

**Albemarle County Planning Commission
Regular Meeting
Draft Minutes October 13, 2026**

The Albemarle County Planning Commission held a public meeting on Tuesday, October 13, 2026, at 6:00 p.m.

Members attending were: Luis Carrazana, Chair; Karen Firehock, Vice Chair; Corey Clayborne; Mary Katherine King; Nathan Moore; Lonnie Murray; and Catherine Brown.

Members absent:

Other officials present were: Michael Barnes, Director of Planning; Bart Svoboda, Director of Zoning; Kevin McDermott; Francis MacCall, Deputy Zoning Administrator; Lisa Green, Manager of Code Compliance; Tonya Swartzendruber; Bill Fritz; Jessica Dimmick; Jenny Tevendale, Deputy County Attorney; and Carolyn Shaffer.

Call to Order and Establish Quorum

Carolyn Shaffer called the roll.

Mr. Carrazana established a quorum.

Public Comment on Matters Pending Before the Commission, but Not Listed for a Public Hearing on This Agenda

There were none.

Public Hearing

TA-2026-00001 Fill Regulations

Bill Fritz, Development Process Manager, said that this item was a proposed ordinance, which was developed based on direction from the Board and input from the public, the Virginia Department of Forestry (VDOT), the Virginia Department of Transportation (VDOT), and others. He said that the current set of regulations was adopted in 2016, and in 2023, the Board had directed staff to work on revisions. He said the item would be presented to the Board on November 4. This proposal created a new use called a “short-duration activity” primarily intended to facilitate agricultural or forestal activities.

Mr. Fritz said that it allowed for material to be brought in to maintain fields, access, or stabilize rural land, with regulations to minimize impacts without compromising community safety. He said that activity was limited based on the type of road accessed, and the duration of the activity was also related to the quality or category of the road being accessed. He said that updates had been made to reflect both the Virginia State Code and the Administrative Code, and the special use permit (SUP) and special exception (SE) processes had been updated.

Mr. Fritz said that performance regulations were not changing; these included drainage requirements for positive drainage, slope stabilization, lateral support, and tree protection, as well as the requirement that work did not occur on critical slopes. He said that setbacks were also not changing, and the regulation maintained the 2,500 square foot limit that triggered the need to comply with the regulations. He said that although no exemptions had been identified in the erosion and sediment control and sediment management regulations, the ordinance retained a statement that fill was not exempt from the regulations, per the direction of the Board of Supervisors.

Mr. Fritz said that regulations for the bonding of stabilization were also retained. He said that the proposal included two attachments: one with annotations providing brief descriptions of new items, changes, or relocated sections, and a clean version. Changes included the definition of inert fill material, which included items such as asphalt, brick, and glass. He said that the list of exemptions had been clarified to reduce confusion, and the short-duration fill activity had been added. The duration and truck traffic were limited based on access roads, categorized as principal arterial, minor arterial, major collector, and all others. The duration was limited to six months on major roads, whereas it was currently limited to one year and was not based on roads.

Mr. Fritz said that both the duration and number of trips might be increased by SE, except on smaller roads, such as local or privately maintained roads, where the process was now an SUP. He said that acreage limits were being removed because the duration of activity was being limited, based on Board direction, noting the theory was that limiting the duration also limited the area. He said that some design standards for private access ways were no longer needed due to the limitation on duration, the difficulty of enforcement, and the addition of the SUP.

Mr. Fritz said that for local private roads, an SUP would be required, allowing for the evaluation of road quality and design. He said that the existing ordinance had an exception process for the approval of inert fill; however, after additional review of the state code, this should be done via an SUP, which had been erroneously listed as an SE previously. He said that the concept of truck round-trip limits had been added. He said that on a principal arterial, such as Route 29 or Route 250, there would be no limit. A minor arterial, such as Route 6, Route 20, Route 231, Route 250, or Route 240, would be limited to 25 round trips. A major collector, such as Rolling Road, Carters Mountain Road, or Dick Woods Road, would be limited to 15 round trips.

