

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on September 17, 2025, at 1:00 p.m. in Lane Auditorium, Second Floor, Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia, 22902.

PRESENT: Mr. Jim H. Andrews, Mr. Ned Gallaway, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel (left at 5:24 p.m.), and Mr. Mike O. D. Pruitt.

ABSENT: none.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; County Attorney, Andy Herrick; Clerk, Claudette K. Borgersen; and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:00 p.m., by the Chair, Mr. Jim Andrews.

Mr. Andrews introduced the Albemarle County Police Department Officers present to provide their services at the meeting, Officer Lester Clark and Officer Bryce Owens.

Agenda Item No. 2. Pledge of Allegiance.
Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Adoption of Final Agenda.

Ms. McKeel **moved** to adopt the final agenda. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

Agenda Item No. 5. Brief Announcements by Board Members.

Mr. Pruitt reminded the public that early voting starts this Friday for this year's elections. There were multiple statewide offices, including both of the delegates who represented Albemarle in the General Assembly were up for re-election, although neither were facing any official competition. They also had contested races at the local level, including a contested School Board race and a contested Board of Supervisors race in the Samuel Miller District.

Mr. Pruitt added that he previously mentioned all of those races, but he just realized that he had neglected to mention another contested race in Albemarle County, which was the Scottsville Town Council race. He said that there were two candidates, Molly Angevine and the current councilor Edward Payne, who would be running against each other. He said that there would be a listening table hosted by the League of Women Voters at the Scottsville Library on Tuesday, September 30, 2025, at 6:00 p.m.

Ms. LaPisto-Kirtley said that she recently attended a Charlottesville-Albemarle Convention Visitors Bureau (CACVB) meeting, and she would like to share a couple of quick statistics that she thought the Board and public may be interested in. She said that direct visitor spending reached nearly \$1 billion in Charlottesville and Albemarle County in 2024. She noted that this was the third year that they had reached almost \$1 billion, and they were hoping to reach \$1 billion this year.

Ms. LaPisto-Kirtley said that they saw a 6.5% increase in visitor spending over 2023. Tourism-supported jobs in the area totaled 7,172; tourism-related taxes were \$27.7 million in Albemarle County; food and beverage industry, including restaurants, were the highest spending area; and lodging accounted for a combined \$214.8 million. She summarized that tourism was doing very well.

Ms. LaPisto-Kirtley announced that the Economic Development Authority (EDA) would be having a joint meeting with the Charlottesville EDA on October 14, 2025. She explained that their Fiscal Year (FY) 25 target was to conduct and complete 12 business retention and expansion visits with businesses in the County. The visit was designed to offer an enhanced level of service that identified key issues, increased communication, and delivered customized solutions to support the success of local businesses. While the goal was 12 visits with businesses, they had already completed 50 visits, so she wanted to give a big shout-out to the EDA for this great success.

Ms. Mallek announced that one week from today, the Rivanna River Basin Commission Conference will be held from 9:30 a.m. to 3:00 p.m. at The Center on Rio Road. She said that continental breakfast would be available, and lunch would be served as well. She said that topics included regional water planning, drought and flood records, presented by Dave Hirschman, who was a County employee long ago, and data center impacts on water quality and quantity, and the river update from the Rivanna Conservation Alliance. She said that RivannaRiverBasin.org had the agenda and the link to register, and she hoped to see everyone there.

Ms. Mallek announced that the Crozet Arts and Crafts Festival was back on October 11-12, 2025, at Crozet Park, from 10:00 a.m. to 5:00 p.m. She said that tickets were available in advance online, and

volunteers got free admission to the festival, and crozefestival.com was the place to go for all that information.

Ms. Mallek said that on a less positive note, there had been a recent uptick in employment scams, and she had received two herself just in the past week. Also, people may have received weird delivery notices pretending to be FedEx or UPS in which the scammer requested more information to track a package. She said that she was announcing this because on Monday, the local news had a TV story about these scams and how they were really taking over in this area right now. She explained that a quick Google search would take one to the Federal Trade Commission (FTC) website, and they had options for reporting and protective measures. She said that one could copy the message and forward it to 7726 to help one's wireless provider spot and block similar messages in the future. One could report it on the messaging app or report it directly to the FTC at reportfraud.ftc.gov. She asked everyone to please be careful.

Mr. Andrews said that just as he always did, he reminded the public that the Rivanna Solid Waste Authority (RSWA) was doing a lot of recycling for fall cleanup. He said that tomorrow was commercial hazardous waste disposal for businesses and commercial establishments, and then Friday and Saturday were the household hazardous waste for residents. The following weekend, September 27 was furniture, then October 4, 2025, was appliances, and October 11, 2025, was tires. He said that this was an opportunity to clean up those bulky items that were difficult to dispose of otherwise.

Mr. Andrews announced that the Batesville Apple Butter Weekend was coming up on October 11-12, 2025. He noted that pre-orders for apple butter were already being taken, and he was looking forward to the event just like every year.

Ms. LaPisto-Kirtley said that she had neglected to mention that the Solid Waste Alternatives Advisory Committee (SWAAC) had been made aware of a new state law, effective July 1, 2025, that prohibited businesses and vendors with 20 or more of the same type of business from using Styrofoam for takeout. She said that this would be phased in for all vendors by July 1, 2026. This was a positive step for the environment, as Styrofoam did not degrade. She said that the Board would be receiving more detailed information about how to distribute this information to the public. She added that updated information about improved recycling practices would also be upcoming.

Agenda Item No. 6. Proclamations and Recognitions.

There were none.

Agenda Item No. 7. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).

Brian McKay, White Hall District, said that two years ago, this Board approved a special exception to the Clean Earth Fill Code for the Kendrick Farm, removing the limits the code placed on the amount of earth fill, commonly known as dirt, allowed to be dumped on agricultural land. He said that the stated purpose of the special exception was that the proposed fill activity would further agricultural use of the property and that it would allow for a more natural appearance of the site. He said that the point was to restore 250 acres of existing pasture by filling in gullies and recontouring the dirt.

Mr. McKay said that the conditions of the special exception focused on the operation of dump trucks, limiting operations to 10.5 hours a day, Monday through Saturday, with operations prohibited on Sunday. He said that that was it, 52 weeks a year with no holidays, for five years until August 31 of 2028. He said that there was no stated limit to the number of loads these trucks could haul in a day. He said that this has resulted, as residents have documented and reported, in 50, 60, 70, and sometimes over 100 loads a day. He said that the Board would hear from other residents about the damage to their neighborhood.

Mr. McKay said that in asking the Board to reconsider this special exception, he would like to return to the reason it was granted in the first place. He said that they had never heard of any progress on the pasture restoration and there was no visible evidence of any such work being done. He said that when considering how far along the project was, simple logic would conclude that many thousands of heavy dump truck loads delivered in the last two years would be more than enough to fill and contour 250 acres of pasture. He asked if it would really take three more years to complete the job.

Mr. McKay said that the residents knew, and the Supervisors knew, that every one of these trucks was bringing in loads from construction sites. He said that whatever that dirt was that was scraped up for building foundations and road grading, it was probably not the agriculturally rich soil envisioned in the proposed pasture renovations. He said that they also knew that construction firms would pay some amount of money to dispose of each and every load of construction waste; it added up. He said that for two-plus years so far, one individual had benefited from this operation.

Mr. McKay said that he could not say what the County thought it had gained, but their neighborhood of 192 homes had suffered the daily assault of these heavy dump trucks and never-ending demolition of their quality of life. He said that they were asking the Board as citizens of Albemarle County, that they represented and served, to provide them an open hearing to reconsider the special exception they granted. He said that they had had more than two years to live the consequences that he hoped the

Board did not intend.

Linda Pierce, White Hall District, said that she was a resident of Earlysville Forest. She requested this Board of Supervisors to schedule an open hearing to address the Earlysville Forest neighborhood's request to rescind the special exception granted to Mr. Kendrick, who was not a resident of Earlysville Forest, allowing him to truck debris through their neighborhood to his adjacent land. She said that this was the third time she had attended a Board of Supervisors meeting regarding this matter of excessive industrial dump truck traffic. She said that she should not be here to do this.

Ms. Pierce said that the Board of Supervisors should be standing with her and her neighbors at any of a number of places in Earlysville Forest or along the route of this industrial trucking operation leading into Earlysville Forest as she made this request. She said that the Supervisors would then experience firsthand the fiasco created by this Board by granting an exception for an industrial trucking operation of this magnitude. She said that their group would need to step into the weeds and stop speaking due to the noise level.

Ms. Pierce said that as they waited out the passage of these trucks, they would also need to talk quickly before the next pack roared in to repeat the process. She said that over the course of several years, the members of the Board of Supervisors of all Albemarle County had chosen to hear their pleas to end this dangerous and manifestly unfair industrial trucking enterprise and then move on to whatever their next agenda item might be without taking any action on their request. She said that the Supervisors had chosen to hold up the black and white print of the special exception granted by this Board rather than see the true color of what was happening in Earlysville Forest.

Ms. Pierce said that this industrial trucking operation through their neighborhood was solely for the benefit of one individual residing outside the neighborhood while severely damaging their neighborhood's infrastructure and adversely affecting property rights. She said that this was aside from the very personal negative effects wrought upon the residents, as had been spelled out to the Board numerous times. She asked the Board of Supervisors again to please give them the consideration due them as their representatives. She requested the Board to schedule this open hearing to rescind this exception without further procrastination. She said that if they refused to schedule the hearing, it was the public's right to understand the true and valid reasons for that decision.

Susan Green, White Hall District, said that she had lived in her current home in Earlysville Forest for 38 and a half years. She said that she was totally in agreement with everything that had been said and that the Board would undoubtedly hear more of concerning holding an open hearing for review of that special exception. She said that she thought they were due that courtesy, given the amount of misery and torture that they had experienced, especially those of us who lived directly along that route, but also many, many other people because the level of noise and the fumes and the road damage impacted all of them.

Ms. Green said that she had some videos to share with the Board, but she wished they could smell the fumes, but they could at least hear the noise, see the damage, and see the threat that they felt and that they feared their children, their animals, and their other neighbors were exposed to. She said that there was also a still photograph of when one of these trucks left the neighborhood, went off the road, hit a school bus stop sign, crossed the road, hit some mailboxes, and then ended up stopped when it came to rest on the tree, again on the opposite side of the road; this happened right after it left the neighborhood.

Ms. Green said that it could have easily happened to one of the residents, and there was one video where it looked like it might happen to her. She said that she hoped the Board would take this seriously and finally believed that the videos she sent two years ago were true, and she hoped the Board would act on that. She said that she wanted to express her appreciation to the Board for being here and to the staff who had helped her provide these videos to the Board.

Margaret Walter, White Hall District, said that in 2023, the Board of Supervisors declared that Earlysville Forest was no longer a residential neighborhood. She said that they did this by approving an unlimited number of dump truck trips six days a week, 10 and a half hours a day, for almost six years to run on her streets. She said that from the records, one would think they had approved average daily loads of zero to 1.3 with one large average of 12.25. She said that however, she had some real daily load tallies. She said that on March 20, 2025, 161 passes, about 80 loads, averaging one truck every 3.9 minutes. She said that on May 3, 2025, 130 passes, 65 loads, one truck every 4.8 minutes. She said that on September 5, 2025, 68 passes, 34 loads, one truck every 9.2 minutes.

Ms. Walter said that in terms of the impact of dump trucks coursing through their neighborhood on a regular basis, the most obvious was the destruction of the roads, as the pavement was buckling, bursting, cratering, and cracking. She said that she lost water when a pipe along the road ruptured under the pressure. She said that VDOT had just left large sections of the road cut out and graveled. She said that second, the noise was a major impact. She said that she had a video from Saturday morning around 8:00 a.m. when they were trying to have a coffee on their back deck. She said that the noise of a single truck was deafening, and her husband could be heard yelling that it was not even one of the loud ones.

Ms. Walter said that there were plenty more effects, including when their kids could ride their

bikes, planning birthday parties, and when they could expect to be able to go outside and enjoy being in their own yards. She said that she had called the police, bought cameras, and now monitored a place that she thought was relatively safe. She said that the list went on. She asked the Board if this was scaled and if the level of impact was acceptable. She asked if they would allow this in Glenmore or Dunlora.

Ms. Walter said that when the Board approved this, not only did the Board ignore written statements from neighbors imploring them not to approve the exception, not only did they neglect to put a limit on the number of trucks that could come through every day, but they also ignored how their own government was already using this road. She said that the community ultimately had to spend months fighting with County schools about their official bus stop. They insisted that her children should walk alongside the dump trucks to get to their stop in a 35 mile an hour zone with no sidewalks because they lived in a residential neighborhood.

Ms. Walter said that at the same time, no one could tell her what other residential neighborhoods in the County had this level of sustained and heavy truck traffic. She said that the School Division finally agreed to move the stop when she publicly pointed out that they were running their own construction dirt through Earlysville Forest. She said that they were at once denying that their neighborhood had been turned into a throughway for dump trucks while benefiting from that very state of affairs. She said that when discussing another fill site in Woolen Mills recently, Chair Andrews had mentioned that while they could technically do it, he questioned whether they should do it. She said that she was so glad that his answer to that question was no.

Ms. Walter asked what was being done to address Earlysville, where Ms. Mallek had mentioned their lives had been turned upside down. She asked the Board to genuinely ask themselves if they should have voted the way they did in 2023, and then look at what had happened here, and stop this. She said that otherwise, what they had heard today would continue for years to come.

Chuck Collins, White Hall District, said that he was here with his wife, Betsy, and they both lived in Earlysville Forest. He said that they had lived there, raised their three children there, and considered it their sanctuary and their forever home. He said that if the Supervisors had read the letter sent by Ms. Erskine, he sincerely hoped that they would. He said that it was *res ipsa loquitur*; the thing speaks for itself. He said that he did not feel he could compete with the excellent job that had been done already to explain the negative impact that this situation had caused all of them.

Mr. Collins said that he would simply ask the Board to do three things. He said that first, if they had not already done so, please read Ms. Erskine's letter. He said that second, if they had not already done so, please take a view. He asked them to go to Earlysville Forest and see for themselves with their own eyes the impact that this situation had caused. He said that the damaged roads, the constant noise, the impact on the people, the children, the walkers that were in their once beautiful, idyllic situation. He said that third, he would ask the Supervisors to put themselves in the position of one of their neighbors.

Mr. Collins asked what they would do if they lived next door to the dumping site and the progress that had to go on every day. He said that he did not think they would tolerate it. He said that he did not enjoy being here today, but he had to because he could not sleep tonight if he did not. He asked the Board to please do the right thing.

Dave Norford, representing Albemarle County Farm Bureau, said that he would speak on the fill ordinance revisions. He said that he wanted to make clear that what he was discussing today was only for the proposed agricultural exemption for limited scope and limited duration farm activities for fill, not a big project like the one that had been discussed here by previous speakers.

Mr. Norford said that they had had a great relationship with County staff trying to work through these proposed regulations to come up with something that was workable. He said that they looked at some of their proposals, tried to apply some real-world practical knowledge to it, and had come up with some what they felt was a very workable agricultural exemption. He said that again, this was only for shorter duration, smaller scope projects.

Mr. Norford said that however, they did have a few issues they would like for the Board to consider in their work session. He said that one of them was the proposed regulation that requires the fill to only come from a farm that had access to a public road. He said that many farms, as they all knew, were served by private roads. He said that and the proposed regulation would say that if his farm was served by a private road that also served another residence or another parcel, he would have to get the permission of all the owners on that road in order to do his project.

Mr. Norford said that they thought this would be almost unenforceable, as it would make it very difficult for the farmer to decide whether they needed to get permission from the other landowners, and it would also make it hard for the other landowners to know whether they had any say over it or not. He said that if the fill would come from his farm operation, he could put it anywhere he wanted, but if he got it from somebody else, some other source, he could not put it where he wanted. He said they were asking the Board to remove that amendment because it was unenforceable and unworkable.

Mr. Norford said that the other issue was that the project must be completed within 30 days from the time they started to the time they stopped. He said that they would ask that the Board consider extending this to 60 days, not to make the project's scope bigger, but because of weather. He said that if

they started on something and hit some wet weather, they were not going to be able to finish it up in 30 days. He said that they would have to wait for the ground to dry so they did not have to work in mud. He said that the Farm Bureau requested the Board to consider those two changes to the proposed agricultural exemptions for short duration, small scope projects.

Neil Williamson, President of the Free Enterprise Forum, said that today, the Board would hold a work session regarding fill dirt regulations. He said that it was important to recognize that these regulations did not apply to any activity that was being conducted under an existing County permit. He said that this meant these regulations were really directed at farmers. He said that furthermore, these regulations, as written now, would prohibit the acceptance of any fill material on any farm that does not have primary VDOT-approved access on a collector or arterial roadway.

Mr. Williamson said that he credited staff for conveniently providing a list of collector and arterial roadways within the County. He said that it seemed like quite a long list. He said that he thought a list of roads that were not qualified to be on there was much exponentially larger. He said that he might also surmise that the majority of Albemarle County farms did not have direct access to a collector or arterial road. He said that therefore, they were discussing preventing a majority of Albemarle farmers' access to topsoil for their fields. He said that he was not an attorney, but that seemed like a violation of the Right to Farm Act.

Mr. Williamson said that for years, the Free Enterprise Forum had highlighted the rural areas as not a park, but a collection of agricultural businesses whose vitality kept that space open and agriculturally productive. He said that their own recently approved Economic Development Strategic Plan included agriculture as one of their five primary goals. He said that it cited agribusiness as an economic strength, but many farms and producers were at a transition point.

Mr. Williamson said that strategies to address zoning infrastructure, market access, and rural tourism, to grow Albemarle's farming is what the goal states. He said that if they wanted to create strategies that addressed zoning, perhaps a good start was not putting forth new regulatory schemes that made farming harder. He requested the Board to please consider the limited benefits of this misguided regulatory scheme and weigh whether they were worth losing farms.

Justine Bailey, White Hall District, said that she and her family were residents of Earlysville Forest. She said that her children were aged eight and five years old, and she wanted the Board to consider how small children such as her own were being impacted by what was happening in their neighborhood. She said that her family and she moved here about two years ago. She said that they were drawn to the Earlysville Forest neighborhood because of how quiet and peaceful it seemed, a really great place to raise their kids.

Ms. Bailey said that they moved in and they quickly realized that that was not the case. She said that the first thing that they noticed was the constant noise from the dump truck traffic, despite not being located on the main route the trucks drove. She said that they could hear every truck that was driving by from inside their home, and it was constant from 7:30 a.m. to 5:30 p.m., six days a week. She said that in addition to the noise and the constant traffic, the biggest issue had been the safety concerns. She said that she had hoped that her boys would be able to ride their bikes through the neighborhood or walk down the street to the creek that was near their house.

Ms. Bailey said that it was just not possible because it was not safe. She said that trucks were driving by while kids were getting on and off the school bus. She said that trucks were driving by while they were out walking with their pets and their kids. She said that trucks were literally ruining their roads. She said that they asked for the Board's help in remedying the situation so that their neighborhood could get back to being the safe and peaceful place that their kids deserved.

Agenda Item No. 8. Consent Agenda.

Ms. McKeel **moved** to approve the consent agenda. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Item No. 8.1. Huckleberry Hill Farm Utility Easement.

The Executive Summary forwarded to the Board states that the Huckleberry Hill conservation easement was acquired through the County's Acquisition of Conservation Easements (ACE) program in December 2007 and is co-held by the Albemarle Conservation Easement Authority (ACEA) and the Board of Supervisors. The easement protects 238 acres on Simmons Gap Road (Tax Map 19 Parcels 1, 1G, and 4), owned by the Weinersmith and Weiner families. The property consists of open pasture, hayfields, and forest.

Virginia Electric and Power Company, operating as Dominion Energy, requests approval from the ACEA and the Board of a 15-foot-wide underground utility easement on the Huckleberry Hill property

(Attachment A). The proposed easement runs northeast alongside the driveway (Attachment B) until it joins an existing overhead line, which it follows north for approximately 1,000 feet to the parcel boundary with TMP 19-1A. That 1,000-foot section of overhead line-plus a further 2,000 feet of overhead line that crosses TMP 19-4C almost to Simmons Gap Road-would be removed with this undergrounding project. The new underground lines would be installed by directional boring, which means that no trenching or vegetation removal is needed.

The proposed utility line would serve the Huckleberry Hill property and other properties to the north. The conservation easement permits "driveways and other improvements and facilities customary and related to the use of a single parcel," so long as they are "otherwise consistent with this Easement" (Attachment C). Staff understands "improvements and facilities" to include utility service to permitted uses and structures. The deed is silent on utilities crossing the parcel to serve other properties.

Activities that are not anticipated by the deed are checked against the deed's conservation purposes to make sure none of the stated conservation values will be impaired. The conservation purposes of this easement are listed as "maintaining the integrity of existing stream channels," "protecting the availability and quality of surface drinking water supplies [and] groundwater resources," "conserving ecological communities," and "promoting the protection of...important open space lands."

The proposed utility line crosses one intermittent stream. Directional boring would keep the utility line at least three feet below the streambed and will avoid surface disturbance within 50 feet of the stream banks. The proposed line would not cross wooded areas, except along an already cleared utility corridor that passes through a wooded area to the west of the dwelling. No riparian buffers or other protection areas are specified in the deed. For these reasons, staff does not anticipate that the installation or maintenance of this utility line would impair the conservation values of the property.

The property owners consent to the proposed utility line. At its August 14, 2025 meeting, the ACEA found that the proposed utility easement is permitted under the conservation easement and requested that existing overhead utility easements be vacated (Attachment D).

There is no budget impact.

Staff recommends that the Board of Supervisors adopt the resolution approving the new utility easement (Attachment E).

By the above-recorded vote, the Board adopted the Resolution approving the new utility easement (Attachment E):

**RESOLUTION APPROVING CONVEYANCE OF A UTILITY EASEMENT
ACROSS PARCELS 01900-00-00-00100, 01900-00-00-001G0, AND 01900-00-00-00400**

WHEREAS, the County of Albemarle, Virginia (County) and the Albemarle County Conservation Easement Authority (ACEA) co-hold a conservation easement on Parcels 01900-00-00-00100, 01900-00-00-001G0, and 01900-00-00-00400 ("the Property");

WHEREAS, the Property is owned by Zachary Weinersmith, Kelly Lynne Weinersmith, Martin Weiner, Jr., and Shannon Weiner ("the Owners");

WHEREAS, Virginia Electric and Power Company, operating as Dominion Energy, has proposed acquiring a new 15-foot wide utility easement to permit the undergrounding of existing power and telecommunications lines; and

WHEREAS, the ACEA and the Owners consent to a new utility easement across the Property; and

WHEREAS, the Albemarle County Board of Supervisors finds that this utility easement will not impair the conservation values of the Property protected by the existing conservation easement;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the proposed utility easement across Parcels 01900-00-00-00100, 01900-00-00-001G0, and 01900-00-00-00400, and authorizes the County Executive to sign any documents needed to effect this conveyance as proposed, once those documents have been approved as to form and substance by the County Attorney.

* * * * *



Underground Distribution Easement Agreement

This Underground Distribution Easement Agreement (this "Agreement") is made and entered into as of June 11, 2025 by and between Zachary WEINERSMITH, Kelly Lynne WEINERSMITH, Martin WEINER, JR., and Shannon WEINER ("GRANTOR") and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business as Dominion Energy Virginia, with its principal office in Richmond, Virginia ("GRANTEE").

WITNESSETH:

1. That for and in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, GRANTOR grants and conveys unto GRANTEE the perpetual right, privilege and exclusive easement on the property described herein, for the distribution and transmission of electricity, internal communications related thereto, and for internet and communication services (the "Easement") which shall include the right to lay, construct, operate and maintain one or more lines of underground conduits and cables, the right to install, operate and maintain certain aboveground facilities associated with the underground electric distribution and data transmission system, and the right to apportion, lease, or license the internet and communications rights to third parties.
2. The portion of the GRANTOR's property encumbered by the Easement shall be referred to herein as the "Right-of-Way." The Right-of-Way shall extend across the lands of the GRANTOR situated in Albemarle County, Virginia, as more fully described on Plat Number 13-24-0591 (the "Plat"), attached to and made a part of this Agreement. The location and width of the boundaries of the Right-of-Way is shown in broken lines on the Plat, the width of the Right-of-Way shall be fifteen (15) feet.
3. All facilities constructed hereunder shall remain the property of GRANTEE. GRANTEE shall have the right to inspect, reconstruct, remove, repair, improve, relocate (within the boundaries of the Right-of-Way), and make such changes, alterations, substitutions, additions to or extensions of the GRANTEE's facilities as GRANTEE may from time to time deem advisable.
4. GRANTEE shall have the right to keep the Right-of-Way clear of all obstructions which would interfere with its exercise of the rights granted hereunder and/or endanger the safe and proper operation of GRANTEE's facilities. Subject to the foregoing, GRANTEE shall repair damage caused by GRANTEE to roads, fences or other improvements on GRANTOR's property provided, however, GRANTOR gives written notice thereof to GRANTEE within sixty (60) days after such damage occurs.
5. GRANTOR may use the Right-of-Way for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with GRANTEE's exercise of any of its rights hereunder and/or endanger the safe and proper operation of GRANTEE's facilities.
6. GRANTEE shall have the right of ingress to and egress from the Right-of-Way over such private roads and/or lands of Grantor as may now or hereafter exist within the property boundaries of GRANTOR.
7. GRANTOR represents that it has the right to convey the rights and privileges granted hereunder; that GRANTEE shall have quiet and peaceable possession, use and enjoyment of the easement granted hereunder; and that GRANTOR shall execute such further assurances thereof as may be reasonably required.

Prepared by and after recording return to: Stantec Consulting Services Inc., 1011 Boulder Springs Drive, Suite 225,
Richmond, VA 23225
DEVIDNo(s). 13-24-0591
Tax Map No. 01900-00-00-00100 and 01900-00-00-00400
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8. This Right of Way Agreement is binding upon the successors and assigns of the parties hereto.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

WITNESS the following signatures and seals:

[Signature]
Zachary Weinersmith

[Signature]
Kelly Lynne Weinersmith

ZACH WEINERSMITH

Kelly Weinersmith

State of VIRGINIA

City/County of ALBEMARLE

The foregoing instrument was acknowledged before me In Person, Remote Notarization on this

10 day of JUNE, 2025, by Zachary Weinersmith and Kelly Lynne Weinersmith.
(Name/s of Grantor/s Signing)

THOMAS GERALD MCMURTRIE JR
Notary Public (Print Name)

[Signature]
Notary Public (Signature)

Virginia Notary Registration No. 7807408

My Commission Expires 3/31/2027

Thomas Gerald McMurtrie Jr.
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 7807408
My Comm. Expires March 31, 2027

(Affix Notary Seal Above Line)

8. This Right of Way Agreement is binding upon the successors and assigns of the parties hereto.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

WITNESS the following signatures and seals:

[Signature]
Martin Weiner, Jr.

