like this on the outside of what the development area can support. So that leaves the rural area. And I think it is important when the other nature schools have come before us, and I have found those who speak about maintaining or retaining the quality or the character of the rural area, that sometimes they're against a school that is designed to make young people appreciate the rural area.

[07:50:34] So I think there is a, somebody had mentioned that there might not be a public benefit of this school to them if they're not sending their own kids to it. And I would offer that, I think, some of these other programs that I've voted for that were nature schools, even those which did not receive the full support of the board, do offer something in the idea of this greater ideal that we hold our rural area in and helping people understand and appreciate it at a young age.

[07:51:02] So I think that is a public good. Now, how it works in defense of my planning commissioner, Nathan Moore, represents the RIO district like I do got called out, but he's not inaccurate to say that infrastructure a lot of times comes after the fact. Mr. Schlüssel did remind of an effort that, you know, RIO Point brought on 500-some units in an area that already had over 2,000 units in the pipeline and no supporting infrastructure.

[07:51:28] That supporting infrastructure is still not in place, but it allowed the two smart scale applications that weren't on our transportation priorities list to come to fruition. Both those projects have been funded and are underway. So having that infrastructure, even though that particular project was one I voted against for that reason, it has taught me the lesson that in this state, the way that the state chooses to fund VDOT, that infrastructure that has been approved, or I'm sorry, that projects and applications that have been approved that create burden on public road infrastructure usually has to be in place

[07:52:03] that it does help you justify getting the project done. People had mentioned Southwood. Southwood was one of the times the communities came out. They had failing intersections. They were receiving an F, and that was before all of the developments went in play. Now we have a proffered roundabout that's going to go out on 5th Street Extended.

[07:52:22] While the SmartScale project did not get approved, VDOT's approved a pipeline study on it, which is one that they initiate because they understand the importance of all the coming density in that

area that the roads are going to have to be treated. I would think if, and it's that at the very least with this project, it seems, whether this application moves forward or not, we have some issues out on Dudley Mountain Road.

[07:52:45] And the first of which is the count of what the actual road number or road count is. I am concerned that that was never asked for or done in any specific way. It seems like this application is coming down to traffic as one of the high items of concern for all included.

[07:53:04] And to not know the exact reality of the traffic count out there seems – I'm just not understanding why that wasn't part of this application. Whoever was to require it, do it. And, you know, the citizens went out and attempted to do it. I would think that no matter where this goes, we probably need to get an understanding of what the reality is on this road.

[07:53:23] If this project does move forward, I would say that that becomes a higher, even higher priority in the spirit of trying to mitigate any impacts. We've done this before with the Old Ivy Project when Supervisor McKeown had to remind me, I forgot the project name on Old Ivy Road, but we approved the development out there.

[07:53:42] Graystar. concerns of the residents of getting improvements along old ivy, and that's in a pipeline study now. So VDOT, I suspect, is relying on that 2018 because if they looked at the actual numbers, their own numbers without this development would be high enough that they'd have to treat or do something about this road. So I would certainly be supportive of taking a look and seeing what we could do out there as a way to mitigate if this project moves forward. I would take the opportunity, just because we don't often have a lot of folks sitting in the room, that it was just

[07:54:17] a meeting ago when we discussed our legislative agenda, a little politicking here, that I called on us that we should probably speak to, not probably, we need to speak to our General Assembly representatives about how we fund road projects in the state. Because while your supervisors get a lot of sway and say in what projects we put forward, there's so many projects and things that need to be done that the reason why roads like this often get left off is because the state underfunds our transportation projects to the tune of they're maybe doing about an eighth or a tenth of of what got submitted this year when they when smart scale got approved so you know it's an election year we got a governor's race we've got delegates up for it i would think

[07:54:56] everybody in that auditorium who are concerned about their roads and traffic not just on their specific road but on all the roads that they're there to help us speak to our general assembly reps and go you know what you need to fund road projects better in this state so that we can get our road issues handled. So taking that as a moment to call others to that effort as this board is going to be attempting to do that, I believe, in our next legislative affairs piece. Just looking at my notes real quick, I think I've spoke through my notes. Consistently, I have voted for these

[07:55:35] type of education programs in a rural area. I have voted for some that had even more concerns around the roads. But in this particular instance with what's been presented, I think those concerns can be mitigated, but it will take some work and effort on the board's part, which as I'm not your district supervisor, I'm saying I would be willing to support as somebody that is going to be supportive of this problem. Thank you. All right. Thank you. And I'm going to turn to Supervisor Lapista-Curtley? Yes. Thank you very much. I struggle somewhat with this because I

[07:56:14] understand transportation problems because that's the number one issue I think we all hear, but I hear transportation problems from my constituents all the time. And I do agree. We do need to go to the state. We do need to ask for more road funding because I think the issues that we have here, I think we can mitigate those.

[07:56:36] I will say I'm not convinced that even if the roads were 18 feet wide in all places and fully paved or 20 feet wide in all places, that it would have complete support from all the residents on the road.