Mr. Fritz said that for all other roads, truck limits would only be determined by SUP, and the Board of Supervisors could set appropriate limits as a condition of that permit. He said that short-duration activity was limited to rural area districts and allowed for inert fill if used as a substitute for conventional aggregate, such as for road construction or stabilization of areas for forestry. He said that the property had to be 21 acres or greater or in land use. This activity was subject to all drainage, limited area placement, and lateral support design standards, but it was not subject to setbacks, limitations on tree cutting, or maximum area. He said that it was limited to 60 days, which could be extended through an SE, and was restricted to Monday through Saturday, from 7:00 a.m. to 7:00 p.m., and truck traffic was limited based on the road.

Mr. Fritz said that the proposed language for inert materials was intended to more closely follow the types of materials allowed to be disposed of under the exemptions of the Virginia Administrative Code, provided that no open dump hazard or public nuisance was created. He said that while the Board had requested in a work session that asphalt be removed from the list of permitted materials, staff had not removed asphalt and had added other materials. He said that if any material was to be removed, the County should state both the reason for the exclusion and how allowing the material to be used as inert fill would create an open dump hazard or public nuisance.

Mr. Fritz said that inert materials were only allowed in rural areas for short-duration activity and only if used as aggregate. For other activities in rural areas, the use of inert materials would require an SUP, and during the review of an SUP, the Board could remove materials if there was a specific reason to do so in a particular case. He said that the Virginia Administrative Code defined a nuisance as an activity that unreasonably interferes with an individual's or the public's comfort, convenience, or enjoyment such that it interferes with the rights of others by causing damage, annoyance, or inconvenience.

Mr. Fritz said that a correction had been made to the list of variations or exceptions. He said that the ordinance previously stated that the Board could grant an exception if all relevant factors were

met; however, it should state that an exception could be granted if any one of those factors was met. He said that the corrected language ensured that the Board was not required to meet all five criteria to grant an exception. He said the key issues included changes to the ordinance for clarity and to add the inert fill, which required discussion. He said that the duration of truck traffic had been limited based on access roads, and an SUP process had been added.

Mr. Carrazana asked for clarification regarding the change in duration, specifically the limitation changing from one year to six months.

Mr. Fritz said that the short duration was now 60 days and there were six months for everything else, which could be amended by SE unless the project was on a local road.

Ms. Brown said that she was concerned that asphalt could leach contaminants over time. She said that regardless of whether the location was rural or urban, those contaminants could move through water, and once they were in the soil, it was much harder to address. She said that it seemed appropriate to hold off on using asphalt until more studies could be conducted, as its use as a fill material was being questioned by Supervisors and across other regions of the United States.

Mr. Moore said that he was curious regarding the asphalt. He said that it appeared to be a Dillon Rule matter, and he asked if asphalt was listed in the state code.

Mr. Fritz said that the procedure was outlined in several locations within the Virginia Administrative Code. He said that one section mentioned "asphalt" and another mentioned "road pavement," which was interpreted to include asphalt and all associated materials. He said that, essentially, the code stated that those materials may be used if they did not create an open dump hazard or a public nuisance. He said that while the code provided a definition for public nuisance, it did not define "hazard" or "open dump," but it did list those items within the Virginia Administrative Code.

Mr. Moore asked if the County could state that using old pavement could be a hazard.

Mr. Fritz said that if the County wanted to exclude those materials, it would have to be able to state why or how they created an open dump hazard or public nuisance.

Mr. Moore asked how violations were identified, what had been learned from complaints and enforcement cases over the last six years, how enforcement worked, and whether this addressed any gaps regarding ensuring compliance.

Mr. Fritz said that staff members were available to provide further details, but he would attempt to address the question before staff provided specifics, as it did not pertain to a particular project. He said that County enforcement practices were conducted on a complaint basis and that upon receiving a complaint, staff would monitor the situation or take necessary actions.

