Outlook

Commercial dump trucks/Fill Regulations Zoning Text Amendment - Materials for Public Hearing

From Gary Green <greenharmonica@hotmail.com>
Date Fri 3/13/2026 16:38
To jvanvranken@albemarle.org <jvanvranken@albemarle.org>; bfritz@albemarle.org <bfritz@albemarle.org>

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As you consider new regulations regarding the transportation of clean earth fill, I ask that you carefully consider the impact these decisions have on the families who live along the routes used by these trucks.

In our case, a history of repeated exemptions has created an extremely difficult situation for residents. On many days we have experienced unlimited truck traffic, with well over 100 commercial multi-axle dump trucks—often weighing between 50,000 and 80,000 pounds—passing by our home in a single day.

Allowing this level of heavy commercial traffic through a residential subdivision without meaningful input from the families who live here has had serious consequences. The constant flow of trucks has damaged the asphalt, created excessive noise and dust, and raised significant safety concerns.

What was originally a quiet neighborhood access road—designed only to serve residential homes—has effectively been turned into a six-day-a-week dump truck access route. The volume of truck traffic often far exceeds normal residential traffic.

As a result, residents can no longer safely walk to bus stops, walk their dogs, or enjoy the normal use of our HOA-controlled neighborhood roads. What should be a safe residential environment has instead become dominated by industrial truck traffic.

Thousands of trucks passing through a subdivision with only a single entry and exit point may have been intended to protect the quality of life for one section of the

neighborhood. Unfortunately, the result has been to shift the burden onto the rest of us, severely impacting our quality of life.

In the past, we have provided video documentation showing the volume of trucks, the safety concerns, and the degradation of quality of life that comes with thousands of trucks passing through our neighborhood. We have spoken and presented evidence, yet our concerns have largely gone unheard.

I respectfully ask that future decisions regarding exemptions and transportation routes fully consider the real impacts on the families who live along these roads and ensure that residential neighborhoods are protected from this level of industrial traffic.

Sincerely,

Gary Green

434-242-4412

Outlook

Re: Fill Regulations Zoning Text Amendment - Materials for Public Hearing

From Timothy Kindrick <timothy_kindrick@hotmail.com>
Date Fri 3/13/2026 14:16
To James Van Vranken <jvanvranken@albemarle.org>

1 attachment (28 KB)
Fill Ordinance Comments.docx;

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.
Please find attached my comments regarding the draft fill regulation zoning text Amendment.

Please include: **Albemarle County Farm Bureau opposes this draft as it is written.**

Farm Bureau worked directly with staff for over two years on a draft ordinance that was presented to the Board of Supervisors on 17 Sept 2025. Although there were two more meetings afterwards this draft in no way reassembles what was compiled between Farm Bureau and Staff which was presented to the Board.

Respectfully
Tim Kindrick
President
Albemarle County Farm Bureau

From: James Van Vranken <jvanvranken@albemarle.org>
Sent: Tuesday, March 10, 2026 8:36 AM
To: Timothy Kindrick <timothy_kindrick@hotmail.com>
Subject: Re: Fill Regulations Zoning Text Amendment - Materials for Public Hearing

Thank you very much, Tim; I appreciate you taking the time to explain the concerns. We'll have a look at them, and I'll keep an eye out for a more detailed list before the end of the week.

Best,

James Van Vranken
Conservation Program Planner
Albemarle County

jvanvranken@albemarle.org
(434) 296-5832 ext. 3030
401 McIntire Road, Charlottesville, VA 22902

From: Timothy Kindrick <timothy_kindrick@hotmail.com>
Sent: Monday, March 9, 2026 19:14
To: James Van Vranken <jvanvranken@albemarle.org>
Subject: Re: Fill Regulations Zoning Text Amendment - Materials for Public Hearing

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I will put together a more detailed list and have it submitted before the 13th but for now I question,

1. Para h. Which states, "Even if it is a listed exemption in County Code 17-301 any fill activity with an aggregate area greater than 10,000 square feet requires compliance with the erosion and sediment control regulations of Chapter 17 of the County Code. Those exemptions listed in Chapter 17 are only a restatement of State Code 9VAC25-875-90. I do not believe a local ordinance can over ride a state code.

2. Para 2. Fill Slope in in contradiction with other County Ordinances.

3. 3(c) Any Stream buffer as defined by Chapter of the Code of Albemarle. Recently,, the zoning administrator tried to enforce a 100' (land disturbance in a development area) buffer zone on my agricultural activity. His justification was because of the word **"Any"** allowed this. However certain activities such as Agricultural, Horticultural and Silvicultural activities are exempt from Stream Buffers or regulated by other agencies such as the Department of Foresty. Finally in the County Conservation Easement Program there were no stream buffers I believe in 2018 a 35 foot stream buffer was included if points were awarded for perineal streams but it include a stipulation that fill activity was allowed with that 35 foot buffer.

