

**Albemarle County Planning Commission
Work Session and Regular Meeting
Final Minutes October 22, 2024**

The Albemarle County Planning Commission held a public hearing on Tuesday, October 22, 2024, at 4:00 p.m.

Members attending were Fred Missel, Chair; Luis Carrazana, Vice-Chair; Corey Clayborne; Karen Firehock; Julian Bivins; Lonnie Murray; and Nathan Moore

Members absent none

Other officials present were Michael Barnes, Director of Planning; Andy Herrick, County Attorney's Office; Tonya Swartzendruber, Planning Manager; and Carolyn Shaffer, Clerk to the Planning Commission

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Public Hearing

SP202300017 Walnut Creek Substation

Michael Barnes, Director of Planning, said that he was standing in for David Benish, who had prepared the staff report. He said that this item was SP202300017, the Walnut Creek Substation special use permit. He said that the proposal was to construct a new substation by Dominion Energy Virginia. He said that the site was located on Old Lynchburg Road, near the intersection of Old Lynchburg Road and Red Hill Road. He said that the property was zoned Rural Areas (RA), and the special use permit was for energy and transmission facilities.

Mr. Barnes said that as a general overview, the site development would require the removal of trees for the substation and significant grading. He said that the total site area was approximately 10.95 acres, with about 4.9 acres remaining wooded or undisturbed. He said that the substation equipment was approximately 35 feet or less in height. He said that two H-poles, standing 75 to 100 feet tall, would be installed, which were consistent with or slightly shorter than the existing transmission lines in the area. He said that a 24-by-70-foot building would house the substation's controls. He said that the site would be surrounded by a 12-foot-high perimeter security fencing, and landscaping would be added to screen the facility.

Mr. Barnes said that the substation's base material would be covered with gravel, and stormwater management would be provided, subject to DEQ annual standards and specifications, as opposed to County review of the Water Protection Ordinance. He said that the site consisted of three parcels acquired by Dominion Energy, with existing houses on the property that would be removed. He said that the area was in Area 4 of the Rural Area, surrounded by Mount Olivet Church to the south as well as a series of private homes.

Mr. Barnes said that to the north was a private home that was currently occupied. He said that a community meeting had been held on January 31, attended by approximately 10 people. He said that some comments expressed concerns about the potential impact on the area's rural character, visibility, and environmental factors, including noise, erosion, and runoff. He said that the meeting also touched on the potential negative impact on an adjacent home occupation with a small arts room. He said that the following images showed the site itself, superimposed over an aerial photography, and the proposed landscaping and grading plan.

Mr. Barnes said that the grading would be fairly extensive to create the site pad, stormwater facility, and vegetated buffers, which met the ordinance requirements and exceeded the ordinance in some areas. He said that staff followed a standard evaluation criteria for special use permits, which included assessing whether the proposed use would cause a substantial detriment to the site, whether it affected the character of the nearby area, and whether it was in harmony with the intent of the chapter of comprehensive plan. He said that based on this evaluation, staff found that the landscaping along the eastern and southern property lines could be improved with additional taller plants than proposed.

Mr. Barnes said that staff also provided a recommended condition of approval which required the Planning Director to approve the final landscaping plan to ensure it was sufficient, prior to issuing a building permit. He said that there had not been documentation or verification of the noise levels generated from the site, partially because they had not identified the specific types of transformers to be used on the site. He said that staff would require a condition that they provide a noise study to ensure decibel levels were below 50 dBA at nighttime and 65 dBA during daytime hours at the property lines. He said that it was worth noting that public facilities, such as substations, were exempt from noise regulations in County code.

Mr. Barnes said that factors favorable for the proposal included that the project helped meet utility needs and supported continued electric power availability and reliability, the location was immediately adjacent to the existing two power lines in the area and right-of-way limits, thus the impact was similar to that of the current facilities in the area. He said that third, they believed that the visibility of the site could be minimized through adequate landscaping and planting.

Mr. Barnes said that factors unfavorable to the project included the lack of documentation on sound levels generated from the facility; however, as a condition of approval, the applicant must provide this information prior to the issuance of a building permit. He said that staff also recommended additional landscaping along the eastern and southern property lines; however, this was a condition of approval that must be met with a revised landscape plan. He said that he would like to note that he had a conversation with a representative from Dominion today, who planned to discuss beefing up landscaping along their adjacent property line. He said that finally, the site would have some visual impacts until the landscaping matured.