Mr. Murray said that he questioned the use of the phrase "inert," noting that concrete was not inert because it was calcium carbonate. He said that it added alkalinity to substances, and water leaching through it or anything that came into contact with crushed concrete will change the pH, much like crushed coral or crushed lime. He said that while this may not be a problem, the claim that concrete was physically, chemically, and biologically stable and non-reactive was inaccurate because it was calcium carbonate.

Mr. Fritz said that while the language is outdated, the old and new language matched the Virginia Administrative Code. He said that this did not prevent the County from saying that concrete was a public nuisance or hazard.

Mr. Murray said that circumstances could arise where, depending upon the resources present, adding alkalinity to an area could either hurt or help; therefore, it was not technically neutral or as inert. He said that in the past, there were issues with people dumping AstroTurf in the rural area for fill. He asked if this was prohibited now.

Mr. Fritz said that it was not in the list of permitted materials.

Mr. Murray said that he seconded the point regarding asphalt and noted that evidence suggested heavy metals and other substances can leach out as it degrades, which could create a long-term hazard.

Mr. Clayborne asked Mr. Fritz if there was any scientific data available regarding the use of asphalt in fill material.

Mr. Fritz said that when the original ordinance for fill was adopted, the County Engineer at the time had offered that asphalt was inert and did not create a problem. He said the County Engineer had cited that the streets in rural areas were asphalt and that asphalt was already being placed in rural streets. He said that in his memo, he had stated that it might actually reduce runoff and infiltration into the soil because it would not be running off and would have opportunities for biodegradation. He said that there were no independent studies or analyses, short of what was in the Virginia Administrative Code, stating whether it was safe or not safe.

Mr. Clayborne asked if the American Council of Engineering Companies (ACEC) or the American Society of Civil Engineers (ASCE) had been contacted for their input.

Mr. Fritz said they did not.

Mr. Clayborne suggested that staff consider requesting input from professional societies.

Ms. Firehock said that regarding rural roads, when pavement was treated to maintain stability without reconstructing the road, and Sealant was used to bind the material together. She said that these chemical binders could be toxic. She said that while asphalt was generally considered inert, it was not always inert when other binders were used to attach it. She said that inertness should be considered in terms of potential harm. She said that while glass was an inert material by definition, if glass, old bricks, or other materials were used to create a temporary driveway and were compacted, there was a possibility that the glass could escape the setting and wash away during an extreme storm.

Ms. Firehock said that this was distinct from manufacturing new pavement with crushed glass or rubber, which were successful techniques used to provide more give and prevent cracking. She said that she was concerned that in the case of temporary, compacted material used for site access, crushed glass, and potentially porcelain, could escape the environment due to the temporary nature of the surface and the occurrence of storms and washouts.

Ms. King said that she would like to discuss the day-to-day application of the processes being facilitated. She said that there were regulations in both the Rural and development areas, and that this particular type of fill was often used in place of gravel. She said that, regarding the benefit of S.L. Williamson bringing asphalt onto a site to use as fill, the advantage was that the material was not sent to a landfill or transported to Richmond or Tidewater to a recycling facility.

Ms. King said that instead of purchasing gravel from Martin Marietta at Red Hill, which involved digging up earth and transporting it, this practice functioned as a recycling method. She said that rather than tearing up ground in Albemarle County, material that had been excavated was transported as close as possible to be used as fill underneath a hard surface. She said that once

the material was placed in the ground beneath a paved road, it would be less likely to become saturated.

Mr. Fritz said that was the term the engineer had used.

Ms. King said she would love to see an asphalt recycling plant in the County, and she would prefer allowing the use of asphalt as inert fill material.

Ms. Firehock asked whether the material would be located underneath a paved surface.

Mr. Fritz said that inert material must be covered and cannot be left uncovered. He said that all fill must be covered with two feet of clean earth fill, unless the engineer determined it was best to leave it uncovered to prevent specific erosion or if the material was being used for roads.