4. There are a number of areas where the ordinance states, "but not including the storage or disposal of **agricultural** excavation material, waste and debris if the excavation material waste and debris are generated on the farm." This should actually read "**nonagriculural"** per state code State Code 15.2-2288. Which states:

   Localities may not require a special use permit for certain agricultural activities states,

   A zoning ordinance shall not require that a special exception or special use permit be obtained for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification. For the purposes of this section, production agriculture and silviculture is the bona fide production or harvesting of agricultural products as defined in § 3.2-6400, including silviculture products, but shall not include the processing of agricultural or silviculture products, the above ground application or storage of sewage sludge***, or the storage or disposal of nonagricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm (emphasis added)*** subject to the provisions of the Virginia Waste Management Act. However, localities may adopt setback requirements, minimum area requirements and other requirements that apply to land used for agriculture or silviculture activity within the locality that is zoned as an agricultural district or classification. Nothing herein shall require agencies of the Commonwealth or its contractors to obtain a special exception or a special use permit under this section.

I'll have a more complete list for the Planning Commission prior to 13 March.

Thanks
Tim

From: James Van Vranken <jvanvranken@albemarle.org>
Sent: Monday, March 9, 2026 10:46 AM
To: timothy_kindrick@hotmail.com <timothy_kindrick@hotmail.com>
Subject: Re: Fill Regulations Zoning Text Amendment - Materials for Public Hearing

Hi Tim,

As the ordinance is currently written, sections (g) and (h) don't apply to short duration agricultural engineering operations (regardless of the size of the operation).

And yes, our attorneys have been closely involved in the drafting process. But if there are sections you think to be in violation of state code, please let me know what those things are and we will look into it.

Best,

James Van Vranken
Conservation Program Planner
Albemarle County

jvanvranken@albemarle.org
(434) 296-5832 ext. 3030
401 McIntire Road, Charlottesville, VA 22902

From: Timothy Kindrick <timothy_kindrick@hotmail.com>
Sent: Saturday, March 7, 2026 17:28
To: James Van Vranken <jvanvranken@albemarle.org>
Subject: Re: Fill Regulations Zoning Text Amendment - Materials for Public Hearing

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I have a couple of questions:

If a short duration agricultural engineering operation exceeds 2500 sq feet does section g apply?

If short duration agricultural engineering operation exceeds 10,000 sq feet does section f apply?

Has a legal review been conducted on the new ordinance? There are some things which are in direct violation of state code.

Thanks
Tim

From: James Van Vranken <jvanvranken@albemarle.org>
Sent: Friday, February 27, 2026 10:59 AM
To: Bill Fritz <BFRITZ@albemarle.org>
Subject: Fill Regulations Zoning Text Amendment - Materials for Public Hearing

Dear Community Member,

You are receiving this email as a potential stakeholder in the ongoing revision of the Clean Earth and Inert Waste Fill regulations within the Albemarle County Zoning Ordinance.

Attached are the proposed regulations that will be reviewed by the Planning Commission at a public hearing on Tuesday, March 24th.

The proposed regulations are attached in three forms:

- A full draft of the text amendment with additions underlined and removals struck through.
- A full draft of the text amendment with additions underlined and removals struck through and with explanatory staff comments included in the text.
- A version of the draft showing only those sections that would apply to "short duration agricultural engineering operations."

These drafts will be presented to the Planning Commission at the March 24th public hearing. No changes to the drafts are expected other than to correct grammatical or typographical errors.

You are encouraged to review the attached documents and submit comments by replying to this email. Comments received by March 13th will be included in the staff packet, which gives Commissioners time to review the comments before the meeting. Comments received after March 13th will be forwarded to the Planning Commission upon receipt. You may also comment on the drafts by attending the meeting and speaking during the public hearing. Information on how to attend the meeting in person or virtually may be found on the County calendar at albemarle.org or by clicking HERE.

Once the Planning Commission has provided its recommendation, the Board of Supervisors will hold a public hearing to review the proposed regulations. The date for this public hearing has not been set. All information presented to the Planning Commission will be automatically included in the Board's materials.

If you have any questions about the regulations, or about the text amendment process, please feel free to contact James Van Vranken (434-296-5832 ext. 3030; jvanvranken@albemarle.org) or Bill Fritz (434-296-5832 ext. 3242; bfritz@albemarle.org).

Regards,

James Van Vranken
Conservation Program Planner
Albemarle County

jvanvranken@albemarle.org
(434) 296-5832 ext. 3030
401 McIntire Road, Charlottesville, VA 22902

Clean Earth Fill Draft Comments:

Pg 1 Section 3.1 Definitions:

Clean Earth Fill Activity: but not including the storage or disposal of **agricultural** excavation material waste and debris if the excavation material, waste and debris are generated on the farm.

State Code 15.2-2288 states, "the storage or disposal of **nonagricultural** excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm.

Agricultural should be changed to Non-Agricultural.