Mr. Barnes said that staff recommended approval with the following conditions, which were provided in the staff report. He said that the conditions included that the project must be developed in substantial accord with the concept plan, and that land disturbance, including grading, excavation, fill, tree felling, and stump removal, shall be limited to the areas of the concept plan's limits of disturbance. He said that minor modifications with the approval of the Zoning administration or the Director of Planning on the concept plan, provided they do not conflict with the essential elements listed above, may be made to ensure compliance with the Zoning Ordinance and state and federal laws.

Mr. Barnes said that the second condition was that the Planning Director's approval of the final landscape plan must be provided prior to the issuance of a building permit or the start of construction. He said that prior to the issuance of a building permit or commencement of construction, a sound study or other documentation must be submitted to the satisfaction of the Planning Director to demonstrate compliance with the decibel levels limits of the Zoning Ordinance for Rural Area properties.

Mr. Bivins said that in his comments, Mr. Barnes had specified ranges, but in the recommendations, he replaced those ranges with just the category of rural. He said that he recalled that in the report, they also included a footnote indicating that there was no necessary boundary or upper limit on decibels for electric utility functions.

Mr. Barnes said that that was correct. He said that substations were not typically required in the ordinance, but Rural Area uses that had sound limits were. He said that therefore, they were attempting to apply that to the specific situation at hand.

Mr. Bivins said that they would apply the rural use designation, which meant they did not need to apply the upper decibel limit. He said that as he had mentioned, under the rural use designation, the noise level was capped at 55 decibels at night and 65 decibels during the day. He said that this effectively limited the noise level.

Mr. Barnes said that that was correct. He said that they were effectively applying rural use limits to this substation.

Mr. Moore asked if there was any distinction for low-frequency hums or if it was just a straight decibel measurement.

Mr. Barnes said that in this case, they were looking at the dBA level requirements.

Mr. Murray said that he knew they would be going back through the lighting ordinance at a later time, but he was wondering what would be done in terms of review of the lighting for this facility.

Mr. Barnes said that the lighting was reviewed as part of the application, and as a result, the property required full cutoff lighting.

Mr. Missel asked if the same spillover requirements would apply.

Mr. Barnes said that they provided a lighting plan, which showed that at the property line, there was no light, with zero foot-candles at the property line.

Mr. Carrazana asked if there was some conversation about an increase in the landscape buffer.

Mr. Barnes said that there would at least be a change in the types of trees planted.

Mr. Carrazana asked if the project still required landscape approval.

Mr. Barnes said that they were seeking to incorporate a variety of plantings that were taller in nature. He said that the concern was specifically with the area he was highlighting on the screen, where the adjacent property was slightly higher and featured a steep slope dropping down into the site, with a slope of 2.5 to 1. He said that the applicant was concerned that planting larger

vegetation in this area could cause it to fall down the slope and land on the fence. He said that to address this concern, they had proposed a specific type of planting, which was a mixture of a few different species of shrubs that would reach maturity at approximately 20 feet tall. He said that this proposal met the minimum standards set by the ordinance.

Bill Fritz, Development Process Manager, said that this project would require site plan review, which would include an evaluation of the proposed screening and plantings. He said that to meet the minimum screening requirement, the plantings must come from an approved list.

Mr. Carrazana said that that clarified the matter. He said that in the landscape approval process, any modifications that were not evident in this presentation would be applied at that stage.

Mr. Fritz said that that was correct. He said that at this point, it was too conceptual. He said that to move forward, it was necessary to get down to the details to determine which plants to use and where to place them.

Ms. Firehock said that regarding the sound decibels, there was a condition that must be met to staff's satisfaction. She said that she was trying to understand the process. She asked what would happen if the sound tests were conducted and the decibel levels did not meet the required standards, and what steps they would take next.

Mr. Fritz said that upon reviewing the condition, it was possible that it could be worded slightly differently to simply reference that the facility would comply with Section 418, which included all those provisions. He said that this would ensure that they met the necessary requirements.

Ms. Firehock said that it should state that they had to meet the requirement, not that they should. She asked if they could change that slightly.