Ms. Firehock asked if anything had to cover the clean fill.

Mr. Fritz said it had to be stabilized, so usually vegetation was added.

Ms. Firehock asked if it could be driven over.

Mr. Fritz said that asphalt could be used as a permitted type of inert fill by placing it in the ground, covering it with two feet of clean earth fill, and stabilizing the area with plantings.

Ms. King said that the material was not always for road construction fill.

Mr. Fritz said that if broken asphalt, bricks, or other materials were used in lieu of conventional aggregate for a road, they would not be covered with fill, as it would not make sense; instead, the materials could be exposed because they are being used as conventional aggregate. He said that this would be limited to a short duration of 60 days, during which inert materials may be used if they are covered with two feet of material or used as a road.

Mr. Fritz said that for other fill activities, an SUP was required in rural areas. He said that in rural areas, the time limit was not relevant because the activity was controlled by the SUP. The Board of Supervisors was able to determine what materials were being brought in, what they were being used for, and where they were being placed.

Ms. Brown said that the idea of reusing materials was supported in principle; however, the process for vetting such materials remained unclear. She said that some materials, such as asphalt, might contain fewer chemicals, coatings, toxins, or contaminants that could have been absorbed through years of use from vehicles or leaks. She said that because the current discussion encompassed all asphalt and potentially other materials, it was difficult to determine the impact. She said that a process for vetting these materials before they were reused would assist in making an informed decision.

Mr. Fritz said that while it would be ideal for zoning inspectors to have the opportunity to test each load, doing so on a per-load basis would be virtually impossible, technically difficult, and complicated.

Ms. King asked if there was a scope in which the regulation would not need to be met, such as the neighborhood model development (NMD) fill under garage slabs in Albemarle County that builders used, which was not currently being regulated.

Mr. Fritz said that no change was proposed there because activities associated with a building permit, an approved site plan, or an approved subdivision with road construction were not covered by the regulation. He said that those activities were covered under the site plan, the erosion

control plan, and the requirements of the building permit for foundations, compaction, and similar matters.

Ms. King said that she understood the point, but she would like to hear an example of how a new development's fill would be regulated differently under the site plan.

Mr. Fritz said that an approved site plan did not trigger the ordinance if material was being brought in to level the site, as such activities were covered under the Virginia Administrative Code. He said that as long as the material was not on the prohibited list, which included radioactive or toxic substances, it was covered under that code. He said that if the activity was not associated with that code, it fell under the Fill Ordinance.

Mr. Fritz said that if a property owner in a development area or a farmer wants to terrace their property, that was not covered by a building permit and fell under the Fill Ordinance. He said that building a pond, cleaning out a pond, or attempting to improve soil quality by bringing in material from offsite would be considered a fill activity. He said that moving material from one part of a farm to another was not considered fill and is specifically exempted by a provision in the state code.

Ms. King said that if a person is terracing a garden in a backyard, the County would not know what was going on.

Mr. Fritz said that regular gardening was exempt, but the Fill Ordinance would apply if a large property were being terraformed or if a subdivision were being developed involving activities not covered by a building permit or road construction.

Mr. Murray asked if there had been consideration regarding the dredging of a reservoir that was filling with sediment, specifically concerning the scale of dredging for lakes and how the placement of the dredged sediment would be handled.

Mr. Fritz said that dredging would clean earth fill, and it was permitted, but if located on a road, the duration would be limited to six months. He said that if located on a small road, an SUP would be required and the project would need to undergo the review process for any individual property. He said that on a larger road, an SE could be requested to increase the duration or the number of truck trips per day, whereas for a smaller road, those details would be part of the SUP. He said that a process exists to evaluate whether a particular property is suitable for the volume of material proposed to be located on it.