Fill Activity "….. means either clean earth fill, inert waste fill activity or **borrow activity.**"

Borrow Activity is where soil and other related material are removed from the site for transportation to another site. Although the borrowed material may be used for fill that would be covered by 5.1.28.

Borrow Activity is a completely different activity and should be removed from a Clean Earth and Inert Waste Fill Ordinance.

Short Duration Agricultural Engineering Operations: " ….. means borrow or fill operation….. or Disposal of agricultural excavation material, waste and debris if the excavation material, waste and debris are generated on the farm."

As stated above and for the same reasons borrow should be deleted and agriculture should be changed to non-agricultural.

Section 4.3 Tree Cutting

b. 1. Unless otherwise specifically approved to accommodate development no tree within 15 feet of any perennial stream or water impoundment may be cut.

State Code charges the Department of Forestry (DOF) with the responsibility of silvicultural activity. DOF allows the removal of 50% of the Basel area within 50' of a perennial stream

during sylvicultural activities and 100% removal when converting forest land to agricultural land.

The County's own website states: Agricultural, horticultural, and silvicultural activities are generally exempt from the Virginia Erosion and Stormwater Management Program (VESMP), and from the riparian buffer requirements in the county's WPO, which is aligned with those state programs, provided that:

The agricultural or horticultural land use is considered bona fide agricultural or improved pasture use as described in Virginia Code § 10.1-1163(B); and

Silvicultural activities are conducted in compliance with the water quality procedures described in the Department of Forestry's "Virginia's Forestry Best Management Practices for Water Quality" (VDOF BMP Manual). In order to be in compliance, the VDOF BMP Manual requires:

- Retention of a minimum 50' riparian buffer where 50% of the canopy or basal area may be removed.
- Retention of riparian buffers wider than 50' on steep slopes, trout streams, and lands adjacent to municipal water supplies; and
- Specifications for debris in streams, stream crossing design and construction, culverts, establishment and maintenance of forest roads, and other activities;

This should follow State Code and mirror the County Web Page.

Albemarle County Farm Bureau opposes 5.1.28 Clean Earth Fill and Inert Waste Ordinance as written. Farm Bureau has worked with County Staff for two years on this ordinance and on 17 September 2025 draft regulations were presented to the Board of Supervisors.

The draft that has been presented for review is greatly altered from the work done with farm bureau and was presented to the Board.

Section 5.1.28 Clean Earth Fill and Inert Waste Fill Activity

d. 2. B. A zoning clearance is required by section 31.5 but the fee ..... will not be charged.

For two years now Albemarle County Farm Bureau has been working with County Staff on a short duration agricultural engineering operation exemption. It was presented to the Board

of Supervisors and as late as the end of January 2026 it was still being called an exemption. In Feb the two staff members retired and suddenly it now requires a zoning clearance.

Section e. Summary Table

This table is confusing and very restrictive, especially for local roads which are the majority of the rural county.

As relayed by staff these restrictions only apply to where the trucks turn off the road onto the property where the fill is being placed. So, 100 trucks or more a day are allowed to travel on the roadway but only 15 or 25 are allowed to turn onto the property.

The County has stated that it is within the authority of the County to regulate the use of land (Reference State Code 15.2-2280) The County routinely regulates use of land based on frontage on a public street, availability of water and sewer and other conditions that facilitate development. Using road classification is just another way to determine how regulations are applied.

State Code 15.2-2280 actually states, "Any locality may, by ordinance, classify the territory under its jurisdiction or any substantial portion thereof into districts of such number, shape and size as it may deem best suited to carry out the purposes of this article, and in each district it may regulate, restrict, permit, prohibit, and determine the following:

1. The use of land, buildings, structures and other premises for agricultural, business, industrial, residential, flood plain and other specific uses;

2. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;

3. The areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used; or

4. The excavation or mining of soil or other natural resources.

Nowhere does State Code 15.2-2280 say that the locality has the right to restrict road usage by road type. If the land is zoned as agricultural and is using fill as a part of agricultural use it should not be restricted.

Nor does it allow the locality to discriminate against one group of individuals while allowing others to operate without the same restrictions.

If the project was a permitted use in a Natural Resources Extraction Overlay District, Routine Non-Agricultural maintenance activities, was in conjunction with

development of an approved site plan, an approved subdivision plat, or fill associated for site preparation that is associated with a Planned Development consistent with section 8.5.5.4 this ordinance would not apply.

VDOT is responsible for the roads lets leave the use of the roadways up to VDOT.

Section f 2. Maximum fill slope. The fill slope may not exceed 3:1 or 33 1/3%.

This contradicts Albemarle County Ordinance 4.3.3 which states, "*Steepness.* Cut and fill slopes shall not be steeper than a 2:1 (50 percent) slope. If the slope is to be mowed, the slope shall be no steeper than a 3:1 (33 percent) slope."

These two ordinances need to match.

Section 3 c. "**Any** stream buffer area as defined by Chapter 17 of the Code of Albemarle…"

The use of the word "any" allows staff to pick and choose any buffer they want.

