



MACHINE TRANSCRIPT • CORAGGIO CONSULTING

Albemarle County Board of Supervisors Regular Second Meeting, Wednesday, September 17, 2025

Date Wednesday, September 17, 2025
Place Albemarle County Board of Supervisors, Virginia
Length 5h 14m (video)

- Official meeting video (Granicus): https://albemarle.granicus.com/MediaPlayer.php?view_id=1&clip_id=1393
- Official agenda: https://albemarle.granicus.com/AgendaViewer.php?view_id=1&clip_id=1393

Machine transcript (speech-to-text) produced by Coraggio Consulting. Not an official county record. Names and numbers may be misspelled; check the video at the timestamp before quoting.

Speech-to-text: whisper.cpp, model large-v3-turbo. Produced 2026-10-14. Each paragraph starts with its time [HH:MM:SS] in the meeting video.

[00:00:00] I am pleased to call to order this meeting of the Apple Mile County Board of Supervisors on the 17th of September at 1 p.m. in Lane Auditorium. We have a very big echo. We do have an echo, don't we? Maybe that laptop. But I will carry on and hope that it's not too, that it gets taken care of.

[00:00:25] We have at the dais, Supervisor Ann Malick of the Whitehall District, Supervisor Ned Galloway of the Rio District, Supervisor Dehanta McKeel of the Jack Jewett District, Supervisor Pete Lapisto-Curtley of the Ravana District, Supervisor Mike Pruitt of the Scottsville District, and myself, Jim Andrews, representing the Samuel Miller District. A quorum is present. We're also joined here by our County Executive, Mr. Jeff Richardson, our County Attorney, Mr. Andy Herrick, our Clerk, Ms. Claudette Burgesson, and our Senior Deputy Clerk, Travis Morris. Also, let me please welcome Albemarle County Police Officers present, Officers Lester Clark and Bryce Owens. Thank you for your service today and all the service of

[00:01:02] first responders every day throughout the county for our protection, safety, and security. If all present could now stand as you were able and join us in the Pledge of Allegiance. The United States of the Republic, which expands one nation, under God, indivisible, with liberty and justice for all.

[00:01:29] Thank you. And I now ask you to join us in a moment of silence. Our first business, as always, is to adopt the final agenda.

[00:02:08] And we have it in front of us if anybody has any amendments. Otherwise, I'm looking for a motion to adopt the final agenda. So moved. Second. We have a motion from Supervisor McKeel. Second from Supervisor Malek. Without objection, if the clerk will call the roll. Ms. Lapista-Kirtley? Aye. Ms. Malek?

[00:02:24] Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Thank you. And, board, next up is brief announcements by board members. And our speaking order for today begins with Supervisor McKeel. And I'll take a pass. Thank you.

[00:02:41] Supervisor Bruitt. Yes, I would like to remind folks that early voting starts this Friday for our election. As we know, there are several statewide offices. Both the delegates who represent us in the General Assembly are up for re-election, although neither are facing any official competition.

[00:03:01] We also have contested races at the local level, including a contested school board race and a contested board of supervisors race in Samuel Miller. And I've previously mentioned all of those races, but I just realized that I've neglected to mention another contested race in Albemarle County, which is there is a contested race for Scottsville Town Council.

[00:03:20] There are two candidates, Molly Angvine and current counselor Edward Payne. Eddie Payne are going to be running against each other, and there is going to be a listening table hosted by the League of Women Voters at the Scottsville Library on the 30th, which is a Tuesday, at 6 p.m.

[00:03:38] That's all I have. Thank you. Supervisor Galloway. Nothing today. Thank you. Supervisor Lupisto Girdley. Yes, we had our Charlottesville-Albemarle Convention Visitors Bureau meeting, and I'm just going to give you a couple quick stats that I think you may be interested in.

[00:03:58] Direct visitor spending reached nearly \$1 billion in Charlottesville and Albemarle County in 2024. This is the third year that we've reached almost \$1 billion, and we're hoping to reach \$1 billion this year. We had an increase in visitor spending, a 6.5 increase over 2023.

[00:04:20] Tourism-supported jobs in the area totaled \$7,172. Tourism-related taxes were \$27.7 in Abamoral County. Food and beverage, i.e. restaurants, is the highest spending area.

[00:04:39] Lodging was a combined \$214.8 million. So that is doing very well. And we also at the EDA, Economic Development Authority, we are having a joint meeting with the SEVAIL EDA on October 14th.

[00:04:59] But just to let you know, our FY25 target was to conduct and complete 12 business retention and expansion visits with businesses in the county.

[00:05:14] So the BRE visit is designed to offer an enhanced level of service that identifies key issues, increases communication, and delivers customized solutions to support the success of local businesses. The result, we targeted 12.

[00:05:32] We wanted to meet with 12. We have conducted and completed 50 business retention visits. So a shout-out to the EDA. And that's all I have. Thank you. Thank you. Supervisor Mel.

[00:05:48] Thank you very much, and good afternoon, everyone. One week from today, the Ravenna River Basin Conference will be held of 9.30 a.m. to 3 p.m. at the center on Ryo. breakfast and continental breakfast will be available and lunch will be served as well topics include regional water planning drought and flood records presented by dave hirschman who was a county employee long ago the water guy and

data center impacts on water quality and quantity and the river update from the red and conservation alliance river ravannariverbasin.org has the

[00:06:24] agenda and the link to register and i hope to see lots of people there the croze arts and crafts Festival is back October 11 through 12 at Crozet Park 10 to 5. Tickets are available in advance online, and volunteers get free admission to the festival, and crozefestival.com is the place to go for all that information. Not on as happy a note, employment scans. Some of you may have received these. I've received two in the last week by text. Also, people may have received weird delivery notices pretending to be FedEx or UPS and send us your information so we can track your

[00:07:04] package. The reason I'm announcing this is that on Monday, the local news had a TV story about these and how they're really taking over in this area right now. So a quick Google search will take you to the FTC website, Federal Trade Commission, and they have options for reporting for saving yourself, etc. Copy the message and forward it to 7726, which is spam on your text. This helps your wireless provider spot and block similar messages in the future. You can report it on the messaging

[00:07:36] app you use or report it directly to the FTC at reportfraud.ftc.gov. And everybody, please be careful. Thank you very much. Thank you. I didn't know there was a forwarding to spam as an option.

[00:07:52] Just as I always do, remind people that the Ravana Solid Waste is doing a lot of recycling for fall cleanup and tomorrow is commercial hazardous waste disposal for businesses and commercial establishments. And then Friday and Saturday are the household hazardous waste for residents.

[00:08:11] And then continuing the following weekend, the 27th is furniture. And on October 4th, appliances. And on October 11th, tires. So this is an opportunity to clean up, as you will.

[00:08:28] Also, just probably first a couple of announcements about the Batesville Apple Butter Weekend, which is coming up October 11th and 12th. Pre-orders for apple butter are already being taken. I look forward to that every year. If there's nothing, oh, yes.

[00:08:44] I forgot, for the SWAC committee that both Chair Andrews and I both serve on, We wanted everyone to know that there's a new law, state law, that says any businesses, vendors that have 20 or more of the same type of business are not allowed as of July 1st of this year to use styrofoam for their takeout.

[00:09:10] And it will be for all vendors July 1st of 2026, next year, that they cannot use styrofoam for takeout. This is really good news to help the environment because styrofoam does not degrade.

[00:09:28] And so this is really good news. And we will also be presenting, coming before the board, we each received a letter regarding the styrofoam use, how to publicize it. And so that will come before the committee.

[00:09:44] And, Jim, what was the other item that was? Oh, recycling. Recycling and encouraging recycling amongst not only everyone, but in developments also. So we're working on that, too.

[00:09:59] Thank you. Thank you. Board, we have no proclamations or recognitions today, so the next step is public comment on matters previously considered or currently pending before the board other than scheduled public hearings. And Vice Chairman Keele will read the rules and introduce the speakers.

[00:10:18] All right. During the time set aside for public comment on matters previously considered or currently pending before the board, individuals may address the Board of Supervisors. Individuals are allowed one opportunity of up to three minutes to speak at each board meeting.

[00:10:36] A sign-up sheet is managed by the clerk's office. Timekeeping is conducted through a timer and light system at the podium. The green light will go on when you begin speaking, which begins your allotted time. The yellow light indicates you have one minute to finish speaking. The red light indicates your time has expired, and you will be asked to end your comments.

[00:10:54] In order to give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines. When addressing the board, state your name and, if you live in Albemarle County, your magisterial district. Address comments directly to the board as a whole. Any written statements or other supporting material may be given to the clerk.

[00:11:12] 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. All comments are live streamed, recorded, and published on the Albemarle County website.

[00:11:32] And we have 10 speakers that have signed up today, and the first speaker is Brian McKay. Good afternoon.

[00:11:54] My name is Brian McKay, and I live in the Whitehall District. So, am I speaking now? Honorable board members, two years ago, this board approved a special exception to the clean earth fill code for the Kendrick farm, removing the limits the code placed on the amount of earth fill, commonly known as dirt, allowed to be dumped on agricultural land. The stated purpose of the special exception was that the proposed fill activity would further agricultural use of the property and that it would allow for a more natural appearance of the site. The point was to restore

[00:12:29] 250 acres of existing pasture by filling in gullies and recontouring the dirt. The conditions of the special exception focused on the operation of dump trucks, limiting operations to 10 and a half hours a day, Monday through Saturday, with operations prohibited on Sunday. That was it, 52 weeks a year with no holidays, for five years until August 31 of 2028. There was no stated limit to the number of loads these trucks could haul in a day. This has resulted, as residents have documented and

[00:13:03] reported in 50, 60, 70, and sometimes over 100 loads a day. You will hear from other residents the damage to our neighborhood, but in asking you to reconsider this special exception, I would like to return to the reason it was granted in the first place. We have never heard of any progress on the pasture restoration. Indeed, there is no visible evidence of any such work being done. Do you know how far along the project is? Simple logic would conclude that many thousands of heavy dump truck loads delivered in the last two years would be more than enough to fill and contour 250 acres of pasture. Will it take three more years to complete the job?

[00:13:43] We know, and you know, that every one of these trucks is bringing in loads from construction sites. Whatever that dirt is that is scraped up for building foundations and road grading, it is probably not the agriculturally rich soil envisioned as a proposed pasture renovation. And we know that construction firms will pay some amount of money to dispose of each and every load of their construction waste. It adds up. For two plus years so far, one individual has benefited from this operation. I can't say what the county thinks it has gained, but our neighborhood of 192 homes has suffered the daily assault of these heavy dump trucks and never-ending demolition

[00:14:19] of our quality of life. We are asking you, citizens of Albemarle County, that you represent and serve to provide us an open hearing to reconsider the special exception you granted. We've had more than two years to live the consequences. Consequences, I certainly hope you did not intend. Thank you.

[00:14:39] Thank you. Linda Pierce. And the next speaker is Susan Green. If you want to come down and have a seat in the front row, make it a little bit faster to go through. So Linda, you're first.

[00:14:54] And you need to pull down the microphone so that you can speak into it. There you go. That's great. thank you thanks my name is linda pierce i live in albemarle county in the white hall district i am a resident of earliesville forest i am here to ask this board of supervisors to schedule an open hearing to address the earliesville forest neighborhood's request to rescind the special exception granted to mr kendrick who is not a resident of earliesville

[00:15:32] Forest, allowing him to truck debris through our neighborhood to his adjacent land. This is the third time I have attended a Board of Supervisors meeting regarding this matter of excessive industrial dump truck traffic. I should not be here to do this. The Board of Supervisors should be standing with me and my neighbors at any of a number of places in Earliesville Forest or along the route of this industrial trucking operation leading into Early'sville Forest as I make this

[00:16:07] request. You would then experience firsthand the fiasco created by this board by granting an exception for an industrial trucking operation of this magnitude. Our group would need to step into the weeds and stop speaking due to the noise level. As we wait out the passage of these trucks, we would also need to talk quickly before the next pack roared in to repeat the process.

[00:16:33] Over the course of several years, you, the members of the Board of Supervisors of all Albemarle County, have chosen to hear our pleas to end this dangerous and manifestly unfair industrial trucking enterprise and then move on to whatever your next agenda item might be without taking any action on our request.

[00:16:58] you have chosen to hold up the black and white print of the special exception granted by this board rather than see the true color of what is happening in Earliesville Forest. This industrial trucking operation through our neighborhood is solely for the benefit of one individual residing outside the neighborhood while severely damaging our neighborhood's infrastructure and adversely affecting property rights. This is aside from the very personal negative effects wrought upon the residents, as has been spelled out to you numerous times. I ask you again, please give us the

[00:17:34] consideration due us as our representatives. Without further procrastination, schedule this open hearing to rescind this exception. If you refuse to schedule the hearing, it is our right to understand the true and valid reasons supporting that decision. Thank you. Susan.

[00:17:55] Yeah, Susan Green. And Sage Bradburn is the next speaker. Good afternoon. My name is Susan Green. I am a resident of the Whitehall District and I have lived in Earliesville Forest in my current home for 38 and a half years. I am totally in agreement with everything that's been said and that you will also undoubtedly hear more of concerning reviewing the exception, allowing that hearing. I think we are due that courtesy given the amount

[00:18:32] of misery, and I would like to say a stronger word than misery, torture, and worse, that we have experienced, especially those of us who live directly along that route, but also many, many other people because the level of noise and the fumes and the road damage impacts all of us.

[00:18:51] I am going to give you an opportunity to see some videos. I wish you could smell the fumes so you can at least hear the noise, see the damage, and see the threat that we feel and that we fear our children, our animals, and our other neighbors are exposed to. You will also see a video, or I'm sorry, a still photograph of when one of these trucks left the neighborhood, went off the road, hit a school bus stop sign, crossed the road, hit some mailboxes, and then ended up stopped when it came to rest on the tree, again on the opposite side of the road. This happened right after it left the neighborhood. It could have easily happened to one

[00:19:29] of us, you'll see a video where it looked like it might happen to me. I hope that you will take this seriously, that you will finally believe that the videos that I sent two years ago were actually true, and that you will act on that. And I do appreciate that you're all here. I also would like to say thank you to the staff that has supported me in getting this video ready for you

[00:19:50] because it wasn't easy. So yes, I'm ready. Thank you. Measured decibel level is often over 90 decibels,

[00:20:33] and that's on my deck. In this one, you should be able to hear the birds because it's relatively

[00:20:41] quiet. Then you can hear absolutely nothing except the trucks. Thank you. Thank you very much. Am I

[00:21:16] out of time? You're out of time. Sorry. The next speaker is Sage Bradburn. Maybe not here. Sage Bradburn. All right. Margaret Walter. And then the next speaker will be Chuck Collins. Welcome.

[00:21:49] Hello, my name is Margaret Walter. I am a resident of the Whitehall District. In 2023, the Board of Supervisors declared that Earliestville Forest was no longer a residential neighborhood.

[00:22:09] You did this by approving an unlimited number of dump truck trips six days a week, ten and a half hours a day, for almost six years to run on our streets. From the records, you think you approved average daily loads of zero to 1.3 with one large average of 12.25.

[00:22:25] Here are some real daily load tallies. March 20th, 161 passes, about 80 loads, averaging one truck every 3.9 minutes. May 3rd, 130 passes, 65 loads, one truck every 4.8 minutes.

[00:22:41] September 5th, 68 passes, 34 loads, one truck every 9.2 minutes. What has been the impact of dump trucks coursing through our neighborhood on a regular basis? First, the destruction of our roads. pavement is buckling bursting cratering and cracking we lost water when a pipe along the road ruptured under the pressure vdot has just left large sections of the road cut out and graveled second the noise i have a video from saturday morning around eight when we were trying to have a coffee on our back deck the noise of a single truck is deafening you can just make out my husband yelling this isn't even one of the loud ones there are plenty more effects this dictates

[00:23:20] when our kids can ride their bikes when we plan birthday parties when we can expect to simply enjoy being outside in our own yard. I've had to call the cops and buy cameras and monitor a place I had thought was relatively safe. The list goes on. Is this scale, this level of impact, acceptable?

[00:23:39] Would you allow this in Glenmore? Would you allow this in Dunlora? When you approved this, not only did you ignore written statements from neighbors imploring you not to approve the exception, not only did you neglect to put a limit on the number of trucks that could come through every day. You also ignored how your own government was already using this road. We ultimately had to spend months

fighting with county schools about our official bus stop. They insisted that our children should walk alongside the dump trucks to get to their stop in a 35 mile an hour zone with no sidewalks because we live in a residential neighborhood. While at the same time, no one could tell me what other residential neighborhoods in the county have this level of sustained and

[00:24:16] heavy truck traffic. They finally agreed to move the stop when we publicly pointed out that they were running their own construction dirt through Earliestville Forest, at once denying that our neighborhood had been turned into a throughway for dump trucks while benefiting from that very state of affairs. When discussing another fill site in Woolen Mills recently, Supervisor Andrews is quoted as saying, we can do it, should we, is really the question. I'm so glad that you answered no. But what is being done to address Earliestville, where our lives, as Supervisor Malik has said, are turned upside down i'm asking you to say should we have voted the way you did in 2023

[00:24:52] and then look at what's happening here and stop this otherwise what you've heard today will continue thank you for a third of the childhood if you have any comments in writing you can hand them to the clerk and if you weren't able to read them the next speaker is chuck collins hello everyone hello my name is chuck collins i'm here with my wife betsy and we live at 1240 Earliestville Forest Drive, Whitehall. We've lived there. We've raised our three children.

[00:25:27] We considered our sanctuary and our forever home. If you've read the letter sent by Ms. Erskine, I sincerely hope that you will. It is res ipso loquitur. The thing speaks for itself.

[00:25:47] I can't compete with the excellent job that's been done already to explain the impact, the negative impact that this situation has caused all of us, I would simply ask you to do three things. First, if you haven't already done so, please read Ms. Erskine's letter. Second, if you haven't already done so, please take a view. Go to Earliestville Forest and see for yourself

[00:26:21] with your own eyes the impact that this situation has caused. The damaged roads, the constant noise, the impact on the people, the children, the walkers that are in our once beautiful, idyllic situation. And third, I would ask you to put yourself in the position of one of our neighbors.

[00:26:49] What would you do if you live next door to the dumping site and the progress that has to go on every day? Would you tolerate it? I don't think you would. I don't enjoy being here today, but I have to be here because I couldn't sleep tonight if I didn't. I just want you all to do the right thing. Thank you. Thank you. Dave Norford. Good afternoon. I think most of you know me. I'm Dave

[00:27:28] Norford. I'm representing Farm Bureau, Albemarle Farm Bureau today, and to speak on the fill ordinance revisions, and I want to make clear that what I'm discussing today is only for the agricultural proposed agricultural exemption for limited scope and limited duration farm activities for Phil not a big project like the one that's been discussed here we have had a great relationship with county staff trying to work through these proposed regulations to come up with something that's

[00:28:06] workable we looked at some of their proposals tried to apply some real-world old practical knowledge to it and we've come up with some what we feel is very workable agricultural exemption again only for smaller duration smaller scope projects we do have a few issues we'd like you to consider in your work session one of them being the proposed regulation that the fill could only come from it could only be put on a farm to have access to a public road

[00:28:43] Many farms, as we all know, are served by private roads, and the proposed regulation would say that if my farm is served by a private road that also serves another residence or another parcel, I would have to get the permission of all the owners on that road in order to do my project, which we think would be almost unenforceable.

[00:29:11] it would make it very difficult for the farmer to decide whether they needed to get permission from the other landowners, and it would also make it hard for the other landowners to know whether they had any say over it or not. So if the fill would come from my farm operation, I could put it anywhere I wanted, but if I got it from somebody else, some other source, I couldn't put it where I wanted.

[00:29:37] So that's one of the things. We ask that you just do away with that. we think it's unenforceable and unworkable the other one is uh the project must be completed within 30 days from the time you start to the time you stop we would ask that we could extend it to 60 days not to make the the project the scope of the project bigger but because of weather because if we get started on this and we hit some wet weather we're not going to be able to finish it up in 30 days we all know what water and dirt makes and you can't do much with that until it

[00:30:12] dries up. So we'd like you to consider those two changes to the proposed. Again, only the agricultural exemption, not big projects. Short duration, small scope. Thank you.

[00:30:28] Good afternoon. I'm Neil Williamson with the Free Enterprise Forum, a privately funded public policy organization focused on Central Virginia's local governments. As my now grown children were in elementary school. They learned the song, Dirt Made My Lunch. It extolled the import of soil to the agricultural community. The chorus is quite catchy. Dirt made my lunch. Dirt made my lunch.

[00:31:05] Thank you, dirt. Thanks a bunch. For my salad, my sandwich, my milk, and my munch. Because dirt, you made my lunch. This afternoon, you will hold a work session regarding fill dirt regulations. It's important to recognize these regulations don't apply to any activity that's being conducted under an existing county permit. This means these regulations are really directed at farmers.

[00:31:30] Further, these regulations, as written now, would prohibit the acceptance of any fill material on any farm that does not have primary VDOT approved access on a collector or arterial roadway. I credit staff for conveniently providing a list of collector and arterial roadways within the County. It seems like quite a long list. I believe a list of roads that are not qualified to be on there is much exponentially larger. I might also surmise that the majority of Albemarle County

[00:32:09] farms do not have direct access to a collector or arterial road. Therefore, you're discussing preventing a majority of Albemarle farmers access to topsoil for their fields. As you all know, I'm not an attorney, but that seems like a violation to the Right to Farm Act. To what benefit. For years, the Free Enterprise Forum has highlighted the rural areas as not a park, but a collection of agricultural businesses whose vitality keeps that space open and agriculturally productive. Your own recently approved economic development strategic plan

[00:32:45] includes agriculture as one of your five primary goals. It cites agribusiness as an economic strength, but many farms and producers are at a transition point. Strategies to address zoning infrastructure, market access, rural tourism to grow Albemarle's farming is what the goal states.

[00:33:07] If you want to create strategies that address zoning, perhaps a good start is not putting forth new regulatory schemes that make farming harder. Please consider the limited benefits of this misguided

regulatory scheme and weigh whether they're worth losing farms. As for me, I say thank you dirt thanks for my lunch the next speaker is james coho coho probably mispronouncing that

[00:33:37] but maybe not here justin bailey there you go okay you will need to pull the mic down a little bit for yourself there you go good afternoon my name is justine bailey i live in albemarle county in the white hall district myself and my family are residents of earliesville forest um these are my boys um brody here is eight and brooks here is five and i have them with me today

[00:34:15] so you all can see who is impacted by what is happening in our neighborhood my family and i moved here about two years ago we were drawn to the earliesville forest neighborhood because of how quiet and peaceful it seemed a really great place to raise our kids we moved in and we quickly realized that that wasn't the case. The first thing that we noticed was the constant noise from the dump truck traffic and we're not even on the main route that it drives. We can hear every truck from inside our home and I can promise you with two young boys it's not quiet in our house yet I

[00:34:53] can still hear every truck that is driving by and it's constant from 7 30 a.m to 5 30 p.m six days a week. In addition to the noise and the constant traffic, the biggest issue has been the safety concerns. I had hoped that my boys would be able to ride their bikes through the neighborhood or walk down the street to the creek that's right near our house, but that's just not possible because it's not safe. Trucks are driving by while kids are getting on and off the school bus.

[00:35:27] Trucks are driving by while we are out walking with our pets and our kids. Trucks are literally ruining our roads we ask for your help in remedying the situation so that our neighborhood can get back to being the safe and peaceful place that our kids deserve thank you for your time thank you and let me swing back sage bradburn is sage here no and then james cahoon no all right then we're

[00:36:00] all right thank you thank you uh board this brings us to the consent agenda and i have not heard of any suggested amendments to the consent agenda. So I'm looking for a motion to approve the consent agenda. So moved. And just said second. We have a motion from Supervisor McKeel, a second from Supervisor Malik without objection. If the clerk will call the roll. Ms. Lapista-Kirtley? Aye.

[00:36:28] Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Thank you. Board, our first item, action item, is 2026 legislative priorities. And this is going to be led by Mr. Andy Herrick, our county attorney, with help from Ms. Kilroy, Director of Economic Development.

[00:36:50] And I believe David Blunt is here as well, from TJPDC. Starting with Ms. Kilroy. Welcome. So good afternoon, Mr. Chair, members of the board.

[00:37:11] I'm Andy Herrick, the county attorney. and I'm going to be leaving this presentation today with assistance from Ms. Emily Kilroy, the county's director of economic development, and Mr. David Blunt, who's our legislative liaison with the Thomas Jefferson Planning District. He was here a moment ago. I saw him step out momentarily.

[00:37:27] It's my hope that he's back in time for his part of this presentation. But this is, as the board may recall, this is the third of three presentations that we are having on the legislative program for 2026. We came to the board initially with some ideas in July.

[00:37:43] We followed up with a work session last month in which we tried to hone the county's legislative program and legislative positions. And this is the meeting at which we hope to get final adoption

of both the county's legislative priorities as well as its legislative positions.

[00:38:03] Today's presentation is going to take place in three parts. We go to the next slide. the first of which is a presentation of the Thomas Jefferson Planning District's legislative program mr. Blunt's going to discuss that briefly then we'll talk about finalizing the documents for 2026 and we'll close with a preview of the legislative form and at that point we will take the board's comments and questions all right so mr. Blunt come back oh and here he is he just wasn't he just I know so with that I'll turn it over briefly to mr. Blunt to describe the Thomas Jefferson Planning District's legislative program.

[00:38:44] Good afternoon, members of the board. It's a pleasure to be here with you this afternoon. And I have the pleasure of only having to speak to one slide this afternoon before turning it back over to your staff.

[00:39:02] I did want to speak to you briefly about the development of the Thomas Jefferson Planning District Regional Legislative Program. Also wanted to just first remind you of the current program, 2025 that was developed last fall and the priorities that were part of that program i'll just run through those very briefly the first being public education funding perennial position that has been in the regional program to encourage the state to support localities and school boards

[00:39:36] in delivering k-12 education and to do so by recognizing a realistic standards of quality level of funding. The second priority is really kind of an all-encompassing position related to local program funding, deals with budgets, funding, really provides a statement in opposition to unfunded mandates, to cost shifting that occurs, to underfunded requirements, and also speaks to support for enhancing the revenue-generating authority of localities.

[00:40:11] And then the final priority in the 2025 program really is related to land use authority and really stressing the preservation of localities' existing land use authority. That came in to play, I think, a lot this past General Assembly session, given the number of bills that we saw that were trying to restrict, limit, or take away local land use authority, and I think will be very beneficial again this coming year.

[00:40:41] I've been meeting with the other local governing bodies within the region to talk about the priorities from this past year and looking ahead to starting to draft a revised program here in the coming weeks to submit that to you all for your consideration and approval a little bit deeper into the fall.

[00:41:05] The priorities from last year have been pretty well received as far as continuing those in the coming year. I think doing so would well position us to be able to advocate as we head into the next General Assembly session, where certainly the budget for the next biennium in fiscal years 27 and 28 will be a huge task for the General Assembly.

[00:41:30] You know, given the uncertainty, I think that there will be surrounding the creation of that budget, depending on where we are in November and March when the budget is being finalized. Again, depending on what the state of our economy is and what the impacts may continue to be from activities that are going on in Washington.

[00:41:48] So, again, I appreciate the opportunity to be here with you today. I'm glad to have been part of the previous discussions that you all have had on your local priorities and principles and legislative positions. and certainly those will be useful as I'm looking to to revise the draft program to bring back to you. Should be getting that out to you sometime the first part of October and I think what we have typically done is to have that on your agenda for consideration and hopefully approval in your first meeting in

November. So I'd be glad to take questions at the appropriate time or you know any feedback that you all may have with regard to the priorities for the regional

[00:42:27] legislative program. Thank you. Thank you. So if it pleased the board, we would just hold questions till the end, if that's okay? Or certainly if the Chair wishes to have questions, Mr. Blunt, no, that's fine as well. So transitioning to the county's legislative program, the meat of the presentation today really revolves around two documents that staff is putting before the board for consideration. If we go on to the next slide. The first of which is the legislative program, which is attachment A, and that consists of two parts, the legislative priorities as well as legislative principles. So as far as

[00:43:02] legislative priorities, the proposed program in Attachment A identifies four of them, three of which involve potential amendments to the Virginia Code. First, we're seeking as a priority enabling localities to enforce the Virginia Landlord Tenant Act. That was something that the board had indicated at prior work sessions was important to the board. We're also carrying over from past years expanding the authority to use photo speed monitoring devices right now as I'm sure you all are aware the county has that on a limited basis in certain school zones but this would be expanding that authority to allow in allow local authority for those cameras in other parts of the

[00:43:41] locality not just limiting them to school and construction zones and finally we would be again advocating for a referendum on a local option one cent sales tax for school division capital projects As the board is aware, this is an initiative that has been sought in prior years that's passed the assembly and been vetoed by the governor in the past two years.

[00:44:02] But that would be continuing on as a proposed legislative priority for the coming assembly session. We would also be seeking as a budget amendment state funding for the Biscuit Run Park Monacan Indian Nation Tribute Park Connector Greenway Trail Project. Ms. Koehler, I don't know whether you have anything to add on that.

[00:44:19] Just a reminder that this is a similar but slightly re-scoped project to what we put in a budget amendment for last year. It was vetoed by the governor, but otherwise supported by the General Assembly. So we're very hopeful that with a new governor in place next year that this would be successful again. So that summarizes what the priorities are on Attachment A.

[00:44:38] And then if we go to the next slide, the program also has legislative principles. And this marks a change from last year where we had a series of policy statements, and it was our suggestion that we presented at the prior work session that we scale down and try to articulate what the county is seeking in the form of principles rather than a lengthier position statement.

[00:45:02] And so we've reorganized the legislative principles in Attachment A as high-level statements on the eight points you see there, broadband and the internet, economic development, growth management, environmental protection, land use and transportation, health and human services, housing, local government finance, public safety, and then given the importance that we've heard from the board about transportation, we've actually broken that out and made that a new legislative principle towards the end of attachment A.

[00:45:33] We also heard the board's hesitance about supporting the entirety of the VML and VACO programs So that was eliminated from the past legislative, the prior draft of the legislative principal

documents. And at this point, the principal's document articulates support of the TJPd's legislative program, but does not take a position formally endorsing the entirety of the VML and VACO programs.

[00:46:02] So if we go on to the next slide. And then we also heard from the board at the prior work session that the board does want us to retain a legislative position statement. The prior version of it last year, I believe, was 49 positions. It's been slimmed down this year to 28.

[00:46:19] We've not made significant, staff has not made significant changes from the position statement that was brought to the board previously, but simply are bringing that before the board for proposed adoption. And, again, these position statements are organized largely along the same lines as the principal statements.

[00:46:37] There are seven categories rather than the eight that you see on the principles. So with that, those are the two documents that at the end of the day we're recommending the board's adoption of attachments A and B, the legislative program and the legislative position with any desired amendments that come out of today's discussion.

[00:46:57] But looking ahead to the next step, which is the legislative program, We are, Mr. James Douglas in our office is still working very hard to try to coordinate the schedules of the various board members and our legislators, and unfortunately it's looking as though there's not a single date that will accommodate the entire legislative delegation.

[00:47:16] We have one date, I understand, in mid-October that is looking the most promising, which where we'll have two legislators available and perhaps representation from the third in the form of a legislative aide. But I'm confident Mr. Douglas will continue to work to try to find the best date, and we will certainly let the board confirm with the board what that date is once we're able to confirm the availability of the legislators.

[00:47:41] So that work remains ongoing. There's certainly room for engagement with the delegation both before and after the meeting. It's not limited to the meeting itself. But at the meeting, there will be a presentation of legislative priorities similar to what we've just done in the last several work sessions.

[00:47:59] There'll be time for the board to share concerns on transportation funding because, again, we've heard that that's been a big concern of the board. State funding, as has been noted, has been stable while the construction costs and needs have grown. So basically the funding is not kept up with the demand and that action is needed, and that's certainly something that can be empathized both by county staff and by board members themselves at the legislative meeting.

[00:48:25] And there's also time at the forum, as in past years, for legislators to share some of their priorities heading into the session. So that's a look ahead to what we plan on doing. But, again, what's before the board today are the two documents, attachments A and B, for proposed adoption.

[00:48:40] And with that, I'm happy to accept your questions and any discussion. Thank you. We'll go through our order, starting with Supervisor McHugh. I don't have any questions on the documents. I'm supportive of what we have. I do have a question, though, about last year.

[00:49:00] The Virginia Residential Landlord Tenant Act, I think, was in our packet last year. Correct me, and this is what I'm trying to, thinking about, you know, I have a hard time remembering what I had for breakfast, much less what happened in the General Assembly last year.

[00:49:17] Having said that, I thought the governor vetoed this. That's correct. Okay, Mike says I'm correct. So he, in my memory of his veto, was that he said we already had permission to do this. Now, I could be wrong.

[00:49:33] I may be confusing another bill. And the only reason I bring it up is when we're thinking about how to approach the bill and to talk about it, it sometimes is helpful to know how it failed so that you can address that right up front as to why it's necessary, not that just we have a permission.

[00:49:54] And I'm not sure, Andy, I just don't remember. Right, and let me speak in broad brush strokes because I want to be careful that I don't overstep what I'm aware of on that particular issue. My understanding of the governor's veto is that he said that the localities had sufficient other remedies to get at the same end.

[00:50:09] I don't think that he was saying that the counties had exactly what was in that bill, but his thought was that there were other tools that the county could use. His other objection to the bill, as I recall, was that he said it was one-sided in terms of giving tenants enforcement powers, but wasn't aiding landlord or allowing landlords to have any sort of enforcement isn't the right word, but that he saw that it provided remedies to tenants only and not landlords.

[00:50:37] That's just helpful for me to know in thinking about how we go forward with this and the discussions. And if anybody has anything, is there making comments to add to that? But thank you very much. I appreciate it. Thank you. Supervisor Proett.

[00:50:53] Just as a clarifying point, are we only discussing the principles page? Are we talking about principles and positions? Everything. Everything. Got it. All right. First, I just want to reflect. I know kind of our drafting approach on legislative principles, almost all of them are in the same form.

[00:51:13] It's like this is the priority. We want funding and authority. This is the priority. We want funding and authority. And that ask comes every time. And there's once or twice where I pause. I'm like, is that actually the ask? The example that I think really jumps off the page is broadband and the Internet, right?

[00:51:30] We want, it says we support legislation that promotes accessible and affordable broadband for all county residents, either through state funding or expanded enabling authority. Sounds nice. I can support that. But I also, like, I'm just sitting here and being given cause to pause. What expanded authority is even requested or relevant for this ask, right?

[00:51:49] This feels almost entirely a request for funding, right, a request for accessibility funding, right, to fill the federal stock gap that we've lost I don't know this is urgent I would just reflect that to us it I think we have a pattern of asking for the same thing but it doesn't necessarily key into what the actual need there I don't know of any additional local authority that we lack in this space that we would be looking for or any better coming forward it's really just a funding request and I I like this document one kind of snickle fritz at it page three yeah that's been my word of the day for

[00:52:27] several days running I apologize I think we discussed this previously but we moved the locality enforcement of the landlord tenant Act to a schedule one priority I forget the word we always use for it but it's one of our big three right or our big four but it's also still included in this page I think for clarity maybe it shouldn't be I and that's how we've done it with others so I would just raise that I think that should be stricken and board I'm sorry you've heard it before you're gonna hear it again the rent stabilization piece

[00:53:03] right it's in there we in the current language it discusses supporting a state study I would just reflect to you board that I don't know this accomplishes anything the legislative positions they're basically equipping our lobbyist to have something to say when he goes into someone's office or into a work group or speaking when a bill is being discussed in front of a committee or for a final vote, he can say, ah, Albemarle County supports this. Albemarle County doesn't support this. A study on rent stabilization is not being brought. That is not coming forward. That was briefly where some energy was when it was seen as dead in the water. That hasn't been the case for at least two years.

[00:53:43] This is never going to be brought up in this capacity, whether or not we support or deny a rent stabilization study. What is coming forward and has come forward for the past three years is actual text for a rent stabilization enabling authority, something that would give us the authority to consider a rent stabilization ordinance. I think if we are going to say something on this, we need to say that we support a rent stabilization enabling authority, because otherwise it's not really empowering our lobbyists to do anything. And you also know my position on this. Again, it does not commit us to adopting rent stabilization. We can have our

[00:54:20] own internal discussions and our own internal studies on whether or not it would be appropriate in Emerald County, but I think the expansion of our local authority here is prudent and appropriate because otherwise we're just going to be waiting longer. If we ever do decide to do anything on it, it's just another year in the hopper. So I would raise that. Thank you. Supervisor Galloway.

[00:54:42] I don't have any questions or comments. The reaction to the other commissioners at the Thomas Jefferson Planning District Commission, Louisa endorsed the idea of emphasizing the need for better transportation funding in the state. Seemed like there were other heads nodding.

[00:55:04] So I'm hopeful that that collective, that that commission will find its way to maybe sending a joint letter from them to hit that. I don't think in terms of what I think in terms of a priority that it's stressed here in this document. I don't think that that, I don't think there, you know, aside from putting one of those pop-out things where the fist hits you in the nose when you open the card, I don't know what else we could do to make it stand out more.

[00:55:30] So, I mean, it's just a matter of how we lobby and maybe gathering support from other jurisdictions. So I'm fine and ready to vote on this as it is written. Thank you. Senator Maslow, if you're still currently. Yes, I support what we have, what we currently have, and I'm ready to vote on it also.

[00:55:50] And I'm keeping my fingers crossed that maybe we can get something over the finish line. Once again, perhaps next year, this year, that would be, frankly, that would be really nice. But I do like our priorities, and I do support those.

[00:56:10] So no other questions. Thank you. Supervisor Malek. Thank you. I also support the priorities and the process that's gone on. The only question I have is, is there any displacement protection anywhere implicit in any of these things that we're talking about?

[00:56:31] Or is that just totally separate? Yeah, I don't think that's directly addressed in any of the statements here. Because that has certainly, whether it's trailer parks or apartment complexes or whatever, that's been something that has really caused disruption for hundreds of people.

[00:56:48] So I just wanted to find out. Thank you. Thank you. I am supportive, although I'm very sympathetic to the idea of having an enabling authority as a next step on rent controls, if you will, whether

we use them or not, and also any additional possibilities with respect to displacement.

[00:57:11] Separate from that, I wanted to raise a question for Mr. Blunt, and I was looking for it just now, but I've been reading in the news some significant concerns about our state budget. There were a lot of good news coming out about our state budget in previous months, and then suddenly there are projections of a big deficit.

[00:57:36] Do you have any insights into that? Yes, sir. I think you probably heard a report about a month ago from the governor in terms of the closing of the FY25 books, some revenue surplus of about a half a billion dollars, some rollover of funding due to some vetoes that had occurred back in the spring, and some other transfers, \$1.5, \$1.6 billion, I think.

[00:58:01] I think the other side of that coin is a couple of fold. Looking ahead to the creation of the 27-28 budget, it is a K-12 re-benchmarking year, which also is that re-examination of costs associated with public education based on data that's already two years old that then becomes four years old by the time we get to the end of the next biennium.

[00:58:26] Plus, there's always increases in required spending on Medicaid. Those are the two biggest state budget drivers. So I think that amount was also pegged at about a billion and a half anticipated at this point. And then the other piece would be just, you know, some known cost or expenses that the state will have, you know, related to federal actions that have already occurred.

[00:58:51] There's going to be additional costs, you know, related to the supplemental nutrition program. There will probably be some administrative costs related to Medicaid beyond just the usual driver piece. And then I think what other pressures that there may be that the General Assembly feels, whether it be from nonprofits or other entities where grants have been lost or funding has been cut, and how they choose to deal with doing some backfilling.

[00:59:21] And again, that's me standing here before you in September, not knowing what future impacts may be that will flow downhill, that we'll know about toward the end of the year when the governor introduces his budget in December, and then again as we move into the first part of 2026.

[00:59:37] Thank you. I appreciate the insights. I've read it with great interest. I would just say that the headline today was Virginia looking at a \$1.75 billion loss to schools and Medicaid. That was the headline today.

[00:59:54] That was what I was referring to. Thank you for talking. I just pulled it up while we were talking because I remembered reading it this morning. And on another happy note, is there, because I don't get the paper early enough to do that, any update after the Federal Impact Committee report last week about they really focused a lot on the survival dollars for SNAP and things like that.

[01:00:18] So that's another backfilling issue that really can't wait until April. Yeah, there's both some administrative and some benefit, I think, impacts. Right, huge in both cases. And I think, you know, some of that's going to probably continue to evolve, you know, in terms of what they know.

[01:00:34] I don't think there's been guidance in all of those areas that's been made available yet. So their staffs are, I think, hyper-focused at the General Assembly and the money committees on this. So, you know, the more we go, you know, into the fall and heading into the session, I think we'll know more and more. Well, I will hope that the federal government is operating the 1st of October.

[01:00:53] That would be a great relief. I'm literally sure. Because that's another uncertainty. We don't know what's going to happen. Thank you. Thank you. I will just add, Jim, and I'm sorry I've jumped in twice now, but Mike's description of the rent stabilization.

[01:01:10] So my concern with supporting that is that I don't know enough about it, which is why I wanted a study. And it sounded like, to me, what the folks in the General Assembly have been talking about was actually having a bill for rent stabilization, which is why I wanted to study, because I don't know enough about it, and I have a hard time supporting something that I don't understand, at least the basic pros and cons.

[01:01:38] Does that make sense? It does. And I think you described it a different way, that we would have, with some of the bills, maybe we would have. I mean, it would give a – the bill, as drafted in previous years, is an enabling authority bill. It does not impose it, right?

[01:01:54] It gives us the opportunity to do it, which means we could have our own staff presentation weighing the pros and cons. There's also – I mean, there's already public literature on the pros and cons, including those that have been shared by lobbyists in the audience that we have access to.

[01:02:11] And that's helpful. The way it's written is helpful, yeah. Chair, do you think it would be helpful or prudent to put this to a vote? Because I've heard different things on that particular question. I certainly want to know the consensus of the board, and I'd rather than actually vote.

[01:02:32] I mean, we went around, and I think there are two of us that are interested in doing this. I'm not sure. You're talking about the rent stable. I'm talking about the rent stable. That's what he's talking about. Yeah. Same thing. I just don't know enough about it to take it, to vote, you know, give a consensus one way or the other.

[01:02:55] I just don't know. I would be in favor of a study, but that's about it. I guess my view would be the study would be something we would follow after if the bill passed and gave us the enabling authority to think about it, then the study might be appropriate from our local and local stakeholders involved rather than having everything happen in Richmond.

[01:03:16] So I'm glad to have it included in there to see. But that would be after a, if it passes somehow by a miracle in the state assembly. And also, of course, when things evolve in the assembly, our lobbyists come back and say, well, this is what's changed from what you thought you were voting for.

[01:03:36] So do you still want to vote for that? So should we make it contingent upon the state doing something and then we could then follow up? My understanding is all we're doing is recommending to what the state to do. It has no impact on what we're going to do right now.

[01:03:54] We're not starting anything. We're not starting. Okay, got it, got it. Okay. Yeah. Supervisor Calloway? I mean, I wouldn't be opposed to it. I just don't think it's going to pass. I agree. Fair enough. I agree with a 1.95 billion.

[01:04:11] To be perfectly just frank, it's a political, I get it, it's political maneuvering. If you don't ask for it, it'll never pass. But the idea of the study, it seems, in the state of Virginia, is that it at least pulls back from just the pure politics of it and forces people to deal with some substance and content.

[01:04:27] I don't necessarily think that frees it up or makes it more politically viable. I think for just the local politician in me, with the people that we partner with to try to achieve affordable housing, have

severe concerns about rent stabilization, it scares them.

[01:04:44] Just hearing that word, it's affiliated with rent control. and more than a study or what I know about it, I'm not too worried about that, but I'd rather step back and have what you could do. I mean, I can have that conversation with these local folks, but I haven't with the developers and folks that I think would panic when they hear this phrase or this word.

[01:05:07] So I think a study by the state that has everybody in and all the players involved just turns maybe the temperature, the concerns down on that type of conversation. So whether it's in here or not, I mean, I'm not going to vote to not put it in there. But I'm not also advocating to put it in there.

[01:05:25] Because there's frankly other things that I think we can get accomplished for Albemarle right now. And we have other tools to try to attack the affordable housing piece. So that's just where I'm at on it. So, yeah, I mean, I hate to be wishy-washy, but I'll vote to put it in.

[01:05:43] I'll vote to not put it in. But I don't think it's not going to go anywhere. And I will say the sad thing is that there's a stack of JLARC studies like this that over the last 10 years we've received those studies, and they've never been acted on. They're just piling up on the shelf.

[01:06:00] And, I mean, I'm pointing that at Democrats when I say it's not going anywhere. So, you know, I'm not thinking of – I mean, there's just one side that I don't think will ever want to do it. But if there are folks in the middle or in moderation, and those who are on the Democratic Party that would be against it, I think pulling back the political, just the political maneuvering, if you would, the study at least gives something there that they'll grapple with and maybe could change some minds.

[01:06:29] So I think it's a smarter approach to get at it, but that's just my reaction to it. And I think that was our discussion the first time. We've had this discussion now about this issue a couple of times. Yeah, I mean, just because we have the enabling authority, I don't feel like that dictates to us how we want to do things. I certainly would be supportive of the local control and be able to go through our own process.

[01:06:48] That's why I wouldn't stand in the way of putting it in there. But, you know, I'll be curious to hear what our, I assume and presume that you will, whether it's in there or not, will bring this up when we're sitting in front of the state legislators, and I will be thrilled and curious to hear what they have to say about it.

[01:07:08] i i would not bring this up if the board did not vote to include uh this as a yeah i might separately but but not when we're in front of them together i don't think that'd be appropriate but i chair i'm i hate to do this i think it actually would be prudent to have a vote because i i was not clear on what i just heard from from the board i want to say one thing before you vote when you're ready for that uh well two things actually uh the affordable housing sector is

[01:07:40] already regulated by the state and federal control numbers. So I think for them to say this is the end of the world is probably not fair, because they're already having all the guidelines that Stacey reports to us all the time about what one-bedroom, two-bedroom, and three-bedroom units shall cost if they're going to be called affordable, et cetera. Second of all, perhaps consider two phases to this one to have the study and the other to support enabling authority and send it all down the road thank you do we just do we just want to ask to get rid of the dylan rule

[01:08:19] while we're at it i mean yes but as i mentioned every single one of our priorities says and further expanded enabling authority and also i would just raise as i mentioned before If we did not have these more particularized priorities, I think our legislative principal's housing goal would be in support of this because it is expanded authority for preservation of affordable housing.

[01:08:49] So absent the particularity of us not saying yes, I think we would already say yes under a more broadly defined principle. So in order to be able to modify this, if you would suggest some language. Mr. Chair, I would like to move that we, after the word study, under rent stabilization, add the language, and local enabling authority for, or rather, sorry, a state study of, add local enabling authority for rent stabilization slash rent gouging protections.

[01:09:29] I'm sorry, could you repeat? I just want to make sure I've gotten this down correctly. Following of, and local enabling authority for. Okay. Is everybody clear on that proposed modification?

[01:09:45] I'll second now. Are you making a motion? There's a second. And a second. Okay. So we have a motion from Supervisor Pruitt, second from Supervisor Malik. Without objection, I have the clerk to call the roll. Ms. Lapista-Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt?

[01:10:01] Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Okay. With the expectation, understanding that we're not saying that we're going to use that authority if it's granted. With that, then, we also need to act on the big picture, which I'm going to start with an expectation that the motion would be, do we need separate motions for A and B?

[01:10:24] So, Mr. Chair, what I understood this last motion was just amending attachment B. I think at this point the board would still need to adopt attachment A and then adopt attachment B as amended. separate vote. Yes, sir. Thank you. Then we're looking for a motion to adopt attachment A.

[01:10:41] So moved. Second. We have a motion from Supervisor Malek, second from Supervisor Pruitt. Without objection, the clerk will call the roll. Ms. Lupisto-Kirtley? Aye. Ms. Malek? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Okay. And board, we need the same for attachment B, but I would say with the amendment that we also are removing under the Housing Locality Enforcement of Landlord-Tenant Act because it's already in the other document and we have not generally repeated those priorities in this document.

[01:11:14] So the motion would be to adopt attachment B as previously amended and also to then strike Locality Enforcement of Landlord-Tenant Act from the position statement? From the position statement, right. So moved. I second. Okay, we have a motion from Supervisor McKeel, second from Supervisor Lopisto-Kirtley.

[01:11:32] Without objection, if the clerk will call the roll. Ms. Lopisto-Kirtley? Aye. Ms. Mallett? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Great. Thank you. Thank you. Thank you very much. Thank you.

[01:11:50] Board, this brings us to work session on zoning fill regulations, and this is being led by Jody Filardo, Director of Community Development, and Amelia McCulley, Special Projects Manager. Welcome.

[01:12:11] Good afternoon, Board of Supervisors.

[01:12:38] Jody Filardo here, Community Development Director. It's my pleasure to introduce our August team working on the fill ordinance today. In November of 2023, I was before you with Bart Swoboda, and

we were talking about the status of where we were with fill at that time, and at that time you suggested to us it would be a great idea to go back and take a look at the fill ordinance based on the experience that we've had.

[01:13:09] Today, in front of you, we have some suggested new fill ordinance language. This is a work session, though. So Amelia and Bill, Amelia McCulley, who is our special projects manager, and Bill Fritz, who is our development process manager, Two of our best zoning folks are going to be making a presentation to you.

[01:13:35] We're going to outline the research that has been done since you suggested we go take a look at this, the stakeholder outreach that has been done and the feedback on that, and then we're going to go through some ordinance suggestions and some revision suggestions.

[01:13:55] We're also going to talk about the possibility of an agriculture exemption. And so we'll lay all of that out for you. We have a couple questions for you as well that we'd like your consideration on. So with that, I'd like to turn it over to Amelia McCulley.

[01:14:11] Thank you. Thank you. Actually, I'm going to start. Okay. Welcome, Mr. Fritz. You're not Amelia. We're Bill Fritz. So Amelia and I are, Bill Fritz Community Development. Amelia and I are going to do a presentation which sort of divided this two ways.

[01:14:29] Amelia is going to talk about the details of the ordinance, and I'm going to sort of give a background of where we have been and where we're going and sort of how we got there and just sort of an overview of everything. Part of that is because you may remember that in September 2016, prior to that actually, the board adopted new regulations, and I worked on those to sort of close that loop of previous to now.

[01:14:56] now. So the current ordinance was adopted back in 2020. When those were adopted, the board asked for a review of the impact in their implementation. In November of 23, staff provided a program update and the board agreed that staff should engage with interested parties and generate some recommendations for amendments. And staff launched the project on Engage Albemarle.

[01:15:20] We've also reached out to applicants for fill permits since 2024, adjoining localities, and other interested organizations and individuals. Just to give some background, moving dirt around the same property is not regulated as fill.

[01:15:40] Bringing material in to construct anything that's been issued a building permit or has an approved site plan is not regulated as fill. That's part of the construction activity. So this fill and waste does not apply to those things. The zoning ordinance regulates clean earth and inert waste fill coming in from a different property.

[01:16:01] The Water Protection Ordinance regulates land disturbance of 10,000 square feet or more, including the filling of land. Many agricultural activities, including those related to fill, are exempt from the Water Protection Ordinance. I'd like to briefly describe how the ordinance is structured.

[01:16:20] Clean earth fill is allowed by right in the RA, VR, and MHD Monticello Historic District. Clean earth fill is basically soil, stone, and small percentage of roots and other woody material. Inert fill and clean earth fill is allowed in all the other zoning districts by right.

[01:16:42] Inert waste can include clean earth fill as well as other materials that are uncontaminated and non-reactive, such as concrete, broken bricks, and block. All fill activity is subject to regulations. Some activity is by right and some requires a special use permit.

[01:17:01] The things that are subject to a special use permit are fill activities lasting more than one year, fill activity that does not have direct access to a collector or arterial road, and inert waste activity in the RA, VR, and MHD districts.

[01:17:20] Agricultural activities are exempt from many regulations, but not all of them. All of the regulations may be modified by the board through the special exception process. And Amelia will be discussing more of the details of the actual ordinance later.

[01:17:35] I was just trying to give you an overview of how the ordinance is structured and generally what it does. So there are some unique impacts and features that are associated with fill activity.

[01:17:52] Truck traffic is the most common complaint associated with fill activity. Noise can also be a concern, but not always. It is inevitable that some development will produce surplus fill material. It is not necessarily a good use of the landfill for the placement of fill, and requiring that can increase development costs.

[01:18:15] Farmers use fill for many agricultural purposes, such as leveling fields, farm ponds, drainage, and contour farming. There was stakeholder input that staff sought.

[01:18:31] Staff reached out to a variety of interested parties to receive the input. The input is provided that you have some attachments, three, four, and five, contain a lot of the public input, and I believe you've also received emails directly. In August of 24, we launched the project on Engage Albemarle.

[01:18:51] We also sent an email to various community members to inform them of this project and provide a link to Engage Albemarle and background information. We solicited input on their experience and lessons learned. We informed UVA, RSWA, PEC, SELC, FEF, Farm Bureau, CADRE, Blue Ridge Home Builders Association, and residents who have reached out and expressed an interest in this work, and WPO applicants, that's Water Protection Ordinance applicants, fulfilled since 2024, and that's about 62 individuals or entities.

[01:19:30] The project on Engage Albemarle included a survey to understand people's experience and asked them to share lessons learned. In May of this year, via email, we shared background information and the initial draft of the revised regulations to those parties and those asked to be kept informed.

[01:19:50] In addition, we shared the draft with TJPDC, the City of Charlottesville, and the counties of Orange, Nelson, Green, and Buckingham. We've met several times with the Farm Bureau and have met with neighbors to the Kendrick Special Use Exception. I want to point out this is not about any particular application.

[01:20:10] It is a zoning text amendment that would apply countywide. At the end of August, we inform the same parties and all who ask to be kept informed of this project about this upcoming board session. I just want to point out that we've listed some of the stakeholders' input, some of their comments, and you've seen those up on the screen.

[01:20:40] I just want to point out that the current draft does not remove asphalt as an inert waste material and that inert waste is not permitted in the RA, VR, or MHD districts except by special use

permit. I'm not going to hand this over to Amelia to go into some of the details of the ordinance.

[01:20:59] All right. So we researched other localities to see what their trends and practices were, including neighboring jurisdictions. A total of 23, and of the 23, about half of them, 12, have fill regulations in their zoning ordinance.

[01:21:19] So that means that 11, the other half, don't address it as a land use. It's purely an engineering technical review, such as would be found in the Water Protection Ordinance. Now, of those that do have zoning regulations about fill, about half of those six have performance standards, as we do.

[01:21:40] And then in terms of how the approval system kind of breaks out amongst those localities, three of them again of the 12 three of the 12 only allow fill through a legislative action from the governing body three of them only allow fill for agricultural use only agricultural and it's by right and then six it's sort of a hybrid where some of the permission is by right some of the permission is through a legislative action so of those localities that do limit fill activity

[01:22:19] Because we spend a lot of time trying to think about how to get our arms around limits to the scale or scope of fill. Most of them use a maximum volume. The exception is Prince William County, which is a locality that uses a regulation that's based on maximum truck trips per day or per year.

[01:22:41] So by right, if you stay under 15 trucks per day and under 300 trucks per year, it's a by right use. if you go above that, it's special use permit. And I should just note anecdotally, even though I'm just talking very broadly about research, that in talking with them, they said it's very difficult to enforce this. So staff recommended updates include multiple things. I'm going to just sort of breeze through those and focus on the main substantive questions for the board. There's a

[01:23:17] lot of reorganization to put things together. There's a couple of changes to the definition of clean earth fill to make it easier to enforce, clarifying roles between county engineer and zoning administrator, clarifying that these regulations don't apply when it's agricultural excavation material used on the same farm, clarifying that if there's a requirement through a special use permit, for example, or special exception for monitoring equipment, that the applicant is responsible for purchasing and it's subject to county approval for what and where it

[01:23:53] goes. Now the more substantive questions, these revisions relate to road type requirement for access to the fill activity, duration of the activity, and then the creation of an agricultural exemption for a short-term small fill operation. So I'm going to talk a little bit about the difference between special exceptions, special use permits, and we'll dive a little deeper into

[01:24:24] those main questions. In terms of background, this board is very familiar and sees special exceptions and special use permits all the time. Staff suggests that the technical requirements should still, of an ordinance such as this, should still be available to be varied or modified through special exception. However, key requirements, such as the duration and the access to fill, things that can directly impact off-site properties, should be subject to a

[01:24:58] special use permit. Will you ask why? And there are three reasons that I would recommend that those key requirements be subject to a special use permit. One is it's a broader process with a community meeting and two public hearings than there is for a special exception. The other is that a special exception is limited to a technical review of that specific exception, while a special use permit is reviewed against much broader criteria. And finally, through a special use

[01:25:34] permit, the board can place much broader conditions on the location and operation of the use to limit the impacts. All right, the first focused issue is duration of fill activity. Staff, a frequent comment, excuse me, from neighbors to account a long-term fill activity relates to the duration of the impacts on them. This includes a recurring request in your attached input from stakeholders

[01:26:08] that fill never be approved to extend beyond one year. So what staff is suggesting for this top is that a special use permit be required for fill activity that lasts longer than one year. This is not an exempt activity. We're going to talk about an agricultural exemption.

[01:26:28] This is something that doesn't fit into an exemption. So anything that would go longer than one year, special use permit through the Commission of Board, broader conditions of approval. Secondly, the restriction for fill activity access. The most common comments from neighbors to a county long-term fill activity relates to the impacts of truck traffic through residential streets in their neighborhood. These types of internal public roads are typically called local streets, and they're at the lowest end of that diagram on the right-hand side.

[01:27:04] There are requirements currently for the adequacy of that road and for its entrance onto a public road, the access, the private access entrance onto a public road. Staff is recommending with the draft that's before you, that we limit by right fill activity to direct access by a public collector or arterial road based on a VDOT functional classification system. It's both online in ArcGIS, and it's also available in a spreadsheet, which is one of your attachments.

[01:27:35] So what that means is that fill activity access would not be allowed by right through internal residential subdivision streets or private access easements. It would require a special use permit. So some examples of arterials and collectors that would meet the requirement are major roads, such as Route 620, 29, 250, Route 810, Route 692, and things like that. Okay, moving on to the next

[01:28:09] focused topic, which is the agricultural exemption. To support agricultural use and balance it with community needs, staff is recommending carving out an exemption and modified regulations for a very short-term clean earth fill activity when it's used to support agriculture. And the support of agricultural activity would be as currently defined in the zoning ordinance. Things such as building farm ponds, leveling fields, and so forth. But it would be subject to several requirements.

[01:28:47] For example, the parcel and any adjoining parcels under the same ownership or management has to be an aggregate of 21 acres. Secondly, access to the fill site must be either from a public road, a public road. It doesn't, for the exemption, doesn't have to be an arterial or a collector.

[01:29:07] Or it could be from a private road if the owners on that private road give their approval. And I'm going to circle back to that in just a second. I'm going to talk to you about Farm Bureau comments. Okay, number three, the trucks that are involved in that fill operation would be limited, and this is an intensity of use requirement, a maximum of 15 truck round trips to the site per day. And then number four, a duration limit of 30 days. So what you see before you is staff's

[01:29:41] recommendation, I need to note that there are two of those four things on the screen that the Farm Bureau is concerned about. Let's start with the first one, which is number two. Many farms are on private roads. It would be difficult to obtain all of the other owners' consent. The Farm Bureau has asked that that requirement be deleted, that we let the requirement for the adequacy of the road physically stand on its own, but not require access approval from the other owners who have

[01:30:18] the right to use that private road. Okay, the second thing relates to number four, and that's the duration. As you see on the board, staff recommended 30 days, and the Farm Bureau has asked for 60. And I think that the consideration is that with weather and the ability to get clean filled. They want some flexibility to have a little more time to get the job done. All right, so what exactly is the agricultural exemption exempt from? The things that you see on the screen,

[01:30:55] setback, maximum fill area, staking your limits of fill. In terms of hours of operation, it adds a day. The current regs are Monday through Friday for fill operations, 7 a.m. to 7 p.m.

[01:31:12] For the ag exemption, they are also allowed to do Saturday based on what staff has drafted. The other exception would be the exception for the access directly to a collector or arterial. The requirement for a plan or narrative and the requirement that fill greater than 10,000 square feet be subject to erosion and sediment control requirements.

[01:31:36] So, what does apply? If that's what activity that fits into those four criteria is exempt from, what still applies? What's left to apply?

[01:31:56] Number one, only clean earth fill. Number two, hours of operation, 7 to 7, a.m. to p.m. three fill must be shaped to incorporate drainage number four maximum fill slope three to one or 33 percent number five height of fill number six restriction it can't be in a stream buffer can't be a flood plain number seven support lateral support to the ground for the fill activity number eight transporting the fill you've got to have a clean load bed number nine you've got to

[01:32:31] treat the road to reduce dust and debris. And number 10, final and grading and stabilization of the site. So those are the things that we would propose that this agricultural exemption be exempt from. The things I've just read out, the 10, are the things that it would still be subject to. So I'm going to move from there to the focus questions we have for you. And of course, any general questions you might have. There are two questions we'd like to focus on in today's work session. The first one relates to that agricultural exemption. Does the board support the specific

[01:33:10] proposed exemptions for this agricultural activity? And again, note that Farm Bureau is asking for 60 days duration and no requirement for owner's consent on a private road. The second thing, not ag exemption, but for other activity that does not fit into an exemption, does the board support limiting by right fill activity to property with direct access to a public road classified by VDOT as a collector or arterial.

[01:33:43] Thank you. Board, we should ask questions and address these if possible, but I think we'll have to go around more than once. We'll start with Professor McKill. And I'm going to start, Amelia, where you stopped because I had a question before I forget it.

[01:34:03] Number two, Does the, oh, I'm sorry. I thought there was another, was there another slide there? I jumped ahead to the next steps. I was going to say, wait. I can do that now if you want me to.

[01:34:24] I'm confused. What did you just say? No, go back. Go back. Does it relate to our questions of you? Those are your questions. Yes. Yes, ma'am. Yes. Okay. My question was, talk to me a little bit about the rationale or the getting the approvals of the folks.

[01:34:49] Can you talk to me a little bit about that? Because in a way, that makes sense. We do that with other things. If we're going to put in a white streetlight, everybody on that area has to give approval. I'm just trying.

[01:35:05] So help me, Amelia, a little bit with that. The thinking was that if you're dealing with a privately maintained road and the fact that truck traffic can impact the condition of that road, the maintenance and the cost for others, that even though short-term duration activity to support agriculture could potentially impact others.

[01:35:33] Honestly, it does, with some of these roads and the difficulty in determining who is an owner and who has the legal right versus, you know, it's just been continuing open use of the road, it gets a little complicated.

[01:35:51] But that was the thinking, because it could impact the road. And I couldn't imagine it does. get complicated. Yes. I mean, it's complicated even in neighborhoods. I mean, where I don't drive to the back and I don't want to pay for what I don't drive on. I'm just saying. So we are, we consider ourselves to be an agricultural community. I'm just making a comment. And I've been told over

[01:36:25] the years that there is a shortage of places for Phil to go. And we have all of the University of Virginia construction happening right now and all of the other construction. I mean, certainly developments are happening. I guess I'm just brainstorming here out loud. It's this conscious stream of thought. I don't know if you have any thoughts about any of those comments I just made. That is true. And you'll note in one of the attachments from our stakeholder feedback,

[01:37:05] Rivanna Solid Waste Authority commented that we need to find a way to responsibly dispose of surplus cut. Everybody wants to balance your cut and fill. It costs more to have to deal with surplus cut that you then have to truck off the site. So it's kind of a last resort. But when you have no other choice and you have to get rid of that dirt, there needs to be a responsible place that it can go so people aren't putting it necessarily in the landfill and taking space for other things.

[01:37:42] I know I'm going to, well, let me look at my questions here. So 30 versus 60 days, and I hope we're in that questioning period right now, but 30 versus 60, I get weather. So help me with some of what we're talking about with the 30 and the 60 and the travel on the roads.

[01:38:10] Is all of this enforceable? I guess the 30-day or the 60-day is more enforceable than some of the other parts of what we're doing because it's either a 30-day, it's a month or two months. Right, right. And we looked at other options because within that span of time, whatever it is, 30 or 60, there's at least one day a week that we're not allowing people to move fill.

[01:38:34] And, of course, weather and having fill at your disposal is also another thing. So we've brainstormed about whether it could be, you know, 30 working days with the fill, but we just find that that would be impossible to enforce.

[01:38:52] Yeah, okay. You couldn't track that easily. Yeah, that makes sense. So then the other option is to expand the timeline to give people a longer time, and it's a rolling time period. Well, that was another question I had. I had a question mark rolling calendar, so help me with that a little bit.

[01:39:10] Okay, so if on January 1 of 2026, you utilize the agricultural exemption for fill for some agricultural purpose on your farm, then 30 days later, you've completed it, or 60, if that's what the board gives them.

[01:39:27] And then a year later, you can do it again. One time within one year period. One time within one year. That's helpful.

[01:39:47] And to be honest with you, my understanding is, because I'm not in construction, but I do understand that you can't move this dirt, the fill, when it's raining, if it's wet, which is what the concern about the weather is. Is that correct? Yes.

[01:40:03] And I guess it makes sense, even the small amount of rain. Yes. Yes, ma'am. I'm going all over the place here with questions, and I apologize. So you said wet down the road, so I'm used to going in and taking a hose and wetting down a road to keep the dirt down.

[01:40:21] That's what you're talking about with water, you know, a water truck or something. The standard to keep down the dust and debris, yes. And that's currently in the ordinance. We've just retained it. Okay. I was going to say because I think that's a good idea. Yes, yes. Okay. I just made a few notes.

[01:40:37] I'm questioning Saturdays. So what's the rationale for six days a week and not five working days? Because, I mean, I think weekends are nice. Birthday parties. I'm just saying, so just help me with the rationale to get it done, because I do, I am a big believer in letting VDOT work at night.

[01:41:03] You know what I'm saying, because the quicker it gets done, the better, the construction. So obviously, if you can't work on Saturday, that's two days rather than one day you're not working. So help me with your all's thought about that. The current draft regs have Monday through Friday for the longer term fill activity.

[01:41:22] In meeting with the Farm Bureau, many of these people have more than one job. You know, they're farming and they're working another job. And they said, you can give us lots more flexibility in getting this job done in a shorter amount of time if we have more time during the week to move the dirt.

[01:41:41] That makes sense. I get that now. That hadn't occurred to me. Interesting. One year is what we're talking about. The rolling.

[01:41:58] Was that exemption? I wrote from five years to one year. Oh, the longer. For the bigger, for the bigger. Yes. One year, maximum duration, special use permit for greater than a one year period of time for fill.

[01:42:14] Yeah. Okay. I made a note on that. Jim, I don't want to take up everybody's time. Let me stop with that and get people a chance to ask questions, and I'll learn from their questions. Supervisor Prook.

[01:42:31] Yeah, I want to begin by just engaging with question one and some of the Farm Bureau concerns. I think 30 to 60 makes sense. I get the concern there. It does not seem to radically alter the legislative intent.

[01:42:48] I want to kind of dig into, because I think I understand and appreciate the concerns on both sides of this with regard to privately owned roads, right? Like, I see how that can effectively rule out a tremendous amount of farms.

[01:43:04] And I also have a very good friend who has a private road leading to her house that is shared by several people that is frequently significantly damaged by some of her neighbors that she has to maintain, which is quite onerous. And I imagine those are just residential traffic.

[01:43:20] And I would also, you know, similar to Vice Chair McKeel, I want to reflect kind of an initial comment, which is that I think here we see kind of a key friction that exists at the heart of how Albemarle County politically thinks about the rural area, which is we simultaneously think of it as serving two primary purposes that are actually incompatible and at odds with each other.

[01:43:48] We think of it both as a residential district and we think of it as an agricultural district, which are incompatible uses, and frankly, most concerns I have from residents out of the rural area are normally frustrations over the friction that having these two somewhat incompatible uses immediately adjacent to each other are, right?

[01:44:08] Like there's a turkey farm that I hear about a lot because there's some incompatibility there. There's this issue that we hear about a lot because there's some incompatibility there. And I just begin to say that because I think that's a public reckoning that we've really not engaged with, right?

[01:44:25] That there is a fundamental just tension that is under-addressed or unaddressed in how we think about what the rural area is because we're trying to have it do both. We want it to do both, and it can't do both at the same time perfectly. So with this, help me understand here.

[01:44:44] So if they are unable to get their neighbors, the co-servient estates of an easement, to agree, what are the options that are then available to the farmer?

[01:45:02] It would be a special exception from the board, the way it's currently written. But this would have it be a special use permit rather than a special exception with additional legislative oversight? Help me understand where that fork happens. Right.

[01:45:17] So the special use permit applies not to the exemptions, for example, not to the agricultural exemption. It applies to duration greater than one year or a road that is not an arterial or collector.

[01:45:33] if the standards for an agricultural exemption are not met in terms of the road the private road you can't get the neighbor's approval um who are on the road have access to that road then that would be a special exception through the board i realize this is unfairly putting you on the spot what what is the turnaround time uh on a process like this most likely currently by code i believe it's 90 days by code is 90 days but that would be permitting for I know historically we have

[01:46:07] by code x many days but that the clock stops when something has to go back to the applicant for some kind of hiccup right the clock stops only if the applicant requests a deferral all right um I really do understand the frustration here but I'm also thinking right like there is a very tangible material cost for some neighbors that it's asking them to shoulder I mean I guess while I can recognize the challenge of it right if you if you give that by right use there there is kind of the element of being in

[01:46:46] a position where you can essentially compel a neighbor to shoulder a cost for your activity where we might hope there's some kind of negotiation about those kinds of concerns or costs I will maybe withhold final judgment on this until I hear some further comments from my peers, but I think I actually am currently leaning towards staying with the staff recommendation with regard to shared private roads.

[01:47:17] And I'd say the same for the second question. Since that's the topic that we're on, so if a person on a private road does the fill activity damages the road, Are we not allowed to put the responsibility of the repairs to the road from their activity on them?

[01:47:50] I don't think so. I think they could. A civil action, maybe. Are you talking a special exception? I'm just asking generally, if 10 people live on a road and the 10th person on the road does the activity and damages the private road, part of the activity can't say if you damage the road, you have to be responsible for the road?

[01:48:14] So the private roads are governed by private maintenance agreements. That's not something the county could get involved in or would get involved in. Do some private maintenance agreements include that stipulation? Some of them do, but, again, that would be up to the owners to reach that agreement amongst themselves. So kind of like HOA that's got a private street.

[01:48:31] Correct. That's not something that the county is involved in. But oftentimes private road agreements will have arrangements such as that, that the owner that damages the road is responsible for repairing it. And, Supervisor Purit, your thought was that having to do the sign-off, if that's not in there, could somehow give them that recourse?

[01:48:49] Yes, that's my thinking. Supervisor Galway, can I clarify your question? Are you talking about if a special exception is granted by the board to use a private road or if all the property owners authorize the use of the private road?

[01:49:07] I'm just, I guess I'm asking, here's my problem with getting permission from the other property owners. We've tried to get permission to put sidewalks in, and we just had to use eminent domain. We have the ability to do eminent domain. And often in those times, we've offered to pay more, it gets declined because they want even more yet.

[01:49:26] And then there's a whole process. And you'd like to think that they could just go along and say, yeah, put the sidewalk in and compensate me, and let's negotiate on the compensation amount. The second piece is it's so subjective. If I don't like you and you live at the end of the road, there's no way I'm signing off on anything for you.

[01:49:46] And it has nothing to do with what you're asking for permission about. I see it in the HOAs where it's just simply got to get your neighbor to sign off on putting a brick garden wall up or building a fence or putting your screen porch on. Well, no, you don't put your trash can away soon enough to my taste.

[01:50:03] Or I don't like the way you look at me in the morning. I mean, it's subjective. And I think sometimes it's not even to that level. It's just people just don't care because they just don't care. And then inactivity goes there. So I think it's somewhat unreasonable to have to ask for the permission.

[01:50:22] Not somewhat. I'll just say it. I think it is unreasonable. And if it's truly about responsibility and concern for the upkeep of a road, that frankly the responsibility has to go on that performance agreement amongst the private owners then.

[01:50:39] And if it's not thought of or not put in there, then that's something they have to contend with, I think, as private owners. So, I mean, that's just a struggle I have. I think it's unreasonable for one, for, you know, this thing keeps coming up.

[01:50:57] It was in some of the surveys where I get uncomfortable. You talked about some of the underlying political issues, but this is a huge property rights issue. And it's also a huge, the one versus the many. I mean, it was stated clearly in one of the surveys. How can you put the rights of one person over the rights of a neighborhood?

[01:51:15] Well, I haven't ever made a decision where the volume or the count, just because it was larger, made it more important or they had more rights than the individual person. I mean, think of how many rezonings we have to do where if we did it that way, I mean, it would be ridiculous.

[01:51:33] So, you know, the democracy states that the volume of votes counts in a majority role, but when we get into office, we have to think of the one versus. I mean, think of if we just operated that way, how many few would be left out because, well, you're just not as many.

[01:51:52] And I'm speaking, you know, I've got neighborhoods in the development area that have been dealing with impacts and such for 10 years, 12 years. trucks. And yeah, somebody mentioned Dunlora. Since 08, they've been dealing with trucks and things coming through the neighborhood. So would we allow it in Dunlora? We've required it in Dunlora. So, you know, this getting other people down ranting, aren't I? The idea is that I think a person's use of their property is important. I think it's important that if they're doing it for reasons that are specific for agricultural purposes, as long as the material is clean,

[01:52:31] that they should be free to be able to use their property that way. And I understand that impacts to other people is not to just be thrown out, but I think there's other reasonable ways to get at dealing with those impacts. So the duration piece, the 30 to 60 days, I agree, because I don't want folks coming back and taking up staff time trying to get another 30 just because it stormed more than it might have otherwise done.

[01:52:58] That's a terrible use of our dollars when we have other priorities for those dollars to go to. So I think it's reasonable to do the 60-day piece if we're to do an ag exemption. I don't know that we, you know, I almost wasn't even ready to say we need to do the change that we're considering.

[01:53:18] But there are some pieces in the change from now to then that I think are reasonable. So I don't want to throw out the whole piece for these two items, but I'm solely in, right now, I need to be persuaded or convinced otherwise.

[01:53:34] I agree with Mr. Norford's comments representing the Farm Bureau on those two items. The tree piece in the ordinance that I don't think we're doing any change to, it said permitted uses in that. What are the permitted uses outside of, like, we're talking fill activity.

[01:53:50] This is the whole, like, a certain diameter tree can't be taken out, et cetera. It says for permitted uses, I think it is allowed to do that. Is residential, building a residential lot, a permitted use?

[01:54:06] Oh, if you had a building permit for a residential lot, these regulations just don't apply. You can take out any trees you want to build a driveway and put a house up. Correct. But for fill activity on a farm, we can't allow certain trees to be cut. no this the way it's written the tree restrictions don't apply to the rural areas don't apply do not apply except for this drip line thing no it doesn't apply no so what was that speaking to the voice being able to cut trees in the rural areas say that again you've always been able to cut trees so what is that speaking to did i just not understand what i read

[01:54:40] it must be the existing regs it is yeah that's all it's right i think you just copied over the existing regulations yeah yes so anything that involves an approved subdivision plat site plan or building permit is not subject to these fill regulations so is it stating that the fill piece is a permitted activity is it just kind of reaffirming that where it is um it's number

[01:55:17] what is it under it's in section borrow clean earth and inert waste fill activity section 5128 down on page of that whatever that attachment is a eight it's five of nine so like number eight says trees the following applies to fill activity related to trees even if they conflict with section four three except for properties within the rural area district no full activity may occur

[01:55:55] so they're okay so accepting the properties in the rural area so it doesn't really matter if it's in the rural area, this doesn't apply. That's right. That language was specifically put in. This gets back to the trying to not use the landfill to put inert waste. This allows some limited tree cutting within the development areas to allow sites to be prepared for development by allowing them to accept fill material prior to the approval of the site plan. And so that was put in back in when the original ordinance was adopted back

[01:56:31] in 2020 I think it was okay so I'm just confusing what that is actually speaking to it's written backwards but that's how it needs to be written um I think there's yeah I mean were we taking action on this today this was just I didn't see the next step just a work session I saw that but then somewhere else I saw action in like the staff summary no action today it would go to need

[01:57:10] to go to revisions based on your input uh sharing that with stakeholders and then public hearings i got it so the the uh i think there's more work to be done on number two i'm not ready to say yes to that i'm still going to know on that okay um it doesn't seem like any change is being made to the one year and i'm sorry your chart where it has the existing reg versus the draft reg

[01:57:44] It's the last attachment in the packet, A10. It's where it states the requirement and the existing reg and then the draft reg. Yes. Like some of that on the left column, like trying to remember what it falls under in the reg.

[01:58:07] So you'd like section references on that? Yeah. I mean, you know what? I have some more questions about this piece from the existing to the draft, but let me get having – I'll pause for now and then I'll loop back around.

[01:58:31] Okay. Supervisor LaFiest-Crittney. Thank you very much. I actually share many of the same views, if not all of the same views as Supervisor Galloway. The first question, does the board support exemption for agricultural use? Yes.

[01:58:54] Regarding the specific proposed exemptions, I do have a problem with numbers, and I think you had them 1, 2, 3, 4 on page 12, was it? You had one, two, three, four. I have a problem with number two, which regarding the roads also, and I do agree.

[01:59:17] I know someone who has a long road and serves also a couple other people that have been there for many, many, many, many years. And once again, if they get in a fight or a spat or don't agree, then that stops that person from being able to have fill in their agricultural property.

[01:59:45] So if we do value agriculture, which I think we do in the rural areas, I think we need to do something to make sure that that does continue. Do I like messing up the roads? Absolutely not. But that does mean that they're going to have to work on something, maybe the people that live on the road, because I'm just, I don't think that's good to have that in there regarding the roads, because I think they should be able to have access.

[02:00:23] which also takes me to page 12 on the right-hand side the second the last bullet it talks about access is limited to direct access from a public road that is classified by vdot as a collector or arterial is that for please help me out is that for the ag or is that for regular that is not for the ag not for the egg okay and i have a question about that too because what if there are no access points for development i mean we want to have developments we want to have affordable

[02:01:02] housing someone needs to get in there and what if they're you don't have direct access from one of those i mean then they would apply for a special exception is that it the way it's currently drafted if you not for the ag exemption right for regular longer term fill activity if you don't have direct access to a public road that meets this classification it would require special use special use permit okay and that's the feedback that we're seeking from the board is that

[02:01:36] too stringent should it be a lesser road standard um should it be a special exception special use permit talked about the differences well maybe it would be nice if you'd spoken with the businesses or groups that that would affect not the ad to the extent that we have been able we've we've tried to share this information we we would like to have you know more contact with i guess people who are truckers who haul dirt and also people who would be receiving

[02:02:13] dirt but you know we're to the extent that we had information in context we have a list of over 60 people who've applied for fill through the water protection ordinance permit since 2024 we sent all of them this information okay so maybe you're continuing to get more input regarding that because i i just think you know they should be able to have some kind of access through some kind of a process um regarding the agriculture once again if they're not able to because of road access or permission from neighbors or something,

[02:02:52] if they're not able to fill in what they need for agriculture, then that clean fill and inert fill, that goes into the landfills, correct? Which means it's going to use up the landfills and not support the agriculture, which is not a good thing.

[02:03:10] Number four, for the exception, 30 to 60. I think going to 60 is a lot, makes it better. I'll tell you why. I've been asked the question, I said, well, what if you do 30 days, but within 60, two months? And the response was, that's not really enforceable. So it's not my objective to put additional pressure on staff to go out there and check every day and owe you up to your 30 or

[02:03:42] not. So I think it should be 60 days. That's my opinion. And please correct me, asphalt, is that clean or not is that it's not included in the um in earth fill that is not clean earth fill um that is inert waste in the current definition inert waste so would not be allowed in a agricultural no okay that's what i thought i just when you were talking i just thought i heard

[02:04:17] something else so sorry um on page on slide number five here we talked about uh if you can go back to slide five on the screen on the screen slide five following this okay so okay so phil this is once again not ag correct this page or it is it was all stakeholder input okay okay okay This is in the following slide.

[02:04:56] Okay, this was just their input. This is not what you're suggesting. Okay, fine. So if you could go back to page 12. The next one, will you have your questions?

[02:05:19] 14? I'm trying. Oh, here we go. So I answered one. I gave you my opinion on one. Excuse me. And I also have problems with number two.

[02:05:37] because our roads in Albemarle, I mean, we go back to the 1700s. There are small collector's arterials all over the place. I don't even know if we know them all. Maybe we do, but I'm not sure if we know all these little roads.

[02:05:54] So I would hate to get caught up where someone can't do something because they don't fit the direct access. So I know they can go for a, you said a special exception or a special use permit? Special use

permit.

[02:06:09] Special use permit, which is time, you know, time costs money. So I'm not really, I have a lot of problems with number two. Those are my questions. Thank you. Or input. Thank you. Thank you.

[02:06:25] Supervisor Malek. Thank you very much. I apologize in advance for the disjointed level of this. I think I'll do some questions first, if I may. And that is, let's go back here. One clarification, at the ivy solid waste, what do we call it now?

[02:06:52] Anyway, the soil goes in a different place. It is not taking up waste area in the landfill. It is a separate place so that it can then be resold to somebody else who needs it in the future. It may not be as inexpensive as taking it to a private person, but there is room there.

[02:07:12] I'm quite sure there is room there. At the last presentation for the RSWA board, I thought that there was still space for that. And it also can then be used to further the activities at the landfill as well, or the transfer station. So I just wanted to clarify that.

[02:07:30] Asphalt, I've been fighting with Mark Graham in all the years he was here because it is full of fossil fuels. It decomposes. It releases all of the same things that fossil fuels the oil. It's an oil-based material. So stuff comes off of it anywhere where you've seen the black gook that's around any kind of asphalt depot.

[02:07:52] So I beg you to please consider getting it out of there altogether. There are commercial reprocessors for asphalt that can actually turn it back into something that's usable for paving. But it is an unmitigated problem for long-term environmental things.

[02:08:09] And when someone, a new person, comes to a piece of property and digs a little bit to find a huge depot of asphalt, that is a monstrous expense to get it all removed for something where they wanted to have a garden, et cetera, to say nothing of the poison that's put into the land.

[02:08:25] So that's my opinion on that. I'm glad that we're not considering it. I don't think people in the growth area should be having that under the place where their children play either. So that's just one thought on that. Okay, did that, did that. Now, let's go down the list here.

[02:08:48] Another disjointed note, special exceptions for the technical review. When we had an earlier special exception, there was such incomplete information because of the narrowness of the special exception requirements.

[02:09:04] We were not able to get any information about what it really meant to have a naturally appearing land Or how much it would take to do a two-acre, the 10,000 square foot, just a little over two acres of application.

[02:09:20] Huge gaps in knowledge, and I think that's why the things have perhaps not been addressed as many of us anticipated they would be.

[02:09:39] Adequacy of residential streets. How does one address the adequacy? Is there a process for that? Other than VDOT saying, sure, sure, anything, any weight can go up there. That's no problem because we've seen that that is what they said for Elisville Forest and the road is falling apart at huge expense, \$193,000 as of several months ago for VDOT spent in the last few months out there in repairs.

[02:10:07] So I have great concerns that we have any knowledge or process to measure the adequacy of access roads, which is why I personally support the better design, better constructed arterials and collectors suggestion that the board, that the staff has put forward.

[02:10:25] There are many parcels that do not have access to a highly designed and maintained and built road. But that doesn't mean that they should then have the right to do all the things that people who have paid more to get land that does have access to those better quality roads to do.

[02:10:49] So you don't get to, it seems to me, one shouldn't be changing the rules in order to do something where you don't have the right situation to carry it out. I talked about that. Okay. Supporting ag.

[02:11:09] Balancing agricultural use with community needs. So this is what I understood was happening, that the clean earth fill was used to support the agriculture in the short term. And then the second application for the exception was taking it from the short term and making from one year to five years, basically.

[02:11:30] So this, I think, shows there's a lack of protection from the rest of the community in the special exception process, in my opinion. So I would have concerns about so many different things being able to have a special exception when if it's a serious issue, it needs to be addressed in a true public broad approach with a special permit.

[02:12:00] One acre's number of trucks limited intensity views 15 round trips per day equals 30 passings in the terminology of the neighborhoods. That is a huge improvement and very much mirrored in what the other counties are allowing as opposed to, I mean, that would basically, the 200 cubic yards that Fauquier allows in a day is 15 trucks. The 4,200 cubic yards in a year is 300 trucks, which has been delivered in

[02:12:37] three or four or five days in the current operation. So it's just, we did not have, the board did not have sufficient information at the time to understand what was going to be happening. And I personally put a lot of stock in a chart that was in the public hearing documents that showed 12 or 30 or whatever over the whole application period, which turned out to just not have a basis in reality. And I don't want to get back into that again in the future

[02:13:15] rules. So getting more information is needed, I think, in order to have the decisions be valid. I heard someone say ENS requirements over 10,000 square feet. So that should be taking place now that there's 20,000 square feet already happening in the permit that we have in operation now.

[02:13:42] That's an existing rule, I think. So those are things that are happening. Now, okay, page three of your staff report here. I got a little confused when you were zooming through the hours, and these, I think, on page three, the A through J, I.

[02:14:03] So setbacks, maximum fill area, All those things you say are not required to be followed? These are exempted? For the agricultural exemption that we are proposing, the short-term, limited-scale agricultural exemption.

[02:14:26] So somewhere in this massive paperwork, I read about the setbacks that do apply. Yes. Where are they? Because it looks like this comment here says setback from field activity, except for the driveway. And I thought it was floodplains and 100 feet and from streams and setbacks from property lines and neighboring houses, et cetera.

[02:14:47] But this looks like it's not doing those things. So in the draft that's before you, we made no changes to the setbacks, either from the access or the fill activity itself, except with this new proposed agricultural exemption.

[02:15:05] Staff is proposing that those setbacks don't apply because it's a very short-term, limited-scale activity. But for anything else, the setbacks apply. That is not exempt. But the setbacks also apply for agricultural activities from stream buffers and the like.

[02:15:25] Those apply all the time. That's not exempt. Except it says it's exempted on this. So that's where I'm going down the rabbit hole here is to make sure that this is page three of your staff report. the list A through I. So I'm just trying to make sure that I'm not missing something that turns out to be a whole lot more important, and I don't have my chance to ask later.

[02:15:55] All right. Now, maximum fill area, limits of fill. So these were all things that were included already, the two acres per parcel, and that's now being exempted?

[02:16:12] Only for the agricultural exemption. None of those things are being changed. fill area but let me can i try to answer your last question first i guess i've been looking at this based upon our current experience not something where the developer is going to be doing some putting in an apartment building in the growth area and that's a whole different level of experience that because they already have good roads they already have um established operations

[02:16:44] whereas these are if if all of these requirements are removed then there is no protection for rural area neighbors anywhere in the county if someone wants to fill right up to the property line it looks like it's required it's allowed if there's no detail with these a through i so i'm maybe alarmed about something and if i had more detail i wouldn't be okay the a through i and the staff report page three yes middle of the page yes is talking about what we're proposing as an agricultural exemption and that's what i'm asking about so the accurate the two acre per parcel

[02:17:24] limit would be gone? For that 30 or 60 day period of an agricultural exemption, yes. For longer term activity that's not an exempt activity, no, that still applies. Okay, so the one limit that is there is the 30 day and that takes me to the next one which I did not see in writing anywhere but obviously must have missed it, this rolling business so they can come back the following year and do it all over again? Forever? That's what the draft proposes. I don't know where I

[02:18:00] missed that. It's up to the board what they would like. That just brings back everything all over again, especially when you've taken away, when the proposal takes away the setbacks and the limits of the activity and the performance bond and the narrative and the ENS requirements. So to me, That is, there's one thing to have 30 days and 60 days, but that I can live with.

[02:18:32] But all of these others have huge impacts on residential neighbors up and down the street. I mean, there are impacts that are removed from the neighborhood impacts currently, where the trucks stack up in the road waiting for 7 a.m.

[02:18:56] and all the exhaust and everything is infiltrating the houses of all those people who live nearby. This is not just a few neighbors. This is the whole community, and not to diminish those few neighbors.

[02:19:11] Their impacts are severe, but I think now that I understand more clearly what is being proposed in this page 3, It is taking away all of the things that I thought were supplying some protection to

the property rights of other people.

[02:19:32] They have a right to sit on their porch and not have to have the sound that we heard in this video today, all day long, 13 hours a day. So I do not support all of these, because in the special exception, the two acres per parcel, that was explained away in the current proposal because there are two parcels brought together right there, and there's two acres on either side.

[02:20:03] That was not proposed as a, I mean, that was the way that zoning was interpreting that, if I understood that correctly. Supervisor Malik, let me try to answer a couple of your questions. One is you asked whether the stream setbacks and the floodplain, you can't put Phil in the floodplain and so forth, has changed in the current draft ordinance, and that has not changed at all.

[02:20:26] And the other thing, just to clarify, that an operation such as Mr. Kendrick's would never fall in the agricultural exemption. It's not intended to. It's not written that way. That is not going to be an agricultural exemption. That certainly was not clear until right now.

[02:20:47] So the other requirements, the requirements about setbacks to the fill activity, to the fill access, and all the other things that are within the current regs and the proposed regs, those apply to something that is not exempt.

[02:21:04] For it to be exempt as an agricultural use, do you mind going back to that slide? it's got to be short duration 21 acres aggregate rural area zoning access which we've been talking about maximum trips to the site and then what i'm hearing from the board 60 days in a rolling calendar year a larger or longer term operation would never fit within that exemption and that is not designed for it to fit except then all of the rules can be done as a special exception by

[02:21:43] the board which is how we got into the situation right now so that's another concern that i hope except for the duration the way it's written and and i think i just heard you support that because a special use permit is a much broader public engagement process with broader conditions of approval we are staff is proposing that anything with the duration greater than one year which would be the project we're talking about requires a special use permit anything with road access that is not from, and we'd have to work on the road standard because I don't seek total support for it, but a major road, let me just say, not an internal residential subdivision street,

[02:22:23] it's a special use permit. Unless it's accepted by the board. There's the trap that we fall into head first. It's a special use permit either way. The two things that staff is recommending in this draft become a special use permit and no longer be a special exception. One is duration, longer than one year the other is access not accessing through an internal residential street okay well that's where i started out and then i went uh off the rolls um i guess i would still put in my view

[02:22:59] that a short-term project is a short-term project and it shouldn't be able to do it all over again next year so i would prefer my preference would be to not have it be called rolling um access One of the issues, even on a public road, has been the destruction of the private property or the HOA property next to the roads, because when trucks are driving off four and five feet on a regular basis, they have, number one, destroyed the edge of the road, and number two, the verges are totally torn up, and no one is going to be holding anybody else accountable.

[02:23:38] the HOA will have to, again, cover all of those expenses. And these are transferable to anybody's neighborhood in any district in the county that would be liable for this. Another thing that

popped up from 8 feet to 15 feet in height, when did that happen?

[02:24:02] Because it's been 8 feet for a long time. So the current regulation is 8 feet across the property. But if you think about that, that doesn't really make sense, because if there's an internal, very internal to the property with woods all around it, real, that you're trying to fill, or, you know, eroded area, then it's not going to impact off-site properties.

[02:24:25] And what this tries to do is show you an example of property that is very rolling. Sorry, it's a little too busy. But on each side in the kind of tan color are the setbacks. No fill activity in the setbacks.

[02:24:42] But if in the middle of that site you want to fill 15 feet to level it so you can have access from 325 to 500, then you can do it at 15 feet, as opposed to on the other end where there's a rill, and if you filled between 800 and 900 feet, that's going to start being visible to off-site property.

[02:25:08] So no. But the point isn't, it didn't make sense from a practical perspective to say eight feet across the property. When you think of the rolling terrain that we have, and if it's in the middle of the property, it's not going to impact off-site properties. I get that.

[02:25:26] That makes sense, as long as there's not a stream at the bottom of that hill. Absolutely. Because there's a reason why swales and rills happen. It's because the water gathers there and takes all the dirt away down to the Chesapeake Bay. Yes, ma'am. That would eliminate the ability to build. This is the whole problem I've had with this kind of filling thing, as opposed to smoothing over grades and getting a heavy seeding going on.

[02:25:48] Okay. So let me see. Ask that question. Is this a time when the board is considering about the noise of the trucking as far as monitoring decibel level and how, I mean, is that something that we're talking about today?

[02:26:23] It was not mentioned in anything that is in the staff report, but it certainly has a big impact on people anywhere along the road where the trucks are coming. I believe that motor vehicle noise is handled in the county code by the police department.

[02:26:46] I was just going to try to quickly look it up. So it's not addressed. Zoning noise regs are land use based. So the fill activity itself is subject to noise standards. But the vehicle that's transporting the fill to the site and leaving the site, I don't believe are regulated by zoning.

[02:27:05] And the exhaust and pollution from the trucks, is anybody measuring that when you have all, you know, constant trucks going by?

[02:27:25] No. Okay. I'm just asking good questions here, I think, because these have come from residents. And let's see. Forest Clearing, we did that. Okay. Hold on.

[02:27:48] Piling and sold. Okay. So is anything in our ordinance talking about stockpiling and reselling soil? And this is coming after one, two, the Hanover in your chart.

[02:28:08] You talked about conditional use permits. And it looked like it was not being used for improvement on site, although they have a CUP for ag as well. And Hanover is certainly an agricultural county, even more than Albemarle.

[02:28:31] Okay. If you're selling it, Bill and I were just talking to be able to address your answer, that is not fill-in waste. That becomes stockpiling that then becomes borrow or a business, so that would be

treated differently.

[02:28:47] Okay, so with the ag exemption, there is no financial information period as far as having it income-generating or not.

[02:29:05] I mean, normally people would purchase, you know, Phil from Billy Clayton or somebody to improve their land. Okay. I'm going to stop there and try to get myself organized. Thank you very much.

[02:29:22] Okay. Thank you. Several questions and clarification. I apologize. Some of this has been gone over. But the 30 to 60 day issue, when you talk about 30 days beginning in a rolling calendar year, Are you saying that if you start activity, you have 30 days to finish?

[02:29:42] Or you have, in any one year when you started, you have 30 days of activity? If you start, you have 30 days from start to complete. To finish. 30 calendar days. Yes, sir. And then what's rolling about that is that a year later from when you finished it, you could do it again.

[02:30:06] Yes. Okay. I understand that. I recognize the difficulty in enforcement, but I'm supportive of going to 60 days on this under the circumstances. Let me make sure I understand exemption versus special use permit.

[02:30:26] My understanding is that duration and road access were the triggers for a special use permit. Does that include both the ag and non-ag type of activities? No. So for the ag exemption, and one of the questions, of course, for the board is related to the requirements for an ag exemption.

[02:30:50] And the ag exemption, if it goes beyond the 30 or 60 days, and we're hearing, I think, a majority support for 60, that time period, then it could be extended by special exception. Okay. For the road type for an ag exemption, I think we're hearing feedback that the private road could be used, and there's concern about requiring the consent of others.

[02:31:19] But the special permit is triggered by not the exemption, but regular fill activity that doesn't fit into an exemption, that is greater than one year in duration, or that doesn't meet the road standard for access. Okay. Okay. Just want to make sure I clarified that.

[02:31:38] Which of these require, what triggers, I guess I'm looking at the list, it has a plan or narrative as one of the things that's exempted from agricultural activity.

[02:31:57] Is there any notice required in the agricultural activity? There's no notice for the fill and waste activities, whether it's ag-exempt or if it meets the requirements. there would be a notice requirement if there were special use permit there is no notice requirement for special exceptions okay but i mean notice does the county get involved does cd get involved if someone has an ag property and they start to do some fill that fits within the exemption

[02:32:29] do they have to do they have to tell you you know we're doing this and and uh we're exempt or do they just do it um the way it's currently written they would not need a plan narrative or permit and i think that more than likely the reality is that they wouldn't even know that they need one right okay but all other cases then they do need the plan then they do need the permit yes and i assume we charge fees for that and we could think about how those fees cover a certain amount of

[02:33:05] inspection i would hope um so that we could more actively put staff into looking at these if there are fees for it um i want to just ask a couple questions about the the road and private road business because my experience and i may be wrong on some of these private roads is that they're not hoas they're

not um they're not even necessarily an agreement and and if i understand the law, and it's dangerous for me to say that, so I'm looking at attorney. My understanding of

[02:33:43] the law on rural roads is if you're just sharing the road and it's not VDOT maintained, that whoever doesn't like it better go pay for it to be fixed, because it's nobody's requirement to do anything to take care of the potholes. If you don't like it, fix it. Again, we get back to private maintenance agreements, and the more recent private roads typically have private maintenance agreements. But there may not be. It's a case-by-case, road-by-road evaluation, one in which the county is not involved. I mean, again, I think the analogy to homeowners' covenants is apt, and that some

[02:34:18] neighborhoods have extensive covenants, others don't. And it depends largely on the age of the community. Right, which is why when I bring this up in the context of the ag exemption, which is, as I understand it, and I'm going to make sure I'm clear on this, any public road is good enough in ag cases, it's just in the non-ag cases that has to be classified as a collector or arterial.

[02:34:40] And then the question becomes, what about private roads? And what I'm saying is I think there are quite a few private roads in the rural areas that are not really subject to any kind of clear agreements as to how they're used, not necessarily by everybody that's on the road.

[02:34:57] There are no guarantees of where the baseline is. I mean, there's no uniform standard in terms of high maintenance, low maintenance for private roads. And it probably isn't even a cause of action for someone to say, oh, that farm did this activity and they ruined our road. It'd be a case-by-case evaluation for a court. Right. I mean, it's because of that that I'm really reluctant to allow this just to be done on private roads without an agreement by the neighbors because I don't think that, I don't think there are agreements in place that the person who does

[02:35:35] does damage has to fix it unless there's an agreement in place in which case um you know that's that's a different issue between the neighbors and how do you prove damage and that really gets tricky yeah that's why that's why you prove damage and who's doing that and boy you're that's a that is a really that's fraud like private development roads on steroids as far as the problems that are concerned so well um otherwise you know to answer the questions

[02:36:10] But, bluntly, I support the exemption for agricultural use and the specific proposed exemptions. That's the A through I. Yes. Yeah. And I'm a little concerned about not having any setbacks.

[02:36:30] But I realize these are 21-acre or larger parcels, and they're used for agricultural purposes right up to the edge. But that doesn't necessarily mean that you should be allowed to just go and do filth right up to the edge. And so those first A and B bother me.

[02:36:49] But the others, I certainly am sympathetic to the need to work on Saturdays if you're in farming and that the areas are necessarily less well-defined. With respect to the second question, I support limiting it to direct access to public roads classified as collector or arterial.

[02:37:11] These are non-ag uses, is my understanding, and there are processes by which someone could come before us and ask to use a different road. Okay. Point of clarification, you mentioned on number one that you did support the 60 days, but this does not.

[02:37:32] Yeah, I'm supportive of 60 days. Okay. And what about the public roads? Yeah, you had different. Yeah. Okay. So I was not supportive of extending the private roads, but I was supportive of the

public roads.

[02:37:51] Could you, I'm sorry, could you restate that for the ag exemption, the question was whether, and we talked a lot about this, whether the other owners on that private road would have to give consent. What's your input on that?

[02:38:07] If it's a private road, then I would want for them to get consent. Now you're saying that if they didn't give consent, they still could come to the board? As a special exemption, yes.

[02:38:23] As a special use permit or a special exemption under agriculture? Exceptions. Exceptions, thank you. Chair, I did want to actually amend one position I had, and that's on number two that's on here. This is about the triggering from the special exception to the special use permit if you don't have, if you're not served by one of the collectors or arterials.

[02:38:45] I did not have a good sense of this because we have a list, right, of collectors and arterials in here, and it is incomprehensible to be generous. And so I pulled up a mapping tool, and it became pretty clear to me that there's about seven in my entire district, and that feels quite onerous if you're not on any of those seven roads, which includes Avon, right, which would be incredibly disruptive, right?

[02:39:14] Some of the ones that aren't included as permissible are actually quite disruptive to use, and others that I think would be less disruptive would require a special use permit. So I'm not sure I would be supportive of two as written. Of what?

[02:39:30] Of two. Of two, okay. So you would expand it to other roads? I think I would in this context, yes. Or rather, I would, sorry, I want to be very clear on this. Currently, this is adding a trigger if it is not included, if it is not on a collector arterial that causes it to require an additional level of scrutiny in the special use permit.

[02:39:55] Yes. I do not want that trigger for this circumstance because I think it's a very, it will apply to too many uses because there's so few roads that our collectors are arterials. I see the point that there aren't very many, but I also see that this is not related to ag.

[02:40:15] And so many of those that would be doing it in the rural area are ag properties that would then, if they're doing it for agricultural purposes, only need a public road. Can I just ask a clarifying question? Is there board consensus that we should not allow it by right with internal residential subdivision roads?

[02:40:36] And I'm not sure how to write that without referring to a road standard, but we'll work on that if that's the board's consensus. I absolutely agree. You're not talking about ag. Not ag. Yes. So I love to give a hyper-local example that I walk to every day, right?

[02:40:55] I live right next to what's considered an employment district in our comprehensive plan, right? I'm on Southern Parkway, and right across from me are several industrial, light industrial uses, right? There's a big shipping facility over there. There's a FedEx plant. Southern Parkway is not a collector.

[02:41:17] Anyone who, if they tried to level that area to expand their industrial use for the building material shipper, they would need a special use permit. As I'm understanding it. Not if they were doing it as part of a site plan. Or a building permit subdivision plan.

[02:41:35] If they had some other form of approval associated with a development of the property, then the fill-in-waste regulations don't apply. I think that's still kind of gestures. It was the example that came up. I just wanted to be clear. But I appreciate that clarification.

[02:41:52] But I think that gestures to kind of my concern, right? That feels collectory to me in the illustration in here that VDOT provides about what a collector is. That is a road that collects from two, three different neighborhoods, but it's not designated as a collector.

[02:42:08] So I just think these are, I understand what staff is doing. I appreciate it. I just don't think there's enough roads that are embraced by this to accomplish what staff wants to do. So in thinking of how to write this, and we don't know how to write it yet, is there consensus that the number of roads should be broadened beyond the collector and arterial, but with some restrictions or protection for purely residential roads that are within residential subdivisions?

[02:42:40] That would satisfy my concerns. I don't know if that satisfies my concerns. Is that the goal sort of we're heading for here? I would support that and give an example if there are no sidewalks and no, you know, it's not built for heavy traffic.

[02:42:56] And I don't know how to determine that. But the thing is, I'm just trying to avoid the same situation we have now. And I think when the people who live in the neighborhood have no other place to walk but the street, then it's not fair to say that somebody who does live there has the right to use that road passing through and basically impact their lives terribly.

[02:43:28] So I don't know what the right term is, but the neighborhood streets were built for the neighborhood to exist and as part of the neighborhood permit and permission and development, et cetera. So I would support that.

[02:43:46] Otherwise, my fallback is to the staff's suggestion, absolutely. And with the explanation of Ms. McCulley about the number one, I still have a great concern about the rolling.

[02:44:03] Is there anyone else who supports the 30-day being actually a 30 or a 60-day and not 60 days every single year forever? Because that's what the rolling means in this draft. And that is just forever the problem going on and on and on.

[02:44:22] So I was very happy until I understood that. but this means that it's not a reasonable burden to put on everybody else around the activity that it's going to be every year supervisor malik i think i understand your concern here because it essentially says that like the property can or the area can have fill activity one-sixth of the time uh forever right that that would be no rules right one-sixth of the time but i i would also just reflect i don't know another way to do it right is it is the the only alternative would be

[02:45:02] they can do it for 60 days once ever and then it's pending on the property for the entire tenure of the existence of that fee simple like i i just don't know another way for it to exist but it's this is all new because it up until now it has been you find the dirt on your own property and you push it around and or compost or whatever so it hasn't been an option to bring in I haven't even added up the numbers of trucks I'm sure that Bart has them in his files because the cameras are

[02:45:34] catching them all thousands times 14 cubic yards per truck as the small one and 20 cubic yards for the five axle one that's carrying 80,000 pounds that goes you've seen in the videos that you all have received um so it's it's uh it's a lot and if you have people could understand the two acre limit but if the two acre limit is now and then in a few more years it will be 20 acres altogether and it's without the definition of what a commercial use is and that kind of thing

[02:46:13] then that's a that's why i would like to see rolling removed maybe it can be put back in a few years if it turns out to be a problem but to sort of give it away at the beginning is something i hope we will not do can you speak to that concern a couple things went into the thinking on that one is that there are often very large trucks associated with farming activity and there may be multiple different projects that a farmer needs to do it may be a farm pond one day that they're having to use the fill for it may be field leveling for access from one part

[02:46:52] of the property to the other it could be terracing so they can uh you know run the tractor and do some crops the next time so um it's it's giving some flexibility and understanding that just the nature of farming calls for lots of different things at different times thank you that helps and can i ask a whack-a-doodle question i know this is kind of crazy but in this discussion i understand the these rural roads we have the rural roads and people are farming on them or

[02:47:31] living on them but surely there are also people who are coming in and buying new property on those roads is there any flag for them that if in fact they buy this piece of property this road maintenance may suddenly become theirs not theirs individually you see what i'm saying or is that just impossible to do it might be just not even feasible i'm just curious so if it's if it's on maybe it's a crazy question if it's on a subdivision if it's a subdivision that the county had

[02:48:09] previously approved uh there's a note on the plat that says these are not public roads and okay won't be maintained and you're but you're responsible yeah but if it's but if it predates or was done prior to any subdivision being done then that and i understand the people that are grandfathered and they're living there already yeah and i think you know part of your due diligence as a purchaser is to find out the status of that road and is there a maintenance agreement and what are the responsibilities. And I think that it's a requirement when you purchase the property that all of the covenants and restrictions are provided to you in advance of that close. Yeah. Thank you. That helps. Thank you.

[02:48:48] It is just in general how hard it is to really understand and advance what all the small print means in the situation it looks pretty innocuous when you're reading things but it's sometimes not yeah i guess a comment i would have made i guess is in terms of agricultural property versus agricultural use and that is a concern that that someone basically just uses their property as a way to get revenue by taking in film as opposed to actually having agricultural purposes to the project and i just don't know that's a really good point and you guys would could think about

[02:49:28] that because i think that's a really important because that's commercial as opposed to agriculture yeah and that's a distinction my my expectation for agricultural exemptions is a project that you talked about where you're actually improving the parcel for agriculture yes not just simply totally appreciate that that's very good and that's why we're using a term that's already defined in the zoning ordinance agricultural activity so there needs to be a legitimate bona fide agricultural use associated with that fill and that could be proven with that and that

[02:50:02] could be commercial too right yes a commercial use for agriculture yes they're they need to make money right right well for the agriculture but that's different from that wasn't the exception the money just to take on the film right um are there any other things we can have if we totally confused you made this any clearer i don't think clear as mud thank you very much thank you thank you thank you with that board we will take a 15 minute recess okay i'll do stuff later then thank

[02:50:38] you i was going to ask i know that uh welcome back um board our next item is a presentation in the Albemarle County Climate Action.

[02:51:01] This is being led by Jamie Powers, Climate Action Program Manager. Greg Harper as well. Welcome. Look forward to this. We're not waiting for anybody? He should be back. He's a water fountain.

[02:51:17] He'll be back. We should start started. All right. Well, I will kick this off. My name is Greg Harper. I'm Chief of Environmental Services in FES. And because we've had some staffing changes in the climate program over the last year, I wanted to introduce our main presenter this evening or this afternoon, and that is the gentleman standing next to me, Jamie Powers, who it sounds like you already know.

[02:51:42] We hired Jamie in early 2023 as the climate protection or climate action project manager, and he was working with Gabe Daly at the time. And when Gabe Daly went off to California late last year, Jamie was named interim program manager and has served in that capacity until July when we selected him as the permanent program manager.

[02:52:07] So I wanted to just make sure you all knew that. And you may have seen him in this forum answering questions and so forth at different presentations, and you may have seen him on TV, but this is the first time I think he's speaking to you as the program manager.

[02:52:22] So, Jamie. Thank you, Mr. Chair. Thank you for the welcome and members of the board, members of the community. My name is Jamie Powers, Climate Action Program Manager for Albemarle County. We have about 20-25 minutes of presentation for you today.

[02:52:41] My understanding is we have about 45 minutes together, so that should leave us about another 20-25 minutes for discussion with you all. There are basically two goals here. One is to provide an update to you, and you should have slides in front of you in packet form so you can take notes for us to return to in the discussion.

[02:53:04] So we'll give you an update on what the program has been up to in recent years, as well as what we are looking at in this fiscal year. And also the board set aside \$300,000 as part of the budget process in May. And the board requested that we return to you with some more details about what we wanted to do with that money.

[02:53:23] And so looking forward to any feedback or questions you have about the use of those funds. Here is our agenda for today. We're going to provide a very brief context introduction to the work, and Greg is going to cover where we stand, which is an update on all the emissions, the greenhouse gas emissions inventories we've been conducting.

[02:53:45] I will come back to the podium to talk about our past and ongoing work, and then dig into the FY26 specific topics. So for some context for the board, for those of you that weren't around during this time, In October 2019, the Board adopted greenhouse gas emissions reduction targets in line with the Paris Agreement.

[02:54:08] The next year, October 2020, the Board adopted the Climate Action Plan and stood up the Climate Action Program to implement that plan and help get the community's emissions down in line with the Board's targets. In September 2021, the Board received a program update from Gabe Daly, then

Program Manager at the time, And we do hope that we can turn this into an annual presentation to you all from this point.

[02:54:38] To provide some global context for the work, global emissions continue to climb. And just as a reference, when I say emissions, I am talking about greenhouse gas emissions. I may just shorthand it, assuming the board is understanding what we're meaning there. And so this is obviously a global issue, but the globe is made up of lots and lots of local communities, just like this. And so how we impact, how we're impacted by this problem and what we do to mitigate the problem is really important to consider. As long as I've been working in this

[02:55:14] space, you know, people have been talking about climate change as a future thing. This is very much a present thing. It's been around, actually, you can point to data indicating the impacts of climate change on communities for a number of years now. And so this is not something we need to do to deal with the future. It's partly that, but it's already something we are dealing with now.

[02:55:36] The impacts are generally going to be worse over time and increasingly unpredictable unless we can get global emissions under control, and we do have a role to play locally. One way of framing the issue that I wanted to bring to you today is that climate change is not the problem that we should be focused on. It is a symptom of a set of problems. This socioeconomic system that we have, it works exactly as designed, and it brings us to a climate crisis and a biodiversity crisis and all

[02:56:12] these sort of things. So if we are going to effectively address the climate crisis, we need to take a look at our systems and address things appropriately. At this point, I'm going to bring Greg back up to talk about where we stand currently. So in this section, I'm going to be describing how we measure progress with the program and, yeah, how we're doing, how we're tracking.

[02:56:40] So as Jamie already indicated, in 2019, the board set reduction targets based on the baseline year of 2008. So you can see in that year, we were emitting as a community, not just the county operations, of course, 1.8 million metric tons of carbon dioxide equivalent, and I'll explain that later, every year. So the 2030 goal is a 45% reduction, and then the goal in 2050 is net zero, and as Jamie already indicated, these are in alignment with the Paris Agreement

[02:57:16] targets, basically, so we didn't come up with these from, you know, from nothing. We're aligning ourselves with other communities throughout the world to come up with these reductions. I will note that 2024 was the first year on record, I believe, where we were actually hitting 1.5 of these Paris Agreement targets, by the way, where the overall goal was to limit global warming within 2 degrees Celsius, which is the equivalent of 3.6 degrees Fahrenheit

[02:57:49] height over historic temperatures. So that was the goal. What we've basically are at 1.5 degrees Celsius as a globe right now, just to give you a little bit more context. So to do the math, basically, we're relying on this document called Global Protocol for Community Scale Inventories.

[02:58:14] It describes how to do the calculations for emissions inventories. So we've been using this rulebook, basically, for all of the emissions inventories we've done. It's territory-based, which means we're capturing everything within the territory or the boundaries of the county itself.

[02:58:32] So any activity that happens within our borders, we're trying to capture. So if a truck is driving from an Interstate 64 from Fluvanna County to Nelson County, and it runs through the county, we're tracking that, theoretically, by getting statistics from the state.

[02:58:51] But we're not capturing all activities, though, that are occurring in the county. So it's a model. All models are imperfect. I think you've heard that before. So things we're not capturing, for instance, if you purchase a vehicle, you're not purchasing all the carbon that's emitted in producing that vehicle.

[02:59:09] You're just capturing what the vehicle then produces as you use it in the county. So we are over time making refinements to make this model a little bit more precise. And I think you'll see over time that we learn new things.

[02:59:26] There's more guidance from outside that we can kind of use to make these refinements. This might be getting into the weeds a little bit, but I think when I give you the numbers later, I just want you to understand kind of like what we're counting.

[02:59:42] So we're essentially taking emission-producing activities that could be driving your car, multiplying it by an emissions factor, which we are given by EPA, doing the math and saying, okay, that's equal to this amount of tons of emissions or pounds of emissions or something like that.

[02:59:58] And we just add it all up. And so we do this in a spreadsheet. We do compare our numbers to the number we get when we put the data into a model that's provided to us called ClearPath. This is an ICLEI model. ICLEI is an organization which helps local governments across the country. You've probably heard this before, but there is a two-year data lag. So we don't have immediate data, obviously. So usually the last year, in this case 2022, it's a couple years out of date, but that's what we're dealing with. And I told you what CO2 equivalent is.

[03:00:37] There are a couple of other major greenhouse gases, significant gases, methane and nitrous oxide that are also counted, and those were converted to CO2 equivalent through additional math. So as you're probably aware, the major sectors of emissions are transportation, stationary energy, and that includes solar that would be kind of like reducing that stationary energy.

[03:01:07] Ag force and land use is a smaller contributor, and then waste as well. And so I wanted to give you a sense of the things that are actually incorporated into the model. So what are we getting the numbers from? Well, for transportation, it's vehicle miles traveled.

[03:01:24] That was an example we just looked at. So the mode of transportation is important, whether you're on a motorcycle or on a semi-truck or on a bus, a public transportation bus. And then, of course, the efficiency of all these vehicles counts as well.

[03:01:40] So for buildings, it's basically the amount of energy used, the energy sources, whether it's electricity or fuel or firewood or something like that. We do get those statistics out from other sources. We work that into the model.

[03:01:57] And then, of course, the electric grid has a certain, you know, amount of greenhouse gases associated with producing a kilowatt hour of energy. And so that grid is getting greener over time, but that also works into the equations. For landscape, there's livestock operations, the farming equipment or any equipment that's used sort of like for landscape scale work.

[03:02:20] There are ag best management practices and land cover and the changes to land cover over time are incorporated into the model. And then, of course, landfill organic waste is also a contributor. And I wanted to note for ag BMPs and land cover and changes, those could either be emissions of carbon or it could be sequestration as well.

[03:02:42] So you could do best management practices in agricultural operations that actually sequester more carbon than is emitted by your operation. Proportionally, transportation is the big one for Albemarle County. If you look at a city like Charlottesville, transportation is a much smaller slice of the pie, but we're spread out.

[03:03:04] We have a lot more miles traveled, basically, by vehicles. Buildings at the next largest sector at 31%, then landscape at 22%, and then waste is a much smaller piece of the pie. And I wanted to note that three-quarters of the landscape emissions are from land use changes and forest disturbances.

[03:03:26] So if you go from forest to development or even forest from field or something like that, the work of doing that just causes obviously loss of sequestration by the vegetation that's disturbed and the soil that's disturbed and so forth.

[03:03:43] So we have models, again, we're not doing the math on this necessarily, but we have models that basically we put our land use or land cover in and over time it'll tell us kind of like what the results are. so here's here's the um what you've been waiting for basically these are the emissions um in 2008 um that's the baseline year again we were up around 1.8 million uh tons and we did not do emissions inventories for 2009 through 2017 but we started again in 2018 right after the program

[03:04:17] got started um and so you could see that we had a dip down in 2020 and you can imagine that that was due to COVID, a lot less people were driving cars. And I think that was probably the big sector that reflected kind of a lower activity level in 2020. The blue line at the top shows you the target. So we were actually kind of hitting the target in the last few years until 2020, well, 2021 is sort of like coming up from the COVID dip. And so we're seeing kind of like generally

[03:04:54] a downward direction but in the last few years that we were able to have numbers for we're coming back up we don't know where it's going hopefully we obviously want to bend the curve back down again is the goal local government is our local government is a contributor of course to the emissions but only about 1.5 percent of 2022 emissions came from local government operations and that includes public schools as well but we're doing our part of course to to get those emissions down just as an example these are emissions associated with or this is actually

[03:05:30] no these are actually tons of carbon yeah carbon dioxide so you could see from 2017 anyway from 2024 this is the range of dates that we have the best data i didn't want to give you any more historic data because i'm not that comfortable with it but you can see a steady downward trend So we are doing our part, 21% reduced from 2017.

[03:05:52] So that's pretty good. We could pat ourselves on the back there. And just for comparison, this is the city of Charlottesville's inventory that they put out, I think, in the last year. So they're also coming down. They also had a COVID dip and is coming back out of that and has been flat for the last couple of years.

[03:06:10] And the country as a whole, this line kind of takes us from our 2008 baseline year. And there is a steady trend downward nationally as well. But again, you can see that COVID dip and we're coming back out of it and not sure where.

[03:06:30] Okay, I just blew it. So let me, sorry about that. I don't know what I hit. And this mouse isn't even working. do i have control of the mouse pardon me moving around oh thank you everybody for your patience

[03:06:54] going so good okay i was on my last slide actually and um this is a oh sorry about that so here's the slide you've seen before and i just wanted to bring this up again to uh kind of flip the question so what what drives reductions and the answers are pretty obviously um so vehicle miles we need to get those down. We don't want to stop activity in the county, obviously, but we want to shift

[03:07:30] people from driving a car by themselves to taking master interpretation, getting on their bicycle for smaller commutes. Efficiency, we need to improve that. And by we, I mean the country, the globe, et cetera. We're not going to change mileage of cars as a local government, but decreasing energy usage in buildings, transitioning from other fuels to electricity, more renewables in the grid, and then improving ag BMPs, minimizing the loss of forests and natural lands, and decreasing organic waste. So what you're seeing here are the things

[03:08:06] that, as the climate program is basically trying to influence, to turn in the right direction.

[03:08:20] All right, looking at past and ongoing work, again, this is a review from fiscal year 21 to fiscal year 25, just to contextualize. It's not super obvious on the slide, but those in bold are from FY25, so they're more recent in terms of things we've been working on. I will highlight a couple of things over the next few slides. I will name the FY25 in case it is difficult to see on the slide. So providing content support to AC44 has obviously been a big focus this year,

[03:08:56] contributing to the Advisory Committee on Environmental Sustainability in partnership with what the schools is doing, and they've got a lot of great stuff going on in the climate space, funding climate action activity kits for fourth graders through C3, running two years, including FY25, of a community climate action grant program, which I can say a little bit more about in a couple of slides, supporting Cobb 5th Street's energy efficiency improvements, as well as a current power purchase agreement to put rooftop solar on that building, funding the Energy Resource Hub launch, and then

[03:09:36] I'll say a little bit more about the Energy Resource Hub because it is going to be an FY26 project, and then of course supporting the work of the solar ordinance, including a lot of community engagement on that topic. So I wanted to give a little bit more of a detailed investigation of just a couple of the things that we've been up to so you can see how we're thinking about impact for these things so what you have in front of you is one of the housing objectives that we contributed to as a program from ac44 you have the actual text text in the

[03:10:12] housing objective bullet and then the qualifier is in the second bullet so if the percentage of the workforce that lives in the development areas, so not the entire county, increased from its current 35% to 70%, then we could reduce our transportation emissions by almost 230 tons per year or 35% of the goal that we're trying to reach. So that sort of policy change, if implemented,

[03:10:47] can have a really sizable impact on our emissions reductions and reaching those goals. And then you can see in the blue bar at the bottom, it's not always the same unit of measurement. In other words, it could be per household, per person, or something else, but you'll usually see it broken down in some way on a bunch of the slides that you've got coming up.

[03:11:07] So in this particular example, we're talking about 11.3 tons of emissions reduced per person if those second bullet criteria were met. Another example, this comes from our Community Climate Action Grant Program.

[03:11:25] We funded five projects in FY24, five projects in FY25. This is one example of a project that we funded in FY25. So we provided each year, it was \$100,000 pot of money. We provided \$25,000 to support equipment electrification at the IRC New Roots Farm, as well as beneficial agricultural practice support.

[03:11:51] And so if we break down some of the things that they were doing from their composting practice, we calculated that about 25 tons of carbon dioxide is sequestered by them using the composting practices. About five tons were avoided emissions by removing synthetic fertilizers from their operations.

[03:12:14] And the equipment electrification, assuming, because they electrified a number of different types of equipment, but if we assume a kind of middle-of-the-road 50 to 80 cc engine and what that emits, the total annual reduction for that farm operation, New Roots Farm, is about 38 tons per year with the improvements that they've made.

[03:12:35] So it just gives a little bit of context, and you'll see similar calculations that are made. Obviously, it depends on the project and what we're measuring, what improvements were made, but you'll see that sort of math happening, and we can talk more about that as we go.

[03:12:53] So in climate action work, any climate program is going to basically have two buckets of work. One is the mitigation side. That is reducing our greenhouse gas emissions so that we can make the crisis less bad. The other part is adaptation.

[03:13:09] That is the assumption that given the relative global inaction over the past 50 years, the bad is coming, the bad is here, and so how do we adapt so that we can be resilient in the face of the bad? And so we also have some adaptation work that we're working on in the program, and one of the things that I will point out is there are a lot of points of overlap between the mitigation work which is reducing emissions and the adaptation work which is how do we strengthen our our community so that we can be resilient in the face of some of these climate hazards

[03:13:43] and one and you i won't kind of go through all of these this is to show the venn diagram between the two areas of work one that i will point out is you know building weatherization and you'll see projects that we're doing in fy26 that are definitely in this realm of work that are both going to reduce the emissions from that particular building as well as help the building occupants or owners be resilient in the face of these hazards. The major project that we have been undertaking for the last year and a half in the spirit of adaptation is Resilient Together. This is a

[03:14:21] partnership with UVA and the city of Charlottesville to make sure that our joint communities can be safe, strong, and healthy in the face of these changing climate hazards. This is a brief illustration of the map of the journey that we've been on. So we started with the discover phase again about a year and a half ago, and we've traveled down this stream. We're currently at stop number four, the decide phase, where we're turning a whole bunch of community feedback,

[03:14:53] staff and subject matter expert feedback into the writing of the actual plan. We plan in the early part of 2026 to bring that plan to the planning commission and then to you both for a working session and public hearing on the journey to hopefully appending it to AC44 alongside the climate action plan, which is currently not appended to the comp plan. Part of our resilience together resilient together work excuse me was the establishment of a climate resilience cohort

[03:15:30] and the spirit of that cohort is essentially recognizing that for the vast majority of communities there are always community members that get left out of the discussion for unintentional and intentional

reasons and so we needed to try to find a way of bridging the conversation to some of our marginalized community members and so what this is is a group of several non-profits that represent and speak regularly to some of those marginalized community members so that we can have a direct line of conversation with those folks

[03:16:05] and make sure that their voices are amplified as we develop the Adaptation Resilience Plan. Both the city and county are jointly continuing financial support for the cohort following the grant termination by EPA earlier this spring.

[03:16:20] Another thing we've kicked off in 2025, which I'm really excited about, is the Climate Action Leadership Team. This is a set of leaders, which I'll illustrate on the next slide, that is allowing us to elevate climate action as an organizational priority rather than just a program priority.

[03:16:40] They create leadership intent around climate action and different climate projects. And we look for interdepartmental opportunities to bring some of those leaders to demonstrate their leadership by allocating staff time of their teams towards some of the climate action projects we're going to be talking about. And here is a brief diagram. I've circled the teams that are represented currently on the Climate Action Leadership Team. Hopefully over time we can bring more folks into the fold there. I'm going to, I'll pause here for a moment. I see folks

[03:17:16] looking at the slide. We do have this in your packet if you want to take any notes about any of the information that's there. So now I'd like to cover a little bit of where we're heading in this fiscal year. So again, for context, we started when the board took an action on May 7th to allocate \$300,000 toward the Climate Action Reserve. We were still carrying about \$222,000 in the reserve at that time. So that gave us a total a little over \$500,000. And the board made

[03:17:52] it clear we wanted to emphasize projects that are going to get the most value in terms of emission reductions in FY26. So that was the spirit of the types of projects we were looking for. This is a rundown of the projects and their associated costs. I'm going to spend just a moment to clarify a few things here. One thing I'll point out is that the Office of Housing, you'll see there's an asterisk with a note at the bottom of the slide pointing out that the Office of Housing contributed \$150,000 on top of the \$237,000. So we got \$387,000 toward that top residential energy

[03:18:29] improvements project. And that's the CDBG funds that they came to you about in early August. Another thing that I'll point out before I go into detail in each of these is that you do see the climate resilience cohort support at \$50,000. We decided to use money from the climate action pool to continue the work of the climate resilience cohort even though in the spirit of this the \$300,000 it's not a mitigation project you know speaking strictly it may have some mitigation

[03:19:05] impacts through the adaptation resilience plan once it's implemented but it's not it shouldn't be considered as an emissions mitigation project. So now I'm going to spend time on each of those projects just to clarify what we're going to be working on. One thing to point out is the first bullet is usually designating whether this project is community-facing or internal-facing to county operations. This is a community-facing project totaling \$387,000, as I mentioned. LEAP is going to be the lead partner, and they are partnering with the Albemarle, and sorry, just for those who

[03:19:44] aren't familiar, the Local Energy Alliance Program is LEAP, and they're partnering with the Albemarle Housing Improvement Program as implementing partners to improve both equipment and the

home envelopes. When we think about energy costs, a lot of times, especially in low-income households, energy is going out the window, literally. And so how can we help those folks tighten up their envelopes so when they're turning the AC or the heat on, it's staying in the home instead of heading out the window. We will be prioritizing homes under 50% AMI. And if we assume, there's

[03:20:20] some wiggle room in the numbers, but if we assume we can reach up to 50 homes with this project, we can reduce stationary emissions. So you remember Greg gave you four categories, transportation, stationary, ag and landscape, and waste. Within that second category, stationary emissions would be reduced by 0.02% at a 1.5 ton annual reduction per household calculation. And the dollar figure you see at the end there is essentially the ROI. Based on the amount of money we're spending, how much in tons of improvement for emissions reduction are we

[03:20:59] getting? And the ROI for this particular one is \$3,000 per ton. And so you can see and sort of compare those using your packet as we go through these different projects. The second project for the FY26 funds is government building energy efficiency. This is internal to the county government. We've allocated \$100,000 for this. This will be led by our department, Facilities Environmental Services. Most likely implementation looks like LED fixture

[03:21:33] installation likely at two different buildings if we transition the equivalent of the space of north side library to those fixtures we would reduce again in that stationary energy category one of those four categories by 0.03 at 700 per ton and annually that would be 143 143 ton reduction moving forward the energy resource hub is something that i mentioned that we kicked off with \$100,000 investment in FY25. In this year, again, a community-focused project. We're looking

[03:22:12] to invest an additional 63, matching the city's 63. LEAP and the Community Climate Collaborative are the leads on this. And the key thing to remember with this is, although there's a lot of changes in the incentives that are available at the federal level, there are still a lot of incentives available out there including some that are kind of about to go away at the federal level and so what this program does is it meets with community members both on the residential side as well as the commercial side to make sure they understand what incentives are available to them

[03:22:47] and we have an energy navigator that actually walks them through the process so that they don't just end up at some irs form get really discouraged and close down their computer right so how do we get them all the way to the incentive. If we assume that we can reach 280 homes with some sort of project, maybe it's a heat pump, maybe it's solar on the rooftop, anything that's energy related is within the wheelhouse of this project. So if we assume we can reach 280 homes, we'll

[03:23:20] reduce emissions by 1,400 tons of CO2E equivalent at an ROI, if you will, of 3,571 a ton or 3%, sorry, 0.3% of that stationary category. This is looking at a five ton annual reduction per household, assuming something like a heat pump is the project that's undertaken. The final project for this bucket of funds that is the \$300,000 that the board talked about in May is what we've

[03:23:53] called the Climate Action Collaborative Initiative, and this could be both internal and or community facing. It rounds out the total \$522,000 budget at around \$70,000. We are still working through the process of who the partners might be, but what you will see is that we want to leverage some sort of existing activity or existing funds that maybe, as an example, if we take the second bullet of our priorities maybe parks and rec wants to get a certain piece of equipment they

[03:24:28] have it in their budget to get the gas powered one but we can help you know fill that gap between the gas powered and the electric version that could be an example of partnering with an internal partner to make that happen if we look at tree canopy which is currently our top priority and this is based on working across departments for all staff that have some sort of environmental remit to help narrow this set of priorities down. That could look like working with community partners as well as working with parks, right? So depending on how we finalize what the budget needs to look like and how much money we want to put into each of these priority areas,

[03:25:09] the annual reduction will depend on what that final calculation looks like. And we're still in the process of working that out. I mentioned earlier the new climate action leadership team that formed in 2025. And these are some of the strategic projects that only require staff time.

[03:25:30] They don't require any of the money that the board allocated earlier this year. And so I'm not going to go too in detail into these, but I will give you a brief overview for each of them before we move on. The resilience planning through Resilient Together, I've kind of already covered, but again, that is to make sure that our community is safe, strong, and healthy in the face of changing climate hazards and we're currently working on the decide phase which is the writing of that plan we expect that to be finished maybe end of this calendar year probably january at the latest and

[03:26:07] then we'll start the process of bringing that to our public bodies for adoption and we'll be bringing the latest information on that to the climate action leadership team next month county code review starting with chapter 18 is essentially saying that most of the county code was written outside of explicit consideration of the climate crisis and because of that there are in just doing a cursor review of lots of sections of the county code there are a lot of perverse incentives and

[03:26:41] disincentives that exist within the code and so this project if we go beyond chapter 18 is likely to take several years. Chapter 18 makes sense for this year, giving the zoning modernization project that we're going to be working on. And so we're going to be pulling in the climate perspective as we open up Chapter 18 and take a look there. Matter of fact, we've already been pulled into the form-based code conversation and ARB's conversations on solar, on rooftops, things like that. So we're going to be contributing to a fresh look at Chapter 18,

[03:27:17] making some recommendations and then we'll see where those recommendations go in the spirit the way we did things with ac44 not everything that the climate action program wants makes it to the finish line but at least we've had a chance to be heard and have that contribution made the internal climate action support in the spirit of making sure that this can be a pro an organization wide priority rather than just a program priority what this means is taking a look at customer serving teams of staff in the county and we're starting with community developments front desk and so how

[03:27:55] can we take a look at the different customer interactions the customer journeys that happen there and where there are convenient appropriate and easy insertions of climate action considerations right so maybe as you're coming in to want to develop this property you don't know that there's this incentive we can hand you a brochure about the energy resource hub and that can help you save money on the project that you're trying to do, as well as bring down our emissions. And so we're piloting that with the CDD front desk. We're also looking at civic access, which is the digital way that folks come in and start planning projects. And so we're going to feel that out there and then

[03:28:33] move on to other teams as appropriate. Sustainable operations is really taking a look at three elements of how we do business internally, transitioning our fleet to electric vehicles, looking at landscaping practices for both sequestering and reducing emissions, as well as our building equipment, envelope, and renewable energy.

[03:28:56] Charging Smart and SoulSmart, both of these are sort of sibling programs. One deals with EV charging infrastructure. One deals with solar infrastructure. And so how do we make it easier, lower some barriers for community members through permitting practices, through information, So that folks have an easier time to install the respective pieces of equipment.

[03:29:19] And the last project in our strategic set is doing a sort of strategic redesign of organic waste systems in the county in partnership with the city and UVA. So that we can drastically reduce the amount of especially food waste and yard trimmings that end up in the landfill and which are a big contributor to our waste sector of the emissions.

[03:29:44] One thing I'll say here, you saw earlier, waste is a pretty small footprint for our emissions. Waste is also a gateway for community members to want to be involved in other environmental efforts, including climate action. And so having something in the waste space does make sense so we can bring new people into this work.

[03:30:05] And so this is the final slide before the discussion. So the way forward, looking ahead, we're going to obviously execute the FY26 projects, both the funded and strategic that we've laid out for you today we're going to develop in the spirit of one of our climate action leadership team members recommendations that we need to be thinking really boldly about how we're going to actually achieve this 2050 goal and so one thing that we're thinking about doing is developing a climate smart vision for what the community would look like having achieved a zero net emissions goal we're going to focus on our staff advisory

[03:30:41] services model like we've done with AC44 so that we can be bringing this climate action work across different departments and policy actions that are happening. We're going to be focusing on root causes. We can talk a little bit about that if you'd like, but that's definitely sort of framing our work. We're going to be looking at our emissions inventories. So transportation is the biggest chunk. So that's the first place we look when we're trying to think about where we need to be doing some work. And finally, once adopted, we will be implementing the adaptation and Resilience Plan. With that, this is the discussion that was recommended as part of your

[03:31:20] packet that you got for this meeting. So we would invite at this time any feedback or questions you have about any of the work of the program or any of the proposed uses of the funds for FY26. And with that, thank you. Thank you very much. Welcome to our order, starting with Supervisor McKeel.

[03:31:38] Thank you very much. Very interesting. I don't really have any questions at this point. I will say that I really appreciate seeing you at the schools. It's really nice to know that the schools and our group here are working closely together because we're all in this together, and there's a lot of potential through the school division and those young children.

[03:32:06] So thank you very much. You made a great presentation there the other day. Thank you. I appreciate it. And I want to acknowledge John Coles at the schools, who's doing amazing work over there.

Yeah, he is. So the two of you, I think, my sense is the two of you all are working really nicely together. As much as we can. They are struggling to figure out the waste in their cafeterias.

[03:32:26] You know that. But anyway, but thank you very much for right now. I may think of something, but I'll see what everybody else has to say. Professor Pruitt. Thank you. I want to begin with kind of just a bit of a methodology question, right?

[03:32:42] We touched on how you employ these community-scale survey initiatives. actually see where we are in time. And then we also talked about some of the individual interventions we're looking at. And I have to assume that when you're doing your community scale inventory, that does not involve going to New Roots Farms and saying, hey, what's your composting practice?

[03:33:05] That's correct. So I understand we can account for that one specifically because that's an intervention that we engaged in. We can make that math on the back end. But it also occurs to me if they say to their their farming friends next door oh look what we did wouldn't it be cool if you did that and they start implementing it that goes uncaptured can you give me a little bit kind of if is there something i'm missing or some more thoughts on kind of how these uh inventories are done sure the first thing i'll mention is that all of these inventories um very soon are going to be

[03:33:42] online on the climate team's website um and so you'll be able to go in these are workbooks and they're fairly rigorous with a lot of interconnected tabs and calculations and all the things. And so you'll be able to investigate, anybody can investigate how the math is done. We use a lot of different sources across all of these sectors. So using this example of agriculture, USDA does a census every five years to understand basically everything that's going on in agriculture in a given place down to the county level. And so we use those data, for example, to understand

[03:34:20] what practices are happening in Albemarle County specifically, how many acres of the total amount of farmland are those practices happening on. We then look at peer-reviewed research for understanding, okay, on a per acre basis for that practice, what are the emissions associated or the emissions removal or carbon removals associated with that and you see that kind of cutting across the different sectors so we're using a whole bunch of different sources got it thank you um you have actually first an easier

[03:34:54] question the the code revision review that y'all are doing is that going you might not know the answer yet but is that going to come is your review going to come to us separately or is it going to come bundled and and realized after like like staff on staff vetting uh through as like a general thing does that yes does that question make sense it does make sense and so similarly to ac44 the way we've envisioned that is that cdd leads that process right and they are going to be bringing to you and whatever

[03:35:28] the zoning modernization process looks like and we will have contributed with their team our recommendations thoughts and whatever they bring to you will have you know already kind of had that conversation does that answer your question that does answer my question i might turn to my peers so this puts me in mind similar to budget right i'm thinking two budgets ago right where you have multiple uh parts of staff multiple departments who have um different needs and

[03:36:03] different interests that are sometimes at odds um and that is processed and filtered by by county leadership based on their uh best thoughts and expertise and and we got a final budget right we're going to have a similar thing with zoning modernization and at that time when we use that kind of process

we were very interested in what the individual departments had actually had to say because there were there were discussions that had already happened that that we wanted that we wanted to bite on um this is something i might be curious to have a bite on what what might get

[03:36:38] left on the cutting room floor and i reflect that to my peers on the board and to and to um jeff and to our county executive mr richardson um because that that's something i would like a little bit of insight if there is something that's not reaching the board because it's uh getting filtered through a process but i i can't say that i can't do that unilaterally so i'm i'm throwing that to my peers and also to Mr. Richardson if he thinks that's even feasible or appropriate.

[03:37:07] The one other thing I had, and I think this sounds like it's being addressed, but I guess I'd just kind of say this to you and kind of get your pulse on it. You might have heard me before when we've talked about climate and resilience in the context of the comprehensive plan, which is one of the places where we engage with it more substantively since I've been on the board, that something I sometimes express concern about is that we're not adequately accounting for a an individual citizen's experience of climate strain and how we can plan for that and have interventions that are targeted at that and a

[03:37:44] concern i've had with resilient together is that it might end up reflecting grass tops concerns and grass tops level interventions um so the example projects that we're engaged in i think our grassroots deliverables, individual house efficiency improvements, individual LEAP repairs for low-income homes. That gets at what I'm talking about, but I guess I would ask you, do you think that this is a concern that's adequately being incorporated into our planning

[03:38:21] process across the board, or are there still places where we might be having a little bit of higher level intervention based on the engagement processes that we've been having up to this point it feels to me that we are getting to the grassroots and that those concerns are being effectively advocated for by either organizations that we're working with through the crc or from folks that have come to some of our community events i also think that staff and

[03:38:55] we've had dozens of staff and subject matter expert meetings across city county and uva as well as external to them i've heard in a lot of those meetings that they are bringing concerns that they've heard from community members to that conversation as we start to think about what implementation looks like so i think we're getting at it what i like to hear thank you thank you thank you professor galloway um in the presentation you talked about the organization's priority versus program priority yes sir do you think we're not prioritizing it as an organization

[03:39:33] i think it's a perception that the organization is not prioritizing it hasn't been and so this addresses that perception and gets leaders across the the different departments to actually weigh in and be a part of the conversation and i'm not trying to be combative so i like appreciate the the just the free thought but internally to the organization we've been improving i would say so yes but yet we feel like it's not an organizational priority are folks feeling like we're this is

[03:40:07] just we're not doing enough or that we're oh that's that's the climate team's problem i'm over here doing perception yeah perception whatever yeah i think i think it's the perception i will call out very intentionally at least since i've been here at the at the staff level across the organization we've got great relationships with folks you know think about transportation planning all the ac4 ac44 planners like they they're very interested in this topic i just think there's a

[03:40:43] perception that the organization as a whole is not prioritizing or hasn't been prioritizing this work and so i think you know this leadership team moves in a different direction i mean i'm not shocked to hear it because that seemed to be what was being told to us during our budget town halls that we don't prioritize this as an organization now it was a little bit more specific to dollar funding but it seemed that when we were telling the story of what else we did throughout the organization that speaks to climate action that that wasn't that wasn't really important

[03:41:20] um that's a little flip way to say it but that was kind of what i felt so i and i hear you all saying well that's the perception that's the perception well the perceptions are usually rooted in something that should be considered but but perceptions can also be wrong certainly so i i guess that's what i'm trying that's what popped for me or is the perception wrong or is the is or you know when i think of climate as one of the two lenses that we look through ac 44 and we often speak about it, many things that we do, to me that suggests it's an organizational priority.

[03:42:00] I'm just kind of curious to like, well, if folks think it's not, like what's the substantive reasons? I'm hearing two. I'm hearing community. I'm sorry. I'm hearing two groups.

[03:42:16] The community, which I think they're not aware of what we are doing. What's more concerning to me is if our own staff doesn't drive. surprised to hear that it's i mean i wouldn't be surprised to hear about any perception that's out there first i just got one lodged at me out in the hallway so that's not shocking but having been with this with this organization as a supervisor and in previous as a school board member to hear that as an organization a county that we don't take this or treat this as a priority and it's

[03:42:54] just lodged in a program that doesn't line up like so i'm trying to understand what and if there aren't root cause and this is not going to be settled today i get that i'm just you all got tough tough job and i'm going to get to some other questions that speak to this a little bit more but i guess really what i'm trying to pin this on is like well all right if there is some truth to the perception i'd really like to understand what that means other than just folks not being informed enough about what we do. If it's beyond that, then I'd like to understand that.

[03:43:32] I was just going to suggest that we're perhaps overemphasizing Jamie's use of the word priority. And I would just say that I think the advantage of the leadership team is to involve leaders across the organization in climate conversations directly with climate staff for them to be able to leave the room at the end of the meeting and sort of like understand what our goals are so that they can assist us with identifying opportunities, opening up staff resources, things like that.

[03:44:11] So I don't know if I agree necessarily with the organization as a whole wasn't prioritizing climate. It just wasn't getting out there and it wasn't visible that leadership across the organization was as involved because we weren't having conversations with the director of social services but now we are so i don't know if that changes the way you i mean it helps i mean yeah for sure appreciate it i mean that's not an easy um just to speak to so on page eight uh page 18

[03:44:45] maybe of the actual document or maybe i wrote 18 maybe that's not the right page number well anyway it's your um it's on yeah it is page 18 i got confused there because you're speaking of chapter 18 in the county code this is what i meant about what you guys do you know this is so tough because we can control what we can do as the organization and our own actions, but much of what else that we're setting

goals for, we have no control over. Correct. We can influence, we can educate, we can inform, we could belittle, we could demean, we could, I mean, there's so many words out there.

[03:45:24] We could champion, we can do a lot of things, but at the end of the day, we can't control the actions of others, but yet we're setting goals that are based on the actions of others. So, you know, This is where, you know, smart goals, you know, I know relevant is the more important R, but sometimes that R is realistic.

[03:45:50] Meaning, yeah, it's achievable, but given the time, the people, and the resources we have at hand, is it realistic to make it achievable? So some of these goals, like the, and I don't mean to pick on any, but it says increased percent of electrical vehicles to 28.

[03:46:08] Is that internal? No, that's community-wide, sir. How is that achievable? uh it's not i mean it's not unrealistic well how okay then it might not be unrealistic but how is it achievable for us to hold ourself accountable to getting there so one one thing that the county could do is to either incentivize or actually install the chargers right in our on our public property um it is one of the barriers to entry to the ev market is i don't feel like i can charge

[03:46:42] enough right or fast enough and so that's that's one particular action but this is also a space where technology and the market is helping us to kind of get to a place where we we will be more likely to achieve those goals because people are just buying more evs at a faster rate so yeah can i add that uh that energy resource hub is one way that we are trying to connect people with existing incentives out there.

[03:47:14] So we're not giving them the incentive, but if there is a federal or state incentive to help people decide that, oh, an EV is going to be worth it, that is a program that is just like connecting the dots. So that is one way we can put a little pressure on moving in the right direction.

[03:47:30] So I would offer perhaps to hone in on those, and I think I saw in here that there was a place where it said moving to the electric charging infrastructure. Wasn't that a goal somewhere as well? In the report? In the report? Yes.

[03:47:46] So it seems to me that a goal like increased percent of electric vehicles to 28 percent, it seems more realistic to me or relevant to focus on the charging thing that then influences a behavior that we won't move it on versus holding us accountable to 28 percent when it's out of our control whether people actually do it or not.

[03:48:13] I think that makes a lot of sense. And I think, well, I don't think I know, but one of the things we were trying to do as a program in developing these SMART goals was to bridge what was in the Climate Action Plan, like what goals existed there, and how can we move toward more specific but still be framing things the way the Climate Action Plan frames things.

[03:48:33] But I do hear you in moving forward as we think about goal setting, whether it's annual goal setting or five-year goal setting, what can we actually influence or control directly? It was the natural gas appliances. Like, well, okay, if you're not renovating a home or you're not doing something and dealing with a situation where you have to replace the appliance, and if you're cost restrained, then perhaps the county could provide a dollar incentive, much in the way we do for renovating a house, I suppose.

[03:49:06] But then for the vast majority in between the cost restrained and the other end of the spectrum who aren't limited to be able to make all the choices they want by dollar resources. Some people can

choose to do four or five things, but they can't do 10.

[03:49:23] And if converting an appliance hits the home pocketbook, like, again, I'm just trying to get at how do you achieve that when it's completely out of our control, other than saying, hey, it's a good idea to use an electric appliance versus a natural gas appliance, or providing a monetary incentive, I suppose, is one way to do it.

[03:49:44] But again, it just goes to that other piece where achievable goals, that word achievable, it's like well all right what are we really trying to do and are there more are there different things that we could set the goals for to get there i don't know man you guys are the experts on this so you can just be like galloway you're out of your mind the point is well taken moving forward in goal setting and refining these tree cover and tree cover loss yes this was my question earlier when we were it's it sparked it i was thinking about the climate action plan and prepping for

[03:50:18] the infill piece about the loss of trees because it seems to speak in here if i took it and i didn't go back and reread it but we lose a lot of trees when we develop in the development area yes and we talk about how it needs to be replenished um and and you'll forgive me i didn't write down the notes about what the details were are we incentivizing that replacement of the trees elsewhere or just requiring on site to try to recover some tree cover once they get rid of the trees in the

[03:50:50] development area i'm not aware of any current incentives no and it seems to be focused on the development area in terms of loss of the trees which is also why i was wondering well does that requirement like when people come in we get to talk about some tree cover when we have to do rezonings or something like that if it's a piece of property that's not been developed yet but you know the same thing happens in the rural area when when a residential lot gets built i'm sure they're taking down some trees do those have to be replenished or were we accounting for what's lost due to the residential development even the one plotters that are out there in the rural area

[03:51:28] so we have we account for both the rural and the development areas in the calculation of tree cover we use two different tools to do that because in the development area you're more likely to see you know onesie twosie trees and so it's a different methodology to understand what is being lost or gained but we are looking across all of that and whereas we are seeing most of the loss in the development area i think the argument that we're trying to make is that writ large as a county whether it be in the development area partly or in the rural area we need to be reforesting or

[03:52:05] afforesting our lands or putting trees back in and what's the goal to do that from the chart you were referencing so it's limit conversion from trees cover to 570 acres annually limit conversion from trees cover that's a bit of store tree cover on on 1200 a 1205 acres annually so it's a bit of a jargony um reference to the actual tool we use to calculate it because it's talking about conversion from tree cover to some other use so whether it's trees to grassland trees to

[03:52:41] development area trees to wasteland residential whatever exactly so is this this is one of the areas where you're talking about where the ordinances diverge i think so because we allow development it means taking down trees and then that hurts our i mean think about the trees that just got taken down in my in the district alone and so one of the things but we defined those trees to be taken out correct so where are we recovering we don't want to limit that in the development area because that's where we said we want the density so we don't want to annually

[03:53:18] limit how many trees can be taken down in the development area where are we replacing how are we recovering those trees because they're not going to be recovered in the development area some done laura put in over 10 000 trees planted down to recover the field that's down there and i don't think they did that with any incentive at least from the county i think they did that on their own accord maybe there was some grants involved and worked with rivana trail or somebody i forget who they worked with but that was them taking their own initiative to turn that field back into something else than to a forest again that's my understanding so is one of our couldn't

[03:53:53] a goal be that if we're going to lose x amount of trees in the development area where we said we were going to lose it how do we get like to re-account for them somewhere else it seems like we don't we don't aspire to try to replace them somewhere else i don't know how you would do that but i'm just kind of thinking out loud i was like oh well if you build a if you have a 50 acre lot in the rural area and you take you build a residence and you take out six acres and maybe only take out two acres of tree to build that home maybe we could require them to put those trees back up on their other 50 acres somewhere we don't do that this could be a role for the

[03:54:30] program as ac44 begins to move into its implementation phase and we start looking at different elements there what are some policy devices or incentive devices that other communities are using that seem to be working or how do you know what are some of the educational or informational efforts that seem to be moving people to do it with their own money right or seeking grant funding to your point i mean i think when thinking of your talk about the county code and going through and doing that like all right if it was just through the lens of your program

[03:55:08] like whoa if you all had your if you could write the county code right like i think that i don't know if that was exactly what supervisor pruit was getting at about what might fall off on the floor get clipped and left on the floor but to me like when we get documents and they're redlined like oh that's interesting to see how you all would redline the county code if it was just thinking of your lens that you all look through um and the you know some of the actual dollars

[03:55:47] This was a conversation during the budget that goes to programs that seem to be incentivizing or educational in nature that we give out to other organizations, like if we give dollars out as a grant or something. I'm assuming, because this would be my charge for the internal dollars, like one of your questions over there says use of the climate action funding pool.

[03:56:09] I would always say, of course, highest impact, greatest return. So if the goal is to do a reduction, then I want every dollar going to the highest impact action that's going to help us achieve that. And if dollars are going to an organization, perhaps outside, or to maybe an effort inside the county that doesn't check off that box, it shouldn't be done just because it seems nice or it's a feel good.

[03:56:38] i think because you're so nebulous i mean it's so hard to like if we're going to put electric vehicle charging stations in and it can drive up electric vehicle uh ownership even though there are a lot of other barriers to electric vehicle ownership you know to me okay if you convinced me of that that's a high impact best use kind of of the dollar um you know i know that one of the things brought up during the budget cycle was that dollars could be given for you know the e-bikes

[03:57:11] vouchers for e-bikes i'm fine with that i'm not opposed to that but is that highest impact best use given the fact that in our county our infrastructure to use e-bikes is not great i mean you know to get from woodbrook to kroger on an e-bike okay they i well they could circuit their way up through get up to

the over change where the gsi is get over and then go back down and i know there are people that do it who actually own them and doing it for their own

[03:57:46] purposes i suppose but um you know i just use that as an example i'll probably get flack for that maybe but but i want the dollars going to those things um that are specifically set aside for that i mean and i'm and i stated in the price in the budget i said it out loud that if i had a million dollars extra i'd put it to other priorities than to the fund we were asking for the million dollars and i i meant that then i ended up voting for what we moved 250 000 into that fund but i believe that this is an organizational priority that goes beyond dollars that are in

[03:58:26] that specific fund and any dollars expended whether it's in that fund or otherwise need to go to the highest impact to actually achieve goals that i think are specific and measurable i think you have that but get to what's actually achievable by this local government that then we can measure and say we can do it by this type of date but i appreciate y'all's effort and the report was great So I was also asked, as the young man pointed out during a public speaking thing, that he was gracious.

[03:58:58] He didn't say which supervisor he asked, but he asked where we stood in our progress to achieving our 2030 goal, and I told him I don't know, and now I know, and I appreciate you letting me know that and bringing the report forward. Thank you. Thank you, sir. Thank you. And I'm on the board that it's almost going on 520.

[03:59:17] Let's continue with Supervisor Lupita Kirtley. okay i notice we bring in the time limit every time it's always nice that the person taking up all the time gets admonished and everybody else has to pay the price duly noted um thank you for the presentation um this is a priority for the county me personally i would like to see some reachable goals uh something that we actually could do there's there's a lot of information in our climate action plan but what can we achieve i mean we mentioned about

[03:59:57] electric vehicles i bought not an electric vehicle but a hybrid so you can plug it in i wanted to do the fast charge five thousand dollars to install that in my garage so i opted for slow-mo where it takes all night which is fine i mean i don't mind that But there are some impediments to that, and I don't know, really, how many people are using the chargers that we do have.

[04:00:30] I'm hoping a lot of people. Is it just our staff? Actually, that would be good also. But I agree with getting something that is more measurable, basically the best bang for your buck, because all of these initiatives, or most of them, frankly, do cost money.

[04:00:50] It is a budget consideration. So what can we do that we can give some money to or adjust the budget that is going to give us the best results? Not one-offs, but something that would really make a difference.

[04:01:10] And I love you mentioned about incentives and information from other localities. What are they doing regarding this? What can we do that is achievable? But I'm not seeing specific things.

[04:01:27] And maybe that's part of the problem also with you can't kind of get your hands around it like, what are we doing? What can we do specifically to make sure that we as an organization, that we as a board of supervisors can actually tackle some things that we can point to and say, we did this.

[04:01:48] You know, this was something that was doable. And my other concern is, I know we rely on grants. We want things like that. What is the political climate now for federal and state?

[04:02:05] I mean, someone mentioned USDA. Are we going to even have a USDA? I'm wondering, do we rely a lot upon federal and state grants that may or may not be coming? A lot of the work that we do and that we need to do in the program is staff time.

[04:02:26] It doesn't require any external funds. That is things like AC44, for example, where across that document, if implemented or as implemented, it is going to have some strong climate action impacts because of how climate action is spread throughout there.

[04:02:49] So that's an example of what a lot of the work needs to look like. Just to briefly maybe address the grant landscape. Federally, it's a bit murky, but also not looking very good for grants over the next several years.

[04:03:09] The state level still has a number of opportunities available. What has been the barrier there is capacity, program capacity for a while. And so once we are back up to full capacity, then we can maybe take a fresh look at what's out there.

[04:03:28] what do we have time for, what's worth actually going after, and see what opportunities exist. Okay, and perhaps we can work with developers whereby they take out so many trees and then they have to replace so many trees, something like that.

[04:03:46] But I would like to see more concrete, actionable items, frankly, whether they cost money or don't cost money. Then let us see where the best bang for the buck is. Those are all my questions. Thank you.

[04:04:02] Thank you. Supervisor Malek? Thank you very much, and this is really great to read. I was such a babe in the woods in 2008 when the LCAP started and didn't even know what adaptation was back then. So a lot of effort, Crystal Rittervold and others, helping us to all understand that.

[04:04:21] But it also, to see this report and see the kinds of real details and progress that you have developed since then is really great. It's not just a blank page anymore. And I think originally and perhaps now still one of the great impacts the county can have is as an example to show what's possible, which is why we started the Energy Star Buildings, this building in COV-5, in order to show the public and the commercial owners the benefits of doing things better, weatherization, solar, and stuff like that.

[04:04:52] One thing that's been a concern to me, and you may or may not have any information about, is the source of the power for electrification. Because if we're just keeping gas plants and coal plants, we're not getting anywhere. And I don't know if any of your modeling takes that electricity source into account or not.

[04:05:11] So leave on the table for another day. Interested to hear about the progress that the Roots Farm has made because I had not heard of them until the grant proposals last year. And I thought, oh, one applicant, two years? Is this really helping? But it sounds like they are really accomplishing a lot, which is great.

[04:05:29] After 20 years of cooking with electricity, I could not wait to get a gas stove, and I will be, you know, fighting to keep it. We keep it super efficient, so I think that's too bad, but I grow lots of trees, and hopefully that will compensate for that. The tree cover is a real concern, and I think there's been discussion for 20 years in the county about having a tree conservation requirement for development because the people who are living in a parcel need to have a shade tree, too.

[04:05:59] And it would be nice if it was a big tree instead of a whole bunch of little trees that have no shade. So that requires a little extra effort. And I've had lots of debates with lots of developers over the years about that because it's easier for them to just knock them all down, sell the wood for money, and then push up or take away the topsoil and flatten everything.

[04:06:20] But it should be perhaps a more long-term goal than just do it as cheaply as possible. I hope that we get there someday. But I do, I'm really looking forward to understanding more in the AC44 draft. And perhaps it wouldn't be too difficult to put the language that your department feels is really forwarding the climate goals in green or something to help people like me understand.

[04:06:45] So, thank you. Thank you. I really do appreciate what you've done here and recognize that, you know, the county board said 2020, these are our, well, 2019, these are our goals. and those goals can't be achieved by this board alone and what you've done is given a roadmap that says look we don't just have to state the goals we can show you ways to get there whether that means that we start talking about how many people in the county might be converting to electric cars whether we can control it or not that's an important part of recognizing whether we as a

[04:07:22] county can begin to achieve these goals and you've set out the beginnings of a roadmap and I really think that that's a big job and something that we can build on and continue to build on. So I also think that while I think that we need to do a lot more and to put more resources into this, that some of the times we're putting resources in, it may not be so easily measured exactly what reduction there is. It may be the awareness that we're raising that's more important because the awareness leads to people buying an electric car or doing other things that might also bring down

[04:07:58] the county's emissions. Where we have the ability to do something more concretely is in land use decisions, evaluations of proposals, and things that do come before us. And I do think that we need to start consciously putting climate into those. And I would like to see us have that as a part of our review process. What is the impact of this? Now, I recognize that we set these goals, but then we look at the county population and we say, well, we're growing.

[04:08:29] We're going to have increased emissions due to that. There are a lot of confounding factors that make it difficult. How do we count, you know, adding 300 homes to Brookhill? Is that a negative, a positive? You know, we're bringing in people who are not going to live somewhere further away and things like that.

[04:08:45] But unless we try, we'll never get anywhere. Currently, you know, to borrow the business about perception, It's not a perception that emissions are continuing to rise, and it's a reality. And so we need to do what we can to try to bend that curve, and I appreciate what you've done here.

[04:09:06] Thank you. Okay. Thank you very much. Thank you all. With that, Board, we can have a motion to go into a closed meeting. Yes, I would like to move that the Board of Supervisors convene a closed meeting pursuant to Section 2.2, Tech 3711A of the Code of Virginia,

[04:09:28] First, under subsection 6, to discuss and consider the investment of public funds related to an existing performance agreement with Agrospheres Incorporated and related to a potential performance agreement for a commercial development in Seminole Trail in the Rio Magisterial District where bargaining is involved and where it made public initially would adversely affect the financial interest of the county.

[04:09:47] 2nd under subsection 8 to consult with legal counsel regarding specific legal matters including a performance agreement with agro spheres incorporated Requiring the provision of legal advice by such counsel and third under subsection 29 to discuss the negotiation or renegotiation of separate public contracts with agro sphere incorporated And a commercial development on seminal trail in the rio magisterial district each involving the expenditure of public funds where discussion and open session would adversely impact the bargaining position or negotiating strategy of the county and the board. Second. We have a motion from Supervisor Pruitt. Second from Supervisor Malik. Without objection, the clerk will call the roll. Ms. Lapista-Curtley? Aye.

[04:10:26] Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Mr. Pruitt? Oh, aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Okay. Thank you. Good evening. Sorry for the late start. Before we do anything further, we're going to need a motion to come out of closed meeting. Of course, I would like to move that the board of supervisors certified by a recorded vote that to the best of each supervisor's knowledge

[04:11:05] only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorized in the closed meeting were heard discussed or considered in the closed meeting. Second. We have a motion from Supervisor Pruitt, second from Supervisor Malik without objection if the clerk will call the roll. Ms. Lapisto-Kirtley?

[04:11:23] Aye. Ms. Malik? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Great. Thank you. Next up is a report from the county executive, Mr. Richardson. Yes, sir. Yes, sir. Thank you very much. I do have a report for September.

[04:11:40] And board, as always, I really appreciate the opportunity that you give our staff to talk just for a few minutes about the stuff that's going on within Almar County government, how we reach to our community, how we connect, and hopefully what the board and our community sees is very meaningful ways. And as always, I thank our wonderful staff in CAPE, and that's community and public engagement.

[04:12:01] What they are doing on a constant basis is they are connecting into our departments, led by Abby Stump, our director of CAPE, and they're looking for this meaningful work that if we don't highlight, it may not be highlighted to our board, to our community. So, Mr. Chair, thank you as always, and as this board knows, I'll share this report out to our board members after this evening, because I know you're busy in the community going to your various board meetings, and there's times that you will take this information and carry it with you.

[04:12:28] So I'm going to jump right in, and I'm going to point out to our community that's here this evening, you'll see the number one up in the left side, and it says safety and well-being. And so what we do on a regular basis is we connect this work to the board and the staff's strategic plan. We have six strategic goals.

[04:12:44] We work on our goals as part of our strategic plan, aligning it to our budget process, and also then pulling it back in to our day-to-day operations. And so let's jump right in. Recently, our Albemarle County Police Department joined forces with the Virginia State Police for the Mothers Against Drunk Driving, MAD, Saturation Saturday event that occurred on August 23rd.

[04:13:06] This is a night that is increased law enforcement patrol, traffic safety checkpoints, and it's designed to reduce incidents of drunk or drugged driving and prevent dangerous driving behaviors before they result in harm.

[04:13:22] The targeted enforcement efforts for this evening, let me share with you the results. Over the course of the operation, our officers conducted 45 traffic stops, resulting in two DUI arrests, 25 warning, and 13 citations for violations like no seatbelt use, expired registrations, and unlicensed driving.

[04:13:44] Participating in the national program like MADS, Saturation Saturday aligns with the ACPD, our police department's broader objective to reduce traffic-related injuries and fatalities, to promote responsible driving, and engage the community in safe roadway practices.

[04:14:01] So as always, I appreciate the police department's efforts in this area. On September 13th, the Albemarle County Fire Rescue, along with the Charlottesville Fire Department, came together for a September 11th, 9-11, stair climb at John Paul Jones Arena, that's at the University of Virginia, along with volunteer departments, law enforcement, EMS, and members of our community.

[04:14:27] Participants climbed 2,071 steps, and that symbolizes the 110 floors at the World Trade Center towers to honor the 343 firefighters and 2,977 lives that were lost on 9-11.

[04:14:46] The event brought together a wide network of local agencies, along with our public, showing the strength of regional partnership and a shared commitment to remembering those who made the ultimate sacrifice. Ford, you'll notice that this is under strategic goal number six, workforce and customer service, and I really like it when our staff pays attention to processes and things that we do, how it worked out, what the result was as it relates to the customer experience, and then how can we improve that.

[04:15:19] So now we have a new in-person land revalidation support program. Each year we see a large influx of revalidation applications in the final week before the deadline. Sometimes we will see over 1,000 in just a few days.

[04:15:36] This year, staff took steps to better manage the last-minute rush and streamline this process. we scaled up an in-person assistance center where we added departmental staff appraisal team support and temporary help we also brought in knowledgeable part-time temporary staff which allowed us to keep up with emails respond to incomplete applications and enter submissions into our system this made this deadline week much smoother than in past revalidation cycles having staff on site meant that we could answer questions in real time reduce errors that would have otherwise slowed down our processing. We removed the need for appointments and provided residents with accessible, efficient

[04:16:15] service in a convenient location. We received many compliments from our residents for the format that we used this year. People appreciated the fast, hands-on support, shorter wait times, while staff benefited by fewer follow-ups and a more efficient application process. I applaud our team for doing this work, and we appreciate the community's feedback, as always. Okay?

[04:16:42] Atmar County continues to modernize its public-facing GIS tools. This includes the GIS viewer, the GIS data download, and the county maps pages. These upgrades are part of a long-term effort to provide reliable, user-friendly access to property and mapping data for our residents, our businesses, and our local partners.

[04:17:02] The new GIS viewer delivers improved search capabilities, intuitive parcel filtering, interactive sketch and measurement of tools, and flexible map export options. Enhanced data access includes parcel cards, parcel improvements, parcel access, sales history, and the ability to export this data to multiple formats.

[04:17:26] recognizing the value of GIS services to a wide range of users. Our IT department, Information Technology, has been proactive in gathering input on GIS-related needs and concerns. This feedback has directly influenced our current improvements, ensuring tools are aligned with the practical needs of our community.

[04:17:47] In addition, Board, to support frequent viewers of the site, the IT department offered a training recently, I think it was earlier this week, to the Charlottesville Area Association of Realtors, CAR. This week, to review the new GIS viewer, 71 members of CAR attended this meeting.

[04:18:09] The GIS team provided a guided tour of the main features of the new system to include advanced searches, interaction with parcel information, and how to use the layers and filters in the system. I'd like to recognize Paul Rittenhouse of our Information Technology Department.

[04:18:25] roderick burton who also attended this community meeting as well as christy shiflett and so i'm really proud of this outreach and i appreciate the uh the attendance and the interest from our community okay crozet square and oak street improvement project is a part of our albemore county's larger vision to create welcoming public spaces that promote walkability accessibility and community vibrancy in downtown crozet this project broke ground in january 2025 with completion

[04:18:56] On track for December of 2025, overall improvements to the square and to Oak Street between Library Avenue and the square will upgrade the stormwater system, enhance water drainage, improve ADA accessibility and pedestrian accommodations, create more marked parking spaces, update signage and improve traffic flow.

[04:19:16] Construction has been strategically staged to maintain access to all businesses and private properties throughout the project. The county has been committed to minimizing traffic impacts through the intermittent lane closures, detours, and with clear signage.

[04:19:32] Community support and patience has been instrumental in helping the project move forward smoothly. We continue to stay in close contact with our local stakeholders, businesses, and the community, trying to keep everyone in the loop, as well as ongoing support to local businesses and owners through the entire construction process.

[04:19:55] Delmar County is more than halfway through the Biscuit Run Stream Restoration Project, aimed at improving water quality, increasing habitat diversity, reducing downstream flooding, and better managing stormwater runoff. The first phase of this project installs intermittent log jam structures along the stream, which are designed to mimic natural beaver dams, which will create wetlands and increase wildlife and plant habitat diversity, and it will also reduce flooding and erosion pressure on downstream areas of Biscuit Run.

[04:20:25] While natural recovery of the Biscuit Run Valley could take hundreds of years, this restoration project provides an ecological uplift that will allow the area to recover in just a few years, rather than if left to it to its own it would take quite a while until recently this looked very inviting uh for folks working downtown here we welcomed in the summer swim and summer camp recap we welcomed over 26,000 guests to our swimming beaches this summer throughout the

[04:21:02] summer we've been seeking community input from those visiting the beaches as opposed to in previous year as opposed to in previous years a survey was available through the summer instead of at the end of the season and with that slight change we've seen an increase in survey participants compared to

previous years so we want that feedback the summer swim survey is available until monday october the 6th at our albemore.org parks website new this year we expanded our summer camp programming to to provide more full-day opportunities for kids we introduced two full-day

[04:21:36] day summer camps, sport camp, and adventure camp, and we saw 255 total campers. These programs not only kept our kids moving, learning, but gave families more options for a safe and enriching summer care. Parks and Rec staff worked really hard with that, and I'm proud of them for their work. Board, I want to take an opportunity to introduce a new assistant director of DSS, Kurt Emmerling, and I'm going to actually transition to our DSS director. Mary Stebbins is with us this evening and Mary I'll ask you to come forward and could you give us a little bit more of a complete introduction of Kurt and then you certainly can turn it over to Kurt and Kurt

[04:22:16] if you'd like to come up and say a few words to the board you certainly can but Mary I want to take this opportunity to thank you for your leadership at the Department of Social Services the work that you do every day your wonderful staff and just thank you so much for being here this evening. Thank you. Good evening. Yes, so Kurt Emmerling came, joined us July 28th, and he comes from, he was the director of Page County Social Services for the past couple of years before coming to us. And prior to that, he spent a couple decades working in

[04:22:51] Allegheny County in Pennsylvania doing similar work as deputy director in their social service program. So he comes with lots of expertise and experience, and we are just so excited to have him in his role. As assistant director, he is over our protection programs. So he is over child protective services. He is over foster care and adoption, and he will soon be taking on adult protective services as well. And we sort of reconfigured a little bit to split up some

[04:23:28] programs to do this so that he can really focus on these vital programs that work with our most needy, vulnerable residents so that we can really ensure that we are providing the care to those residents so that they can be safe in their environments and we can improve their well-being.

[04:23:46] So we're really, really excited to have Kirk come with all of the expertise that he brings and from other systems, which can help us sort of look at our own system and look for areas that we can improve so we're we're very grateful that he's here all right you want to come up well thank you mary and it is indeed a pleasure to meet all of you tonight and to chat even so briefly about perhaps some of my background i can tell you that i've been with dss now for about

[04:24:19] seven weeks and khaki and mary run a tight ship it is a place where dedication is not just a word but is seen every day in the work that the employees and staff do, and I'm very proud to be a part of such an organization. I can tell you that if there is something that is not on my resume that Mary talked about, I would at least mention that for 10 years I was with the Mercy Health System in Pittsburgh, a very similar system to UVA, and I sort of grew up in what you would call the Center for Quality Management, and that was where I learned CQI process and data-driven

[04:24:56] decision-making. As all of you know, the day of just simply saying it is so is gone, and we have to show data and systems and process in order to get what we need done and to show people that we're doing the job that we're doing. So I'm happy to bring that there. I will also tell you that I think all of you understand this, and in closing I'll say this, prevention is the key within DSS.

[04:25:21] As all of you know, and I'm sure in the things that you work on all of the time within your worlds and within the work that you're doing here tonight. It is better to deal with a problem that never surfaces as a problem, that if is dealt with prior, and that is what our goal with children and adults are, to prevent them from going potentially into deeper levels of care and causing more difficulties and more issues than would need. So I am very proud to be a part of this system, and it's a delight to meet all of you this evening, and I wish you all the best, and thank

[04:25:52] you for having me very much. Thank you. Mr. Chair, that is the report that I have this evening. I did not mention that Ms. Nimick was here. She's here quite a bit. She's our Chief Human Services Officer, but I also want to recognize her in the audience, but I'll turn it back over to you to see if there's questions, and if not, again, we'll share that report coming out of this evening, and thank you very much. Thank you. Thank you very much. We'll go through the order, but starting with Professor no questions nothing to add thank you for the report is there on our application now something

[04:26:29] about being a stiller's found that stealer's because we just well i mean i hate to be presumptuous but we just we just had an introduction a few meetings ago who was also pittsburgh native and confirmed stiller fan so i mean what via new orleans and we got another one So I'm just curious.

[04:26:49] I keep looking at Trevor because I wonder who might be influencing that. We appreciate the wealth of experience you're bringing, sir, and welcome to our team. We are proud of what they do and are going to be looking forward to all the work that you do as well. And I'll be looking in to see if yin's are taken over in a way that I'm not aware of.

[04:27:08] Supervisor Lupita. Yes, thank you very much, Mr. Emmeling, for joining us. And thank you for such a great report, Mr. Richardson. It's always good to see how well our staff perform, because I hear the same thing.

[04:27:25] I hear the same thing from constituents, that how welcoming and helpful our staff is. So that's always good to hear. Thank you. Thank you. Supervisor Malek. Thank you very much. It's always good to hear news from DSS.

[04:27:43] It's such an important effort for our most vulnerable people. And I was also grateful to see the picture of the square. I hadn't seen it in that position, without the barricades up. So that's very cool. And I want to commend staff and how well they have worked with the community and the business leaders there.

[04:28:01] It's been 25 years getting here, and I'm so glad. And I think when the ribbon-cutting comes, wherever that is, it will be a very exciting day for everybody. Thank you. Thank you. And may I add my appreciation for the report? Welcome to Albemarle County.

[04:28:17] We'll call out one thing, and there's a mention of the GIS, because I know I've been worried in the past when we had to transition after unfortunate events. And I've been a user, frequent user, and see dramatic improvements, and I think things are looking up. So I'm very happy to see the report and the feedback with CAR on the GIS system.

[04:28:38] Thank you. Thank you. This brings us to a public comment section on matters previously considered or currently pending before the board other than scheduled public hearings.

[04:28:56] And Supervisor, if you secretly, will you read the rules and introduce the speakers? Okay, I'm going to go ahead and read matters on the agenda but not listed for public hearing.

[04:29:19] 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.

[04:29:40] 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.

[04:29:56] 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.

[04:30:12] 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.

[04:30:33] 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. And our first speaker, if you will, we do have about eight.

[04:30:54] So I'm going to call three at a time. The first one, John Smith, if you would come to the podium. After that, Tom Dale. After that, Alicia Linehan. And if you could just sit in the front that way, you'll be ready to go.

[04:31:11] Okay, Mr. Smith, if you could adjust the mic. If you could adjust the microphone. I'm sorry. Adjust the microphone in front of you, the little. there you go yeah there you go excellent thank you is that going to work that's going to work yes all right good evening my name is john smith and i'm a resident of the white hall district just 24 hours ago supervisor malik and i were both at the center at belvedere here in charlottesville at an informative presentation by the piedmont environmental council on the impact of data centers on our environment supervisor malik can speak for herself regarding whether she thought

[04:31:49] it was time well spent. I know I certainly did. Not having seen any of our other county supervisors at that event, however, I asked the group's leader, Julie Bolthouse, Piedmont Environmental Center's Director of Land Use, whether they would be willing to give their presentation to the Board of Supervisors if invited, and she assured me that they would. Now, I would like to address a topic that I believe deserves greater transparency. Specifically, I would like to see clear, unambiguous public disclosures and discussions regarding exactly who will pay for the construction and

[04:32:25] especially for the construction of the needed infrastructure, as well as those who will pay for the eventual decommissioning of the data centers. What portion of these expenses will be borne by those seeking to build and profit from operating the data centers, and what portion will be borne by Albemarle County's taxpayers? Having read much of the publicly available information, I have not found the answers that I was seeking.

[04:32:51] I would also like to point out that while we have been hearing a great deal about regulations for building data centers, we have heard virtually nothing about what will happen to the data centers after they become obsolete. And yes, if they eventually will become obsolete.

[04:33:07] Remember dial-up? Given the exponential growth of computer technology, including quantum computing, it is not unreasonable to speculate that this obsolescence might occur sometime in the next few decades. Whenever that happens, the data centers will need to be decommissioned. Who will pay for that? Will it be those who built and operated and profited from the data centers, or will it be Albemarle County's taxpayers? That should be spelled out in the regulations permitting these data centers to be built. Otherwise, we eventually may find ourselves unhappily awash

[04:33:44] in graveyards of ugly, obsolete, 500,000-square-foot megaliths serving no useful purpose. I am hereby asking you to include specific wording in whatever data center regulations you approve to ensure that Albemarle County taxpayers will not be left paying the bill for their removal.

[04:34:04] Thank you. Thank you. Next, we have Tom Dale. Good evening. My name is Tom Dale. I live in the Rio District. I'm a graduate of UVA in urban planning. I'm here to address the proposed ordinance changes for data centers.

[04:34:22] The staff meeting and the board debate I witnessed was on the proposed ordinance for buy-write allowance for up to 500,000 square feet data centers in each of four districts in the county, provided they met certain development criteria. And that special permit for data centers would be considered outside the districts.

[04:34:38] The board debate was on the specific individual data center parameters and its impact. For reference, one 500,000 square foot supersized data center is the equivalent of eight football fields. Each such data center has at least 30 boxcar-sized diesel generators for backup power, an enormous amount of noise potential.

[04:34:57] What I did not hear was what a buy-write allowance means for the proliferation of these centers in these districts, and what special permitting outside the districts could add to this proliferation. I understand that developers in Prince William County are pursuing more data centers through special permits outside of their districts than in the buy-write areas.

[04:35:15] What is at stake with the current proposal? Based on info from staff, a property could have as many data centers as the land would allow, providing each data center met the development criteria. So if a property could hold three data centers within the ordinance criteria, then it could build three by right.

[04:35:31] I reviewed the maps of the districts and Google Maps of the undeveloped land. I calculated that the undeveloped land in these districts amounts to 30 million square feet. Conservatively, if 50% of this land can meet the data center parameters, then there could be the possibility of 15 million square feet of data centers in the county. This is about 30 500,000 square foot or supersized data centers or 240 football fields of centers. Airport North Park District, 12 million square feet of total land. Using 50 percent of this for developable

[04:36:03] area, you get 12 supersized data centers with 360 boxcar generators. Rivana Station, 9 million square feet of land, fitting 9 million, 9 supersized centers with 270 generators. I-64, 5 million square feet, fitting 5 supersized centers with 150 generators. State Farm, 2.5 million square feet of land, fitting 3 supersized data centers with 90 generators. With only a focus on the individual data center and not this

aggregate potential, the county is masking the potential for significant local impacts. Impacts like noise from a campus of many data centers and the hundreds of generators being tested each month

[04:36:42] and the environmental hazard of millions of gallons of diesel fuel stored on site. I would advocate that first, know by right. Use only a special permit for all data centers to control development. Establish a total maximum aggregate square footage of data centers in the county, not to exceed a few million square feet.

[04:37:00] Create a maximum square footage of data centers in each district to limit the size of the campuses there. Limit each data center to a maximum of 120,000 square feet. And state that areas outside of the district are not allowed for data centers. If you have anything written down.

[04:37:16] If you have comments that you weren't able to give, you can give them to the clerk. Yeah, that was my full remarks. Thank you. Thank you. Next, we have Alicia Lenahan followed by Hugh Meager. Good evening. My name is Alicia Lenahan. I live in the Scottsville District.

[04:37:33] On the morning of Sunday, September 15th, 1963, a bomb ripped through the 16th Street Baptist Church in Birmingham, Alabama. It was Youth Day, just five days before black children had entered formally all-white schools after a court order required that they be desegregated.

[04:37:52] The bombing occurred four months after the Southern Christian Leadership Conference organized a People's March in Birmingham. When the children agreed to participate, the SCLC held workshops on the techniques of nonviolence and warned them of the danger they would face.

[04:38:08] On May 2, 1963, they gathered at the 16th Street Baptist Church. As students moved in waves the short distance toward City Hall, singing We Shall Overcome, police officers arrested more than 600 of them and blocked the streets with fire trucks.

[04:38:26] Ultimately, they faced fire hoses and dogs. Oh, the things we ask of our children. You may not know that today, children as young as two are required to represent themselves in immigration court.

[04:38:42] You do know that young people in our community have been terrorized by ICE wellness checks at their homes and frightened by ICE training sessions at their school. Oh, the things we ask of our children. Report after report of violence swallowed up the news cycle last week.

[04:39:02] So you may have missed the Supreme Court decision handed down on September 8th that allows racial profiling so the administration can carry out its mass immigration strategy. The wreckage caused by this ruling will injure individuals, families, and yes, children for as long as it's allowed to stand.

[04:39:24] Although it effectively singles out the Latinx community, you know it will erode constitutional safeguards for all of us. Racial profiling denies humanity and violates the dignity it confers. It is not only unjust, it is inhumane.

[04:39:41] Every neighbor, regardless of economic status, race or ethnicity, and immigration status, deserve safety, dignity, and equal protection under the law. Racial profiling, a legacy of white supremacy, is rooted in the sin of racism.

[04:39:57] You were presented with an anti-ICE resolution in July that you have largely ignored. All we are asking is that you say no. No, you cannot come into our community in unmarked cars, out of uniform, with no badge visible or warrants presented, and assault our residents, batter our residents, kidnap and traffic them.

[04:40:17] It is against the law. Thank you. Next, we have Hugh Mager and Janet Wolfe, followed by Sage Bradburn. Is this correct?

[04:40:41] Thank you. My name is Hugh Marr. My Irish name is hard to pronounce. Don't worry about it. I live in the Whitehall District, ably represented by a splendid workman, Malik. I want to applaud you for following the example of other Virginia counties that have made it illegal to operate soil dumps on narrow private roads that are less than two lanes.

[04:41:05] The clerk has handed you two copies of pictures of dumping that I would like to talk about. Seven Hills Lane is a narrow gravel farm road of no more than 12 feet wide, which contains a blind curve. We have been subjected to dangerous interactions with large dump trucks since about 2017.

[04:41:27] In addition to my neighbor Jeff Clayton, five families live off of Seven Hills Lane and have to contend with the dangerous trucks. The picture of the truck shows what I was confronted with this morning, which was rather startling to say the least.

[04:41:42] The second picture shows the derelict dirt pile on the left, which is still intact past the two-year period allowed to level it. On the right are new piles of dirt and gravel and asphalt that are being brought up from the construction downhill at the traffic circle at the 240-250 Brownsap Turnpike intersection.

[04:42:07] The track hoe pictured in the second picture is owned by the contractor building the circle. I wonder if this is all legal and if the use of a track hoe by another contractor is an expansion of Mr. Clayton's non-conforming use.

[04:42:23] The dust, noise, danger, and general disturbance is not what I expect to live with in Albemarle County. To conclude, I really don't understand why county officials haven't intervened to date. So please look into this matter and craft an Albemarle County code regarding soil and construction dumping that meets the highest standards of best practice.

[04:42:50] Thank you for your attention. Thank you, Mr. Maher. Next, we have Janet Wolfe. Good evening. My name is Jan Wolfe, and I live in the Samuel Millow District.

[04:43:05] I'm a graduate of ECU in community health nursing, and I'm concerned about the cumulative effects of data centers on our health. Data centers are not regular commercial enterprises. The impetus for the rapid increase in building data centers, it's really an artificial crisis.

[04:43:22] Dominion has committed to providing dozens of contracts with the big AI companies, most of this shielded from the public's eye. We, the community, are being told this is an urgent need, are being asked to shoulder the long-term cost of these centers. Dominion Energy is neither honest nor transparent regarding the required amount of infrastructure or the profound environmental impacts on our health.

[04:43:42] Noise pollution is one of these impacted areas. Noise impacts human, plant, and animal well-being. Data centers create noise three ways, through the generators, the cooling systems, and the energy drawn from the power grid. What is the impact of noise on people?

[04:43:58] Noise pollution can cause tinnitus ringing in the ears and hearing loss. Beyond that, environmental noise causes annoyance, disturbs sleep, which can increase stress hormone levels and oxidative stress, and impairs cognitive thinking. It is associated with an increased incidence of high blood pressure, heart attack, and stroke.

[04:44:16] This is all well documented. In particular, nighttime noise has resulted in children sleeping in the basement to block the hum, and headboards have been known to vibrate in northern Virginia. The impact on animals is no less striking. Noise directly interferes with communication within a species, masking mating calls, or alerts to danger.

[04:44:35] Noise can also distract an animal from the presence of a predator or a food source. The proposed zoning ordinance changes for data centers don't go far enough to mitigate the generation of noise. The by-right allowance for up to 500,000 square foot data centers with the current proposed development criteria has the potential to increase, not decrease, noise pollution.

[04:44:57] The county is considering requiring specialized enclosures, requiring generators to meet EPA Tier 4, low admission standards, time limitations for running the generators, and using landscape areas to reduce noise. That these are all helpful, but they are the minimum. More needs to be done. Some recommended strategies to consider, and I hope you do, is require companies to conduct sound modeling studies before building the centers. Increase the buffer zone from 200 feet to a minimum of 500 feet with ideally 1,000 feet from homes, schools, hospitals, etc. Includes the noise issue and zoning ordinances that establishes the maximum allowable sound levels for both new and existing

[04:45:36] data centers, prescribe a better process for measuring potential noise vibrations, and impose more effective penalties for addressing any of these violations. Thank you for your consideration. Thank you. Next, we have Sage Bradburn followed by James Cahoon and Kelly Hart. Is this right?

[04:45:59] My name is Sage Bradburn and I live in the Jack Jewett District. The county is proposing ending special use permits for data centers between 40,000 and 500,000 square feet, provided they build within four designated by-right zones. They claim the goal is to help create a resilient future and healthy ecosystems, but as the Piedmont Environmental Council and the Southern Environmental Law Center have told the county, giving up special use permits while opening the county up to a flood of supersized data centers is dangerous because they pose so many environmental threats. Special use permits are essential for protecting

[04:46:39] our environment because they allow you to require high-level reviews to ensure projects are safe and appropriate. They give the county the right to order additional environmental impact studies, and they allow the county to set requirements that mitigate or prevent negative impacts.

[04:46:56] And they require public hearings where residents and experts can provide more feedback on the project's impacts. The total amount of land in these four zones is about 30 million square feet, so each of these four zones can hold multiple supersized data centers, covering even half this land with these huge, massive concrete buildings and their supporting infrastructure, roads, parking lots, substations, which shrink already limited, dangerously limited habitats for wildlife, birds, insects that we need for healthy ecosystems.

[04:47:31] It would destroy trees doing the essential work of absorbing carbon dioxide and make flash flooding more likely by shrinking land surfaces that absorb water from superstorms that are increasingly common as the climate crisis worsens. Campuses of supersized data centers generate substantial amounts of hazardous air pollution and e-waste, which we currently have no environmentally safe way to dispose of.

[04:47:57] Data centers and their gas plants emit high levels of greenhouse gases, exacerbating the climate crisis that is killing hundreds of Americans annually and destroying entire communities by fire and flood from L.A. to Asheville.

[04:48:15] The billions of dollars required to cover from such damage drastically outweighs any tax revenue these data centers might provide. If this proposal passes, then each time another community is destroyed, another child is washed away, you would have the horrible distinction of knowing that you contributed to the conditions that made these disasters more devastating and frequent.

[04:48:41] So I hope you will all vote no. Thank you for your time. James Cohoon. Okay. Kelly Hart. Welcome. Hi, my name is Kelly Hart.

[04:48:58] I live in Albemarle County in the Rio de laura area and first I want to thank you all for doing your jobs and making Albemarle County the best it can be. I don't have prepared notes I'm just going to speak from the heart. I also want to talk about data centers. It's something we've been hearing so much about with the rise of AI and so it's something I've been educating myself about attending classes or workshops and webinars and there's a lot to it. I appreciate the comments we've already heard. I certainly wouldn't want one in my backyard, and I don't think most of

[04:49:37] us would. They're ugly. They're noisy. Generators create unhealthy air quality. We don't want our children breathing that. We don't want to breathe that. Probably one of my biggest concerns, though, is the use of energy. Virginia has amazing clean energy goals, but we know that the data centers demand so much energy. And that's a problem because we're going to have to go back to pipelines,

[04:50:13] fossil fuel, the things that I don't want to see. Our climate crisis is terrible. I have a three-year-old grandson. Dear friend. Sorry. Whenever I spring up his name, I always get upset because climate this planet's on fire and we deserve to leave a better planet for our children

[04:50:49] thank you thank you thank you um thank you very much uh board this brings us to our uh public hearing for this evening an ordinance to amend county code chapter 15 on taxation article 9 transient occupancy tax and this is being led by jennifer mothini chief of revenue administration Good afternoon, Chair Andrews and board. I'm Jennifer Matheny, the Chief of Revenue Administration. It's my honor to be with you this afternoon for this public hearing

[04:51:28] and requested action from the board to amend Elmore County Code Chapter 15, Article 9 on taxation, specifically to modify the transit occupancy tax. I'll be sharing a brief presentation with you regarding the proposed changes to the transit occupancy tax. This agenda provides an overview leading up to the public hearing. Staff is recommending updates to this transit occupancy tax regulation in Elmore County Code Chapter 15, Taxation Article 9, to conform to recent changes

[04:52:05] in state law affected by the General Assembly's adoption of House Bill 2383. I'll provide an overview of the Virginia Code amendments and then share proposed transit occupancy tax updates, which will be subject to the public hearing. Then we'll transition to the public hearing and conclude with the staff recommended proposed ordinance. Let's begin by reviewing the Virginia State Code changes. Recent changes in state law affected by General Assembly's adoption of House

[04:52:39] Bill 2383 amended Virginia Code 58.1-3-3826 and-3827, and that is to restrict the sharing of information with other local offices. This change helps streamline the reporting, approve the ability for localities to ensure compliance, and provide clarity that sharing reported information about short-term

rentals with other localities is restricted. These changes in state law also provide that an accommodations provider, which is a property owner, there's a

[04:53:17] lot of accommodations in this, is the property owner, is not required to transmit a transit occupancy tax return to a locality if, one, all of the retail sales of the property are facilitated by an accommodations intermediary. By that, I'm talking about Airbnb, Expedia, Vrbo, and two, excuse me, the property owner attests to the locality that all such sales are facilitated

[04:53:50] by an accommodations intermediary. If adopted, the proposed ordinance would revise Abemore County Code Chapter 15, Article 9, Transit Occupancy Tax to align with the recent changes in Virginia Code. The accommodations provider, which is the property owner, will file an annual attestation with their Abemore County business license affirming if the property is facilitated by an accommodations intermediary. And what we mean by that is on this attestation, they'll list

[04:54:28] any of the intermediaries that they currently use because many people use multiple intermediaries. If the accommodations intermediary is responsible for filing and paying the monthly transit occupancy tax remittance, the property owner will not be required to file a transit occupancy tax return with the director of finance. The property owner will be required to prepare and file a transit occupancy tax report if there's retail sales of the accommodations that's not facilitated by the

[04:55:06] intermediary. So we have some that do both. They have their own personal listing, perhaps on a website, but they also use intermediaries. Anything they do personally, they would still have to file. Currently, transient occupancy tax is filed by property owners for zero dollars if they're using intermediaries. This change will eliminate that burden for those property owners to file a monthly zero dollar transit occupancy tax return. Now all accommodation intermediaries will be remitting

[04:55:42] lists with the monthly locality filing that will make it possible for us to align accessory tourist business license with properties listed in the reports. This will be a cross-reference with the annual attestation form that we're going to require when they file their business license and prior to this amendment Airbnb which is our largest intermediary filing of transit occupancy tax in Elmar County was not providing this list because they said federal law prohibited it

[04:56:18] and they were protecting their customers information but now with this change we have access to their reports through a portal that we log into and then we can download to know who they're filing for that was a big gap before and that will help us be able to know who's operating those home states our plan would be to begin this attestation form rollout with our 2026 business

[04:56:50] license renewal season which runs from January to March 1st that concludes my formal comments I turn it over to Chair Andrews now for questions from the board and to conduct the public hearing then I ask for a vote on the proposed ordinance on the next slide thank you we'll go through our order supervisor probably sure so I'm not seeing it but you're the one who's interacting with this

[04:57:22] system itself and would have much better insight is there any increased opportunity in the process we're moving to with this proposed change to how we collect from intermediaries there any opportunity for individual tax paying properties to fall off of tracking is there any kind of vulnerability that's introduced in this change to be honest we have that vulnerability now and it's going to be less likely once we make this change right now for the people that use

[04:57:59] Airbnb. They file a zero return and provide us with a report that they're pulling out of the system as a customer of Airbnb. And then we're just getting lump sum TOTs that it's impossible for us to match it back to what they're filing. There's a couple things that happen. The intermediary reports the TOT when it's booked and collected, but it could be for a stay three or four months

[04:58:32] from now whereas the property owner is going to report to us what happened this month so we just have no way of comparing this information currently but we will once we get this missing link which is the airbnb report so now i'm almost this is almost more out of pure curiosity when you currently have your your attestations your your tax returns and your actual receipts from the intermediaries are those books reconciling right now? So we're going to build a tool. My team's already working on that. But yes, we're going to build a tool because we do have a way to match this now that

[04:59:09] we currently don't have. And so getting that attestation, they're telling us exactly who they book with. Within those reports are all the addresses. And that's going to make it possible for us to match back to that and do kind of a three-way match of what we have and who we're missing so if airbnb sending us money for an address and we don't have a business license now we can mail that address an inquiry about a business license i mean i think there's something

[04:59:44] kind of problematic about a creation of a system where we have to build the tool to even process the tax i feel like that's a loophole maybe i wish our general assembly had done i i didn't quite hear the answer to my curiosity and we don't have to dig too much into it are the actual raw numbers right of our projected our assumed receipts and our actual receipts are those currently those currently working or do we have a gap we have a gap this change this change went into effect

[05:00:15] in 2021 and so expedia verbo we have about seven that report to us they provide us a list so we know who they're reporting for each month they're giving us the name the address and how much how many stays and what the total tax is. The biggest reporter has not provided us a report, but now they've had several meetings with us as localities and they're giving us access to a portal and now

[05:00:53] we're getting a piece where it's just been impossible to begin to reconcile prior to this. Well, this whole scheme flows, but I'm glad it's getting better. Thank you. I do think this will greatly improve our ability to try to build a tool to track it and it it alleviates the burden of all these people filing zeros and then our staff having to process zero filings just trying to keep up with this to get those reports to try to match it up thank you thank you no questions

[05:01:32] thanks so it sounds as if this is a streamlined process that will actually produce additional revenue for us possibly once we find out who is reporting that's who's missing that's what we're wanting to know who's missing and our other concern is who is being sent to other localities we see that all the time with vehicles and everything we do and so this will help us better identify perhaps money going to another locality or to the city that belongs to us and

[05:02:07] vice versa. So I think it's going to be, it's a step in the right direction considering what we've been dealing with in regards to this. Thank you. No other questions. Thank you. Thank you very much. I know we don't have a choice, but thank you for all your work to get us ready to do what we have to do. And I wish we did keep our own system because filing sales tax stuff on click is not that hard sorry yeah um somewhere in the writings it talked about a commission is the owner paying the commission to do this or does the county lose three percent of

[05:02:46] our tot to pay the commission to airbnb that is a great question thank you so if you're if if it's being filed and you're not the property owner you're not eligible for that commission so all the people that are using these platforms are giving up that commission because airbnb can't claim it they're not the property owner so the people that use those platforms when those taxes are filed they are not getting that commission that they would if they did it themselves as the

[05:03:18] property owner and it says the property owner has to file to get that commission thank you you're welcome. Thank you. I don't really have any questions. We have, you said, seven intermediaries that we deal with? Yeah. What's the biggie? Excuse me? I think seven who comply and one who didn't.

[05:03:46] And Airbnb. Right. That will now be providing a report. At least provide something. All right. Thank you. I will then open the public hearing. Has anyone signed up to speak? All right. Then I will close the public hearing. And the matter is back before the board. Do you have a motion for us? And I would look to the board to make this motion. I recommend that the Board of Supervisors adopt the proposed ordinance and attachment A. Second. We have a motion from Supervisor Lapisto-Curtley, a second from Supervisor Malek without objection. I'm sorry,

[05:04:25] it's actually attachment B, so I'm afraid that the motion is on the screen. So is the motion And then to adopt the ordinance as attachment B. Yes, that's what I really meant. An amended second. Okay. Thank you. So we have a motion from Supervisor Lapisto-Curtley and a second from Supervisor Malek without objection.

[05:04:45] Ms. Lapisto-Curtley? Aye. Ms. Malek? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Great. Thank you. Thank you very much. Thank you. Board, that brings us to our penultimate item from the board.

[05:05:02] Committee reports and matters not listed on the agenda. Does anyone have anything? Supervisor Pruitt? I have nothing other than to just say, if only we all knew someone who worked in government relations at Airbnb who could work on this. Where do you think this came from?

[05:05:21] Supervisor Galloway? Just to, I had mentioned earlier about the Thomas Jefferson Planning District Commission perhaps doing a joint letter about transportation funding. I presume nobody in this board has any objections to us. Thank you.

[05:05:38] Thank you. Supervisor Lupista-Curley? No, nothing. I did bring up regarding the SWAT committee for the styrofoam and publicizing that, and then also for the recycling. Maybe we can do that in a consent letter next month. Supervisor Mellor?

[05:05:55] Thank you. I will briefly mention some highlights you all have received e-mails from Samantha Gianginelli and Catherine Erskine about the situation in earliestville forest and I'm going to introduce those so that they can be properly incorporated into the minutes because it's important that people have an easy way for the public to find out the content what they're going through and that's why having it here instead of something where something has to be

[05:06:31] before it is really important so samantha writes her request that clean earth fill activity should not be permitted on conservation easements that the board not prevent provide special exceptions to allow fill activity that will not be completed with one year within one year that the board should not be authorized to approve fill activity on property that does not directly access a public road there's been

much discussion about many of these topics this afternoon and i think the new ordinance will help solve many of the problems uh looking back it would have been great if this

[05:07:09] had been in effect years before the fourth that the board not allow exceptions to spend more than 10 round trips per site per day the staff report says 15 but that is a far cry from 50 or 80 so i understand those improvements and so i will provide the full text of this to the clerk the second is from Catherine Erskine, Dump Trucks in Early Silk Forest, and she provides quotes from Amara County Code as it exists about noise and the serious hazards of noise and pollution

[05:07:42] to people, and her requests are, which quite a few have been met in her lessons learned, by reducing the number of dump trucks per day, to not allow unlimited dump truck loads with the same truck all day long, to ensure restrictions a few days per year if truly necessary and to monitor the decibel level of dump trucks and the exhaust and pollution of dump trucks. I know that county donning staff does not have the authority to do that. It has been

[05:08:14] difficult for the ACPD to carry that, manage that, and so that is still a gap, but I know for all of you, everyone on this board has had occasion to ride behind a diesel dump truck and sit in traffic and it is not fun.

[05:08:32] So these are valid concerns that the neighborhood would like to have some help with. And the third is from Sue Green, who ran out of time this morning and should have shown her PowerPoint.

[05:08:49] I will forward that to everybody, also to the clerk, because the images in there are very telling of the trucks not being able to pass each other and their outside wheels hanging off onto the grass and really destroying the verges along these roads. This is one of the reasons why I feel so strongly about having adequate transportation roadways to access when you have this kind of activity going on. Lastly, the Homeowners Association and the residents really would like to have a hearing about the already granted

[05:09:27] special exception, and I bring that up today for consideration for you all to think about. we can discuss it at a future upcoming meeting the board has to request to do this and to have a rehearing about what their circumstances are they are incredibly frustrated and seeing three more years of this is unbearable for them so i will leave that for you all to ponder and i thank you for your attention and for everybody's hard work on the proposed draft changes that were

[05:10:04] discussed this afternoon. Thank you. I guess I'd like to comment on that from my personal perspective, and that is that I feel like I'm not happy with my vote to have approved that under the circumstances, seeing how it's turned out that I thought when it was approved that it would not reach the level of interference that it has. But having done that, I now look at it and say if there are violations of the conditions that we put on there,

[05:10:43] that I would encourage consideration of a very strict enforcement of that to the point of saying maybe we should rescind the permit, if in fact there are violations of that permit. But that's for another day.

[05:11:00] I thought we had received notice that there were no violations. I believe that there were notice that I received a few cases Yeah, I think there were more than 10 trucks actually involved that day, and maybe one other, I'm not sure, but that they were not perfectly in compliance with everything.

[05:11:27] I understand there was a time. If that's not the case, I thought that should be wrong. No, I understand, yeah, there were a couple, a few that were a little bit early, a few minutes early, so, I mean, hopefully that has been corrected. I know we touched on this previously, but I want to just reflect what my understanding of this is and make sure I'm not getting things out of whack.

[05:11:50] I'm under the impression we're only able to reconsider the vote if there are instances of noncompliance. Am I mistaken on that? Okay, that is correct. That was my understanding. Okay. That's correct, and the only basis for a further public hearing would be a potential revocation of the special exception, and that's provided for under County Code Section 18-33.9C.

[05:12:11] which provides that 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 condition of the special exception. So that's the provision under which... Which is why I bring up whether there have been, in fact, any violations, and that, you know, how lenient we might be may depend upon how egregious the situation is to begin with.

[05:12:36] And I mean, maybe we can have a monthly report or every two-week report on any violations. If there are violations, then I think that that is a reason to pursue revocation.

[05:12:52] And there were some elements of the special exception which were not accepted. In other words, destruction of property and impacts to neighbors, that this off-road damage, and there's some mention in the code that I was reading very carefully a few weeks ago about the roadways and that kind of thing.

[05:13:13] So I know there was a report generated that was sent with a long list of the various call-ins, and there was, within the last nine months, much more thorough tracking on the part of zoning, and I'm very appreciative of that so they can verify the various numbers that are coming in.

[05:13:33] but it's i hope that all all will investigate the other elements that have been brought up at numerous times by the neighbors to the board of the elements that were not given waivers that really make their lives miserable so we'll talk more again but i want to make sure to get those into the record tonight thank you anything further then i will we will adjourn to october 1st 2025 1 p.m here in lane autos are good evening



Coraggio Consulting · aguyonx.com