Mr. Murray said he was concerned regarding demolition and other activities in the development area, specifically regarding people bringing concrete and other materials to the rural area. He said he was concerned about reversibility; while a farm can be converted to a wildlife habitat or allowed to revert to a natural state, he noted that bringing in fill such as glass, concrete, or bricks may result in permanent, semi-industrial changes. He asked that the Commission take into consideration that those actions may make permanent changes to the rural area that cannot be undone.

Mr. Carrazana opened the public hearing

Tim Kindrick, President of the Albemarle County Farm Bureau, said he was from the White Hall District and operated a cow cap operation on a farm that his family had operated since 1739. He said that in 2012, Delegate Hugo introduced an amendment to prevent contractors and commercial operators from abusing the Right to Farm Act by turning protected farmland into unmanaged landfills and open dumps under the guise of agricultural activity, which the Farm Bureau fully supported.

Mr. Kindrick said that neither Delegate Hugo nor the General Assembly intended for that exception to interfere with bona fide agricultural activities. He said that that ordinance limited ordinary farming activities. He said that clean earth and inert waste fill were essential to replacing topsoil, leveling fields, maintaining soil fertility, and erosion control and restoration. He said that the ordinance already allowed the Board to grant an SE when fill would further the agricultural use of the property; however, that exception should be made automatic instead of discretionary to ensure the ordinance does not encroach on the Right to Farm Act.

Mr. Kindrick said that the agricultural exemption should be broadened, as it only discussed lime and fertilizer applications, ultimately implying that any other legitimate farm activities are excluded. He provided examples of legitimate farm activities, including building up around a livestock facility to improve drainage, leveling a field, and repairing flood damage. He said that the phrase “generated on the farm,” as it appeared in the exception, was ambiguous because many farmers operated several parcels or wanted to share fill material with neighboring farms.

Mr. Kindrick said that any bona fide agricultural activity be automatically exempt to cover fill used in connection with an agricultural entity rather than fill generated on the farm. He said that if the Planning Commission concluded an SUP would remain a requirement, he requested that the current 90-day discretionary timeline be made mandatory. He said that if no action was taken on an SUP under those ordinances within that time frame, the SUP should be automatically granted. He asked the Commission to adopt the amendments discussed and as stated in greater detail in the written comments.

Neil Williamson, President of the Free Enterprise Forum, said that the 188-page report released last week from Matrix Consulting Group was a review of the Community Development Department assessment. He said that one of the 85 recommendations in the report was to reduce the number of SUPs that went before the Board; however, there was discussion regarding adding another one.

Mr. Williamson said that it was often a knee-jerk reaction of planning commissions and boards of supervisors across the state to decide to review every instance. He said that the staff report, which was well presented, indicated that performance standards already exist. He said that there was now discussion regarding road standards that would set the number of vehicles per day into the code. He said that he was concerned that an SUP would create another avenue for people to be upset about agriculture in rural areas. He questioned what Albemarle wanted in its rural areas. He said that currently, more than 95% of the landmass was dedicated to rural areas.

Mr. Williamson said that this type of inert material was exceedingly helpful to farming. He said that if science determined that asphalt was detrimental, the Virginia Administrative Code would change, and the County would have to change its code as well once the science caught up. He said that an ordinance could be developed to address specific concerns without a special use permit. He said that utilizing an administrative review would allow farmers the flexibility and time to complete tasks.

Sue Green, White Hall District, said that while the revised ordinance included important clarifications and safeguards, the fact that those safeguards could be completely voided by an SE or SUP renders the ordinance essentially meaningless. She said that this had been experienced in her neighborhood. She questioned what motivated the Board of Supervisors to grant such exceptions or special use permits for up to six years at a time, especially when there had been significant opposition from community members.

Ms. Green said that the impact of those permits was significant, and it became very difficult to hear much of anything inside her house at times due to the constant truck traffic. She said that when walking, trucks pass in front of pedestrians, causing dogs to react and creating hazards for

bikers and children. She said that in some instances, several trucks passed each other and the traffic could be almost constant, occurring over 150 times a day for a period of six years. She said the trucks were just outside the neighborhood and quite large, with many being five or six axles that barely fit on the road.