Mr. Missel said that he noticed there were a few conditions that placed a lot of responsibility with the Planning Director. He said that he was curious whether there was a way to reference a section of the Ordinance rather than placing the responsibility on the Planning Director.

Mr. Fritz said that he was not convinced that this condition was truly necessary, as they had just discussed the possibility of waiving the site plan requirement the previous week. He said that upon further review, they had determined that the requirements for a site plan were not applicable in this case, as there was no required parking and the proposed entrance change to a public street would automatically trigger the site plan process.

Mr. Fritz said that this, in turn, would necessitate the landscape, screening, and other provisions outlined in the ordinance. He said that to ensure clarity, they should review and refine the conditions to avoid redundancy and accurately reflect the ordinance's requirements. He said that specifically, they would need to ensure that the screening, lighting, and sound requirements were met, as outlined in the ordinance. He said that they could work to craft the conditions in a way that accounted for any potential issues before presenting them to the Board of Supervisors.

Mr. Missel said that he had another question regarding wording. He said that he noticed that it stated minor modifications with the approval of the Zoning Administrator and Director of Planning, and while Mr. Fritz said that because it was now a site plan, it was not an issue, but to the concept plan that did not conflict with that essential element listed above, may be made to ensure compliance with the zoning ordinance. He asked if staff could please clarify what that essential

element was.

Mr. Fritz said that the language was fairly standard, and what they were trying to accomplish was to develop a concept plan that was not reviewed as a site plan. He said that this may mean that certain requirements, such as setbacks or height limits, did not need to be met, but rather needed to be adjusted to comply with the ordinance. He said that as a result, the applicant was caught in a dilemma, where they could not comply with the zoning ordinance without also violating the special use permit, and so they had included a safety provision that prioritized compliance with the zoning ordinance.

Mr. Murray asked if there were any other situations where their sound ordinances may not be the most effective. He said that he believed their ordinances were geared towards loud music venues and similar establishments. He thought that there were situations like this where a low, persistent hum or infrasound could be a concern. He said that he and his wife had recently botanized an area near large power lines, and even brief exposure had caused him to feel nauseous. He said that the sound itself was disorienting. He said that he was not sure if it had any actual health effects, but the low, persistent nature of it was unsettling. He said that he thought that their ordinances, which focused on loud decibel levels, may not be the best fit for situations like this.

Mr. Fritz said that they were not sound experts.

Mr. Bivins said that he would like to discuss the fencing of this project. He said that their previous item, the convenience center, was planned to have decorative fencing. He asked whether or not that decorative fencing would be required for this substation, considering there were neighbors on the northeast side.

Mr. Barnes said that the applicant's presentation would show the type of fencing they would provide.

Mr. Fritz said that he would like to add that one of the options for meeting screening requirements was using fencing in conjunction with a combination of plantings to achieve the desired screening. He said that they would not know the specifics until the site plan phase.

Mr. Bivins said that if he was reading the aerial perspective map, the large area in question was due to the presence of transmission lines coming from that direction, both east and west. He said that it appeared they were re-routed to find a suitable node. He said that they were essentially creating a new transmission line, and he was curious to know if this was a redundant system and how it would improve uptime in the area. He said that specifically, he would like to know if there was language regarding improving redundancy or uptime in this area, as it appeared to be connected to an existing pathway of high-capacity transmission lines.

Mr. Carrazana said that he had a follow-up on the previous comment. He said that to clarify, if he understood correctly, staff was referring to the site plan review process. He said that what triggered that process was the modification to the entrance to the site from the road. He said that he wondered if there was any possibility that they could avoid this modification, and if so, if that would eliminate the need for a site plan review.

Mr. Fritz said that that was correct. He said that if there were no change proposed to the entrance, then no site plan would be required. He said that this was why they wanted to work with the conditions to ensure they took that into account and figured that out.

Mr. Missel opened the public hearing. He asked if the applicant had a presentation.

Stephen Brooks said that he was representing Dominion Energy Virginia Siting and Permitting Team. He said that he would begin by stating that they would outline seven major components of this project, including the need. He said that they would provide details on the project, the siting, and why they chose this area, particularly under the high-tension wires. He said that they would also cover setbacks, landscaping, and sound, with his colleague, Mr. Thomas Propts, joining him momentarily. He said that after that, they would provide a summary.

