



MACHINE TRANSCRIPT • CORAGGIO CONSULTING

Albemarle County Board of Supervisors Regular First Meeting, Wednesday, January 14, 2026

Date Wednesday, January 14, 2026
Place Albemarle County Board of Supervisors, Virginia
Length 5h 18m (video)

- Official meeting video (Granicus): https://albemarle.granicus.com/MediaPlayer.php?view_id=1&clip_id=1430
- Official agenda: https://albemarle.granicus.com/AgendaViewer.php?view_id=1&clip_id=1430

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] really lethal to streams but they just had some all right board good afternoon we will i'm kind of called to order the january 14th 2026 4 p.m board of supervisors meeting and welcome everyone who is here if everyone who is able can please rise for our pledge of allegiance i pledge allegiance to the flag of the united states of america and to the republic for which it stands one nation under God, indivisible, with liberty and justice for all.

[00:00:38] And if everyone would please join in a brief moment of silence. Thank you very much.

[00:01:02] Board, we need to adopt our final agenda. Are there any requests, additions, or changes to the agenda? I move adoption of the agenda as printed. Second. All right, the motion has been made and seconded. Without objection, if the clerk could please call the roll.

[00:01:20] Ms. Duncan? Yes. Mr. Galloway? Yes. Ms. Lopisto-Kirtley? Aye. Ms. Mallett? Yes. Mr. Missal? Aye. Mr. Pruitt? Aye. Very good. And I forgot to do a couple steps, I guess. I've got to get back into the swing of things here. But we do have a quorum present, and I just want to introduce at the dais we have Supervisor Mike Pruitt, the Scottsville District, Supervisor Ann Mallick, the Whitehall District, Supervisor Fred Missal of the Samuel Miller District, Supervisor B. Lapisto-Kirtley of the Ravana District, and Supervisor Sally Duncan of the Jack Jewett District. Ms. Ann Wall is standing in, our Deputy County Executive. Mr.

[00:02:00] Richardson is on travel, so we'll put Ann through it today since she's sitting and joining us up here, and also our County Attorney, Mr. Andy Herrick. We have with us our Clerk, Ms. Claudette Borgeson, and joining will be our Senior Deputy Clerk, Mr. Travis Morris. I would like to introduce and thank our Albemarle County Police Department officers, Sergeant Jason Freistadt, and Senior Police Officer Chris Hernandez. Gentlemen, thank you both for being here today. We appreciate it.

[00:02:32] All right, we did the motion and we got the agenda adopted, so I will move to item number five, brief announcements by board members. Supervisor Pruitt. Yes, a few things real quick. First, There is an upcoming event at Highland in conjunction with the Piedmont Master Gardeners.

[00:02:50] This is going to be on Saturday, the 24th of this month at 10 a.m. A seed swap should be fun. Additionally, this is not inside the Scottsville district, but it borders it quite close and will affect Scottsville residents. And I know a lot of my constituents have been following along, and I would encourage them to continue following along.

[00:03:07] But yesterday, Fluvanna, in their planning commission, voted 3-1 to deny the Tanaska gas power plant that is going to be near the Scottsville district. It still has the opportunity to go forward to the Board of Supervisors. I've said before, I don't think it's very effective for us to tell our neighboring counties what to do.

[00:03:28] But it may be something that members of the public are interested in doing because it does affect this county as well as theirs. and individuals indeed um it is also the first day of session for the general assembly they gaveled in they're considering um first a bunch of constitutional amendments but then they will be turning to a lot of issues that are directly important to the way that we conduct county government we have a whole list of county priorities that i would encourage the public to look into and uh and stay involved right it is a ongoing process of citizen engagement it's not enough to elect someone you've got to follow up with them and make sure that they are voting how

[00:04:05] you want in the General Assembly. There will also be an inauguration for our new governor this Saturday, which goes kind of hand in glove with that beginning of session. And finally, you know, we are going to see probably at six a few people speaking to this, but during our Board of Supervisors meeting yesterday or last week was when there was a significant development in the country, right? There was the killing in Minneapolis by ICE. This district has, or this community, has already seen actions by ICE. There was a seizure of two men in a courthouse several months ago, and then about two months after that, there was a seizure of additional people

[00:04:44] outside the courthouse that got a little bit less of a news stir. At the time, I condemned that first action. I thought it discouraged access to courts and justice, and that the fact of having law enforcement officers masked and not identifying themselves introduced additional dangers. I still stand by that. But I would also say, I was hoping I would be saying this to the people who would be speaking, and I'm realizing that they're not here because they will be here at 6. I hope they see this recording. This county and I personally have tried very carefully

[00:05:18] to balance our response to immigration-related concerns. We and I want to make very sure that we are both taking seriously protecting our citizens and our residents and balancing that against frankly attracting unwanted attention. It has been my concern heretofore that resolutions can be good statements of principle, but they don't necessarily exercise real authority, but they do attract that

unwanted attention. They do draw a crosshair. The killing on Wednesday has slightly shifted my calculus. I am interested in looking to see what power might still be

[00:05:56] available to reduce the chance of something like this happening in our community. It feels it feels incumbent, and also it feels, frankly, like a time where it's harder to attract attention because attention is everywhere. So I look forward to what our members of the community have to present today, and I know it will be an ongoing discussion for this board.

[00:06:15] Thank you, Supervisor Pruitt. Supervisor Lapisto-Kirtley. Yes, I have some announcements, but noticing how full we are tonight, I think I'm going to wait until this evening because it does apply to the committees that I've attended regarding development and such.

[00:06:35] Thank you. Very good. Supervisor Missal. Thank you. Just a quick announcement and a shout-out, if I may. During my campaign, I had an opportunity to really get to know the citizens of Yancey and Esmond better than I had in the past. And there's a gentleman there, Ed Brooks, who's been, I think, really wonderful in terms of engaging with that group.

[00:06:55] So thank you, Anne, to your staff on that aspect. Also, that brings me to a community gathering that's happening on Friday of this week, and it is a retreat and an opportunity for members of the Yancey school community to be able to hear different aspects of our county governance, whether it's the Orange Dot report, linear pathway reviews, opportunities for roundtables from other agencies and community partners, And I think it's just a really great opportunity for that area of our county to engage

[00:07:33] and just hope folks will attend. So thank you. Thank you, sir. Supervisor Duncan. Just one thing. At Ivy Creek on January 19th from 1230 to 1, they are doing a historic river view farm tour.

[00:07:53] So if you have never been out to the property or seen the house, The history of it is really cool, and so they are offering public tours on the 19th. Very good. Thank you. Supervisor Malik. Thank you very much. I will start with the annual report for the Thomas Jefferson Soil and Water Conservation District.

[00:08:12] There are many programs which homeowners, tenants, local governments can participate in, farmers, urban people, to improve your sustainability on your property. But this report shows since 2013, 15,000 fourth graders in the city and county alone have had watershed education with them.

[00:08:34] 24,000 K-12 students have participated in other conservation education programs. 6,000 adults have participated. 440,000 square feet of runoff reduction. These are the kinds of things where you have stream buffers and it reduces the velocity of water that goes into the river and improves the water quality.

[00:08:57] 444,000 feet of stream bank restoration funded with federal and state programs and a local share by the homeowner as well. Just over almost \$5 million in cost share funds sent out.

[00:09:13] They have more federal money to send out for 2026. It is important that people study up on what programs might help you the most and participate in that. They're right there in the area here. Very helpful staff will come to you or you can go to them.

[00:09:31] So don't miss out on that. The Three Notch Trail is also under review and on the engage.albemarle.org website. One can find detailed information. You can find nice maps and also a survey with which to share your particular responses to all the different elements along the trail.

[00:09:53] I think it's important. There's been a lot of input, obviously, from the users. The 4,000 people who signed the petition were keyed up and ready to go with this. But there are also other groups who

perhaps may not have shared your view yet. Are you aware of particular environmental critical areas or bird nesting sites or others, places along the trail that the planners need to know about?

[00:10:18] And so this is an important way in the survey to be able to share that information with you, with them, I mean. And since I've been newly joined the Soil and Water Conservation Board, I will do what Jim Andrews has done for years, which is to report on the household hazardous waste coming, the amnesty days for household in April.

[00:10:40] And it's always good when you're doing your late winter spring cleaning to set aside those things that you know have special care required to throw them away, all sorts of chemicals and things like that. So hazardous waste days is Friday and Saturday, April 17th and 18th, from 9 to 3.

[00:10:58] Waste amnesty, bulky waste amnesty days, furniture and mattresses, April 25th, appliances of all sorts, May 2nd, tires, May 9th. And these amnesty days are age 30 to 4, have been very well choreographed, so the wait that used to be three or four hours is now greatly reduced, And it's very much worth your time to be able to take your things of this type, to get them properly disposed of, all the chemicals from the refrigerants and things removed, and not have to pay for it also.

[00:11:32] It's a great benefit. So I thank you for that. And the last thing, we were very fortunate at the Crozet Community Association to have members of our police, the Blue Ridge District Police Patrol, come by and talk to us.

[00:11:50] And citizens always ask, well, you know, what's going on? What do we need to be concerned about? Which is wonderful. But the one takeaway was lock your car, leave your weapons at home in a locked place, because one of the major sources of guns used in crime is being stolen from a car.

[00:12:07] And I will stop there. Thank you very much. Thank you, Supervisor Malik. I have two things to note. The first, this past Thursday evening, I was pleased to attend the swearing-in of two new school board members to our school board.

[00:12:23] So congratulations to Bob Beard of the Samuel Miller District and to Jim Dillenbeck of the Rio District. And Mr. Dillenbeck is starting a full term. I also want to thank Leslie Pryor for filling in and completing the term that was left vacant to the death of Chuck Pace that she served through the end of the calendar year that Mr. Dillenbeck is now taking over in that term.

[00:12:48] So thank you to her for her service. Rebecca Berlin was named the chair of the school board, and Allison Spillman was named the vice chair of the school board. I look forward, had a great conversation with Dr. Berlin and look forward to the working relationship with her as the leader of the school board and hope that we have a productive, not just relationship, but partnership this coming year.

[00:13:09] The other item that I'd like to note is the passing of who I would say was an icon in our community. Marie Coles Baker passed away one day before her 92nd birthday, as it happens right before Christmas in December. Just as a personal note, she was a fellow neighbor initially in Dunlora, and she was one of the first people to tell me to go get a sign and bring it here and put it in her yard when I ran for school board back in the day.

[00:13:35] Marie was also, when we were doing the, was a big proponent and supporter of the African-American Teaching Fellows, and there was an annual dinner that was really an honor and a namesake of

her husband and the work that she's also done, but she was the one that made that happen and supported that effort.

[00:13:53] So fierce lady, wonderful lady, very kind and very active, and always a joy to see in person. So thoughts are with her family, all sympathies and condolences. But I know that she enjoyed a nice, very long and productive and rigorous life, if you would.

[00:14:16] So just wanted to note that today. A feisty life. Feisty. She will be missed. Thank you for, actually, as a reminder, because we lost also, I think it was last month, Jimmy Dean, whose spouse is Sally Dean.

[00:14:36] But Jimmy Dean was a very active person in the day, a few years back, and he welcomed me also and invited me in his home where we spent about an hour together when I was first running.

[00:14:52] Wonderful guy. He was involved in our CACs, a very good member of the community, always looking out, a very kind, gentle soul. He and his wife both were just pillars of the local community, and he will also be missed very much.

[00:15:12] This is the problem of not getting a daily newspaper in my mailbox, is that I miss out on everything. So having known Jimmy as one of the research people who was helping with the Frank Paraguay spelling corrections all those years ago, and Mr. Profit, the history of Profit.

[00:15:29] So I'm sorry to hear that, but he was fabulous. Okay, thank you. All right, Board. We do not have any proclamations and recognitions today, so we will move to item number seven, public comment on matters previously considered or currently pending before the Board, and these are for matters other than what is scheduled for public hearings.

[00:15:50] Vice Chair Missal will read the rules, and then we will work through our speakers. Thank you, Chair. I will now read the rules. During the time set aside for public comment on matters previously considered or currently pending before the board, other than scheduled public hearings, individuals may address the Board of Supervisors concerning matters previously considered by the board or matters that are pending before the board, other than items listed on the agenda for public hearing.

[00:16:14] 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. Up to 10 persons may speak during each matters from the public session. Timekeeping is conducted through a timer and light system at the podium. The green light will go on when you begin speaking, which begins your allotted time.

[00:16:33] 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 requires that speakers adhere to the following guidelines. When addressing the board, state your name, and if you live in Albamarle County, your magisterial district, address comments directly to the board as a whole.

[00:16:56] Any written statements or other supporting material may be given to the clerk. If representing a group or organization, you may ask others present to raise their hands in recognition. Speakers may not have shared any unused time with another speaker. Back and forth debate is not permitted, and do not speak from your seat or out of turn.

[00:17:17] All comments are live-streamed, recorded, and published on the Albemarle County website. And once again, a gentle reminder, please introduce yourself and to adjust the microphone if you need to for us to be able to hear you well. So with that, I will move on to those who have signed up in person.

[00:17:37] First, Phil, I think it's Risa. Forgive me if I'm not even close. Risa. Oh, simpler. Good afternoon, Chairman and members of the Board.

[00:17:55] I live in the Rybana District. I'd like to talk about what I think is the most consequential decision I think you'll make this year. And that decision is whether to move forward with a new high school. I don't know whether the new school board is unanimous in its support of a new high school, but I do know that the majority want to get it done, and they are going to share with you all the reasons why it needs to be done.

[00:18:19] Personally speaking, I am not convinced that a new high school is needed at this juncture, although I certainly have an open mind about it because I want what's best for my own children and for the community as a whole. But I'm going to share a few data points with you that I don't think the school board will share with you. Next year, as you all know, Center 2, also known as Ace Academy, Lamb's Lane, will be coming online. This will create an additional high school capacity of 400 students. According to ACPS's own data, next school year, the three high schools will have an estimated undercapacity of 189 students. That's good news. We want to be under

[00:18:58] capacity. Moving forward to the 2030 school year, ACPS's data estimates an overcapacity of 96 high school students. And in the 2035 school year, ACPS's data estimates an overcapacity of 146 high school students. So to phrase this another way, if the county were to build this new high school, that would increase total high school student capacity to 6,000 students.

[00:19:26] But the data indicates there will only be about 4,600 high school students 10 years from now. So that's about a 1,400 overcapacity. So I ask you, does it make sense to build a new 1,500-capacity high school at a cost of \$250 million in order to deal with an estimated overcapacity of just 146 students?

[00:19:47] i hope the board of supervisors considers all the data very carefully before making this important decision thank you thank you thank you i have one person online but before that is there anyone else here in person who would like to speak all right if not we will go to our online uh her name is anika johnson hi my name is annika johnson and i live in the rivana district i have two children who attend public school in albemarle county at stony point elementary i'm here asking this board

[00:20:26] to fully fund the Capital Improvement Project at Stony Point Elementary. My family moved here five years ago. We were looking for where to make our forever home. We wanted a place where we could really grow roots, and Stony Point fits that in every way. Stony Point Elementary is truly a community, and its ties to the community are felt in many ways. Our teachers and staff are the cornerstone. They go above and beyond to give our students an amazing education. The creativity that they show in problem solving the conditions of the school is wonderful, but everyone reaches their breaking point. Our teachers and staff are incredible. They succeed despite what they've been

[00:21:04] given. They shouldn't have to spend so much of their time and personal money making things work in a subpar situation. We have only one entrance exit into the school. This creates a complicated crisscross process of buses and cars that drop off and pick up. With our increased size, it is one of the most obvious signs of how poorly this process works. Our parking lot cannot hold enough to have school-wide

community events, which are very much loved. When our classes get together with another class for their Dragon Buddies time, which is a wonderful way that the kids of different grades make friendships and connections, teachers must use crowded classroom spaces because there is no

[00:21:42] larger gathering space in the school that is available. Our support staff, such as speech and occupational therapy do not even have a space that can be shared amongst them. They must move around to different rooms throughout the day when they are not being used. Our SEL and counselors share a space and thus this limits their ability to properly care for their students and maintain privacy and quiet for the rest of the students in the school. Simply put, our school is not adequately equipped to function in the current situation and desperately needs improvement. I have been told that this board only provides a pot of money and that ACPS decides how to spend it.

[00:22:20] It doesn't support specific projects, but your approved detailed capital budgets and discussions suggest that you can indeed support this and other specific projects. Improvements at Stony Point are only possible through a partnership between the county and the school system. Please give ACPS the funds.

[00:22:37] Stand up for our staff, our parents, and most importantly, our children. Thank you. Thank you. That concludes our list. Unless there's someone else online who would like to speak. I think we're done. All right. We will close public comment and move to item number eight, which is our consent agenda.

[00:22:58] I'm not aware of any items that need to be pulled. Looking to the board, if there is none, and if we could have a motion to approve. So moved. Second. All right. The motion has been made and seconded without objection if the clerk will call the roll.

[00:23:15] Ms. Duncan? Yes. Mr. Galloway? Yes. Ms. Lepisto-Kirtley? Aye. Ms. Malik? Yes. Mr. Missel? Aye. Mr. Pruitt? Aye. Very good. And then we will move to item number nine, which is our presentation, our VDOT quarterly report, one of our favorite topics to discuss and one of our favorite visitors.

[00:23:39] Good afternoon, Ms. Shepard. Thank you. Good afternoon, Mr. Chair, members of the board. I'm Carrie Shepard, here to give the VDOT quarterly update. Pull up my presentation. Carrie, please pull the mic over close to you because you're very quiet. Okay.

[00:23:55] I don't see a mouse.

[00:24:04] Thank you. Okay. Okay. Again, I'm Carrie Shepard, the VDOT resident engineer providing the quarterly report. So to begin our Route 29 shared use pass that actually has been re-advertised and we expect to award by the end of the month. Our I-64 exit 107 park and ride project that has been advertised as well. And we expect to have bids by the end of January. So that project is also moving forward.

[00:24:44] Our connector road from Burkmar Drive to Airport Road is moving forward as well. We are moving towards right-of-way in February, and we expect to have a late winter 2027, January 2028 advertisement. As far as our design-build bundles, making a lot of progress on the first bundle, Route 240-250 Roundabout and the Route 680 Browse Gap Turnpike Bridge replacement is underway.

[00:25:12] Construction is also underway at the Old Lynchburg Road, 5th Street Roundabout, And construction plans are under review for the John Warner Parkway, Ryer Road Roundabout project, and the Belvedere Green Tea. Right-of-way plans are under review for the 5320 Roundabout as well, and that's not expected to start until later in 2026.

[00:25:29] As far as our next bundle project, the public hearing was held, I guess, last year, May of 2022-2025. The CTB awarded that project this past December, and the kickoff meeting will be held with final design beginning in January of 2026.

[00:25:45] As far as our rural rustics, this is just a summary of what I've presented in previous meetings. Nothing has happened over the winter. We'll get started on this when it comes in the spring, and we'll start with Blair Park Road, which is funded and currently under construction from last fall.

[00:26:03] As far as our construction activities, the 601 Old Ivy Road over 29 superstructure replacement is still ongoing. We do expect, with that lane closure, and we do expect that project to be complete this coming summer. We also have the Route 702 Fontaine Avenue bridge replacement over Maury Creek.

[00:26:22] That construction started in October, and the road is closed, or one lane, I'm sorry, with a temporary traffic signal in place. Expected completion is spring of 2027. And one other addition to this slide, we also have Route 745 Arrowhead Valley Road.

[00:26:38] That's off of 29 south of the city. That was closed January 12th to replace the bridge superstructure to allow for all legal loads. And the expected completion is Thursday, January 30th. And, of course, we are always addressing any traffic engineering-related requests and work orders that we receive from citizens.

[00:27:00] But that is the end of my formal presentation, so I will take any questions or comments at this time. Thank you very much, Supervisor Pruitt. I'm actually not sure I have anything. Thank you. Supervisor Lapista Kirtland. Yes, I do have a question regarding the Route 250-20 intersection improvements.

[00:27:18] That date's been going back and forth, back and forth. It has. It's bounced around. So right now, we're in right-of-way. And as you can imagine, we're in right-of-way. So along that corridor, there are a lot of property owners that we need to get permission from.

[00:27:35] So that's what they're working through right now. I think it's about 45 business owners. So that's taking some time. But we're still hoping for the winter advertisement. Okay, thank you. What happens if they don't give approval?

[00:27:51] I believe it goes to condemnation. Okay, thank you. Supervisor Missal. Thanks. Hi, good to see you again. Hope it's some fair questions. One is just a broad question, budgets. What have you seen in the market?

[00:28:06] I know there was the shared use path that came in over budget. Has the market started to soften a little bit? have you noticed that bids are coming in still much higher um so for the 29 shared juice path yes the first round we didn't have a lot of bidders so that's why the bids we think the bids were high i see this time there was a lot more competition so the bids came back down to what we would expect um from talking to our district staff who do estimations on these projects i think what we've seen as far as inflation is it has kind of leveled out a little bit it's not increasing nearly as much as it was um so we're hopeful that you know the rest of these projects which we have a lot coming up for advertisement now tomorrow that they come in on on track so that

[00:28:46] also goes into the 107 park and ride I said that that those bids are due by the end of January so we're hoping those come in within reason and we don't have to re-advertise like we did for the 29 shared

use path great thank you and are you finding diversity in bidders I mean are you noticing it's all the same folks that always bid or do you see new ones coming in or from a broader region i think generally speaking it is the same people yeah coming in yeah yeah and then the last one i can't help myself um the route the the uh fifth street sorry not fifth street the fontaine

[00:29:21] avenue and i'm trying to find it on my list here the u.s 29 fontaine avenue interchange improvements yes um can you expand a little more i know that the public hearing was held and that it was awarded the kickoff meeting is coming in january i've been asked so many times is that going to solve the issue of the southbound 29 uh eastbound 64 on ramp and the the traffic jam that

[00:29:53] occurs there between there and ivy road so so the southbound back up from fontaine to the 64 east yeah um the truck turning issue that oh the left turn yeah the left turn for the trucks that whole area so so this project is going to close the left turn movement to 64 west the trucks will have to yeah everybody have to go up to fontaine essentially it's a big u-turn um as far as the inner the other direction the southbound to 64 east yeah that is currently in um a study right now a star study thank you and so we're looking at different options with that and we've been

[00:30:33] working with the county and various stakeholders to move that study process along um to come up with a with an option thank you and then the last question what is the timeline for completion of the fontaine avenue route 29 truck turn um i will have to double check on that that's fine it's supposed to start construction this year okay but i'm i'm not sure so when it's a when it's a design build bundle which includes the the roundabout at district avenue and then the improvements on fontaine yeah i don't know i'd have to double check with our design build team to see which

[00:31:09] project or if they specified which project will get started first in construction um i want to say fontaine was first but i can i can check on the construction timeline if you'd like thank you yeah i appreciate that that's all thanks uh supervisor duncan yeah i have um one question that's probably kind of basic um but for the rural rustics when it says complete and under construction is that like regrading and re-graveling or are you paving them the rural rustic program is paving a gravel surface so the ones that are complete those are paved and done the under construction we've we've gone in and done ditch work tree trimming and replace pipes

[00:31:49] and what's left is the surface very good supervisor malik thank you um no new projects for me but i'm very eager since it was i think 2013 when a whole lot of projects in all the districts were swept all the buckets were swept to close the gap on the burkmar extension up to 1.5 million and here we are 12 years later and now it's monstrously bigger so i was shocked when you said the end of 27 before anything next is happening and so i you're the messenger and i'm not trying to get

[00:32:24] after you but i just want to say that this i wish there were a way that these things could move a little more smoothly because we would have saved ourselves 20 million dollars if we've been able to do it at the beginning instead of waiting around um the so anyway the um in the jumping down to the fontaine improvement study that was already mentioned is there reconsideration of reopening the eastbound loop for this for the southbound bypass too i understand it has close proximity of entering and exiting which is why they wanted to get rid of it and those of us who

[00:33:04] were here in the 60s didn't but wanted four cloverleafs anyway just like real grown-ups have and we never got it but i hope that that's on the consideration list at least and not just more short-term stuff currently the reintroduction of that ramp is not being considered okie dokie thank you take care um

thank you the the only item i had was the penn park road the speed limit the items i've brought up i don't know if there's an update available or if that can be provided there is um so we did perform a speed study that's being finalized right now and so i should be able

[00:33:43] to have a final answer on that speed limit change soon awesome thank you very much um are there no other questions this is the fastest vita transportation report that we've ever reacted to so take it and run i suppose thank you very much thank you appreciate it take care All right, so that we are ready to go into our closed meeting.

[00:34:10] And Supervisor Duncan, do you have a motion for us? I move that the Board of Supervisors convene a closed meeting pursuant to Section 2.2-3711A of the Code of Virginia under Subsection 1 to discuss and consider appointments of supervisors as members or liaisons to various county public bodies, including, without limitation, various community advisory committees in the Dardentau Memorial Park Committee.

[00:34:37] Under Subsection 5, to discuss and consider a prospective business or industry or the expansion of an existing business or industry in the vicinity of Seminole Trail in the Rio Magisterial District, where no previous announcement has been made of the business's or industry's interest in locating or expanding its facilities in the community.

[00:34:56] Under Subsection 6, to discuss and consider the investment of public funds related to potential agreements for a commercial development on Seminole Trail in the Rio Magisterial District, where bargaining is involved and where, if made public initially, would adversely affect the financial interests of the county, and under subsection 29 to discuss the negotiation of separate public contracts with a commercial development on Seminole Trail in the Rio Magisterial District, each involving the expenditure of public funds where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the county and the board.

[00:35:32] Second. All right. Without objection, if the clerk would please call the roll. Ms. Duncan? Yes. Mr. Galloway? Yes. Ms. Lapisto-Kirtley? Aye. Ms. Malik? Yes. Mr. Missel? Aye. Mr. Pruitt? Aye. Very good.

[00:35:48] We will meet in room 241. All right. Good evening, everyone. I'm going to call us back to order, and we are coming out of closed meeting.

[00:36:04] Is there a motion to certify the closed meeting? I move that the Board of Supervisors certify by a recorded vote that to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Second. Thank you. Without objection, if the clerk will call the roll. Ms. Duncan? Yes. Mr. Galloway? Yes. Ms. LaPiesto-Kirtley? Aye. Ms. Mallick? Yes. Mr. Missel? Aye. Mr. Pruitt? Aye. Very good.

[00:36:41] Thank you, and we have motions coming out of closed meeting. Yes, thanks, Chair. I have two motions. I move to approve a resolution approving a development grant agreement among the County of Albemarle, Virginia, the Economic Development Authority of Albemarle County, Virginia, and Southern Development Group, Incorporated.