Ms. Green said that inside the neighborhood, on smaller roads with no lines, no sidewalks, and no places to escape, the impact was greater. She said that last year, one of the trucks left the neighborhood and immediately went off the road, hit a school bus stop sign, swerved across the road, swerved back, took out some mailboxes, and ran into a tree. She said that this occurred while children were waiting for school buses or walking to school, as well as while residents were trying to walk and bike within the neighborhood.

Gary Green, White Hall District and the Earlysville Forest subdivision, said he had provided a photo which showed road damage caused by dump trucks that continuously traveled down Earlysville Forest Drive. He said that repairs to that road had likely cost at least half a million dollars due to that particular ordinance exception. He said that time-stamped data from trucks showed that the traffic was constant. He said that while he appreciated concerns regarding what was being dumped, equal concern should be given to the assault on the Earlysville subdivision. He said that the road was intended only for residential access, yet an SE had allowed thousands of trucks passing through the community during one summer.

Kathy Erskine said she appreciated the changes regarding short-duration activity and limited activity on particular types of roads. She said she was concerned, as it appeared none of those regulations applied to listed exempt activities. She said that Section J stated the Board of Supervisors could approve an exception from any requirement other than those listed by SUP in the summary table in Section E. She said it remained unclear if an SUP must still follow the short duration, the number of days, or the hours, which could imply that an SUP might bypass those regulations.

Ms. Erskine said that she requested that unlimited dump truck traffic not be allowed in a subdivision with no sidewalks, with elementary school bus stops, children playing, and pedestrians, where excessive noise, including recent jackknifing incidents, and noxious exhaust fumes create constant safety issues. She said that even if a direct access road is identified as unable to handle dump truck traffic, exemptions and the possibility of an SUP could evade those regulations. She requested information regarding what could be done for communities like those.

Mr. Carrazana closed the public hearing.

Ms. Firehock asked if agricultural activities were excluded from this ordinance.

Mr. Fritz said that agricultural activities on the farm were exempt if the material was generated on the farm. He explained that, for example, if material was removed from a pond on one portion of a farm to be used on another portion of that same farm, that material was not subject to the regulation. He said that the term "farm" was defined the same way the state did, meaning one or more parcels of land, whether such parcels were abutting or not, operated under the same management and whose primary use was agriculture.

Mr. Fritz said that if surplus material from a farm in one part of the County was moved to another part of the County, it was permitted if it qualifies as the same farm. He clarified that the provision applied to the "farm" rather than the "parcel." He said that moving material from one farm to a different farm was not permitted, but moving material between different parts of the same farm was covered under the provision of the state code. He said that if material was not generated on the farm, it was not considered an agricultural activity.

Ms. Firehock said that her second question related to the comments just made. She asked if the ordinance limited truck traffic, except on major arterial roads such as Route 29.

Mr. Fritz said that was correct. He said that when the Board of Supervisors considered an SE or an SUP, there could be no limit. He said that a cap only applied when an SE or an SUP must be requested from the Board.

Ms. King said she was unsure how many other commissioners were aware of the issue at Earlysville Forest prior to the incident, but she was aware that it affected home values in that neighborhood. She said her understanding was that the situation resulted from an SUP that allowed that particular use, though such an occurrence could happen again.

Mr. Fritz said that an SE existed and any ordinance adopted by the Board of Supervisors would not affect previously approved applications. He said that other applications would also be covered and would not be impacted; while a nonconformity would exist, those entities could continue to operate as long as they operate within the parameters for which they were originally approved.

Ms. Brown said that an SE like that could still happen regardless.

Mr. Fritz said that the Board of Supervisors had broad authority when performing a discretionary action. He said that while the particulars of the SE were unknown, it likely had a time limit. He said that if that time limit was reached and an applicant returned to request an SUP for the same purpose, the Board may approve it, deny it, or impose new conditions.