Mr. Brooks said that the proposed substation project, which they were calling Walnut Creek, aimed to support a stronger electric grid. He said that specifically, it would provide support for the winter line emergency rating. He said that although Dominion Energy Virginia was not the primary service provider in this area, they would also provide support for the Central Virginia Energy Co-op (CVEC). He said that this location was ideal due to its co-location with existing high-tension or high-transmission line facilities.

Mr. Brooks said that in particular, this right-of-way housed two lines: a 500 kV line and a 115 kV line. He said that this substation would operate at the latter voltage. He said that notably, most substations did not require public water or sewer, and they were simply pointing this out for the record. He said that the substation need was a recurring topic, and before considering any project, they assessed the need for the greater bulk electric system. He said that in this case, they were talking about contingencies for voltage variation.

Mr. Brooks said that they were supporting PJM's identification of possible voltage drop variation. He said that PJM was the regional transmission operator for Pennsylvania, New Jersey, and Maryland, and it coordinated the approximately 17 utility providers, including Dominion Energy Virginia, which imported and exported energy through the bulk electric system, such as these high-voltage transmission lines. He said that if a voltage drop violation were to occur, it would have implications for other Dominion facilities as well.

Mr. Brooks said that speaking to the merits of the project, he would like to highlight a few key points. He said that the displayed photo, which was part of the application, represented the substation in question. He said that as Mr. Barnes pointed out earlier, they had a strong backbone of infrastructure in place. He said that in terms of height, they had proposed approximately 75 feet for these structures. He said that a question was raised regarding the fence, and he would like to address that. He said that the fence specification was the same as the one shown, at 12 feet. He said that additionally, the proposed equipment for this facility was similar to what was depicted.

Mr. Brooks said that one notable aspect was that this site was located within an existing transmission right-of-way operated by Dominion. He said that he had previously noted that this corridor currently hosted both 500 kV and 115 kV lines. He said that by aggregating these three properties, they could accommodate current construction and also potentially future build-out at 230 kV, should Dominion Energy Planning or PJM determine that need. He said that he would like to note that the proposed electrical equipment footprint had been minimized as much as possible, and he would discuss this further in relation to setbacks. He said that their ultimate goal was, should approval be granted, to complete construction by the end of 2025.

Mr. Brooks said that moving on to setbacks, beginning with the front, the combined parcel areas' frontage was along Old Lynchburg Road. He said that according to the ordinance, the minimum

front setback was 75 feet; they were offering 80 feet to the fence line. He said that for the east side setbacks, they were offering 45 feet to the fenced property line, and the west side was greater than 150 feet. He said that in the rear, which was predominantly occupied by the existing transmission corridor, they were offering 40 feet of setback for the requirement of 35 feet. He said that the displayed photo showed the 115 kV line, but he wanted to clarify that it was not a single line, but rather a multitude of overhead lines, used for pictorial reference only.

Mr. Brooks said that the site was chosen for its alignment with the operational voltage of the proposed substation, and it also lined up with the backbones underneath the 115 kV transmission line operated by Dominion. He said that in terms of landscaping, he would begin by working his way around the property. He said that the proposed front setback of 75 feet was in contrast to their closest security fence, which would be approximately 80 feet away from Old Lynchburg Road.

Mr. Brooks said that they were proposing to add four rows of trees to the highlighted area in green, featuring a variety of species, including evergreen and deciduous trees, as well as fortune osmanthus, northern bayberry, and other supplementary landscaping in the depicted gray area. He said that these species were selected based on a review of the Albemarle County planning list. He said that the area was adjacent to the proposed stormwater management pond and shared similarities with the western property line. He said that they would also be looking for opportunities to supplement landscaping in the residual area between the grading and the property line with the listed species. He said that moving to the eastern side, with a 25-foot setback, they had 45 feet to this fence line.

Mr. Brooks said that the proposed four rows included Arborvitae, eastern red cedar, Virginia pine, and swamp white oak, all at mature growth heights of approximately 40 to 60 feet. He said that they had also had a conversation with the adjacent property owners at Mountainside Arts about further supplementing this area, and he appreciated the discussion that had already taken place among Commissioners and staff. He said that one notable difference was that they were offering a series of fortune's osmanthus trees at a closer spacing and doubling the number of trees.

Mr. Brooks said that in contrast to the previously mentioned northern bayberry, which was included in the application, their revised proposal presented a more robust row of fortune's osmanthus trees, with expected growth heights of 20 feet. He said that this was in conjunction with the grading, which featured a pad grade approximately six feet lower than the grade at which these plantings would be installed. He said that they hoped the Commission would favor their offer of this landscaping supplementation. He said that now, Mr. Thomas Propts would speak regarding the sound of the facility.

Thomas Propts said that he was representing Dominion Energy. He said that since speaking with the Planning group, they had identified that the transformer size to be used for this application would be their 224 MVA auto transformers. He said that a picture of the diagram was available for reference. He said that according to their current specifications, the transformer was limited to 75 dBA at the unit when measured in the factory. He said that they had plotted out the sound attenuation on the right-hand side of the screen, and at the fence, the sound level was approximately 45.5 dBA, and at the property line, it would be around 42 dBA.

Mr. Propts said that they had also plotted this up to the nearest residence, where the sound level would be approximately 32 dBA. He said that for reference, an OSHA graphic on the left side of the screen correlated dBA sound levels with common heard experiences. He said that it should

be noted that these sound levels did not account for the beneficial impacts of the screening plantings they had been discussing, the anti-vibration pads under the transformers, and the low sound fans specified as part of their standard for all units.

Mr. Brooks said that he wanted to briefly mention that they had taken some additional steps that they believed would be beneficial to the project. He said that one of these steps was that they had attempted to acknowledge property owner concerns both in person and virtually. He said that they had developed photo site simulations for the project, which were part of the application, and subsequently updated the landscaping plan. He said that they also explored the possibility of additional rows of plantings and committed to using methods to minimize transformer operational sound levels.

Mr. Missel asked if Commissioners had any questions for the applicant.

Mr. Murray asked if the applicant's mention of *Arborvitae* was referring to *Thuja occidentalis*, commonly known as white cedar.

Mr. Brooks said that he was referring to green giant, directly pulled from the Albemarle planting list.

Mr. Murray said that he would encourage they find an alternative, as those trees were weak-wooded, hybrid, non-native species. He said that he would highly recommend planting *Thuja occidentalis*.

Mr. Bivins asked if the applicant could discuss what this proposal would allow them to do in terms of upgrading the potential of the existing lines. He said that they discussed increasing coverage during the winter, but he wondered if they had considered the summer months as well. He asked what the upside was for the network by installing this substation.

Mr. Brooks said that it was focused on reliability and strengthening of the bulk electric system. He said that on the displayed slide, the top left image showed that the red line represented 115,000 volts, and the green line represented 500,000 volts. He said that the lines that exited the sheet and led to the top appeared to connect to a station operated by Dominion Energy, known as the Sherwood substation, located in the City of Charlottesville. He said that the green line, however, was a much larger line that extended far beyond the County limits.

Mr. Bivins asked if there were plans from Dominion to upgrade the Hollymead substation.

Mr. Brooks said that that was a previous application.

Mr. Bivins asked if that application was doing something similar at Hollymead to enhance the capacity and provide stability.

Mr. Brooks said that he did not know the merits of that case, but that was most likely.

Mr. Bivins said that it appeared that over the past few months, they had been hearing about various infrastructure enhancements in Scottsville and Hollymead, and he believed that they were now seeing a more recent example of this trend.

Felix Sarfo-Kentanka, External Affairs Manager with Dominion Energy, confirmed that the

Hollymead project was a build-out that occurred a couple of years ago. He said that that project, like the current one, aimed to maintain the reliability of the power grid. He said that following several severe storms over the past couple of years, he personally communicated with Board of Supervisors members and the County Executive to ensure that the power remained on. He said that these projects, part of the PJM system, were designed to maintain the lights on, allowing residents and businesses to continue their daily activities without interruption.

Mr. Bivins said that what he was hearing was that this was part of a broader effort to strengthen Dominion's network here. He said that this was just another example of that.

William Clark, Project Manager with Dominion Energy, said that he wished to clarify the purpose of this project. He said that the main issue was a voltage problem between the Dominion 500 station and their Bremo substation. He said that this isolation point would ensure that the voltage remained stable in the Charlottesville area, even if there was a voltage drop on one side. He said that this isolation point would help maintain a stable voltage in the Charlottesville area.