Albemarle County Buffer Requirements specifically state, "Agricultural, horticultural, and silvicultural activities are generally exempt from the Virginia Erosion and Stormwater Management Program (VESMP), and from the riparian buffer requirements in the county's WPO, which is aligned with those state programs."

Properties in the Albemarle County Conservation Easement Program Deeds after 2018 only imposed a 35' stream buffer if points were awarded for adjoining or containing perennial streams and even then, fill is allowed within that buffer as may be reasonably necessary for the limited permitted activities set forth in the deed.

Recently during an onsite inspection of an agricultural activity that involves fill I was informed that I had to maintain a 100' buffer when I countered that I was an agricultural activity and exempt I was informed that the word "any" allowed zoning to impose any stream buffer they chose.

Remove the word Any and reword so that it is specific to the activity for which fill is being used.

Section 6 Setback to fill activity access. Fill haul roads and access points must be at least 50 feet from the property line and 100 feet from dwellings on adjacent property.

These same requirements are not applicable to dwellings being built nor were they in the past. For example, I have a house that was built in 1986 that was built within 2 feet of my Right of Way which has been here since 1886 (100 years prior).

Existing access points should be grandfathered in, and this new setback should only apply to new access points being used exclusively for fill activity. If this is going to be enforced then new dwellings should be required to be at least 100 feet from existing driveways, right of ways and access points.

Section 8 a and b.

a. Each Fill and borrow activity must be stabilized and seeded within 7 days.....
b. Stabilization must include but not limited to ..... establishing a permanent vegetation ground cover.

Seeding within 7 days is possible but establishing a permanent vegetation ground cover is not.

Remove establishing a permanent vegetation ground cover from stabilization.

Remove borrow activity.

Section 10 Entrance onto public road

No fill may occur until the Virginia Department of Transportation has approved the entrance onto the highway.

How can the County direct the State to do an inspection? They do not have the manpower nor the time. Most entrance ways have already been approved for many years.

The County has stated, “The ordinance does not require VDOT to approve the entrance, The language of the ordinance states “No fill activity may occur until the Department of Transportation has approved the entrance on the highway.” If the entrance is not approved the fill activity is not approved.”

VDOT has stated, Any changes in land use requires VDOT review of an entrance, including existing entrances, to ensure the entrance is appropriate for the change in use.

So, if an entrance is already approved for agricultural use and fill is being imported for agricultural use it doesn’t require a VDOT review because there is no change in land use.

Remove this requirement or change it to exempt existing entrances unless there is a change in land use.

14. Summary table. All fill activity must comply with the provisions of the summary table.

The County has stated that it is within the authority of the County to regulate the use of land (Reference State Code 15.2-2280) The County routinely regulates use of land based on frontage on a public street, availability of water and sewer and other conditions that facilitate development. Using road classification is just another way to determine how regulations are applied.

State Code 15.2-2280 actually states, "Any locality may, by ordinance, classify the territory under its jurisdiction or any substantial portion thereof into districts of such number, shape and size as it may deem best suited to carry out the purposes of this article, and in each district it may regulate, restrict, permit, prohibit, and determine the following:

1. The use of land, buildings, structures and other premises for agricultural, business, industrial, residential, flood plain and other specific uses;

2. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;

3. The areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used; or

4. The excavation or mining of soil or other natural resources.

Nowhere does State Code 15.2-2280 say that the locality has the right to restrict road usage by road type. If the land is zoned as agricultural and is using fill as a part of an agricultural use it should not be restricted.

Nor does it allow the locality to discriminate against one group of individuals while allowing others to operate without the same restrictions.

If the project was a permitted use in a Natural Resources Extraction Overlay District, Routine Non Agricultural maintenance activities, was in conjunction with development of an approved site plan, an approved subdivision plat, or fill associated for site preparation that is associated with a Planned Development consistent with section 8.5.5.4 this ordinance would not apply.

Remove the summary table, it is too confusing, and too restrictive. These are State Roads and should be controlled by the Department of Transportation.

g. Area of fill activity. Any Fill Activity with an aggregate area greater than 2500 square feet requires a plan or a narrative....

Certain Activities are exempt from the WPO and do not require a plan or narrative by State Code State Code 9VAC25-875-90.

h. Area of fill over 10000 sq ft **Even if it is a listed exemption in County Code 17-301 any fill activity with an aggregate area greater than 10,000 square feet requires compliance with the erosion and sediment control regulations of Chapter 17 of the County Code.**

The exemptions listed in Chapter 17 are mandated by State Code 9VAC25-875-90 and the County does not have the authority to supersede State Code.

Section j. Variation of exception. The Board of Supervisors may approve a variation or exception from any requirement of this section **other than those listed by special use permit in the summary table in section e.**

The Board should be able to approve a variation or exception from any requirement of this section.