Michael Barnes, Director of Planning, said that it was not to say that limits would not be placed. He said that SUPs were reviewed frequently and that limits were placed on various matters. He said that this discussion concerned a threshold that would be by right, whereas matters beyond that threshold would require an SUP and could be subject to conditions. He said that the purpose of these trips was to create a ceiling or a breaking point between what was by right and what was not by right.

Mr. Clayborne said that this was a follow-up to the information shared regarding the ability to move material from one farm to another parcel on the same farm. He asked for clarification on why material could not be moved from his farm to Mr. Carrazana's farm.

Mr. Barnes said that regarding the by-right condition, if one owned two separate parcels of the same farm, fill could be brought from one to the other. He said that one could bring fill to another farm, just not by right.

Mr. Fritz said that it would be covered under the fill regulation. He said that the origin and use of the material did not matter, except for inert material used as aggregate. He said that, whether the material came from a construction site or another farm, it could be brought there as a short-duration fill activity or as a regular fill activity.

Mr. Clayborne said that the regulations were driving the special use permit.

Mr. Fritz said that the Board of Supervisors could permit fill activity without regulating it, but the Board's difficulty was in determining the source of the material and its intended purpose. He said that if the material was being used for agriculture, the Board was concerned with how that use was verified. He said that a short-duration activity had been created to allow for this. He said that for agricultural purposes, there was a six-month period that could be exercised by right with certain limited restrictions.

Mr. Fritz said that if those limits were exceeded, an applicant might appear before the Board of Supervisors to demonstrate that the activity was truly for agriculture by providing the history of the property and the specific intended use, ensuring a subdivision or other type of development was not being conducted under the guise of agriculture. The Board was grappling with determining the appropriate duration, vehicle limits, and use limits while attempting to balance those factors, and that the current framework had been developed based on the direction received from the Board.

Mr. Murray said that a reasonable exception should be considered to exempt any approved federal or state conservation project, such as a project through the National Resources Conservation Service (NRCS). He said that he hoped no barriers would be placed in front of a project approved with federal or state conservation dollars.

Ms. Brown asked if there was a way to streamline the process for the farmers, as mentioned by the Farm Bureau, to reduce the time frame for seeking those approvals.

Mr. Fritz said that the code section referenced in the letter was for special use permits that go before the Board of Zoning Appeals rather than the Board of Supervisors. He said that the time frames were longer for projects that do not go to the Board of Zoning Appeals, noting that projects heard by the Board of Zoning Appeals were heard within 90 days, whereas special use permits heard by the Board of Supervisors came to the Planning Commission within 90 days and to the Board of Supervisors within a year, as required by state code.

Mr. Fritz said that SEs must also be heard within 90 days. He said that if the Board of Supervisors provided direction and resources to accelerate the review process, it could do so. He said that, for example, due to state code provisions, wireless applications must be processed within 150 days, and the ordinance required they be processed within 150 days. He said that if the Board directed the staff to process them quicker, the staff would do so.

Mr. Clayborne said that he would support that line of thinking, though it seemed counterintuitive. He said that it was difficult to determine what information was missing. He said that in rural areas, farming seemed to be the appropriate sector for that implementation. He said that if the execution of that regulation could be streamlined, it would be incredibly beneficial. He said that while certain flagged items might require extra scrutiny, the bulk of the process could potentially be handled administratively to make things easier for farmers.

Mr. Fritz said that if the criteria for qualifying for an SE were established, the process would simply state that the use was permitted rather than requiring the special exception process. He said that efforts had been made to identify ways to minimize the number of items requiring an SUP or an SE. He said that it was difficult to account for all variables, such as the type of minor collector, the actual traffic volume on that collector, the characteristics of the road in the vicinity, the source of materials, and the routing. He said that a location 100 feet from a minor collector off of an arterial requires a different evaluation. He said that it was not possible to identify every single variable to make the process administrative, as doing so would require an exhaustive level of verification that staff could not provide.