Mr. Bivins said that it was a very helpful point, because people often thought about how these installations affected their selves and their own backyards; however, this was part of a bigger network and trying to bring stability to that network.

Mr. Clark said that that was correct.

Mr. Bivins said that everyone in the area had experienced the effects of losing power due to the wooded areas. He said that it was helpful for them to explain how this was connected to improving service in the area, rather than focusing solely on this specific location.

Mr. Moore said that he was wondering if they could take a moment to listen to the sound of the fluorescent lights above them. He said that he had a decibel meter, and the reading was coming in at around 30 decibels, which was a relatively low level. He said that the sound was consistent and appeared to be similar to what they would hear at home, with a slightly higher pitch due to the fluorescent lights. He said that he was hoping the applicant could elaborate on the sound mitigation measures they discussed on their last slide, particularly the part that was not covered. He said that he wanted to know more about what could be done to reduce the presence of this sound in the home.

Mr. Propts said that the sound mitigation typically employed for these transformers included low sound fans, which were a significant source of sound, as well as vibration dampening pads placed underneath the units. He said that the sound produced by transformers originated from the core vibrating at twice the fundamental frequency of the power system, which generally attenuated the noise to a reasonable extent. He said that typically, the sound level at the property line was approximately 42 dBA.

Mr. Propts said that these values were based on the maximum output for the nameplate of the transformer, which was not the normal operating level. He said that in reality, the transformer would be significantly quieter than that. He said that manufacturers produced units with lower maximum outputs to ensure they met specifications. He said that he would also note that these transformers would not be included in the initial build of the station, which would be a switching station consisting of switches, breakers, and non-sound-producing equipment.

Mr. Moore asked if the decaying arcs were with the mitigation measures factored in.

Mr. Propts said that it was not. He said that the attenuation of the sound would be even greater when accounting for the geography of the site, the pads, and the screening and planting.

Mr. Missel asked if staff could remind the Commission of what the ordinance stated about sound at the property boundary.

Mr. Fritz said that the maximum sound level they wanted from the receiving zone in rural areas during the day was 60 dBA, and at night, it was 55 dBA.

Mr. Moore had a quick follow-up question regarding vibration dampening pads, which were visible on the screen. He said that as someone who worked in a field related to sound, he was familiar with the measures they had taken to mitigate noise, such as installing mass-loaded vinyl and brick walls to prevent loud concerts from disturbing neighbors. He said that he would like more information about the vibration dampening pads, and how they worked to reduce noise.

Mr. Propts said that they were rubberized neoprene type materials, designed to take the load of the transformer, but he did not know the specifics beyond that.

Mr. Missel asked for more information about the future buildout.

Mr. Brooks said that it was included in the general arrangement within the application package. He said that they were showing the entirety of the fence build out, which included all of the equipment, whether it was located at the half that was being built for the switching station portion, and it could be operating at 230 kV.

Mr. Missel said that when examining the grading plan, he did not see any retaining walls mentioned.

Mr. Brooks said that there were no proposed retaining walls.

Mr. Missel said that he understood the cost-saving aspect of this approach. He said that not installing retaining walls was a way to reduce expenses. He said that theoretically; to achieve a consistent buffer with the northern side of this eastern buffer, it could be possible to slide the facility slightly to the west and south. He said that by adding a small retaining wall between this facility and the stormwater management pond, it would increase the buffer.

Mr. Brooks said that he was afraid not. He said that the layout they had proposed, with the setbacks he had hoped to outline clearly, had resulted in exceeding the setbacks. He said that they had condensed the site as much as possible, and the layout they had so far, with the fence line location, was necessary for the electrical equipment as proposed.

Mr. Missel said that he was looking at the entire site plan, and he was viewing it from both the northeast and southwest directions. He said that it appeared steep slopes were located directly adjacent to the eastern boundary. He said that he was just wondering if there was a possibility when the site plan was complete to adjust the layout slightly to the southwest, thereby allowing for additional buffers to match the existing buffers on the northern and southern edges of the site.

Mr. Brooks said that a significant challenge in this project was that they had already evaluated the 500 kV overhead line in operation. He said that to proceed, they had to maintain clearance

from the wire to the grade. He said that they were also constrained by visual and above-ground limitations.