[00:36:59] Second. All right, the motion has been made and seconded. Without objection, if the clerk will call the roll. Ms. Duncan? Yes. Mr. Galloway? Yes. Ms. Lapista-Kirtley? Aye. Ms. Malik? Yes. Mr. Missel? Aye. Mr. Pruitt. Aye. Very good. Motion carries. Thank you. And the second motion. I do have a second motion.

I move to appoint the supervisors to the following committees. Fifth and Avon Community Advisory Committee, Mike Pruitt and Fred Missel, Crozet Community Advisory Committee, Ann Malick,

[00:37:31] Darden Tau Memorial Park, Ned Galloway and B. Lepisto-Kirtley, Pantops Community Advisory Committee, B. Lepisto-Kirtley, and Mike Pruitt. Places 29, Hydraulic Community Advisory Committee, Sally Duncan. Places 29, North Community Advisory Committee, B. Lepisto-Kirtley. Places 29, Ryo Community Advisory Committee, Ned Galloway, and Village of Ivana Community Advisory Committee, Mike Pruitt. Second. All right, the motion has been made and seconded. Without objection,

[00:38:06] if the clerk will call the roll. Ms. Duncan? Yes. Mr. Galloway? Yes. Ms. Lepisto-Kirtley? Aye. Ms. Malik? Yes. Mr. Missel? Yes. Mr. Pruitt? Aye. Very good. Thank you, board. The next item, number 12 from the county executive report on matters not listed on the agenda. Ms. Wall, any reports this evening? I have no report this evening. Thank you. We will move to item number 13. This is public comment. Matters previously considered are currently pending before the board other than scheduled public hearings. The vice chair will read the rules and take us through

[00:38:42] our list of speakers. Thank you, Chair, and good evening, everybody. During the time set aside for public comment on matters previously considered or currently pending before the board, other than selected 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. 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, and up to 10 persons may speak during each matters from the public session. Timekeeping is conducted through a timer and light system at the podium. The green light will go on when you begin speaking, which

[00:39:21] begins your allotted time. The yellow light indicates you have one minute to finish speaking. The red light indicates your time has expired and you will be asked to end your comments. In order to give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines. When addressing the board, state your name and if you live in Albemarle County, your magisterial district. Address comments directly to the board as a whole.

[00:39:45] Any written comments or other supporting material may be given to the clerk. If representing a group or organization, you may ask others present to raise their hands in recognition. Speakers may not share any unused time with another speaker. Back and forth debate is not permitted and do not speak from your seat or out of turn. All comments are live streamed, recorded, and published on the Albemarle County website. And a second reminder, if you would, please, to introduce yourself and speak directly into the microphone. Thank you. With that, I will move on to our list,

[00:40:19] beginning with Bridget Rogers. Good evening. Hey, good evening. Good evening. Members of the board, thank you for the opportunity to speak tonight. My name is Bridget Rogers, and I live in the Ravana district. Albemarle County is at a crossroads. The Board of Supervisors have approved thousands of new homes, signaling your intent for growth in this county. But as we plan for that growth, we must also consider that Albemarle County has the oldest and smallest school buildings of any of the surrounding counties that we live in. Current models,

[00:40:57] based on conservative and outdated information, does not come close to providing accurate predictions for new construction student yields in the county. Strong public schools are the backbone of a thriving community. They attract young families, provide education for future doctors, nurses, and

caretakers, support property values, and ensure that Albemarle remains a place where people of all ages want to live. All of our high schools are operating above capacity with the largest negative impact seen at Albemarle High School. With thousands of new homes on the way, we cannot expect that our existing facilities, we cannot expect our existing facilities to absorb that growth without additional consequences. A new high school is not simply about serving students.

[00:41:37] it's about sustaining the health of our entire county. Older residents benefit when schools are strong. Their community remains vibrant rather than aging into decline. Investing in new high schools is in many ways an investment in the long-term stability that all residents consistently say they value. Some may worry about the cost, but the cost of overcrowded schools, reduced course offerings, strained teachers, diminished student outcomes, and community impact is far greater. And the cost of waiting will only rise as construction prices increase and enrollment pressures intensify. In 1998, AHS was over capacity by 172 students. Monticello High

[00:42:16] School was built that year for the total price of \$24 million. Today, the cost of a new high school is estimated between \$100 and \$200 million. It's not a matter of if we need more schools, but when you will approve and fund them. Nothing will get cheaper with time, and by delaying decision, you are asking taxpayers to pay a higher price down the road. You've already taken action on approving new housing, now we need the same level of foresight in building the educational infrastructure that growth requires. A new high school ensures that Albemarle County remains competitive and welcoming to the next generation of residents who will sustain this community long after today's

[00:42:53] students have graduated. I urge you to support moving forward with the new high school. Growth without planning is strained. Growth with planning is opportunity. Let's choose opportunity. Thank you. Our next name is Rupert Egan. Good evening, members of the board and community attendees.

[00:43:17] Thank you for the opportunity to speak to you. My name is Rupert Egan. I'm a resident of the Ravana District. I'm also a parent of a child within ACPS, and I work in the biotech field. As such, I have a vested stake and relevant perspective on helping shape the future of Albemarle County. A topic of primary importance is the capacity of ACPS schools, and in particular, the need for a new high school. One of the stated priorities of this board is attracting and retaining skilled workers of prime working years to move to and stay within Albemarle County.

[00:43:46] One critical element that influences this demographic's choice in residents is consideration and support of their families' development and well-being. This also aligns with the stated goal of talent pipeline development, for which strong public K-12 school systems are absolutely critical.

[00:44:03] The data showing that most schools, and in particular the high schools within ACPS, are overcrowded is clear and compelling and has been for quite some time without any additional data needed. There are currently 16 classrooms and trailers at Albemarle County, eight classrooms and trailers at Western Albemarle with more planned, and eight classrooms and trailers at Monticello High School.

[00:44:24] The need for a new high school has already been dire and is going to be exacerbated by the continued developments within Albemarle. The AstraZeneca facility, while exciting and beneficial, is also highly likely to bring in skilled workers who either have or will have children further slowing enrollment across ACPS as early as 2028.

[00:44:44] If Albemarle County wants to meet their ambitious and admirable economic development goals, immediate and significant investment and action is needed for the schools. It is unquestionably vital to build the necessary infrastructure that allows for the highly educated and skilled workforce you wish to attract and retain to feel that Albemarle is a supportive place for both their professional field and their families.

[00:45:07] Simply put, you cannot have gross inadequacy in one of the fundamental pieces of community education and have the expectation that skilled professionals will want to relocate to or remain in Albemarle County. It is my recommendation that the funding for a new high school be incorporated into the economic development strategy and prioritized by the economic development office and the board of supervisors immediately.

[00:45:31] The time for burying your heads in the sand and pretending the issue does not exist is long past. You must take decisive action to address the issue that has been longstanding in order to provide an equitable and quality educational experience for all children present and future in Albemarle. Thank you. Thank you. Thank you. The next name is Heidi Bennett.

[00:46:00] Greetings, supervisors. My name is Heidi Gilman Bennett, resident of Samuel Miller. I'm a parent at Western Albemarle High School and a volunteer with family council focused on our public school system. I am here to speak to you about the impact that overcrowded high schools have on kids. But first, thank you to the supervisors who have and will be joining the tours of our public schools this week and next week and in the future. Families are so grateful for your time and attention to the needs of our kids and educators. And second, you might be

[00:46:37] surprised to hear this one. Thank you for questioning the school board and the superintendent on their poor strategic planning at your early December joint meeting. Families have been saying for many years that the center's model will not solve overcrowding issues. And to be clear, I'm a huge fan of career and technical education. My own son graduated from the Environmental Studies Academy last year at Western. But our kids and families want a comprehensive high school. They want a community of friends they see every day. Our kids want to play on sports teams, and they

[00:47:15] want to perform in the school musical. The vast majority do not want to spend hours on a school bus traveling every other day for scholar studios. I refer personally to Center 2 as the AHS Annex. It's essential for short-term overflow at Albemarle High School, but it's not going to solve Western's overcrowding.

[00:47:35] Western's overcapacity by nearly 200 students, and we'll be getting another set of temporary trailers soon. The thing is, these high school overcrowding issues have been accurately predicted since the early 2000s. That should have been plenty of time for the school board to come up with a real solution and for the board of supervisors to partner on the funding.

[00:47:59] But rather than focus on which of our elected officials to blame, I want to emphasize that our kids are the ones who are suffering in overcrowded high schools. When high schools are supersized, with kids packed in like sardines, academic outcomes are lower, especially for kids from socioeconomic disadvantaged families and students with disabilities.

[00:48:19] Behavior problems increase. Schools become pressure cookers. Motivation suffers. Kids don't want to be there. And teachers don't stay. So yes, building a new high school is expensive. It's very

expensive, but it is also not impossible. And yes, the school division has more work to do on effective planning, but please, please, please keep at the top of your minds as we move forward what is the best for our kids.

[00:48:45] Please dedicate the funds that are available to improving and building schools and engage in serious work to increase funding so we can build a new Northern high school. Thank you. Thank you. Thank you. Our next name is Kyle Smoot. My name is Kyle Smoot, and I live in the Ravanna District.

[00:49:16] I have two children who attend public elementary school in Uppemarle County, and the third starting next year. Each of them has unique needs that require the expertise and care of our school student support staff. The construction and condition of the school facility should not compromise the quality of care and education that they provide.

[00:49:37] I am here representing the staff, parents, and children of Stony Point Elementary School, asking this board to fully fund improvements at our school that the school system will present in your upcoming budget discussions. When my wife and I moved away from Albemarle County in 2009 to enable her to pursue her career aspirations in Northern Virginia, we always had in the back of our minds that we would move back to raise our children here.

[00:50:02] The primary reason for this was the outstanding reputation the school system here had. I'm disappointed today, not in the quality of my child's education, but in the conditions in which it is provided. Their teachers and staff are incredible, but they succeed despite the burdens placed upon them by their workplace, and they are many. As part of its most recent facility assessment of county schools, the following items were classified as unserviceable.

[00:50:34] Student support offices forcing critical work to occur in the middle of hallways and in shared office spaces with little privacy. Book storage. Our award-winning librarian must store books in her house. Interior signage described in the report as terrible and not to code. A stage that doubles as a classroom despite its partition with the gymnasium being broken. If that weren't bad enough, the following are non-existent. A lobby. You enter through the front door and you're already

[00:51:09] in the main hallway. Very efficient. A conference room where staff meetings and vital discussions between parents and their child's educators should occur. I've left many other out for time's sake. We should do better than this. However, our parents have been told that our effort here is misplaced.

[00:51:30] This board doesn't decide what to build or not to build. They provide money and the schools decide. While technically true, as Supervisor Galloway mentioned in his opening remarks earlier today, it is not simply a relationship, but a partnership. A partnership with a shared goal to provide our children with the best public education possible. Your decisions enable school board choices. My ask is this. Give Dr. Haas, his team, and the school board no excuses. Make the numbers work. Provide enough capital funds to enable them to accomplish this project. Send a message that this county values not only building new schools, but maintaining your current ones to the highest

[00:52:08] standards. Thank you. Thank you. Next is Brad Yule. Good evening. My name is Brad Yule, and I am a Rivanna District resident here to speak in support of the proposed renovations at Stony Point Elementary School. With four kids in Albemarle Public Schools ranging from kindergarten to seventh grade, I've had at least one student at Stony Point for the last eight years and will continue to have at

[00:52:48] least one student there for the next six. I currently have a kindergartner, third grader, and fifth grader all attending Stony Point. We love Stony Point and, like the staff and administration there, want to continue to see it thrive. As you may know, a recent long-range planning assessment ranked Stony Point by far the lowest among the county elementary schools in terms of its facilities. As one of the oldest schools in the county, Stony Point has a rich history and a vibrant community, but as parents and teachers are well aware, it has not undertaken any significant renovations since the mid-90s and is in desperate need of improvement.

[00:53:25] Recommendations for which have been outlined by the planning committee and will be put forth for funding in the current planning cycle. Given that, I am here to ask that the Board of Supervisors work to ensure that the capital improvements budget that gets allocated in the upcoming fiscal year incorporates sufficient funding for these renovations to be completed.

[00:53:45] While I know the Board of Supervisors does not control how the school district ultimately chooses to spend its funding, I do know that if only enough money is allocated for capital improvements to meet the bare minimum needs for maintenance and upkeep, these important improvements will never make the cut.

[00:54:01] As you all know, a lot of progress has been made to support growth in the northern part of the county, which will only increase the importance of having schools like Stony Point operating at their best. As these efforts come to fruition in the coming years, my fear is that the new priorities will emerge and continue to push Stony Point further down the list, making now the perfect time to make this investment at Stony Point.

[00:54:24] Thank you. Thank you. Next, we have Robert Perez. Good evening to the board.

[00:54:42] Thank you for the opportunity to speak. My name is Robert Perez from the Rivanna district. As you might have inferred from that, a relatively recent move to Albemarle County. My wife and I moved here in the summer of 2022.

[00:54:58] At the time, we were privileged to have remote work. We were coming from Iowa and could go just about anywhere. I think like a lot of people in this room, we were instantly charmed by the county, by the city, and decided that this is where we wanted to move our family and spend a good part of the rest of our lives.

[00:55:14] Since coming here, we haven't regretted the decision once. We love our elementary school. I have a fourth grader, a first grader, and a preschooler who will be in the county system soon enough. and we've started looking down the road. I attended a meeting of the school board in the fall where they gave a very comprehensive overview of the high school situation, and I was surprised by quite a bit that I learned there. Thinking back on my own experience, I am a graduate of what I think many would consider a super-sized high school, more than 2,000 students, and when I think back on that experience, more often than not, I feel like the learning happened in spite of the size. While there may be some who say there is value

[00:55:54] in creating sort of a microcosm of society in a high school that size, like I said, it was, I think, a challenge in more ways than one. And I wouldn't recommend that for any child, especially not my own. Now, this seems to be an issue that has come to the county's attention several times in the past decade.

[00:56:12] For various reasons, it was passed on at that time. I think, as we all have sort of heard, the price tag continues to go up. I don't think any of us could have anticipated the market conditions, the

global shocks, the pandemics, all the developments that have taken place since this topic was first raised to this board.

[00:56:32] But I think having gone through all that, it's safe to say that more likely than not, the price of this project will continue to go up the longer it is put off. Now, while I appreciate the efforts to innovate the center model, renovations to existing structures, I think public education is essential as roads, as hospitals, as anything else to enabling the further economic development. I see it every day in my backyard from some of the housing developments that are going up in the north part of the county. And like I said, having come from central Texas, this has all the makings of a burgeoning corridor. I think I'm able to continue to meet the need of the future residents of this county and the future economic development of this

[00:57:12] county. It's essential that this board meet the school board, which seems to be more than willing to move forward with this project and provide them with the financial resources and backing to make this investment now before it becomes more costly in the future. Thank you. Thank you.

[00:57:28] Next, we have Renee Branson. Is Renee Branson here? All right, we'll move on to Alicia Lenahan.

[00:57:51] Good evening. My name is Alicia Lenahan. I live in the Scottsville District. Last week, you convened for the first time in 2026. Each of you took the oath of office before assuming your positions as supervisors. It's worth noting that every member of law enforcement is similarly bound.

[00:58:12] It reads, I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the Commonwealth of Virginia and that I will faithfully and impartially discharge all the duties incumbent upon me according to the best of my ability. This week, retired federal judge J. Michael Ludig reflected on the oath he took 35 years ago.

[00:58:34] Quote, every single day since then until this day, I have examined and re-examined myself, my words, and my conduct to satisfy myself that I was honoring my oath taken before God to support and defend the Constitution of the United States against all enemies, domestic and foreign.

[00:58:53] Recently, Senator Mark Kelly has been threatened for living up to his oath and for reminding service members how to conduct themselves when carrying out their duties. This applies to each of you because the threats to the Constitution are on full display at every level of government.

[00:59:10] I quote in relevant part, You can refuse illegal orders. You must refuse illegal orders. No one has to carry out orders that violate the law or our Constitution. We know this is hard and that it's a difficult time to be a public servant, but no matter where you are or how you're serving, your vigilance is critical.

[00:59:34] To vigilance, I will add courage, integrity, and leadership. Governor Spanberger argues that the deployment of unaccountable federal agents to our cities undermines the public's trust in law enforcement. There have been 16 incidents in which immigration agents opened fire.

[00:59:51] At least three people have been shot observing or documenting immigration raids. Renee Good was one of four people who have been killed. If you refuse to take a stand against state-sponsored violence, if you refuse to stand up for the Declaration of Independence, for the Constitution, for the rule of law, we will not trust you. You have had the resolution condemning federal immigration enforcement

tactics and affirming community safety principles since July. We have given you a principled, reasonable, measured position statement that you have chosen to ignore. None of us has to

[01:00:28] ask what we would have done had we lived during some past moment of historic injustice, because we are doing it right now. What about you? Thank you. Thank you. Thank you. Our next name is Joanne

[01:00:43] Robertson. Hi, I'm Joanne Robertson. I live in Jack Jewett. Don't be afraid. I have a mask. I'm not going to terrorize anyone, not going to kill anyone, not going to beat anyone. I just happen

[01:01:17] to be sick. That's the difference. That's the difference in what's going on right now. Today, I had a loved one that happens to be a teacher that had a child in her room and the child was trying to explain why their mother and father was beat in the house and how they had papers but it just didn't matter and the people had masks what's going on that they should have a mask it's because

[01:01:53] they're shamed. They know what they're doing is wrong, but they have the power to do so. I would like to know from you all, what are we going to do? Because it's getting bigger and larger, and it's going to, something's going to happen here. If you don't believe me, look at 2017. Look at Heather Heyer. Because when Renee Good was murdered, that's the first thing that came to my

[01:02:25] mind, Heather Heyer, and how she was murdered. Where are the proud boys now? Does anybody know? Does anybody know? They're in ICE. They're in ICE. It's the same people. They're in ICE. We don't know them. They can come up, mass, tell you to do whatever they want, and you have to listen.

[01:02:53] That's where they are. So think about that. Take a stand. Take a stand. You may just be Albemarle County, but you can do it. And I want to know what's going to happen, what you're going to do.

[01:03:11] That's it. That's all I got to say. Put my mask on. Go back and sit down. One other quick thing. Think about that doctor. All he said, can I check our pulse? I'm a physician. I don't care.

[01:03:31] Well, you know what? We want to see who's hiding under the mask. Who is hiding under the mask that killed that young lady that's it thank you we are we do have room for one more and i think we have a we had since there was a speaker missed we're allowing the next person in line to speak who was the 10th person that came up thanks and i'm probably going to mispronounce this last name

[01:04:05] sarah tooting touting forgive me sarah good evening my name is sarah teeting i live uh on Craigstore Road in Batesville in the Samuel Miller District. I'm here tonight to express my displeasure with the solar generating project, the facility that's being developed there that you all approved on a special exception several years ago. So the project has been under construction

[01:04:44] since early summer. Right now, my house, it is located directly behind my house and my neighbors. our houses have been vibrating because of the force of what they're doing, moving the dirt back and forth. My neighbors across the street, their house vibrates. The noise has been tremendously loud. We've had issues. They're burning now because they have knocked down the trees on 70 of the 100 acres. And instead of hauling them off for lumber, they're just burning them.

[01:05:20] So I have a child with asthma. I don't think it's particularly great for the environment that you're burning. I don't know that that was part of their original agreement when this was proposed. My understanding was when the project was initially proposed, Sun Tribe Solar was supposed to develop it.

They, for various financial reasons, could not move forward. So there is a new company who is working on it. RWE. So RWE has located their construction trailers directly behind my house.

[01:05:53] I can see how long their workers spend in the porta-potties from my kitchen window, which I don't really think I should have to see. I've complained to them. I complained to the county. I complained to Mr. Andrews when he was on the board. He sent someone out or asked someone from code enforcement to come out. They told me that the construction trailers were located in an incorrect spot on the property. So they have 100 acres. I don't know why they put them directly behind my house or my neighbors. That seemed like a giant middle finger to all of us.

[01:06:26] So either the person who came out couldn't read the site plan or she was incorrect. The county has not done anything to ask them to move them. We've had constant problems to the point that you all have erected or the county erected signs on 29 South saying no solar trucks allowed. They weren't supposed to come down Plank Road and make the turn onto Craig Store Road. That has been an issue. They're supposed to be coming down 151. So, you know, there is no contact person for us.

[01:06:57] There's nobody from the county checking in to see how it's going. My understanding is you all will probably want to approve more of these in the future. I don't think this is a model on how it should be developed. And I'm just here to tell you that I am very unhappy about it. My neighbors are unhappy. People in Batesville can hear the noise all the way down, and I'm a mile from the

[01:07:18] Batesville store. I hope you do better in the future. Thank you. Thank you. Is there a Susan McCauley here? Ma'am, was your name called? Please come up. Forgive me. My bad. Enough for remarks.

[01:07:56] I'm Susan McCauley. I live in the Samuel Miller district, and I could have been Renee Good. I could have been murdered by a masked ICE agent and then maligned by the president and his cabinet. Not because I did anything wrong, but because I am a local activist, I live in a blue city, and I didn't give him my vote.

[01:08:17] Your partner, your friend, your neighbor, your child, you, any of us could have been Renee Goode. She's dead because ICE federal agents are acting recklessly and violently against not only undocumented folks and immigrants, but all of us.

[01:08:36] They're treating our streets like a video game. These cowardly mass thugs are terrorizing neighborhoods with impunity and the full support of the federal government. This, this is why we've been coming to you since May, asking you to take a stand to protect our community from the lawlessness of ICE agents.

[01:08:57] In July, we brought you a petition for an unmasked ICE resolution because we knew the violence and death would only expand if there was no resistance to their fear tactics. the director of Homeland Security actually spoke from a podium emblazoned with Nazi philosophy, one of ours, all of yours. Of course this happened. Former federal prosecutor Joyce Vance points out that masking destroys accountability. She writes, quote, there is literally no legitimate reason for

[01:09:33] ICE and Custom Border Patrol to continue to be masked during immigration enforcement actions, especially in light of the recent history of documented abuses. Anonymity accelerates that kind of behavior. It tells the agents they aren't accountable for violating people's civil rights, end quote.

[01:09:55] Listen, we understand that as a county board, it's frightening to stand up to the federal government. But public safety requires a bright line between local law enforcement and the paramilitary. Public safety requires law enforcement to ensure that those holding themselves out as federal agents are, in fact, authorized to act.

[01:10:17] We know this is scary. We're all scared. But we need to stand together to keep each other safe. Dietrich Bonhoeffer wrote about the Nazis. Silence in the face of evil is itself evil. Not to speak is to speak. Not to act is to act.

[01:10:34] I could have been Renee Goode. We all could. Please take up the resolution. Even the Nazis didn't wear masks. Thank you. That was our last speaker this evening.

[01:10:50] If there was anyone here that did not get into the numbered slots and you have written remarks with you, you're welcome to leave those with the clerk. We will make sure they're entered into the record. If you would like to send the Board of Supervisors an email, you can do so at B, as in board, O-S, as in supervisors, at albemarle.org, and we'll welcome your remarks there as well.

[01:11:09] So thank you to everyone who gave public comment tonight. All right, board, we will be going to item number 14. It's the first of our public hearings. The first is the public hearing for the conveyance of a portion of county-owned parcel 76-54P.

[01:11:31] I see Mr. Barnes coming to the podium. Good evening. Might just take a minute for some of the folks that are leaving.

[01:11:59] We're all ready when you are, sir. Thank you so very much, Chairman Galloway. My name is Michael Barnes. I'm your planning director. I'm standing in tonight for Kevin McDermott, who's actually making a presentation at the CAC, Quase CAC.

[01:12:20] The topic for this evening is conveyance of some right-of-way and temporary construction easements on the 5th Street property. As you know, 5th Street, the county office building, is south of I-64, a little bit north of Biscuit Run Park.

[01:12:39] The purpose of tonight's proposal is to facilitate the construction of a roundabout at 5th Street Extended and Old Lynchburg Road. It's a conveyance. The request is a conveyance of right-of-way and temporary construction easements to VDOT of the property owned by the county.

[01:12:58] The requirement for this public hearing is required by Virginia State Code. The details here are shown on this slide. What you have is the right-of-way that will be conveyed is in the red area closest to the roundabout and contains a reconstruction of the main entrance into the Cobb 5th Street facility as well as a stormwater basin for the project.

[01:13:24] That's also accompanied by a permanent slope easement in green, which is about 0.6 tenths of an acre, And the remaining on the orange there is a proposed temporary construction easement, which is about 0.55 acres.

[01:13:41] Staff is recommending the approval of this conveyance for two reasons. First, the project was a priority of the board when we submitted the SmartScale application a couple years back. And second, the conveyance of this property reduces the project costs, which help us with the cost-benefit analysis.

[01:14:00] that was a part of our original application. If you have any questions, I'd be happy to answer. All right, thank you, sir. Supervisor Pruitt, questions? I'm going to ask a very strange and particular

question because I'm very familiar with this tiny stretch of road because I have on many occasions volunteered on behalf of the Albemarle County Democratic Party to be the guy who goes at 8 a.m.

[01:14:23] to put the signs up in front of the election sign and set up the tent. And it does occur to me, if we are conveying this to VDOT as a permanent right-of-way at the beginning, right, not the temporary construction easement, does that technically change where electoral signs have to be placed for early voting?

[01:14:43] That is a very specific question. I think it technically changes it. It probably doesn't actually change, right? Like, who's going to enforce it? So, Mr. Pruitt, as you're probably aware, signs in the right-of-way are not technically allowed.

[01:15:03] So if the right-of-way is moved, then, again, the signs are not technically allowed in VDOT rights-of-way. Except election signs. Election signs? Election signs under Governor McDonald, they were given an exemption. Now, whether that's been changed or not, I don't know, but that was definitely, that's why the stab-in signs are not taken away.

[01:15:24] Okay, so I need to look into whether that's still effective. I don't think this bears on my approval or disapproval of it. I'm just interested. I do think there's a normative good value served in having visible signage closer to the street, and that's all I'm thinking.

[01:15:44] Yeah. Supervisor Lupisto-Kirtley, questions? I have no questions. Thank you very much. Supervisor Missal. No questions. Thank you. Supervisor Duncan. I have come to really appreciate roundabouts, so I'm very excited for this project. Supervisor Malik.

[01:16:02] Yes, thank you. So the orange, when I was studying the packet, I thought was the construction easement. But now that, in your map, it shows it is the permanent, becomes permanently the dot property. The stuff in the rose color is the permanent right of way.