[07:56:55] I'm just not sure from my experience. However, that doesn't mean that the roads should not be improved, And I would definitely, once again, as Supervisor Calloway said, if this moves forward, then I would support asking VDOT to improve this road.

[07:57:15] Good news is the school probably won't be built for another couple years, right? Okay, maybe a little bit longer, I don't know, but, you know, fully built out. That does give us enough time to work with VDOT to get improvements along this road, which I think would go a long way in helping the residents that do live there.

[07:57:39] And I will say also, this board, we do listen to both sides. We listen to all sides. We want to hear from you, and I'm actually very grateful that so many people turned out to voice their opinions.

[07:57:56] Oftentimes they don't, and then they complain. I'd rather hear it up front, and I appreciate that. Also, we have approved, I have supported educational camps, schools in the rural area.

[07:58:18] I think it's very beneficial for children. Being in an inner, having been a principal in a very, very large inner city school, this is something special. This is something that a lot of communities don't have.

[07:58:35] This is something to tout and shout about because it would have been wonderful. I remember just a little story. In the front of my school, seeing these squirrels climb up the trees in the front of the school before the kids got out of the school, my elementary school.

[07:58:58] And believe me, they do not look like Virginia squirrels. This is in Los Angeles, these things. You can barely tell they were squirrels. So as the kids come out and start going, oh, squirrels cry. I go, no, no, bubonic plague.

[07:59:14] Get away from them. We're very lucky here because we do have nature. And I think that's something that it's very beneficial for children, frankly, for all of us. And that's why we moved here to have the four seasons and to be with nature.

[07:59:33] I don't like the ticks, but I love the nature. So this is a program or a project that I will be supporting. Thank you. All right, and I'm going to move on to Supervisor Malik. Thank you very much, and I want to begin by thanking all of you who have put a lot of time and thought and passion into your presence here tonight as well as all the work you did to figure it all out before you came.

[07:59:59] as I do understand the challenges of narrow, windy roads with people who drive too fast. I live on one, and I'm always trying to find solutions that will get us to where we can all be safer, as safe as possible.

[08:00:19] The current residents who are there now, new people who come for whatever the uses are. I think we have some great opportunities to get improvements within the scope of local here. And just as an

example, in early spill, the flashing lights that county staff and BDOT work together, solar-powered, your speed is something, something, slow down, has made a big impact in the last two years.

[08:00:44] And I think this might be a prime location for Old Lynchburg Road where people start to put the gas on going down that hill to be able to bring some awareness to them about how fast they really are going. I think it's compelling the information discussed about how similar traffic could be brought with a by-right assembly use.

[08:01:09] And as someone who's also been a teacher and nature camp owner, et cetera, for many, many years, I value completely the benefits of my own kids and grandkids growing up in the dirt in the country.

[08:01:28] It's a benefit, as I said about the biophilic cities earlier, a benefit that urban children, urban dwellers can benefit from the advantages that rural children have under their doorstep because of where they live and the responsibilities they have to go out in all weathers and take care of animals and take care of themselves in a way because there's so much more that's demanded of their lives.

[08:01:54] So those values are things that can, I think, contribute to the success of the overall community. I think we have ways to resolve the issues that are there, and I would like to support this as well.

[08:02:13] Thank you. Okay. Supervisor Andrews. Yes, thank you. I am sitting on a fence way too long on this thing, and it's getting very uncomfortable.

[08:02:34] I'm an educator. My father was an educator. my sister was an educator. I'm working with people in Maine right now who have been working on the Outdoor School for Maine Act to try to get kids outdoors. We have a Scudic education adventure here as well that's all outdoor schooling. The impact of that kind of education is tremendous and it's so important here that they've actually now put legislation in where they're trying to make it a statewide program. That said, you know, it's really tough to look

[08:03:10] at the situation. And my inclination had been to recognize that the staff have looked at this and said, you know, we don't recommend putting this here. But I have to stop and ask, you know, well, the staff's recommendation is based upon their analysis of the current conditions,

[08:03:29] And I believe their expectation that they don't, they can't recommend that the board commit additional resources, additional staff time to trying to solve problems that exist just because an applicant comes in with a special use permit and says, well, you know, it's got problems, but if you could just do these things.

[08:03:51] And so staff's recommendation is appropriate. So it makes me want to condition my support on a sort of a moral commitment, if you will, from my fellow supervisors that we will look at requesting that VDOT do additional studies, do some improvements, put flashing lights in if they can to make sure that intersection becomes safer.

[08:04:19] And what I've heard tonight from four so far, we'll hear from Supervisor McKeel in a minute, is that the supervisors are supportive of that. And I just want to make sure that I've said that out loud so they understand that I'm hearing them say that they will be supportive of at least those things we know where we can advocate for improvements,

[08:04:44] Whether that's looking harder at through truck restrictions, the flashing lights, the other repairs that VDOT, we hope, will do to bring the road up to at least what it's designed for, if not better, than it currently is.

[08:05:00] So on that basis, I'm finally coming off of this fence that I've been on and going to be supportive. And I see that we have a four so far, so I will not stand in the way. Thank you.

[08:05:16] Thank you, Supervisor Andrews, and so it's left to me. This is a good proposal for the community because we need early care for our children.