Section 31.5 a. When required. A zoning clearance is required in the following circumstances:

1. New Use. Prior to …… or prior to commencing a clean earth fill or inert waste fill activity even if involving an agricultural engineering operation. An Agricultural use that is not associated with a fill activity does not require a zoning clearance unless one is required by Section 5.1.28.

Reword by removing "unless one is required by Section 5.1.28". It has already been stated that clean earth fill or inert waste fill including an agricultural engineer operation require a zoning clearance.

Outlook

Re: Fill Regulations Zoning Text Amendment - Materials for Public Hearing

From Sue Green <suelemere@hotmail.com>
Date Fri 3/13/2026 14:10
To James Van Vranken <jvanvranken@albemarle.org>; Bill Fritz <BFRITZ@albemarle.org>
Cc Ann Mallek <amallek@albemarle.org>

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Dear Mr. Vanvranken, Mr. Fritz and Planning Commission Members,

Thank you for the information forwarded regarding proposed amendments to the Clean Earth Fill regulations and for the chance to respond to them. Your efforts and those of Ms. McCauley are most appreciated.

I have as few concerns and comments:

1. Regarding Summary Table E. On the 3rd page of the document that applies only to short duration agricultural fill operations—Please specify

   - whether or not this includes easements that cross private property
   - whether or not these regulations can be negated or otherwise changed by the approval of a special use permit, variation or exception by the B.O.S. (see letter "i" at the bottom of the next page)

2. Regarding #1. on page 5 concerning that the variation or exception, "is supported by abutting owners impacted by the variation or exception"—**the impact extends far beyond the immediately abutting owners or the owner directly across from the fill access site**. As those of us who have had to live with this situation for 3+ years with 2+ more years ahead of us, I can guarantee that the impacts are huge. As neighbors whose homes are along the trucking route or a short distance away on a side street, we are constantly subjected to noise levels that exceed County guidelines (and fly in the face of the County's mission statement), our homes shake and rattle (long term damage?), our are streets are destroyed (costing tax payers at least $200,000 for repairs that are not durable and which make no sense given the ongoing traffic by 4, 5 & 6 axle dump trucks weighing 50,000-80,000 pounds on roads that were never designed to carry that kind of weight on a frequent basis), we can't walk, run or bike safely and we are forced to breathe noxious fumes when these trucks pass by.

   It is wrong and offensive to not recognize the impact on not just those neighbors on the truck route, but also all residents who use the roads. This is especially true when in our particular case, support from a landowner without access to the neighborhood and without a home on the abutting land was viewed as instrumental "support" for the special exception. It literally has no day-to-day impact on that landowner unlike those of us who live here.

3. Regarding # 2 on page 5—it appears absolutely unfair and possibly able to be challenged at the highest level in the courts that the County has such limited responsibility for notifying impacted neighbors. This is tied to how "involved parcels" are defined (in our view it should be IMPACTED parcels/owners), and how that notification is provided. Not having any mechanism for certifying that notice has been received and putting notification responsibility on an individual in an HOA is fraught with problems. There is no guarantee that the HOA rep will be able to distribute the info in a timely fashion and there is no certainty that everyone will receive an email or a flyer (due to emails often ending up in junk mail) or be able to attend a neighborhood meeting. That the stated consequence for not knowing about the "proceeding/s" is a *waiver of an individual's rights to challenge the validity of the proceeding/s* is absurd. If an individual is not given the information in a way that is accountable, then there should not be a waiver of their rights. **My rights should not depend on the County's decision to not inform me as someone directly impacted. My rights should not depend on a 3rd party who may or may not be able to provide information regarding the proceeding/s in an accountable manner. That is the County's responsibility, and one that should be taken very seriously given the impact on its citizens' lives (for years!).**

As you are undoubtedly aware, there have been many letters and speakers who have testified to the negative impact the current regulations and the essentially unbridled special exception have had on Earlysville Forest residents. If you wish to get a glimpse of what it is like to have one huge dump truck pass your subdivision home every five minutes or so (or even more often) all day long, please see the time-lapse video that was previously shared at a BOS meeting. If you wish to see what it is like to have a huge truck swerve at you while on the street outside your home or want to know just how deafening the noise can be, please see the video that I shared at a BOS meeting last fall (the entire video should be in the record though only part was able to be seen at the time I spoke). I would encourage you to also check with VDOT regarding road damage at our end of the neighborhood which is where the trucks enter and leave; it is far more substantial and recurring as opposed to damage at other parts of the neighborhood. There is more that can be written about speeding trucks, calls to the police and confrontations, etc. with some truck drivers—but other than again reiterating the significant impact on far more than the abutting property owners, I won't continue.

Thank you for considering the issues raised in #'s 1, 2 and 3 above. I remain hopeful that the County will address these in a way that prevents the situation we have been forced to live with from occurring in other Albemarle County neighborhoods and that in fact, we might actually receive some relief in our own neighborhood rather than being subjected to two plus more years of this scary, unhealthy and miserable experience.