[01:16:20] The stuff in the orange is just a temporary construction easement. Oh, from my angle, I didn't even see the orange. Okay, so the rose color is the permanent. Okay, so that would, at least most of the sign, the road is orange.

[01:16:37] So that will be some of that will help Michael's question about that. The only thing I had to contribute was for the stormwater basin that's there, is there a way to require that they do a proper biofilter as we have out here on McIntyre, not a snake pit is what the earlier VDOT folks used to call them when they tried one out at Old Trail because that would be a very effective stormwater control and also be an attribute for people walking around and sitting under trees and having lunch, et cetera, and certainly not cost any more.

[01:17:16] So I would just put that out there and hope that it will be written into the record and the easement. All right. I don't have any questions, so we will open the public hearing. And do we have anyone signed up for this item?

[01:17:32] We do not have anyone signed up, so we do not need to read the rules or introduce the speakers. Are there any other questions for staff on this item? so technically i'll close the public hearing um and is there any board member that wishes to give a comment other than their love for roundabouts a second um all right very good well then we are this uh looking for a motion on this item i'd like to move to

adopt the resolution attached to staff report attachment c second all right without objection if the clerk will call the roll

[01:18:09] Ms. Duncan? Yes. Mr. Galloway? Yes. Ms. Lapista-Kirtley? Aye. Ms. Malik? Yes. Mr. Missel? Aye. Mr. Pruitt? Aye. Very good. Thank you, Board. Thank you, Mr. Barnes. We will now move to item number 15, the proposed ordinance to amend open burning regulations. I welcome Mr. Maddox this evening, and I'm sure there's some others here with support. Good evening, sir.

[01:18:37] Good evening, Mr. Chairman, members of the board. I'll get the presentation up here. Just a quick walkthrough history of open burning ordinances in Albemarle County. So in January of 2013 was kind of the first foray into an amendment when we formally banned the burning of trash to come in line with Virginia air quality regulations.

[01:19:07] Fast forward to 2018, there was a need and a desire to kind of firm up the ordinance. It resulted in basically setbacks from open air burning, 2,000 feet for land clearing activities, 300 feet for residential burning, people that were cleaning up their yards, maybe after a storm or after the winter.

[01:19:30] Added stringent regulations on the land clearing, the hours they can burn, the locations they can burn, made them get the site approved, eliminated any burning on the weekends for those folks. We completely banned open air burning in the county during the spring state burn ban, February 15th to April 30th. So there's no open air burning allowed during that time. We clarified some of the permissible language, what can be burned, what can't be burned, and we added language that allows the

[01:20:04] county fire marshal or designee to order the extinguishment of an open air fire if necessary. In 2023, we came back in front of the Board of Supervisors. We were given the task of researching some open-air burning in jurisdictions across the Commonwealth. We undertook that project early in 2024. All of the jurisdictions listed before you have some form of open-air burning regulation.

[01:20:32] We got all of their ordinances, kind of looked over the language, what would work for us, what would work for the community, and we came back before the Board in August of 2024 to kind to talk overarching wildland fire prevention strategies two of the things that came out of that was an update to the open air burning ordinance was in order and it also resulted in the creation of a prediction tool by our fire rescue data analyst that goes to our fire rescue exec staff we've been remarkably good at predicting the red flag days kind of before the weather

[01:21:09] service lets us know they're coming it lets us make operational decisions it also lets us contact any open air burn permit holders and kind of get in front of that before they might want to conduct a burn that day and it also triggers some involvement with the county communications and we send out messaging encouraging people not to burn or to think very hard prior to lighting an open air fire under certain conditions in June of 2025 we were back before the board of

[01:21:43] supervisors we kind of provided a draft we took some feedback we were clarifying categories of burning. It's important to note there are seven agricultural burning practices that are specifically exempted in state law, so they're not addressed in our ordinance specifically. We discussed escalating penalties for repeat convictions. You heard some of our stories about going to court and the lack of fines or things that would encourage a change in behavior, and we needed to clarify the ability for the county fire marshal to ban burning. So after that board meeting,

[01:22:21] we made those changes. We're back here tonight for input from the board and from the community. After that work session, we did add definitions for a building and a structure. You'll notice that structure is clearly defined. The definition for a building refers you to a structure, and those are from state code, from state law. We did consolidate recreational burning, large versus small was slightly confusing, so now it's just recreational burning, Or we do call out bonfires because they do still happen in the county under certain circumstances.

[01:23:00] We clearly define the fire marshal's authority to ban burning in atmospheric conditions or specific local conditions if they exist. That is supported in state code by sub-enabling language. And we did remove the mandatory provision on escalating fines.

[01:23:17] We'd also, in that same vein, we added an additional year so that if we have that repeat offender that continues to violate the open air burning law, we'll have an extra year to kind of encourage some change of behavior. Some opportunities and challenges.

[01:23:37] We've talked a little bit about MOBI. We all like our acronyms. That is the email that the Board of Supervisors gets twice a day that provides a map of all open air fires. I'm proud to report to you as of noon today, that's actually outward-facing and visible on our website.

[01:23:56] So anyone can go click on it. We will be working with CAPE and some others to push that out so community members are aware that it's there. That will show the map of the open-air fires, whether it was permitted by a county fire marshal or, for example, we'll pick on my mom if she calls in that she's going to burn.

[01:24:18] an icon will appear at the map on my mom's house and you can click on it and see the address when they're going to burn and when they're going to stop we have discussed with some staff and community members a desire for a year-round 4 p.m burn ban that is quite challenging there's not a state precedent yet it also would virtually eliminate land clearing burning so we would impact the ability to do any open air fires for land clearing because we make them stop all burning at 8 p.m. So they would get the fire started and they would have to put it out or stop.

[01:24:56] Notification requirements are always a topic. I believe MOBI is going to address some of that. People are going to have to call in and report a start and a stop. It'll be on a map. The fire marshals get notification when the responsible party calls our communications center or aware of fires that are taking place. And again, MOBI is publicly available as of today. So I'll pause for questions from the board, and then I'll step out of the way for public input.

[01:25:28] Thank you, sir. Supervisor Pruitt. Thank you. I appreciate the changes that have been made since the last time. Particularly, I know I had some technical language concerns about categorization and also the, I would say, maybe the more policy-related concerns about how fee escalation works.

[01:25:48] I think you've struck a really good balance with this, both making it waivable, BUT ALSO MAKING IT SO THAT IT CAN REACH BACK A LITTLE FURTHER AND THEREFORE BE A MORE EFFECTIVE DETERRENT. APPRECIATE THAT. IMPROVING ON BOTH SIDES. YES, SIR. I WILL SAY I STILL THINK I MIGHT BE SEEING SOME ISSUE WITH CATEGORIZATION, AND I WANT TO MAKE SURE THAT WHAT I'M SEEING ISN'T IN MY HEAD.

[01:26:11] SO I'M LOOKING AT EXEMPTIONS, AND B, UNDER EXEMPTIONS, EXCLUDES COVERAGE, because it's already covered under other policies or excludes except for insofar as they're covered under

other policies, open burning for campfires and other fires that are solely for recreational purposes.

[01:26:35] Then we separately prescribe in 6406B recreational outdoor burning. We prescribe what those have to look like, and there are the two additional criteria about must not be used for waste disposal and the criteria of fire pits.

[01:26:54] I highlight that because it seems like we're, on one hand, saying recreational fires are excluded from coverage by this ordinance. And on the other hand, we're saying here's how we govern recreational fires under this ordinance. And campfires are mentioned in both of those sections, and also it says other fires in the exemption.

[01:27:17] So I am unclear whether or not we are attempting to govern purely recreational fire. it seems like on one hand we're saying we don't and or cannot and on the other hand we're we're still prescribing those those criteria and so i i'm legitimately unclear on on what we're attempting to do there and and i might need some additional pokes of clarification i apologize if this has been clarified to me before i might need just a reminder so i'll i'll talk and i'll let the county attorney get me if i step out of bounds um the statewide fire prevention code allows the

[01:27:53] locality to be more stringent. So while the exemption language is pretty much the Virginia Air Quality Regulation, copy and paste it into our ordinance, we did want to provide some guidance so that if we have a problematic recreational fire, it could be addressed. And it also kind of clarified what is a recreational fire so that if we show up, enforcement of this gets really tricky because I'm doing storm cleanup, but I heard that the fire department's on their way,

[01:28:28] so i go inside and i grab a hot dog and a soda yes and i put my hot dog over this big fire and i'm like i'm having a campfire okay solid play right because it was a pretty gray area so by putting the recreational definition in there we've kind of we're going to prevent some of that skirting the residential burning so point taken though that's similar to have a massive leaf pile i someone's coming out because it's not been permitted i'm like oh well actually this is an important Anubiak ceremony.

[01:29:01] I get it. I guess maybe I understand it sounds like you're taking a we are allowed to be more stringent than the state code. This might be where I put a question to the county attorney. Can we because we're prescribing like we're not governing it except insofar as these ways that we're governing it.

[01:29:26] Should we strike the fact that it is an exemption from the exemption section? Does that make sense? Because we're Could you refer me to the specific section you're referring to? I'm sorry. So section 6, TAC 405B, its existence, I think, contradicts 6406B because it's saying we're exempting it and then we're controlling it in 406B.

[01:29:53] And so I'm wondering if we should just strike saying that it's exempted because we're then prescribing a more onerous process than the state does. Well, I think that just clarifies that it's subject to the more stringent local regulation rather than to the default state regulation.

[01:30:09] In other words, we're saying it is exempt from the state regulation because we are imposing a more stringent standard. So don't look to the state standard. Look to our local ordinance for this category of regulation. I understand that that's what we want to do, but the language is the following activities are exempt from this article only to the extent that they're, do you see my point? Again, like this is me being difficult.

[01:30:42] I don't think it affects the implementation of this law, but I do think it's like a clarity of draftsmanship issue. I just don't, and again, correct me if you think that this is straight up wrong. It seems like it does not need to be there in the exemption section and it actually undermines it being then something that we prescribe higher standards for. I understand your question. Let me Let me see if I can come up with some more clarifying language there.

[01:31:09] I appreciate that. And just as this is another just draftsmanship thing, also under 406B, notification to the fire official is required, colon, and then it starts saying two things.

[01:31:24] The two things don't naturally follow from no official notification to the fire official is required. And so I'm wondering if we should just replicate the pattern used in 406A, which is comma, provided that the following conditions are met.

[01:31:44] So noted. Yep, so noted. Those are the only things I had. Sorry, again, I recognize that they're tedious. All right, Supervisor Lapisto-Kirtley. Yes, thank you very much.

[01:32:00] I really am appreciative of the updated burn ordinance, and I specifically want to call out the use of the MOBI, that that is now publicly available. I think that's going to be very beneficial to everybody to know whether or not there will be a burn situation next door to them or a couple doors down.

[01:32:21] So that is fantastic because I know that it wasn't publicly accessible, but it is now, and so I commend you for that. Thank you. So if somebody does not, the way this works, the MOBI works, If someone doesn't call in and say, I'm going to be burning, then it's not on the MOBI, correct?

[01:32:43] That's correct. Okay. So, but if a neighbor notices you're burning, they can look up, you're on the MOBI or you're not on the MOBI. If you're not on the MOBI, then they can call it into the fire department. Is that correct? Yes, ma'am. Okay. That answers my questions.

[01:32:59] Thank you very much. Thank you. Supervisor Missal. Thank you. No additional questions. Thanks for your work. Thank you, sir. Supervisor Duncan. No questions. Supervisor Malek. Thank you. And I want to say also thank you to all the long years and years and years of work that all of you and your staff and Emily and attorneys have worked on with this and answering my many, many, many questions over the last little bit.

[01:33:23] And I would also really appreciate Supervisor Pruitt's clarifications on this because recreational burning is where in the Whitehall District the biggest issues are in many different neighborhoods, not just one.

[01:33:42] and it took seven years to get the burn barrels under control, which is a huge improvement. But the widespread of continual pushing the boundaries, misrepresentations, I loved your idea of running to get the hot dog.

[01:33:57] That's pretty interesting. Throw one piece of dry wood on top of a big pile of green smoldering stuff, and all of a sudden it meets the thing. So I understand the complexity of your enforcement effort, And I also understand that it can't just be one person complaining that causes things to happen because the judge will be less likely to take action despite excellent recommendations.

[01:34:23] It seems to be in the history that it has to be a community damage done. If the fire leaves the property, that's a simple thing, I guess. It's the smoke and the particulates leaving the property and wafting

over all the neighbor's property or the school recessed land or whatever that is equally important but much more difficult to regulate and to control.

[01:34:56] Going down to, you had mentioned, okay, remove mandatory condition on escalating fines. I had missed that in our previous thing.

[01:35:12] So you're saying this is an option for the judge, but it's not a prescribed thing in our local ordinance. It's in the local ordinance, but the language was changed. We consult with the commonwealth attorney for every prosecution. So if it's something where we're not looking to change behavior with a significant amount of money as a fine, we don't want to put the max fine or a less escalating fine onto that person.

[01:35:44] It would allow the judge to have the discretion and the Commonwealth to have the discretion. But the fire marshal will always have that consultation with the attorney prior to the hearing. We weren't looking to...

[01:36:01] Inevitably, we take calls for service on campfires in various parts of the county, and maybe it's just a cooking fire or a warming fire. And we can quickly change that behavior, typically through education.

[01:36:17] We didn't want to force a mandatory fine onto those folks every time. Assuming that they believe you and don't do it again. But when there's the second or third time in a few months, does that change the characteristic of the penalty?

[01:36:33] It does. So then you would consult with the justice firm? Right. Our first encounter with a community member is typically education, unless there is a conflict or an attitude or something that would warrant just straight to a criminal summons.

[01:36:52] we prefer to educate. But if we charge you once and we go to court and we come back for the exact same fine or exact same charge, this would allow the judge to escalate the penalty. And the Commonwealth can ask for a greater penalty, you know. Your Honor, we're back. This is the third time. Sean hasn't learned his lesson. He's paid a lesser fine. Please, you know, make the fine significantly more. But the judge still has to decide to do that. You don't have the ability in the locality to do that right and it's very difficult in the court we it's hard to dictate

[01:37:31] um the judge's decision we can't tell them what they have to do right we get they have that discretion just like uh the fire marshal has officer discretion right to to warn summons or arrest so the judge is always going to have that judicial discretion as to what they do for a fine with the new ordinance will your fire marshal visits have more structure and there won't be just continual warnings? Typically you get one. That would be less likely to get 2, 3, or 12 going forward after this is adopted because you have more structure to back you up. Right. You're

[01:38:07] going to get one warning. The second visit you're going to get summoned, but the fine may change with this new language. It may go in low, but the second time we come back to court, the judge has the option to give you significantly more. Right. Okay. Thank you. Let me run down and follow up on couple of other things um so you did i under i appreciate the 15 localities researched on the 4 p.m burn ban i'm still wishing that that were the case because that all by itself would solve the problems for the recreational people i mean i don't think there are many girl scouts who are

[01:38:44] having bonfires at noon um and pro renata is not lighting their burn fire at the brewery until dark i mean basically unless it's Saturdays on the weekend or whatever um you mentioned or someone mentioned about the it would make it difficult for land clearing but land clearing could be a different category altogether that's a permitted thing as opposed to a recreational thing where there's no permit so it seems i'm not a lawyer but it seems like that would be an easy way to solve that gap is to say you're a permitted land person you've got hours and all that stuff

[01:39:22] and if you're going to do your s'mores you can't start before four do you have is there any hope for that improvement? Likely not in the very near future. Looking at the air quality guidelines, they've implemented a fall burn ban period, but it's related to the smog, the high smog localities. We are not in there yet. And the forestry data doesn't support just yet a fall

[01:39:56] burn ban period. The challenge with implementing a year-round 4 p.m. burn law, we would have to specifically call out permitted burns, permitted fires, and they would be allowed to burn from 8 a.m.

[01:40:11] to 8 p.m., and then we would limit everyone else. Right. So that would seem a little... Works for me. A little hard to regulate. Campfires versus cleaning up their yard, you know, if you're a second shift worker or a night shift worker, you may not want to burn at noon, or you may not want to burn at 4 p.m. because you're at work. Got it. So there may be that difficulty of regulating an activity around lifestyle if we did it year-round. Maybe within my career, we'll see the fall burn ban period come into play as a measure of air quality, but we haven't seen that

[01:40:48] yet. How is the silt, the soot, and the smoke from fires, and especially Greenwood fires, dealt with at the State Air Quality Board? So if we were to just adopt the Virginia Air quality regulations we would never interact with the recreational fires we would just let them burn because they're allowed and actually burning your leaves is called out specifically in state code

[01:41:21] also so we've done our part to kind of bring burning into into a line in some kind of order in the county but if we were to there's nothing specifically that calls out the you know the soot the smoke from a Greenwood fire, especially as a campfire. And somewhere along in the consultation, someone had described that if something goes wild and there's soot raining down on cars in a neighborhood or whatever, that's a different level. Is that the nuisance description? Is that where that term comes into? We do use those factors to decide if a fire is a

[01:41:57] nuisance. If you ignite a fire and you cover all of your neighbor's cars in ash and debris, that's a very different conversation than the smoke's going straight up and over. So we will take action and we make them, if there's damage to an adjoining property, that's a completely different charge.

[01:42:15] Sure. Right. So we make them, especially the folks that are permit holders, if that were to happen for a land clearing operation, they may be washing cars. They may be cleaning a house. They may be making it right as a condition of their permit.

[01:42:31] Okay. And if you are doing a recreational fire and it gets away from you or you damage a neighboring property, that's also another charge. This is just regulating the activity of open air burning. It doesn't deal with fire beyond the property line.

[01:42:48] And can you remind me how do we deal with smoke beyond the property line? Assuming smoke comes up five feet and goes horizontal, not the nice air draft going up. Is there any hope for the

neighbors and the kids on the playground right next to all this going on?

[01:43:04] It's very difficult. It's case by case. So the fire marshal will show up. We will see what's being burned, where it's being burned, how it's being burned, responsibly or irresponsibly. And then we try to decide where the smoke is going based on what we can see or interviews with neighbors.

[01:43:24] If it's just going straight up and out, that's perfect. That's ideal. There are weather conditions that keep smoke low, and it will impact adjoining neighbors. And it gets tricky because if you're burning what you should be burning, it's not a whole lot different than an outside wood-burning furnace or a chimney from a fireplace.

[01:43:47] The smoke may lay low and smell the same. So it's very hard to regulate smoke going beyond property lines. How long? What's the height? It would be very hard for the on-duty fire marshal to do any kind of particulate measurement or that may be way beyond the current code language.

[01:44:08] And I do understand that you have to be factually driven in order to have anything succeed in the court. Right. And, you know, we've talked before. One complaint doesn't make a nuisance, but it could if the situation was correct.

[01:44:25] So the nuisance definition is from state law. That's not something that we made up. And it gives the responding officer or fire marshal the ability to assess the situation. And if it is a nuisance, we can order the extinguishment. All right.

[01:44:43] Okay, I'm making progress here, folks. Let's see.

[01:44:55] I would echo, yes, I think any time we can add a few words to the draft to make it very clear. I have read this many, many times, and every time there's something new that I catch up on.

[01:45:07] So I hope that you will strongly consider the adding in 406B the same words that you closed 406A with and also this in 405B because any time we have civilians such as myself reading the ordinance and we don't understand it, then we go and do the wrong thing and then that makes our neighbors mad or makes us in trouble.

[01:45:38] So I really hope that we can take these further additions. While we're on that note, if I may, I did bring a draft of our public relations material for the ordinance change. Wonderful. I'd like to give copies to the clerk for you all to have.

[01:45:54] Excellent. And there will be an outward-facing campaign to this should the language get adopted. But we also worked very hard to clarify. We let people who are not fire service professionals or local government staff read it to make sure that it made sense.

[01:46:14] It's not legalese, shall we say. Well, I'll just close by mentioning, just for the benefit of constituents who have written in over the last many months with concerns from throughout the Whitehall District, that dealing with something like green waste where the brush is just cut off, that's not in state code, so that's not something you're allowed to do.

[01:46:41] And you've dealt with that. You provided many, many answers. It's mainly that this ordinance is providing you the working papers for your enforcement arm, the county attorney staff, to be able to back you up when the time is needed.

[01:47:02] Yes. And the draft that you're proposing, your trifold or whatever it's called, will be the more civilian-oriented language that will say, if you're a recreation person, this is what you have to do, and then repeat the same criteria or different ones for the other categories. Yes, ma'am. That's, I think, where people get lost is amongst all of the different things.

[01:47:21] So that will be a big, big improvement depending on how this goes forward. And I'm going to stop there, but thank you very much for all your work throughout. All right. Thank you, sir. I'll defer so we can hear from we do have someone signed up for this.

[01:47:36] Okay. Mr. Chair, before we go to public comment, could I go back and address Supervisor Pruitt's earlier question because I think I have an answer to that at this point. Sure. So as I read section 6-405 again, I think I may have been turned around by the discussion that led up to your question, where the marshal was talking about how there could be more stringent local regulations.

[01:47:57] What 6-405 says, basically, is that the county regulations apply everywhere except where they're addressed in state law. So these are the areas where state law applies, are listed in 6-405. And I think that that language, as I read 6-405 again, I think that explanation makes sense, that 6-405 is the list of where the state regulations apply rather than the local regulations.

[01:48:23] I think I see what you're saying. Thank you. And I do have, to the extent that other supervisors share, Supervisor Pruitt and Supervisor Malik's suggestion about additional language to 6-406, we can provide suggested language for the motion. Yeah, the preempted by that you just mentioned was what I had missed.

[01:48:43] Well, but Supervisor Pruitt specifically had suggested that 6406B end in the same manner as 6-406A. And, again, I can provide motion language that would address that. Thank you. Thank you. All right.

[01:49:00] We will open the public hearing, and Vice Chair Missal will read the rules. All right. Thank you, Chair. During public hearings, the board will acknowledge speakers addressing the item listed for public hearing. Speakers are limited to one appearance of three minutes per public hearing item. Timekeeping is conducted through a timer and a light system at the podium.

[01:49:18] 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. If more than 10 speakers are signed up to speak, the time allotted to speak may be reduced to two minutes, and the yellow light will indicate you have 30 seconds to finish.

[01:49:38] That is not the case here. 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 or Magisterial District, address comments directly to the board as a whole. Any written statements or other supporting material may be given to the clerk.

[01:49:55] 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.

[01:50:13] We have one person who has signed up, Mr. Gary Grant. In the future, since it's only me, you can skip reading the rules.

[01:50:31] I've been here so many times. We have some experts. And Ann, would you please pull your microphone down? Your voice is so light. I didn't want to holler from the back, but anyway. Thank you. I've got to remember that myself. Holler next time, please. I thought I was being very strided. Don't holler next time.

[01:50:47] My name is Gary Grant. I'm in the Rio District. In the conscious communication class that I'm in that I told you about last week, people are taught to share observations, feelings, and needs when seeking empathy on a request.

[01:51:06] So here is my conscious communication tonight regarding your burn ordinance. And I am only referring to the residential open burning that does not require a permit. That's my concern.

[01:51:22] Observation number one. You have included advance notice to the ECC for residential open burns. I feel appreciated, pleased, and amazed. You have also met the constituents, taxpayers, voters, and residents' needs through communication, community, mutuality, partnership, security, progress, and safety.

[01:51:47] Observation number two, you have left out advance notice to adjoining property owners. As far as I knew before, I heard about Moby tonight that sounds like the vacuum cleaner that goes around the floor. My feelings on this. I'm annoyed, bothered, displeased, baffled, puzzled, concerned, dismayed, frustrated, mistrustful, worried, disappointed, discouraged, disheartened, and unhappy because I didn't know that this system has now been set up and is operational.

[01:52:19] And if it hadn't been operational, I would have said you did not meet the following needs of your constituents, taxpayers, voters, and residents, such as care, communication, community, consideration, empathy, inclusion, mutuality, partnership, respect, security, understanding, balance, comfort, and safety.

[01:52:40] And my final observation, number three, you have not defined what you mean in the ordinance by the word trimmings, trimmings, it's not in the definition. I am bothered by that, displeased, puzzled, baffled, concerned. I'm uncomfortable that that definition is not in there. You have not met your constituents, taxpayers, voters, and residents' needs on this issue, such as care, communication, community, consideration, empathy, order, safety, etc., etc. So my request, would the

[01:53:16] board please define trimmings in the ordinance and I need to have you give us advanced notice to the joining property owners. I ask this as empathetically as I can after only two classes of conscious communication. Thank you. Thank you, Gary. There is no one else signed up, sir. All right, we will close the public sign-up portion. The matter's back before the board. Do we have

[01:53:51] any additional questions for mr maddox at this point i would uh i deferred the question because i do i basically gary had sent an email in ahead of time and the point of it's like when we read these ordinances and you have pages and pages of definitions it then invites well what did we lose or miss out in defining which can then become problematic right so um i didn't want to steal is thunder but that is a question because i was looking around in the different places and some of the things that mr grant mentions about trimmings um then there's wood waste and then

[01:54:31] tree stumps and branches you it's kind of in different places right so sometimes i feel like definitions should be referred to or treated as but i i love the response or hear your reaction so trimmings are not defined in any of the air quality regulations or the virginia statewide fire prevention code. So if we were to argue it legally, we would defer to Webster's or a legal definition that we could find in a dictionary. It also allows some degree of discretion for the

[01:55:07] responding fire marshal. A trimming would not be a two feet in diameter limb that is 58 feet long. That's a log, shall we say. A trimming is going to be in that residential setting where you did your landscaping cleanup for the winter or the spring and you trimmed your shrubs or you trimmed your trees but there is a certain degree of discretion there for the the responding fire marshal i mean to your hot dog point right the two foot in diameter 58 foot long well that's

[01:55:44] trimming i trimmed that down just today i mean i could see so it may behoove us to just clean or clarify in there i think that i'm not too worried about how it's said or what it's said but i don't know if a motion could include just handling that even though it's not in the state code so that we don't invite just i mean i can't imagine how difficult it is when you all have to go out and deal with those type of things but i can i do i can imagine someone arguing what a trimming is so we might as well get a head out of that yeah that would point yes sir i'll defer to mr herrick with

[01:56:21] motion for the language changes well if if the board is looking for a definition of garden trimmings or yard trimmings i think as the marshal indicates i'm not aware of of any sort of legally binding definition of that and in the absence of a definition it would just be the plain meaning yeah and i mean the i think i understand why sometimes we need to legally define things i'm saying that this is kind of this common sense in the ordinance so that it's like all right look it's not necessarily a legal definition of trimmings but for you to help understand what we've got in here this is what this this means we could add the common definition of trimming to the

[01:56:59] handout that you all have kind of giving them guidance but it would leaves grass bushes tree branches i mean i appreciate these type of things but if somebody is doing their due diligence goes in and reads the ordinance i don't want to trip them up we put all these definitions in and then we don't, that we don't have it there, then that it might be, or refer to this maybe in the ordinance, or have a link to it, especially electronically, where they could link to the, sometimes having the layman's term say, hey, well, go check this out, too, while you're reading this ordinance, if you haven't seen it, so it might be a way around.