[08:05:33] There's no doubt about that. As a former teacher and someone who has served on the Almar County School Board for years, I appreciate education and good curriculum, and I appreciate the good work that this school would offer.

[08:06:01] However, my daughter lives on Old Lynchburg Road. She lives in a subdivision that's probably the last subdivision before the turn, although maybe there's one smaller one, having said that.

[08:06:20] I find the road going down to her house terrifying. Every time I drive it, I remark, I hope the kids are so safe every time they take this road, because the shoulders drop like that. The curves are horrible. And I have just in the last week, I drove this road three times again, your road, three times. And each time I drove it,

[08:06:50] I was more concerned. I had to stop for pedestrians. Now that's saying something. I had to be very careful because two trucks almost took off my rear, my mirror.

[08:07:07] I think that folks that really have any experience with this road can appreciate the challenges. And somebody said something about, whoo, when I go down there and I drive, Greg is sitting beside me.

[08:07:24] And I can't tell you how often he grabs the side of the door because he's terrified that I'm about to run into somebody. And I'm a fairly decent driver, maybe, you know. But I'm just saying that we can have great schools and great education, but they have to be in the right place.

[08:07:45] And I'm sorry, but I just think this is the wrong place. And we're supposed to be making decisions in the McKeel theory, and I have a lot of McKeel theories of my 75 years, and my 28 years as an elected official. But the McKeel theory is that we're supposed to be making decisions on land use.

[08:08:04] I'm sorry, but I just think that's what our charge is. And I don't think that this is the proper location for a school because of the traffic, but because of the condition of the road, Old Lynchburg Road, and the condition of Dully Mountain.

[08:08:22] Having said that, I also recognize that I have a road in my district that has had a through truck restriction for years, and there's no truck that abides by that. the only way it works is to have a police officer sitting at the road and stopping the trucks and i'm sorry but we don't have the number of police officers to do that that just doesn't work so we can talk about that and i'll you know if this is sounds like it's going to pass and i'm not necessarily going to oppose it i'm just putting you on notice that that doesn't work you better

[08:08:58] have a have a security officer with the ability to stop them yourself because the trucks will continue. And the Amazon trucks and the UPS trucks and all of those other trucks that are delivering things to your neighborhood are still going to need to be on that road. You can't stop those. I have quarry trucks on Georgetown Road. And I followed, stayed out there one day about two years ago and watched six trucks go down Georgetown Road. And I understand the police's

[08:09:35] channel. We don't have enough police officers in this community for 724 square miles, and you wouldn't want your tax bill if we did. So I'm just saying, and flashing lights are great, and they work for a

while, but they don't work for very long because people get used to them. Again, unless you have a way to enforce when they break that, that, the speed limit. So, and I'm just really sorry. I really appreciate everybody coming out. We've read all of the emails. I understand

[08:10:11] the importance of the school, but for me, it's a land use decision, and it's in the wrong place, and I don't see us getting money from VDOT. Which one of you is going to give me a project that you're going to give up in your district to help fund this? I'm just saying, because that's what we're talking about. We don't have enough money now to fund the projects. We have people in Crozet all upset because they're not getting transportation. We have people in Rio upset. I have people in the Jewett district that are going crazy over the backups on the bypass.

[08:10:48] Which projects are we going to give up? Maybe each one of us should name a project that we're going to give up in our district so that we can fund a new project. Because we've talked to the legislature forever about funding transportation. And what they say to us is, we're not even going to give you the ability to have a referendum or to tax yours. We are not going to let you tax your citizens. So where do we think that all of a sudden we're going to have this manna from heaven coming down? I'm really sorry, but I really want to approve this school desperately. But practically

[08:11:27] speaking, it is a land use decision. In my experience with this road and the road leading to it, it's not the right place. And I just don't see the infrastructure happening. We have a list of infrastructure projects this long. You know we do. And I just don't think we should lead people on that. We're going to be able to just go to Richmond and talk about money and get more

[08:11:55] money. And it's going to be all of a sudden okay. And I have to say, I'm a retired nurse. And I don't walk in the woods in the summertime. I'm just saying. I have too many friends with alpha gal.

[08:12:15] I have too many friends with Lyme's disease. And I think it's wonderful that you guys take care of your children. And I think that's great. I have woods behind my house and we walk in the woods in the wintertime, not in the summertime. I'm just saying. So I appreciate what you said. And I appreciate the fact that you're a physician. But in my world, I just find it concerning. But I think it's wonderful if you all have a plan to keep your children safe I think that's great right maybe there's a difference in young people and us old folks but anyway I really do though

[08:12:53] appreciate everybody and it's not for lack of really thinking that you know and understanding what a great school this could be but I think schools have to be in the right place so I think that um with that where are we we're at a motion and um well it's just as looking the motion is here and jim you're i assume since it's your district you want to make the motion

[08:13:22] jim supervisor andrews he's coming before we do the vote i'm sorry i'm just calling out the fact that jim and i both have our hands raised oh i didn't know that i couldn't see that i'm sorry because the screen was not on it out before we go to the vote no that's great so go right ahead now i didn't see the hands right jim had his hand up first and i'll follow him yeah there was a uh there was something up on the screen and we couldn't see it i'm sorry so who wants to go

[08:13:57] first jim sure i'll go first although i'm very curious as to what supervisor gallaway will have to say but um i i want to reiterate that you know having having gone fifth in the discussion I was looking, I had written down in my list that my support depends on fellow supervisors' willingness to advocate for safety improvements.

[08:14:23] Now, I understand that that does not necessarily mean that we're going to add to our budget the funding necessary to acquire the easements to be able to expand the road and give it to the shoulders. But I do think that flashing lights and other things that are not ridiculously expensive are maybe not fully effective, but are helpful.

[08:14:50] And I would want to, you know, look at Old Lynchburg Road regardless of this project and ask whether we are doing enough to keep that road safe. As you pointed out, this is not really dependent upon turning on the Dudley Mountain.

[08:15:06] Lynchburg is windy and has some areas where you can't see very well. And so, you know, I need to know that the supervisors are interested in pursuing these improvements. I don't want to put a dollar amount on that. I just want to understand that as a matter of what we're doing tonight, that this is something that people on this board say, yes, I think this is important

[08:15:36] to pursue. And I guess I can go back to Supervisor Galloway. Ned, do you want our answer right now, Jim? I'm just, I guess you want an answer now. I do want an answer, but I'm happy to hear Supervisor Galloway first. Yeah, let's let Supervisor Galloway comment. Well, I mean, first of all, we're not going to get into a, I'm happy if you want to get into a conversation about transportation priorities tonight at almost 11 o'clock.

[08:16:15] But if, you know, come on, we've all been there. We've all had projects in our districts that we have voted against that the rest of the board has voted for. And whether the supervisors get to it or not, it creates transportation impacts that we must contend with.

[08:16:34] And we contend with those through our transportation priorities projects. This particular road, just the sheer volume of it and where it's at, minus maybe through truck type stuff, is not going to be a smart scale application. ever. So this is going to be on a smaller scale that frankly in the big world of transportation projects can get overlooked. So as a Rio district supervisor, my goodness, my first 20 projects are all smart scale level projects that have to be completed. The rural type of road situation has not happened that much in my particular district that I think it's necessarily fair to say what

[08:17:13] project would I give up to do this because not all projects compete directly one against each other. We all know that. The commitment level is to say, because it seems like there are things happening on this road that are existent, and we don't even know what the exact daily trips are yet. So there's probably an existing issue that has to be looked at on this road, whether or not this project's approved or not.

[08:17:38] It seems, you know, the staff report said it was five and a half times the average daily trips based on a 2018 count. Well, OK, if we do an updated count and we're adding the 400 trips and it's already up to 600, well, now it's within the realm that VDOT has to handle with it.

[08:17:57] And it's not even this project. So that's where they bring in their safety protocols, which is what's happening along Hillsdale Drive. And nobody had to give up a project to get the modular roundabout that's going to be coming down to Hillsdale because VDOT recognized that their own improvements failed, their own projections failed with the volume projections that allowed that project to happen.

[08:18:18] So this isn't, you know, I wasn't going to say anything else, but I just have to take exception to saying that we're leading people on. I think there are ways to get at some of these smaller concerns with

some of the smaller roads. We have a transportation leveraging program in place. We commit those funds, we deal with them during our transportation priorities, and we tend to try to get rid of the bigger smart scale type projects and then look what else we can do.

[08:18:42] And safety always ends up playing into it. And this is identified as one. I'm saying as not the district supervisor for the second time that I will be supportive as a person who's saying I think this is worthy of a vote to look at what we can do in our county within our means to be able to improve safety along this road.

[08:19:00] And I said that before knowing where this vote was going to go. So even if this project didn't go through, it sounds like we've got some things to look at on this road. And I can follow up with that when we talk road projects and transportation priority projects, which is also why I called for the help.

[08:19:16] You know, you all agreed with me that the General Assembly is not funding projects. So, you know, the folks that were out there complaining, you know, saying we shouldn't do data centers in there. Well, there's a revenue generator there. There's ways to get at some more things that we have to start connecting the dots and drawing, putting all these threads together that help us get at things.

[08:19:34] Because as you've said, Supervisor McKeel, if we keep doing things the way we've always done them, not only is it a whack-a-doodle, it's just not going to make things change. And we're just going to have to keep existing with the problem. So I spoke my piece, and I'm happy to vote as I said I would. Well, and I would agree, and just to make a comment, I would agree because we all talk about how we need to diversify our tax base.

[08:19:57] And we have an opportunity with data centers to do that. And yet I heard some reticence today about data centers. So we have to all be on the same page about what we're doing here. And I will say that one of the problems that I ran into with this project was, I think in my 12 years on the Board of Supervisors, I don't remember.

[08:20:24] And, you know, I'm old and my memory is not great these days, and especially at a quarter of 11 at night. But I don't remember many projects that VDOT has said no to. They usually turn themselves around into a pretzel to try and help us do what we want to do. But they said they didn't think this one would work, and staff agreed with them.