[Signature]
Shannon Weiner

MARTIN WEINER

Shannon Weiner

State of VIRGINIA

City/County of ALBEMARLE

The foregoing instrument was acknowledged before me In Person, Remote Notarization on this
12 day of JUNE, 2025, by, Martin Weiner, Jr., and Shannon Weiner.
(Name/s of Grantor/s Signing)

THOMAS GERALD MCMURTRIE JR
Notary Public (Print Name)

[Signature]
Notary Public (Signature)

Virginia Notary Registration No. 7807408

My Commission Expires 3/31/2027

Thomas Gerald McMurtrie Jr.
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 7807408
My Comm. Expires March 31, 2027

(Affix Notary Seal Above Line)



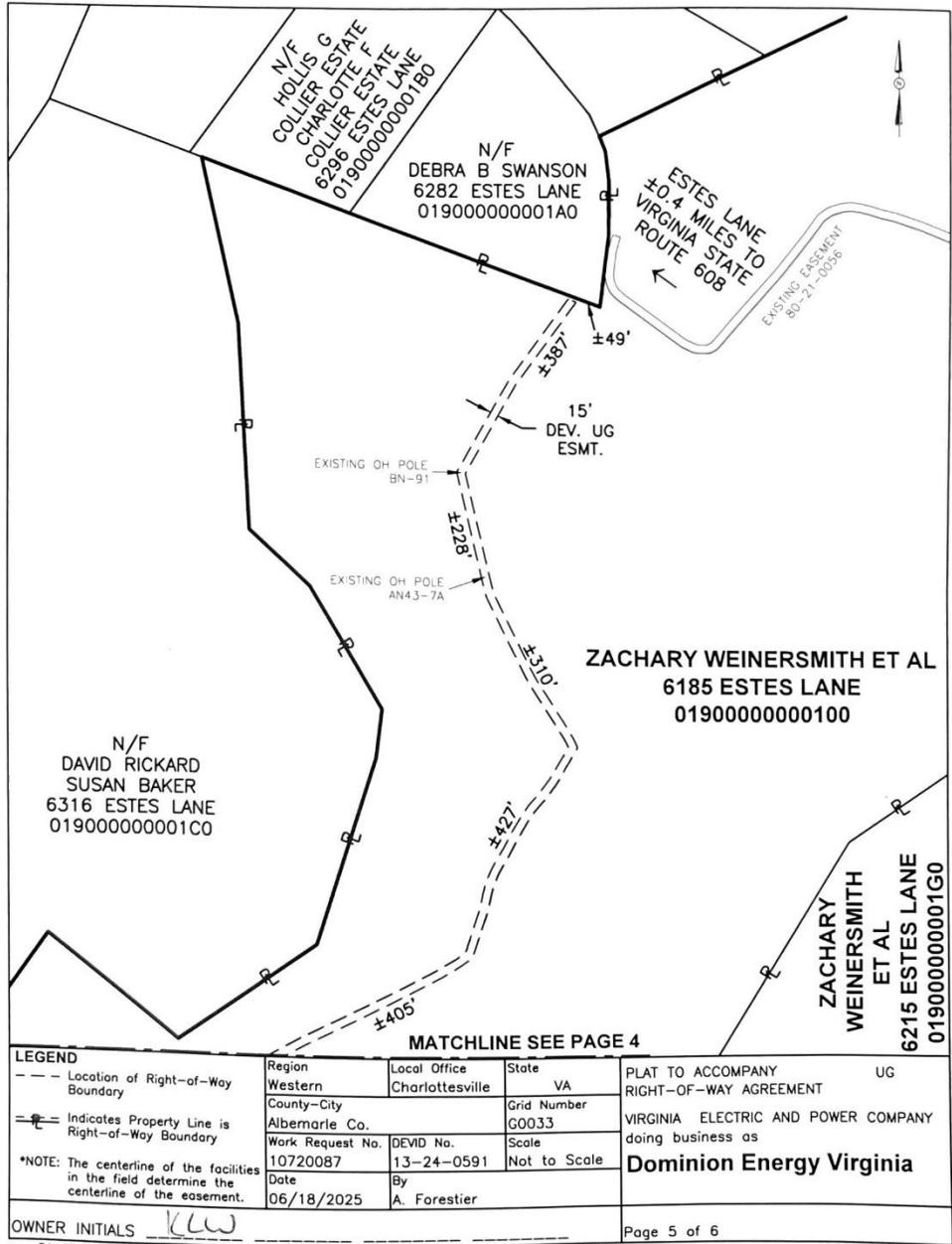
**Underground Distribution
Easement Agreement**

EXHIBIT "A"

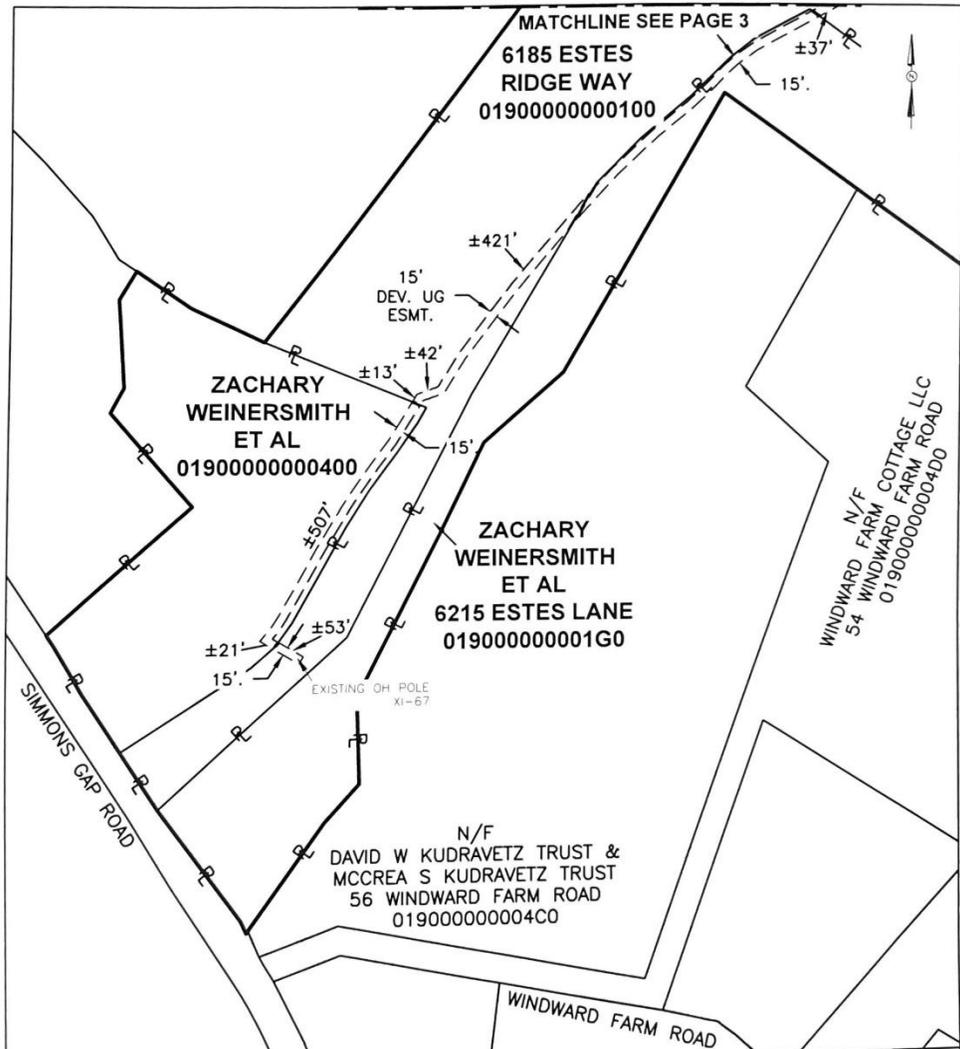
This Exhibit A shall be attached to and made a part of the Underground Distribution Easement Agreement dated June 12, 2025, by and between Zachary WEINERSMITH, Kelly Lynne WEINERSMITH, Martin WEINER, JR and Shannon WEINER, ("GRANTORS"), and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation doing business in Virginia as Dominion Energy Virginia ("GRANTEE"), the following terms and conditions are incorporated therein:

This conveyance is subject to all terms and conditions of an open-space deed of easement recorded at Albemarle County Deed Book 3525, Page 348, which is binding upon all successors in interest in the Property in perpetuity.

Under the terms of that easement, the following may be constructed, installed, located or placed, provided they are otherwise consistent with that easement: (a) driveways and other improvements and facilities customary and related to the use of a single parcel; and (b) improvements and facilities related to a land division including, but not limited to, public streets or private roads, and drainage and other utility facilities required by the County.



| LEGEND | | MATCHLINE SEE PAGE 4 | | |
|--|--|----------------------|-----------------|---|
| --- | Location of Right-of-Way Boundary | Region | Local Office | State |
| --- | Indicates Property Line is Right-of-Way Boundary | Western | Charlottesville | VA |
| | | County-City | Grid Number | PLAT TO ACCOMPANY RIGHT-OF-WAY AGREEMENT UG |
| | | Albemarle Co. | G0033 | VIRGINIA ELECTRIC AND POWER COMPANY doing business as |
| *NOTE: The centerline of the facilities in the field determine the centerline of the easement. | | Work Request No. | DEVID No. | Scale |
| | | 10720087 | 13-24-0591 | Not to Scale |
| | | Date | By | Dominion Energy Virginia |
| | | 06/18/2025 | A. Forestier | |
| OWNER INITIALS <i>KW</i> | | | | Page 5 of 6 |



| | | | | |
|--|------------------|-----------------|-------------|---|
| LEGEND --- Location of Right-of-Way Boundary — — Indicates Property Line is Right-of-Way Boundary *NOTE: The centerline of the facilities in the field determine the centerline of the easement. | Region | Local Office | State | PLAT TO ACCOMPANY UG RIGHT-OF-WAY AGREEMENT VIRGINIA ELECTRIC AND POWER COMPANY doing business as Dominion Energy Virginia |
| | Western | Charlottesville | VA | |
| | County-City | Albemarle Co. | Grid Number | |
| | Work Request No. | DEVID No. | Scale | |
| Date | By | | | |
| | 06/18/2025 | A. Forestier | | |
| OWNER INITIALS <i>[Signature]</i> | | | | Page 6 of 6 |

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Instrument Control Number

[Empty Box]

018521

**Commonwealth of Virginia
 Land Record Instruments
 Cover Sheet - Form A**

[ILS VLR Cover Sheet Agent 1.0.66]



Doc ID: 004749950011 Type: DEE
 Recorded: 12/07/2007 at 11:58:06 AM
 Fee Amt: \$17.00 Page 1 of 11
 Albemarle County, VA
 Shelby Marshall Clerk Circuit Court
 File# 2007-00018521

BK 3525 PG 348-358

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Date of Instrument: [10/18/2007]

Instrument Type: [DE]

Number of Parcels [3]

Number of Pages [9]

City County [Albemarle County]

(Box for Deed Stamp Only)

First and Second Grantors

| Last Name | First Name | Middle Name or Initial | Suffix |
|---------------------------|------------|------------------------|--------|
| [Huckleberry Hill Farm,] | [] | [] | [] |
| [] | [] | [] | [] |

First and Second Grantees

| Last Name | First Name | Middle Name or Initial | Suffix |
|---|------------|------------------------|--------|
| <input checked="" type="checkbox"/> [County of Albemarle, VA] | [] | [] | [] |
| <input checked="" type="checkbox"/> [Albemarle County PRFA] | [] | [] | [] |

Grantee Address (Name) [County of Albemarle, VA]
 (Address 1) [401 McIntire Road]
 (Address 2) []
 (City, State, Zip) [Charlottesville] [VA] [22902]
 Consideration [263,550.00] Existing Debt [0.00] Assumption Balance [0.00]

Prior Instr. Recorded at: City County [Albemarle County] Percent. in this Juris. [100]

Book [1696] Page [171] Instr. No []

Parcel Identification No (PIN) [01900-00-00-00100]

Tax Map Num. (if different than PIN) []

Short Property Description [200.995 acres, more or less, Albemarle County, VA]

Current Property Address (Address 1) [6185 Estes Lane]

(Address 2) []

(City, State, Zip) [Dyke] [VA] [22935]

Instrument Prepared by [Albemarle County Attorney's Of]

Recording Paid for by [Albemarle County Attorney's Office]

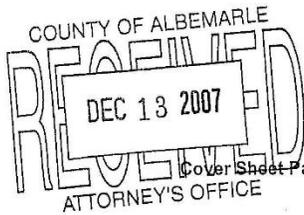
Return Recording to (Name) [Albemarle County Attorney's Office]

(Address 1) [401 McIntire Road]

(Address 2) [Suite 325]

(City, State, Zip) [Charlottesville] [VA] [22902]

Customer Case ID [] [] []



Cover Sheet Page # 1 of 2



018521

Instrument Control Number

**Commonwealth of Virginia
 Land Record Instruments
 Continuation Cover Sheet
 Form C**

[LS VLR Cover Sheet Agent 1.0.66]

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Date of Instrument: [10/18/2007]

Instrument Type: [DE]

Number of Parcels [3]

Number of Pages [9]

City County [Albemarle County] (Box for Deed Stamp Only)

Grantors/Grantees/Parcel Continuation Form C

| Last Name | First Name | Middle Name or Initial | Suffix |
|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Prior Instr. Recorded at: City County [Albemarle County] Percent. in this Juris. [100]
 Book [1696] Page [171] Instr. No []
 Parcel Identification No (PIN) [01900-00-00-001G0]
 Tax Map Num. (if different than PIN) []
 Short Property Description [17 3/4 acres, more or less, Albemarle County, VA]
 Current Property Address (Address 1) [6185 Estes Lane]
 (Address 2) []
 (City, State, Zip) [Dyke] [VA] [22935]

Prior Instr. Recorded at: City County [Albemarle County] Percent. in this Juris. [100]
 Book [1972] Page [352] Instr. No []
 Parcel Identification No (PIN) [01900-00-00-00400]
 Tax Map Num. (if different than PIN) []
 Short Property Description [18.91 acres, more or less, Albemarle County, VA]
 Current Property Address (Address 1) [6185 Estes Lane]
 (Address 2) []
 (City, State, Zip) [Dyke] [VA] [22935]



This document was prepared by
Albemarle County Attorney.
County of Albemarle
401 McIntire Road
Charlottesville, Virginia 22902

Tax Map and Parcel Numbers 01900-00-00-00100, 01900-00-00-001G0 and 01900-00-00-00400

This deed is exempt from taxation under Virginia Code § 58.1-811(A)(3).

DEED OF EASEMENT

THIS DEED OF EASEMENT, made this 18th day of October 2007, between **HUCKLEBERRY HILL FARM, LLC**, a Virginia limited liability company, Grantor, hereinafter referred to as the "Grantor," and the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, hereinafter sometimes referred to as the "County," and the **ALBEMARLE COUNTY PUBLIC RECREATIONAL FACILITIES AUTHORITY**, a public body established pursuant to Virginia Code § 15.2-5600 *et seq.*, each of whose address is 401 McIntire Road, Charlottesville, Virginia, 22902; the County and the Albemarle County Public Recreational Facilities Authority are hereinafter collectively referred to as the "Grantees."

WITNESSETH

WHEREAS, the Grantor is the owner in fee simple of the real property located in Albemarle County that is described below and hereinafter referred to as the "Property;"

WHEREAS, the Property contains 237.655 acres, more or less, in the aggregate;

WHEREAS, under the County's Acquisition of Conservation Easements ("ACE") Program, codified in Appendix A.1 of the Albemarle County Code, the County is authorized to acquire conservation easements over qualifying properties in order to accomplish the purposes of the ACE Program and the Open-Space Land Act (Virginia Code § 10.1-1700 *et seq.*);

WHEREAS, the Grantor has voluntarily agreed to have the Property be subject to the terms of this conservation easement (hereinafter, the "Easement");

WHEREAS, the Property lies in the watershed of the South Fork of the Rivanna River Reservoir, has five thousand four hundred (5,400) feet of frontage on Beaver Dam Creek, a creek identified by the Virginia Division of Natural Heritage as being suitable habitat for the James spinymussel and the Atlantic pigtoe mussel, contains historic resources registered with the Virginia Landmark Registry and National Register of Historic Places, has perennial woodland streams and rivers and important forested lands and other attributes that justify its qualification under the ACE Program and the Virginia Open-Space Land Act, and it will be protected under the Easement as follows: (1) at least twenty (20) theoretical development parcels will be eliminated; and (2) forest management will follow the best technical advice of a professional forester in order to maintain and improve the long-term health and productivity of the forestland resource;

WHEREAS, the Property has a total of twenty (20) division rights, as that term is defined in Appendix A.1 of the Albemarle County Code, which, if fully exercised, could result in the establishment of twenty (20) dwelling units on the Property; at the time of the granting of this Easement, there is one (1) principal dwelling unit on the Property;

WHEREAS, the Virginia Open-Space Land Act (Virginia Code § 10.1-1700 *et seq.*) as amended, (hereinafter, the "Virginia Open-Space Land Act"), declares that purposes for providing and preserving open-space land under an easement authorized by the Virginia Open-

Space Land Act include retaining or protecting natural or open-space values of real property, assuring its availability for agricultural, forestal, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural or archaeological aspects of real property;

WHEREAS, the following goals and objectives of the Albemarle County Comprehensive Plan will be advanced by placing the Property under the Easement: maintaining the integrity of existing stream channels, with the intent to maintain both biological functions and drainage; protecting the availability and quality of surface drinking water supplies; protecting the availability and quality of groundwater resources; conserving ecological communities to ensure their continued genetic diversity, and to protect ecosystems that provide essential services to humans; and promoting the protection of those important open space lands that cannot be adequately protected through regulation;

WHEREAS, the Grantees' acquisition of this easement furthers the purposes of the ACE Program in that the acquisition, among other things, assures that Albemarle County's resources are protected and efficiently used, establishes and preserves open-space, preserves the rural character of Albemarle County, and furthers the goals of the Albemarle County Comprehensive Plan to protect Albemarle County's natural, scenic and historic resources, promotes the continuation of a viable agricultural and forestal industry and resource base, and protects Albemarle County's surface water and ground water supplies;

WHEREAS, the Grantor desires to establish an easement on the Property for the purpose of preserving such lands as open space in perpetuity in order to protect the values described herein;

WHEREAS, the protection of the Property by this Easement will yield significant public benefits described herein; and

WHEREAS, the Grantor and the County have entered into an agreement under the terms of which the County has agreed to pay the Grantor the total sum of Two Hundred Sixty-Three Thousand Five Hundred Fifty Dollars (\$263,550.00) for this Easement.

NOW, THEREFORE, in consideration of the recitals and the mutual benefits, covenants and terms herein contained, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor hereby grants, conveys, covenants and agrees as follows:

1. GRANT AND CONVEYANCE OF EASEMENT. The Grantor hereby grants and conveys to the Grantees and their successors and assigns, with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, a conservation easement (the Easement) in gross over the Property described below, restricting in perpetuity the use of the Property in the manner set forth herein:

TM 01900-00-00-00400:

All that certain tract or parcel of land situated in the County of Albemarle, Virginia, located on State Route 663, being the residue of Parcel 3 containing 18.26 acres, more or less, as shown on a plat by Roger W. Ray & Assoc., Inc., dated October 17, 2000, and recorded in the Clerk's Office of the Circuit Court of the County of Albemarle, Virginia, in Deed Book 1972, page 354; together with 2.05 acres, more or less, shown as Parcel Y on a plat by Roger W. Ray & Assoc., Inc., dated January 15, 2001, and recorded in said County Deed Book 1993, pages 576 through 577; LESS AND EXCEPT 1.40 acres, more or less, shown as Parcel W on a plat by Roger W. Ray & Assoc., Inc., dated January 12, 2004, and recorded in said County in Deed Book 2722, pages 352 through 353.

TM 01900-00-00-00100:

All that certain tract or parcel of land situated in the County of Albemarle, Virginia, containing approximately 200.995 acres, more or less, and shown as Albemarle Tax Map 19, Parcel 1.

TM 01900-00-00-001G0:

All that certain tract or parcel of land situated in the County of Albemarle, Virginia, containing approximately 17 ¾ acres, more or less, and shown as Albemarle Tax Map 19, Parcel 1G.

Tax Map and Parcel Numbers 01900-00-00-00100 and 01900-00-00-001G0 were conveyed to Huckleberry Hill Farm, LLC, a Virginia limited liability company, by deed from NationsBank, N.A., Trustee (f/k/a Sovran Bank, N.A.) for the Beaver Dam Farm Land Trust u/a/d March 16, 1987, and Louis J. Aszod, unmarried, said deed dated April 6, 1998, recorded April 24, 1998, in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 1696, page 171. Tax Map and Parcel Number 01900-00-00-00400 was conveyed to Huckleberry Hill Farm, LLC, a Virginia limited liability company, by deeds from Brian J. Duffy and Gloria B. Duffy, Trustees under the Duffy living Trust, dated November 15, 2000, recorded November 27, 2000, in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 1972, page 352, and by deed from Brian J. Duffy and Gloria B. Duffy, Trustees under the Duffy Living Trust, dated February 14, 2001, recorded February 23, 2001, in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 1993, page 603.

2. USES AND ACTIVITIES. In order to accomplish the purposes of the ACE Program and the Open-Space Land Act (Virginia Code § 10.1-1700 *et seq.*), all uses and activities on the Property shall conform to all applicable provisions of the Albemarle County Comprehensive Plan and comply with the applicable requirements of the Albemarle County Zoning Ordinance (Albemarle County Code, Chapter 18). No use or activity, including any such use or activity expressly authorized herein, shall destroy an identified conservation purpose of this Easement. The Property also shall be subject to the following additional restrictions:

A. Division of the Property and boundary line adjustments. The Property may be divided and its boundary lines may be adjusted only as provided herein:

1. Division. The Property is currently composed of three (3) parcels. For all purposes of this Easement, the Property shall be considered to be one (1) parcel as though the above described parcels are combined into one (1) parcel. The Property may be divided or subdivided into not more than three (3) separate parcels; provided that if the Property is divided into three (3) parcels, two of the three (2 of 3) parcels shall be at least one hundred (100) acres in size. If the Property is divided or subdivided as provided in this paragraph, then each resulting parcel may be sold or conveyed separately.

2. Boundary line adjustments. The exterior boundary lines of the Property shall not be adjusted unless the property sharing the same boundary line is subject to a substantially equivalent conservation easement and the adjustment is approved in writing by each Grantee. Boundary line adjustments within the Property shall be approved if the adjustment is consistent with the Easement.

B. Construction, installation, location, placement of structures and improvements. There shall be no construction, placement or maintenance of any structure or improvements on the Property unless the structure or improvements are either on the Property as of the date of this Easement or are authorized as follows:

1. Location of structures. Each structure for which a building site is required shall be located on a building site shown on a site plan approved by the County.

2. Types of structures. In addition to one existing principal single-family dwelling unit, no permanent or temporary building or structure shall be built or maintained on the Property other than: (a) up to two additional principal single-family dwelling units; (b) up to four (4) secondary residential dwellings, that are subordinate and incidental to a principal single-family dwelling unit; (c) structures such as non-residential outbuildings, swimming pools, decking detached from the single-family dwelling units, gazebos, garages, and tool sheds; and (d) farm buildings or structures. Any structure permitted by this paragraph may be repaired, reconstructed, or replaced in a manner that is consistent with the Easement if it is damaged, destroyed or demolished; provided that the repair, reconstruction or replacement of the structure is permitted by and complies with all applicable regulations.

3. Size of structures. No farm building and farm structure shall exceed a structural footprint of four thousand five hundred (4,500) square feet unless prior written permission for a greater footprint is obtained from each Grantee;

4. Improvements. The following may be constructed, installed, located or placed, provided they are otherwise consistent with this Easement; (a) driveways and other improvements and facilities customary and related to the use of a single parcel; and (b) improvements and facilities related to a land division including, but not limited to, public streets or private roads, and drainage and other utility facilities required by the County.

C. Commercial and industrial uses prohibited; description of uses not deemed to be commercial and industrial uses. No industrial or commercial uses shall be conducted on the Property; provided, however, that the following uses are not deemed to be commercial or industrial uses for purposes of this Easement and are specifically permitted:

1. *De minimis* commercial recreational uses.

2. Agricultural uses including, but not limited to, establishing, reestablishing, maintaining or using cultivated fields, orchards or pastures (including clearing woodland areas for conversion to crop or pastureland) in accordance with generally accepted agricultural practices, including horticultural specialties; livestock, including all domestic and domesticated animals; and livestock products. The processing of agricultural products is not an agricultural use, except as an accessory use.

3. Forestal uses including, but not limited to, reforestation, site preparation, timber harvesting and other commercial forest management activities are permitted provided the Grantor adheres to established Best Management Practices (as provided in subsection 2(F)) and uses the best technical advice of a professional forester to maintain and improve the long-term health and productivity of the forestland. The processing of wood products is not a forestal use, except as an accessory use. The clearing of land for conversion to farmland or other agricultural uses, however, may be permitted. The Grantor shall notify the Grantees thirty (30) days before the anticipated start of any harvesting activity and seven (7) days prior to the anticipated completion of such harvesting activity.

4. Temporary or seasonal activities that do not permanently alter the physical appearance of the Property and are otherwise consistent with this Easement including, but not limited to, the sale of agricultural products grown or raised on the Property, and the granting of licenses to enter and use the Property for hunting or fishing.

5. Activities that can be and in fact are conducted within permitted buildings, without material alteration to the external appearance thereof.

6. Uses subordinate and customarily incidental to a principal use of the Property that are not expressly prohibited by and are otherwise consistent with this Easement.

7. Uses or activities not expressly excepted herein, but which are determined by each Grantee in writing not to be a commercial or industrial use, and to be consistent with this Easement. In making this determination, the Grantees may consider, among other things, whether the scope of a use or activity excepted herein has evolved over time as a result of changes in the law or customary practices.

D. Billboards and signs. There shall be no display of billboards, signs or other advertisements on the Property, except to: (1) state solely the name of the Grantor, the name of the farm, and/or the address of the Property; (2) advertise the sale or lease of the Property; (3) advertise the sale of goods or services produced as permitted by this Easement; (4) give directions to visitors; or (5) provide warnings pertaining to trespassing, hunting, dangerous conditions and other similar such warnings. No sign shall exceed twenty-four (24) square feet.

E. Grading, blasting, earth removal and mining. Grading, blasting or earth removal shall not materially alter the topography of the Property; provided that grading, blasting or earth removal shall be allowed for dam construction to create private conservation ponds or lakes, and during the construction of permitted structures or associated improvements, and that such activities employ applicable Best Management Practices. Common agricultural activities such as plowing, erosion control and restoration, and the burial of dead animals, are not activities that materially alter the topography of the Property. Mining on the Property is prohibited.

F. Use of best management practices for all forestal activities. The applicable Best Management Practices, as established by a responsible state agency, shall be used in all forestal activities to control erosion and protect water quality.

G. Accumulation of waste material. There shall be no accumulation or dumping of trash, refuse or junk on the Property. This restriction shall not prohibit customary agricultural, horticultural or wildlife management practices including, but not limited to, establishing brush, compost or manure piles, or the routine and customary short-term accumulation of household trash.

3. MISCELLANEOUS PROVISIONS

A. No public right of access to Property. This Easement does not create, and shall not be construed to create, any right of the public to enter upon or to use the Property or any portion thereof, except as the Grantor may otherwise allow.

B. Easement applies to the whole Property and runs with the land. This Easement shall apply to the Property as a whole rather than to individual parcels, and shall run with the land and be binding upon the parties, their successors, assigns, personal representatives, and heirs.

C. Enforcement. In addition to any remedy provided by law to enforce the terms of this Easement, the parties shall have the following rights and obligations:

1. Monitoring. Representatives of either Grantee may enter the Property from time to time for the purpose of inspection and enforcement of the terms of this Easement after permission from or reasonable notice to the Grantor or the Grantor's representative.

2. Restoration. Upon any breach of any term of this Easement by the Grantor, either Grantee may require by written demand to the Grantor that the Property be restored promptly to its condition at the time the Easement was granted.

3. Documentation of condition. Documentation is retained in the offices of the County that describes the condition and character of the Property at the time this Easement was granted. This documentation may be used to determine compliance with and enforcement of the terms of this Easement. However, neither the Grantor nor the Grantees are precluded from using other relevant evidence or information to assist in that determination.