[01:57:37] Other, I'm sorry, I kind of preempted everyone, are there other questions at this point? I have one question, just a clarification on the advance notice comment, could you walk us through that a little bit i may have missed it in the documents but what is the protocol for advanced notice of adjacent property owners so there isn't specific language for adjacent property owners the notification is to the emergency communication center yeah and then it goes on the map which is now publicly available one of the challenges especially with residential burning it may be that you happen to have thursday off and it's going to rain so you decide to burn your

[01:58:16] pile. There's logistics of, do you know your neighbor's email addresses? Do you have time to mail them something? Or is that you have to ride around and deliver a hand notice to everybody around you? The permitting for land clearing is very stringent, and there are plenty of things that keep them from

burning prior to us being ready. But the residential burning, at least Just during the work session last year, the thought was it was too owner of a requirement

[01:58:54] on the average homeowner to notify everybody if they just decided to burn their debris because it was rainy that day or the wind was down. But the way it works now, you can call the communication center at 4:00 p.m. and be burning by 4:30.

[01:59:17] We don't set a time for that residential burn. Thank you. Yes, sir. I'm going to just go ahead through, broke the order here. So, Mr. Pruitt, do you have any additional questions? Yeah, I'm sorry.

[01:59:32] I'm sitting here just puzzling over the definition question, right, because Mr. Herrick's point is well taken, right? Like, at the end of the day, it's going, there is a line somewhere, and it's a mental categorization line.

[01:59:48] It's not something we're going to try and define with a number between what we might cut, what the ordinance describes as wood waste, right? things like stumps and logs and what it trimming is and a definition might just it would help us I guess highlight that there is that line it wouldn't tell us it wouldn't tell mr. grant for example where that line is it would just highlight the fact that it is a line I'm also just for mr. Herrick's use I'm looking at the EPA apparently has a material specific data definition of what

[02:00:23] yard trimming is it includes grass leaves and trees impression I'm just looking at the fact that we do have the wood waste and yard waste already defined and it seems like the ordinance the the substantive parts that are actually doing something used the phrase trimmings rather than I think yard waste more often than not and so I do wonder if it would yeah I'm also loathe to just add more definitions for definition sake but it does seem like we're the actual part that's doing the action is using the term trimmings. So I do wonder if there's a

[02:00:58] value in just saying yard trimmings includes this EPA definition. And then in the same way we have with 6, 403, 31, and 32, it does not include wood waste and things categorized as wood waste. I apologize. I realize we're throwing up so many pieces of minutiae for you, Mr. Herrick.

[02:01:24] It's clean and a simple, easy fix. I don't think that's too. All right, Supervisor Lupista-Kirtley. I think you just said it clean and simple and easy. I just abhorred getting into the weeds and saying to find this, to find that. Can you define weeds?

[02:01:40] Pardon? Sorry. No pun intended. Getting into the weeds, not the weed. But we can get into so much detail, go in and in, and I question why.

[02:02:00] What is the purpose? And the other thing is I don't want to have something that is so defined that we're calling out the fire marshal or the fire department because one neighbor is getting upset with the other neighbor and they're calling him constantly, and then we're letting a building burn down somewhere else.

[02:02:21] I mean, I realize that's a big difference there. However, I mean, I like what we've done so far. My vote would just be to let's see how this works. We've got the MOBI now, which addresses Mr. Grant's concern.

[02:02:40] And by the way, you heard that was today. So it wasn't that you'd have any advance notice. That was just we learned it as you learned it today. So I think that addresses his concern, and if someone doesn't report it, they don't report it.

[02:02:57] But, I mean, I like just what we have, and let's see how that works. And if it needs to be amended, because we have a lot of people who do things outside of this, or it needs to be refined, maybe we could come back later and do that. Those are my comments.

[02:03:14] Supervisor Duncan? Just my one suggestion would be if MOBI could be, like, on the front page of when you click on fire rescue. I just had to, like, click through, like, several tabs to even find it. We discussed that today.

[02:03:30] We're going to make it bigger, more prominent, so it's easily available. Great. Supervisor Malek, any final? And then when my broadband gets better than one meg down, I'll be able to open it, which will be really great. I look forward to that. This is a huge improvement.

[02:03:48] I mean, just as far as clarification, but it does, as others have said, use trimmings right up here at the top. So that's where the confusion starts. It sort of defines it down here in the middle. But I think a few words to clarifying will save everybody a lot of issues.

[02:04:08] For notice, if someone has registered for the CUA, then it would seem that in the same way that they can get reverse 911 CUA notice for a boil water notice, for example, that is another option for you all to consider going forward when we move to this next step of doing a better job for the neighbors.

[02:04:32] I mean, this is to prevent people from opening their house, going to town and coming back to find that everything in their house is basically ruined and they have to get service master in there to clean it up. Because that's the level of what happens when something, the neighbor's fire fills your house with smoke for hours and hours and hours.

[02:04:49] And that's not a fun situation and neighbors have rights too, as I say quite often. My only response to that statement would be that I would hate to desensitize people from a system that we're using typically for emergency notification and change that into every time somebody burns, which is likely a lot in this county.

[02:05:11] So they're not saying they would unsubscribe, but if we turn an emergency notification system into a open burning notification system, we may see numbers go down because I probably wouldn't want to get a phone call every time somebody in the area burns.

[02:05:28] So the technology does not exist to just pick up the neighbors right around that property. That was all I was suggesting. If it was the neighbor for neighbors, those people would be the only ones who should get it. Yeah, we could look into that option with that system. It can be geo-selected, but then who is going to do that?

[02:05:46] And then we would have to come back to this board to discuss how far in advance would you have to. Like you couldn't just pick up the phone and expect ECC to be able to do your adjacent property or notification if you were calling at 4 and you wanted to burn at 4.30 because it was raining.

[02:06:06] Logistically, that would be challenging, I think. I sort of assumed that technology was taking care of that for you, but it's not. There's still a person somewhere that issues the notice that approves what we're going to say and who it goes out to.

[02:06:24] So there would be some form of human intervention to provide that notification. Well, that's good feedback that I did not have before. I thought that Mr. Moby was just a machine in the background

there, not just, I mean, but Damon has to do all the work is what you're telling me. Well, Moby is a script that runs.

[02:06:41] The emergency communicator places your address on the map and takes your information and puts it into their system. Moby works the magic and takes from our permit system and the 9-1-1 system and creates the map that you all see. Okay. Well, it sounds like I'm asking for something that isn't possible right now. So I appreciate your consideration. When you're ready for final comments, I'll be glad.

[02:07:11] Yep. Let me know. So I am going to, if there are no further questions, I'm going to close the public hearing and then I'll go through everyone for any additional comments and then we'll make a motion. Supervisor Pruitt, any additional comments? I have no additional comments. I've been uh enough of a thorn on this one supervisor lapisto currently no additional comments i'm happy to support this as is supervisor missile no additional comments thank you supervisor duncan no comments all right supervisor malik well i'll take everybody else's how about that um because i've been working on this issue since 2008 i'm very grateful as i said at the beginning for the

[02:07:47] improvements that have come along they are not meeting all the requests for all the people who have been directly impacted over the last 18 years and really wanted stronger. It's been up to me to convey to these people that many of the things they're asking for are not allowed because they're not going to work because they're not in state code, but that's not really helpful when people have been up against it for a while. I am hopeful that escalating fines will have an impact for our repeat offenders and that the judges will follow your and the Commonwealth's attorney's

[02:08:23] recommendations in order to make this work because that seems to be the only real control issue that has been able to be approved here. I'm grateful that the smoke is now recognized as dangerous and that when it's impacting other neighbors than the burner, then that gives you extra credibility to be able to move in. I'm glad that the regulations are clearer and stronger because that will work

[02:08:57] for 99.9% of all the residents. And I want everybody up here to put yourselves in the shoes of the neighbors, the school children, the post offices, where people are impacted all the time when a resident does not comply with even the simple rules that we have had for a long, long time. I would really strongly protest if I lived in a neighborhood and had the open windows impact to my house. This has happened, as I said, in Earliestville Crozet for Union and the far outer reaches of white hall way out in the country so it's not a situation where in the rural area that's

[02:09:36] life in the country you have to put up with it i think we are 20 years beyond that kind of thing and i think i really credit the fire department and the fire marshal's office for bringing us to a new level here so as i said many of my constituents will not be sufficiently satisfied but we're doing i think this is the good next step and i really look forward to the these being able to cart these around to the post offices and country stores and other places so that people can find them really well. Thank you very much. Thank you. All right. Mr. Maddox, thank you and your team. I think, uh, I think you've been very responsive to a lot of the concerns, not just

[02:10:13] from the board, but from members of the public, uh, and being very reasonable and pragmatic and attempting to figure out how to, how to make this work in Albemarle. So thank you for all those efforts. Uh, with that board, uh, we will need, uh, Mr. Herrick, do you have a suggested language I emailed this to the board, and I might add my motion also addresses an oversight in the opening recitals that it neglected the listing of Section 6-407, so my motion would address that oversight as well.

[02:10:47] I'm happy to make that motion. If you have it in front of you, you can go ahead. Okay, I move to adopt the ordinance attached to the staff report as attachment B as amended to identify Section 6-407 and add its title to the initial recitals by adding, provided that the following conditions are met, end parentheses, at the end of the opening paragraph of Section 6-406B.

[02:11:16] Second. All right, the motion has been made and seconded. Any further discussion? All right, if the clerk would please call the roll. Ms. Duncan? Yes. Mr. Galloway? Yes. Ms. Pisto-Kirtley? Aye. Ms. Mallick? Yes. Mr. Missel? Aye. Mr. Pruitt?

[02:11:32] Aye. Very good. Thank you, board. Thank you again, sir. Thank you, Emily. All right, board, we will move to item number, it's folded, 16, SP-2025-3, Flow Honda CDJR Outdoor Storage Display and Sales Expansion.

[02:12:00] And who got a different name here? Oh, no, Christopher Taggart. I saw the wrong name there. How are you all doing tonight?

[02:12:23] Good evening, New Friars.

[02:12:40] My name is Chris Taggart. I'm Senior Planner with the Planning Division of Almar County Community Development. I'll be giving staffs a presentation for this special use permit. The subject property is located at 960 Hilton Heights Road in Cain, Zafro, Subaru, Honda, and Chrysler Dodge Jeep Ram showrooms, as well as the associated outdoor display.

[02:13:04] The display area subject to the proposed amendment highlighted in red is located in front of the Honda and Chrysler Dodge Jeep Ram showroom building. The special permit request is for the expansion of outdoor storage display and sales of vehicles in the entrance corridor overlay district.

[02:13:23] I'll refer to this as outdoor display. To accommodate this expansion, the property owner has acquired just over a third of an acre right away from VDOT. The concept plan shows that a portion of the existing landscape area along the frontage will be converted into paved parking, which will include triple-stack parking arrangements on both the northern and southern sides of the right-end entrance.

[02:13:46] To mitigate this expanded outdoor display, the concept plan shows new landscaping consisting of large shade trees, ornamental trees, and shrubs between the frontage and the display area. Motor vehicle sales is a pyrite use in the zoning district, but the outdoor display is a special use.

[02:14:04] SPs for outdoor display are reviewed under Section 30.6, which limits the factors to be considered to determine whether outdoor display is consistent with the entrance corridor design guidelines. The ARB applied those guidelines in its review of this request in September of last year and voted recommend no objection to the SP request with conditions.

[02:14:27] On October 28th of last year, the Planning Commission unanimously recommended approval of the SP with no changes to the ARB's recommended conditions. The conditions are listed here, and we can bring them back up if needed. The favorable factor for this request is the outdoor display use would be consistent with entrance corridor design guidelines if the ARB's recommended conditions are upheld.

[02:14:54] For this reason, staff recommends approval of the special permit for outdoor display. I'm happy to answer any questions and can bring up the motions and conditions when the board of supervisors are ready. Thank you, Mr. Taggart. Supervisor Pruitt, questions?

[02:15:10] I'm not sure I have any. Thank you. Supervisor Lapisto-Kirtley? No questions. Thank you. Supervisor Missal? Yes, thanks. Just a quick question. Thanks for the great presentation. Remind us, are there easements or overhead power lines or any issues that might reduce their ability to achieve this planting plan?

[02:15:32] If you're able to see my laser pointer, there's easements in front of the landscaping and behind the landscaping north and south. But they've been placed in front and behind, so they avoid the conflict with utilities and easements.

[02:15:49] You've cleared that. Got it. And the question of the trees that are not shaded or existing trees to remain yes that's correct good thank you all right supervisor duncan no questions supervisor malik uh thank you that the shaving non-shading helps me understand um that's all thank you very much all right i do not have questions right at this moment um so we will open the public hearing do we have anyone signed up we no one signed up but we do have an applicant here so we'll just need to read the rules for the applicant all right i will read the rules. During public hearings, the board will acknowledge speakers addressing the item listed

[02:16:29] for public hearing. Speakers are limited to one appearance of three minutes per public hearing item. Applicants are limited to a 10-minute presentation of their proposal and are allowed a five-minute rebuttal at the close of the public hearing. Timekeeping is conducted through a timer and a light system at the podium. The green light will go on when you begin speaking, which begins your allotted time. The yellow light indicates you have one minute to finish speaking. The red light indicates your time has expired. And you will be asked to end your comments. In order to give all speakers equal treatment and courtesy. The board requests that speakers adhere to the following guidelines. When addressing the board, state your name. If you live in Albemarle County or Magisterial District, address comments directly to the board as a whole. Any written statements

[02:17:06] or other supporting material may be given to the clerk. If you're representing a group or organization, you may be asked others present to raise their hands in recognition. Speakers may not share any unused time with another speaker. Back and forth debate is not permitted and do not speak from your seat or out of turn. All comments are live streamed, recorded, and published on the Albemarle County website. All right. Thank you. Good evening, Justin. Justin Schimp of Ship Engineering. Yes. Thank you. Justin Schimp. I'm with Schimp Engineering. I'm representing Flow Automotive, who, if you've seen around Charlottesville, I'm very busy building new dealerships and improving ones they've already owned.

[02:17:39] This is the second or third time I've done a project like this. Chris Marshall is here from my office, too, who's the project manager for all the Flow projects. This is the site I think everyone's familiar with, but it's certainly an area with many car dealers on it, and this purpose really is, I think Commissioner Firehawk said it as I was preparing the slides, the planning commission meeting, was they need more space. And I thought about just sitting down right there and saying, okay, well, enough said. But I'll go over a brief presentation for you with a few interesting bits about this. So the area of the amendment is here,

[02:18:15] which is this grass zone, which is landscaped some. There's a power line that runs over it, and we've been able to work around that based with our design as you go up 29 you'll notice that most of the properties the parking lots are closer to 29 itself in this location there's this large grass area that exists

because when vdot widened the road at some point they took that space i think because there's a large slope immediately adjacent so part of the construction easement basically and so this land was sort of maybe perceived to be part of flow as property but

[02:18:51] in fact until last this last year was VDOT right away so we went through the process of approaching them going through an excess right away purchase and purchased the property from them it probably took 18 months or so and that's how we got here one thing I'll note about uh for most I've been working for them I will say the county economic development folks and planning staff are very helpful to flow in all of our projects they have steadily been investing in that they're up to 60 million is their planned amount of investment in Albemarle County. They're probably well over half there. When I made the slide, I was at 29 million. They spent at least four or five million on 29 at

[02:19:29] the Hyundai site since we probably looked at these numbers last. So they're a major contributor of investment here, and they employ a lot of folks, too. 465 employees as of a couple months ago last we asked, and that's part of the reason for this amendment also is that these particular businesses have a lot of people working for them and they circle through a lot of cars a day and just as much parking as you see in these locations it is not enough and that's why we come back and we're really having to look hard for land to expand to they have an interesting arrangement they have an off-site parking easement that was part of the site plan for the original project that they do

[02:20:08] have a legal right to but they've had a number of issues there that actually space is used by the police department sometimes for training purposes they've had the motorcycles out there before i've seen and so they have some conflicts with occasionally other users there they really that's not a great place either way in the back of that sam's club to store inventory vehicles so they don't use it a lot but it is a space available to them because of that their on-site space is extremely tight in the sequence of events just to give you an idea of how long this is taken but we looked at september 2023 we approached vdot to acquire the property and now we're January 2026 now.

[02:20:48] So it's been a bit of a process, but worthwhile because it allows them to capture the parking they need. A couple more exhibits for you. There's a few trees we have to remove. You'll see those are in the black gray hatch and then we will replace them with all the trees shown here.

[02:21:07] And so there's the power line follows roughly the old property line, which is sort of the gray thick line over here. And so we basically skirt each of the trees in the front and then trees behind. And so we're able to meet the ARB required landscaping for this. And this has been to the ARB both as a special use permit, which they recommended for approval, and then it goes, I think, next week for the site plan review on the ARB side.

[02:21:31] So that's really, I'll leave this up here. That's really all this is. We've, Flo's very grateful for the county's help in getting through their projects. And this is one where every space matters, and this is the ability for them to get some more parking to help their business continue to be successful. So happy to answer the questions the board may have.

[02:21:49] Thank you, Justin. Supervisor Pruitt? Excuse me. I don't believe I have any. Thank you. All right. Supervisor Lupisto Kirtley? So I just wanted to ask, because this has come up before, actually, Supervisor Galloway has brought this up before.

[02:22:06] There are no plans whatsoever to do parking of any cars in the front part between the road and the trees, correct? In the grass? In the grass that will remain, basically.

[02:22:21] That's correct. People have, at times, parked there. I don't think that maybe most employees there might not understand the distinction that that's a VDOT right away. You wouldn't know that, per se, if you were trying to sell cars there. But no, there really won't be much room left for that because that space that is currently grass, some of it is being replaced with the asphalt, and they are not allowed to park in that zone and should not be.

[02:22:46] They are aware of that now. Thank you. That was a little bit tongue-in-cheek, but thank you very much. Supervisor Mitchell? Thanks. Just a couple quick questions. Reminder. The overflow parking that you showed back by Sam's Club, I guess, right, adjacent to that, if this is realized, will they be able to not use that anymore?

[02:23:09] They'll still have rights to it, basically. They would have less need to use it. One point I should make is that parking back there is actually county required, so to meet the site plan requirement, they had to have those extra spaces.

[02:23:24] Well, the actual requirement for a car dealer is really way more than what the county requires. And so they just don't use those spaces often. They still have right to them, but they are trying to not use them, basically. Okay, thanks. And I, for one, am hopeful that we can amend our parking standards and regulations when we do our zoning ordinance modernization, because I feel like we're so over-parked.

[02:23:46] For most, all uses, I think, but it's not this one. They require, as a side note, but the ordinance requires two parking spaces per service bay. But, you know, a tech will work on more than two cars a day. And if a car stays overnight, all of a sudden you're, you know, populating out.

[02:24:02] And that's where they run out of space. Yeah, that's interesting. And then one other thing, stormwater management. Are you amending that? How is that being addressed? Yes, it's not shown here, but there's an underground detention system being built underneath these parking spaces. Got it.

[02:24:17] It's got a stormwater filter, like on-site treatment, basically, as part of that component. But no biofilters, no above-ground stormwater management? No above ground, no, it's all under. Okay, that's all I, thank you. Supervisor Duncan?

[02:24:33] No questions. Supervisor Malik? Thank you. So just to make sure I understand, in your map here, the light green empty line, that's an existing tree? That's right. Okay, the replacement trees for the four or five large ones, it looks like you're going to take away.

[02:24:50] What size are these replacements that are going to go in? Well, I think the trees have to be three and a half inch at planting, and then the shrubs are two feet or so. You really can't plant a much larger tree than that and have it grow successfully over time.

[02:25:07] There's an element to that. So the ARB requirements are the three and a half inch, which is a pretty good-sized tree. So the canopy for the tree is going to be like four feet in diameter for a considerable amount of time? Depends the species. All right. Well, I understand the better survivability of something smaller, but it's still going to be a big shock.

[02:25:28] And open it up much more. It'll be much less screening for a while. And they will, okay, let's see, I'll stop on that. Has there been any discussion?

[02:25:44] It's probably not pertinent to this. You don't have to answer it, but I was always curious. Everybody in this room, I think, has probably made the mistake of getting into the right-turn lane, going to Hilton Heights and almost falling in the culvert because all of a sudden you go, oh, crap, this is the business I can't remember, and that's really dangerous.

[02:26:03] Is there any chance of getting some new signage that would say flow only, no connection, or something like that, or has the business ever considered making that lane consistent all the way through to Hilton Heights?

[02:26:20] Certainly that design came around before my time working at these. I can't answer that really specifically. I certainly think that VDOT could put some sort of signage up for that. I don't know that we'd have to get a permit from them to do it, but you're right. It is kind of a dangerous setup the way it is assumed. You can continue that up to Walmart, but you can't.

[02:26:37] I've done that myself too. But I think it's more of a VDOT issue because all infrastructure they permitted over time, any signage would be in there right away. But it's certainly a fair point. Thank you. That's all. Well, I think to that because that was going to be one of my things to see if there was anything you could do visually to help um but if you recall in an mpo update we were talking about the signage to get people in the left lanes for the who want to continue south and the signage is terrible and it doesn't even start until after hilton heights road so if there is ways to do

[02:27:15] better signage before you get to the river you can start moving people to the left and not you could you could add signage there is my point right lane ends or something like that people could see that before they are already in the parking lot and i mean if you had you know really really uh what's the word i should use smart sales people that you just capture those people when they come in and share them a car that's right i will just because i made this comment about trees and dealerships it is it is an interesting thing i made this point when flow with the hyundai because we require trees to be through through there and if you have the certain

[02:27:55] types of trees you're not doing a great thing to your inventory and then you're requiring more water usage to clean all of those cars to keep your inventory cleaned so the trees create something that yeah it's screening we like to have the trees but then it turns around and creates an impact on the dealership to have to use water even if they're just spraying water but a lot of them are going into detail it because i'd love to meet the person that would accept a brand new car with a sap mark on the paint of the hood um i haven't met the discount yet that has achieved that uh has achieved that sale um so it's just something that we have to think about we all love trees and i'm not saying

[02:28:35] i don't but um i think the smaller trees in some ways helps the business uh and for water usage which does seem to be a concern uh here so for the display i must you know those three spaces that down down on the dodge side i mean i haven't seen flow do this but that was where everybody was parking on the grass before so it's a it's a nice spot to put a vehicle the trees are going to kind of screen them um but i i think i hear your point i was making sure that was there going to be little bushes and things in between those two those two spaces there on the right here yes that's correct

[02:29:13] there's landscaping here right so you can't put them put anything in there um which is appreciated. Great. All right. Some of the other questions that I had were answered, so thank you for that. We don't have any members of the public signed up for this item this evening.

[02:29:32] I don't know if you need to have any additional items to say in your rebuttal time. I have no further comments. Awesome. Thank you, Justin. All right. So back to the board. I will close the public hearing. I'll go around quickly if there are any comments. Supervisor Pruitt? No further comments.

[02:29:48] Supervisor Lapista-Kirtley? No comment. Supervisor Missal? No. Only that to say to Supervisor Malik's comments about the smaller trees with the smaller, with those undergrowth bushes and things, it seems like it's a pretty effective landscape. And, in fact, from a car may actually be better than what was there before.

[02:30:07] We'll see. I hope so. Thank you. That's it. Great. Supervisor Duncan. No comments. Supervisor Malik. I'm all set. Thank you. I know the challenges on this site. I don't need to go into my own personal knowledge of how I know some of that, but I know that this has been a, I mean, car dealerships in particular are the one business, I think, that, to your point, parking spaces are in desperate need.

[02:30:31] And this is a tricky, tricky site. So getting some extra place here to deal with the cars helps it visually, which I think everybody in the area that lives there will appreciate. So well done. With that, since this is in my district, I would like to offer a motion to adopt the resolution included as attachment D to approve SB 25-3 with conditions.

[02:30:55] Second. All right. Without objection, if the clerk will call the roll. Ms. Duncan? Yes. Mr. Galloway? Yes. Ms. LaPesa-Kirtley? Aye. Ms. Malik? Yes. Mr. Missel? Yes. Mr. Pruitt? Aye. Very good. Thank you, board. That is approved.

[02:31:10] Thank you, sir. All right, board. How are you all feeling? It's about 8. We have an additional public hearing. You want to keep going, or do somebody need a restroom break? Keep going. Good. All right, so item number 17 is SP-2025-6, Woolen Mills Industrial Fill in the Flood Plain.

[02:31:29] Good evening, Ms. Ragsdale and company. But you're leading the presentation, I believe? Yes, thank you. Good evening. And Rebecca, always just lean in there. Sometimes you have the quiet voice, so get that mic nice and close.

[02:31:46] I am sorry about that. Is this good? Yes, thank you. All right, I will try and be mindful of that. I'm Rebecca Ragsdale, and I am a planning manager with the Planning Division of Community Development, and I'm joined by Tony Edwards. He is our deputy county engineer who will be assisting with this presentation.

[02:32:07] This is a request for special use permit request, which we have a lot of information to share with you this evening, for filling the floodplain for an industrial zone property. I'm going to walk you through the location, the regulatory and policy context, and then we're going to drill down into the specific unique nature of fill in the floodplain requests.

[02:32:32] In terms of the request, it is specific to one tax map parcel, and the special use permit request is for grading activities, including fill, of about 1.3 acres on a 7-acre site total. This is a special use permit request that was heard by the Planning Commission at the end of the year in December, and in terms of the most recent request, it was recommended for denial.

[02:33:03] This is an area and a tax map parcel that has a bit of history relevant to fill in the floodplain. And 8740B2, that parcel ID, is actually a portion of a larger parcel that has currently some industrial activity.

[02:33:24] And then a special use permit was approved adjacent to this site in 1997. In this case, we are focused on this site, and we will get you oriented. I'm sorry, I'm stepping away from the mic.

[02:33:39] I'm going to need my pointer here. and the site is located in the sorry about that the site is located at the edge excuse me the edge of the city of Charlottesville along Franklin Street and it is between Moore's Creek and the Ravana wastewater treatment plant Moore's Creek this slide shows you the relationship of Moore's Creek to the Rivanna River, which you'll hear more about in our technical aspects of the

[02:34:18] presentation related to the floodplain analysis, but it does provide some floodplain storage there. This is a context of the neighborhood. This slide shows you the outline of the parcel.

