

From: Neal Magee <nmagee@gmail.com>
Sent: Friday, July 24, 2020 9:43 AM
To: Bill Fritz <BFRTZ@albemarle.org>; Liz Palmer <lpalmer@albemarle.org>; Ann Mallek <amallek@albemarle.org>
Cc: Diana Brawley <dcbrawley@gmail.com>
Subject: Re: Fill and Waste Zoning Text Amendment

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Dear Bill,

Thanks for the update. Attached please find the petition we circulated last month, with over 100 signatures of county residents.

As we have articulated to you and other county officials, the lack of adequate regulation on this fill activity seriously impacts waterways and landscapes of Albemarle County. We support the proposed language and strongly endorse these elements:

- 5.1.28.a.7 - requiring some modest setbacks;
- 5.1.28.a.10 - setting a maximum area for fill activity;
- 18-4.2.3.b - prohibiting fill activity on critical slopes; and
- 5.1.28.e - requiring notice to all impacted residents.

In particular, a simple maximum for disturbed areas for fill activity would place a cap on multi-phase projects that are in truth untaxed revenue for the farmer, turning their underutilized land into profitable income that may be untaxed. The land surrounding our property had a first phase of 4.5 acres, and a second phase is 4.4 acres, for a total of nearly 9 acres disturbed. This is egregious enough but even more troubling are the active plans by the landowner for two even larger additional phases of fill activity beyond this.

We ask you to also consider adding a provision that all applications for such fill activity trigger a re-evaluation of the land use tax status by the Albemarle County Assessor's office. For example, fill activity may limit, interfere with, or eliminate agricultural use of the land without the county being aware of it.

It has been relayed to us that haulers have told both County Staff and Supervisors that if regulations are too arduous then some haulers will just dump illegally in the county. We believe that this is no reason to pass weak or permissive revisions to the ordinance. This represents the power and even threat that haulers and developers wield over the local staff and politicians by stating they will act unlawfully if the law does not continue to be so permissive. As representatives of Albemarle County, our representatives, we ask you to stand tall against such strong-arm pressure and act to protect the natural resources of our beloved county. At this moment, the health of our waterways is in only **fair condition** and we cannot afford any more pollution runoff from fill activity making its way into our rivers and

waterways. [https://www.rivannariver.org/wp-content/uploads/2019/11/RCA_Stream_Health_2019_Final.pdf].

Albemarle residents have **unanimously** expressed to us a strong desire for the City of Charlottesville, and UVA specifically, to be more responsible for the disposal of fill dirt produced by their development. Like every other growing city and university, they must creatively address their own fill dirt, rather than hauling it into Albemarle County and changing the landscapes here forever.

We thank the Planning Commission and Board of Supervisors for their consideration of this matter, and working to find constructive ways of regulating an activity that -- given the scale of growth, development, and population -- now has a greater impact than ever before.

Thank you for your time and thoughtful consideration of this matter,

Diana Brawley & Neal Magee
6482 Dick Woods Road, 22903



Recipient: Albemarle County Board of Supervisors

Letter: Greetings,

Limit Fill and Waste Sites in Rural Albemarle County

We, the citizens of Albemarle County, call upon the Board of Supervisors to provide protections to rural area landowners whose lives are negatively affected by the under-regulated dumping of construction debris, waste, and fill dirt.

On November 6, 2019, Supervisors adopted a resolution directing staff to take a look at §18-4.3.1 and §18-5.1.28 of the code because “the use of rural fill and waste areas may be inconsistent with the Comprehensive Plan.” And that “the placement of fill and waste may cause increased traffic on rural roads that may be inadequate to accommodate increased traffic.”

In January 2020, the Board held a working session and heard the recommendations of County staff, headed by Bill Fritz. In April 2020 new regulations were proposed. Read his update and proposed language.

This petition calls for swift action to move forward with approval of the ordinance review, named ZTA-2019-07.

We recommend support for the following reasons:

- By-right dumping of fill and waste can risk contamination of neighboring wells, waterways, and aquifers.
- Reduce the unfair burden of road repair costs placed on taxpayers of Virginia.
- Limit the flow of thousands of dump trucks on unpaved, rural roads which cause blockage of traffic, unreasonable noise, and road dust covering homes and property.

Specific provisions of the new regulations that we endorse:

- Fill sites be a maximum of 2 acres.
- Lots eligible for fill be a minimum of 5 acres.
- Fill sites be setback a reasonable distance from residential lots.
- Special Use Permits should be required for such projects, triggering public notification and a period for comments.
- Local watersheds be more carefully protected and tested near fill sites.

- Fill be disallowed on critical slopes.
- Operational hours be limited.

All access roads including private roads, shared roads, and driveways, shall meet specific road safety conditions approved by VDOT.

The problem is real. In one incident in November 2018, 69 loads of used astroturf were trucked from the Park at Darden to property off of Fox Mountain Road. Last May and June, an unknown number of loads of waste were hauled onto another property in Free Union to dump concrete, asphalt, and other debris from the demolished University Hall. Other sites include Heards Mountain Road in Covesville, Browns Gap Turnpike in Crozet, and Dick Woods Road near the Miller School.

All of these incidents have triggered complaints from nearby landowners, inspections by Albemarle zoning/engineering, or stop work orders and fines. This happens far too often and Albemarle residents deserve protection.

We ask you to support these important changes by signing this petition. Your support will be delivered to Bill Fritz, Albemarle County Chief of Special Projects.

Signatures

| Name | Location | Date |
|-------------------|---------------------|------------|
| Neal Magee | Charlottesville, VA | 2020-05-29 |
| Diana Brawley | Charlottesville, VA | 2020-05-29 |
| Lauren Ryan | Charlottesville, VA | 2020-05-29 |
| Nathaniel Brawley | Charlottesville, VA | 2020-05-29 |
| Carolyn Lewis | US | 2020-05-29 |
| Erin Flynn | Charlottesville, VA | 2020-05-29 |
| Bridget Meagher | Charlottesville, VA | 2020-05-29 |
| Susan McCulley | Charlottesville, VA | 2020-05-29 |
| Dave Lewis | Charlottesville, VA | 2020-05-29 |
| Mariah Steele | charlottesville, VA | 2020-05-29 |
| Taylor Bowen | Charlottesville, VA | 2020-05-29 |
| Spencer Burnette | Fairhope, AL | 2020-05-29 |
| Joanna Bowen | Charlottesville, VA | 2020-05-29 |
| Abi Smith | Telford, PA | 2020-05-29 |
| Meg Bowen | Charlottesville, VA | 2020-05-29 |
| Natalie Peck | Virginia Beach, VA | 2020-05-29 |
| Charlie Johnson | Charlottesville, VA | 2020-05-29 |
| J. P. Kang | Seattle, WA | 2020-05-29 |
| Pamela Gibson | Charlottesville, VA | 2020-05-29 |
| Ella Smith | Charlottesville, VA | 2020-05-29 |

| Name | Location | Date |
|----------------------|---------------------|-------------|
| Anna Snyder | Charlottesville, VA | 2020-05-29 |
| Sam Hanny | Charlottesville, VA | 2020-05-29 |
| Avery Crenshaw | Arlington, TX | 2020-05-29 |
| Gavin Purdy | Mendham, NJ | 2020-05-29 |
| Caroline Hill | Charlottesville, VA | 2020-05-29 |
| Jenna Hill | Charlottesville, VA | 2020-05-29 |
| William Hatmaker | Ivy, VA | 2020-05-29 |
| Henry Breault | Charlottesville, VA | 2020-05-29 |
| Dylan Cosgrove | Crozet, VA | 2020-05-29 |
| Ricky Weikle | Charlottesville, VA | 2020-05-29 |
| Marie Spilman | Charlottesville, VA | 2020-05-29 |
| Mark Barstow | Crozet, VA | 2020-05-29 |
| Lydia Brawley | Blue Ridge, VA | 2020-05-29 |
| Rosemary Heflin | Charlottesville, VA | 2020-05-29 |
| John Spilman | Charlottesville, VA | 2020-05-29 |
| John Nowlin | Charlottesville, VA | 2020-05-29 |
| Will Hausner | Doylestown, PA | 2020-05-29 |
| Maggie Meagher | Ivy, VA | 2020-05-29 |
| Priscilla Vallecillo | Richardson, TX | 2020-05-29 |
| Ari Weiner | Framingham, MA | 2020-05-29 |
| Laura Meagher | New Orleans, LA | 2020-05-29 |
| Grace Lawrence | Westminster, US | 2020-05-29 |

| Name | Location | Date |
|----------------------|---------------------|-------------|
| Annabella Pandelli | Charlottesville, VA | 2020-05-29 |
| Lily Marcel | Charlottesville, VA | 2020-05-29 |
| Greta Slaats | Charlottesville, VA | 2020-05-29 |
| Annie McGahren | Charlottesville, VA | 2020-05-29 |
| Chloe Nagraj | Charlottesville, VA | 2020-05-29 |
| Richard Magee | Orlando, FL | 2020-05-29 |
| Ellie Bowen | Charlottesville, VA | 2020-05-29 |
| Avery M | Palmyra, VA | 2020-05-29 |
| Amy Knight | Charlottesville, VA | 2020-05-30 |
| Hannah Widmeier | Wilmington, NC | 2020-05-30 |
| Kate Ratcliffe | Charlottesville, VA | 2020-05-30 |
| Walter Mehring | Covesville, VA | 2020-05-30 |
| Hugh Meagher | Charlottesville, VA | 2020-05-30 |
| Melanie DeBerardinis | Charlottesville, VA | 2020-05-30 |
| Carolyn Schuyler | Charlottesville, VA | 2020-05-30 |
| Aliya Dhanji | Opa Locka, US | 2020-05-30 |
| Lauri Ross | Charlottesville, VA | 2020-05-30 |
| Ellie Shaps | Charlottesville, VA | 2020-05-30 |
| Heather Henry | Charlottesville, VA | 2020-05-30 |
| Ken Henry | Charlottesville, VA | 2020-05-30 |
| Dee Weikle | Crozet, VA | 2020-05-30 |
| Wesley Jenkins | Covesville, VA | 2020-05-30 |

| Name | Location | Date |
|------------------|---------------------|-------------|
| Matthew Goodman | Charlottesville, VA | 2020-05-30 |
| Connie Staley | Palmyra, VA | 2020-05-30 |
| mia harrington | Boston, US | 2020-05-30 |
| Heather Wetzel | Charlottesville, VA | 2020-05-31 |
| James Braxton | Charlottesville, VA | 2020-05-31 |
| Natasha Braxton | Charlottesville, VA | 2020-05-31 |
| John Pollock | Batesville, VA | 2020-05-31 |
| Emily Gulliver | Orlando, US | 2020-06-01 |
| Mary Napoleon | Buckingham, VA | 2020-06-01 |
| Julie Bolthouse | Leesburg, VA | 2020-06-02 |
| Ciara Logan | Brooklyn, US | 2020-06-03 |
| Kim Jackson | Charleston, US | 2020-06-03 |
| Joy Heyrman | Afton, VA | 2020-06-03 |
| Jason Lyman | Charlottesville, VA | 2020-06-03 |
| Janice Arone | Charlottesville, VA | 2020-06-09 |
| Jennie Moody | Greenwood, VA | 2020-06-09 |
| Gail Page | Esmont, VA | 2020-06-09 |
| Susan Weiner | Charlottesville, VA | 2020-06-09 |
| Brian Richter | Crozet, VA | 2020-06-09 |
| David Blaine | Charlottesville, VA | 2020-06-09 |
| Karen McGlathery | Rocky Mount, VA | 2020-06-10 |
| Mary Rice | Crozet, VA | 2020-06-10 |

| Name | Location | Date |
|-----------------|---------------------|-------------|
| Leah Beard | Charlottesville, VA | 2020-06-10 |
| Marie Hyde | Currituck, NC | 2020-06-10 |
| Lynda Mosen | Crozet, VA | 2020-06-10 |
| Louise Finger | Free Union, VA | 2020-06-10 |
| Martha Hodgkins | Pensacola, FL | 2020-06-10 |
| john murphy | Charlottesville, VA | 2020-06-10 |
| James Gilliam | Charlottesville, VA | 2020-06-10 |
| D. Cael Kendall | Crozet, VA | 2020-06-10 |
| Hallie Hegemier | Charlottesville, VA | 2020-06-10 |
| Brad Saylor | Crozet, VA | 2020-06-11 |
| Hillary Cook | Charlottesville, VA | 2020-06-11 |
| Bettina Goodall | Weedsport, NY | 2020-06-12 |
| Genevieve Lewis | Charlottesville, VA | 2020-06-12 |
| Rees Frescoln | crozet, VA | 2020-06-13 |
| David Crouch | Charlottesville, VA | 2020-06-16 |
| Don Landis | Charlottesville, VA | 2020-06-16 |
| Scott Boven | Charlottesville, VA | 2020-06-17 |
| Maggie Morse | Crozet, VA | 2020-06-17 |
| Hilary B | Charlottesville, VA | 2020-07-14 |
| Nicole Lepsch | Charlottesville, VA | 2020-07-20 |
| Jane Kelly | Charlottesville, VA | 2020-07-20 |
| Jaye Davis | Scottsville, VA | 2020-07-20 |

| Name | Location | Date |
|-------------------|---------------------|-------------|
| mariette slater | Charlottesville, VA | 2020-07-20 |
| Crystal Steger | Charlottesville, VA | 2020-07-20 |
| Sandra MCMULLAN | Charlottesville, VA | 2020-07-20 |
| Patti McNamee | Charlottesville, VA | 2020-07-20 |
| Daniel Bookhamer | Charlottesville, VA | 2020-07-20 |
| Lucy Berndt | Charlottesville, VA | 2020-07-21 |
| susan mcculley | charlottesville, VA | 2020-07-21 |
| christina salidis | charlottesville, VA | 2020-07-21 |
| Kathryn schutz | Charlottesville, VA | 2020-07-21 |
| Tiffany Barber | Charlottesville, VA | 2020-07-21 |
| Rich Gregory | Charlottesville, VA | 2020-07-21 |
| Steve Kohrherr | Afton, VA | 2020-07-21 |
| mariette Raeven | Allentown, PA | 2020-07-21 |
| Dinah Douglas | Lynchburg, VA | 2020-07-22 |
| Robyn Sealey | Charlottesville, VA | 2020-07-23 |
| Elisabeth De Jong | Goodview, VA | 2020-07-23 |
| Bill Chin | Roxbury, CT | 2020-07-23 |
| Daniell de Jong | Newport News, VA | 2020-07-23 |
| Robin Hamillruth | Charlottesville, VA | 2020-07-23 |