4. Action at law inadequate remedy. It is conclusively presumed that an action at law seeking a monetary remedy is an inadequate remedy for any breach or violation, or any attempted breach or violation, of any term of this Easement.

5. Failure to enforce does not waive right to enforce. The failure of either Grantee to enforce any term of this Easement shall not be deemed a waiver of the right to do so thereafter, nor discharge nor relieve the Grantor from thereafter complying with any such term.

6. No third party right of enforcement. Nothing in this Easement shall create any right in the public or any third party to maintain any suit or action against any party hereto.

D. No buy-back option. The Grantor shall not have the option to reacquire any property rights relinquished by this Easement.

E. Notice of proposed transfer or sale. The Grantor shall notify each Grantee in writing at the time of closing on any transfer or sale of the Property. In any deed conveying all or any part of the Property, this Easement shall be referenced by deed book and page number in the deed of conveyance and shall state that this Easement is binding upon all successors in interest in the Property in perpetuity.

F. Relation to applicable laws. This Easement does not replace, abrogate or otherwise supersede any federal, state or local laws applicable to the Property.

G. Reference to existing laws. All references to existing laws shall include such laws as they may be hereafter amended or recodified, whether they are referenced herein or not.

H. Severability. If any provision of this Easement is determined to be invalid by a court of competent jurisdiction, the remainder of this Easement shall not be affected thereby.

I. Recordation. Upon execution by the parties, this Easement shall be recorded with the record of land titles in the Clerk's Office of the Circuit Court of Albemarle, Virginia.

J. Authority to convey easement. The Grantor covenants that he is vested with good title to the Property and may convey this Easement.

K. Authority to accept easement. The Grantees are authorized to accept this Easement pursuant to Virginia Code § 10.1-1701. The County, acting by and through its County Executive, duly authorized by resolution adopted by the Board of Supervisors of the County of Albemarle, Virginia, accepts the conveyance of this property pursuant to Virginia Code § 15.2-1803, as evidenced by the County Executive's signature hereto and the recordation of this Deed.

L. Proceeds from eminent domain. If the rights or restrictions established by this Easement are extinguished by eminent domain or other similar proceedings, the County shall be entitled to the proceeds pertaining to the extinguishment of its rights and interests under this Easement, as determined by the ratio of the value of this Easement and the restrictions imposed thereby, to the value of the fee interest in the Property as encumbered by this Easement. The values shall be determined by a qualified appraisal performed by an appraiser mutually agreed to by the Grantor and the County.

M. Transfer of easement by grantees. Neither Grantee nor their successors and assigns may convey or lease this Easement unless the conveyance or lease is conditioned as follows: (1) the conveyance or lease are subject to contractual arrangements that will assure that the Property is subject to the restrictions and conservation purposes set forth in this Easement, in perpetuity; and (2) the transferee is an organization then qualifying as an eligible donee as defined by section 170-(h)(3) of the Internal Revenue Code of 1986, as amended, and the applicable Treasury Regulations promulgated thereunder, or is a public body within the meaning of Virginia Code § 10.1-1700.

N. Extinguishment. The Grantor agrees that the grant of the perpetual conservation restriction in this Easement gives rise to a property right, immediately vested in the Grantees, with a fair market value that is at least equal to the proportionate value that the perpetual

conservation restriction at the time of the grant bears to the value of the Property as a whole at that time. If a subsequent unexpected change in the conditions surrounding the Property makes impossible or impractical the continued use of the Property for the conservation purposes specified herein, the restrictions set forth in the Easement can be extinguished only by a judicial proceeding and only if such extinguishment also complies with the requirements of Virginia Code § 10.1-1704. In any sale or exchange of the Property subsequent to such extinguishment, the County shall be entitled to a portion of the proceeds at least equal to the proportionate value of the perpetual conservation restriction computed as set out above, but not to be less than the proportionate value that the perpetual conservation restriction at the time of the extinguishment bears to the then value of the Property as a whole. The County shall use its entire share of the proceeds from the sale of such property in a manner consistent with the conservation purposes of this Easement and of the Open-Space Land Act.

O. No warranty by grantees as to qualification for charitable gift. The Grantor and the Grantees hereto agree and understand that any value of this Easement claimed for tax purposes as a charitable gift must be fully and accurately substantiated by an appraisal from a qualified appraiser as defined in IRS regulations (see 26 C.F.R. § 1.170A-13(c)(5)), and that the appraisal is subject to review, audit and challenge by all appropriate tax authorities. The Grantees make no express or implied warranties regarding whether any tax benefits will be available to the Grantor from this Easement, whether any such tax benefits might be transferable, or whether there will be any market for any tax benefits that might be transferable.

P. Construction. This Easement shall be construed to promote the purposes of this Easement, the ACE Program, and the Open-Space Land Act.

Q. Consent of trustee and beneficiary to subordinate lien.

1. By deed of trust dated November 22, 2000, of record in said Clerk's Office in Deed Book 1972, page 356, the Grantor conveyed the subject Property to S. James Johnson, Jr. and C. Champion Bowles, Jr., Trustees, either or both of whom may act, to secure an outstanding obligation owed to Colonial Farm Credit, ACA, Beneficiary. Pursuant to the authorization of the Beneficiary, as evidenced by its signature hereto, the sole acting Trustee joins in this deed to subordinate the lien of such deed of trust to the easement conveyed hereby.
2. By deed of trust dated April 24, 1998, of record in said Clerk's Office in Deed Book 1696, page 175, and by Supplemental Deed of Trust of record in said Clerk's Office in Deed Book 2799, page 4, the Grantor conveyed the subject Property to S. James Johnson, Jr. and C. Champion Bowles, Jr., Trustees, either or both of whom may act, to secure an outstanding obligation owed to Colonial Farm Credit, ACA, Beneficiary. Pursuant to the authorization of the Beneficiary, as evidenced by its signature hereto, the sole acting Trustee joins in this deed to subordinate the lien of such deed of trust to the easement conveyed hereby.
3. By deed of trust dated November 25, 1998, of record in said Clerk's Office in Deed Book 1766, page 15, the Grantor conveyed the subject Property to S. James Johnson, Jr. and C. Champion Bowles, Jr., Trustees, either or both of whom may act, to secure an outstanding obligation owed to Colonial Farm Credit, ACA, Beneficiary. Pursuant to the authorization of the Beneficiary, as evidenced by its signature hereto, the sole acting Trustee joins in this deed to subordinate the lien of such deed of trust to the easement conveyed hereby.

WITNESS the following signatures and seals.

GRANTOR

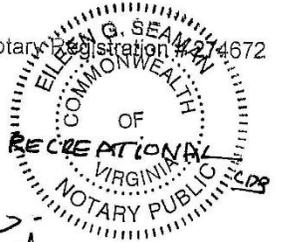
Jeannette Tuck
Jeannette Tuck, Operating Manager
Huckleberry Hill Farm, LLC

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Charlottesville

The foregoing *Deed of Easement* was signed, sworn to and acknowledged before me this 22nd day of October, 2007 by Jeannette Tuck, Operating Manager, Huckleberry Hill Farm, LLC, Grantor.

Eileen G. Seaman
Notary Public # 274672 Notary Registration # 274672

My Commission Expires: 4-30-2011



COUNTY OF ALBEMARLE,
VIRGINIA

ALBEMARLE COUNTY PUBLIC RECREATIONAL FACILITIES AUTHORITY

By: Robert W. Tucker, Jr.
Robert W. Tucker, Jr.
County Executive

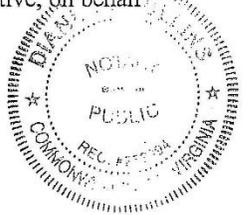
By: Charlotte D. Buttrick
Charlotte D. Buttrick
Chairman

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Charlottesville:

The foregoing *Deed of Easement* was signed, sworn to and acknowledged before me this 2nd day of November, 2007 by Robert W. Tucker, Jr., County Executive, on behalf of the County of Albemarle, Virginia, Grantee.

Diane B. Mullins
Notary Public

My Commission Expires: June 30, 2009
COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Charlottesville:



The foregoing *Deed of Easement* was signed, sworn to and acknowledged before me this 30th day of October, 2007 by Charlotte D. Buttrick, Chairman, on behalf of the Albemarle County Public Recreational Facilities Authority, Grantee.

Marsha A. Davis
Notary Public

My Commission Expires: 1/31/2010

Notary Registration # 260220



COLONIAL FARM CREDIT, ACA

By: Brian D. Ingram
Brian D. Ingram, Vice President

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Stafford :

The foregoing *Deed of Easement* was signed, sworn to and acknowledged before me this 4th day of December 2007 by Brian D. Ingram, Vice President, on behalf of the Colonial Farm Credit, ACA, Beneficiary.

Bobbi B Powell
Notary Public

My Commission Expires: 12-31-09
Notary Registration # 142188
TRUSTEE

S. James Johnson, Jr.
S. James Johnson, Jr., Trustee

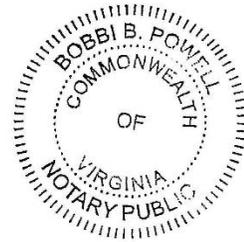
COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Stafford :

The foregoing *Deed of Easement* was signed, sworn to and acknowledged before me this 4th day of December 2007 by S. James Johnson, Jr., Trustee.

Bobbi B Powell
Notary Public

My Commission Expires: 12-31-09
Notary Registration # 142188
Approved as to form:

By: Greg Knight
County Attorney



RECORDED IN CLERKS OFFICE OF
ALBEMARLE ON
December 07, 2007 AT 11:58:06 AM
\$0.00 GRANTOR TAX PD
AS REQUIRED BY VA CODE §58.1-802
STATE: \$0.00 LOCAL: \$0.00
ALBEMARLE COUNTY, VA
SHELYN MARSHALL CLERK OF CIRCUIT COURT
Shawn [Signature]

Item No. 8.2. FY 2025 Unaudited Preliminary Year End Financial Report, **was received for information.**

Item No. 8.3. VDOT Monthly Report (July) 2025, **was received for information.**

Agenda Item No. 9. **Action Item:** 2026 Legislative Priorities.

The Executive Summary forwarded to the Board states that each year, the Board of Supervisors considers and approves a set of legislative priorities to pursue in the upcoming General Assembly session. The Board then discusses these priorities with the County's General Assembly delegation and submits the priorities to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML).

At its July 16 meeting, the Board reviewed the 2025 General Assembly session and discussed legislative priorities for 2026. During this meeting, staff proposed that the Legislative Positions and Policy Statements document be substantially revised around higher-level legislative principles, as the document in its current form includes a large number of specific items that can be challenging to maintain as a tool during the General Assembly session.

At its August 20 meeting, the Board reviewed the proposed 2026 legislative program, including

both priorities and principles, along with an optional (and scaled-back) legislative positions statement. The Board indicated a preference for retaining both documents and re-emphasized the importance of adequate state transportation funding. The Board indicated general agreement with the scaled-back legislative positions statement.

During the work session, the Board will review the proposed legislative program (Attachment A), which includes both legislative priorities and legislative principles. Based on Board feedback, the proposed legislative principles now include support for improved state transportation funding. The Board will also review the proposed legislative positions (Attachment B).

There are no specific, identifiable budget impacts associated.

Staff recommends that following review, the Board adopt the proposed 2026 Legislative Program (Attachment A) and Legislative Positions (Attachment B) with any desired amendments.

Andy Herrick, County Attorney, said that he was going to be leading this presentation today with assistance from Emily Kilroy, Director of Economic Development, and David Blount, Legislative Liaison with the Thomas Jefferson Planning District Commission (TJPDC). He said that as the Board may recall, this was the third of three presentations that they were having on the legislative program for 2026. Staff came to the Board initially with some ideas in July, then they followed up with a work session last month in which they tried to hone the County's legislative program and legislative positions, and this was the meeting during which they hoped to get final adoption of both the County's legislative priorities and legislative positions.

Mr. Herrick stated that today's presentation was going to take place in three parts, the first of which was a presentation of the Thomas Jefferson Planning District's legislative program, then discussion of finalizing the documents for 2026, and finally a preview of the legislative forum.

David Blount, Legislative Liaison with the Thomas Jefferson Planning District Commission, stated that he would briefly present information on the development of the Thomas Jefferson Planning District Regional Legislative Program. He said that also, he wanted to just first remind the Board of the current program for 2025 that was developed last fall and the priorities that were part of that program.

Mr. Blount said that to review, the first priority was public education funding, a perennial position that had been in the regional program to encourage the state to support localities and school boards in delivering K-12 education, and to do so by recognizing a realistic standard of quality level of funding. He said that the second priority was really an all-encompassing position related to local program funding, dealing with budgets, funding, and providing a statement in opposition to unfunded mandates, cost shifting, and underfunded requirements. It also spoke to support for enhancing the revenue-generating authority of localities.

Mr. Blount stated that the final priority in the 2025 program was related to land use authority and stressing the preservation of localities' existing land use authority. He said that this came into play a lot this past General Assembly session, given the number of bills that were trying to restrict, limit, or take away local land use authority. He said that he thought it would be very beneficial again this coming year. He explained that he had been meeting with the other local governing bodies within the region to talk about the priorities from this past year and looking ahead to starting to draft a revised program here in the coming weeks and to submit that to the Board for their consideration and approval a little bit later into the fall.

Mr. Blount noted that the priorities from last year have been pretty well received, and continuing those in the coming year would well position them to be able to advocate as they headed into the next General Assembly session, where the budget for the next biennium in Fiscal Years 27 and 28 would be a huge task for the General Assembly. He said that given the uncertainty surrounding the creation of that budget, depending on where they were in November and March when the budget was being finalized, and depending on the state of their economy and the impacts that may continue to be from activities that were going on in Washington.

Mr. Blount expressed his appreciation for the opportunity to be here with the Board today, and he was glad to have been part of the previous discussions that they had on their local priorities and principles and legislative positions. He said they would certainly be useful as he was looking to revise the draft program to bring back to the Board sometime in October, and then hopefully present the final program for the Board's consideration at their first meeting in November.

Mr. Herrick said that he would next discuss the County's legislative program. He explained that staff had two documents they would be asking the Board to consider today. He said that the legislative program was included in the Board's materials as Attachment A and included the legislative priorities as well as legislative principles. He said that as far as legislative priorities, the proposed program in Attachment A identifies four of them, three of which involved potential amendments to the Virginia Code.

Mr. Herrick explained that first, they were seeking as a priority enabling localities to enforce the Virginia Landlord Tenant Act, which the Board had identified as a priority in previous work sessions. He said that they were also carrying over from past years a priority to expand the authority to use photo speed monitoring devices. He said that right now, the County had that on a limited basis in certain school zones, but this would be expanding that authority to allow local authority for those cameras in other parts of the locality, not just limiting them to school and construction zones.

Mr. Herrick said that finally, they would be again advocating for a referendum on a local option \$0.01-sales tax for school division capital projects. This was an initiative that had been sought in prior years that passed the General Assembly but had been vetoed by the Governor in the past two years and would be continuing on as a proposed legislative priority for the coming Assembly session. He stated that the County would also be seeking as a budget amendment to provide state funding for the Biscuit Run Park's Monacan Indian Nation Tribute Park Connector Greenway Trail project.

Emily Kilroy, Director of Economic Development, added that the latter item was a similar but slightly re-scoped project compared to what they put in a budget amendment for last year. It was vetoed by the Governor, but otherwise supported by the General Assembly, so they were hoping for a better outcome once the new Governor took office.

Mr. Herrick said that this summarized the priorities included in Attachment A. Next, he would review the program's legislative principles. He explained that this marked a change from last year where they had a series of policy statements, and it was staff's suggestion that they scale down and try to articulate what the County was seeking in the form of principles rather than a lengthier position statement. Therefore, they had reorganized the legislative principles in Attachment A as high-level statements on eight points: broadband and the Internet, economic development, growth management, environmental protection, land use and transportation, health and human services, housing, local government finance, and public safety.

Mr. Herrick noted that, given the importance they heard from the Board about transportation, staff actually pulled that out and made it a separate, new legislative principle towards the end of Attachment A. They also heard the Board's hesitance about supporting the entirety of the Virginia Municipal League (VML) and Virginia Association of Counties (VACo) programs, so that was eliminated from the prior draft of the legislative principles document. At this point, the principles document articulates support of the TJPDC's legislative program, but did not take a position formally endorsing the entirety of the VML and VACo programs.

Mr. Herrick said that staff also heard from the Board at the prior work session that the Board did want to retain a legislative position statement. The prior version from last year included approximately 49 positions, so staff slimmed it down this year to 28 positions. He clarified that staff had not made significant changes from the position statement that was brought to the Board previously but simply were bringing that before the Board for proposed adoption. He reiterated that these position statements were organized largely along the same lines as the principles.

Mr. Herrick summarized that staff recommended the Board adopt both Attachments A and B, the legislative program and the legislative positions, with any desired amendments that may come out of today's discussion. He continued that looking ahead to the next step, staff was still working very hard to try to coordinate the schedules of the various Board members and their legislators, and unfortunately, it was looking as though there was not a single date that would accommodate the entire legislative delegation. He said that there was a single meeting date available in mid-October that looked promising, but staff were still trying to finalize that.

Mr. Herrick stated that at the meeting, there would be a presentation of legislative priorities similar to what they had done in the last several work sessions. He said that there would be time for the Board to share concerns about transportation funding as they had expressed was a major issue at the state level. He noted that the main issue with transportation was that state funding had remained stable while the construction costs and need for improvements continued to grow. Therefore, the funding had not kept up with the demand and action was needed to correct that gap. Additionally, legislators would share their own priorities as they headed into the next General Assembly session.

Ms. McKeel said that her recollection from last year was that the Governor vetoed the legislation regarding the Virginia Landlord Tenant Act. She said that she recalled his reasoning was that the localities already had the ability to enforce the Act. She said that her reason for bringing this up was so that they could acknowledge the reason why this item failed to move forward last time and why it remained necessary to include as a legislative priority.

Mr. Herrick said that his understanding of the Governor's veto was that he said that the localities had sufficient other remedies to get at the same end. He said that he did not think that the Counties had exactly what was in that bill, but the Governor's thought was that there were other tools that the Counties could use. He said that the Governor's other objection to the bill, as he recalled, was that it was one-sided in terms of giving remedies to tenants but not to landlords.

Ms. McKeel said that the context was helpful to know so that it could inform their future discussions. She said that additional comments would be welcome in that regard.

Mr. Pruitt said that looking at the legislative principles, they were organized so that the principle was listed alongside the funding and authority requests. He noted that there were some of these principles where he questioned whether the requests were effectively responding to the needs as they related to the item. For example, the broadband and internet principle statement said they supported legislation that promoted accessible and affordable internet for all County residents, either through state funding or expanding and enabling authority.

Mr. Pruitt said that while it sounded like something he could support, the reality was that expanded authority was not actually necessary for this item. He said that he was worried they had a pattern for asking for the same thing without specifically addressing the need, which in the case of internet would be a funding request to fill the gap from the loss of federal funding. He said that in general,

he was supportive of this document, but he would like to suggest that the Landlord-Tenant Act be removed from the principles since it was included in the other priority document, as this would provide more clarity.

Mr. Pruitt said that additionally, he would ask the Board to consider whether the inclusion of a rent stabilization study was a worthwhile effort. He said that the legislative positions were meant to equip their lobbyists with the necessary discussion points throughout the session, so that they could confirm that Albemarle County supported or did not support those specific items. He said that however, a study on rent stabilization would never be brought up in the General Assembly in this capacity, so Albemarle's position on the matter was unnecessary to include.

Mr. Pruitt noted that the initiative that had been brought forward in the General Assembly in the past three years was actual text for rent stabilization enabling authority, so localities could consider creating a rent stabilization ordinance. He emphasized that if the County was going to say something on this issue, he believed it should be their stance on rent stabilization enabling authority. He acknowledged that they could do their own local studies and discussions on whether it would be appropriate in Albemarle, but their position on expansion of local authority here would be prudent in this context.

Mr. Gallaway said that regarding the reaction of the other Commissioners at the TJPDC, Louisa endorsed the idea of emphasizing the need for better transportation funding in the state, and there seemed to be some consensus on that, so he hoped the Commission would write that in a formal letter and help build a strong case for that to be addressed. He said that he believed it was stressed enough in Albemarle's priorities, so it was a matter of lobbying and gathering support from other jurisdictions. He said that he was supportive of the presented document.

Ms. LaPisto-Kirtley said that she was supportive of the document as proposed, and she was hopeful that they would be more successful in the upcoming session than they were in the last one.

Ms. Mallek said that she was supportive of the priorities and the process so far. She asked if there was any displacement protection anywhere implicitly in the things they were talking about, or if it was totally separate.

Mr. Herrick said that he did not think that was directly addressed in any of the statements here.

Ms. Mallek said that whether it was a trailer park or apartment complex, the displacement of residents had caused serious disruption for hundreds of people in their County. She said that she simply wanted to know whether that had been addressed in this document, so she appreciated the clarification.

Mr. Andrews said that he was supportive of the legislative program as proposed, and he was sympathetic to the idea of having enabling authority for rent control as a next step, even if Albemarle did not end up using it. He said that he would also be open to hearing additional possibilities for preventing displacement of residents. He said that he had a separate question for Mr. Blount. He said that in previous months, he had read a lot of good news about developments with the state budget, but recently he had read about some projections of a big deficit. He asked if Mr. Blount could address that information.

Mr. Blount said that he would assume that Mr. Andrews had heard a report about a month ago from the Governor regarding the closing of the FY25 books, a revenue surplus of about half a billion dollars, some rollover of funding due to vetoes that had occurred back in the spring, and some other transfers, totaling around \$1.5 billion. However, he thought the other side of that coin had a couple of implications to consider.

Mr. Blount explained that when looking ahead to the creation of the 2027-2028 budget, it was a K-12 re-benchmarking year, which also involved re-examining costs associated with public education based on data that was already two years old, which then became four years old by the end of the next biennium. Additionally, there was always an increase in required spending on Medicaid. Those were the two biggest state budget drivers.

Mr. Blount said that he thought that amount was also estimated at around \$1.5 billion at this point. Furthermore, there were known costs or expenses that the state would have related to federal actions that had already occurred. For example, there would be additional costs related to the Supplemental Nutrition Assistance Program (SNAP), and there would likely be some administrative costs related to Medicaid beyond just the usual driver piece.

Mr. Blount noted that additionally, there may be other pressures that the General Assembly felt, such as from nonprofits or other entities where grants had been lost or funding had been cut, and how they chose to deal with doing some backfilling. He noted that this was his perspective standing here in September, not knowing what future impacts may be that would flow downhill, which they would become aware of toward the end of the year when the Governor introduced his budget in December, and then again as they moved into the first part of 2026.

Mr. Andrews said that he appreciated the insights.

Ms. McKeel added that the headline today was Virginia looking at a \$1.75 billion loss to schools and Medicaid.

Ms. Mallek asked if there was any update after the Federal Impact Committee report last week about the focus on survival dollars for SNAP and other related issues. She said that this was another backfill issue that could not wait until April.

Mr. Blount said that there were both administrative and benefit impacts. He believed some of that was going to continue to evolve in terms of what they knew. He did not think there was guidance in all of those areas that had been made available yet. He believed that their staffs were hyper-focused at the General Assembly and the money committees on this. As they moved into the fall and headed into the session, he thought they would know more about it.

Ms. Mallek said that she hoped the federal government would still be operating after October 1, which was yet another unknown factor. She thanked Mr. Blount for the helpful information.

Ms. McKeel said that regarding Mr. Pruitt's comments about rent stabilization, her concern in supporting enabling authority was that she did not know enough about it to give her full support, which was why she wanted a study to understand the basic pros and cons.

Mr. Pruitt clarified that the bill as drafted in previous years was an enabling authority bill. He said that it did not impose it; rather, it gave them the opportunity to make a decision, which would allow their County to conduct their own analysis of the benefits and drawbacks. He added that there was already public literature available on the pros and cons, including those shared by lobbyists in the audience that they had access to.

Ms. LaPisto-Kirtley said that she did not know enough about it to take a stance or give a consensus on the matter. She would be in favor of a study, but that was about it.

Ms. Mallek said that her view would be that a study would be something they would follow after if the bill passed and gave the County the enabling authority to consider it. She said that then the study might be more suitable for their local context, with local stakeholders involved, rather than everything happening in Richmond. She said that she would be glad to see the bill included in their program and then see how it played out. She said that if it passed in the Assembly, they would still hear from their lobbyists about how it may have changed during the session and the County could determine whether they still supported it in its evolved form.

Mr. Gallaway said that while he understood that if they never asked for it, there was no chance of it passing, he thought that a study may provide some substance and content before it became subject to the political format of a legislative bill. He said that from his perspective as a local politician, considering the County's partners for affordable housing projects voicing serious concern about rent stabilization, he was unsure of its viability. He said that he would not be opposed to including the rent stabilization bill in their legislative program, but he could not confidently advocate for it, either. He said that he thought they had other more achievable goals and there were other tools for addressing affordable housing. He said that his position was that he thought it would not go anywhere.

Ms. McKeel noted that there was a stack of Joint Legislative Audit & Review Commission studies they had received over the past 10 years that spoke to this issue, and those had never been addressed at the state level.

Mr. Gallaway said that in terms of the political maneuvering, he thought a study would provide context for any legislators who may be on the fence on this issue and could potentially change some minds. He said that he thought that was a smarter approach.

Ms. McKeel recalled that that was where the Board landed on this issue when they discussed it the first time.

Mr. Gallaway said that he assumed that Mr. Pruitt would bring this up during their meeting with their state legislators regardless of whether it was included in their legislative program, and he looked forward to hearing what they had to say on the matter.

Mr. Pruitt clarified that he would not bring it up during that meeting if the Board did not include it in the legislative program. He said that he thought it may be prudent to have a vote on the matter because he was unclear about what he heard from the Board.

Ms. Mallek added that the affordable housing sector was already regulated by state and federal control numbers, so for them to say this was the end of the world was probably not fair, because they were already having all the guidelines that Dr. Pethia reported to them all the time about what one-bedroom, two-bedroom, and three-bedroom units should cost if they were going to be called affordable, and so on. She said secondly, perhaps they should consider two phases to this: one to have the study, and the other to support enabling authority, and send it all down the road.

Mr. Pruitt noted that every single one of their priorities mentioned advocacy for further expanding enabling authority. Additionally, he would just raise as he had mentioned before: if they did not have these more particularized priorities, he thought their legislative principles and housing goals would be in support of this, because it expanded authority for the preservation of affordable housing. Absent the particularity of the Board not saying yes, he thought they would already say yes under a more broadly defined principle.

Mr. Pruitt **moved** that the Board of Supervisors modify the rent stabilization priority to add, after the words "a state study of," the words "and local enabling authority for rent stabilization/rent gouging protections."

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following

recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Ms. Mallek **moved** that the Board of Supervisors adopt the proposed 2026 Legislative Program (Attachment A) as presented.

Mr. Pruitt **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.



County of Albemarle
Board of Supervisors

2026 Legislative Program

LEGISLATIVE PRIORITIES

Virginia Code Amendments

1. *Enable localities to enforce the Virginia Landlord-Tenant Act*
2. *Expand authority to use photo speed monitoring devices*
3. *Enable a referendum on a local option one-cent sales tax for school division capital projects*

Budget Amendment

4. *State funding for Biscuit Run Park– Monacan Indian Nation Tribute Park Connector Greenway Trail project*

Virginia Code Amendments

1. **Enable localities to enforce the Virginia Residential Landlord-Tenant Act**

Summary

Amend [Virginia Code § 55.1-1259](#) to enable localities to enforce the Virginia Residential Landlord-Tenant Act.