Mr. Missel opened the hearing for comments from the public.

James McLaughlin said that he and his wife owned 2413 Old Lynchburg Road, the eastern property adjacent to the proposed Dominion substation. He said that they had purchased this property in 2018 in pursuit of their vision for the Albemarle County Dream, a peaceful and quiet country lifestyle surrounded by natural beauty and great neighbors. He said that prior to their purchase, they had known the Hoffman family, and they valued their neighbors, the Battertons, and the Peñas.

Mr. McLaughlin said that it had been a difficult thing to witness their homes being demolished over the past couple of months, a preview of the disruption they would soon face. He said that his wife, Rachel, had been inspired to start her own small business, Mountainside Arts, utilizing this property to teach art and nature appreciation to the community. He said that her business was incorporated, licensed, and had an official home occupation certificate, but it was not recognized by Dominion in their application.

Mr. McLaughlin said that they asked the Planning Commission to include conditions of approval that addressed setback distances, limits of disturbance, robust screening, a sound study, and to recognize Mountainside Arts as a small business on their property. He said that they had also requested that the County grant them at least two development rights for their 10-acre parcel in case they needed to build other dwellings to mitigate the impact of the substation. He said that they had requested a minimum 75-foot setback from their property line to protect their existing mature tree line and buffer the visual and sonic impacts of the construction and operation.

Mr. McLaughlin said that they also requested more robust screening, particularly along the 50 percent of their shared eastern property line, which was the area closest to their property. He said that the current landscape plan called for planting 12-inch to 24-inch shrubs, which would grow to 6 to 10 feet tall when mature. He said that Dominion was purchasing three lots on the adjacent western side. He said that Dominion stated that they had no plans to utilize these lots, instead intending to purchase them and leave them vacant.

Mr. McLaughlin said that he requested that Dominion provide a sound study and documentation regarding the noise generated by both the Phase 1 substation equipment and the inevitable Phase 2 expansion, which would include permanently deployed noise-generating transformers. He said that they understood that the infrastructure needs of the County and the Commonwealth were crucial, but they believed it was essential to consider the impact on individual property owners' quiet enjoyment of their homes and their livelihoods.

Mr. McLaughlin said that they saw it as the duty of the Planning Commission and Dominion to ensure that this substation did not unnecessarily intrude on their lives. He said that Dominion had the resources to address their concerns and accommodate their needs. He said that the disparity in the prices paid by various property owners was also noteworthy. He said that the Hoffmans had purchased their property for \$325,000, while Dominion had purchased it for \$2.8 million. He said that the Battertons had paid \$111,000, while Dominion gave them \$1.6 million. He said that the Peñas had purchased their property for \$39,000, and Dominion had given them \$1.7 million.

Rachel Pompano-McLaughlin said that she was not planning to speak today because she was currently unwell, having contracted shingles due to the stress of this situation. She said that she had been out of school for the past two weeks. She said that she would like to take this opportunity to ask the Commission to review the email she sent at 3:59 p.m., and she requested that they take the next two minutes to acknowledge that they had read it. She said that they should review the attachments. She said that as an artist and a teacher, she firmly believed that a photograph was worth 10,000 words and 10 million statements from lawyers. She said that the Commission should help save her business, Mountainside Arts.

Mr. Missel closed the public hearing.

Mr. Carrazana asked for clarification about the size of the plantings.

Mr. Brooks said that during the presentation, they had suggested updating that particular area, which he believed Mr. Missel had mentioned earlier. He said that their proposal had undergone changes since last week, specifically regarding the landscaping. He said that they had previously proposed two species, but they had since decided to offer solely the fortune's osmanthus for that specific side, which they had discussed in relation to the grading and previous discussion.

Ms. Firehock said that she believed it was unfortunate that this project appeared to have an impact on the neighbors. She said that it was challenging to site these without impacting others, unfortunately. She said that she also appreciated the applicant's efforts to answer their questions about the landscaping changes they proposed, including their attempts to shift the site further. She said that given the applicant's efforts, it felt to her that the maximum had been done.