Sincerely,
Susan Green
Earlysville Forest

Sent from Outlook

From: James Van Vranken <jvanvranken@albemarle.org>
Sent: Friday, February 27, 2026 10:59 AM
To: Bill Fritz <BFRITZ@albemarle.org>
Subject: Fill Regulations Zoning Text Amendment - Materials for Public Hearing

Dear Community Member,

You are receiving this email as a potential stakeholder in the ongoing revision of the Clean Earth and Inert Waste Fill regulations within the Albemarle County Zoning Ordinance.

Attached are the proposed regulations that will be reviewed by the Planning Commission at a public hearing on Tuesday, March 24th.

The proposed regulations are attached in three forms:

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You are encouraged to review the attached documents and submit comments by replying to this email. Comments received by March 13th will be included in the staff packet, which gives Commissioners time to review the comments before the meeting. Comments received after March 13th will be forwarded to the Planning Commission upon receipt. You may also comment on the drafts by attending the meeting and speaking during the public hearing. Information on how to attend the meeting in person or virtually may be found on the County calendar at albemarle.org or by clicking HERE.

Once the Planning Commission has provided its recommendation, the Board of Supervisors will hold a public hearing to review the proposed regulations. The date for this public hearing has not been set. All information presented to the Planning Commission will be automatically included in the Board's materials.

If you have any questions about the regulations, or about the text amendment process, please feel free to contact James Van Vranken (434-296-5832 ext. 3030; jvanvranken@albemarle.org) or Bill Fritz (434-296-5832 ext. 3242; bfritz@albemarle.org).

Regards,

James Van Vranken
Conservation Program Planner
Albemarle County

jvanvranken@albemarle.org
(434) 296-5832 ext. 3030
401 McIntire Road, Charlottesville, VA 22902

Outlook

Re: Fill Regulations Zoning Text Amendment - Materials for Public Hearing

From Erskine Family Business <erskine.business@icloud.com>
Date Thu 3/12/2026 12:04
To James Van Vranken <jvanvranken@albemarle.org>
Cc Bill Fritz <BFRITZ@albemarle.org>

3 attachments (730 KB)
Fill Regulations PC Final Draft - Agricultural.pdf; Fill Regulations PC Final Draft - Annotated.pdf; Fill Regulations PC Final Draft.pdf;

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Dear Mr. Van Vranken, Mr. Fritz, and Planning Commission Members,

Thank you for this opportunity to respond to the draft regulations. I appreciate all the hard work that went into writing these and have only two requests:

1. **Please adopt this exact definition of "Direct Access Road."** (See the explanation below.)

2. **Please identify the parameters of a "Special Use Permit"** in Summary Table, Section 5.1.28(e). Unlike the other entries, there are no limitations regarding number of truck trips, number of days per year, or days and hours of operation. Logic would dictate that, if anything, limitations would be stricter than for the other roads, which is why a Special Use Permit is needed. However, one cannot depend on logic to prevail. As a lawyer, I'm concerned that some regulation or statue, state or otherwise, could supersede these regulations, thereby allowing a Special Use Permit, with no guidelines or restrictions whatsoever, to controvert the intent of these regulations. At a minimum, I respectfully and strongly request that the Special Use Permit for Fill Activity on a "Minor Collector/Local Street or Privately maintained road, street, or shared driveway" be limited to, at a maximum, the 15 truck trips for 60 days permitted for a local street or privately maintained road under "Short Duration Agricultural Operations." Ideally, the limitation would be stricter.

Explanation:
For several years, a Special Use Permit has permitted effectively unlimited dump truck traffic through our neighborhood in order to access an easement. As a result, we have had incessant dump truck traffic in our quiet, suburban neighborhood. (Lately, due to UVA being appalled that a neighborhood would be subjected to such traffic, it has not allowed its construction debris here.) **We have no sidewalks and frequently no shoulders, and multiple school bus stops.** Particularly **when two dump trucks are passing each other there is little room for safety. It's dangerous to wait for the school bus, bike, walk our dogs, or walk ourselves. The noise is well over the decibels deemed "very objectionable or intolerable" under County Code 7-100 Section D because we have measured it.** When we played a sample of the truck noise for the Board of Supervisors, we were cut off before our three-minute time limit because the sound was so grating and irritating. Please note that even limiting traffic to 15 round trips means 30 times a dump truck goes past our homes. Those of us who work at home can't concentrate of have uninterrupted online meetings when trucks pass. The diesel fumes are noxious. We can't socialize outdoors because we can't be heard above the dump truck

noise, including heavy use of Jake brakes. The dump trucks have sorely affected our roads and any enjoyment of our neighborhood, **Monday through Saturday, all day, year-round**.

Assuming the Direct Access Road definition is **not** changed, **and** we have some backup security by listing restrictions for a Special Use Permit, I am not as concerned about the two issues below. However, if there is a change to the Direct Access Road definition and/or there are no restrictions on a Special Use Permit, then I am very concerned about the following two sections of the regulations:

Abutting Owners Impacted, Section 5.1.28(j)(1)
Gaining support of only abutting landowners and ignoring homes the dump trucks barrel past, often only a few yards away, is not reasonable when applied to a neighborhood street. **We are all impacted, as are our property values when windows rattle and houses shake.** The truck noise is disturbing inside homes even well off the street, never mind outdoors. Also, when abutting property—such as the wooded trails we use and maintain—belongs to the HOA, then we are all affected. Finally, as noted above, since it's dangerous to walk in our neighborhood, we are all affected, no matter where our houses lie.

Waiver of Right to Challenge Validity of Proceeding?
I am confused by Section 5.1.28(j)(2)(d). It sounds like a party waives their right to challenge the validity of a proceeding "due to failure of the party to receive the written notice required by this section." So if someone doesn't receive the notice, they are forced to waive their right. To clarify, what, exactly, constitutes "actual notice?" Proof of mailing? Proof of receipt? By whom?

Many thanks for your attention to these comments.
Sincerely,
Kathryn Erskine
Earlysville Forest

> On Feb 27, 2026, at 10:59 AM, James Van Vranken <jvanvranken@albemarle.org> wrote:
>
> Dear Community Member,
>
> You are receiving this email as a potential stakeholder in the ongoing revision of the Clean Earth and Inert Waste Fill regulations within the Albemarle County Zoning Ordinance.
>
> Attached are the proposed regulations that will be reviewed by the Planning Commission at a public hearing on Tuesday, March 24th.
>
> The proposed regulations are attached in three forms:
>
> - A full draft of the text amendment with additions underlined and removals struck through.
> - A full draft of the text amendment with additions underlined and removals struck through and with explanatory staff comments included in the text.
> - A version of the draft showing only those sections that would apply to "short duration agricultural engineering operations."
>
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If you have any questions about the regulations, or about the text amendment process, please feel free to contact James Van Vranken (434-296-5832 ext. 3030; jvanvranken@albemarle.org) or Bill Fritz (434-296-5832 ext. 3242; bfritz@albemarle.org).

Regards,

James Van Vranken
Conservation Program Planner
Albemarle County

jvanvranken@albemarle.org
(434) 296-5832 ext. 3030
401 McIntire Road, Charlottesville, VA 22902

Outlook

Re: Fill Regulations Zoning Text Amendment - Materials for Public Hearing

From Sam Giannangeli <sgiannangeli14@gmail.com>
Date Wed 3/11/2026 19:13
To James Van Vranken <jvanvranken@albemarle.org>

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Hi James,

Thank you for the opportunity to comment.

I have two primary concerns with the new drafts as they are written:

First: The bottom of the table in section E says that long-duration fill activities are allowed by special use permit on local streets. It doesn't say how to obtain a permit or what the rules are. It should be explicit that special use permit activities should not exceed the parameters for the most restrictive category of roads in terms of number of trips, days per year, and hours per day.

Second: HOAs should be notified of fill activity that will traverse their neighborhood streets, not just of fill activity occurring in the neighborhood.

In general, I strongly support this rewrite and appreciate the opportunity to participate in this process.

Best,
Sam Giannangeli

On Fri, Feb 27, 2026 at 11:00 AM James Van Vranken <jvanvranken@albemarle.org> wrote:

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Regards,

James Van Vranken
Conservation Program Planner
Albemarle County

jvanvranken@albemarle.org
(434) 296-5832 ext. 3030
401 McIntire Road, Charlottesville, VA 22902

Outlook

Re: Fill Regulations Zoning Text Amendment - Materials for Public Hearing

From BRIAN MCCAY <mikejack11@comcast.net>
Date Wed 3/11/2026 17:10
To James Van Vranken <jvanvranken@albemarle.org>

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Dear Mr. Van Vranken,

I am writing to add my support for the revision to the Clean Earth and Inert Waste Fill regulation as presented here, without any further changes.

My particular concern is to assure that the Definition of the "Direct access road classification" has no change or deletion to the text "connects directly without using another lot, easement, or internal access road."

I would also like to see no change to the language in 5.1.28 paragraph j. Variation or exception. "The Board of Supervisors may approve a variation or exception from any requirement of this section other than those listed by special use permit in the summary table in section (e)."

Best Regards,

Brian McCay, president
Earlysville Forest Homeowners Association,

mikejack11@comcast.com
434-566-5915

> On 02/27/2026 10:59 AM EST James Van Vranken <jvanvranken@albemarle.org> wrote:
>
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Regards,

James Van Vranken
Conservation Program Planner
Albemarle County

jvanvranken@albemarle.org
(434) 296-5832 ext. 3030
401 McIntire Road, Charlottesville, VA 22902

Outlook

Re: Fill Regulations Zoning Text Amendment - Materials for Public Hearing

From Timothy Kindrick <timothy_kindrick@hotmail.com>
Date Mon 3/9/2026 19:14
To James Van Vranken <jvanvranken@albemarle.org>

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I will put together a more detailed list and have it submitted before the 13th but for now I question,

1. Para h. Which states, "Even if it is a listed exemption in County Code 17-301 any fill activity with an aggregate area greater than 10,000 square feet requires compliance with the erosion and sediment control regulations of Chapter 17 of the County Code. Those exemptions listed in Chapter 17 are only a restatement of State Code 9VAC25-875-90. I do not believe a local ordinance can over ride a state code.