[02:34:36] The outline in the orange-ish line, highlighted line, is the perimeter boundaries of the seven-acre parcel. We have roughly sketched in where the 1.3 acres of fill will be, so there's no confusion.

[02:34:52] The shapes are similar, but we want to make sure that that's clear on all of these slides. But the context of the area, it is on the edge of the Broadway Blueprint area with Broadway Street up here, and then it is located along franklin street we mentioned at the edge of the city county boundary with a number of residential uses along franklin street across the street my mouse is not cooperating this evening i apologize and we also mentioned the rwsa facilities that are accessed by moores creek lane that goes back along the edge of this parcel in one location

[02:35:29] uh mentioning the relationship of this parcel to the industrial site under construction that is where the fill is currently located that we would be they would be expected to use on the subject parcel adjacent to it is an industrial use 7740 is that area where a flood plane request was previously approved this is another location map just to show you again a closer in look of the site the red being the boundary of the site this is to show you a more

[02:36:09] updated aerial of the industrial site that's under construction and abutting uses and also this site in terms of its relationship to the industrial under development stormwater facilities are a use that's permitted in the floodplain so this site does serve as providing a location for that facility so switching gears to the zoning aspects of the property this is the zoning map and all of the blue is a property that's zoned light industrial it also includes over here where

[02:36:47] the woolen mills and willow tree is located is zoned commercial and then there is some rural area property along franklin street so this property and it's common that there are multiple zoning categories and multiple overlays of zoning so this special use permit request is specific to the flood hazard district overlay flood hazard overlay district excuse me and this match again shows you um in the orangish out orangish outline the boundaries of the parcel but then within that

[02:37:25] the 1.3 acre area that is um on the upper upward part of the site from moore's creek The blue shows you the entirety of the floodplain, and then again, there is the Ravana River and Moores Creek showing you the relationship between the two.

[02:37:43] I will say we're going to get into some specifics about the floodplain and the areas defined within the floodplain in our presentation, but it does narrow as you go down Franklin Street in terms of the floodplain in this area.

[02:38:02] Again, we mentioned that there are really two zoning districts that are part of the characteristics of this property, the base zoning, if you will, what we often refer to as by-right zoning. It's existing as LI.

[02:38:19] But the focus of this special use permit is specific to the flood hazard overlay district, which is very restrictive and would not allow development of the site currently with any industrial uses. The addition of the fill and those activities would allow that.

[02:38:37] But the criteria and most of our analysis has been focused on this special use permit in the flood hazard overlay district. Just a reminder, you know, special use permits are evaluated on a case-by-case basis. And we are looking at a number of factors that we will go over with regard to impacts.

[02:39:02] This is a slide you've seen before in terms of the zoning context, not only the zoning ordinance, but all of the other regulations that would lead up to this site even potentially being able to be developed with light industrial uses. We are at the step where they have preliminarily checked in with FEMA and gotten conditional approval, so we know that that is possible for FEMA to approve fill-in-the-floodplain requests, but that requires additional review with the locality.

[02:39:33] If there were to be any approvals on this site, then there are multiple additional steps and particularly to the industrial district, which is one of our more modernized zoning districts. There are tiers and there are some uses even in the light industrial district that are prohibited or require special use permits.

[02:39:55] But we are at this special use permit step, and we just like to remind folks, as we educate people at our community meetings and about our process, that there are all of these additional regulations. Specific to the special use permit step, these are our factors when we consider special use permits.

[02:40:14] And the biggest, of course, is a look at impacts, impacts that are specifically attributable or need to be analyzed in relation to a fill-in-the-floodplain request like this. And we look at whether there would be any detriment to abutting properties.

[02:40:34] We're looking at the character of the area. And then, of course, a big one that we always discuss is consistency with the comprehensive plan. so on the next slide i'm going to talk about the comprehensive plan and then we're going to come back to the primary criteria and tony's going to take over in terms of floodplain analysis and findings were required to make in terms of no rise in the floodplain which we were able to make in this case so this is our land use map all of the green is our green systems designation which

[02:41:06] includes properties that you saw on the zoning map which may already be zoned industrial usually i would say that the green system map includes properties that are in the floodplain, but it actually went beyond just the floodplain in this area. So it is generally recommended for areas where we have important resources, floodplain, steep slopes, stream buffer. Green systems doesn't necessarily mean that we expect any public access to these parcels. That's been part of the

[02:41:45] conversation with this property, and it doesn't necessarily mean that we expect a public park there. It may just mean that we want it to remain primarily preserved to meet conservation or other goals. So this indicates where those green space areas are, and then the blue does leave out the Ravana water and sewer facilities. Some of the strategies we mentioned related to green space areas and riparian areas in the

floodplain is that, you know, in our comprehensive plan, we want to make sure we're managing floodplain activities and they have the highest level of

[02:42:25] review and that we encourage native plantings and we discourage, which is already in the regulations, but we discourage anything that would raise the land elevations or what we refer to as the base elevation of the floodplain. We found that that would not be the case for this request. Because of the nature of the special use permit request and because the site is already zoned light industrial, and as I mentioned, we'd been focused on the technical criteria and the

[02:43:01] detriment findings under the floodplain ordinance we had not mentioned a lot about the Broadway blueprint and that came up at the planning commission and so the additional industrial land that could be utilized is certainly generally supportive of economic development goals we do want to recognize that this site is on the edge and was included in the Broadway blueprint study area that is a dark maroon color on this map

[02:43:30] And as such, the general goals of the Broadway Blueprint do seek to preserve the industrial character and opportunities within Broadway area. And we talk about supporting, this is an area that supports smaller scale industrial land and could provide those options for industries and support space.

[02:43:55] So more of a smaller scale startup area for some types of industrial uses. So we did want to recognize those goals in terms of when we said generally that it could be supportive of those other goals in our comprehensive plan related to Broadway Blueprint and the need for industrial in the community.

[02:44:22] This is where I'm going to switch to the specifics and get back down into the detail of the floodplain, fill in the floodplain request, and Tony's going to take over for a little bit and talk about how we arrived at our findings related to this request.

[02:44:41] I'm just going to go over, this is what we refer to often with special use permits as a concept plan. With special use permits, we very often want to be able to regulate where and how sites develop. So in this case, the concept plan is focused on the fill area.

[02:44:59] You've seen some other exhibits and sheets in their concept plan that show how the site could potentially develop with building footprints and parking. We have now reviewed that for all of the things in the ordinance that I showed you on the slide before. It's to show that they can meet some of the requirements of the ordinance, but we're not holding them to those footprints in the detail plan. This is in yellow, the outer area that we pointed to on the slides of fill, which is about 1.3 acres, 19 to 20 percent of the site. The

[02:45:31] remainder of the site again we've we've made you orient again Franklin Street is on the left now Morris Creek Lane is on the top of the screen but this shows you some distinctions as I mentioned earlier within floodplain generally there's floodway flood fringe there's stream buffer with the special use permit we're going to go over the conditions of approval and summarize this at the end But this is to show you the area where they would be limited in terms of disturbance and that the remainder of the site would need to meet landscaping requirements.

[02:46:09] It would need not just meet our minimum landscaping requirements, but in this case, there are additional conditions of approval we would recommend related to plantings in riparian areas, which we will go over. But I'm going to hand it over to Tony now to go over some of the floodplain aspects of it.

[02:46:30] Thank you, everyone. In this slide, I just wanted to make clear. Just make sure you're in the microphone, please. Sorry. In this slide, I just wanted to make sure that we were clear about the elements of the floodplain and what that means. This stream, again, Moores Creek is at the bottom of the screen, as you can see, And the area of flood way is the next blue line upward there.

[02:46:58] That marks the boundary of the channel, the main channel that's needed to carry the base flood elevation flow from a 100-year storm event. And that's what that represents.

[02:47:14] As you can see, the delineation by the yellow line there is where the fill limits is anticipated. And that would be outside of the floodway, so it shouldn't be physically impacting the floodway that way.

[02:47:29] Now, the floodway fringe is from that floodway line upward on your screen there where the pointer is. And that is the FEMA limit line that's been mapped for our area.

[02:47:46] So within that floodway fringe area, you're allowed to possibly fill. That, in this case, is in an ineffective area of flow, which is basically it's a still water area or a backwater kind of situation.

[02:48:06] And through that analysis, I believe the applicant will probably tell you later on that they had analyzed three different models to evaluate how this was considered and if it would have any impacts on the base flow elevation.

[02:48:28] In this case, it does not because the backwater elevation is maintained consistently no matter whether you had the fill in that area or not. So just wanted to orient everybody on that and how they arrived at this particular study.

[02:48:51] So our next slide is specific to those findings that are required for a fill-in-the-floodplain request, and that is that the fill would not, as Tony's gone over, result in any increase in the base flood elevation, and then as he also went over that it's not in the regulatory floodway.

[02:49:15] So we were able to make those... You could choke up on the mic. I can't hear. I'm so sorry. Thank you all for pointing that out, because I didn't realize it before. So, A on the slide, this is the criteria from the Flood Hazard Overlay District, and the primary findings that we are required to make is that the fill will not raise the base flood elevation and that it's not located in the regulatory floodway, and so we wanted to explain those distinctions, and we also wanted to explain what it meant that this particular area was an ineffective flow area

[02:49:53] and backwater area, and the applicant has a presentation that goes over that. And these other things are, there's a lot of regulation throughout the flood hazard overlay district about additional standards for construction and non-pollutant materials, and then we are able to ask for the additional information to assess these type of requests.

[02:50:19] In this case, we have done that, and we have developed some conditions of approval, if the board were to approve this, that relate to the concept plan and requires that development be limited to the yellow areas that we've shown you on the screen, that that would be the limits of disturbance.

[02:50:45] That is the primary element of this concept plan, and then that the site would not be filled beyond one foot above the base flood elevation. We have also added some other conditions that would require when site work would be completed, when steps to develop the site and address the current condition of the site would occur.

[02:51:14] We mentioned where the fill was located, and there has been concern about the amount of truck traffic on the city streets and the residential streets. And as the applicant has proposed, the fill is limited to the adjacent site.

[02:51:30] So we made that a condition that fill would be limited to what's located on site or abutting parcels. Again, with Condition 4, we are expecting that they are going through the steps in a timely manner with FEMA and our application processes.

[02:51:48] Condition 5 was developed to establish some specific expectations for replanting areas and additional mitigation. We worked with our conservation program manager to reference what we thought was appropriate for these riparian buffer areas taking into consideration the plantings that would require native plantings, plantings that

[02:52:19] would be habitat friendly. Condition six is to require twice the total required phosphorus load reduction. This is a condition to make sure that there is enhanced water quality. This was a condition that they wanted to make sure they demonstrated on their concept plan was achievable on site, so they have some ideas about how that could be achieved.

[02:52:44] And then sensitive to the information that we know about the historic resources in the area and our historic resources planning team, we've added the requirement for a phase one archaeological survey, excuse me, a recommended condition that would then become a requirement if you were to approve it, that that would be conducted prior to any fill activity or the required application, VESMP application, for any of the disturbed areas.

[02:53:14] Went through that very quickly. In summary, these were staff's findings. As I mentioned, the Planning Commission did recommend denial of the request. We've kind of summarized our findings here in terms of what the applicant has demonstrated and what's expected of the fill in the floodplain ordinance, which is our primary focus for for this type of request related to the floodplain when we're talking about substantial detriment to abutting properties.

[02:53:44] And then we have noted the concern about the parks and green systems land use designation, that industrial development would not be consistent with that. however it is limited to the 1.3 acre area and we have added some recommended conditions that would further goals towards preserving and enhancing the remainder of the property with plantings and we also mentioned the light industrial and broadband blueprint information so i hopefully

[02:54:21] you heard all that. Sorry about the mic problems. And I will pause for any questions that Tony or myself can answer. All right. Thank you. Supervisor Pruitt. I don't believe I have a question at this juncture. There's one or two that I think might be more appropriate for the applicant. Supervisor Lapisto currently. Right. I don't have any questions either. And thank you for the presentation. It was very comprehensive. Supervisor Missal. Thanks. I think I'll ask this now, but I might also ask this the applicant and that is when you you know i i mean i'm thankful for the expertise that i've

[02:54:58] received in thinking through this issue of the last i don't know year well half a year at least six months and you know everything we've been talking about is floodplain inundation it's water it's hydraulics impacts to downstream it's backflow it's displacement it's all these things that deal with hydraulics does staff look at the larger impacts to the loss of uh flood way in terms of habitat or other environmental impacts?

[02:55:32] Or is it pretty much the science that you have to focus on? Not that that's not science, but I'm just trying to figure out what your analysis is limited to or if it expands to those other areas. Well, I can answer the question in relation to the criteria we showed you with the technical explanation.

[02:55:52] But in this case, we are able to look at our recommendations of the comprehensive plan. We look at all of the information we have available as staff, I mentioned with our conservation planner, in terms of the information we have from our biodiversity work group.

[02:56:09] And the applicant also provides information as to what they can find in terms of known sensitive sites. So we do consider and make sure that we are consulting with others in relation to those other policy considerations.

[02:56:28] Okay. Thank you. Supervisor Duncan. If this was not approved, is there a way that we could require the native plant mitigation, the extra stormwater, or the archaeological survey mentioned in the permit conditions?

[02:56:44] No. Supervisor Malik. Thank you. Following up on a question just raised, you mentioned the comprehensive plan comparison and report from the Biodiversity Work Group.

[02:57:00] I did not see that in the packet. Can you help me with where to find that? So that may not be indicated in the staff report, but the development of the condition related to replanting and what criteria to use for that specific area was in consultation with that team, and they provide us comments in our new application tracking system.

[02:57:28] So there was not that detail provided to you in the packet. So it was a staff recommendation based upon the adopted chapter in the comp plan, not from the Natural Heritage Committee, for example?

[02:57:45] No direct response? No, there was no consultation with the committee, and it was in our documents that we have adopted or have available to us from the biodiversity work in general.

[02:58:01] All righty. You had also mentioned earlier or somewhere in the things about the relationship of this lot and the proposed fill to the industrial park site as basically a place to dispose of the extra dirt that they're not able to balance the industrial park site.

[02:58:21] Is that the official link? I don't remember that being when the board a number of years ago did the whole critical slopes to manage slopes and then the approval for the site up the hill. I don't remember anything from that discussion about off-site stormwater and off-site soil disposal and that kind of thing as part of that discussion.

[02:58:46] I may have forgotten it. I don't know. So I am not sure in terms of the Steep Slopes Overlay District request what was covered. I can go back to that slide, and what they have, maybe that slide is too far back.

[02:59:09] But this, I may need you to repeat the question, but this, there were no approvals or board actions that addressed overburden. There is always the option to haul the fill away to an off-site location.

[02:59:28] So we're not saying that this is anything that cannot be addressed. They have just said that in this particular case they have the opportunity or they'd like to use the fill that they have to utilize the other industrial parcel they own, if that makes sense.

[02:59:49] It does. The relationship term was what was new to me when I studied the packet, and so I was just trying to get extra information about where that came from. And the same thing with the stormwater that's on further to the east from the proposed fill area, or from the bakery, I guess.

[03:00:06] that that was part of the industrial park site across Moores Creek Lane? Yes. Bart is nodding. Okay, go ahead. So as we mentioned, stormwater facilities are a by-right use that's allowed in the flood plain. And it is part of, we use the time, if you use the term site broadly in terms of what site area is necessary to develop the industrial park, This property that we're talking about to add additional fill to has been utilized to serve that other, the actual construction of buildings.

[03:00:46] So that's where, when I say it has a relationship, that's what I was meeting. All right. Very good. Oh, dear. Let's see. Slide seven, maybe. There was a section in there that looked like a striped, looked like an elevation thing.

[03:01:05] Can you jump back? No, not that one. There was a white with black line map, and it had a whole series of, oh, there we go. So these things that I would associate as steep slope elevation lines going sort of left to right across that map, is that what that is?

[03:01:24] There is a band of preserved slopes that runs along that edge there. And there's waterway in the bottom of that swale, I would assume. That line, within that is the 100-year floodplain line. This slide shows existing conditions.

[03:01:43] So the black line is the 100-year floodplain right there in that swale. This line right here that I'm pointing to is the 100-year floodplain line, the bolder black line right there. Thank you. I just wanted to make sure I was understanding that correctly.

[03:02:00] Thank you for that clarification. Slide nine, I appreciate the blocks of work to come, but I think logically approval today means everything else will fall into place. There will not be other obstacles beyond today because, as you mentioned earlier, engineers have proven that this can be done.

[03:02:25] And so I just wanted to emphasize that this is the chance for the legislative decision that will be basically the only chance, I think, going forward for any board impact on the process. That was said at an earlier time, but I just wanted to make sure I was correct in remembering that.

[03:02:46] I am having a hard time understanding this versus the comprehensive plan green systems designation as being referred to as the big one in the special permit criteria. So if there's any extra information to go along with that, then I'm glad to hear it.

[03:03:05] Otherwise, I will keep going. Can you clarify when you said the big one? I was writing down what you reported when you were talking about the comprehensive plan as part of it. one of the things that was taken into consideration in the criteria, so I would just like to know how the recommendation seems to be totally opposite to what the comprehensive plan adopted map is, and so I'm just trying to wrap my brain around how that shift would happen.

[03:03:35] Well, maybe saying it was the big one, in hindsight I wouldn't have said that. But when we are looking at special use permits, In the nature of a special use permit is it might need some extra consideration.

[03:03:52] We might allow it in certain circumstances. When I refer to it as the big one, one of the primary focuses is on potential impacts and substantial detriment to other properties. These are not in

order of priority. It is listed as the first one, but the consistency with the comprehensive plan is very much part of the consideration of special use permits.

[03:04:16] In general. Okay. Yes. Very good. Thank you. Let's see. Okay, we'll come back with that later. Second. Later. Let's go down here.

[03:04:32] So the light industrial basically has been since zoning began on this before we, 1980 or so? It dates back to 1980 at least. So before we sort of knew about floods and hydraulics and all that other stuff. Just wanted to clarify that. I wrote down the terminology with slide 13, not holding them to these details in the final plan.

[03:04:56] This is a concept plan. So what would change if this were adopted by the board? We wouldn't see it again, but you're saying they wouldn't be held to these presentations. So what would change? So what happens within the yellow envelope?

[03:05:14] They have shown, and I can pull that slide up, and I know that the applicant will, but they have provided an exhibit as part of their concept plan that shows building footprints and shows parking areas. So when we say general accord, they would have flexibility in how they move things around potentially within this building envelope.

[03:05:37] So the fill area is meant to establish what we sometimes refer to on more detailed plans as the building and parking envelope. But it also needs to include their stormwater measures, and so that is what that was meant to clarify.

[03:05:57] All right, and the floodway comes right up to the limit of the fill. Is there a taper on the fill? I think the intention is for a retaining wall. Okay, so that was not mentioned anywhere that I could see. It was a long time ago, but I didn't see it this time, so that's good to get clarified.

[03:06:17] where did that go okay and the height of that wall may be something the applicant wants to say but do you have it nine feet nine feet is what's been proposed um very good and your map shows the floodway fringe crossing over franklin street and we know that historically that that's been known to happen so that's good to see but that's a recognition that waters do back up that

[03:06:49] time. Now, let me see here. A couple more things. I will not go through this right now. I'll come back to that later. Let me go through here. All right. I will, I guess, stop now with my questions and may have more later. Thank you very much. If you could go back to slide 10, a question kind of circulating in here. Number three, where it says, not necessarily on top of the point that was

[03:07:26] discussed, but it just popped out there. So that harmony part of the special use permit criteria, whether the proposed special use will be in harmony with the purpose and intent of this chapter with the uses permitted by right in the district. So just remind me, having this in front of us back then, if the floodway issue wasn't here, does this come before us?

[03:07:48] It's by right what they're wanting to do. If there was no floodplain, the site is already zoned light industrial, they would be permitted the by right uses that are allowed in the industrial district if they are seeking any special exceptions or any special use permits in light industrial for properties that aren't zoned, that don't have the flood hazard overlay, then they may come back.

[03:08:16] I mean, you can still debate and have conversation about how you feel about the floodway and the floodplain, which I'm sure we'll get into tonight, but Harmony is there relative to the fact that if it

wasn't but for that issue, this wouldn't even be in front of us. All right. Thank you.

[03:08:32] Do you, and the applicant may know it, the square footage of the building that's going to be built on here, do we have an approximation or an idea? I will let the applicant address that. But the building footprints were shown. There were several buildings. I think they ranged from about 2,500 to 9,000 square feet.

[03:08:49] Yeah, no worries. I'll ask the applicant and see if, and I'm not even looking for an exact. I'm just looking for a ballpark. I tell you what, it was a lot easier to understand this stuff the second go around than it was the first go around. And Fred's got one more meeting on all of us on the fact that he's...

[03:09:07] Supposedly, if there weren't a new application and significantly different somehow, it should be... I'm not talking about the application. I'm talking about understanding the engineering of the floodways and the floodplains and the... There's still time yet. We can still confuse it. You can want to confuse me later? Oh, that means Supervisor Pruitt's going to bring up some interesting words.

[03:09:26] He hasn't done that in a while. All right. I will open the public hearing and... Once the vice chair has his snack, he will read the rules for the...

[03:09:42] I thought I would time it perfectly. You did time it perfectly, as far as I'm concerned. Vice chair Misse will read the rules. I'm imagining we do have sign-ups for this item, and we do have an applicant. Do we have anyone online, Glennon? Just in person.

[03:09:59] So you're in public hearing and in... Here's something down below there. I don't know if that's it. I see a little. All right, here we go. During public hearings, the board will acknowledge speakers addressing the item listed for public hearing.

[03:10:17] Speakers are limited to one appearance of three minutes per public hearing item. Applicants are limited to a 10-minute presentation of their proposal and are allowed a five-minute rebuttal at the close of the public hearing. Timekeeping is conducted through a timer, a light system at the podium. The green light will go on when you begin speaking, which begins your allotted time.

[03:10:36] 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. If more than 10 speakers are signed up to speak, the time allotted to speak may be reduced to two minutes. The yellow light will indicate you have 30 seconds to finish speaking. In order to give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines.

[03:10:56] When addressing the board, state your name, and if you live in Albemarle County or Magisterial District, address comments directly to the board as a whole. Any written statements or other supporting material may be given to the clerk. If representing a group or organization, you may ask others present to raise their hands in recognition. Speakers may not share any unused time with another speaker.

[03:11:14] 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. Thank you. All right. Very good. Good evening.

[03:11:31] Kelsey. Good evening. Good evening, Chair Galloway, members of the board. My name is Kelsey Schlein. I'm a planner with Tata Line Planning and Development Services. Here with me tonight is Brian Sahaki with the Timmins Group. Matt Denard, his colleague, is also here tonight as well.

[03:11:50] They are the two engineers who put in a ton of work on the floodplain study that was submitted as part of this special use permit request. Also have Tim Miller, who's the design and stormwater engineer on the project here, and Chris Donaldson, who is the property owner and developer.

[03:12:11] So everyone, full team here tonight to answer questions, I know this is a complex issue. So I am going to break industry practice of sharing well-put-together presentation slides that have limited text and easy-to-read graphics, and rather show you five or six slides that are full of text, because it is critically important to give this text some time and attention because the following slides are the regulations from your ordinance regulating flood plane development activity. Based on the public comment received at the Planning Commission,

[03:12:50] I think there's a perception that if this application is approved, it would permit the developer to do whatever he wants on the seven acres and unilaterally make the decision to fill across the property. That is fundamentally not true. Flood plane development activity is some of the most, if not the most, heavily regulated development activity in Albemarle County, and this is for good reason. The flood hazard overlay district exists to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for

[03:13:29] flood protection and relief, and the impairment of the tax base. These applications should have an incredibly high bar to come before you, and this one meets that incredibly high bar. This application has been thoroughly reviewed and scrutinized by both local and federal officials and meets not only the high standards put forward by FEMA, but also even higher standards that Albemarle County has in place. So I just wanted to kind of outline some of the standards that we have to meet, including minimize obstruction, protect against erosion, non-polluting,

[03:14:07] certification by the floodplain administrator. We also have some additional prerequisites to development, required permits and certifications that we need to meet. And I wanted to call out this one piece of text in the code, that adverse effect on capacity of channels and floodways is prohibited. Under no circumstances shall any development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

[03:14:38] This application meets all of these criterias and will continue to as it moves through the process. and just a few more text items here just to kind of outline everything that we have to go through. So the floodplain review process, just to get before you tonight, an incredible amount of work in engineering and study of this site has already gone into place.

[03:15:04] So the Timmins group obtained the current FEMA floodplain model from FEMA. They then perform a very technical study that uses, you know, precise survey data for this property and the surrounding area and also takes into account impervious surfaces and anticipated impervious surfaces in the area as well to consider the flood, the impact to the floodplain.

[03:15:30] then Albemarle County concurs. They reviewed and concurred the application from Timmins, complies with the floodplain overlay district, and FEMA ultimately approved the conditional letter of map revision. So that will then have to formally go through the full letter of map revision process. But as of now, just to even get up before you tonight, a ton of work has been done to determine that there is no rise and that there is no impact to adjacent properties from this special use permit request. The site context. So the site is very much in a historically industrial

[03:16:10] area. I think kind of the industrial character of this area was established, you know, 150 years ago with the establishment of the Wool & Mills Wool Factory. From there on, the Broadway has kind of been a significant light industrial corridor for Albemarle County, and development of this site would be directly consistent with the context surrounding this area. I do want to note, and as Rebecca noted, the property is within the Broadway blueprint, and I just want to kind of call out

[03:16:43] some highlights from that or what that blueprint sought to establish for this area. Some text from that document include generation of additional tax revenue for the county through increased economic vitality, increased passive and active recreational opportunities, including access to river and Rivanna trail system, placemaking opportunities for area that is adjacent to city neighborhoods and within one and a half miles of the downtown mall. All of those things are achievable on this site. This site is seven acres. We are proposing fill on 1.3 acres of that site,

[03:17:21] less than 20 percent there are still ample opportunities for recreational future trails whatever the you know plan may come down the pipeline um for this property to to serve that goal that is outlined in the Broadway blueprint um so just kind of this is an overview uh of the property and so the site uh kind of to the south i would say bottom of your screen this is the concept plan that was presented with the special use permit. The blue area is showing the limits

[03:17:55] of fill area. And then this development is the Woollen Mills industrial subdivision site that's currently under construction. The pink building here, just to orient you, is the building that's currently under construction. All fill that would be placed on this property would come from a stockpile that is currently staged on this property. I do also want to note that the limits of the fill area at the closest point is 375 feet from the stream. When we talk about

[03:18:32] environmental protection and we talk about was that considered, this is nearly double the riparian requirement for reservoirs in the county. For the water protection ordinance buffer, there's 100 feet either side from the bank of stream for reservoirs, that's 200 feet.