Description

Enabling localities to enforce the Virginia Residential Landlord-Tenant Act would allow them to address material noncompliance by a landlord with the rental agreement, or with any provision of the law, that if not promptly corrected, would constitute a fire hazard or serious threat to the life, health, or safety of tenants or occupants.

Rationale

This initiative would allow localities to directly enforce the Virginia Residential Landlord-Tenant Act on behalf of residents who may otherwise lack the resources to remedy legal issues associated with rental housing. Legal services for tenants seeking to address lease violations by the landlord or health and safety issues not covered by the Uniform Statewide Building Code can be prohibitively expensive or in short supply. Enabling localities to enforce provisions of the Virginia Residential Landlord Tenant Act would enable County residents to access services otherwise unavailable and assist them in addressing material lease violations.

2. **Expand authority to use photo speed monitoring devices**

Summary

Amend [Virginia Code §§ 46.2-882](#) and [46.2-882.1](#) to enable the use of photo speed monitoring devices on segments of secondary roads where speeding has been identified as a problem.

Description

The enabling authority would be implemented by ordinance and would apply only to segments of secondary roads having posted speeds of 35 miles per hour or higher with speeding, crash, and fatality data supporting the need for additional

speed enforcement. In addition, the selected road segments would be required to have signs posted informing drivers that such devices are being used to monitor speed.

Rationale

This initiative would give localities the option to use photo speed monitoring devices as an enforcement tool on designated segments of secondary roads where speeding is prevalent. Using such devices would promote safety both of the public, by providing broader enforcement of speed limits, and of law enforcement officers, who are otherwise making traffic stops on potentially dangerous road segments (e.g., segments without shoulders or with limited sight distance). Additionally, the use of technology where human intervention is unnecessary would allow law enforcement officers to do other critical police work.

3. Enable a referendum on a local option one-cent sales tax for school division capital projects

Summary

Amend Title 58.1, Subtitle I, Chapter 6 of the Code of Virginia to enable Albemarle County to conduct a referendum on an additional 1% retail sales tax dedicated to school division capital projects.

Description

Amend either (i) [Virginia Code § 58.1-602](#) to designate Albemarle County, in addition to other previously designated cities and counties, as a “qualifying locality” with such authority, or (ii) [Virginia Code § 58.1-605.1](#) to provide such authority to all cities and counties. In either case, such a tax would require approval in a local referendum and would be subject to expiration no more than 20 years after the governing body’s initiation of the referendum.

Rationale

The County lacks a dedicated funding mechanism for school construction and renovation projects, which are largely funded presently by existing tax revenues and proceeds of bond issues. Additional taxing authority would generate revenues dedicated solely to school division capital projects, providing further fiscal capacity and flexibility to the County.

Budget Amendment

4. Provide state funding for Biscuit Run Park – Monacan Indian Nation Tribute Park Connector Greenway Trail project

Summary

Include \$1,480,000 in the state budget to fund a one-mile, accessible trail the state-owned and locally-developed Biscuit Run Park that connects the Park’s western entrance to the newly-opened Monacan Indian Nation Tribute Park, within the Southwood Mobile Home Park redevelopment project.

Description

Biscuit Run Park is currently under construction by Albemarle County. The Park land is owned by the Commonwealth of Virginia and leased to the County for a 99-year term. The Park’s master plan includes a paved circulator trail that runs the perimeter of the Park’s 1,200-acres. The County opened the Park in Fall 2024 with the first phase of park access and the first section of trails, at an estimated cost of more than \$6 million. Other master plan elements, including the Park circulator trail, will be developed over several years and based on local budget capacity. The County seeks an investment of \$1,480,000 to construct a segment of the planned accessible circulator trail to connect the Southwood neighborhood’s new Monacan Indian Nation Tribute Park to Biscuit Run Park. The trail segment requires two small pedestrian bridges to cross streams in the area as well as raised boardwalk sections that will significantly reduce wetland impacts and enhance resiliency of the trail in the long-term.

Rationale

The land comprising Biscuit Run Park was acquired by the Commonwealth of Virginia in 2009, initially for development— with no timeline—as a state park. In 2018, the state leased the land to the County for a 99-year term for development, use and occupancy as a County park. Phase 1A of the Park, opened in December 2024, provides access to 1,200 acres and draws users from Central Virginia, the Shenandoah Valley, and beyond. Design and construction are underway in 2025 for athletic fields, stream restoration, a maintenance building, additional trails, and a mountain biking pump track facility. A capital contribution by the state would accelerate the completion and availability of park amenities at this regional recreational facility, fulfilling a need contemplated when the state initially acquired the land.

LEGISLATIVE PRINCIPLES

The following high-level legislative principles supplement the County's specific legislative priorities and provide guidance for staff and legislators in determining whether the County supports certain legislation.

In addition to supporting the legislative program of the Thomas Jefferson Planning District Commission (TJPDC), Albemarle County also supports legislation that:

- Advances the County's Strategic and Comprehensive Plans
- Expands local authority related to land use and taxation
- Provides adequate state support for state-mandated activities, including public education
- Promotes environmental sustainability

Specifically, Albemarle County encourages legislators to:

Broadband and the Internet

- Support legislation that promotes accessible and affordable broadband for all County residents, either through state funding or expanded enabling authority.

Economic Development

- Support legislation that furthers Albemarle County's economic development strategic plan goals, including state support for specific economic development projects and regulatory flexibility.

Growth Management, Environmental Protection, and Land Use

- Oppose legislation that erodes local authority over land use matters;
- Support legislation that enhances local authority or provides funding related to environmental sustainability.

Health and Human Services

- Support legislation that benefits community members or enhances the ability of local Departments of Social Services to better perform their work.

Housing

- Support legislation that promotes the production and preservation of affordable housing, whether through state support or enhanced enabling authority.

Local Government Finance

- Support equal taxing authority of cities and counties, funding for state-supported services, and fully funding state mandates.

Public Safety

- Support legislation that promotes the safety of residents, including authority over traffic regulation, and the safety initiatives of the Albemarle County Police and Fire Rescue Departments.

Solid Waste

- Support legislation that reduces waste generation, improves recycling and composting rates, reduces litter, and increases diversion of materials sent to landfills.

Transportation

- Support adequate state funding for transportation, including transit and multi-modal improvements.

Albemarle County 2026 Legislative Program / page 4

Ms. McKeel **moved** that the Board of Supervisors adopt the proposed 2026 Legislative Positions (Attachment B) as previously amended and also striking "locality enforcement of the Landlord-Tenant Act" from the position statements.

Ms. LaPisto-Kirtley seconded the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

2026 Legislative Positions

Broadband and the Internet

Broadband Deployment: Support legislation by the state and the federal government that would assist localities and provide financial incentives to localities and their communities in deploying universal, affordable access to broadband technology, particularly in unserved and underserved areas, while at the same time preserving local land use authority for siting telecommunications infrastructure. This includes supporting continued and increased funding for the Virginia Telecommunications Initiative (VATI). In addition, support legislation that would: (1) ensure that coverage maps used to determine underserved

and unserved areas or census blocks are accurate; (2) amend the definition of “coverage” to mean that service actually exists in a census block or area and the service availability within that census block or area is substantial.

Digital Equity: Support statewide efforts for advancing digital equity.

Net Neutrality: Unless the Congress or the Federal Communications Commission restores net neutrality at the national level, support legislation that would prohibit internet service providers from slowing down or blocking access to websites, charging companies extra to deliver their services faster, and other acts that adversely affect consumers and discourage competition.

Economic Development

Site readiness: The biennium budget should include robust funding for the Virginia Business Ready Site Program to continue to improve the Commonwealth’s position as a top state for business.

Growth Management, Environmental Protection, Land Use, and Transportation

Biosolids: Support legislation enabling localities, as part of their zoning ordinances, to designate, and/or reasonably restrict the land application of biosolids to, specific areas within the locality based on criteria related to the public safety and welfare of its citizens and the environment. In addition, support legislation regarding the land application of biosolids that protects the environment, public health and safety.

Environmental: Support legislation prohibiting businesses from using disposable plastic bags and straws and to require bottle deposits, or enable localities to do so, with exceptions applicable to straws for hospitals and other care facilities. Oppose legislation that reduces local authority to regulate new natural gas infrastructure for development projects. Support sustainable material management (SMM) legislation, including extended producer responsibility (EPR) legislation, that improves recycling rates, reduces litter, and reduces the amount of material being sent to landfills.

Erosion and Sediment Control Standards for Agriculture and Forestry Operations: Support legislation that would establish minimum statewide erosion and sediment control standards for agriculture and forestry operations. These standards could include those within the Chesapeake Bay Preservation Act’s regulations, which include: (1) for agriculture operations, soil and water quality conservation assessments evaluating the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides, and, where necessary, resulting in plans outlining additional practices needed to ensure that water quality protection is being accomplished; stream buffers are maintained; and best management practices for agricultural ditches are used; and (2) for forestry operations, requiring operations to be conducted using the appropriate best management practices as prescribed by Virginia’s Forestry Best Management Practices for Water Quality, and requiring that a full 100-foot buffer be established in woody vegetation when the silvicultural activity ceases within the buffer area on the property and a new land use is proposed.

Local Authority Concerning Land Use Matters: Oppose legislation that erodes local authority over land use matters, including permissibility of and standards applicable to data centers and utility-scale clean energy projects.

Open-space Easements: Support legislation that augments local efforts in natural resource protection through: (1) continued funding of the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (e.g., the ACE Program in Albemarle County); (2) continued provision of matching funds to localities for their Purchase of Development Rights programs through the Office of Farmland Preservation; (3) retaining provisions in transient occupancy tax legislation so that funds can continue to be used to protect open-space and resources of historical, cultural, ecological, and scenic value that attract tourism; (4) increased incentives for citizens to create conservation and open-space easements; (5) fully allocating the Land Preservation Tax Credit transfer fee for the stewardship of protected land; and (6) restoring the individual cap on the use of the Land Preservation Tax Credit to \$50,000 per year.

Stop Extending the Sunset Provisions for Certain Development Approvals that Would Otherwise Expire: Allow expiration of the sunset provisions in Virginia Code § 15.2-2209.1. First established in 2009 when the General Assembly adopted Virginia Code § 15.2-2209.1 to extend the validity of certain land use approvals during the Great Recession, the General Assembly has repeatedly extended the sunset clauses for various land use approvals. Most recently, the General Assembly extended the validity of these approvals in Virginia Code § 15.2-2209.1:1 because of the COVID-19 pandemic. The continued extension of these approvals results in the continued validity of non-vested and undeveloped but approved projects well beyond their otherwise applicable expiration date. Some projects protected by the extension of the sunset provisions were approved as much as 15 years ago. These projects may no longer be consistent with the locality’s current planning policies or zoning or site development requirements.

Transportation Funding: Support legislation to: (1) allow a Charlottesville-Albemarle Regional Transit Authority to establish a new dedicated funding source to support multi-modal transportation in the region; (2) establish stable and consistent state revenues for Virginia’s long-term transportation infrastructure needs including necessary funding to support both project construction, and appropriate staffing needs to administer programs; (3) direct funding efforts to expand transportation choices and engage in multimodal transportation planning; and (4) fund maintenance of rural road systems. Oppose any legislation or

regulations that would require the transfer of responsibility to counties for constructing, maintaining, or operating new and existing secondary roads.

Water Quality and Resources: Support state funding for the following: (1) agriculture best management practices; (2) stormwater grant initiatives; and (3) wastewater treatment plant upgrades.

Health and Human Services

Child Care for Low Income Working Families: Support legislation to provide additional funds to localities to assist low-income working families with childcare costs. Funding helps working-class parents pay for supervised day care facilities and supports efforts for families to become self-sufficient.

Community Services Boards: Support increased state funding for Community Services Boards commensurate with the recommendations of the study entitled *CSB Behavioral Health Services* prepared by the Joint Legislative Audit and Review Commission (JLARC) and dated December 12, 2022.

Mental Health Services: Support expanded access to community-based behavioral/mental health services, including improved access to therapeutic services for adolescents, mobile crisis teams for community based behavioral health crises, and full staffing and operation of Crisis Intervention Team Assessment Centers (CITAC) as an alternative to Temporary Detention Orders (TDOs).

Housing

Affordable Housing Funding: Support legislation that would provide state funding to increase the supply of affordable housing, including increased funding for the Communities of Opportunity Tax Credit Program administered by the Virginia Department of Housing and Community Development.

Locality Right of First Refusal: Support a locality right of first refusal when affordable housing is sold or converted.

Rent Stabilization: Support a state study of and local enabling authority for rent stabilization/rent gouging protections.

Supportive Housing: Support legislation providing for the creation of permanent supportive housing and other supportive housing.

Local Government Administration and Finance

All-Virtual Public Meetings: Support legislation that would allow all local public bodies to hold all meetings virtually.

Civil Penalties: Support legislation that would allow for the establishment of a schedule of civil instead of criminal penalties for violations of local ordinances.

Composite Index: Support legislation to amend the Composite Index Funding Formula by re-defining the local true value of real property component of the formula to include the land use taxation value of real property rather than the fair market assessed value for those properties that have qualified for and are being taxed under a land use value taxation program.

State Mandates Funding: Request full funding for state mandates in all areas of local government including (but not limited to): local school divisions, costs related to jails and juvenile detention centers and state-supported human services positions

Taxing Authority: Support legislation to further enhance county taxing authority so that counties enjoy authority comparable to cities to address capital and operations needs and to reduce over-reliance on the real property tax as a revenue source.

Public Safety

Demerit Points for Truck Violations: Assign demerit points under the Uniform Demerit Point System for violations involving overweight or overlength trucks or unpermitted through trucks. (*Virginia Code* § 46.2-492)

Emergency Management and Community Resilience: Request expanded direct state support to localities for emergency management and community resilience, including expansion of the Emergency Management Performance Grant Program (EMPG).

Fire and Emergency Medical Services: Support legislation that provides for additional state funding for local fire and emergency medical services to ensure adequate staffing levels consistent with high levels of public safety and health.

Agenda Item No. 10. **Work Session:** Zoning Fill Regulations.

The Executive Summary forwarded to the Board states that a report that details the input received, the best practices researched, and the proposed changes to the fill regulations is available in

Attachment A, the Work Session Report.

When the Board approved the current fill regulations (Attachment A1) on September 16, 2020, it asked for a review of their impact after implementation. On November 15, 2023, staff provided a program update and the Board agreed that staff should engage with interested parties and generate recommendations for amendments to the regulations.

On June 5, 2024, the Board adopted a resolution of intent (Attachment A2) to review and amend the zoning ordinance provisions for clean earth fill and inert waste (fill).

In reviewing the impact of the current ordinance provisions, staff sought input from both internal and external interested parties regarding concerns and challenges with the current ordinance. A draft ordinance was then shared for feedback. Those comments are available in Attachments A3, A4 and A5, and summarized in Attachment A.

Additionally, staff reviewed zoning fill regulations from other Virginia localities to see common trends and best practices, which are summarized in Attachments A6 and A7.

The draft fill ordinance is found in Attachment A8. The recommended changes are explained in more detail in Attachment A, but are mainly focused on access roads, the agricultural exemption, and the special use permit requirement:

- Staff recommends that fill sites have direct access to a public road classified by the Virginia Department of Transportation (VDOT) as a collector or arterial (Attachment A9).
- Staff recommends creating an exemption and modified regulations for short-term clean earth fill or borrow activities when used for agricultural activity as defined by Section 3.1, such as building farm ponds or leveling fields.
- Staff recommends that changes to key requirements, such as duration of activity and fill activity road access, should require a special use permit instead of a special exception.

Attachment A10 provides a comparison summary of the existing and proposed fill regulations.

Staff does not anticipate budgetary impacts resulting from this ordinance amendment.

Staff requests guidance from the Board of Supervisors on the following questions:

1. Does the Board support an exemption for agricultural use? If so, does the Board support the specific proposed exemptions and modifications for this agricultural use?
2. Does the Board support limiting by-right fill activity (that does not fit within an exemption), to property with direct access to a public road classified by VDOT as a collector or arterial?

Jodie Filardo, Director of Community Development, stated that in November 2023, she had been before the Board with Bart Svoboda, and they had been discussing the status of the fill ordinance at that time, and at that time the Board had suggested that they revisit the fill ordinance based on the experience they had. She explained that today, they had some suggested new fill ordinance language for the Board to review in a work session format. She said that Amelia McCulley, Special Projects Manager, and Bill Fritz, Development Process Manager, would be presenting that information to the Board today.

Ms. Filardo said that they would outline the research that had been done since they had suggested they review the fill ordinance, the stakeholder outreach that had been conducted, and the feedback on that, and then they would go through some ordinance suggestions and revision suggestions. They would also discuss the possibility of an agriculture exemption, and they would lay all of that out for the Board. Staff had a couple of questions for Supervisors as well that they would like their consideration on.

Bill Fritz, Development Process Manager, stated that he would provide an overview of this item and review the past work that got them to this point. He said that Ms. McCulley would discuss the details of the actual ordinance. He explained that the current ordinance was adopted back in 2020. When those regulations were adopted, the Board had asked for a review of the impact of their implementation. In November of 2023, staff had provided a program update, and the Board had agreed that staff should engage with interested parties and generate some recommendations for amendments.

Mr. Fritz stated that staff had launched the project on Engage Albemarle, and they had also reached out to applicants for fill permits since 2024, adjoining localities and other interested organizations and individuals. He clarified that moving dirt around the same property was not regulated as fill. Bringing material in to construct anything that had been issued a building permit or had an approved site plan was not regulated as fill. That was part of the construction activity; this fill and waste did not apply to those things.

Mr. Fritz explained that the Zoning Ordinance regulated clean earth and inert waste fill coming in from a different property. The Water Protection Ordinance regulated land disturbance of 10,000 square feet or more, including the filling of land. Many agricultural activities, including those related to fill, were

exempt from the water protection ordinance.

Mr. Fritz said that he would briefly describe how the ordinance was structured. He said that clean earth fill was allowed by right in the Rural Areas (RA), Village Residential (VR), and Monticello Historic District (MHD). Clean earth fill was basically soil, stone, and a small percentage of roots and other woody material. Inert fill and clean earth fill was allowed in all the other zoning districts by right. Inert waste could include clean earth fill as well as other materials that were uncontaminated and non-reactive, such as concrete, broken bricks, and blocks. All fill activity was subject to regulations. Some activity was by right, and some required a special use permit (SUP).

Mr. Fritz stated that the things that were subject to a special use permit were: fill activities lasting more than one year; fill activity did not have direct access to a collector or arterial road; and inert waste activity in the RA, VR, and MHD districts. He said that agricultural activities were exempt from many regulations, but not all of them. All of the regulations may be modified by the board through the special exception process, and staff would be discussing more of the details of the actual ordinance later.

Mr. Fritz said that there were some unique impacts and features that were associated with fill activity. Truck traffic was the most common complaint associated with fill activity. Noise could also be a concern, but not always. It was inevitable that some development would produce surplus fill material. It was not necessarily a good use of the landfill for the placement of fill and requiring that could increase development costs. Farmers used fill for many agricultural purposes, such as leveling fields, farm ponds, drainage, and contour farming. Staff sought out input from stakeholders, so they had reached out to a variety of interested parties to receive the input. The Board's packet included Attachments 3, 4, and 5, which contained a lot of the public input, and he believed they had also received emails directly.

Mr. Fritz stated that in August 2024, they had launched the project on Engage Albemarle. They had also sent emails to various community members to inform them of this project and provide a link to Engage Albemarle and background information. Staff had solicited input on their experience and lessons learned. Staff had informed the University of Virginia (UVA), Rivanna Solid Waste Authority (RSWA), Piedmont Environmental Council (PEC), Southern Environmental Law Center (SELC), Free Enterprise Forum (FEF), Farm Bureau, Charlottesville Area Development Roundtable (CADRe), Blue Ridge Home Builders Association, and residents who had reached out and expressed an interest in this work, as well as Water Protection Ordinance applicants for fill since 2024, totaling about 62 individuals or entities.

Mr. Fritz said that the project on Engage Albemarle had included a survey to understand people's experience and had asked them to share lessons learned. In May of this year, via email, staff had shared background information and the initial draft of the revised regulations to those parties and those asked to be kept informed. In addition, they had shared the draft with TJPDC, the City of Charlottesville, and the Counties of Orange, Nelson, Greene, and Buckingham. They had met several times with the Farm Bureau and had met with neighbors to the Kendrick Special Use Exception. He said he wanted to point out that this was not about any particular application; it was a zoning text amendment that would apply Countywide.

Mr. Fritz said that at the end of August, they had informed the same parties and all who asked to be kept informed of this project about this upcoming Board work session. He said that staff had listed some of the stakeholders' input and some of their comments, but he wanted to point out that the current draft did not remove asphalt as an inert waste material, and that inert waste was not permitted in the RA, VR, or MHD districts except by special use permit.

Amelia McCulley, Special Projects Manager, stated that they had researched other localities to see what their trends and practices were, including neighboring jurisdictions, with a total of 23 localities surveyed. Of the 23, 12 localities had fill regulations in their zoning ordinances. Therefore, 11 localities did not address it as a land use. They treated it as purely an engineering technical review, such as would be found in the Water Protection Ordinance.

Ms. McCulley said that of those 12 that did have zoning regulations about fill, six of them had performance standards, as Albemarle did. In terms of how the approval system kind of broke out amongst those localities, three of 12 only allowed fill through a legislative action from the governing body, while three of them only allowed fill for agricultural use. She reiterated that three of them only allowed fill for agricultural use, and in those cases, it was by right. She said that then six localities had sort of a hybrid where some of the permission was by right, some of the permission was through a legislative action.

Ms. McCulley said that staff spent a lot of time trying to think about how to address limits to the scale or scope of fill. She said that of those localities that did limit fill activity, most of them used a maximum volume. The exception was Prince William County, which was a locality that used a regulation that was based on maximum truck trips per day or per year. She said that if they stayed under 15 trucks per day and under 300 trucks per year, it was a by right use. If they went above that, it was a special use permit. She noted that Prince William staff had told her that it had been very difficult to enforce that maximum number of trips.

Ms. McCulley said that staff recommended updates that included multiple changes, so she would review those briefly before focusing on the substantive questions for the Board. There was a lot of reorganization to put things together. There were a couple of changes to the definition of clean earth fill to make it easier to enforce, clarifying roles between County engineer and zoning administrator, clarifying that these regulations did not apply when it was agricultural excavation material used on the same farm, clarifying that if there was a requirement through a special use permit, for example, or special exception for monitoring equipment, that the applicant was responsible for purchasing and it was subject to county

approval for what and where it went.

Ms. McCulley stated that the more substantive questions for the Board were regarding revisions related to road type requirement for access to the fill activity, duration of the activity, and then the creation of an agricultural exemption for a short-term small fill operation. She would discuss the difference between special exceptions and special use permits, and then they would dive a little deeper into those main questions.

Ms. McCulley said that in terms of background, this Board was very familiar with special exceptions and special use permits; they saw them all the time. Staff suggested that the technical requirements of an ordinance such as this should still be available to be varied or modified through special exception. However, key requirements such as the duration and the access to fill, things that could directly impact off-site properties should be subject to a special use permit. She said there were three reasons why that staff would recommend that those key requirements be subject to a special use permit.

Ms. McCulley said that first, because it was a broader process with a community meeting and two public hearings than there was for special exception. The other was that a special exception was limited to a technical review of that specific exception, while a special use permit was reviewed against much broader criteria. She said that finally, through a special use permit, the Board could place much broader conditions on the location and operation of the use to limit the impacts.

Ms. McCulley said that the first proposed new regulation was regarding the duration of fill activity. She noted that a frequent comment staff heard from neighbors to a County long-term fill activity related to the duration of the impacts on them. This included a recurring request in the attached input from stakeholders that fill never be approved to extend beyond one year. She said that therefore, what staff was suggesting for this topic was that a special use permit be required for fill activity that lasted longer than one year. She clarified that this was not an exempt activity. She said that with the proposed new regulation, any fill use that would extend beyond one year would require a special use permit, and therefore the Planning Commission and Board could include broader conditions of approval.

Ms. McCulley said that the second proposed new regulation was for the restriction for fill activity access. The most common comments from neighbors to a County long-term fill activity related to the impacts of truck traffic through residential streets in their neighborhood. These types of internal public roads were typically called local streets, and they were at the lowest end of the provided diagram on the right-hand side of Slide 11. She noted that there were current requirements for the adequacy of that road and for its entrance onto a public road, the access, the private access entrance onto a public road.

Ms. McCulley said that staff were recommending with the draft that was before the Board that the County limit by right fill activity to direct access by a public collector or arterial road based on a VDOT functional classification system. It was both online in ArcGIS, and it was also available in a spreadsheet, which was one of the Board's attachments. She said that what that meant was that fill activity access would not be allowed by right through internal residential subdivision streets or private access easements; it would require a special use permit. She said that some examples of arterials and collectors that would meet the requirement were major roads such as Route 620, Route 29, Route 250, Route 810, and Route 692.

Ms. McCulley said that the next proposed new regulation was regarding the agricultural exemption. She said that to support agricultural use and balance it with community needs, staff was recommending carving out an exemption and modified regulations for a very short-term clean earth fill activity when it was used to support agriculture and the support of agricultural activity would be as currently defined in the Zoning Ordinance. She said that it would apply to things such as building farm ponds, leveling fields, and so forth, but it would be subject to several requirements.

Ms. McCulley said that, for example, the parcel and any adjoining parcels under the same ownership or management had to be an aggregate of 21 acres. Secondly, access to the fill site must be either from a public road or it could be from a private road if the owners on that private road gave their approval. She said that thirdly, the trucks that were involved in that fill operation would be limited by an intensity of use requirement, which would be a maximum of 15 truck round trips to the site per day. She said that fourthly, there would be a duration limit of 30 days.

Ms. McCulley said that she would next discuss the Farm Bureau's concerns regarding two of staff's recommendations for the agricultural exemption. She said that because many farms were on private roads, it would be difficult to obtain all of the other owners' consent. The Farm Bureau was asked that the requirement for the adequacy of the road physically stand on its own but not require access approval from the other owners who had the right to use that private road. She said that the Farm Bureau's second concern was about the duration period. Staff had recommended 30 days, and the Farm Bureau had asked for 60 days in order to account for potential inclement weather, potential delays in supply of clean fill, and enough time to get the job completed.

Ms. McCulley said that the agricultural exemption would include regulations for setbacks, maximum fill area, limits of fill, hours of operation of Monday through Saturday, 7:00 a.m. to 7:00 p.m., access from the fill area directly to a collector or arterial road, plan or narrative, and erosion and sediment control requirements for fill larger than 10,000 square feet.

Ms. McCulley said that while there were exemptions, there were some regulations that would still apply. She said that these included that only clean earth fill could be used, hours of operation must be followed, fill must be shaped to incorporate drainage, maximum fill slope, height of fill, restrictions from

being located in stream buffers and floodplains, lateral support to the ground for the fill activity, a clean load bed for transportation, treatment of road to reduce dust and debris, and grading and stabilization of the site. She reiterated that agricultural fill use would still be subject to those regulations.

Ms. McCulley said that there were two questions staff wanted the Board to address in this work session today. She said that the first was whether the Board supported the specific proposed exemptions for this agricultural activity. She noted that the Farm Bureau was asking for 60 days duration and no requirement for owner's consent on a private road. The second question, not related to the agricultural exemption, but for other activity that did not fit into an exemption, was whether the Board supported limiting by right fill activity to property with direct access to a public road classified by VDOT as a collector or arterial road.

Ms. McKeel asked if staff could explain their rationale for recommending approval from other owners along a road.

Ms. McCulley said that what staff were thinking was that if they were dealing with a privately maintained road and considering the impact of truck traffic on the condition of that road and the resulting maintenance costs for others, short-term duration activities to support agriculture could potentially impact others. The difficulty in determining who was the owner and who had the legal right, versus those who had been using the road for years made it a little complicated. She said that staff's thinking was regarding the impacts to the roads.

Ms. McKeel commented that Albemarle was considered an agricultural community, and she had been told over the years that there was a shortage of places for fill to be disposed of. She said that she was thinking about the University's current major construction projects, as well as other construction throughout the area.

Ms. McCulley replied that was true; she noted that in one of the attachments from their stakeholder feedback, Rivanna Solid Waste Authority commented that they needed to find a way to responsibly dispose of surplus cut. Balancing cut and fill was a priority, as it cost more to deal with surplus cut that then needed to be trucked off the site. However, when they had no other choice and must dispose of that dirt, there needed to be a responsible place for it to go, so that people were not simply dumping it in the landfill and taking up space for other things.

Ms. McKeel said that she understood the Farm Bureau's concerns regarding weather impacting the 30-day timeline. She asked if staff felt that the recommended requirements were enforceable.

Ms. McCulley said that staff had considered the appropriate timeline for fill use, but it ultimately would be very difficult to enforce. She said that the other option was to expand the timeline.

Ms. McKeel asked how a rolling calendar would work in this context.

Ms. McCulley explained that hypothetically, if on January 1, 2026, she utilized the agricultural exemption for fill for some agricultural purpose on her farm, then 30 days later she had completed it, one year later, she could do it again. She said that it would be allowed once per year.

Ms. McKeel said that the explanation was helpful. She asked if it was correct that the fill dirt could not be moved when it was wet outside, and that was the main concern about weather conditions impacting the timeline.

Ms. McCulley confirmed that was correct.

Ms. McKeel asked what the rationale was for six days per week and not five days per week.

Ms. McCulley replied that the current draft regulations had Monday through Friday for the longer-term fill activity. In meeting with the Farm Bureau, many of these people had more than one job; they farmed while holding another job. She said that it was stated to staff that they could have the jobs done within a shorter time period if they had more time during each week to move the dirt.

Ms. McKeel said that made sense. She said that additionally, she would like clarification regarding the timeline staff was suggesting for bigger projects.

Ms. McCulley clarified that there would be a one-year maximum duration, with a special use permit required for any longer period of time for fill activities.

Mr. Pruitt said that he would like to begin by addressing question one and some of the Farm Bureau's concerns. He thought 30 to 60 made sense. He understood the reasoning and did not think it would radically alter the legislative intent. He said that he would like to delve deeper into this issue of privately owned roads. He saw how this could effectively rule out a tremendous amount of farms. He also had a friend who had a private road leading to her house that was shared by several people, which was frequently damaged by some of her neighbors, but she was still required to maintain the road. This was quite onerous, especially considering it was just residential traffic.

Mr. Pruitt stated that he would reflect something mentioned by Ms. McKeel, which was that he thought they saw a key friction at the heart of how Albemarle County politically thought about the rural area. He said that this friction existed because they simultaneously thought of it as serving two primary purposes that were actually incompatible and at odds with each other. He said that they thought of it as a residential district and as an agricultural district. They could not have these two uses perfectly compatible.

There were numerous concerns from rural residents that stemmed from this incompatibility, such as his district's issue with a turkey farm, and this specific fill issue.

Mr. Pruitt said that he believed there was a fundamental just tension that was unaddressed in how they thought about what the rural area was. They were trying to have it do both, but it could not do both at the same time perfectly. So, with this in mind, he would like some more clarification on the recommendations from staff. He asked, if the farmers were unable to get their neighbors, the co-servient estates of an easement, what options were then available to the farmer?

Ms. McCulley replied that it would be a special exception from the Board, as it was currently written.

Mr. Pruitt asked how they would distinguish if they needed a special use permit rather than a special exception with additional legislative oversight.

Ms. McCulley explained that the special use permit applied not to the agricultural exemption; it applied to roads that were not arterials or collectors, and to durations greater than one year. If the standards for an agricultural exemption were not met, including if the neighbor's approval could not be obtained for those on the road who had access to that road, then that would be a special exception to be requested and approved by the Board.

Mr. Pruitt asked what the turnaround time for this process was currently.

Mr. Fritz said that according to code, it was 90 days.

Mr. Pruitt said that he understood the concerns of allowing by-right uses that may have secondary effects of requiring other users of a road to shoulder the costs and impacts of the activity. He said that in response to the two questions posed by staff, he was currently leaning towards support for their recommendations as proposed.

Mr. Gallaway asked if a person on a private road engaged in a fill activity and damaged the road, were they not allowed to place the responsibility of the repairs for the road due to their activity?

Mr. Herrick said that private roads were governed by private maintenance agreements. He said that was not something the County could get involved in or would get involved in.

Mr. Gallaway asked if some private maintenance agreements did include that stipulation.

Mr. Herrick said that some private maintenance agreements did include that stipulation, but again, that would be up to the owners to reach that agreement amongst themselves.

Mr. Gallaway asked if it was similar to a Homeowners Association (HOA)-owned property.

Mr. Herrick confirmed that was correct. However, private road agreements often included arrangements such as that, where the owner responsible for the damage was responsible for repairing it.

Mr. Gallaway asked if Mr. Pruitt's thought was that by having to do the sign-off, if it was not in there, that could give them the recourse.

Mr. Pruitt said that yes, that was his thinking.

Mr. Fritz asked if Mr. Gallaway was asking if a special exception was granted by the Board to use a private road, or if all the property owners authorized the use of the private road.

Mr. Gallaway said that his problem with getting permission from the other property owners was that property owners often did not even want to come to the table to negotiate; they wanted to set their own price or none at all. He said that the other issue was that it was very subjective; he was concerned that neighbor disagreements and prejudice could result in people refusing to give permission for the use. He said that it was unreasonable to have to rely on personal relationships and biases when making decisions about private roads.

Mr. Gallaway suggested that the responsibility should be placed on the private owners through a performance agreement amongst them, and if it was not included, the private owners needed to contend with that. He expressed his concerns about the impact of the proposed change on property rights and inappropriate use of the principle of majority rule. He believed that the volume of votes should not be the deciding factor in decisions that affect individual property owners. He noted he had neighborhoods in the development area that had dealt with similar issues for 10 to 12 years.

Mr. Gallaway said that he thought a person's use of their property was important, and if they were doing this for reasons specific to agricultural purposes and as long as the material was clean, they should be free to use their property in that way. He understood they should consider the impacts to other people, but he would rather have more reasonable ways of addressing those impacts. He agreed with changing the duration from 30 days to 60 days so that staff did not have to process multiple 30-day extension requests for single projects.

Mr. Gallaway said that he was not entirely convinced the proposed changes even needed to be considered, and some things he saw as reasonable improvements. He said that ultimately, he agreed with Mr. Norford's comments regarding the Farm Bureau's recommendations. He said that regarding the part of the ordinance referring to trees, it mentioned permitted uses. He asked what the permitted uses

were. He asked if residential building permits were a permitted use.

Mr. Fritz said that if one had a building permit for a residential lot, these regulations would not apply.

Ms. McCulley clarified that the tree restrictions did not apply to the rural areas.

Mr. Fritz said that they had always been able to cut trees in the rural areas.

Ms. McCulley said that anything that involved an approved subdivision plat, site plan, or building permit was exempt from these fill regulations.

He said that that language was specifically included to prevent the landfill from being used to dispose of inert waste. He said that it allowed for limited tree cutting within development areas, enabling sites to be prepared for development by accepting fill material prior to the approval of a site plan. He said that this provision had been included when the original ordinance was adopted in 2020.

Mr. Gallaway said that he was just confused about what that provision actually addressed.

Mr. Fritz acknowledged it was written backwards, but that was how it needed to be written.

Mr. Gallaway asked if the Board was requested to take action on this item today.

Ms. McCulley clarified that no action would be taken today. She explained that staff would make further revisions as necessary, then share that information with stakeholders, followed by public hearings.

Mr. Gallaway said that he thought there was more work to be done on the second focus question topic. He said that he was not ready to say yes to that just yet; he believed his answer would be no. He said that additionally, he was having difficulty following the chart provided that compared the existing regulations to the draft regulations.

Ms. McCulley said that staff could include section references to clarify that.

Ms. LaPisto-Kirtley said that in response to staff's first focused question, her answer was yes to providing agricultural exemptions. She said that regarding the specific proposed exemptions, she had a problem with the requirement for the roads. She knew of someone who had a long road that served a couple of other people who had been there for many years. If they got into a dispute or disagreement, it would prevent a single person from filling in their agricultural property. She said that if they valued agriculture in rural areas, she thought they needed to do something to ensure that continued.

Ms. LaPisto-Kirtley said that she definitely did not want to mess up the roads, but that meant they would have to work on finding a solution for the people who lived on the road. She was just concerned that it was not good to have that limitation regarding the roads, because she thought they should be able to have access. She said that there was also mention to limiting the access to direct access on a public road classified by VDOT as a collector or arterial road. She asked if that regulation was for agricultural use or for regular fill activities.

Ms. McCulley clarified that it was not for agricultural use.

Ms. LaPisto-Kirtley asked what the case would be if there were no access points. She asked if they would apply for a special exception at that point.

Ms. McCulley said that the way it was currently drafted, for longer-term fill activity, if they did not have direct access to a public road that met this classification, it would require a special use permit. She said that staff was seeking feedback from the Board regarding whether that was too stringent. She asked if they should have lesser road standards and whether it should be a special use permit.

Ms. LaPisto-Kirtley asked if staff had spoken with the businesses that this would affect.

Ms. McCulley said that to the extent that they had been able, they had tried to share this information. She said that they would like to have more contact with people who were truckers who hauled dirt and also people who would be receiving dirt. However, to the extent that they had information and contacts, she had a list of over 60 people who had applied for fill through the Water Protection Ordinance Permit since 2024, and staff had sent all of them this information.

Ms. LaPisto-Kirtley said that as long as staff had received feedback on that. She said that she just thought they should be able to have some kind of access through some kind of a process. Regarding the agriculture, if they were not able to because of road access or permission from neighbors or something, if they were not able to fill in what they needed for agriculture, then the clean fill and inert fill that went into the landfills was not being utilized. She said that she was supportive of extending the 30-day timeline to 60 days, which would require less intensive enforcement from staff. She asked if asphalt was considered clean earth fill.

Ms. McCulley clarified that no, asphalt was not considered clean earth fill. She said that it was defined as inert waste.

Ms. LaPisto-Kirtley asked for confirmation that asphalt would not be allowed for agricultural fill activities.

Ms. McCulley confirmed that was correct; it would not be allowed in Rural Areas.

Ms. LaPisto-Kirtley said that regarding staff's second focused question, she had some concerns about limiting the fill activities just because someone did not have direct access to a collector or arterial road. She said that at this juncture she had a lot of problems with that recommendation.

Ms. Mallek stated that at the Ivy Solid Waste and Recycling Center, disposed soil went in a different place so that it was not taking up waste area in the landfill. She reiterated that it was disposed of in a separate place so that it could then be resold to someone else who needed it in the future. It may not be as inexpensive as taking it to a private person, but there was room there. She said that she recalled that the most recent report given to the RSWA Board confirmed there was space for that, and it also could then be used to further the activities at the transfer station.

Ms. Mallek said that regarding asphalt, she had been fighting with Mark Graham in all the years he was there because it was full of fossil fuels. She said as asphalt decomposed, it released all of the same things that fossil fuels because it was an oil-based material. She said that the stuff that came from it was the same as anywhere where one had seen the black gunk that was around any kind of asphalt depot. She said that she begged staff to please consider getting it out of these regulations altogether.

Ms. Mallek said that there were commercial reprocessors for asphalt that could actually turn it back into something that was usable for paving. She said that it was an unmitigated problem for long-term environmental conditions, and when a new person came to a piece of property and dug a little bit to find a huge depot of asphalt, that was a monstrous expense to get it all removed for something where they wanted to have a garden, and that was to say nothing of the poison that was put into the land. She said that she was glad that asphalt was not being considered for the Rural Areas; however, she did not think people in the growth area should be having that under the place where their children played, either.

Ms. Mallek stated that on a different note, regarding special exceptions for the technical review, when they had an earlier special exception, there was such incomplete information because of the narrowness of the special exception requirements. They were not able to get any information about what it really meant to have a naturally appearing land or how much it would take to do a two-acre, 10,000 square foot application. She said that they had seen that there were huge gaps in knowledge, and she thought that this was why so much had gone unaddressed.

Ms. Mallek said that regarding adequacy of residential streets, she inquired how they assessed the adequacy other than VDOT's categorization of roads. She said that VDOT had asserted the road for Earlysville Forest could handle the trucks for fill, but she knew their road was falling apart because of the fill activities. She noted that VDOT had expended \$193,000 in the past few months on repairs to that road, so clearly there were impacts. She had great concerns if they had any knowledge or process to measure the adequacy of access roads, which was why she personally supported the better-designed, better-constructed arterials and collector roads that staff had recommended.

Ms. Mallek noted that there were many parcels that did not have access to a highly designed, maintained, and built road, but that did not mean that they should then have the right to do all the same things as the people who had paid more to get land that did have access to those better quality roads. It seemed to her that one should not be changing the rules in order to do something where they did not have the right situation to carry it out.

Ms. Mallek said that in terms of balancing agriculture with community needs, her understanding was that the clean earth fill was used to support the agriculture in the short term, and then the second application for the exception was taking it from the short term and making it from one year to five years. This showed that there was a lack of protection from the rest of the community in the special exception process, in her opinion. She said that she would have concerns about so many different things being able to have a special exception when, if it was a serious issue, it needed to be addressed in a true public, broad approach with a special permit.

Ms. Mallek noted that the inclusion of 15 round trips per day equals 30 passings in the terminology of the neighborhoods was a huge improvement and very much mirrored in what the other Counties were allowing. She said that the 200 cubic yards that Fauquier County allowed in a day was 15 trucks; the 4,200 cubic yards in a year was 300 trucks, which had been delivered in three or four or five days in the current operation of concern. The Board did not have sufficient information at the time to understand what was going to be happening in that case.

Ms. Mallek added that she had personally put a lot of stock in a chart that was in the public hearing documents that showed trips over the whole application period, which turned out to just not have a basis in reality. She said that she was intent on avoiding that situation in the future. She said that getting more information was necessary to ensure their decisions were valid. She said that she heard someone say there should be requirements for over 10,000 square feet; that should be taking place now that there was 20,000 square feet already in the operation they had. She thought that this was an existing rule.

Ms. Mallek said that she got a bit confused about the exemptions versus the requirements that did not apply to the exemptions. She asked for clarification.

Ms. McCulley said that they were for the short-term, limited-scale agricultural exemptions.

Ms. Mallek asked where the setbacks were that applied. She said that she saw setbacks from fill activity except for the driveway, but she thought the setbacks also applied to floodplains, streams,

property lines, and residences.

Ms. McCulley said that in the draft that was before the Board, they made no changes to the setbacks, either from the access or the fill activity itself, except with this new proposed agricultural exemption, in which staff was proposing that those setbacks did not apply because it was a very short-term, limited-scale activity. She said that for anything else, the setbacks applied.

Mr. Fritz clarified that the setbacks also applied for agricultural activities from stream buffers and floodplains.

Ms. McCulley confirmed those applied all the time and were not exempt.

Ms. Mallek said that according to the list on page three of the staff report, letters A through I, these fill activities were indeed exempt. She asked if this was correct, because that was a major point of concern for her and she wanted to ensure she did not misunderstand it. She said that next, she wanted to address maximum fill area. She said that these were things that were included in the regulations before, but it looked as though they were now being exempted.

Ms. McCulley said that they were only exempted for the agriculture exemption.

Ms. Mallek said that she had been looking at this based upon their current experience, not something where the developer was going to be putting in an apartment building in the growth area, and that was a whole different level of experience, because they already had good roads, they already had established operations. In contrast, if all of these requirements were removed, there was no protection for Rural Area neighbors anywhere in the County. If someone wanted to fill right up to the property line, it appeared to be allowed. There was no detail provided in the lettered list A through I.

Ms. McCulley clarified that list A through I was a list of staff's proposed agricultural exemptions.

Ms. Mallek asked if the two-acre limit would be gone.

Ms. McCulley said that for the period of the agricultural exemption, yes. For longer-term activities that were not exempt, no, that still applied.

Ms. Mallek said that the one limit that was there was the 30-day period, and that took her to the next one, which she did not see in writing anywhere, but obviously must have missed it, this rolling calendar, where they could come back the following year and repeat the process all over again in perpetuity.

Ms. McCulley said that this was what the draft proposed; however, the Board could determine whether that was appropriate to include or not.

Ms. Mallek said that she thought doing that removed any sort of regulation, especially since the proposal had taken away the setbacks, limits, performance bond, narrative, and ENS requirements. She said that to her, having 30 days and 60 days for short-term fill activity was one thing she could live with, but removing all these other protections had huge impacts on residential neighbors up and down the street.

Ms. Mallek said that the removal of these protections meant that the impacts on the neighborhood, such as trucks stacking up in the road, exhaust infiltrating nearby houses, and noise pollution, would be more severe. This was not just a few neighbors; it was the entire community. She was not diminishing the impacts on those few neighbors, whose effects were severe. She said that she believed now that she understood the proposal more clearly, it was taking away all the things that she thought were protecting the property rights of other people.

Ms. Mallek said that people had a right to sit on their porch without being subjected to the constant noise they had heard today, 13 hours a day. She did not support all of these recommendations because, in the special exception, the two-acre per parcel limit was explained away in the current proposal, as it was interpreted to apply to two parcels brought together, with two acres on either side.

Ms. McCulley clarified that regarding Ms. Mallek's earlier concerns about setbacks from floodplains and stream buffers, those were not changing whatsoever as part of the draft ordinance. Additionally, she wanted to emphasize that Mr. Kendrick's fill operation would never be considered an agricultural exception; it was not intended to, nor written that way. She said that such a fill activity would not fall under these agricultural exemptions.

Ms. Mallek said that it was not clear to her until this point.

Ms. McCulley said that the other requirements, including setbacks to the fill activity and fill access, and all the other provisions within the current regulations and the proposed regulations, applied to non-exempt activities. For an agricultural use to be exempt, it must be a short duration, 21 acres of aggregate rural areas with access, and a maximum timeline of 60 days per year, with a rolling calendar. She reiterated that a larger operation or longer-term use would never fit within this exemption, and that it was not designed to accommodate it.

Ms. Mallek noted that all of the rules could be done as part of a special exception granted by the Board, which was what had led to the current situation.

Ms. McCulley noted that the duration could not be changed as part of the special exception. She

said that a special use permit was a much broader public engagement process with broader conditions of approval, so staff was proposing that anything with a duration greater than one year, such as the project they were discussing, would require a special use permit. Anything with road access that was not from a major road would require a special use permit.

Ms. Mallek said that her concern in that circumstance was that the Board could still allow any duration and road access to be approved as part of that process.

Ms. McCulley said that it would be a special use permit either way. She said that the two things staff were recommending in this draft to become a special use permit and no longer be a special exception were duration and access.

Ms. Mallek said that she understood. She said that she would still reiterate that a short-term project should not have a rolling calendar, because that would imply it was actually a longer-term project. She said that another issue, even on public roads, had been the destruction of private property or HOA property adjacent to the roads. She said that when trucks drove off the road, they often damaged the edge and verge areas, leaving no one accountable for the damage. The HOA would have to cover these expenses, which could be transferred to any neighborhood in any district in the County. Another concern was the sudden increase in height from eight feet to 15 feet.

Ms. McCulley said that the current regulation was eight feet across the property, but when considering the rolling terrain they had, it did not make practical sense. She said that if the site was surrounded by woods and had internal erosion, filling the area would not impact off-site properties. They tried to illustrate that a property with rolling terrain, where the setbacks were clearly defined, and one wanted to fill the area to 15 feet to create access from 325 to 500 feet horizontally, one could do so. However, if one were to fill between 800 and 900 feet, it would become visible to off-site properties. She said that the point was that an eight-foot setback across the property did not account for the rolling terrain and did not make sense from a practical perspective.

Ms. Mallek said that she understood and it made sense, unless there was a stream at the bottom of that hill.

Ms. McCulley agreed; she said that this allowance for height of fill would eliminate that from happening.

Ms. Mallek said that this was part of the problem she had with this kind of filling was that it was a more invasive approach compared to smoothing over grades and getting a heavy seeding on the land. She asked if they had considered the potential noise impact of the trucking, as in, were they monitoring decibel levels and how that would be addressed? It had not been mentioned in the staff report, but it was a significant concern for people living along the road where the trucks would be coming.

Ms. McCulley said that she believed that motor vehicle noise was handled in the County Code by the Police Department. She explained that zoning regulations were land-use based, which meant that the fill activity itself was subject to noise standards. However, the vehicles transporting the fill to the site and leaving the site were not regulated by zoning, but rather by separate noise standards.

Ms. Mallek asked if there was any measure of the emissions and exhaust that accumulated from constant truck traffic. She said that she was asking this because of concerns raised by residents who experienced this. She said that she saw a reference to conditional use permits to allow agricultural fill soil to be stockpiled and resold in Hanover, which was a highly agricultural County.

Ms. McCulley clarified that in that case, it was not considered fill; it was stockpile and waste, which then became borrow, or a business and would be treated differently.

Ms. Mallek said that it sounded like, with the agricultural exemption, there was no financial information in terms of whether it was income-generating or not. She said that she had to reorganize her notes before asking any further questions.

Mr. Andrews said that he would like to clarify the 30-to-60-day issue. When they mentioned a rolling calendar year, he was wondering if that meant when they started an activity, they had 30 days to complete it, or that they had 30 days of activity within any one year.

Ms. McCulley said that it would mean they had 30 calendar days to complete the activity from the day they started it. She said that the "rolling" aspect would mean that one year later, they could do another 30 days of activity.

Mr. Andrews said that he understood. He said that he recognized the difficulty in enforcement, but he was supportive of going to 60 days on this, under the circumstances. He said that to clarify, his understanding was that duration and road access were the triggers for a special use permit. He asked if this applied to both agricultural and non-agricultural types of activities.

Ms. McCulley replied no. She explained that for the agricultural exemption, if it went beyond the 60 days, it could be extended by special exception. She said that for the road type, for an agricultural exemption, she thought they were hearing feedback that the private road could be used, and there was concern about requiring the consent of others. However, the special permit was triggered by the fact that the fill activity did not fit into an exemption that was greater than one year in duration or that did not meet the road standard for access.

Mr. Andrews said that he noticed that one of the agricultural exemptions would mean exemption from providing a plan or narrative for the fill activity. He asked if any notice was required.

Mr. Fritz said that there was no notice required for fill and waste activities, whether they were exempt under agricultural regulations or met the requirements. He said that however, if a special use permit was granted, there would be a notice requirement. He said that additionally, there was no notice requirement for special exceptions.

Mr. Andrews asked if the County got involved if someone had an agricultural property and started doing fill activities that fit within the exemption. He asked if they had to notify the County that they were doing it and that they met the exemptions, or if they could proceed without notifying the County.

Ms. McCulley said that the current language stated that they would not need a plan narrative or permit. She said that in reality, it was unlikely that they would even know that they needed one.

Mr. Andrews said that in all other cases, they did need a plan narrative and a permit.

Ms. McCulley confirmed that was correct.

Mr. Andrews said that and he assumed that they charged fees for these services, which could help them cover the costs of inspections. Ideally, these fees would enable them to more actively monitor and inspect these areas, ensuring that they were properly maintained. He said that he would like to clarify some points about private roads. In his experience, these private roads were not typically governed by HOAs or maintained with any formal agreements.

Mr. Andrews said that according to his understanding of the law and rural roads, if a road was not VDOT-maintained and was shared by multiple parties, whoever was unhappy with the condition should pay for it to be fixed, because nobody was required to do anything to take care of the potholes.

Mr. Herrick said that in terms of private maintenance agreements, and while many recent private roads had such agreements, there may not be any. He said that it was a case-by-case evaluation, where the County was not typically involved. He said that he thought the analogy to homeowners' covenants was apt, as some neighborhoods had extensive covenants, while others did not. He said that the presence or absence of covenants largely depended on the age of the community.

Mr. Andrews said that this was why he brought this up in the context of the agricultural exemption, which, as he understood it, allowed any public road to be used in agricultural cases. He said that in non-agricultural cases, the road must be classified as a collector or arterial road. He said that the question then arose, what about private roads? He said that what he was saying was that he thought there were many private roads in rural areas that lacked clear agreements on how they were used, even among those who were authorized to use them.

Mr. Herrick said that there was no uniform standard for determining the level of maintenance required for private roads, which meant there were no guarantees of where the baseline was.

Mr. Andrews said that it was unlikely that someone could bring a cause of action against a farm for damaging a private road, as the responsibility for road maintenance typically lay with the landowners or users of the road.

Mr. Herrick said that it would have to be analyzed on a case-by-case basis by a court to determine that.

Mr. Andrews said that this was why he was hesitant to allow this to be done on private roads without an agreement from the neighbors, as there would be no mechanism that required the person causing the damage to repair it.

Mr. Andrews said that in summary, he supported the exemptions for agricultural use and the specific proposed exemptions, which covered A through I. He said that he had concerns about the lack of setbacks, as they could potentially allow for potentially improper practices near the edge of agricultural land. He said that he was sympathetic to the need to accommodate farming activities in a wider range of hours and days of the week. He said that regarding the second question, he supported limiting the exemptions to direct access to public roads classified as collector or arterial roads. He said that these were non-agricultural uses and there were processes by which someone could ask the County to use a different road.

Ms. McCulley asked for clarification. She asked if Mr. Andrews supported asking the other owners along the private road to give their consent to the fill activities.

Mr. Andrews said that if it was a private road, he would want the other owners to provide consent for the exemption. He asked if they did not give consent, they could still come to the Board and ask for a special exception.

Mr. Pruitt said that he had reviewed the collector and arterial roads in the County using a mapping tool because the provided language was somewhat unclear to him. He said that it became evident that some collector and arterial roads would be permissible for the use but would still be very disrupted by the activity, while other roads may be better suited for it but would require a special use permit. He said that therefore, he was unsupportive of the second focus question.

Mr. Andrews asked if Mr. Pruitt would suggest it be expanded to include other roads.

Mr. Pruitt clarified that he would not want the trigger for a special use permit to be that a road was not arterial or a collector road. He said that he thought that it would apply to too many uses because there were so many roads that were not collectors or arterials.

Mr. Andrews said that he understood the point about the limited number of collector and arterial roads, but he also saw that that trigger was not related to agriculture. He said that many of those uses in the Rural Area would be doing it on agricultural properties, so they would only need a public road.

Ms. McCulley asked if there was Board consensus that they should not allow this use by right with internal residential subdivision roads. She said that she was not sure how to phrase that without referencing a specific road standard, but they could work on that if that was the Board's consensus.

Mr. Pruitt said that he would like to provide a hyperlocal example that he walked to every day. He said that he lived right next to what was considered an employment district in their Comprehensive Plan. He said that on Southern Parkway had several industrial and light industrial uses, there was a large shipping facility and a FedEx plant. He said that Southern Parkway was not a collector road, and if someone were to try to level that area to expand their industrial use, they would need a special use permit.

Mr. Fritz clarified that they would not need the special use permit for fill activities if the fill was being done as part of the site plan.

Ms. McCulley said that the same would be true for a building permit or subdivision plat.

Mr. Fritz said that with some form of approval associated with the development of the property, the fill and waste regulations did not apply.

Mr. Pruitt said that he appreciated the explanation, but his point was more about the designation of that particular road. He said that it was certainly a road that collected from multiple neighborhoods, but VDOT did not classify it as a collector road. He said that he understood staff's reasoning for the recommendations, but he thought that too many roads were left out of these regulations in order to achieve the intent of the ordinance.