Ms. Firehock said that she understood that they still needed more clarification in the screening plan. She said that she reviewed the proposed new vegetation, and it appeared to be thick and robust, and it did not seem to be susceptible to pests or diseases, which was a positive aspect. She said that considering its location, she believed this project was necessary. She said that she hoped the applicant would continue to work with the neighbors to minimize their impact. She said that at this point, she did not see much that they could do to make this less intrusive.

Mr. Carrazana said that the conditions could be strengthened by addressing issues such as lighting, acoustics, and the implementation of the new buffer.

Mr. Bivins said that he would like to make a request regarding the recommendations that are presented. He said that he would like to see them explicitly tied to the ordinances, so that staff can clearly understand their responsibilities and can respond accordingly without feeling obligated to be overly formal. He said that he would respectfully ask Dominion to consider being good neighbors when possible.

Mr. Moore said that he appreciated the need for this project, and he appreciated the efforts to bridge the two stations and maintain a stable grid in the event of any issues that may arise. He said that as they discussed resiliency, having stable electricity in the Charlottesville region, particularly in the southern part of the County, was crucial. He said that with many neighbors nearby, it was essential to consider their concerns.

Mr. Moore said that tonight, they had a unique opportunity to demonstrate the 120 hertz sound, which was currently at approximately 30 decibels. He said that this was comparable to what one might experience while sitting on a deck, minus the necessary mitigation measures that would be

implemented in phase two. He said that it was challenging to determine whether this sound would comply with the County's sound ordinance, which was significantly higher. He said that he was unsure about the best approach to address this issue.

Mr. Bivins said that they had spent the early part of the afternoon discussing how to upfit the development area. He said that they were talking about how to live in a space that incorporated new technology and infrastructure, which would affect everyone involved. He said that someone would inevitably be unhappy. He said that he was not trying to downplay this. He said that if they aimed to make this development as dense as they believed it should be, they would have to address these concerns.

Mr. Bivins said that the conversations they had earlier that evening about the convenience center, for example, highlighted the potential issues with noise and nuisance. He said that he was struggling to find a balance between moving forward and handling these nuisances with sensitivity. He said that if they wanted this to be a denser place, they needed to find a way to navigate these challenges. He said that on the other hand, if they did not want it to be dense, they could revisit their goals and consider a more modest approach, perhaps similar to the early 1900s.

Mr. Missel said that one thing he appreciated was the comment about considering the big picture and how their ideas fit into a larger network that worked together. He said that he believed that they were also hearing that this project exceeded the sound ordinance and met the minimum existing conditions.

Mr. Moore said that it did not exceed the sound ordinance.

Mr. Missel said that as a reminder, they had previously discussed the importance of resilience and the need for infrastructure investment. He said that this project was contributing to that discussion. He said that he would like to underscore again the initial conditions they had established, which emphasized the need for clear and objective criteria. He said that their conditions of approval would still need to be reviewed and approved by staff. He said that the final decision would be made by the Board of Supervisors.

Mr. Carrazana said that he was considering three aspects: sound, lighting, and the buffer condition. He said that specifically, he noticed that a lighting study had not been conducted on this project. He said that therefore, it would be necessary to conduct a lighting study to meet the County's ordinance requirements. He said that additionally, the third aspect would be to establish a condition on the buffer.

Mr. Fritz said that based on his notes, they would work on conditions that included: meeting the lighting regulations outlined in Section 417, the noise regulations outlined in Section 418, and landscaping that reflected the revised information submitted by the applicant at this meeting or may be necessary to meet the screening requirements of Section 32-797, the ordinance. He said that they would also coordinate these conditions whether or not a site plan was required on the property.

Ms. Firehock motioned that the Commission recommend approval of SP202300017 Walnut Creek substation with conditions as recommended in the staff report and following additional details: for condition four, ensure that compliance with the County's sound ordinance, Section 418, was met and that decibels did not exceed 60 dBA during the day and 55 dBA at night; that a landscaping study be conducted; ensure compliance with the County's lighting ordinance in Section 417; and

require the completion of a new landscaping plan, approved by the Director of Development, which reflected the new enumerated conditions on the site and adequately protected the neighbors from disturbance, while also complying with Section 32-797. Mr. Bivins seconded the motion, which passed unanimously (7-0).

Adjournment

At 8:25 p.m., the Commission adjourned to October 29, 2024, Albemarle County Planning Commission meeting, 5:30 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: 11/12/2024
Initials: CSS