[03:18:56] Any fill land disturbance is nearly double that requirement in the water protection ordinance. And so I really just want to call attention to that fact that we have a significant riparian buffer. And with the approval of this, we will have an even more robust riparian buffer as there is a strict requirement in the conditions for approval for a very detailed mitigation plan as well as some very, very strict stormwater management requirements. And then this is just calling out the stockpile that I mentioned to you all a minute ago. Another item, you know, that I

[03:19:35] want to note, you know, this is construction. There's construction going on across the street. Construction is an impact. We all have an impact in the houses that we live in and the places that we worked in the roads that we drive on these are all impacts there is an excess of dirt on this property and this is a fill site is just a few hundred feet away the dirt will move off the site this is a convenient location that ultimately you know limits broader environmental impacts by

[03:20:09] trucking that fill to permitted fill sites throughout the county or even beyond the county limits. And so this is minimizing construction traffic in a very convenient location. And additionally, to go back to the floodplain, it's been determined that there is no rise and no impact to adjacent properties from this proposed fill. So it just really makes a lot of sense.

[03:20:41] And then I also just want to call out that 80% of the site is dedicated to open space or stormwater. And we have nearly 400 feet between our proposed development and the edge of the waterway. And lastly, I just wanted to bring up some more words, but call our attention to the robust conditions that staff has put together.

[03:21:05] And I want to thank staff for all the time and conversation with us and working through these because I think we have a really good project here. And I think it makes a lot of sense for the construction that is going on.

[03:21:21] And it also, you know, preserves a significant portion of the site and will require additional mitigation and stormwater treatment that would not happen otherwise. Thank you for your time.

[03:21:37] Thank you. Thank you. We'll go through for questions for the applicant. Supervisor Pruitt. During the previous time this project came before the board, there was a discussion about the type of mitigation that was going to be done because there was, I think, an inadvertent conflict between what was agreed on in the proffer and what had been notionally planned, knowing that final plans weren't required yet.

[03:22:03] Has that been, it was over the credits versus actual plantings issue, if I'm remembering correctly? Yeah, absolutely. Can you tell me how this project might have evolved since then on that particular point? Yeah, so absolutely. So the purchasing of nutrient credits would not be permitted if this was approved.

[03:22:23] And then we would have to provide twice the total required phosphorus load reduction, which basically means that any other site in the county that typically uses, you know, most economically uses a combination of nutrient credits and some on-site treatment or potentially on a lot of sites where they can purchase more nutrient credits, this site will provide double of what any other site in Albemarle County is provided to require for stormwater quality treatment.

[03:22:56] I remember, and I recognize you might not have a notional drawing of it, I remember a concern that was expressed was just the physical space of the property to actually accommodate that much phosphorus load accommodation. i i gather that's something that y'all are are quite confident on yeah yeah well absolutely and i think we're you know this this request is is for filling the floodplain we've analyzed that we meet all the requirements of the ordinance we have staff's recommendation for approval you know we wouldn't be here before if we didn't meet all those things for the stormwater item specifically if we if you know we get into the details of the design we're confident we can meet

[03:23:35] it if there's any reason we can't we have to reduce our impervious footprint and that's how it's all for there's a lot of information in my packet that was not in my packet last time or i didn't catch it because we didn't talk about it last time and it's about bald eagles and long-eared bats um and where where long-eared bats are breeding which i have not thought of in this context you know i have a cousin who works in the building trade she thinks about long-eared bats a lot because it becomes a problem when they roost in in client homes but uh help me out here what do i make of this i know it came up during the planning commission and it kind of i think took

[03:24:12] some people by surprise because it was an issue of first impression yeah um so i mean i think as far as the there there is a protected bat species um now and you know what i guess what i should say you know if construction activity occurs and there's you know a protected species found those measures in

place um you know to ensure that their habitat isn't compromised the bats in particular you know have put limitations on times of year when they're when land clearing can occur but there is nothing related to either bald eagle roosting or long-eared bats that present an

[03:24:47] immediate threat it would be a matter of if you're clearing and you stumble across up i don't know what the collective noun for where a bat lives a cloister of bats you have to suspend operations or something help me understand the practical impacts as as it translates to this yeah well Well, there's, I mean, there is a, a few years ago, there was a kind of a prohibition put in place for tree clearing during certain times of the year. And so that's going to have to be followed to, you know, kind of ensure that that habitat is not compromised. So that will be

[03:25:19] followed. You know, anything beyond that, you know, I think a lot of that concern is going to be covered by these conditions that are put in place by staff just for habitat preservation. I am pausing for a moment to see if there's other questions I had.

[03:25:39] I don't think I do at this stage, but maybe come back to me. Supervisor Lupisto-Kirtley? I'm glad you brought up the bats because I have on my windows, in my windows I have shutters. I found a whole slew of bats behind one of the shutters.

[03:25:59] And I had to spend about \$5,000 to safely convince the bats to move to a different location, but it had to seal up the house. But out in the wild, I mean, I don't see any areas out there because usually they like to congregate in a small area, very small, like a bat house, which I ended up buying also, but in a small area where they're protected and they can keep warm and such.

[03:26:34] I mean, this is all open area, so I'm a little surprised by the bat influx. I mean, yeah, honestly, the mitigation plan that's required will establish a much more robust tree canopy on the property than what exists today.

[03:26:52] Okay. Okay. So, therefore? More habitat. More habitat for the bats or anything else. Right. Because I notice in the report here, there's generalizations about different areas in the county for different types of animals, but nothing specific except that you're mentioning the long-eared bats, right?

[03:27:14] Is there any other, has anything else been identified, any other riparian habitat of note? Not, I mean, not that we are aware of. And, I mean, I think that there's already been, because a portion of the site was formerly, the stormwater facility location has moved throughout the construction.

[03:27:39] And so there was a, I guess what I should say is, you know, This site was permitted as the stormwater facility treatment area. And so, you know, where the current stormwater pond exists and around that, there's already been significant clearing.

[03:27:55] Approval of this permit would require reestablishment of a canopy, honestly, at a much more robust rate than would occur without additional plantings. That would be required from this. Okay. And I'm just going to bring something up. I know there's a stockyard that is over 100 years old that is further down the road.

[03:28:15] I venture to say the bats are probably in there too because they look for, you know, small spaces and attics and everything like that. But enough about the bats. The riparian area, that is important. But I understand that's in the floodway, not in the flood fringe, which is what we're talking about, but in the floodway.

[03:28:37] and that's going to be mitigated through different native plantings and everything. That's from what you all have said, correct? Yep, absolutely. And that would actually make that area nicer because, as it is right now, that's not an area I'd want to walk in.

[03:28:58] I've been there a number of times, and that's not an area I'd want to walk in. But I think maybe the plan, it would possibly even connect to a larger trail system. Yeah, I mean, if there's – on our plan, we actually have a – we have, like, an easement reservation shown.

[03:29:17] If – you know, there's not – the county currently doesn't have a plan in place specifically for a trail on this property. If there was, you know, absolutely, we would accommodate that request. But what we did was on the concept plan, there's a line shown as, like, an easement reservation area.

[03:29:33] Okay. And nothing has been done or could be done because it is private property, correct? That's correct. Yeah, a dedication would have to, an easement would have to take place for the county, yeah. Those are all my questions right now. Thank you. All right, Supervisor Missal. Thank you.

[03:29:49] Thanks for all the work you guys are doing on this. I have a question on one of the slides that I don't remember the number, but it showed, it was one that was referred to, I think, by Supervisor Galway. Number 10. Thank you. That's probably right. And that was on Rebecca's presentation.

[03:30:04] Oh, sorry. So, well, let me ask you this way so you don't have to go through that hassle. Is the grading that's shown as built grading, or is it not as built grading? That is a recent site survey that shows.

[03:30:20] It is a recent? Okay, gotcha. And you did topo? Yes. Got it. So I appreciate the invitation to go out there and walk the site. And I admit that I wimped out a little bit, got cold and rainy towards the end. So I drove by the site, and I noticed, obviously, there's some film material.

[03:30:35] It's already been put there. There's some dozers parked there, I think. Yep. I saw the history, read the history of the past work. Can you just give me a little more insight into why that material is there? Yeah, absolutely. So all of the fill that is currently placed on the property is from the stormwater facility.

[03:30:54] Oh, that's right. That's on the site. It's moved over. Yes, it's moved. So all the fill that's there. And that was done without approval. It was done with, I would say, a perceived approval from the inspector who was working on the property at the time.

[03:31:12] And so the county inspectors for stormwater plans, they come out after rain events. They come out every couple of weeks, inspect things. And I think it was really just a, you know, thought that the whole site was permitted, didn't realize that, well, the whole site was permitted pretty much, but didn't realize that moving the dirt from the storm pond elsewhere on the property that was subject to the WPO was a specialties permit request.

[03:31:40] Basically, it was a violation of the specialties or a violation of the existing zone based on this. And it existed like that for probably a year or so before a new inspector came out to the site and said, whoa, hold on, this isn't a floodplain. Ever since that happened, that's what snowballed this whole process of, oh, okay, there's an issue here.

[03:32:01] The owner had to hire a bunch of consultants to do a flood study and figure out how to move this forward. But that's where that film material came from. And then as the old topography showed that film material being in place? Well, I believe so. I should ask Tim Miller, though.

[03:32:17] It didn't look like it, but maybe it looks like it was kind of flat in that area. It didn't seem to have that extra film material. Yeah. Just curious as to what the extent of that film material already is. And if we're looking at drawings that don't show it, does it need to be removed? Just a thought.

[03:32:33] Yeah. Other question. I know when you're doing your calculations, maybe a question for the engineer, but we've talked a little bit about Planning Commission and other venues, the fact that we're seeing more frequency in 500-year storms, And we're still designing for a lower year, like 100-year storms and so on.

[03:32:53] When you did your calcs, remind us of what you did to accommodate the, or maybe you didn't, because it's not really regulated yet. But have you measured or have you included in your metrics any allowance for that additional increased frequency of higher-impact storms?

[03:33:14] What I would say is there is some consideration in what FEMA requires to be studied. So we look at the 100-year floodplain. We also look at the 500-year. The 500-year actually isn't regulated to date. I'm sorry, if you could lean into the mic.

[03:33:31] The 100-year is what is regulated to date by FEMA. The 500-year is also typically studied to know what that looks like. And that kind of is the forecasting of a larger storm event, perhaps a more intense storm event. So it gives you some measure between the two of the sensitivity of the stream.

[03:33:49] But until legislation is passed to change the regulation, obviously the regulation is what we have to go by to make it fair and consistent across all applications. Got it. And excuse me, but just for a matter of record, if you'd introduce yourself and your role.

[03:34:05] Sorry, Brian Saki with the Timmons Group. Thank you. Ms. Schlein, thanks for also mentioning, I hope you don't mind me mentioning this here, the grant opportunity and for sending that information on that. Could you talk a little bit about that? Yeah, absolutely.

[03:34:20] So when we were talking about the mitigation plan and kind of, you know, how to get that right on this property, you know, we explored some grant opportunities to see, like, what might be available to make this work, to, you know, meet all of these requirements, kind of just given the amount and cost of everything else, of providing double storm water and everything.

[03:34:45] And so we looked into a few grants, one of which was a Department of Forestry grant that is for property owners in rural areas, urban areas, suburban areas. So it's kind of wide open. And actually properties beyond 300 feet from the stream are ineligible for that grant.

[03:35:05] And so, you know, when we were looking at this, When I was trying to explore grant opportunities for my client, I was like, you know, this seems like a good one, but unfortunately you're actually ineligible for it on specifically where your flood impact is, where your fill is, because you're beyond 300 feet from the stream.

[03:35:25] Thank you. So that grant would not have provided any additional planting or any mitigation in the buffer area, that 300-foot buffer area, it was for the site itself? Correct. So, yeah, so the grant, I would say, sorry, excuse me, the grant could work in that buffer area, but it could not extend into the fill area.

[03:35:46] But it could be leveraged for that buffer area. Yes. Yep. And that wouldn't be a requirement of construction. That could be something anybody could take advantage of. Absolutely. Yep. And so, yes, and so I should say, yes, it is eligible for the riparian area, ineligible for the area where we're proposing fill.

[03:36:05] Got it. I think that covers it. thank you absolutely all right supervisor malik oh i'm sorry supervisor duncan right past miss duncan sorry um so you said the fill is going to be moved regardless um and then in the application it said 1900 truck loads so if this was denied um are there possibilities where it would go um like how big are the trucks how many weeks does it take to move that fill i'm just trying to get like an idea of what it would look like out in the county to move that much dirt yeah

[03:36:40] absolutely um so you know your kind of standard dump truck size 1900 of those um and uh you know that kind of goes as shorter as long as as the you know guys who own those trucks have capacity to accommodate um and then as far as yeah where where the fill would go it would might might travel 10 miles might travel 30 miles is this like a few days to move it is it weeks like weeks okay yeah that's all i have right now absolutely all right supervisor malik thank you very much

[03:37:19] um all right jimmy back here council where'd she start okay um hard to go linear here because i've been writing down other people's wonderful questions that need to follow up the we'll just start here the focus has for all the technical expertise that you all have is if i understand it correctly focusing on the downstream and saying it's not going to raise the flood wave but there's no discussion about the loss of water storage on the area you're planning to fill.

[03:37:57] When there's high water, the water goes there. If it goes across Franklin Street, it certainly goes on this area. And then, secondly, what happens upstream? Because with the backwater, the high water can't go into the river, and so then it needs to go somewhere else.

[03:38:13] And if you're filling this whole area here, 50,000 or so square feet, that's going to change the way the upstream is going to be able to leave. So I would love some extra information about that.

[03:38:32] So the way that this is functioning, I'll just kind of step back and give a little bit of a broad sense of it before I answer the specific question. But there is a function of time happening here where Morris Creek is the smaller stream.

[03:38:52] In this case, the Rivanna River is larger. So what's happening here is Morris Creek, the peak flow comes down Morris Creek, rises and subsides. Hours later, the Rivanna River peak flow comes down and rises and then subsides.

[03:39:09] And what happens is as the Rivanna River rises up, you can see this 324 elevation right here at this cross section. And what happens is the Rivanna River essentially just spills over, creates an equilibrium that just equalizes up Morris Creek.

[03:39:27] When these rivers are studied the way that FEMA requires it, that sort of volume is not considered. It's an equilibrium. So the fill that we place here has no impact to the modeling of the Ravanna River.

[03:39:48] Okay. I mean, I don't understand it, but that's what the math seems to say. What is the characteristic that's there right now? It's sort of pothole areas.

[03:40:04] It's watery with some high ground with trees on it. the the land character that's there 1.3 acres yes what's there now i'm not stomped around in the briars down there yeah absolutely so there is um there's it's cleared towards the front of the site where the fill was placed from the stormwater facility that's over here yep and so the front portion of the site uh is clear um and then you know there's um kind of a little bit of tree canopy this portion of the area of the site was oh thank you that's very helpful if you have it

[03:40:41] If you have a recent aerial imagery or street view. So they're large trees that you're going to be tearing down, it looks like, here. Everything here on the frontage. I see concrete bollards and then everything to the east, south of that, is where the narrow frontage is.

[03:40:59] And you're saying that this isn't thick enough. You want to do more in your recovery than what's here now. Since you were going to do twice the plantings, where would you put them?

[03:41:15] Oh, so all the planting, the mitigation area, so if you, I don't know if you have a, I might have a recent aerial here. Here we go. This is kind of helpful. So this is, this area and kind of all of this area was previously cleared for the stormwater facility.

[03:41:33] So this is the target area of the mitigation planting because that area is currently cleared of tree canopy cover. So the trees in Mr. Pruitt's picture are shown where these brown envelopes are shown right here.

[03:41:54] If you're looking at street view, you're probably looking at these trees right here. So that's forested there. And you mentioned, so isn't there currently a stormwater feature right there on Morse Creek Lane? Thank you. Yes, there's one right here. And that one is current and operating?

[03:42:11] That is correct. And that's for the industrial site up above? That's correct. So that's been there for years. Where did the fill come from that's currently up at the street? That fill's been there for years. That's currently up at the street. Oh, I thought you said it was a year.

[03:42:27] No, I'm sorry. I said, excuse me, so the fill was there for a year or two before it was realized that there was even an issue. Okay. Yeah. So, all right, that helps to put some things squared away.

[03:42:43] Let's go down here a little bit more. So talk to me about the loss of storage when you get high water, because it's going to impact it being able to go up and cross into Franklin Street. And so it's going to go upstream where there are a lot of new houses now up toward Keystone Place area.

[03:43:01] There are a dozen or more houses, a lot of them up on stilts to the south. Yeah, so I might ask Brian to step back in here as well. But this is a super unique condition on this property as it is a backwater condition.

[03:43:20] that is not the case across the majority of floodplains in Albemarle County. There are only a few properties. If you go back to Brian's image here, this line is the end of the backwater condition. And so in that, and why I showed you this is because as Brian mentioned, the water in the backwater condition is reaching equilibrium. It kind of exists. If you placed fill here,

[03:43:56] all of this water would still pass through the channel. There would not be a rise. And so it is unique to this property and the property is directly adjacent to it that they are controlled by a backwater condition, which is not that water. If water ever goes into the site it's not really you know that the site really isn't serving the capacity of the river to drain the water off of the site and these are somebody mentioned oxbows sort of small

[03:44:33] curvy waterways and is that in the area in your map your stripy area inside the site here again that was discussed at the planning commission because those are may not be water important but there's certainly habitat important. I wouldn't necessarily say this is, and Oxbow is a kind of example of something everybody could relate to, to kind of understand what's going on with the water here, where it

sits, it doesn't move, it just rises with that equilibrium, but it's not constantly wet. So there's no habitat there to speak of, we're replacing fill. So the natural

[03:45:09] constriction is in this area. There may not be bass and trout, but there's certainly habitat. Let me correct myself. Aquatic habitat. So inside the site on the red stripy area now, that is the area that's not going to be disturbed?

[03:45:26] Correct. Except for your mitigation area, which is a little bit of the blue, that's going to be returned to forest cover? Correct. And the stormwater area will stay the same, and then your main disturbance is in the gray? Correct. And did you say there's new stormwater effort in the gray as well?

[03:45:44] Correct. There will be brand new stormwater in the gray to support the development at two times the required water quality treatment rate for the conditions. So is that a mechanical thing? Are you not going to be able to achieve twice the phosphorus in a biofilter type thing?

[03:46:01] I myself haven't designed it, but what I recall Tim Miller saying is he was looking at manufactured products like a jellyfish structure, which is filtration. And he crept up behind me if he wants to elaborate. hello tim miller with meridian planning group uh this this current submittal shows the development of buildings and paving in order to determine the amount of water quality that's going to be required if and when this gets developed that was then used to determine two manufactured treatment

[03:46:39] units and would provide the twice the removal on site of the water quality and it is part of the concept plan that's submitted they're called jellyfish units and they're in sequence so first one takes out half the nutrients second one takes out the rest of the nutrients and then it's discharged into a level spreader so this is buried underground in a big buried underground in a giant conduit is that uh no it's within these two structures are i think both uh eight foot diameter

[03:47:16] within the site that's being filled inside the retaining wall, and then it discharges through the retaining wall into a level spreader to discharge the stormwater through the buffer.

[03:47:32] Can anyone provide any information about what happens to the velocity below the retaining wall? Because I know in the Connecticut River in the 60s and 70s, all the wealthier communities were building breakwaters to protect their lowlands, And then they found out that the fire hose effect below was really wiping out the next community that came along.

[03:47:54] So how will your retaining wall, nine feet high, be impacting the speed of the water down? Sure. And the retaining wall isn't necessarily relative to the velocities. But let me give you an example of if, say, there was an area that was contributing to the flow of the creek or the river and you fill in that, you most certainly would have an impact on velocity and potentially water surface.

[03:48:21] In this case, because this area is not flowing, there really is no velocity. So there's no effect or change to velocities. There's no rise to floodplain. So there is no effect. Okay.

[03:48:38] Let's see. The unpermitted fill that was there from the stormwater facility, there was apparently concrete brought down and crushed.

[03:48:54] That was not from the site. that was just something that was a disparity between the presentation and what was in the record before from the application yeah maybe not a disparity i would just didn't have 10 minutes to cover it all um but the uh the the crushed concrete is from the rwsa facility

um and that was you know another kind of question run by the inspector um and so and that sat there for a while before you know being realized that it was was an issue but it was not removed after the

[03:49:32] June denial that's correct curious okay uh let's see i guess i'll stop there for now thank you very much um the proposed building envelopes can you give me a rough idea of the square footage that would be achieved by one three built you know the total square footage of the facilities there Yeah, and Tim might have a better idea of this, but I believe I'll let him step in.

[03:50:06] On the concept plan, the total building footprint adds up to about 20,000 square feet. And I saw on the concept it was like two or three. It's like each building designed to be one entity, or would there be like a couple of things if they got to that point in the business plan?

[03:50:25] There you go. So I see four structures. Is that like, oh, those are four things that will be used or put out there or leased or whatever? It most likely will become condominiums like on the development that is currently under construction. Those buildings are all condominium, land condominiums.

[03:50:43] Right, so you could have multiple things inside of each building? Sure, sure. And break it out. So the total of all four is about 20,000 square foot? The footprint, yes. Thank you. And a group of bats is called a colony?

[03:50:59] Thank you. If you're trying to be evocative, it could be a, it's not a cloister. Look that up. It could be a cauldron if you're feeling evocative, it said. That's what Google told cauldron next time. We have a cloister of applicants here in front of us.

[03:51:15] All right, we are going to go to our public comment. Those are the questions I have. So we're going to bring up members of the public. Mr. Missal will lead us through that. All right, thank you, Chair. So we do have a number of folks signed up. Looks like we have six and one online. We'll start with Alana Horning.

[03:51:33] And just as a reminder, if you could adjust the microphone right to where you're speaking from, and you have three minutes thank you uh hello my name is alana horning and i live at 720 franklin street approximately 100 feet from the floodplain that is currently under discussion i do appreciate the opportunity to speak today in the hopes that the board will remain consistent with its well reasoned denial of this proposal made seven months ago which was also recently reinforced by the commissioners a few weeks ago a main argument that has been in favor of this project is that

[03:52:10] the land is zoned for industrial use. However, zoning decisions made decades ago were based on conditions and environmental understandings that no longer reflect today's realities. As some of you have mentioned before, just because something can be built does not mean that it should be built. We would not rely on flood maps, building codes, or emergency response plans from decades ago and assume that they still protect us today. As climate patterns shift and flood risks increase responsible governance requires decisions that reflect current risks, not outdated assumptions. So in my perspective, this does not have harmony because there is a floodplain. If

[03:52:50] there was no floodplain, it would be in harmony. When we last approached this proposal, some of you were persuaded by the assumption the proposal would generate financial benefits for both the local community and the county. However, from my knowledge, those claims have not been substantiated.

[03:53:05] the proposal contains no set commitment to local employment, offers no evidence that the community would share in any economic benefits, nor does it demonstrate how this building would generate revenue for the county at all. Because the intended use of the building or buildings have not actually been clearly defined or required, there have been suggestions.

[03:53:28] So any claim of economic gain still remains speculative. Without a defined purpose, there could be a possibility that the floodplain is filled with no building ever constructed because after tonight you know where are the checks and balances so providing no meaningful oh no meaningful return to the community so projected financial benefit I don't think should be relied upon as a justification for approval of this proposal this proposal is not occurring in isolation the surrounding community already bears the burden of industrial development like you all have seen already, and the suggestion that this is simply one more building or only an acre out of

[03:54:07] several acres disregards the cumulative impact on residents, ecosystems, and a floodplain that plays a critical role in environmental stability. The neighborhood and community has clearly expressed opposition, and I respectfully urge you to deny this application again and to reaffirm the same commitment and environmental stewardship and community well-being you all demonstrated just

[03:54:29] seven months ago. Thank you. Thank you. Next up is Eli Connell. Thank you. My name is Eli Connell and I live with that fine lady. So most of us here understand the importance of light industrial development. I don't think that's at all in dispute. Almar County needs economic growth.

[03:55:01] The question before us is whether this particular site is the right place for that growth or whether this land currently serves the community better as an intact floodplain. That question matters because floodplains are not just undeveloped land. They're functioning parts of our water system and provide a limited, unique ecosystem. Once they are filled, their storage capacity is permanently lost. We don't replace floodplains elsewhere, and we don't create new ones to offset what's been removed. When we look at need, it appears the county is not facing an imminent shortage of light industrial land. The 20-year estimate, high-yield estimate, suggests that a

[03:55:38] long-term demand is five times lower than what is currently available I think. I'm not trying to not raising debate on the precise numbers but to ask a simple practical question is there a demonstrated need to use this floodplain now as opposed to other industrial land that already exists land that don't come with these same kinds of compromises. That question becomes more relevant when we consider the nearby development. There's 160,000 square foot industrial building that's been under development for many years now and seems to have stalled out. It's recently picked back up though. Is it fully leased? Is it partially leased? Is the demand strong enough to warrant

[03:56:14] additional floodplain acreage today? Understanding that context helps clarify whether this proposal responds to a real need, has significant merit, or is really just a convenient place to put this fill that's from this other development. We also know that Alamo County is capable of planning industrial growth thoughtfully. The Rivanna Futures Project is a good example. It's a coordinated effort with infrastructure scale and clear economic vision. By comparison, this site It has limited road access, it has potential monochic and cultural resources, it's adjacent to a low-income residential neighborhood, and it borders an ecological preserve.

[03:56:47] Taken together, these factors raise reasonable questions about compatibility. That appears to distinguish this site from others is not its physical suitability or access to infrastructure, but its historical

industrial zoning. Zoning is an important planning tool, but by itself does not resolve the floodplain constraints, infrastructure limitations, or land use conflicts present here.

[03:57:07] What makes this decision especially important is that costs are irreversible. Filling a floodplain permanently reduces the floodplain storage and alters natural water movement. Even where regulatory standards are not technically met, when they are technically met, the lost floodplain function is not restored elsewhere.

[03:57:23] Once filled, the capacity is gone permanently. The comprehensive plan is clear that natural boundaries like floodplains and stream buffers are areas to protect and avoid. That guidance exists precisely to help weigh decisions like this one. Over the next five years, Atmore County will not be adding any new square footage of floodplains, but will see significant industrial development.

[03:57:42] Given the available land use, lack of clearly demonstrated need for a specific site, the permanent loss of floodplain fill this represents, and many other compromises the development demands, I believe this land currently provides more value to the community as a functioning floodplain. Thank you. Thank you. Next up is Bill Emery.