[08:20:43] So that's part of my concern is that it's not as if VDOT says no to a lot of projects. They felt like that this particular road just would not work. And I don't know trying to convince them when they've said that.

[08:21:00] And I'm happy to do that. So I'm not going to continue to belabor this. We are where we are. I guess we need to go back to Jim. So Supervisor Andrews. I guess I just, I'm looking to the other supervisors just to, I really appreciate Supervisor Galloway's comments on this.

[08:21:25] And I believe it, you know, hearing the same things from Supervisor Pruitt and Supervisor Lupista Bertley and Supervisor Malik. as far as supporting those improvements that we can get VDOT to get behind. And a lot of this is advocacy work.

[08:21:44] Advocacy work that I hope that the school will also engage with if they're to be at this site to try to make sure that it's safe for them and safe for their kids. So, Jim, just let me be clear. Just because I don't support this doesn't mean that I won't help support it if it passes, and it sounds like it will.

[08:22:02] I'm not saying that I won't support helping trying to help the project along, right, or to get improvements on the road. I'm just saying that I am not comfortable with a yes vote, but I'm certainly not going to fight you guys. I will certainly go along and advocate for the projects, because if it passes, that's what needs to be done.

[08:22:18] I'm not that narrow-minded. Just saying. Do you understand what I'm saying? Yes. Thank you. Yeah. Okay. Well, it's late, and I don't have the— Oh, you need the motions in front of me.

[08:22:39] So let me see. Would you like me to make the motion for you, Jim? Sure. Thank you. Can we get it back on the screen? Can we get it back on the screen? We can get it back up on the screen. They'll put this motion back up on the screen for you. There you go. But we can't.

[08:22:55] Okay. Jim. Okay. I move to adopt the resolution attached to the staff report as attachment F. C, state reasons for approval. Wait. I think that's there in here. because that is not what the staff recommendation is that the board should state the reasons that it is choosing to approve under attachment F okay attachment F is the resolution to approve so if the board just states its reason for its

[08:23:33] reasons for approval because we want to I move to adopt the resolution attached to the staff report is attachment F finding the benefits of the project outweighing the staff concerns thank you thank you took a turn it took an attorney yes do I have a second I'll second that great and now this to a vote there was a first we have what we have I'm sorry I was we have a motion then we have a second you want to call the roll and I forgot to say that I

[08:24:09] apologize it's getting late mr. Galloway yes miss LaPista currently I Ms. Malik? Yes. Ms. McKeel? No. Mr. Pruitt? Aye. Mr. Andrews? Yes.

[08:24:26] Now, we have another motion, too, so we need to deal with the... So, do you want to quickly put that one up? Because you talked about it during the presentation. So, I think we can just vote on that. Who wants to make the motion?

[08:24:44] I can do that. Okay. I move to adopt the... Okay. To approve special exception SC 2024-27, I move to adopt the resolution attached to the staff report as attachment G. And the reason for approval, that's the...

[08:25:03] Finding the benefits of the project. Finding the benefits of the project outweigh the staff recommendation. All right. So is there a second? Second. So Ann has made the second. I think I heard her voice first. So Ann has the second on that one. So if you'll call the vote on that one.

[08:25:20] Mr. Galloway? Yes. Ms. Lapista-Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Yes. All right. So we have the approval.

[08:25:38] You have the approval. Thank you. Thanks for everybody coming. We appreciate it. Thank you. All right. So we have more work to do. While they clear the room, do you all want to take a quick break and come back?

[08:25:59] Because you want to keep going. We have to deal with the ends. We have two additional agenda items. We have two agenda. I don't mind. Okay. Well, I'm just saying if anybody wanted to take a break. No. Okay. Well, I don't hear. I just thought while they cleared the room. If you guys could clear the room pretty quickly because we have two more items we have to deal with, and it's getting late.

[08:26:20] So if you'll clear the room as quickly as possible, please. Thank you.

[08:26:34] All right. I'm also realizing. So let's move on if we can. Item 19, our next item is from the board committee reports. All board members are given a chance to speak, so I'm going to throw it to Supervisor Pruitt.

[08:26:52] Do you have anything that you wanted to bring up? I have nothing to add for this part. Okay. Supervisor Galloway. Nothing in addition to what is next. All right. Supervisor Lepisto-Curtley. Nothing. Thank you. Ann Malick for this portion.

[08:27:09] I have a couple. Yeah, would you pass those along? Oh, okay. It's just one chart. I just was going to refer to it, and I wanted you to have one. Oh, okay. That's all. All right. Do you want to explain what the chart is? Should I go ahead with the... Well, no. We're going to do this portion first, and then we're going to do 20 and 21.

[08:27:26] Nothing right now. Thank you very much. Okay. What is this chart you just gave? That goes with number 20. Oh, okay. Let's talk about it at least now. All right. Supervisor Andrews, do you have anything to add at this time or want us to know? Nothing.

[08:27:42] Okay. All right. And I don't either. Is there anything further from the county executive? Okay. Then we're going to move to item 20, which we established when we changed the agenda, if you all remember. And Ann is asked to have a discussion of the Earliestville forest truck traffic from fill activities.

[08:28:02] I'll let you take it over. So I and the whole board and previous board meetings have heard from Earliestville residents that the conditions on the ground for the last year at least are not reflective of the scope of the operations as it was presented to us at the public hearing on the 15th of February, 2023.

[08:28:23] And what I've passed out is a chart which was in our staff report in two places, which to me indicates how important the data was to the staff in determining what the impact of the proposal was going to be. Today, however, county corroborated neighborhood truck traffic counts over the last many months have ranged from a few to 80 trucks per day.

[08:28:47] At least one day, over 100 trucks going in and out. So by VDOT things, that would be 200 passings for 100 trucks going through. I have gone through all these documents again, from the applications to the minutes and all the staff reports, and I support questions being asked of our staff and county attorney.

[08:29:07] Are there three other board members who will join me to ask for more information at a future date? I'm making this formal request that it might be discussed for possible action or direction at the August 20th meeting. under matters from the board. While compliance is an operational and thus staff responsibility only, the county attorney advises the board a policymaking role of the board.

[08:29:34] A couple of questions. I would like to propose we ask the county attorney and staff to explain at a future meeting the requirements to proceed to hear neighborhood concerns. Secondly, please consider if the information presented on the night of the hearing would result in the circumstances we face today or if the circumstances of the last many months had been presented at the hearing would there have still been support and lastly consider what other information is needed to correct any possible issues i maintain that the 200 families in the earliestville forest and the many families along

[08:30:13] the access roads whose lives have been turned upside down for the last three years cannot and should not endure another three years in the current circumstances so i am putting that forward as to ask

you to think about these and ask that it be formally included as the agenda is planned for August 20th, if it can be done by then.

[08:30:36] I have maybe an initial question. And this is, sorry, it's to counsel. I just want to reflect that we've spent a little bit of staff time already re-reviewing this. It has come back before the board for just review by staff.

[08:30:55] And so I would be initially supportive of what you've proposed but my my caution is i am not sure what is still within our power on this and so if it is something that is now i am wondering if there is a vested right that we cannot take back away at this point and if that is the truth then i i'm not sure i want additional presentation on it does that make sense well it does but i think that's the request to provide that answer sometime you know for the next meeting not right this minute because i want to hear it now. Is it an easy answer or is it one that you need to do some research on? Well, so under County

[08:31:33] Code section 18-33.9C, the Board of Supervisors may revoke a special exception if the Board determines after a public hearing that the permittee or any successor has not complied with any of the conditions of the special exception. So the Board does have the ability to revoke a special exception after a public hearing upon a finding that the permittee has not complied with any condition of a special exception so to the to the extent that there's concerns that the that the owner is not complying with the zoning ordinance that would be a matter for the zoning administrator to enforce to the extent that the applicant is not complying with any of the conditions of

[08:32:12] the special exception that would be a matter potentially for the board of supervisors to consider in a potential revocation of the special exception and And so I just want to clarify as a third matter, if we find, it sounds like what Supervisor Malik is suggesting is not necessarily a noncompliance with a condition, but perhaps a material misrepresentation in the data we were given to base the decision on, or the board was given.

[08:32:41] I was not here. If it is not a, it sounds like it might be a different question if it is not a specific term of the special exception. That's correct. There's no basis for the board to reconsider the special exception.

[08:32:58] The only action of the board is to revoke the special exception if the permittee is not compliant with the conditions already approved. Okay. So it sounds like the thing we need to know, and maybe this then does become a request to staff, like you're requesting Supervisor Malik. The thing we need to know is whether or not the concerns that neighbors have raised, we've already talked about whether they're compliant with zoning, and Bart has told us that they are, through what I think we all agree feels like a strained interpretation of what a truck per day means.

[08:33:33] But the next question is, is it consistent with the terms of the special exception? And that sounds like it's an open question because we don't have the special exception as was approved in front of us, and we don't know whether or not, I don't know if this is a term of the special exception or just material that's included in it.

[08:33:50] That's just one chunk as far as the presentation for the board to decide. So I would be open to receiving a staff consideration of whether or not there is any allegation, proven or unproven, that a term of the exception itself is violated, which sounds like an easy enough thing.

[08:34:10] I mean, so I can assist the board in terms of what the criteria are for revocation of a special exception, that sort of thing. I think, though, that the zoning administrator's enforcement of the zoning ordinance is more of an operational decision, and I certainly don't want to tread there in terms of how the zoning administrator is enforcing the existing provisions of the zoning ordinance.

[08:34:33] I guess what I'm saying is that that might be better suited for a for-information report to the board, I mean, if that's something within staff's capacity to do. So we could start with that. I mean, that's what you're suggesting. I'm suggesting that if there's consensus among a board majority to hear more information about the situation and about the amount of truck traffic and so forth, it would be the zoning administrator that would be able to...

[08:34:59] We'll be providing that. Yes. Yes, ma'am. Okay. I will stop talking. I realize I've talked a bit. I am not concerned about receiving a for information about the level of truck traffic. I have gotten that information. It sounds shitty. I get it.