2. Para 2. Fill Slope in in contradiction with other County Ordinances.

3. 3(c) Any Stream buffer as defined by Chapter of the Code of Albemarle. Recently,, the zoning administrator tried to enforce a 100' (land disturbance in a development area) buffer zone on my agricultural activity. His justification was because of the word **"Any"** allowed this. However certain activities such as Agricultural, Horticultural and Silvicultural activities are exempt from Stream Buffers or regulated by other agencies such as the Department of Foresty. Finally in the County Conservation Easement Program there were no stream buffers I believe in 2018 a 35 foot stream buffer was included if points were awarded for perineal streams but it include a stipulation that fill activity was allowed with that 35 foot buffer.

4. There are a number of areas where the ordinance states, "but not including the storage or disposal of **agricultural** excavation material, waste and debris if the excavation material waste and debris are generated on the farm." This should actually read "**nonagriculural"** per state code State Code 15.2-2288. Which states:

   Localities may not require a special use permit for certain agricultural activities states,

   A zoning ordinance shall not require that a special exception or special use permit be obtained for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification. For the purposes of this section, production agriculture and silviculture is the bona fide production or harvesting of agricultural products as defined in § 3.2-6400, including silviculture products, but shall not include the processing of agricultural or silviculture products, the above ground application or storage of sewage sludge***, or the storage or disposal of nonagricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm (emphasis added)*** subject to the provisions of the Virginia Waste Management Act. However, localities may adopt setback requirements, minimum area requirements and other requirements that apply to land used for agriculture or silviculture activity within the locality that is zoned as an agricultural district or classification. Nothing herein shall

require agencies of the Commonwealth or its contractors to obtain a special exception or a special use permit under this section.

I'll have a more complete list for the Planning Commission prior to 13 March.

Thanks
Tim

From: James Van Vranken <jvanvranken@albemarle.org>
Sent: Monday, March 9, 2026 10:46 AM
To: timothy_kindrick@hotmail.com <timothy_kindrick@hotmail.com>
Subject: Re: Fill Regulations Zoning Text Amendment - Materials for Public Hearing

Hi Tim,

As the ordinance is currently written, sections (g) and (h) don't apply to short duration agricultural engineering operations (regardless of the size of the operation).

And yes, our attorneys have been closely involved in the drafting process. But if there are sections you think to be in violation of state code, please let me know what those things are and we will look into it.

Best,

James Van Vranken
Conservation Program Planner
Albemarle County

jvanvranken@albemarle.org
(434) 296-5832 ext. 3030
401 McIntire Road, Charlottesville, VA 22902

From: Timothy Kindrick <timothy_kindrick@hotmail.com>
Sent: Saturday, March 7, 2026 17:28
To: James Van Vranken <jvanvranken@albemarle.org>
Subject: Re: Fill Regulations Zoning Text Amendment - Materials for Public Hearing

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.
I have a couple of questions:

If a short duration agricultural engineering operation exceeds 2500 sq feet does section g apply?

If short duration agricultural engineering operation exceeds 10,000 sq feet does section f apply?

Has a legal review been conducted on the new ordinance? There are some things which are in direct violation of state code.

Thanks
Tim

From: James Van Vranken <jvanvranken@albemarle.org>
Sent: Friday, February 27, 2026 10:59 AM
To: Bill Fritz <BFRITZ@albemarle.org>
Subject: Fill Regulations Zoning Text Amendment - Materials for Public Hearing

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Regards,

James Van Vranken
Conservation Program Planner

Albemarle County

jvanvranken@albemarle.org
(434) 296-5832 ext. 3030
401 McIntire Road, Charlottesville, VA 22902

Outlook

Re: Fill Regulations Zoning Text Amendment - Materials for Public Hearing

From Donald Giannangeli <donaldg04@gmail.com>
Date Tue 3/3/2026 22:09
To James Van Vranken <jvanvranken@albemarle.org>

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Hi James,

I am concerned that the bottom of the table in section E about long-duration fill activities says they're allowed by special use permit on local streets, but doesn't say how such a permit is obtained or what the rules are.

Under the zoning requirements, it says an HOA must be notified if the fill property is in the neighborhood, but that's insufficient. It should be required also if trucks must traverse a residential neighborhood to access an adjacent fill property. Basically, someone next to an HOA shouldn't make all the dump trucks drive through the HOA all day long.

Thanks,
Don

On Fri, Feb 27, 2026, 11:00 James Van Vranken <jvanvranken@albemarle.org> wrote:

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Regards,

James Van Vranken
Conservation Program Planner
Albemarle County

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