[03:58:00] Good evening. Good evening, Supervisors. I have a prepared statement this time, but I did want to clear up one or two things.

[03:58:21] Ms. Schlein commented that historically, the Broadway blueprint acreage has been industrial. In fact, if you look at a 1937 aerial photo, you'll see the Herndon Meeks Haggard House on the western part of the Blue Ridge blueprint.

[03:58:45] That's the house that was associated with the stone wall that's still along Franklin Street. And the eastern portion, instead of being an industrial park, was a park that was a commons for Woolen Mills residents that had recreational stuff.

[03:59:02] Plus, they could keep cows up there and come over once a day and milk them. I hope after discussion and careful consideration you will resolve to deny the special use permit request to place fill in the flood plan.

[03:59:22] Deny finding that the proposed special use would be a substantial detriment to adjacent parcels. It would change the character of the adjacent parcels and nearby area.

[03:59:42] It would not be in harmony with the purpose and intent of the zoning ordinance. It would not be in harmony with public health, safety, and general welfare, and it is not consistent with a comprehensive plan. Additionally, it's my hope in the near term that you will consider revitalizing the tools available to realize the purpose and intent of Municipal Code Section 33.1 to prevent harm to the flood hazard overlay district while simultaneously reaping the benefits of ecosystem services

[04:00:18] provided by Albemarle's riverine systems to inhabitants of the county. Finally, regarding the parcel, I'd like to know what steps will be taken to correct current conditions on the site to bring it into compliance with 3311 if a special permit is not approved.

[04:00:42] The zoning is stale. This is 1969 zoning that Rosser Payne threw around the city to wall off further annexation attempts. It was not well thought out. You guys have great brains. Think out good zoning for the area.

[04:01:02] I wrote you a thousand word letter earlier today where I put forward some ideas. Thank you very much for your service. Thank you. Next up is Jenny Milchowski. Thank you, Anne. I want to clarify that when the site was clear-cut and filled, as it was early 2022, I checked my email earlier, that's when the grinding of the gravel started, and it was the clearing of the trees that first alerted me to the records where I found the Monacan archaeology

[04:01:42] reference. Also, I hope you got my emails yesterday and the day before, just noting though now here that there's 14 acres of other private property lots in this floodplain, two currently owned by SHIMP Engineering, and one is the livestock yard, which is, by the way, over 200 years old, not 100 years old. The big open lot that the livestock yard is associated with was actually subdivided and sold to SHIMP Engineering, who most certainly will be coming before you with a request to fill and build there. I'm not an engineer. I know that's all taken up a lot of

[04:02:21] our time, but I found something really fun to show you tonight. This is an Army Corps of Engineer brochure printed in 1971 of Moores Creek floodplain. Here's the image. It's just a beautifully designed brochure. Ma'am, you need to speak into the mic. We cannot do it. Sorry. It's a beautifully designed brochure with a man walking around with a big ruler around the livestock yards and other areas showing how high the water got during Camille. Here's just a couple of highlights.

[04:02:53] Normally, Morris Creek is only one to two feet deep and 20 feet wide. However, during a large storm event, it can go up to 39 feet deep and several hundred feet wide. As urbanization continues in the city and expands into the county, this was written in 1971, suitable building sites will become scarce and pressure to utilize the floodplain for this purpose will increase. This should not happen. There is enough data available now regarding probable frequency and heights of floods to be expected to guide local authorities in regulating all development in this floodplain.

[04:03:23] You get the idea. But I thought it was interesting at the end. It said should anything be constructed, it would require things such as removable bulkheads and dikes and levees as stormwater management. Anyway, it was a word of warning. It has a lot of terrifying language in it. I bought my home in 2019 on 718 Franklin Street as a single home buyer on a low-income first-time home buyer grant. I do pay for flood insurance. Reading this brochure was terrifying. I probably wouldn't have bought my house had I known how dangerous the risks are down there, but

[04:04:00] after this, I intend to work on a flood evacuation plan for the Carleton neighborhood with the city. Thanks. Thank you. Next up is Katie Chester. Hello, I'm Katie Chester. I live on East Market Street. And I am concerned about how vague the responses to Ms. Malik's question about the

[04:04:33] biodiversity concerns. Was everything just studying water impact? And I felt like we got our real answer with the gentleman, the gentleman who was just here, saying that there was no habitat in the area. And just because you can't see habitat doesn't mean that it doesn't exist.

[04:04:59] But I feel like that was a clear indication of what their priorities are. It also said in one of the type-heavy slides that the fill shall be of a material that will not pollute surface water or groundwater, and yet there's still crushed concrete there that we were told in the last time we met that it was going to be removed if they got denied.

[04:05:23] So the confusion to me is not in the right places. In terms of creating jobs, you know what? There are a lot of dump truck drivers who need jobs who would love to haul the dirt away from the top.

[04:05:39] How come we're not excited that they're going to get weeks' worth of jobs hauling the dirt? At the Planning Commission meeting, the consultant that was brought in said, I guarantee you if that dirt wasn't there, we wouldn't be filing for this. That, to me, is not a reason to ask for changes to floodplains.

[04:06:07] To me, that just shows poor planning. Why was it not until the inspector said, oh, this debris shouldn't be here? Didn't the property owner know he bought property in the floodplain?

[04:06:25] I mean, at a certain point, you've got to be responsible and plan correctly so that other people don't have to clean up after you. And I feel like that's what we're being asked to do, and it doesn't feel respectful of the habitat that we can't see or the neighborhood.

[04:06:45] Thank you. Thank you. And next is Robin Haynes. Good evening, everybody.

[04:07:03] Oh, yeah, you're really going to have to leave on there. Okay, good evening, everybody. I'm so glad to see you tonight. And I basically just want to echo the concerns of a serious water event.

[04:07:19] And because we still are at a time of weather being unpredictable, and the levels of water that are already shown on this floodplain should bring up serious concern to you all.

[04:07:42] That's all I have to say. Thank you. Thank you. And we have one more, and this is online, and it's Erin Weiss-Akerbaum. Erin, you may begin speaking.

[04:08:12] Good evening. Are you there? Yeah, I'm here. Do you hear me? We can. Thank you. Okay. Thank you so much for all your work, And I appreciate the board's concern and care that you give to this floodplain building.

[04:08:36] Because I think each of you, most of you, realize this destruction in cost, the future costs that could happen because of this. Please deny them once again from building on a floodplain.

[04:08:58] I think I'm right along with everyone that just spoke. Any change to our floodplain affects our environment. Water quality, habitat, your old trees, they don't have a say.

[04:09:14] So we need to. It's not just the bats that we see. And I think somebody brought that up. There's tiny little bugs. There's time, you know, anytime you change land, it has to be really careful. At this time in our history of climate change, we desperately need to preserve our waterways, our floodplains our environment there's let's see we should always be looking at this at this

[04:09:46] i'm sorry i'm a little bit i appreciate your concern and people that have spoken before so i would hope that you would deny this once again thank you very much thank you concludes our list very good all right we will uh offer the applicant a chance you have five minutes for rebuttal for any of the items you've heard and comment great thank you so much um for the opportunity to respond um you know i think it's climate change flood impacts these are all really you know big

[04:10:26] things for us to grapple with um in this day and age what i'll note is that the reason you know we're before you with a special use permit is because this is an additional check that albemarle County has in place that responds to the world and the climate that we live in. If this was in another locality, most other localities, a special use permit is not required for this. If you can prove to FEMA that you have no impact, no rise, then you can place fill in the floodplain. Albemarle

[04:11:02] County has this additional check in place that has, you know, given us the ability to have robust conversations come before you with seven conditions proposed by staff to require reestablishment of

habitat on the property, to require twice the stormwater management on the property of what any other property in Albemarle County has to provide. And, you know, I think we heard from the community about compromise, about balance, or I should say about compromise. And I

[04:11:37] think this application is really about finding balance. And I will also note, well, and I should say, and I think we found that by preserving 20% of the site. And as far as compromise goes, gosh, I mean, living in a community with all you wonderful people is a compromise every day, right? We compromise on the road. We compromise, you know, in the space that we take up and how we just navigate, you know, through this community. And what I'll say is construction is always a

[04:12:12] compromise. And whether this fill goes here or whether it goes somewhere else, you know, there's going to be an impact from the trucks traveling further to their destination, going by more residences, potentially compromising habitat elsewhere in the rural areas of the county.

[04:12:38] And so if we look at the requirements of the ordinance, we've checked all the boxes. This special use permit exists in the county code so that applicants can come forward, evaluate the unique characteristics of their property, and demonstrate whether or not there is an impact. In the confines of the code, we've checked all the boxes. This unique situation

[04:13:08] with the backwater condition, there is no impact, no rise. And I hope that you all can be supportive of this and look at, you know, the bigger picture and just, you know, the broader impact that would take place if we can't utilize this site.

[04:13:30] Thank you. Thank you. All right, Board, I'm going to go back around for questions to see, and then we'll do a round of comments. Supervisor Pruitt, do you have any additional questions? I don't believe I have any additional questions. Thank you. Supervisor LaFisco-Kirtland. If I can just, I'd like to clarify what is currently on the screen because that's not easy to understand how, and maybe everyone understands it, but the air, if you look at the second one with the metal thing, if you notice the red lines, that's where the water comes out.

[04:14:08] If you notice where the blue circle is, no flow here, only equilibrium condition, what they're talking about there from what I understand, and please correct me anyone if I'm wrong, that's what they call the backflow.

[04:14:24] Is that correct? Is that the backflow or backwater so that it just slowly rises, but it just doesn't rush through? Is that what happens at Morris Creek?

[04:14:41] Correct, yes. There is an equilibrium that occurs as the flow in the Rivanna moves past the confluence with Morris Creek and that water. The backflow is basically a slow rise of that equilibrium of water that comes back up Morris Creek.

[04:14:59] So this example is just one instance that most of us have seen where we can see what's happening here a little bit more simply than a lot of the technical jargon and analysis that we've put forth. Okay. Thank you. Thank you.

[04:15:15] No other questions at this time. Thank you. Supervisor Missal? No questions. Thank you. Supervisor Duncan? No more questions. Supervisor Malik? Thank you. I think what I've just taken away from this most recent runaround with this thing is Morse Creek cannot subside until the river subsides because the water can't leave until the river subsides.

[04:15:38] And that's, I think, the opposite was described, but there's no way that Moores Creek can subside ahead of the river because the water can't get out. I don't know what this right-hand picture is supposed to mean, but that's all I have. Thank you. Until comments later.

[04:15:54] All right. I do not have any additional questions. So if there are no additional questions, we will close the public hearing, and the matter will come back, and I'll go through for some comments, discussion, and we'll go from there. Supervisor Pruitt, want to get us started?

[04:16:12] Sure. You might not want to, but you're up first. Well put. Yeah, I will share with the public what I think was already kind of, and with the board, what I think was already kind of evident from our review of this matter previously, which is I find this very hard.

[04:16:31] And this is going to feel, this is in some ways absurd, because compared to other decisions that this board entertains, I think this is, frankly, a relatively minor one. impacts on either direction are relatively minor an additional building gets built or a incredibly negligible amount of floodplain is disrupted it is one of the less impactful things that we we grapple with as a board but it is frustratingly close to an edge issue and I was very frustrated with my own

[04:17:07] having to cast a vote last time and boy howdy here we are doing it again thanks y'all. So I want to just begin by saying, you know, several folks in comments to us directly and presenting here have talked about how it could be valuable if this were preserved as a conservation area, if we had some kind of archaeological survey conducted without disrupting it, if there was some kind of public access boardwalk, if there was reference to the previous communal uses that went through when this was an active mill site. I agree all of those things

[04:17:40] are good. The thing I would just reflect is there is no mechanism for us to compel the property owner to do that. The property owner has no reason to do that, absent a moment of largesse, maybe a desire to offset something in his taxes, neither of which are really here at this moment.

[04:18:04] I do want to also appreciate we had, again, in an email, but also coming here to speak, Eli made the point to paraphrase very briefly. I understand the notion that it is not increasing the floodplain from a modeling perspective, but that obviously overlooks the literal physical reality of what happens. This cuts to a point I had made previously, which is, okay, there is not a quantifiable increase in raising of the floodplain or spreading of the floodplain by this fill but obviously the water is displaced what you're saying is that there is the amount that

[04:18:42] is displaced is so negligible that we can't measure it someone shout at me if that's a misinterpretation but but there is some amount of displaced water something's happening to the floodplain um which i think kind of gets into the whole axis of what we're actually grappling with which is there isn't a limiting factor in the fact that we have to have a review um so here it is not enough to quantifiably raise the floodplain.

[04:19:09] Cool. If there were 100 identical projects, it would. And so then we are asked, okay, do we deny the first one? Do we deny the 50th one? Or do we deny the 100th one, right? Where do we as a board exercise a limiting principle?

[04:19:26] And so I think there's broadly kind of two approaches that one could adopt. There is the approach of you always deny the first one because there isn't a limiting principle, so the limiting principle should be absolute. Or you execute an individualized cost-benefit analysis.

[04:19:46] I personally, and I think I don't want to speak for anyone, I think most members of the board exercise an individual cost-benefit analysis in these kinds of situations where we don't have a limiting principle. I exercised a cost-benefit analysis previously, which, frankly, this might feel unkind to our developer.

[04:20:06] I did not see the marginal value to the community of a single development not having much context for it as outweighing the regulatory threat, the precedential threat of this development.

[04:20:24] I have also since struggled with that because, I don't know, it is a very de minimis threat. And I do think the studies have continued to present that you almost could not present a less harmful project in the floodplain than this.

[04:20:47] Its harm is so de minimis that it's literally not quantifiable, which I think is remarkable. I also, I said this previously, but I'll reiterate it here. There is a concern that has been raised that resonates with me, which is that this is a working-class neighborhood situated adjacent to industrial zoning, and there is an implicit justice issue by trying to, like, quote, ram some kind of industrial project down it.

[04:21:15] That resonates with me. Again, I think it's also de minimis. It's a single warehouse. But there is also, I think, the fundamental tension. We have a working-class neighborhood with naturally occurring affordable housing and nearby successful parts and cultural amenities in part because of the relationship, the sympathetic relationship that you have with proximate industrial uses and residential uses, which is to say it keeps prices down, right?

[04:21:44] It's kind of there is the joke that people will sometimes make of, oh, you have to go out into your front yard once a month and fire a handgun into the sky to make sure that rents stay low. This is that in a less extreme version, which is to say I recognize there's a tension, but I am not sure that that is a I'm not sure that the justice concern of citing something like this in a working class neighborhood is entirely convincing.

[04:22:13] because part of how it is able to retain a working-class neighborhood is the proximity of industrial uses. This remains something that's really challenging for me. I will say a site visit and, frankly, looking at the way that this site could be used, the sympathetic result, whether or not there could be a claim that the developer has created his own sense of exigency. He is not, He is delaying or pausing on exporting his current fill because he wants to use his own fill, right, because it's cost efficient, which is affecting two parcels.

[04:22:50] Created his own exigency, but it is also affecting two parcels. There's a broader impact beyond the individual parcel under consideration. I found that compelling and persuasive. It has slightly shifted me on an issue that I was very much on the line, that there is a more compelling argument in favor of its use at this moment.

[04:23:19] So that is where I'm at on this moment. Again, I find this decision deeply frustrating because it is for me right on the edge. Supervisor Lapisto-Kirtley? I think this, I'll be a little more succinct than my learned colleague.

[04:23:41] I think this project, although it has a lot of challenges to it, but listening to the staff report, listening to the presentations, and frankly, listening, reading the emails and listening to the public comment that we have received, which is always very important.

[04:24:02] But I think this is going to be, would be, a small-scale, light industrial development. We're talking about 20,000 square feet. It would probably be equivalent of, you know, some artistic spaces.

[04:24:19] They would have, there would be small spaces, small startups, people trying to, they don't need a large space. They just need a small space, maybe a bike repair shop. There are a number of things, artistic areas where people could have startups because we don't find those a lot in Albemarle.

[04:24:44] We find them in other areas for larger businesses, for larger industry and such, but not so much for the smaller ones. This provides that opportunity. So I do say that it would provide jobs.

[04:25:00] we don't know how many because the owner is building buildings 20,000 square feet I think was four different buildings four four different buildings for people to come into so that's why you can't say well it's just going to be this or just going to be that because it's people who want to start their own businesses that are going to be able to have space there to be able to start their own businesses. There's already one business owner who has said, well, I'm doing

[04:25:36] business and I'm having my business in four different locations because there's not a space large enough. Well, next door to this development, they did find a space large enough where they can accommodate their business needs. That's something we need to think about is being able to accommodate startups and new businesses that does diversify our tax base which is something this board has definitely approved this is something this board wants to do is diversify our tax base so we don't have to rely upon real estate tax um this is beginning to happen i think

[04:26:15] for the i don't know for the i can't say for the first time uh in the history of this of this county But we are now focusing more on industry, manufacturing, light manufacturing, light industry, things like that, so that we can better our entire community and have less reliance on real estate taxes.

[04:26:40] This, I know Chelsea Sline mentioned it, but this checks the boxes. Have there been a lot of compromises? Yes. Has the owner had to compromise? Yes. And we've asked them to do a lot, and we do have an example.

[04:27:01] We saw a slide that staff showed the slide where this is just, I think, step two in what, about nine different steps that the owner is going to have to follow, including repair of the riparian or addition to the riparian area or helping the riparian habitat, building a tree, putting in a tree canopy, Perhaps in the future, you know, connection with a trail down by Morris Creek and everything.

[04:27:34] Right now, I've seen the site many times, and it's not in the best condition. I honestly believe that this would be a benefit to the community for them to have something like this, because it is in a working-class district, and I think that would be beneficial.

[04:27:56] I think the harmony, there is a harmony here because it does meet a lot of needs. I don't think it's going to be, I'm not worried about the backwater.

[04:28:12] I'm not worried about the flood fringe because I think it's been proven, and FEMA has approved this. So I'm not the expert. FEMA's the expert, but they have approved this. So this is something that I'm not worried about.

[04:28:27] If I was worried about it, believe me, I would not approve it. They're going through all the boxes. This economically diversifies our tax base. It's a small-scale industrial startup, and I think it's something that would really benefit our community.

[04:28:54] Let me state that in Albemarle County, nothing fits into a box. Each of our parcels are, we have to look at it on a case-by-case basis. Each of our parcels are different. Every time we have a rule, there's something else that, well, we have to have an exception to the rule.

[04:29:13] That's just the nature of our county. But I do believe that this would be extremely beneficial for our county. So those are all my comments. Thank you. All right. Supervisor Missal. Thank you, Chair. You know, I'll just begin by saying how much I appreciate the conversation around this issue and maybe to echo a little bit of what Supervisor Pruitt mentioned.

[04:29:38] It's meaningful, right? And it shows that we all greatly value this in our community, and I think that's essential and reflected in the comments that we've received from the neighbors. We've received a lot of them, as you all know, I think. And I've spent a great deal of time really thinking through pros and cons.

[04:29:57] I've had a lot of time to think about it. I've had three public hearings now to be able to figure this out. I voted, as you probably know, in favor of it at the first public hearing and then changed at the second public hearing and continue to learn more. So I'm grateful to the folks that have come around me over the last several months and have really shared some interesting perspective.

[04:30:20] And I also understand and share the perspective of the applicant. You know, you talk about checking the boxes. I mean, I've been in your shoes a lot of times. professionally, I've had the boxes in front of me and I've checked them and I've walked up and I said, they're checked. We're good. So my struggle is not so much that. My struggle is that I'm not sure we've identified all the boxes in the application process. And so the ones that we've checked are the ones that we've seen. And I understand that that's what we have to focus on.

[04:30:52] Bear with me on this quick, crazy side story. Every morning I walk about a mile through the fields around my house and most of the time i'm looking down to make sure i don't trip right so i'm focused on the ground and every once in a while i'll look up and look around me and i see mountains and i see sky and i see everything else and it really brings the whole picture into view and i feel like what on this application we're doing with the boxes and we're focusing on the floodplain and we're focusing all the maths right which make good sense i think we're focusing on not tripping. And I think what we need to do is open our lens a little bit wider and start to

[04:31:31] think about the greater impacts that this could potentially bring to our larger natural system. And so I don't think about it as a site as much as I think about it in terms of a larger natural system. One other thing that I think you already know about me is that I support growth in the development areas, 100%. Economic development is incredibly important in this county to diversify our tax base and for other good reasons.

[04:31:59] I don't think we need to be or are as desperate to find locations for economic development, light industrial planning, that would require us to fill in a floodway, in my opinion. We talk about smart growth, and I think there are other examples within our jurisdiction where we deal with limitations that are presented to us that are natural feature limitations.

[04:32:25] We can't build on critical slopes, 25% or greater. There are other areas that are limited. This is one of those areas, in my opinion. The Broadway Blueprint study was brought up to me, and again, I've looked through it, and I highlighted a few things.

[04:32:43] I'll just be really quick. Placemaking. Incorporate creative design elements in public spaces within Broadway that highlight the unique and creative character of Broadway to elevate the area as a complete, compelling destination for businesses and people. Right on their observations, existing amenities and resources, abundance of environmental, recreational, historic resources.

[04:33:04] Under opportunities, greenway connections and trail hubs. Under land use development patterns, environmental and historic resources. It's mentioned on several occasions throughout here. So this does talk about economic development, but it also talks about balancing that with the environment and with some of the considerations within the environment.

[04:33:28] Floodplain and riparian buffers are not just empty land, in other words. They do other things, habitat, wildlife movement, all the things we've already talked about. I appreciated the site visit, as I mentioned, and I saw that this was, in many areas, already degraded.

[04:33:45] And part of me is like, you know, there's three options here. One is leave it the way it is. Two is fill it. And the third is shame on us. We should be doing something about these areas. If we're truly thinking about how we can strengthen and embolden our natural features in an urban area, this is an example of where that potentially could happen.

[04:34:06] And maybe there are grand opportunities that we can apply to these areas to help with creating a more vibrant area. Trying to skip through some things. Let's see. So, in other words, I think we need to shift to a more proactive stance to resilience.

[04:34:27] And we are, as a county, we have a resilience. focus or resilience plan, climate action plan. So I think this is a situation where it could be death by a thousand cuts, right? If we allow this to go forward, then are we finding ourselves or are we putting ourselves in a position of having to be reactive as opposed to and taking an opportunity to be more proactive, even at a very small scale? I appreciated Supervisor Duncan's question about are we able to require these beneficial impacts if this is not approved

[04:35:06] so thank you for asking that question and again that gets back to what I think our responsibility as a county is is to focus on these areas and find ways to create and enhance them that are not dependent on our development community we shouldn't be asking them to pay for these things we should be doing this ourselves to enhance that so finally I believe that leaning towards trusting our natural systems to do what they're designed to do and acknowledging we need to do things to help them especially in areas like this. Filling more of the floodway is not in my opinion something

[04:35:38] we should consider a help. Those are my comments. Thank you. Supervisor Duncan. Yeah I too want to acknowledge all of the public comment. Public engagement is really important in our participatory democracy and so I really appreciate it. I do just want to make one note that I would much rather receive public comment that was written by humans and not AI. I really appreciate that with this, like Supervisor Missal just said, we get plant mitigation efforts, we get stringent water quality measures, and the archaeological survey. And I hear what you're saying. I don't

[04:36:16] know how we can do that on private property. The other thing is, you know, we have over 2,000 miles of streams and rivers in the county. And so I think if we really want to protect the health of our waterways, then we need to keep industrial areas in the development area and maximize their usage. And this hasn't really been said that much, but this is right next to the sewage treatment plant. And so it seems

like if there's any place that we would want industrial, it would be next to a sewage treatment plant. Another reason that I am in favor of this, and to me this is really

[04:36:54] important, is that I want to rely on expertise. And so it really matters to me that multiple experts have weighed in and said that this will not affect the floodplain rise. We have design engineers fema county staff who have spent a lot of time on this um and you know i trust their expertise um i also think the work that the county's done on the broadband blueprint matters we spent several years invested money staff resources there were public hearings to say what do we want this community to look like and um it wasn't all light industrial it was you know

[04:37:29] this vibrant community of a variety of things but they agreed that like light industrial is what this is zoned as and this is what we want to keep it as because we need light industrial in the county um i want to reiterate the point about you know when we increase our tax space through industry and commercials it helps alleviate it from homeowners which is really important um you know 20 000 square feet for light industrial space is much needed space um and i i also think you know if we have these conditions and applicants meet them i feel like we're i feel like it'd be really

[04:38:08] frustrating to meet all the rules that we set out that are apparently very stringent and tighter than other communities, and then to still say, no, you've done all this, but no. I just, if we want businesses to come here, if we want, you know, industries to succeed here, I feel like being a good partner is part of that. So yeah, so kind of for all these reasons, I am in support of this.

[04:38:34] All right, Supervisor Malek. Thank you, and thank you to everyone. I think everyone has worked very hard, and I'm aware of and understand completely the differences of opinion, and this is why we're here, because it is up to the board to thrash these things out and decide on the not-check-the-boxes side of the sort of moral and community-based decision using all the background of the ordinance.

[04:39:07] But the reason it's not by right is because there are reasons to decide if it's in the appropriate space and what the balances are. I was interested that it was presented by the applicant we were supposed to evaluate the unique characteristics of the property, and the board decides if the work should be done, and that was exactly the core of my comments as well because I am not in favor of granting this, and here is why.

[04:39:43] I disagree that these are limited and minor impacts. I think these impacts are felt broadly across the community, both in the city-county border area, but also in the domino effect that it will have all across the county.

[04:40:03] These are particular threads, and I wish I were as eloquent as some of my colleagues who have put this together in a much more beautiful way. But those of you who have listened to me in the past will not be surprised that I'm all over the place. YWSA, Ravanna Water and Sewer Authority, in 2015-16, invested over \$400,000 of ratepayer funds to establish the multi-acre constructed wetland right next door to this place.

[04:40:28] With the impacts of construction and disturbance, that is going to impact the success of the ratepayer-funded multi-acre constructed wetland and the mitigation. Mitigation was required by the Army Corps of Engineers in order to get approval to inundate some wetlands over at Ragged Mountain to provide the extra water for the growth area water system.

[04:40:56] Cumulatively filling the floodplain a little at a time will eventually result in total loss of the floodplain and ignoring of the stream buffer and floodplain rules that Albemarle County has been proudly maintaining for more than 50 years.

[04:41:12] In zoning, county has had experience with owners creating disturbance of 9,999 square feet of land at a time for four years in a row, thus creating over an acre of hard surface with zero stormwater compliance, causing runoff and damage to surrounding properties and streams.