[08:35:16] The thing I want for information is whether or not we are within our power to issue a revocation because there is a violation of the terms of it, right? Because I have not heard a concrete allegation of that yet. I don't know what the terms of the special, I wasn't freaking here for it.

[08:35:35] So like that analysis, that is the thing I would want for action because that informs whether or not we can do anything. Does that make sense as a distinction? And there were exceptions to three or four of the criteria, but there are a dozen things.

[08:35:54] So that's where the assistance that I need and all of us need is our legal understanding of that. There's no issue with what's happening with the trucks. It's whether that was what was intended, and so that will be helpful.

[08:36:14] I don't think, though, that it's strictly a legal opinion. I mean, I think it would need to be informed by the actual conditions on the ground right now. Go ahead. Yeah, I'd like to know exactly, since Supervisor Prue wasn't here, what was approved and have they met those conditions?

[08:36:35] If they have met those conditions, I don't want to have a public hearing and I know what's going to happen. If they have not met the conditions, then, in my opinion, then we have something to go by to say, okay, well, we need to look into this more.

[08:36:53] But if they've met the conditions that were expected of them. That's the question. Pardon? That's exactly what I'm looking for information. Yeah, so I think that's going to come from the zoning administrator, planning, whatever.

[08:37:11] Yeah. If they give us a report, they can just give us a report, an email, whatever, just to say, yes, they've met the conditions, and no, they haven't met the conditions, and if they're violating the conditions, and what have we done about that?

[08:37:26] But I don't want to revoke something. If they have a violation and we haven't done anything about it, we need to inform them there's a violation, you need to correct it. but if there aren't any violations i don't i'm not in favor of revisiting it so let me turn this over to um supervisor andrews i see you're on the screen so you probably had something to add we can't hear you we can't hear you we can't hear you you must be muted she put me on the screen to make sure that i that i would be seen if i had something that i think is what

[08:38:04] told me um i agree with what you're saying that uh if we can look at two whether there are violations uh of the conditions uh if there are then we have something to talk about if there aren't we're done right yeah right and it would seem like to me that could be done with a report of some sort not going a memo from right so that was what i would support and my question only is does the the 20th i think you mentioned or someone mentioned if we're talking about a report

[08:38:39] maybe that deadline that's hopefully yeah soon yeah but hopefully soon but i don't know that staff has to have it to us by the 20th no i agree similarly i'm i would also suggest and this is maybe more for claudette's benefit i'm not sure it needs to be presented to us in the form of like a presentation not an agenda item i agree it can be something that just to report to us or maybe then we'd have a sense of what we where we need to go does that make sense So what I'm hearing is that the board wants information, but not necessarily as an agenda item, even as a consent agenda item.

[08:39:16] Correct. Okay. Because we don't even know if we're, and I don't see Supervisor Galloway. Ned, are you still there, and is this agreeable to you? Yeah, I think the way Supervisor Pruitt and Andy's conversation went, I'm not looking, yeah, the zoning administrator, I don't want to get into operations outside of how we handle those things typically as a supervisor in our districts working with the county executive office.

[08:39:41] But if the special exception, which is within our purview, then I'd be fine to learn and understand what that is. Okay. So are we good on that? Yes, ma'am. Direction, and we're good. Okay. All right. That's great. Yes, ma'am. Then let's move on to number 21, which is presentation of petitions from the Crozet Community Association.

[08:40:03] Thank you all very much. And I present for the record the adoptive petitions of the Crozet Community Association that you heard introduced earlier today. Speakers today described the role of the CCA over the last 40 years in bringing together people from different neighborhoods to discuss issues of life in western Albemarle.

[08:40:22] In my personal experience, the issue of stream protection and water protection is a countywide issue and has been the number one priority for at least the 40 years of surveys of citizens and representations in the comprehensive plan. The CCA concern is not about a particular development, but stream protection across the county.

[08:40:39] And there I'm going to be, we'll read through these. I know you had received drafts of these four or five weeks ago, and I'm glad to just put them into the record now. So, whereas the CCA, Crozet Community Association, was established in 1985 to be a nonpartisan and representative advocate for communicating areas of concern for the community of Crozet, Whereas Amara County is currently updating its comprehensive plan, titled AC44, which will guide its land use decisions over the next 20 years.

[08:41:15] Whereas the county's growth management policy aims to direct population growth and residential development to specific areas, the growth areas within the county, as permitted by Virginia law. Whereas that same Virginia law also limits the maximum geographical size of these areas to what is necessary to accommodate the county's projected population over the next 20 years.

[08:41:34] Whereas the size and boundaries of the county's growth areas, including Crozet, are far greater, it seems, than what is needed to accommodate 20 years of population growth in conflict with that

Virginia law, the CCA requests the county executive, who is appointed by the elected Board of Supervisors to manage the county's administrative operations, to take the following action.

[08:41:57] Insert language in the growth management and development area chapters of AC44 to clarify that the county's growth area is, they say, larger than necessary, that the boundaries of any existing growth area shall not be expanded or shall any new growth area be created until the county is in compliance with Virginia Code.