Mr. Fritz asked if there was consensus that the number of roads should be broadened beyond the collector and arterial categories, but with some restrictions or protection for purely residential roads that were within residential subdivisions.

Mr. Pruitt said that it would satisfy his own concerns.

Ms. Mallek said that she would support that. She said that another point of consideration was whether the road had sidewalks and could support that type of heavy traffic. She said that her goal was to avoid the same situation they had now, where residents had limited options for walking and were impacted by heavy truck traffic. She said that when the people who lived in the neighborhood had no other place to walk but the street, she thought it was unfair to ask them to risk their lives to share that road with through-traffic. She said that she was unsure of the term, but they should acknowledge the importance of neighborhood streets being built for the neighborhood's existence, and as part of the neighborhood's permit, permission, and development.

Ms. Mallek said that if that was not feasible, her alternative was to follow the staff suggestion. She said that additionally, she was gravely concerned about the Board potentially supporting the 30- or 60-day time period to include a rolling calendar to happen every single year. She said that she was concerned that this would create an ongoing problem, as the rolling period would essentially become a permanent issue. She said that she was pleased with the initial proposal until she understood the implications of the rolling period, which would indeed be a significant burden on everyone involved.

Mr. Pruitt said that he understood Ms. Mallek's concern, which was that ultimately they would allow for a property to perform fill activity for 1/6 of the time. He said that with that being said, he was unsure of any other way to do it. He asked if the alternative was that they could only do the fill activity for 60 days once only, then it was pendant on the property for the entire tenure and existence of that fee simple.

Ms. Mallek said that this was a new approach because, up until now, it had been up to the property owner to find the dirt on their own property and move it around, or compost it, as needed. She said that it had not been an option to bring thousands of trucks moving 14 cubic yards of dirt at a time, and 20 cubic yards for the larger trucks carrying 80,000 pounds, as seen in the videos sent to the Board.

Ms. Mallek said that it was a significant amount, and if they considered the current two-acre limit, it was even more concerning. However, if that limit was increased to 20 acres in a few years, without a clear definition of what constituted a commercial use, then she would like to see the rolling period removed. She said that perhaps it could be reinstated in the future if it became a problem but giving it away at the beginning was something she hoped they would not do.

Ms. McKeel asked if staff could speak to Ms. Mallek's concern.

Ms. McCulley said that there were a couple of factors that went into the thinking on this. One was that large trucks were often associated with farming activities, and farmers may need to use fill for

multiple projects at different times. She said that for example, a farm pond may require fill one day, while field leveling was needed to access a different part of the property the next day. She said that it may also involve terracing to accommodate tractor access and crop planting. By allowing for this flexibility, they were acknowledging that the nature of farming inherently required a range of activities at different times, and they wanted to provide some understanding and accommodation for that.

Ms. McKeel said that she would ask a somewhat unconventional question. She said that in this discussion, they had been discussing rural roads and the responsibility for road maintenance. She was curious to know if there was a flag or indicator that would alert someone who bought a new property on one of these roads that they may become responsible for road maintenance.

Mr. Fritz answered that if it was a subdivision that the County had previously approved, there was a note on the plat that clearly stated these roads were not public roads, but if it predated or was done prior to any subdivision being done, then that would be a different situation.

Ms. McCulley said that she believed that as a purchaser, it was their due diligence to research the status of the road, including whether there was a maintenance agreement in place and what the responsibilities were. She said that additionally, she thought it was a requirement when purchasing a property that all covenants, conditions, and restrictions were provided to the buyer in advance of closing.

Ms. Mallek said that she wanted to note that it could be difficult to understand in advance what all the small print meant. She said that it may appear innocuous while reading it, but in actuality it could be the opposite.

Mr. Andrews said that in terms of agricultural property versus agricultural use, he had a concern that someone could just use their property to get revenue by taking in fill as opposed to having agricultural purposes for the project.

Ms. McKeel agreed that was a good point. She asked staff to please consider that potential issue.

Mr. Andrews said that the expectation for agricultural exemptions was for projects that genuinely improved the parcel for agricultural purposes, rather than just for commercial gain.

Ms. McCulley agreed that it was a good point. She explained that staff was using a term that was already defined in the Zoning Ordinance, "agricultural activity." Therefore, there needed to be a legitimate, bona fide agricultural activity associated with the fill activity.

Ms. LaPisto-Kirtley noted that the agricultural activity may also be commercial.

Ms. McCulley said that was true; they had to make money.

Mr. Andrews gave his thanks to staff for having this work session.

Recess. The Board adjourned its meeting at 3:51 p.m. and reconvened at 4:06 p.m.

Agenda Item No. 11. **Presentation:** Albemarle County Climate Action.

The Executive Summary forwarded to the Board states that the Board of Supervisors last received an update from the Climate Action Program on September 1, 2021 (21-415). Given the community interest in climate action expressed during the 2025 Budget Town Halls, an update on the Program's activities is timely. On May 7, 2025, the Board appropriated an additional \$300,000 in one-time funds for Fiscal Year 26 to the Climate Action Reserve. The Board directed staff to provide a report to the Board on how the money was being spent before initiating additional projects.

Supported by the report in Attachment A, this presentation will review progress toward achieving the Board's greenhouse gas emissions targets set in October 2019, activities undertaken to implement the County's 2020 Climate Action Program, and an overview of planned activities for FY 26.

The County's Climate Action Program was established in 2021 to implement the Climate Action Plan since its adoption. Composed of one or two full-time staff, the Program has implemented a variety of projects and initiatives to support the reduction of greenhouse gas emissions in line with the Board's 2030 and 2050 targets. In addition to our mitigation work to reduce greenhouse gas emissions, the Program also launched the County's climate adaptation and resilience planning process under the name Resilient Together.

To measure progress toward the Board's goals, the Program has conducted an annual inventory of greenhouse gases emitted within the borders of the County as well as electricity used within the County. Based on the results of those inventories, it appears the County is not on track to reach the Board's targets. Therefore, a strategic shift in the work of the Program was launched in early 2025. Leaders from throughout the organization have convened as members of the Climate Action Leadership Team to provide leadership intent to our climate action work for FY 26 and beyond.

This item is part of the FY 26 Budget.

Staff recommends that Board members share feedback and ask questions about the Climate

Action Program and signal its support of the proposed use of the Climate Action Funding Pool in FY 26.

Greg Harper, Chief of Environmental Services, stated that he wanted to formally introduce the County's Climate Action Program Manager, Jamie Powers. He explained that Mr. Powers had been working with the team since early 2023, and when Mr. Gabe Daley left for California last year, Mr. Powers took on the role of interim Climate Action Program Manager, serving in that capacity until July, when he was officially appointed as the permanent Climate Action Program Manager.

Jamie Powers, Climate Action Program Manager, stated that staff's presentation would cover two main goals. First, they would provide an update on the program's activities over the past few years, and second, they would outline their plans for the upcoming fiscal year. As part of the budget process in May, the Board had set aside \$300,000 for their program, and staff was asked to return to the Board with more details on how to utilize those funds. He said that staff was excited to share their plans with the Board today and looked forward to any feedback or questions they may have.

Mr. Powers said that to provide some context, he would like to start with a brief introduction to the work they had been doing. He said Mr. Harper would cover the current status of their greenhouse gas emissions inventories. He would then provide an update on their past and ongoing work, and finally, he would dive into the specific topics for FY26. For those who may not be familiar with their efforts, in October 2019, the Board had adopted greenhouse gas emissions reduction targets in line with the Paris Agreement.

Mr. Powers said that the following year, in October 2020, the Board had adopted the Climate Action Plan and established the Climate Action Program to implement that plan and help reduce the community's emissions in line with the Board's targets. In September 2021, the Board received a program update from Mr. Daley, the program manager at the time, and he hoped they could continue that as an annual presentation to the Board. He explained that in a global context, climate change was a pressing concern. Global emissions continued to rise, and it was essential to consider the impact of this problem on local communities like theirs.

Mr. Powers stated that climate change was not a future issue; it was a present reality. The impacts were already being felt, and they would worsen over time unless they took action to reduce global emissions. They had a role to play locally, and one way to frame the issue was to recognize that climate change was a symptom of a broader socioeconomic system that worked exactly as designed. This system was bringing them to the climate crisis, so if they were going to effectively address the climate crisis, they needed to take a closer look at their systems and address the underlying issues.

Mr. Harper said that he would explain how they measured progress with the program. As Mr. Powers had already indicated, in 2019, the Board had set reduction targets based on the baseline year of 2008. He said that in that year, they were emitting as a community, not just the County operations, of course, 1.8 million metric tons of carbon dioxide equivalent, every year. The 2030 goal was a 45% reduction, and then the goal in 2050 was net zero. As Mr. Powers indicated, these were in alignment with the Paris Agreement targets, which they chose so that they were aligning themselves with other communities throughout the world to come up with these reductions.

Mr. Harper noted that 2024 was the first year on record, he believed, where they were actually hitting 1.5 million metric tons of carbon dioxide equivalent. To put this into perspective, the Paris Agreement targets were to limit global warming within 2 degrees Celsius, which was the equivalent of 3.6 degrees Fahrenheit over historic temperatures. He said that they were currently at 1.5 degrees Celsius as a globe, for context.

Mr. Harper explained that to do the math, they were relying on a document called the Global Protocol for Community Scale Inventories, which described how to calculate emissions inventories. They had been using this rulebook, basically, for all of the emissions inventories they had done. It was territory-based, which meant they were capturing everything within the territory or the boundaries of the County itself. Any activity that happened within their borders, they were trying to capture by getting statistics from the state.

Mr. Harper said that, however, they were not capturing all activities occurring in the County. For instance, if someone purchased a vehicle, they were not capturing all the carbon that was emitted in producing that vehicle. They were just capturing what the vehicle then produced as they used it in the County. Over time, they were making refinements to make this model a little bit more precise as they learned more and received more guidance.

Mr. Harper explained that what they were actually calculating to create these inventories was essentially taking emission-producing activities, such as driving a car, multiplying it by an emissions factor, which they were given by the Environmental Protection Agency (EPA), and converting it to the actual tonnage of emissions. He said that they compared their numbers to the number they got when they put the data into a model that was provided to them called ClearPath, which was a model from ICLEI Local Governments for Sustainability. He noted that the data in the model lagged by two years, so while it was somewhat out of date, it was the most current available.

Mr. Harper said that he had already explained what CO2 equivalent was, and he would note that there were other major greenhouse gases, such as methane and nitrous oxide, that were also counted. These had been converted to CO2 equivalent through additional math. He explained that the major sectors of emissions were transportation, stationary energy, and that included solar, which would be

considered as reducing that stationary energy. Agriculture, forestry, and land use was a smaller contributor, and then waste.

Mr. Harper said that in terms of what information they put into the model for their calculations, for transportation, it was vehicle miles traveled. The mode of transportation was important, whether it was a motorcycle, a semi-truck, or a public bus. He noted that the efficiency of all these vehicles counted as well. For buildings, it was basically the amount of energy used, the energy sources, whether it was electricity or fossil fuels or firewood. They received those statistics out from other sources and work them into the model. The electric grid also had a certain amount of greenhouse gases associated with producing a kilowatt hour of energy.

Mr. Harper said that additionally, landscape, there were livestock operations, the farming equipment, or any equipment used for landscape-scale work. There were agricultural best management practices, and land cover and the changes to land cover over time were incorporated into the model. Additionally, landfill organic waste was also a contributor. He wanted to note that agricultural best management practices (BMP) and land cover changes could either be emissions of carbon or sequestration as well. Someone could do best management practices in agricultural operations that actually sequestered more carbon than was emitted by the operation.

Mr. Harper explained that proportionally, transportation was the big one for Albemarle County. If one looked at a city like Charlottesville, transportation was a much smaller slice of the pie, but Albemarle was more spread out, so they had more vehicle miles traveled. Buildings were the next largest sector at 31%, then landscape at 22%, and then waste was a much smaller piece of the pie. He noted that three-quarters of the landscape emissions were from land use changes and forest disturbances. Therefore, when changing from forest to development or even forest from field, they caused loss of sequestration by the vegetation and soil that was disturbed.

Mr. Harper stated that staff had provided a chart of the County's emissions over time. He explained that in 2008, the baseline year, they emitted around 1.8 million tons. They did not do emissions inventories for 2009 through 2017, but they started again in 2018 right after the program got started. They could see that they had a dip down in 2020, which was largely attributed to the social effects of COVID-19, when less people were traveling. He indicated the blue line at the top showed the target, and they were almost hitting the target in the last few years since 2020; it was generally a downward direction from 2008 but was slowly rising since 2020.

Mr. Harper said that their local government was, of course, a contributor to the emissions, but only about 1.5% of 2022 emissions came from local government operations, and that included public schools. He said that despite their small percentage, the County was still working to reduce their emissions further. He explained that in terms of their total tonnage of carbon dioxide emitted, from 2017 to 2024, they reduced their emissions by 21.4%, which was truly commendable.

Mr. Harper said that also provided was Charlottesville's inventory that they put out last year. He noted that they also had a steep reduction in emissions in 2020 and were slowly coming back out of that and had been flat for the last couple of years. He said that for the country as a whole, there was a steady trend downward, but it was not steep enough to confidently determine that it would continue.

Mr. Harper said that in terms of what drove reductions in emissions, the answers included reductions in vehicle miles, which they could do by supporting the shift from people driving a car by themselves to taking public transportation or getting on their bicycle for smaller commutes. Additionally, they needed to improve efficiency on a global scale in terms of transitioning to more renewable energy and decrease of energy usage in general. They also needed to improve agricultural best management practices and minimize loss of land cover and land changes to preserve carbon-sequestering environments. Finally, they needed to reduce their landfilled organic waste.

Mr. Powers said that looking at past and ongoing work, he had included an overview from Fiscal Year 21 to Fiscal Year 25 for context. He explained that there had been many new projects in FY25, which he would also discuss. He said that providing content support to AC44 had obviously been a big focus this year, contributing to the Advisory Committee on Environmental Sustainability in partnership with the Schools, funding climate action activity kits for fourth graders through C3, a Community Climate Action Grant Program for the past two years, supporting County Office Building (COB) 5th Street's energy efficiency improvements, as well as a current power purchase agreement to put rooftop solar on that building, funding the energy resource hub launch, and then he would say a little bit more about the Energy Resource Hub, and supporting the work of the Solar Ordinance, including a lot of community engagement on that topic.

Mr. Powers he wanted to give a little bit more of a detailed investigation of just a couple of the things that they had been up to, so the Board could see how they were thinking about impact for these things. He said that regarding one of the housing objectives that they contributed to for AC44, he had provided the actual text of the housing objective along with the qualifier point. He explained that if the percentage of the workforce that lived in the Development Areas increased from its current 35% to 70%, then they could reduce their transportation emissions by almost 230 tons per year, or 35% of the goal that they were trying to reach.

Mr. Powers explained that that sort of policy change, if implemented, could have a really sizable impact on their emissions reductions and reaching those goals. In that particular example, they were talking about 11.3 tons of emissions reduced per person if that was met. Another example came from their Community Climate Action Grant Program. They funded five projects in FY24, five projects in FY25.

This was one example of a project that they funded in FY25. Out of a \$100,000 fund, they provided \$25,000 to support equipment electrification at the International Rescue Committee (IRC) New Roots Farm, as well as beneficial agricultural practice support.

Mr. Powers stated that if they broke down some of the things that they were doing from their composting practice, staff calculated that about 25 tons of carbon dioxide was sequestered by them using the composting practices. About five tons were avoided emissions by removing synthetic fertilizers from their operations. Furthermore, they electrified a number of different types of equipment, and if they assumed a kind of middle-of-the-road 50 to 80cc engine and what that emitted, the total annual reduction for the New Roots Farm operation was about 38 tons per year with the improvements that they had made.

Mr. Powers said that they made similar calculations for other projects, with the specifics varying based on the project and improvements being made. He stated that in climate action work, any climate program was going to basically have two components. The first was mitigation via reduction of greenhouse gas emissions, with the intent of lessening the impact of the climate crisis. The second component was adaptation, which assumed that given the relative global inaction over the past 50 years, the negative impacts of the climate crisis could not be avoided and were already being experienced, and therefore they must identify strategies to successfully adapt to the conditions.

Mr. Powers said that they had some adaptation work that they were working on in the program. He noted there were a lot of points of overlap between the mitigation work, which was reducing emissions, and the adaptation work, which was how did they strengthened their community so that they could be resilient in the face of some of these climate hazards. They had provided a Venn diagram to show the overlapping work between those two components.

Mr. Powers said that he wanted to highlight building weatherization. There were projects that they were doing in FY26 that were definitely in this realm of work that were both going to reduce the emissions from a particular building as well as help the building occupants or owners be resilient in the face of these hazards. The major project that they had been undertaking for the last year and a half in the spirit of adaptation was Resilient Together. This was a partnership with UVA and the City of Charlottesville to make sure that their joint communities could be safe, strong, and healthy in the face of these changing climate hazards.

Mr. Powers said that in Resilient Together, they started with the discovery phase again about a year and a half ago. They were currently at stop number four, the decide phase, where they were turning community feedback, staff, and subject matter expert feedback into the writing of the actual plan. Staff hoped to bring that plan to the Planning Commission and then to the Board in early 2026 for both for a work session and public hearing on the journey to hopefully appending it to AC44 alongside the Climate Action Plan, which was currently not appended to the Comprehensive Plan.

Mr. Powers explained that part of their Resilient Together work was the establishment of a Climate Resilience Cohort. The spirit of that cohort was essentially recognizing that for the vast majority of communities, there were always community members that got left out of the discussion for unintentional and intentional reasons. Therefore, they needed to try to find a way of bridging the conversation to some of their marginalized community members. The Cohort was a group of several nonprofits that represented and spoke regularly to some of those marginalized community members so that the County could have a direct line of conversation with those folks and make sure that their voices were amplified as they developed the Adaptation Resilience Plan.

Mr. Powers stated that both the City and County were jointly continuing financial support for the Cohort, following the grant termination by EPA earlier this spring. Another thing they had kicked off in 2025, which he was really excited about, was the Climate Action Leadership Team. This was a set of leaders that was allowing them to elevate climate action as an organizational priority rather than just a program priority. They created leadership intent around climate action and different climate projects. They also looked for interdepartmental opportunities to bring some of those leaders to demonstrate their leadership by allocating staff time of their teams towards some of the climate action projects that they were going to be talking about.

Mr. Powers said that next, he would discuss their FY26 work plan. He said that for context, they started when the Board took an action on May 7, 2025, to allocate \$300,000 toward the Climate Action Reserve. They were still carrying about \$222,000 in the reserve at that time, so that gave them a total of a little over \$500,000. He said that the Board made it clear they wanted to emphasize projects that were going to get the most value in terms of emission reductions in FY26, so that was the spirit of the types of projects they were looking for. He provided a rundown of the projects and their associated costs.

Mr. Powers noted the Office of Housing contributed \$150,000 on top of the \$237,000, so they got \$387,000 toward that top residential energy improvements project that was funded by the Community Development Block Grant (CDBG) that the Board recently heard in August. He said that the Climate Resilience Cohort support was listed at \$50,000. They decided to use money from the Climate Action pool to continue the work of the Climate Resilience Cohort, even though it was not a mitigation project, strictly speaking. It may have some mitigation impacts through the Adaptation Resilience Plan once it was implemented, but it should not be considered as an emissions mitigation project.

Mr. Powers said that he would clarify what each project would entail in terms of staff's work this year. He said that the residential energy improvements was a community-facing project totaling \$387,000, as he mentioned. Local Energy Alliance Program (LEAP) was going to be the lead partner, and they were

partnering with the Albemarle Housing Improvement Program (AHIP) as implementing partners to improve both equipment and the home envelopes. He explained that when homes were not adequately sealed around windows and doors, energy could escape and lead to poor energy efficiency and often resulted in higher energy costs for residents. This project would be prioritizing homes of residents with under 50% Area Median Income (AMI).

Mr. Powers said that they assumed they could reach up to 50 homes with this project, they could reduce stationary emissions by 0.02% at a 1.5-ton annual reduction per household calculation. The dollar figure they provided was essentially the return on investment (ROI), which in this particular case was \$3,000 per ton. The second project for the FY26 funds was government building energy efficiency, which was a project internal to County government. They had allocated \$100,000 for this and likely would be using it for LED fixture installation at two different buildings.

Mr. Powers noted that if they transitioned the equivalent of the space of Northside Library to those fixtures, they would reduce the stationary energy category by 0.03% at \$700 per ton. Annually, that would be a 143-ton reduction moving forward. The Energy Resource Hub was something that he had mentioned that they had kicked off with a \$100,000 investment in FY25. This was a community-focused project, and they were looking to invest an additional \$63,000, matching the City's contribution. LEAP and the Community Climate Collaborative were the leads on this.

Mr. Powers explained that the key thing to remember with this was although there were a lot of changes in the incentives that were available at the federal level, there were still a lot of incentives available out there. This program met with community members, both on the residential side as well as the commercial side, to make sure they understood what incentives were available to them. They had an energy navigator that actually walked them through the process so that they did not just end up at some Internal Revenue Service (IRS) form, get really discouraged, and close down their computer.

Mr. Powers said that if they assumed that they could reach 280 homes with some sort of project, such as heat pumps or rooftop solar, they would reduce emissions by 1,400 tons of CO₂e equivalent to \$3,571 a ton, or 0.3% of that stationary category. This was looking at a 5-ton annual reduction per household, assuming something like a heat pump was the project that was undertaken. He said that the final project for this segment of \$300,000 that the Board appropriated in May was what they had called the Climate Action Collaborative Initiative, which was both community- and internally facing as a project.

Mr. Powers said that it rounded out the total \$522,000 budget at around \$70,000. They were still working through the process of who the partners might be, but the intent was to leverage some sort of existing activity or existing funds to provide more environmentally sound solutions. For example, if Parks and Rec had the funds to buy a gas-powered piece of equipment, this initiative would provide the additional funding needed to get an electric version instead.

Mr. Powers said that if they looked at tree canopy, which was currently their top priority, and this was based on working across departments for all staff that had some sort of environmental remit to help narrow this set of priorities down, that could look like working with community partners as well as working with Parks. Depending on how they finalized what the budget needed to look like and how much money they wanted to put into each of these priority areas, the annual reduction would depend on what that final calculation looked like; they were still in the process of working that out.

Mr. Powers said that he had mentioned earlier the new Climate Action Leadership Team that formed in 2025. He had provided some of the strategic projects that only required staff time. They did not require any of the money that the Board allocated earlier this year. He explained that the resilience planning through Resilient Together was to make sure that their community was safe, strong, and healthy in the face of changing climate hazards. They were currently working on the decide phase, which was the writing of that plan. They expected that to be finished maybe by end of this calendar year, probably January at the latest, and then they would start the process of bringing that to their public bodies for adoption.

Mr. Powers said that they would be bringing the latest information on that to the Climate Action Leadership Team next month. Next, for County Code review, starting with Chapter 18, was essentially saying that most of the County Code was written outside of explicit consideration of the climate crisis. Because of that, there were, in just doing a cursory review of lots of sections of the County Code, there were a lot of perverse incentives and disincentives that existed within the Code. This project, if they went beyond Chapter 18, was likely to take several years. Chapter 18 made sense for this year, given the zoning modernization project that they were going to be working on.

Mr. Powers said that they were going to be pulling in the climate perspective as they opened up Chapter 18 and took a look there. He added that they had already been pulled into the form-based code conversation and the Architectural Review Board (ARB)'s conversations on rooftop solar. Therefore, they were going to be contributing to a fresh look at Chapter 18, making some recommendations, and then they would see where those recommendations went in the way they did things with AC44.

Mr. Powers noted that not everything that the Climate Action Program wanted made it to the finish line, but at least they had had a chance to be heard and have that contribution made. The internal climate action support, with the intent of making sure that this could be an organization-wide priority rather than just a program priority, they would be taking a look at customer-serving teams of staff in the County, starting with Community Development's front desk. They wanted to take a look at the different customer interactions that happened there, and where there were convenient, appropriate, and easy insertions of climate action considerations throughout the process.

Mr. Powers said that for example, someone may want to work with the County to develop a property but was unaware of incentives. He said that perhaps staff could hand them a brochure about the Energy Resource Hub, and that could help them save money on the project that they were trying to do, as well as bring down their emissions. He said that they were piloting that with the CDD front desk, and they were also looking at Civic Access, which was the digital way that folks came in and started planning projects. They were going to feel that out there and then move on to other teams as appropriate.

Mr. Powers said that sustainable operations was really taking a look at three elements of how they did business internally, including transitioning their fleet to electric vehicles, looking at landscaping practices for both sequestering and reducing emissions, as well as their building equipment, envelope, and renewable energy. He said that Charging Smart and SolSmart were sort of sibling programs. One dealt with EV charging infrastructure, and one dealt with solar infrastructure. He said that they were interested in how to make it easier, lower some barriers for community members through permitting practices and information so that folks had an easier time to install the respective pieces of equipment.

Mr. Powers stated that the last project in their strategic set was doing a sort of strategic redesign of organic waste systems in the County in partnership with the City and UVA so that they could drastically reduce the amount of especially food waste and yard trimmings that ended up in the landfill and which were a big contributor to their waste sector of the emissions. He noted that waste was a pretty small footprint for County emissions; however, waste was also a gateway for community members to want to be involved in other environmental efforts, including climate action. Therefore, having an initiative in the waste space did make sense, so they could bring new people into this work.

Mr. Powers said that looking ahead, they were going to execute the FY26 projects, both the funded and strategic that they had laid out for the Board today. He noted that one of their Climate Action Leadership Team members had recommended that they needed to think really boldly about how they were going to actually achieve this 2050 goal, so they would be developing a climate-smart vision for what the community would look like after having achieved a zero net emissions goal. They were going to focus on their staff advisory services model, like they had done with AC44, so that they could be bringing this climate action work across different departments and policy actions that were happening.

Mr. Powers said that additionally, they were going to be focusing on root causes, which framed their work. They were going to be reviewing at their emissions inventory, and transportation was the biggest portion, so that was the first place they looked when they were trying to think about where they needed to be doing some work. Finally, once adopted, they would be implementing the Adaptation Resilience Plan. He said that today, staff was seeking Board feedback and any questions about the Climate Action Program or the proposed use of Climate Action funding pool in FY26.

Ms. McKeel said that she greatly appreciated staff's work with the schools. She said that it was really nice to know that the schools and the County's group were working closely together because they were all in this together, and there was a lot of potential for progress through the school division and their young children. She thanked Mr. Powers for his presentation and all his hard work.

Mr. Powers said that he wanted to acknowledge John Coles, the Environmental Program Manager at Albemarle County Public Schools, who was doing that work.

Mr. Pruitt said that Mr. Powers had touched on how he employed these community scale survey inventories to actually see where they were in time, then they also talked about the individual interventions they were looking at. He had to assume that when he was doing his community scale inventory, that did not involve going to New Roots Farms and saying, "Hey, what's your composting practice?"

Mr. Powers confirmed that was correct.

Mr. Pruitt said that he understood that they could account for that one specifically because that was an intervention that they had engaged in, so they could make that math on the back end. However, it also occurred to him if New Roots helped the farm next door implement that same new composting practice, it would go unaccounted for in the County's data. He asked for more insight into how these inventories were conducted.

Mr. Powers said that staff was working on putting all the inventory data online on the Climate team's website, so everyone would be able to go in and access the workbooks, which were fairly rigorous with a lot of interconnected tabs and calculations. He said that anyone would be able to investigate how the math was done. He explained that they used a variety of sources across all of these sectors. For example, in the case of agriculture, the U.S. Department of Agriculture (USDA) conducted a census every five years to understand everything that was happening in agriculture in a given place, down to the County level.

Mr. Powers said that they used this data to understand what practices were happening in Albemarle County specifically, and how many acres of the total amount of farmland were those practices happening on. They then looked at peer-reviewed research to understand, on a per acre basis, what the emissions associated with, or the emissions removal or carbon removals associated with that practice were. One could see this was cutting across different sectors and they used a lot of different sources to guide that.

Mr. Pruitt said that regarding the Code revision that staff was undertaking, he would like to know if that review would be a separate item for the Board to consider, or if it would be generally vetted by staff.

Mr. Powers said that similarly to AC44, the way they had envisioned that was that the CDD would lead that process, and they would be bringing their recommendations to the Board as part of whatever the zoning modernization process looked like. He said that the Climate Action team would have contributed their recommendations, thoughts, and whatever staff brought to the Board would have been informed by the Climate team's recommendations in that regard.

Mr. Pruitt said that he was thinking about two budgets ago, when they had multiple departments who had different needs and different interests that were sometimes at odds, and that was processed and filtered by County leadership based on their best thoughts and expertise; that led to the final budget being presented. He said that they were going to have a similar thing with zoning modernization. When they used that kind of process, they were very interested in what the individual departments had actually had to say because there were discussions that had already happened that the Board wanted to understand in more detail.

Mr. Pruitt said that he would be interested to know from the Climate Action team what their full recommendations would be and what was left out of the final document. He said that if there was something filtered out through the general process, he would like to know. He said that he would ask the Board and Mr. Richardson to consider whether that would be feasible or appropriate.

Mr. Pruitt said that when the Board had talked about climate and resilience in the context of the Comprehensive Plan, something he sometimes expressed concern about was that they were not adequately accounting for an individual citizen's experience of climate strain and how they could plan for that and have interventions that were targeted at that. He said that a concern he had with Resilient Together was that it might end up reflecting grasstop concerns and grasstop-level interventions. He said that some of the example projects that they were engaged in, he thought, were grassroots deliverables, such as the individual house efficiency improvements, individual LEAP repairs for low-income homes. He asked Mr. Powers if he thought that this was a concern that was adequately being incorporated into their planning process across the board or were there still places where they might be having a little bit of a higher-level intervention.

Mr. Powers replied that based on the engagement processes that they had been having up to this point, it felt to him that they were getting to the grassroots and that those concerns were being effectively advocated for by either organizations that the County was working with through the Climate Resilience Cohort or from folks that had come to some of their community events. He said that additionally, they had dozens of staff and subject matter expert meetings across the City, County, and UVA, as well as external to them. He had heard in a lot of those meetings that they were bringing concerns that they had heard from community members to that conversation as they started to think about what implementation looked like from that perspective.

Mr. Gallaway asked for clarification regarding the organization's priority versus the program priority.

Mr. Powers said that he believed there was a perception that the organization had not been prioritizing it. He said that this addressed that perception by soliciting input from department leaders, so that they could weigh in and be an active part of the conversation.

Mr. Gallaway said that internally, within their organization, they had been improving. He asked if there was still a feeling that it was not an organizational priority. He asked if people felt that they were not doing enough or that they were putting all the responsibility to solve these problems solely onto the Climate Action staff.

Mr. Powers said that he believed that was the perception. He said that, however, he would call out very intentionally, at least since he had been there, that staff across the organization had great relationships with each other and everyone was very interested in this work. Despite that, there was a perception that as a whole, the organization had not been prioritizing this work. He said that he thought the Leadership team would be moving in a different direction.

Mr. Gallaway acknowledged that he was not shocked to hear it because that seemed to be what was being told to them during their budget town halls – that they did not prioritize this as an organization. He said that it was a bit more specific to them in terms of dollar funding, but it seemed that when they were sharing the story of what else they did throughout the organization in terms of climate action, it seemed like it was not really important.

Mr. Gallaway said that while it may seem like it was just a perception, he felt like perceptions were rooted in something. However, perceptions could be wrong, so he was wondering whether the perception was wrong or if their organization needed to clarify that it was a top priority. He said that if people did not think the County thought of it as a priority, he would like to learn the substantive reasons for that perception.

Ms. McKeel said that while the community may not be aware of all the climate action initiatives the County was doing, she was most concerned that staff may feel it was not a priority.

Mr. Gallaway agreed; he was not surprised that perceptions may exist but having been in this organization as a Supervisor, and previously as a School Board member, he was confused about how it could be concluded that it was not a priority. He felt that the Climate Action team had difficult jobs, and if there was truth to the perception, he wanted to understand what that meant other than people being uninformed about the County's climate action work. If it was beyond that, he wanted to understand it.

Mr. Harper said that he would suggest that perhaps they were overemphasizing Mr. Powers' use of the word "priority." He said that he thought the advantage of the Leadership team was to involve leaders across the organization in climate conversations directly with Climate staff, so that they could leave the room at the end of the meeting and gain a better understanding of their goals, and then assist in identifying opportunities and opening up staff resources, that kind of thing. He said that he did not know if he agreed necessarily with the organization as a whole was not prioritizing climate; it was just not being disseminated in a visible way so that leadership across the organization was involved. He noted that they had not had conversations about climate with the Director of Social Services, but now they were.

Mr. Gallaway said that that helped in his understanding. He said that this was so tough because they could control what they could do as the organization and their own actions, but much of what else they were setting goals for, they had no control over. He said they could influence, they could educate, and they could inform. He said they could belittle, they could demean, and they could champion things. They could do a lot of things, but at the end of the day, they could not control the actions of others. Yet they were setting goals that were based on the actions of others.

Mr. Gallaway said that he understood that in terms of Specific, Measurable, Achievable, Relevant, Time-Bound (SMART) goals, relevance was important, but sometimes being realistic was more important. He said that perhaps something was achievable, but given their time and resources available, they must determine whether it was realistic to make it achievable. He asked how the community-wide goal of increasing the number of electric vehicles could be achievable from the County's standpoint.

Mr. Powers said that it was not unrealistic. He explained that one thing the County could do was either incentivize or actually install the chargers on their public property. He said one of the barriers to entry to the EV market was that people often did not have access to charging infrastructure; that was one particular action. This was also a space where technology and the market were helping them to get to a place where they were more likely to achieve those goals because people were buying electric vehicles at a faster rate.

Mr. Harper added that the Energy Resource Hub was one way they were trying to connect people with existing incentives, so the County was not giving them the incentive, but if there was a federal or state incentive to buy an EV, that could help people decide that an EV was going to be worth it. He said that was a program that was essentially connecting the dots, and that was one way they could put a little pressure on moving in the right direction.

Mr. Gallaway noted that a goal included in the report was to move to electric charging infrastructure. He said that it seemed to him that a goal like increasing the percent of electric vehicles to 28% was not as realistic as focusing on the charging infrastructure, which then influenced the behavior, rather than holding the County accountable to 28% when it was out of their control whether people actually adopted it or not.

Mr. Powers said that he thought that made a lot of sense. He said that he knew that one of the things they were trying to do as a program in developing these SMART goals was to bridge what was in the Climate Action Plan, like what goals existed there and how they could move towards more specific but still be framing things the way the Climate Action Plan framed things. He understood Mr. Gallaway's point in that moving forward as they thought about goal setting, whether it was annual or five-year goal setting, what they could actually influence or control directly.

Mr. Gallaway said that he was considering situations such as replacing natural gas appliances. He said that if someone was cost-constrained, perhaps the County could provide a dollar incentive for replacing it, but they were ultimately limited to just encouraging the replacement; they could not force people to do it. He said that he was wondering what was realistically achievable and whether they could set different goals to get there. He said that however, he would defer to staff, who were the subject matter experts.

Mr. Powers said that the point was well-taken, and he would be sure they kept it in mind as they refined their goals over time.

Mr. Gallaway said that regarding tree cover, he had been thinking about the Climate Action Plan and infill in the Development Area, as infill would result in a loss of trees. He said that it was acknowledged that they needed to replenish those lost trees, so he was wondering if they were incentivizing that or just requiring on-site recovery of tree cover in the Development Area.

Mr. Powers said he was not aware of any current incentives.

Mr. Gallaway said that it seemed to be focused on the Development Area in terms of loss of trees, which was also why he was wondering if that requirement applied when people came in to discuss rezoning or other development projects. He said for example, if a property was being rezoned or developed, did they get to discuss and address the loss of tree cover, even if the property was not yet developed? Similarly, in Rural Areas, when a residential lot was built, were the trees that were removed accounted for, or were they assuming that the loss of trees was already factored into the development process, even in areas where there were still vacant plots of land?

Mr. Powers clarified that they accounted for both the Rural and Development Areas in the calculation of tree cover, using two different tools to do so. He said in the development area, they tended to see more isolated trees, whereas in the rural areas, they saw more contiguous forests. As a result, the methodology for understanding what was being lost or gained was different, but when looking at the County as a whole, whether it was in the Development Area or the Rural Areas, they needed to be

reforesting or afforesting their lands and putting trees back in.

Mr. Gallaway asked what the goal was to achieve that. He asked if this was one of the areas where ordinances diverged. He said that they allowed development, which involved removing trees; however, they had defined those trees to be taken out. He said that they did not want to annually limit the number of trees that could be taken down in the Development Area, as that was where they wanted to achieve density. He asked where they planned to recover the trees that would be taken out.

Mr. Gallaway said that, for instance, Dunlora planted over 10,000 trees to restore a field, and that demonstrated that it was possible to take initiative and make a positive impact without County incentive. He said he was wondering if the County could set a goal to reaccount for the lost trees by replanting them in other areas. Perhaps they could require developers to restore the trees on their remaining land, such as a 50-acre rural property, if they removed a certain number of trees for a residence.

Mr. Powers noted this could be a role for the program as AC44 began to move into its implementation phase and they started examining different elements. He said that they could explore policy devices or incentive devices other communities were using that appeared to be effective. He said additionally, they could research educational or informational efforts that were successfully motivating individuals to take action with their own resources or seeking grant funding to support their initiatives.

Mr. Gallaway said he thought when considering the County Code, it was interesting to examine it through the lens of the Climate Action Program. He said if Climate Action staff were to write the County Code, he wondered what the program would include. He said he recalled a conversation during the budget process about allocating funds to programs that were incentivizing or educational in nature. As someone responsible for internal dollars, he would always prioritize the highest impact and greatest return. He said if the goal was to reduce emissions, he would want every dollar to go towards the most effective action that would help them achieve that goal.

Mr. Gallaway said if dollars were allocated to other organizations or to efforts within the County, he wanted to ensure that they aligned with their priorities and were likely to have a significant impact. For example, he was open to the idea of using funding for electric vehicle charging stations, but he would want to see a clear plan for how they would be used and whether they would actually drive-up electric vehicle ownership. He said he would prefer to allocate funds to initiatives that were specifically designed to address the County's unique challenges and infrastructure availability, rather than just using dollars that were available.

Mr. Gallaway said that he believed that Climate Action was an organizational priority that should go beyond the specific fund they were working with, and that any dollars expended should be directed towards the highest impact actions that would help them achieve their goals in a measurable way. That would allow them to measure their progress and set a specific date for achieving their timeline goal. He said he appreciated the effort that went into the report, which was excellent.

Mr. Gallaway said he was also asked by a citizen at a public meeting what the County's progress was with meeting their 2030 goal, and his answer at the time was that he did not know. He expressed his gratitude to staff for providing this report, as he now knew their progress.

Ms. LaPisto-Kirtley said she appreciated the presentation, and she agreed that this was a priority for the County. She said personally, she would like to see some more achievable goals that they could actually accomplish. She said while the Climate Action Plan provided a lot of information, she was concerned about what they could realistically achieve.

Ms. LaPisto-Kirtley said that, for example, she had purchased a hybrid vehicle, but she could not justify the cost of a fast charger, so she opted for a slow charger instead. She said that it was fine for her, but she felt it could be an impediment in other situations. She said that she hoped that many constituents were using the public chargers the County did have, but she did not know. She agreed that it was important for the County to pursue initiatives that could be adequately measured so they could see whether it was an effective use of funding. She said that this ultimately was a budgetary consideration, so she wanted to know what they could allocate funding towards that would provide the best results. She said that she wanted to ensure they were really making a difference.

Ms. LaPisto-Kirtley said that she was also very interested in learning about the practices of other localities so that Albemarle could see what was achievable at the local level. However, she was not seeing specific things, and perhaps that was part of the problem. She said that she wanted to see specifically what the County organization and the Board of Supervisors could do to tackle some issues and confidently say that their actions had made a difference. Additionally, she was interested in hearing about any new developments with regard to availability of grant funding and whether their dependence on federal and state funding would be impacted.

Mr. Powers replied that a significant portion of the work they needed to do in the program relied on staff time, which did not require external funding. He said for instance, the AC44 document, when implemented, would have a substantial impact on climate action due to its widespread application. He said this was an example of the type of climate work that needed to be done.

Mr. Powers said to briefly address the grant landscape, federally, it appeared to be uncertain, but not promising for grants over the next few years. He said at the state level, however, there were still opportunities available. He said the main barrier had been program capacity, which had been an issue for a while. He said once they regained full capacity, they could reassess the grant landscape, determine what opportunities existed, and decide what was worth pursuing.

Ms. LaPisto-Kirtley said she thought that they should explore the possibility of working with developers to offset the removal of trees by requiring them to plant a certain number of new trees. She said however, she would like to see more specific, concrete action items, regardless of whether they required funding or not. She said ultimately, they needed to identify the most cost-effective solutions that would have the greatest impact.

Ms. Mallek said she was truly grateful for the report, and she was impressed by the level of detail and progress that had been made since the local Climate Action Plan started. She said it was no longer just a blank page, and she appreciated the effort that Kristel Riddervold and others had put into helping them understand the concept of adaptation. She said she was particularly excited to see the County taking on a leadership role as an example of what was possible, as evidenced by the Energy Star Buildings and COV5 initiatives.

Ms. Mallek stated that one area that had been concerning her was the source of electricity for electrification. She explained that if they were still planning to use gas plants and coal plants to produce electricity, they would not be making any meaningful progress in terms of climate action. She said that she was unsure if their modeling took this into account, so she would ask staff to keep that in mind. She said she was also glad to hear about the progress made by the Roots Farm, and it sounded like they were making significant strides.

Ms. Mallek said that on a personal note; after having an electric stove for a number of years, she could not wait to get an efficient gas stove, and she hoped that growing trees would offset her own environmental impacts in that regard. She agreed that tree cover was a real concern, and there had been long-standing conversations about having a tree conservation requirement for development in the County. She said that it was easier for developers to knock down all the trees and flatten a parcel for development, but it was very important to consider their long-term goals for community development rather than short-term cost savings.

Ms. Mallek said she was looking forward to understanding more in the AC44 draft, and she would love to see more language in the AC44 draft that helped non-experts like her understand the climate goals and how they could be achieved.

Mr. Andrews said he appreciated the effort that had been put into creating this work, and he recognized that the County Board had set these goals in 2019. He said however, he also understood that achieving them would require a collaborative effort beyond this Board. What had been done was provide a clear roadmap on how to get there, including how to promote electric cars in the County, and whether they could control that or not was an important part of recognizing whether they as a County could achieve these goals.

Mr. Andrews said he thought staff had set out with the beginnings of a roadmap, which was a big job and something they could continue to build on. He said that while he believed that more resources needed to be invested in this effort, he also thought that some of the time that was being invested resources may not be as easily measurable as they would like. Instead, they may be raising awareness, and sometimes that could be even more important because it could lead to people making personal changes that reduced the County's overall emissions.

Mr. Andrews said that where the County had more concrete control was in land use decisions, proposal evaluations, and other decisions that came before them. He said it was important that they start incorporating climate considerations into these processes. He would like to see climate impact assessments become a part of their review process. Currently, they were aware that their population was growing, which would lead to increased emissions.

Mr. Andrews said that however, they needed to consider the complexities of this issue, such as the impact of new homes and locations of developments may have effects on emissions. He noted that in terms of perceptions, it was not a perception that emissions continued to rise; that was the reality. Therefore, they needed to take all possible action to bring down emissions, and he appreciated what staff had done with the presented work.

Agenda Item No. 12. Closed Meeting.

At 5:24 p.m., Mr. Pruitt **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- under subsection (6) to discuss and consider the investment of public funds related to an existing performance agreement with Agrospheres, Inc. and related to a potential performance agreement 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 interest of the County;
- under subsection (8), to consult with legal counsel regarding specific legal matters (including a performance agreement with Agrospheres, Inc.) requiring the provision of legal advice by such counsel; and
- under subsection (29), to discuss the negotiation or re-negotiation of separate public contracts with Agrospheres, Inc., and 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.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Ms. McKeel left the meeting at 5:24 p.m.

Agenda Item No. 13. Certify Closed Meeting.

At 6:02 p.m., Mr. Pruitt **moved** 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.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, and Mr. Pruitt.
NAYS: None.
ABSENT: Ms. McKeel.

Agenda Item No. 14. From the County Executive: Report on Matters Not Listed on the Agenda.

Jeff Richardson, County Executive, said that he appreciated the opportunity that they gave their staff to talk just for a few minutes about what was going on within Albemarle County government, how they reached out to their community, how they connected in meaningful ways. As always, he thanked their wonderful staff in Communications and Public Engagement (CAPE), who helped compile the record of this meaningful work. He said that for background, all of their work was connected by their six strategic goals, aligning that to their budget process, and also then pulling it back in to their day-to-day operations.

Mr. Richardson reported that recently, their Albemarle County Police Department joined forces with the Virginia State Police for the Mothers Against Drunk Driving (MADD) Saturation Saturday event that occurred on August 23, 2025. This was a night that increased law enforcement patrol, traffic safety checkpoints, and it was designed to reduce incidents of drunk or drugged driving and prevent dangerous driving behaviors before they resulted in harm. The targeted enforcement efforts over the course of the operation resulted in officers conducting 45 traffic stops, resulting in two driving under the influence (DUI) arrests, 25 warnings, and 13 citations for violations like no seatbelt use, expired registrations, and unlicensed driving.

Mr. Richardson said that participating in the national program like MADD's Saturation Saturday aligned with the Albemarle County Police Department's (ACPD) broader objective to reduce traffic-related injuries and fatalities, to promote responsible driving, and engage the community in safe roadway practices. As always, he appreciated the Police Department's efforts in this area. He continued to report that on September 13, 2025, Albemarle County Fire Rescue, along with the Charlottesville Fire Department, came together for a 9/11 stair climb at John Paul Jones Arena at the University of Virginia, along with volunteer departments, law enforcement, Emergency Medical Services (EMS), and members of their community.

Mr. Richardson said that participants climbed 2,071 steps, which symbolized the 110 floors at the World Trade Center towers to honor the 343 firefighters and 2,977 lives that were lost on 9/11. The event brought together a wide network of local agencies, along with their public, showing the strength of regional partnership and a shared commitment to remembering those who made the ultimate sacrifice. He said that next, regarding strategic goal number six, workforce and customer service, they had a new in-person land revalidation support program.

Mr. Richardson explained that each year they saw a large influx of revalidation applications in the final week before the deadline. Sometimes they would see over 1,000 in just a few days. This year staff took steps to better manage the last-minute rush and streamline this process. They scaled up an in-person assistance center where they added departmental staff, appraisal team support, and temporary help. They also brought in knowledgeable part-time temporary staff, which allowed them to keep up with emails, respond to incomplete applications, and enter submissions into their system.

Mr. Richardson said that this made this deadline week much smoother than in past revalidation cycles. Having staff on site meant that they could answer questions in real time, reducing errors that would have otherwise slowed down their processing. They removed the need for appointments and provided residents with accessible, efficient service in a convenient location. They received many compliments from their residents for the format that they used this year. People appreciated the fast, hands-on support, shorter wait times, while staff benefited by fewer follow-ups and a more efficient application process. He applauded their team for doing this work, and they appreciated the community's feedback, as always.

Mr. Richardson reported that Albemarle County continued to modernize its public-facing

Geographic Information System (GIS) tools. This includes the GIS viewer, the GIS data download, and the County maps pages. These upgrades were part of a long-term effort to provide reliable, user-friendly access to property and mapping data for their residents, their businesses, and their local partners. The new GIS viewer delivers improved search capabilities, intuitive parcel filtering, interactive sketch and measurement of tools, and flexible map export options. Enhanced data access includes parcel cards, parcel improvements, parcel access, sales history, and the ability to export this data to multiple formats.

Mr. Richardson said that recognizing the value of GIS services to a wide range of users, their Information Technology (IT) Department had been proactive in gathering input on GIS-related needs and concerns. This feedback had directly influenced their current improvements, ensuring tools are aligned with the practical needs of their community. In addition, to support frequent viewers of the site, the IT Department offered a training recently to the Charlottesville Area Association of Realtors (CAAR) to review the new GIS viewer.

Mr. Richardson said that 71 members of CAAR (Charlottesville Area Association of Realtors) attended this meeting. The GIS team provided a guided tour of the main features of the new system to include advanced searches, interaction with parcel information, and how to use the layers and filters in the system. He said that he was really proud of this outreach, and he appreciated the attendance and the interest from their community.

Mr. Richardson stated that the Crozet Square and Oak Street Improvement Project was a part of their Albemarle County's larger vision to create welcoming public spaces that promote walkability, accessibility, and community vibrancy in downtown Crozet. This project broke ground in January 2025 with completion on track for December of 2025. He said that overall improvements to Crozet Square and Oak Street between Library Avenue and the Square would upgrade the stormwater system, enhance water drainage, improve Americans with Disabilities Act (ADA) accessibility, and pedestrian accommodations, create more marked parking spaces, update signage, and improve traffic flow.

Mr. Richardson stated that construction had been strategically staged to maintain access to all businesses and private properties throughout the project. The county has been committed to minimizing traffic impacts through the intermittent lane closures, detours, and with clear signage. Community support and patience had been instrumental in helping the project move forward smoothly. They continued to stay in close contact with local stakeholders, businesses, and the community, trying to keep everyone in the loop, as well as ongoing support to local businesses and owners throughout the entire construction process.

Mr. Richardson said that Albemarle County was more than halfway through the Biscuit Run stream restoration project aimed at improving water quality, increasing habitat diversity, reducing downstream flooding, and better managing stormwater runoff. The first phase of this project installed intermittent log jam structures along the stream, which were designed to mimic natural beaver dams, creating wetlands and increasing wildlife and plant habitat diversity. This would also reduce flooding and erosion pressure on downstream areas of Biscuit Run. While natural recovery of the Biscuit Run Valley could take hundreds of years, this restoration project provided an ecological uplift that would allow the area to recover in just a few years.

Mr. Richardson said that until recently, this area looked very inviting for folks working downtown here. They welcomed over 26,000 guests to their swimming beaches this summer. Throughout the summer, the County had been seeking community input from those visiting the beaches. As opposed to in previous years, a survey was available through the summer instead of at the end of the season, and with that slight change, they had seen an increase in survey participants compared to previous years. The summer swim survey was available until Monday, October 6, 2025, at their albemarle.org/parks website.

Mr. Richardson said that new this year, they expanded their summer camp programming to provide more full-day opportunities for kids. They introduced two full-day summer camps, sport camp and adventure camp, and he saw 255 total campers. These programs not only kept their kids moving, learning, but gave families more options for a safe and fun summer care. Parks and Rec staff worked really hard with that, and he was proud of them for their work.

Mr. Richardson said that he wanted to take an opportunity to introduce a new Assistant Director of Social Services (DSS), Mr. Kurt Emmerling. He said that he wanted to invite Ms. Mary Stebbins to introduce Mr. Emmerling to the Board. He thanked Ms. Stebbins for her leadership of DSS and the work she and her outstanding staff did every day.

Mary Stebbins, Director of Social Services, said that Kurt Emmerling joined them on July 28, 2025, where he came from his previous role as director of Page County Social Services, where he spent the past couple of years. Prior to that, he spent a couple of decades working in Allegheny County, Pennsylvania, in a similar capacity as deputy director of their social services program. He was bringing a wealth of expertise and experience to his new role. As assistant director, he would oversee their protection programs, including Child Protective Services (CPS), foster care and adoption, and would soon take on Adult Protective Services (APS) as well.

Ms. Stebbins said that they had reconfigured his role to allow him to focus on these critical programs that served the most vulnerable residents, ensuring they received the care and support they needed to be safe and thrive. They were thrilled to have Mr. Emmerling on board, bringing his expertise from other systems to help them identify areas for improvement and enhance their services.

Kurt Emmerling, Assistant Director of Social Services, said that it was a pleasure to meet all of the Board tonight and to chat briefly about some of his background. He said that he had been with DSS

now for about seven weeks, and he could attest that Ms. Dimock and Mr. Stebbins ran a tight ship. It was clearly a place where dedication was not just a word but was seen every day in the work that the employees and staff did.

Mr. Emmerling said that he was very proud to be a part of such an organization. He said that he wanted to at least mention that he spent 10 years with the Mercy Health System in Pittsburgh, a very similar system to UVA. He grew up in the Center for Quality Management, where he learned the continued quality improvement (CQI) process and data-driven decision-making. As everyone knew, the days of simply saying "it is so" were gone, and they had to show data and systems and processes to get the job done and to show people that they were doing the job.

Mr. Emmerling said that he also wanted to emphasize that prevention was the key within DSS. He said that it was better to deal with a problem before it surfaced, and that was their goal with children and adults - to prevent them from going into deeper levels of care and causing more difficulties and issues than necessary. He said that he was very proud to be a part of this system, and it was a delight to meet all of the Supervisors this evening. He thanked them for having him.

Mr. Andrews said that the Board heartily welcomed Mr. Emmerling to the County.

Agenda Item No. 15. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).

John Smith, White Hall District, said that just 24 hours ago, Ms. Mallek and he were both at the Center at Belvedere here in Charlottesville at an informative presentation by the Piedmont Environmental Council on the impact of data centers on their environment. He said that Ms. Mallek could speak for herself regarding whether she thought it was time well spent; he knew he certainly did. Not having seen any of the other County Supervisors at that event, however, he asked the group's leader, Julie Bolthouse, Piedmont Environmental Council's Director of Land Use, whether they would be willing to give their presentation to the Board of Supervisors if invited, and she assured him that they would.

Mr. Smith said that next, he would like to address a topic that he believes deserves greater transparency. Specifically, he would like to see clear, unambiguous public disclosures and discussions regarding exactly who would pay for the construction, and especially for the construction of the needed infrastructure, as well as those who would pay for the eventual decommissioning of the data centers. He asked what portion of these expenses would be borne by those seeking to build and profit from operating the data centers, and what portion would be borne by Albemarle County's taxpayers? Having read much of the publicly available information, he had not found the answers that he was seeking.

Mr. Smith said that he would also like to point out that while they had been hearing a great deal about regulations for building data centers, they had heard virtually nothing about what would happen to the data centers after they become obsolete. He reiterated that indeed, they would eventually become obsolete. Given the exponential growth of computer technology, including quantum computing, it was not unreasonable to speculate that this obsolescence might occur sometime in the next few decades. Whenever that happens, the data centers will need to be decommissioned.

Mr. Smith asked who would pay for that. He asked if it would be those who built and operated and profited from the data centers, or would it be Albemarle County's taxpayers? He said that should be spelled out in the regulations permitting these data centers to be built. Otherwise, they eventually may find themselves unhappily awash in graveyards of ugly, obsolete, 500,000 -square-foot megaliths serving no useful purpose. He stated that he was hereby asking the Board to include specific wording in whatever data center regulations they approved to ensure that Albemarle County taxpayers would not be left paying the bill for their removal.

Tom Deyo, Rio District, said that he was an urban planning graduate of UVA. He said that he was there to address the proposed ordinance changes for data centers. The staff meeting and the Board debate he witnessed was on the proposed ordinance for by-right allowance for up to 500,000 square feet data centers in each of four districts in the County, provided they met certain development criteria, and that special permits for data centers would be considered outside the districts.

Mr. Deyo said that the Board debate was on the specific individual data center parameters and its impact. For reference, one 500,000 square foot super-sized data center is the equivalent of eight football fields. Each such data center has at least 30 box-car-sized diesel generators for backup power, an enormous amount of noise potential. What he did not hear was what a by-right allowance means for the proliferation of these centers in these districts and what special permitting outside the districts could add to this proliferation. He understood that developers in Prince William County were pursuing more data centers through special permits outside of their districts than in the by-right areas.

Mr. Deyo said that in terms of what was at stake with the current proposal, based on information from staff, a property could have as many data centers as the land would allow, providing each data center met the development criteria. Therefore, if a property could hold three data centers within the ordinance criteria, then it could build three by right. He reviewed the maps of the districts and Google Maps of the undeveloped land. He calculated that the undeveloped land in these districts amounts to 30 million square feet. Conservatively, if 50% of this land could meet the data center parameters, then there could be the possibility of 15 million square feet of data centers in the County. This would be about 30 500,000-square-foot or supersized data centers or 240 football fields of centers.

Mr. Deyo said that in the airport and North Fork district, with 12 million square feet of total land, could potentially accommodate 12 supersized data centers with 360 box-car-sized generators. The Rivanna Station area, with 9 million square feet of land, could fit 9 supersized centers with 270 generators. The I-64 corridor, with 5 million square feet of land, could accommodate 5 supersized data centers with 150 generators. The State Farm area, with 2.5 million square feet of land, could fit 3 supersized data centers with 90 generators. With only a focus on the individual data center and not this aggregate potential, the County was masking the potential for significant local impacts.

Mr. Deyo said that impacts may include noise from a campus of many data centers and the hundreds of generators being tested each month, and the environmental hazard of millions of gallons of diesel fuel stored on site. He would advocate that they should not allow any by right and use only a special permit for all data centers to control development, establish a total maximum aggregate square footage of data centers in the County, not to exceed a few million square feet, create a maximum square footage of data centers in each district to limit the size of the campuses there, limit each data center to a maximum of 120,000 square feet, and state that areas outside of the district were not allowed for data centers.

Alicia Lenahan, Scottsville District, said that on the morning of Sunday, September 15, 1963, a bomb ripped through the 16th Street Baptist Church in Birmingham, Alabama. It was Youth Day, just five days before Black children had entered formally all-white schools after a court order required that they be desegregated. The bombing occurred four months after the Southern Christian Leadership Conference (SCLC) organized a People's March in Birmingham. When the children agreed to participate, the SCLC held workshops on the techniques of nonviolence and warned them of the danger they would face.

Ms. Lenahan said that on May 2, 1963, they gathered at the 16th Street Baptist Church. As students moved in waves the short distance toward City Hall, singing We Shall Overcome, police officers arrested more than 600 of them and blocked the streets with fire trucks. Ultimately, they faced fire hoses and dogs. She said that they may not know that today, children as young as two were required to represent themselves in immigration court. She said that the Board did know that young people in their community had been terrorized by Immigrations and Customs Enforcement (ICE) wellness checks at their homes and frightened by ICE training sessions at their school.

Ms. Lenahan said that report after report of violence swallowed up the news cycle last week, so they may have missed the Supreme Court decision handed down on September 8, 2025, that allowed racial profiling so the administration could carry out its mass immigration strategy. The wreckage caused by this ruling would injure individuals, families, and children for as long as it was allowed to stand. Although it effectively singled out the Latinx community, they knew it would erode constitutional safeguards for all of them.

Ms. Lenahan stated that racial profiling denied humanity and violated the dignity it conferred. It was not only unjust, it was inhumane. Every neighbor, regardless of economic status, race, or ethnicity, and immigration status, deserved safety, dignity, and equal protection under the law. Racial profiling, a legacy of white supremacy, was rooted in the sin of racism. She stated that the Board had been presented with an anti-ICE resolution in July that they had largely ignored. She said that all the public was asking the Board to do was say no. She said that they wanted the Board to state that no, they could not come into their community in unmarked cars, out of uniform, with no badge visible or warrants presented, and assault their residents, batter their residents, kidnap and traffic them – it was against the law.

Hugh Meagher, White Hall District, said that he wanted to applaud the Board for following the example of other Virginia Counties that have made it illegal to operate soil dumps on narrow private roads that were less than two lanes. The Clerk had handed them two copies of pictures of dumping that he would like to discuss. He explained that Seven Hills Lane was a narrow gravel farm road of no more than 12 feet wide, which contained a blind curve. They had been subjected to dangerous interactions with large dump trucks since about 2017.

Mr. Meagher said that in addition to his neighbor Jeff Clayton, five families live off of Seven Hills Lane and had to contend with the dangerous trucks. The picture of the truck showed what he was confronted with this morning, which was rather startling to say the least. The second picture showed the derelict dirt pile on the left, which was still intact past the two-year period allowed to level it. On the right were new piles of dirt and gravel and asphalt that were being brought up from the construction site downhill at the traffic circle at the Route 240-250 Browns Gap Turnpike intersection.

Mr. Meagher stated that the track hoe pictured in the second picture was owned by the contractor building the circle. He wondered if this was all legal and if the use of a track hoe by another contractor was an expansion of Mr. Clayton's non-conforming use. The dust, noise, danger, and general disturbance was not what he expected to live with in Albemarle County. To conclude, he really did not understand why County officials had not intervened to date. He requested the Board to look into this matter and craft an Albemarle County Code regarding soil and construction dumping that met the highest standards of best practice.

Janet Wolfe, Samuel Miller District, said that she was a graduate of community health nursing from Virginia Commonwealth University (VCU) and she was concerned about the cumulative effects of data centers on the public's health. She explained that data centers were not ordinary facilities. The impetus for the rapid increase in building data centers was really an artificial crisis. Dominion had

committed to providing dozens of contracts with the big AI companies, most of which were shielded from the public's eye. They, the community, were being told this was an urgent need, and they were being asked to shoulder the long-term cost of these centers.

Ms. Wolfe said that Dominion Energy was neither honest nor transparent regarding the required amount of infrastructure or the profound environmental impacts on their health. Noise pollution was one of these impacted areas. Noise impacted human, plant, and animal well-being. Data centers created noise in three ways: through the generators, the cooling systems, and the energy drawn from the power grid. She explained that in terms of the impacts on people, noise pollution could cause tinnitus, ringing in the ears, and hearing loss. Beyond that, environmental noise caused annoyance, disturbed sleep, which could increase stress hormone levels and oxidative stress, and impaired cognitive thinking. It was associated with an increased incidence of high blood pressure, heart attack, and stroke. She noted that this was all well documented.

Ms. Wolfe stated that in particular, nighttime noise had resulted in children sleeping in the basement to block the hum, and headboards had been known to vibrate in northern Virginia. The impact on animals was no less striking. She said that noise directly interfered with communication within a species, masking mating calls or alerts to danger. Noise could also distract an animal from the presence of a predator or a food source. The proposed Zoning Ordinance changes for data centers did not go far enough to mitigate the generation of noise.

Ms. Wolfe said that the by-right allowance for up to 500,000 square foot data centers with the current proposed development criteria had the potential to increase, not decrease, noise pollution. The County was considering requiring specialized enclosures, requiring generators to meet EPA Tier 4, low admission standards, time limitations for running the generators, and using landscape areas to reduce noise. She acknowledged that these were all helpful, but they were the minimum and more needed to be done.

Ms. Wolfe said that some recommended strategies to consider was to require companies to conduct sound modeling studies before building the centers, increase the buffer zone from 200 feet to a minimum of 500 feet, with ideally 1,000 feet from homes, schools, hospitals, and other sensitive areas, include the noise issue in Zoning Ordinances that establishes the maximum allowable sound levels for both new and existing data centers, and to prescribe a better process for measuring potential noise vibrations and impose more effective penalties for addressing any of these violations.

Sage Bradburn, Jack Jouett District, said that the County was proposing ending special use permits for data centers between 40,000 and 500,000 square feet, provided they built within four designated by-right zones. They claimed the goal was to help create a resilient future and healthy ecosystems, but as the Piedmont Environmental Council and the Southern Environmental Law Center had told the County, giving up special use permits while opening the County up to a flood of supersized data centers was dangerous because they posed so many environmental threats.

Ms. Bradburn said that special use permits were essential for protecting their environment because they allowed them to require high-level reviews to ensure projects were safe and appropriate. They gave the County the right to order additional environmental impact studies, and they allowed the County to set requirements that mitigated or prevented negative impacts. They required public hearings where residents and experts could provide more feedback on the project's impacts.

Ms. Bradburn said that the total amount of land in these four zones was about 30 million square feet, so each of these four zones could hold multiple supersized data centers. Covering even half this land with these huge, massive concrete buildings and their supporting infrastructure, roads, parking lots, substations, would shrink already limited, dangerously limited habitats for wildlife, birds, insects that we need for healthy ecosystems. It would destroy trees doing the essential work of absorbing carbon dioxide and make flash flooding more likely by shrinking land surfaces that absorb water from super storms that were increasingly common as the climate crisis worsens.

Ms. Bradburn said that campuses of super-sized data centers generate substantial amounts of hazardous air pollution and e-waste, which they currently had no environmentally safe way to dispose of. Data centers and their gas plants emitted high levels of greenhouse gases, exacerbating the climate crisis that was killing hundreds of Americans annually and destroying entire communities by fire and flood from Los Angeles to Asheville. The billions of dollars required to cover from such damage drastically outweighed any tax revenue these data centers might provide.

Ms. Bradburn said that if this proposal passed, then each time another community was destroyed, another child was washed away, they would have the horrible distinction of knowing that they contributed to the conditions that made these disasters more devastating and frequent. She said that she hoped they would all vote no.

Kelly Hart, Rio District, said that she wanted to thank the Board for doing their jobs and making Albemarle County the best it can be. She said that she also wanted to talk about data centers, which they had all heard so much about with the rise of AI. She said that she had been educating herself about the subject, attending classes, workshops, and seminars. She said that there was a lot to it, and she appreciated the comments they had already heard. She said that she certainly would not want one in her backyard, and she assumed most people would not. She said that they were ugly, noisy, and had generators with high levels of pollution. She said that she did not think anyone would want to breathe that.

Ms. Hart said that, however, her biggest concern was energy. She said that Virginia had amazing goals for clean energy, but they knew that data centers demanded so much energy, which was a problem. She said that they would have to rely more on fossil fuels and antiquated energy sources that she would never want to see. She said that their climate crisis was terrible, and she felt it was her duty to speak out on this issue, especially as she thought of what her three-year-old grandson would be subjected to. She said that it was devastating to think about the world he would be inheriting, so she asked the Board to consider leaving a better planet for their children.

Agenda Item No. 16. **Public Hearing: Ordinance to Amend County Code Chapter 15, Taxation, Article 9, Transient Occupancy Tax.** To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 15, Taxation. The proposed ordinance would amend Article 9, Transient Occupancy Tax, that an accommodations provider (property owner) is not required to transmit a transient occupancy tax return to a locality if (1) all retail sales of accommodations are facilitated by an accommodations intermediary (e.g., AirBNB, Expedia, Stay Charlottesville, etc.) and (2) the accommodations provider attests to the locality that all such sales were facilitated by an accommodations intermediary. All proposed amendments would be enabled by Virginia Code §58.1-3, §58.1-3826, and §58.1-3827, to be effective on and after January 1, 2026.

The Executive Summary forwarded to the Board states that staff is recommending updates to the Transient Occupancy Tax regulations in Albemarle County Code Chapter 15, Taxation, to conform to recent changes in state law affected by the enactment of HB2383 (Attachment A).

Virginia Code §58.1-3, §58.1-3826, and §58.1-3827 were amended to restrict the sharing of information with other local officials and provide that an accommodations provider (property owner) is not required to transmit a transient occupancy tax return to a locality if (1) all retail sales of accommodations are facilitated by an accommodations intermediary (e.g., AirBNB, Expedia, Stay Charlottesville, etc.) and (2) the accommodations provider attests to the locality that all such sales were facilitated by an accommodations intermediary.

If adopted, the proposed ordinance (Attachment B) would revise Albemarle County Code Chapter 15, Article 9, Transient Occupancy Tax to align with the recent changes to Virginia Code §58.1-3, §58.1-3826, and §58.1-3827.

Accommodations providers will file an annual attestation with their Albemarle County business license affirming if their accommodation is facilitated by an accommodations intermediary. If the accommodations intermediary will be responsible for filing and paying of their monthly transient occupancy tax remittances, the accommodations provider will not be required to file a transient occupancy report with the Director of Finance. An accommodations provider will be required to prepare and file a transient occupancy report with the Director of Finance for the retail sale of any accommodations not facilitated by an accommodations intermediary and will be responsible to remit such tax as may otherwise be required.

Staff does not anticipate any impact to the budget currently.

Staff recommends the Board adopt the attached proposed Ordinance (Attachment B).

Jennifer Matheny, Chief of Revenue Administration, stated that she was glad to present information on this public hearing. She explained that the requested action from the Board to amend Albemarle County Code Chapter 15, Article 9 on taxation, specifically to modify the Transient Occupancy Tax. She said that she would briefly summarize the proposed changes. Staff was recommending updates to this Transient Occupancy Tax regulation in Albemarle County Code Chapter 15, Taxation Article 9, to conform to recent changes in state law affected by the General Assembly's adoption of House Bill 2383.

Ms. Matheny said that she would provide an overview of the Virginia Code amendments and then share proposed transient occupancy tax updates, which will be subject to the public hearing. They would then hold the public hearing and conclude with the staff recommended proposed ordinance. She said that first, she would review the Virginia State Code changes. Recent changes in state law affected by General Assembly's adoption of House Bill 2383 amended Virginia Code §58.1-3, §58.1-3826 and §58.1-3827. These changes helped streamline the reporting, allowed localities to ensure compliance, and provided clarity that sharing reported information about short-term rentals with other localities was restricted.

Ms. Matheny said that the changes in state law also provided that an accommodations provider, which was a property owner, was not required to transmit a Transient Occupancy Tax return to a locality if, one, all of the retail sales of the property were facilitated by an accommodations intermediary. By that, she was talking about Airbnb, Expedia, Vrbo. She said that secondly, they could do so if the property owner attested to the locality that all such sales were facilitated by an accommodations intermediary. If adopted, the proposed ordinance would revise Albemarle County Code Chapter 15, Article 9, Transient Occupancy Tax to align with the recent changes in Virginia Code.

Ms. Matheny said that accommodations provider would file an annual attestation with their Albemarle County business license, affirming if the property was facilitated by an accommodations intermediary. She clarified that, on this attestation, they would list any of the intermediaries that they currently used, because many people used multiple intermediaries. If the accommodations intermediary was responsible for filing and paying the monthly Transient Occupancy Tax remittance, the property owner would not be required to file a Transient Occupancy Tax return with the Director of Finance. She

said the property owner would be required to prepare and file a Transient Occupancy Tax report if there were retail sales of the accommodations that were not facilitated by the intermediary.

Ms. Matheny explained that they had people who did both; they had their own personal listing, perhaps on a website, but they also used intermediaries. Anything they did personally, they would still have to file. Currently, Transient Occupancy Tax was filed by property owners for \$0 if they were using intermediaries. This change would eliminate that burden for those property owners to file a monthly \$0 Transient Occupancy Tax return. Now, all accommodation intermediaries would be remitting lists with the monthly locality filing that would make it possible for us to align accessory tourist business license with properties listed in the reports.

Ms. Matheny said that this would be a cross-reference with the annual attestation form that they would be required to file when they file their business license. She said that prior to this amendment, Airbnb, which was their largest intermediary filing of Transient Occupancy Tax in Albemarle County, was not providing this list because they said federal law prohibited it, and they were protecting their customers' information. Now with this change, they had access to their reports through a portal that they log into, and then they could download to know who they were filing for. That was a big gap before, and this change would help them be able to know who's operating those home rentals. She said that staff's plan would be to begin this attestation form rollout with their 2026 business license renewal season, which runs from January 1, 2026, to March 1, 2026.

Mr. Pruitt asked if there were any new vulnerabilities introduced with this change that would result in some properties falling off of their tracking of homestays.

Ms. Matheny said that they had that vulnerability now, and it was going to be less likely once they made this change. Right now, for the people that used Airbnb, they filed a zero return and provided the County with a report that they were pulling out of the system as a customer of Airbnb. She said that the County was just getting lump sum TOTs that it was impossible for them to match it back to what they were filing. There were a couple of things that happened. The intermediary reported the TOT when it was booked and collected, but it could be for a stay three or four months from now.

Ms. Matheny said that contrast, the property owner was going to report to them what happened this month. They just had no way of comparing this information currently, but they would once they got this missing link, which was the Airbnb report.

Mr. Pruitt asked if the current attestations, tax returns, and receipts from intermediaries were reconciling in their books right now.

Ms. Matheny said that her team was already working on that aspect. She said they were going to build a tool to match that information up. She said that by getting that attestation, they were telling the County exactly who they booked with. Within those reports were all the addresses, and that was going to make it possible for staff to match back to that and do a kind of three-way match of what they had and who they were missing. So, if Airbnb was sending them money for an address and they did not have a business license, now they could mail that address an inquiry about a business license.

Mr. Pruitt said that he thought there was something problematic about creating a system that required them to build a tool to process the tax. He felt like that was a loophole that he wished the General Assembly had thought through. He asked if the projected receipts and actual receipts were working, or if there was a gap.

Ms. Matheny confirmed there was a gap. She explained that this change went into effect in 2021. She said that they had about seven intermediaries that reported to the County, and they provided a list, which included the name, address, and details of each stay, as well as the total tax collected, but the biggest intermediary had not provided them with a report. But now that they had had several meetings with them as localities, they were giving them access to a portal, and they were finally getting a piece of the puzzle that was previously impossible to reconcile.

Mr. Pruitt said that he was glad to hear that the situation was improving.

Ms. Matheny said that she believed that this would greatly improve their ability to build a tool to track this information. It would also alleviate the burden on their staff, who had been processing zero filings and trying to keep up with the volume of reports, in order to match them up and get a more accurate picture of the data.

Ms. LaPisto-Kirtley said that it sounded as though this streamlined process would not only simplify their operations but also generate additional revenue for them.

Ms. Matheny said that it was possible. She said that once they identified who was reporting, they could determine who was missing. She said that their other concern was to identify who was being sent to other localities, as this was a recurring issue for them, particularly where vehicles and other items were being sent to other localities. She said that the new process would help them better identify potential discrepancies and ensure that revenue was being accurately distributed. She said she believed it was a step in the right direction, considering the challenges they had faced with this issue.

Ms. Mallek said that she appreciated all the effort Ms. Matheny and staff had put into getting them prepared for this process. She said that she wished they had their own system because filing sales tax information was relatively straightforward. She said that she saw something mentioned about commission, and she would like to know if the owner was paying the commission or if the County was

losing 3% TOT to pay the commission to Airbnb.

Ms. Matheny explained that if it was being filed and the individual was not the property owner, they were not eligible to receive the commission. She said that as a result, users of these platforms were essentially giving up the opportunity to receive that commission, as Airbnb could not claim it since they were not the property owner. She said that document stated that the property owner must file to receive the commission, which meant that users of these platforms would not receive the commission they would have if they had filed themselves as the property owner.

Mr. Andrews opened the public hearing. Seeing no speakers, he closed the public hearing and the matter rested with the Board.

Ms. LaPisto-Kirtley **moved** that the Board of Supervisors adopt the proposed Ordinance in Attachment B.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, and Mr. Pruitt.

NAYS: None.

ABSENT: Ms. McKeel.

ORDINANCE NO. 25-15(1)

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE 9, TRANSIENT OCCUPANCY TAX, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, Article 9, Transient Occupancy Tax, is hereby amended as follows:

By Amending:

Sec. 15-902 Collecting and remitting the tax; reports.

Chapter 15. Taxation

Article 9. Transient Occupancy Tax

Sec. 15-902 Collecting and remitting the tax; reports.

Each accommodations intermediary or accommodations provider shall collect and remit the tax imposed under this article and submit reports, in accordance with Virginia Code § 58.1-3826 and § 58.1-3827, and as follows:

- A. *Duty to collect the tax.* The accommodations intermediary or accommodations provider has the duty to collect the tax at the time payment for the lodging becomes due and payable, regardless of how payment is made.
- B. *Tax added to the cost of the room or space.* The accommodations intermediary or accommodations provider shall add the amount of the tax owed by the purchaser to the cost of the accommodation.
- C. *Taxes collected held in trust until they are remitted.* The taxes collected shall be held in trust by the accommodations intermediary or accommodations provider until remitted to the County.
- D. *Accommodations provider entitled to commission.* Every accommodations provider is allowed a commission of three percent of the amount of tax due and accounted for; however, an accommodations provider is not allowed a commission if any part of the amount of taxes due is delinquent at the time of payment.
- E. *Reporting.* The accommodations intermediary or accommodations provider shall complete a report on a form and containing the information as the Director of Finance may require, showing the amount of gross receipts collected and the tax required to be collected.
- F. *When report delivered and taxes remitted.* The accommodations intermediary or accommodations provider shall sign and deliver the report to the Director of Finance with remittance of the tax. The reports and remittance of the tax shall be made on or before the twentieth day of each month.
- G. *Retail sales facilitated by accommodations intermediary.* An accommodations provider shall not be required to submit a report to the Director of Finance if (i) all retail sales of accommodations owned by the accommodations provider are facilitated by an accommodations intermediary and (ii) the accommodations provider attests to the locality that all such sales are facilitated by an accommodations intermediary. Such attestation shall be effective for 12 months beginning with the month in which the attestation is made. Thereafter, such attestation shall be due annually on a date determined by the Director of Finance, on such forms and in such manner as the Director of Finance may prescribe and require. However, such accommodations provider shall make out and submit a report in accordance with this subsection for the retail sale of any accommodations not facilitated by an accommodations intermediary and shall remit such tax as otherwise required by this article.

((§ 15-902: 8-15-74, 4-13-88; § 8-42; Code 1988, § 8-43, Ord. No. 98-8(2), 6-10-98; § 15-902, Ord. 98-A(1), 8-5-98) (§ 15-903: Code 1988, § 8-44; Ord. No. 98-8(2), 6-10-98; § 15-903, Ord. 98-A(1), 8-5-98) (§ 15-904: Code 1988, § 8-45; Ord. No. 98-8(2), 6-10-98; § 15-904, Ord. 98-A(1), 8-5-98); § 15-902, Ord. 19-15(1), 4-17-19; Ord. 21-15(5), 12-1-21; Ord 25-15(1), MM-D-YY State law reference(s)—Va. Code §58.1-3, §58.1-3826, and §58.1-3827.

Agenda Item No. 17. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Gallaway said that he had mentioned earlier about the Thomas Jefferson Planning District Commission possibly drafting a joint letter about transportation funding. He said that he presumed nobody on this Board had any objections to it.

Ms. LaPisto-Kirtley said that she hoped she could bring forward the information regarding Styrofoam and updated recycling practices from SWAAC in a formal letter to the Board next month.

Ms. Mallek stated that the Board members had all received emails from Samantha Giannangeli and Kathryn Erskine regarding the situation in Earlsville Forest. She said that she would introduce those emails so they could be properly incorporated into the minutes. She said that it was important that the public had an easy way to find out what was happening and having this information here rather than forcing people to do FOIA requests was very important.

Ms. Mallek said that Ms. Giannangeli wrote that her request was that clean earth fill activities not be permitted on conservation easements, that the Board not provide special exceptions for fill activities that would not be completed within one year, and that the Board not authorize fill activities on properties that did not directly access a public road. She said that there had been significant discussion about these topics this afternoon, and she believed the new ordinance would help solve many of the problems.

Ms. Mallek said that in retrospect, it would have been beneficial to implement this ordinance years ago. She said that additionally, she wrote that the Board should not allow exceptions to spend more than 10 round trips per site per day, and while staff report suggested 15, that was a far cry from 50 or 80. She said that she understood the improvements and would provide the full text of this to the Clerk.

Ms. Mallek said that secondly, Kathryn Erskine's email discussed the dump trucks in Earlsville Forest addressed noise and pollution concerns, citing Albemarle County Code. She said that her requests included reducing the number of dump trucks per day, limiting unlimited dump truck loads with the same truck all day long, and ensuring restrictions on dump truck usage a few days per year if necessary, and she further requested monitoring of decibel levels and exhaust pollution from dump trucks.

Ms. Mallek said that she knew the County staff did not have the authority to implement these measures, and it had been challenging for the ACPD to manage these issues. She said that it was still a gap, but she was aware that everyone on this Board had experienced the frustration of riding behind a diesel dump truck and sitting in traffic. She said these concerns were valid and shared by the neighborhood, who would like some assistance.

Ms. Mallek said that additionally, Ms. Green did not have enough time to share all of her video documentation of the issue this morning, so she made sure it would be forwarded to everyone, including the Clerk, as they were clear evidence of the issues with trucks not being able to pass each other and their outside wheels hanging off onto the grass, destroying the verges along these roads. She said that this was one of the reasons she strongly believed in having adequate transportation roadways to access when this type of activity was occurring.

Ms. Mallek said that lastly, the Homeowners Association and residents were requesting a public hearing about the already granted special exception. She said that she wanted to bring this up for consideration by the Board and they could discuss it at a future meeting. She said that the Board had to request to have that rehearing about that specific fill activity special exception. She said that the neighborhood residents were incredibly frustrated, and they felt that three more years of this activity was unbearable. She asked the Board to please consider this reasonable request and thanked her colleagues for their attention to this issue. She sincerely thanked staff for all their hard work on the proposed draft changes they discussed this afternoon, as well.

Mr. Andrews said that from his personal perspective, he was not happy with his vote to have approved of that under the circumstances, as he now saw that it had reached a level of interference that he had not anticipated when it was initially approved. However, having made that decision, he believed that if there were violations of the conditions they had placed on the permit, he would encourage strict enforcement of that permit to the point of potentially rescinding the permit if they found there were in fact violations being committed.

Ms. LaPisto-Kirtley recalled that the Board had received notice that there were no violations.

Mr. Andrews said that he believed there had been a few violations, so they had not been in perfect compliance.

Ms. LaPisto-Kirtley said that she knew that some of the trucks had started driving earlier than the permit allowed, but she hoped that had been corrected since then.

Mr. Pruitt said that from his perspective, he believed they were only able to reconsider the vote if there were instances of noncompliance.

Mr. Andrews said that was his understanding, too.

Mr. Herrick confirmed that was correct. He explained that the only basis for a further public hearing would be a potential revocation of the special exception, as provided for under County Code Section 18-33.9C. He said that this section stated that the Board of Supervisors may revoke a special exception if, after a public hearing, they determined that the permittee or any successor had not complied with any condition of the special exception.

Mr. Andrews said that that was why he brought up whether there had been any violations. He said that how lenient they might be depended upon how egregious the situation was to begin with.

Ms. Mallek said that there were some elements of the special exception which were not accepted; in other words, destruction of property and impacts to the neighborhood. She said that she had been carefully reviewing the Code and references to damages to roads. She recalled there had been a report sent with a long list of the various call-ins, and within the last nine months, there had been a lot more thorough tracking in Zoning. She said that she greatly appreciated that so they could verify the various numbers coming in. She hoped they would investigate the other issues brought up numerous times by neighbors to the Board regarding elements they had not given waivers for and really made everyone's lives miserable. She said that they could talk about it again, but she wanted to make sure this information was included in the record for tonight.

Agenda Item No. 18. Adjourn.

At 7:05 p.m., the Board adjourned its meeting to October 1, 2025, 1:00 p.m. in Lane Auditorium, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA, 22902.

Chair

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|-------------------|
| Approved by Board |
| Date: 03/04/2026 |
| Initials: CKB |