[04:41:31] That behavior is no longer allowed as a 10,000 square foot limit for the life of the parcel is now in place to prevent that year after year after year. this is what's going to happen. Approving this application will make floodplains more vulnerable to cumulative damage than a dry land parking area. Both Planning Commissioner for Karen Firehawk and Natural Heritage Commission Committee Chair Christine Putnam have each written compelling words about the broader issue to please not approve the SUP to fill the floodplain. Approval would be counterproductive to our resiliency efforts. My concern is not only with the filling

[04:42:11] of the floodplain, but the increase in impervious surface area, which contributes to flooding and the heat island effect. The Remandiver Corridor is listed in the Biodiversity Action Plan as a conservation-focused area. This riparian area supports myriad of wildlife, birds, salamanders, frogs, turtles, and the list goes on and on, and you may not see them, but they are there.

[04:42:32] You may say it's just an acre of land, but that is how we lose those natural spaces, one small cut at a time. I doubt that future generations will applaud the approval of another concrete pad for industrial use, but a protected wetland is indeed a precious gift to our grandchildren. And thank them for those words. Mengineers have skillfully described the numbers, the math, which support how their proposal can be done, but no one has talked about if it should be done. Slide 17, the applicant shown that fill is possible without raising the flood elevation.

[04:43:08] In my almost 76 years, I've seen up close many unpredicted, unexpected, and unprepared for flooding events, which have imprinted on me the power of water and the good reasons why those 50 years Almond County citizens have maintained rules for protection of places for water to go.

[04:43:28] Unlike Houston, which prohibited housing in its low-lying areas for 100 years and then allowed thousands of houses for low-income people to be built there. All those residents were underwater literally when Hurricane Harvey flooded them out. I've seen what happens on uplands in Hurricane Camille when I was a teenager, and it caused the mountains to slide and washouts on damp spillways like ours all across the state. Hurricane Agnes came along and did it all again. What is different now is that these storms are more frequent and more narrowly focused geographically and with

[04:44:06] far greater impact even than those historic hurricane events. In 2018, in addition to 72 inches of rain in one year on our farm, there was a band of rain on the 28th of May. 11 inches fell in four hours in Earliestville, causing our dam to overtop for the first time in 60 years. The rain band rained from Crozet through Ivy Free Union, Earliestville, and into Greene County, where it did tremendous damage. Two of my beloved constituents were swept away on Ballard Road. Last year, three inches of rain came in a blast on the northeast side of Charlottesville and flooded the operations

[04:44:44] center at Rivanna Water and Sewer Authority, causing over \$15 million in damage. Happily, insurance is going to cover most of it. Just this year, there have been two unpredicted flooding events in

the Whitehall District. In January, a mechanical failure at the Sugar Hollow Dam caused an abrupt deflation of the bladder on the dam, dropped five feet of water into the Mormons River all at once. Furniture along the river lowlands at houses along Sugar Hollow Road were carried eight and ten feet up in elevation and thrown onto the roadway. It happened at 7 a.m.

[04:45:16] It was a miracle no one was killed as the water on the second bridge was three feet deep over it and could easily have carried a school bus away. Later in 2025, seven inches of rain, which fell on the Upper Jarman's Gap in one afternoon, rapidly flooded a two-foot-wide, six-inch-deep stream to cover 50 acres and swept away a middle schooler. These events are real, unpredictable, and uncontrollable. What we have to protect the health and safety of our residents is regulation which prevents obstruction of areas for water storage, not walls which will increase the

[04:45:54] velocity of moving water when it leaves the wall bursting out to the side to cause increased damage downstream. In addition to the water question, in December many planning commissioners discussed at Lake the broader environmental benefits of greenway protection to provide wildlife corridors and habitats. Nowhere in this proposal is a report from the Department of Wildlife Resources on the impacts of this project. Nowhere is there discussion of rising waters upstream when a localized storm cannot leave Moores Creek due to high water in the Ravana.

[04:46:26] And I've already talked earlier about all the belongings under those houses along Franklin that should end up either under the basement of the woolen mills or out in the river when they're carried away. Less than 12 inches can easily pick up a car.

[04:46:44] Four inches floats 1,000 pounds. That's physics. In my decision, I must balance a known environmental damage with a potential and totally undetailed light industrial use, unknown jobs, unknown businesses, and what are the uses going to be.

[04:47:02] All we know is that there will be a dirt pile covering critical Oxbow wetland aquatic communities, and what is the benefit. A project must deal with its dirt by balancing on site or carrying dirt away at project expense. If this is a short-term solution for one with a permanent consequence for everyone, some amount of carbon for a dump truck is a short-time damage.

[04:47:26] One should not be permitted to destroy a floodplain for no benefit in perpetuity. and I will vote no. Thank you. All right. Thank you. I appreciate all the comments all the supervisors have made. I know that it's getting a little late, but I do have a handful of comments to make. This is development area. If we said you cannot do things in the floodplain was an absolute, then we wouldn't allow special use permits to come before us for consideration. And approving one doesn't mean you have to approve the second one or the eighth one or the hundredth. Each one

[04:48:04] of these we look at individually and we decide. I've been on this board for eight years. I don't recall using as a rationale to approve a lot of decisions by saying, well, since I approved this one over here, I need to approve this one. And if some supervisors do that, well, that's on you.

[04:48:24] That's not how I've done it. For the record, this was before the board before. It was a split vote, three, four, three against. I know it's easy to say because with this board and even number that that means the motion fails regardless of what the motion is. So technically, the motion to deny and the motion to approve didn't fail. It was tied, which means it doesn't pass. Now that might be a technical distinction, but I don't want folks thinking this board outright denied this approval.

[04:48:55] I suspect if it was a 6-0 or a 5-1 vote, the matter wouldn't be back before us, but it was 3-3. I represent the Rio District, and there's been so many applications that have development area And you don't have to drive very far around in my district to see the elimination of habitat and environmental features in the name of development.

[04:49:20] And the reason we do that, we just reinforced in our comp plan by saying that we have 95% of this county is rural area. And to protect it, we're going to do development in the 5% that's been defined as such. Now, a lot of our development that we do in the development area, we try to do with careful and pragmatic consideration to our values of environmentalism and protecting things, stormwater, where the water goes, and in such a way that it's required.

[04:49:52] So when we do approve something, we just talked about stormwater with the flow Honda piece, where the utilities go. Well, we're expected to do that in our development area. I appreciate the comments tonight a few folks have made. This is something that could be built, but should it be built?

[04:50:10] Well, this board said it should. The Broadway blueprint included this property in its property. I don't recall any supervisor when we approved the Broadway blueprint 6.0 objecting to this property being developed in this way at that time.

[04:50:28] Why do I say that? Because we basically, somebody said, well, you're not planning or it's poor planning. well no actually we we did a whole public process it was before this board more than two or three times community members were allowed to weigh in and we said this is what we want in this area now you can agree with that or disagree with that that's fine members of the public but this board voted to approve that and it wasn't debated that this is the wrong place for li or this is the wrong place for this type of project. In fact, we did say, at least I have said publicly, this is the

[04:51:08] one area of the development area that I have been trying to protect against residential development. Developers would love to get their hands on this area for residential units. We knew what it would do to the nature and the character of the neighborhood when it came to the rents and the costs of living across the border in the city if we allowed residential units to go in here.

[04:51:30] The debate isn't whether or not we have a lot of other LI property. This has been brought up at the Planning Commission and here tonight. The question isn't do we have other LI property that do we really need this couple of acres. Here's the special part of wool and mills.

[04:51:47] It's like our housing issue. We're forcing out all the folks on the lower end of the spectrum in the housing world because they can't afford to live here. This is the last stand in terms of rents per square footage in our county for light industrial. Now, I don't know exactly what they are and why it hasn't been brought up after two passes at the planning, three passes, two, three passes, where are we at?

[04:52:09] Three passes for Fred. But in my own research that I've been able to do, it looks like rents are going anywhere from \$13 to \$15 per square footage for property down in the Woolen Mills neighborhood. Now, that's per year.

[04:52:25] If you have a 20,000 square foot building at \$13 per square foot, that's \$260,000 a year. that means your monthly rent is \$21,666. Out on Ryo Road, it's in the \$15, \$16 per square foot range. And I just had a conversation with somebody about Airport Road who was looking to do a similar project but couldn't find it feasible. Not even discussing this project, I said, what do you think the rent would be out there? He threw \$17 a square foot at me. You know what \$17 a square foot is?

[04:53:00] \$340,000 a year, making your monthly rent as a business \$28,333. So the difference between Will & Mills rent and airport road rent in Albemarle County, I'm happy to stand corrected if someone's got the rents out there, but that's almost \$7,000 a month.

[04:53:19] So when businesses are looking for LI property to do in our county, the difference between airport road, and I haven't even got the Crozet or some of those folks. I can't imagine what the square footage is out there on panttops. So if you can't, you know, and if anyone thinks that \$7,000 a month for the kind of businesses that exist currently in Woolen Mills is chump change, how dare you?

[04:53:47] So when we say that the businesses in our economic development plan, we have stated as a board in our planning that we support small businesses. We support homegrown businesses in Albemarle. In fact, we want them businesses, those businesses to grow and stay here.

[04:54:03] but we're not willing to protect an area that we planned for to provide the low rents for that type of business to exist. Because now it's not going somewhere else in Albemarle County. Now it is going to Waynesboro. And I know Zion Crossroads gets brought up a lot, but frankly, that's going to skyrocket and it'll push out even further. So this isn't just a one thing which popped up and they got creative and let's see what we could do. I do feel for the applicant. He looked at what this board said we wanted he looked and said well what are they planning for down there oh that

[04:54:41] property is in there i wanted i want to try to do that i made this point on the first go around with this application basically the applicant is giving us what we said we wanted now i appreciate the concerns that are brought up about the environmental features the concerns about the floodplain the floodway and uh commissioner firehawk talking about the habitat and that there's other values and benefits to a floodway than just the engineering reports about the water.

[04:55:10] But these are the tough choices we have to make if we're going to preserve our development area. You want death by 1,000 cuts? The 1,000 cuts is going to be what it's going to be to degrade our ability to maintain a 5% development area if we keep doing things like this in the development area.

[04:55:27] So what do we do to balance it in the development area? We allow a development in a reasonable fashion that does its best to protect against what our concerns are. This preserves most of the property. The mitigation is putting trees and things back into a place that has been previously destroyed to help.

[04:55:47] The stormwater facility, I appreciate the commentary while I'm speaking, but it's a little distracting. The stormwater practices that will be put in place, the jellyfish that we heard, is going to help and do to probably better impact and what the city's been doing to try to mitigate because Moores Creek is a designated stream that is impaired. And what are they doing with all the runoff that's going in there? Well, this is the type of way we've learned in the other areas of our development area that this stormwater protection per our requirements actually treats the runoff better than it does under the natural feature.

[04:56:27] Collects it, holds it, can't leave faster. And with the different filters that's being required as part of this condition, it actually is going to improve the runoff than what currently rests in this site. Revenue, there was a comment about do we know a subjective financial gain or what this is. In our comp plan, we said that we were going to start using a scorecard when projects like this came forward so we understood what it is. And someone mentioned, well, the applicant could get a nice tax benefit if he wanted to donate or put the property into easement.

[04:57:02] The assessed market value and the assessed value of this piece of property is \$14,200. Now, we have said we want to diversify the tax base in our economic development plan. Whereas, it's not subjective.

[04:57:18] If we put 20,000 square foot of warehouse building on there, that \$14,200, now you may say this is good or bad, I'm not trying to say it's right or wrong, but it's fact, that \$14,200 will climb in assessed value just because the building is built on it. And then once the items, depending on what goes in, could potentially be taxed, the assessed value that will come in from this piece of property will be much higher than what's coming in now. Now, the trade-off becomes about, is that more important or less important than building in the floodplain or the

[04:57:55] environmental features that are down there? If it were the whole property, I probably wouldn't be in support of this either but it's not it's a piece out at the front that seems to be appropriately placed to what else exists it'll probably it'll allow rents to stay stabilized with what currently exists and it's something that received due process in a public process when we approved the Broadway blueprint and I appreciate comments about it being stale zoning but we've we've we've

[04:58:31] we've reconfirmed it when we passed the Broadway blueprint all right we did that and I'm not going pretend like we didn't. I'm just looking through my notes. There was a comment at the, this will be my final comment. There was some comments at the Planning Commission that suggested that we have to

[04:59:07] stop doing bad things and was saying that this project was quote-unquote, I mean, they didn't state it expressly, but they basically stated that this is a bad thing. I don't think this is a bad thing. Now, we can disagree or have opinions about where our values stand relative to what's more important, as Fred said, but the fact is, is I get a little concerned when we start putting it up as good or bad or right or wrong, especially when the board has addressed it in such a planning, tried to do its due diligence in a planned fashion. We said it was a good thing, and now we're saying

[04:59:47] it's a bad thing, and I think people have to wrestle with that, and I'm not, you know, if I, whether I'm going to support this again, nothing, this has only improved in my eyes from the last go around relative to the impacts and I'm comfortable saying that because I've had to make a lot of decisions on a lot of things and face my constituents in my district that are very much like this and I tell them how I think about it I tell them how uh why it's important that we have the development area in a rural area and why we have to struggle with these kind of conversations and try to find the best possible solution forward to meet the needs of the county and

[05:00:27] and the needs of the applicants and the needs of residents that live around it. And I do appreciate all of the danger and concern of public safety. So my question is, what is the city council doing to get all those people out of there? Because if they're really in harm's way, this project doesn't change that, whether we approve it or not.

[05:00:47] And I'm concerned for those residents that are over there that I'll be interested. I'll ask, because we had a city council the last time it went around that weighed in on this project. I'll weigh in back on the concerns that I'm hearing from the city folks over there relative to it, because the answer can't be just getting the insurance and having citizens do evacuation plans.

[05:01:10] So that's me probably going out of, probably going to an area I shouldn't as the chair of the board, but I guess it's too late now. I'll be supportive of this. I'm going to, sometimes since somebody who

speaks first has to wait to hear the other five, I do, other people do influence and help me come to decisions.

[05:01:30] So I'm just going to look to the supervisors to see if anybody else has any additional comments that they'd like to make. If not, then we will move to a motion. Very briefly, I'll just say I've already essentially made this point.

[05:01:49] I struggled with my vote last time. I struggled with my vote this time. And so I'd like to move to adopt the resolution to approve SP-2025-00006 with conditions in attachment E.

[05:02:07] Second. All right. The motion has been made and seconded. Is there any further discussion? One thing to add. Please. And that is, it is on me because I, in the Broadway blueprint, I thought that it was Moores Creek Lane and the bakery.

[05:02:25] That was the border. And we all spent all of our time discussing what was going on on the Broadway street. So I was very surprised to see that map that showed the whole thing in there, and I'll certainly take responsibility for that. I do hope that there will be a way to actually get in modern construction, where we're not using an old warehouse building or something as Broadway has now, new construction.

[05:02:49] I hope that there will be reduced rents to make it a little more affordable for startup businesses. I just don't know if that's going to happen, but we shall see. Thank you. All right. Any further discussion? All right. If the clerk would please call the roll. Ms. Duncan? Yes. Mr. Galloway? Yes. Ms. Lepiste-Kirtley? Aye. Ms. Malik? No. Mr. Missal? No. Mr. Pruitt? Aye.

[05:03:12] All right. That is four to two. The motion carries. Thank you all. Thank you, board. All right. We have the next item is number 18 from the board, committee reports and matters not listed on the agenda. Before I go through the committee reports, Supervisor Malik and I had a brief conversation beforehand, depending on the hour of the evening. The three items, would you like to bring, save those for a later time? I would, given proper notice to discuss, but I would propose that we move those three to next week, if that's, everybody's agreeable on that. I do have

[05:03:50] one quick report other than that. All right, so then I'll go through, thank you, we'll go through with the other supervisors for committee reports. Supervisor Pruitt? So, yes, there was a discussion, A suggestion from our chair, actually, that we have these reports be a little bit more robust.

[05:04:06] And then I was immediately presented an opportunity, thanks to a question from the gentle lady next to me, about business that had happened in Carta actually during the previous calendar year. Specifically, she, paraphrasing, don't want to put on blast what you exactly said, but is it true that we're in yet another planning and consultant phase with what to do for Carta?

[05:04:30] why are we spinning our wheels longer? Why aren't we just asking for more money? Is that a fair paraphrase? More governance control. More governance control. So for starters, I think there's still a few different visions of what Carta should be. I think most of the electeds, I don't want to speak for others. I think a lot of the electeds, I certainly, I'll speak for myself.

[05:04:52] I envision a strong form of Carta in which it becomes a unified service provider, in which it ROLES IN CITY TRANSIT SERVICE, OUR TRANSIT SERVICE, AND UTS, AND EVEN POTENTIALLY -- WELL, AND I WOULD ALSO ASPIRE TO SERVING OUTLYING COUNTIES, AND EVEN POTENTIALLY WORKING

HAND IN GLOVE WITH THE SCHOOL DIVISIONS, BECAUSE THAT INCREASES RIDERSHIP, WHICH INCREASES THE SUBSIDIES WE CAN PULL DOWN.

[05:05:17] THAT IS MY VISION. THAT SITS IN TENSION, AS WE'VE SEEN PREVIOUSLY WITH MICROCAT APPLICATIONS. THAT SITS IN TENSION WITH JANT, WHO'S A CRITICAL PARTNER IN THE AREA, WHO WANTS A LEVEL OF INDEPENDENCE. I don't know how that always sits with cat's own leadership who might want a different level of independence. But that is competing vision.

[05:05:34] I just want to put that in context. So we have previously had two big studies. There was a governance study that was to inform how we would structure the Articles of Incorporation for Carta under our existing constraints provided statutorily, and also, frankly, just giving us a bunch of reference points across the Commonwealth of what different kind of organized combined transit systems look like i frequently you will hear me evoke blacksburg as being the model i would like to strive to they have that same kind of strong unified system in which their uts got folded in which increases their ridership which

[05:06:12] increases the subsidies they can pull down um also the university pays for a lot of it which is a big thing that i find very exciting and something i want to lean into um we then had a needs survey that was to try and identify specific transit needs. This is the frustrating disconnect. So the new survey that was proposed by staff, our staff liaisons are, in addition to support from the TJPDC, we have ANWAL from the county. We have Ben Chambers from the city who are kind of the main heads that are working on this right now. There is a third study that's

[05:06:52] going to go into. This is a prioritization study, an implementation study based on the needs study. There was, I would say, one of the more fractious discussions, the only fractious discussion we've had since the formation of Carta, because Carta's only convened like three or four times, and frankly, former Vice Mayor Pinkston had just lost his primary. I think he felt unusually empowered to voice dissent. And so he raised, are we really doing another study?

[05:07:27] Why don't we just go and ask for funding and then use that as a level budget to work from? I think, and there was a pretty robust discussion on this. I think the takeaway was, yes, we're all frustrated that we're kicking the can further down the road. We are going to be, we are going to struggle to request and to be in the strongest position possible to request funding support from the General Assembly if we don't come in with our own notional budget that has to be informed by something. So there are two different ways you could work from it. You could get a budget based

[05:08:05] on a tax power that the General Assembly gives you and work from there, or you can figure out what you want your budget to be and ask for that power. Since we have to get permission from the General Assembly one way or the other. We're going to develop our own needs and implementation assessment first so that we can actually make the strongest case we can to the General Assembly because it's going to be a hard fight and so we want as much ammo going in. I don't think anyone was satisfied with that being the answer because we're also sick of doing studies but it's also I think the only way we felt like we were going to be equipped to actually fight the good fight with

[05:08:43] the General Assembly. In the meantime, we can start kind of seeding the ground with our delegations about the need that's going to come up. We can start continuing to build robust relationships with the university for that aspirational Blacksburg form of governance. But this is kind of the next big hurdle out. And do you know offhand how many months we are into that 20-month process? Has it started? It's started. Supervisor Pruitt, the prior organization study has started.

[05:09:14] would have kicked off December-ish. We're looking to have some preliminary data early summer. Okay. Is there any part of my summary of kind of the work of CARTA so far that you feel I was telling tales out of school or had a detail that was off or could be improved on?

[05:09:36] I believe you did quite an eloquent job of recounting the history and work of CARTA. The story history. Flattery will get you everywhere. Thank you. That is all I had, but look forward to more robust committee reports well after bedtime.

[05:09:53] Moving forward. I will leave a monkey wrench question for Mike to think about going forward. In the implementation study, is it going to be proposed how to consolidate the assets under the ownership of the authority?

[05:10:08] Because that was the number one question in 2002, so I would just hope that that's going to be dealt with. Otherwise, we're not really changing anything. So I'll just leave that thought for you guys who were in the stew, because to me that's number one. Okay, thank you.

[05:10:25] Supervisor Lupisto-Kirtley. Okay, I do apologize because my report won't be as robust as I think you want it to be. But I will say that the 29 North CAC had our meeting. And the big takeaway from that, frankly, was there is a new development being considered Cornerstone Village, which is in the Rio District, I believe.

[05:10:48] Berkmoor near Airport Road, up to 147 units. And the other one is Reuben Lane, up to 110 units, which would be north of Holly Hill. So those two were discussed, which will be going before, which you don't have to worry about, the Planning Commission next.

[05:11:10] And that's all. That's the only committee meeting I had. Very good. Supervisor Messel? Mine will be even less robust than that last one. I haven't met with any of my committees yet. There you go. Tomorrow's my first one. Supervisor Duncan? I actually have two then. Monday night we had the Hydraulic CAC meeting, which was basically a public meeting for improvements to the Charlotte Humphreys Park.

[05:11:35] And so that was cool that they're making additions to the park and improving it. They gave statistics on the amount of kids under 10 that live within a half-mile walk shed of the park, And it was, I think it was like 600, really high.

[05:11:51] And I also really liked they did the walk shed of like physically if you walked what's half a mile, not just like the circle that's half a mile. So that was really cool. They had, you know, boards that people could put stickers on of what they would like to see in the park. So that was very exciting. And then today I went to the Chamber Public Policy Committee.

[05:12:11] Most of it was talking about kind of updates on the state of the community. But they did, speaking about General Assembly, that that has started, they actually have a chamber day at the Capitol and a reception for it. They also have a transit day and a Commonwealth Housing Coalition Day, both on January 26th, if anybody is interested in going to that.

[05:12:34] And then at the end, they talked a little bit about getting the business community to kind of work with the city and support the city on kind of the homelessness issue and sort of we're bouncing around some ideas.

[05:12:51] And so I'm sure that will kind of continue. Thank you. Supervisor Malek? Thank you. CCAC met without me tonight, so I will not be able to tell you. Kevin was talking about transportation stuff, which is always a wonderful and well-received topic out there.

[05:13:08] The only thing I will report is that Fred and I and two of the most skilled log builder people met. This is in Fred's district, And it was an absolutely magnificent walk to see an 1805 cabin.

[05:13:24] And the two guys who were with us, I filmed most of the things they were saying. And this was at the request of the landowner who's owned this property for 20 years and has made lots of improvements. But could we find any extra historic information about who lived here and what it was all about?

[05:13:40] So what we learned was about these mountain farmsteads and families who had a house like this, about 16 by 16, something like that. Some of them were like the average Shenandoah size one was like 12 by 18. And that's the size that Craig Jacobs built up at Byron Park next to the our chimney for the displaced was to show the size of the average house where any number of people, you know, could be raised there.

[05:14:05] They often have this one has a loft upstairs. I think Fred actually walked up there, which is pretty brave. I did not. Yeah, there were some things living up there. Bats? I don't know. They were short years of all sorts. But this one has actually three layers. It has an underground for root storage or animals or something like that and a beautiful spring.

[05:14:25] And so it was just a wonderful morning. And this is the kind of treasure that is so important to me as a member of the Historic Preservation Committee. And I just wanted to share it with you for inspiration. Perhaps a sore point. I'll bet you \$10 that's built in a floodplain. It's a stream.

[05:14:43] This lake was created in the last 50 years, so that's all we need to know. Oh, wow. Yeah, that's a nest in a burrow. Is that all? Yes, all. Thank you. Sally, did you mention the state of the community?

[05:14:58] I did, yeah. The date. Do we need to register for that? Yeah, it's the 30th, right? It's the 30th, 7.30, Friday morning. I don't know if we in the past have had to register for that or not, but we need to make sure we... Claudette has... Oh, somebody asked that?

[05:15:14] Yeah, yeah, on the form days. I think myself and Sally will be there as members of the committee. So we just want to make sure everybody does whatever is a chamber. I have to work. I don't know if I can either, actually. I think a while ago there was a save the date, but I hadn't seen a recent one.

[05:15:32] But anyway, I didn't hear that, so I don't mean to question. I did not have any committees, but today, right before our meeting, the NACO Community Economic and Workforce Development Committee met. I'm going to share some links with you all because where to go?

[05:15:51] one of them is a map it's a tool that's on the naco website and it kind of shows you the whole united states you can explore the tool in albemarle county all the reds are housing cost and population growth and we are a high cost growing population so when you look around the state of virginia there's not that many but it's fairfax loudon us and then folks in that henrico area kind of going heading down to the beach. The other site that they gave were some tools

[05:16:27] about how localities that own land and how you can get creative to do affordable housing projects on it. I think they broke it down. They used the, Mike might know this, the four L's for a house.

Labor and materials, land, laws and reg and lending are the pieces needed to build a house. And they were talking about how labor and materials is typically 60% of the cost.

[05:16:51] land is 15. Now, this is an average across the board, but 21.2 percent are laws and regulations, and about 2.8 percent is your lending cost. So they were talking, just getting right to the nuts and bolts, what can a county, if you have land, you control that cost, and if you make the laws and regs, you can control that cost. So the site and some of their tools kind of get at what localities are doing around the country. And I know Minnesota has been in the news, Minneapolis has been in the news for other reasons, but they are a place that looks like they are employing some best practices in the county, which I'm forgetting the name right around Minneapolis,

[05:17:31] has also been doing some programs out there. So I'll share those links and you can kind of just explore those for your own purposes. Were those stats you just gave for affordable housing or just any housing? Just housing. So their point was, here's what the breakout of cost for building is, what do you as a local government control or where can you have an impact? And that was kind of the point. We can't control the labor and materials, but we can control the laws and regs. And if you own the land, you can control the land in terms of removing costs or helping with costs. Probably if you asked an affordable housing developer about the laws and regs percentage, it

[05:18:07] would be higher than that. Yeah, well, yeah, if it's an all 100%. All right, so So without objection, we will adjourn to January 21st, 2026, 1 p.m. here in Lane Auditorium. Thank you, everyone.



Coraggio Consulting · aguyonx.com