[08:42:16] And there's a linkage to 15.2 to 2.2 to 3.1. So that is the one just because there was generally concern across the growth area that there's still an effort to increase the size of the development area, and they would like to get a recognition somewhere in the text of the comprehensive plan draft that this is following the state law as enumerated in their research.

[08:42:53] next where uh so i'm not going to reread the initial paragraph about the cca whereas the mission of amwell county is to enhance the well-being and quality of life for all community members through the provision of highest level of public service consistent with the prudent use of public funds whereas the county's water protection ordinance was established to prevent unreasonable degradation of stream channels waters and other natural resources whereas in september 21 at the request of the developer the county erased one of the county's protected intermittent streams from the GIS maps and the Crozet master plan.

[08:43:28] Whereas in November 2021, the developer proposed that the county rezone the property so he could build a high-density residential development, Montclair, on top of the stream site. Whereas in October 2022, at the urging of Crozet citizens, the county confirmed that the Montclair stream was protected by its WPO and added it back to the GIS maps.

[08:43:48] Whereas in February 2023, the county held a judicial hearing affirming that the Montclair stream was protected by its WPO in response to the developer's appeal of its October decision, whereas in late 2024, the developer, without notifying the county or getting the permit required by the WPO, still buried 546 linear feet of the stream and now plans to build a parking lot on top of it, whereas the county now claims that its WPO no longer applies to the stream and can't be enforced.

[08:44:19] The CCA urgently requests that the board... Anyway, they didn't fix that. The following action be taken to enforce the county's WPO by directing the developer to daylight the Montclair stream and deny him the land disturbance permits necessary to begin work until this is accomplished.

[08:44:42] The satisfaction of the county and the DEQ. There's language in here that is unclear. All right, next. Okay, this is continuation on the WPO.

[08:45:04] Whereas we strongly assert that the county's WPO is in fact applicable to every single stream in the county and it clearly requires landowners to get approved permit from the county prior to beginning any activity that would disturb any and all streams in their property. Section 17-600 of the WPO further describes the exact landward extent of stream buffers in the rural area, development area, and water supply protection area and requires landowners to retain those buffers if already present and establish them where they do not yet exist, whereas the WPO measures the landward extent of stream buffers from the top of the banks

[08:45:38] of natural streams which Virginia defines as a tidal or non-tidal water course that is part of the natural topography whereas changes to the natural topography do not cause natural streams to lose their

inherent identity including in situations where streams are piped filled in or buried underground whereas the landward extent of the county stream buffers can and should continue to be measured from the tops of the banks of natural streams as they existed before there was any man-made change to the natural topography, including when streams are piped, filled in,

[08:46:15] and buried underground. CSA urgently requests the following actions be taken. Publish the clarification for the avoidance of all doubt that buffers established by the county's WPO remain in effect even on streams that have been buried, piped, or filled in, disturbed, or otherwise unnaturally altered, and re-establish stream buffers in the county's GIS and on all its maps, including those in the AC44 comp plan on all streams to the extent described in the Water Protection Ordinance,

[08:46:50] including those streams that have been piped, filled in, buried underground, disturbed or otherwise unnaturally altered. Now, last one. Introductory paragraph again. Let's see.

[08:47:06] Whereas Amara County's comprehensive plan and Crozet's master plans have consistently recognized Eastern Avenue Connector as a critical infrastructure to the orderly development of the Crozet growth area, whereas for decades the county has not yet fully funded, adequately planned for, or completed the connector while allowing Crozet's population to quadruple by encouraging its rapid development.

[08:47:28] Whereas an otherwise initial segment of the connector is now needed by a residential developer to gain access to the proposed site of a new high-density development, whereas the county is now finally attempting to build the connector through a public-private transportation agreement that hasn't been used before and an undetermined budget, one-third of the cost estimated by Virginia Department of Transportation, whereas the PPTA's design requirements for the Connectors Bridge over Lickenhole Creek

[08:48:04] do not include a pedestrian path or wildlife corridor, the basic standards of the Biodiversity Action Plan to maintain habitat connectivity for all road and waterways crossings, and the CCA encourages these to be fully at a high-quality pedestrian path and wildlife corridor to the bridge design requirements in the county's RFP to build the connector through the public-private partnership.

[08:48:34] And they're asking to deny the Oak Bluff rezoning until it comes forward, or until the contract is fully executed to build the bridge. So two things there.

[08:48:50] This is the good news one. The designs do now show that the bridge design now is on piers, and so it is going to have ample wildlife and pedestrian things as opposed to having a narrow culvert that would be flooded out.

[08:49:05] So that's really good news. And I have no idea what the status is of the application, unless I heard it was withdrawn. So we have some breathing space on that one. But that concludes all of my reading to get those into the record, and I appreciate your indulgence and look forward to more things in the future.

[08:49:30] So you've read them into the record. I have read them into the record. And hearing no objections, we will adjourn to our next meeting, which is a special joint meeting with the Economic Development Authority one week from today on Wednesday, August the 13th, 2025 at 4 p.m. in room 241.

[08:49:49] Good evening.



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