Mr. Moore said that the proposed regulation of fill represented a moderate approach. He said that certain activities would be permitted by right with a relatively small number of vehicle trips, whereas the example provided by commenters would not be permitted by right due to the excessive number of trips. He said that other activities would trigger an SUP, allowing the Board to approve or deny the specific number of trips and the volume of material from various sources, which describes the current view. He said that this relatively limited scale of by-right applications appears more effective than allowing any amount of fill, though it was not as restrictive as it could be, representing a middle ground.

Mr. Carrazana asked if anyone was ready to make a motion.

Ms. Brown asked if a motion could be made that included a modified recommendation for the Board of Supervisors to modify the time frames.

Mr. Fritz said that a recommended motion was available to recommend approval, or approval with changes. He said that discussions had occurred regarding inert fill and the speed at which an SUP or SE might be processed before being forwarded to the Board of Supervisors.

Ms. King asked whether those changes made it more difficult for staff to review and approve items, and whether the process was clearer, simpler, and easier, or if it was more cumbersome.

Mr. Fritz said that if it was recommended that asphalt was not a permitted material, asphalt would be written out as a type of permitted material. He said that if a faster review process was recommended, the Board of Supervisors would be advised that this had an impact on staff resources and might impact the speed at which other applications were processed.

Mr. Barnes said that the question concerned whether the outlined process would be simpler or more complex for staff than the previous process.

Mr. Fritz said that the proposed process was slightly more complex depending on the type of road, but generally, it was not substantially more complex. He said that it included an administrative process for zoning clearance, which presented some minor burdens that were not excessive.

Ms. Firehock asked if it made the short-term project easier, where the goal was to stabilize something to get in and out of a site while performing work.

Mr. Fritz said that it certainly made the activity easier for the applicant.

Ms. Firehock said that the focus should be on the big picture and whether it was easier overall to complete the necessary tasks.

Mr. Fritz said that the intent of the Board was to design the language to make certain short-duration agricultural activities easier and speedier. He said that the clarification of certain terms was also intended to provide efficiencies for everyone by preventing debates over the meaning of terms or what is or is not allowed. He said that, overall, these changes should be helpful.

Mr. Carrazana said he appreciated the work performed and noted that the process had involved extensive conversations with attorneys and inter-agencies. He said he believed a good balance had been struck. He said he had some uncertainty regarding the asphalt, noting that asphalt is the primary material used for road construction, and he was unsure if crumbling it to use as sub-base material was more or less harmful. He said he had concern regarding the definition of inert, noting that substances leach out of asphalt, and he questioned whether those substances were harmful.

Ms. King made a motion to recommend approval of TA-2026-00001 Fill Regulations as presented. Mr. Murray seconded the motion.

Mr. Murray said that he proposed an amendment to provide an exception for approved federal and state conservation projects.

Commissioner Firehock asked if that was for projects currently underway and if the fill material would facilitate the construction of those projects.

Mr. Barnes said that it would apply to new projects.

Ms. Firehock said that the U.S. Department of Agriculture (USDA) database was problematic because many BMPs dropped off after five years and that, consequently, while they were listed as project sites, tracking them in Virginia had been difficult.

Mr. Barnes said that he would have to defer to the County Attorney, but the ordinance would only apply to new projects moving forward.

Ms. King motioned that the Planning Commission recommend approval of TA-2026-00001 Fill Regulations for the reasons stated in the staff report and with the exception for new state and federal conservation projects. Ms. Murray seconded the motion, which carried unanimously (7-0).

Adjournment

At 8:45 p.m., the Commission adjourned to October 27, 2026, Albemarle County Planning Commission meeting, 6:00 p.m.

Michael Barnes, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards; transcribed by Golden Transcription Services)

Approved by Planning Commission
Date:
Initials: