

**Albemarle County Planning Commission
FINAL Minutes April 20, 2021**

The Albemarle County Planning Commission held a public hearing on Tuesday, April 20, 2021 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Rick Randolph; Daniel Bailey; Corey Clayborne; Tim Keller; and Luis Carrazana, UVA representative.

Members absent: Jennie More.

Other officials present were William Fritz; Scott Clark; Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said opportunities for the public to access and participate in the electronic meeting will be posted at www.albemarle.org on the Community County Calendar, when available.

Ms. Shaffer called the roll. All Commissioners indicated their presence except for Ms. More, who was absent.

Mr. Bivins established a quorum.

Other Matters Not Listed on the Agenda from the Public

There were none.

Item Requesting Deferral

a. **SP201900014 & SP201900015 Blue Ridge Swim Club Amendment**

Mr. Bivins stated they were asking for a deferral to May 4, 2021.

Ms. Firehock moved to defer to May 4, 2021.

Mr. Keller seconded the motion, which carried with a vote of 6:0 (Ms. More absent).

Mr. Bivins asked Mr. Rapp to inform the applicant that the Planning Commission would look forward to seeing them on May 4th.

Public Hearings

a. **SP202000002 MonU Park**

Mr. Clark said that Mr. Maynard Sipe was the applicant's representative, and he would be available to answer questions. He said that Pat Reilly, who is one of the coaches at MonU, would also be available to make a presentation and answer questions.

Mr. Clark said that this was a special use permit amendment request. He demonstrated the location on the map of the Crockett Corporation property that is currently being used by the MonU Soccer Club. He said they originally applied for a special use permit to use this site back in 2010. He said they are requesting to amend that permit for the facility that currently has four soccer fields and 96 parking spaces to increase the number of fields to seven. He said they are not requesting to change the number of parking spaces on this site, though several Commissioners had messages saying that was the case, but it was not the case and the 96 would not change. Mr. Clark said the request included extending the hours of operation and changing some of the timing conditions and removing existing condition prohibiting irrigation and removing condition prohibiting games and practice sessions during certain major events at the soccer facility located to the east also on Polo Grounds Road.

Mr. Clark displayed a topographic map to give an idea of the site. He said this is located between two portions of the development areas in a narrow strip of rural area along the South Fork Rivanna in the floodplain of that river just east of the South Fork Rivanna Reservoir dam. He said there was over a 100-foot difference in elevation between the soccer area and the high points of the surrounding properties to the north and south; the property is entirely in a 100-year floodplain, and there are some significant slopes surrounding the area but not sitting on the site itself. He demonstrated a recent aerial photo of the site.

Mr. Clark said the site is designated rural areas in the comprehensive plan, but it is actually included in some portions of the Places29 plan that has been adopted. He showed the site along Polo Grounds Road and said there are multiuse path and trail designations in the comprehensive plan going into Brookhill, going along 29 and then along the river itself. He demonstrated the original plan for the site which showed the overall layout and showed four soccer field locations as examples. He displayed the more recent proposal for fitting seven fields on the site. He stressed that the parking area would not be changing or increasing. He said the seven fields laid out are meant to be entirely in the existing open area, so they would not be intruding into the stands of woods, into the streamlet or onto the riparian buffer along the South Fork.

Mr. Clark said that Ms. Firehock had asked earlier in the day about the distance from these fields to the river. He said that the closest he could find was a corner at about 125 feet. He said these fields are not dug into the ground; they are just marked down on the grass with chalk and could shift as needed but that it would roughly be 125 feet. He demonstrated another area that looked closer only because the river pulls away, and it is about 250 feet down there.

Mr. Clark discussed details of the proposal. He said it would allow the applicants to increase from four fields to seven; however, they would still be limited to four for the purpose of games. He said this meant that they would be able to rotate the fields to avoid wear and to manage seeding and watering without increasing the on-site capacity at any given time. He said there might be a little bit more use because four fields would still be used for games, and maybe they would have warmups or a practice on the other ones, but they are still very much limited by the cap on parking.

Mr. Clark said that the hours of operation would change from the existing limits (Monday-Friday 11 to 4 and Saturday and Sunday 11 to 6) to 8 a.m. to sunset daily. He said the current hours are a difficult situation for the applicants in that they had a very short period each day to fit in all of their activities. He said the seasonal limits on operation and the condition prohibiting uses on the same days as specific SOCA uses would be removed. He said the condition prohibiting irrigation on the facility would be replaced with a condition permitting irrigation with temporary pumps using

water from the South Fork Rivanna, which is over-the-bank irrigation with a hose and not a permanent facility. He said there would be no change to the existing prohibitions on lighting or outdoor amplified sound.

Mr. Clark addressed the standard terms or guidelines for special use permit approvals. He said that, regarding substantial detriment, as outdoor lighting and sound would still be prohibited and there would be no structures on the site, staff did not feel that there was detriment to the adjacent parcels. He said the open-space character of the area would be unchanged; this was a former farm field being currently used for soccer fields, and that would not really change, and the level of overall use on the site at any time would not change significantly.

Mr. Clark discussed harmony with the purposes of the ordinance and said that given the low-impact nature of this use, it could return to agricultural use at any time, so there was no real ~~impact~~ concern with protecting rural area agriculture and resources there. He said it is not located in the watershed of a public water supply and does not create demand for public services, other than occasional EMS calls, and there are no built facilities because it is in a floodplain.

Mr. Clark said there were three issues to address on public health and safety. He said the original permit raised a lot of concern in the community, as does this amendment, about the traffic impacts of this use on Polo Grounds Road and its intersection with US 29. He said that road has significantly changed since 2010 with added signals and turn lanes, closure of the westbound crossing to Rio Mills Road and the eastbound crossing from Rio Mills Road, so given the increased capacity and these design changes at the intersection, transportation planning staff felt that the significant upgrades to capacity from those road changes that were put in place to accommodate the Brookhill development across Polo Grounds Road would permit this use to continue and upgrade slightly without having significant road traffic impacts. He pointed out again that while the hours of operation and the seasonal operation are being longer, the total amount for any given moment in a day cannot really increase much because the parking is not being added to.

Mr. Clark said with regard to removal of the prohibition on field irrigation, the applicants did a particularly good job on this and contacted DEQ before they even applied and got their guidelines on how to withdraw river water for irrigation while staying below the standards that would require a more stringent permit, or any permit, from DEQ, so staff is recommending a condition that follows those DEQ guidelines.

Mr. Clark said that the site is located about half a mile downstream of the South Fork Rivanna dam. He said RWSA has recommended the posting of dam breach hazard signage on the site, and staff has recommended a condition imposing that requirement.

Mr. Clark stated as far as consistency with the comprehensive plan where rural area goals support agriculture, forestry, water protection, and natural and cultural resource protection, this is a recreational use that does not directly support those goals, but given its low-impact nature and the lack of facilities that change the land or cause any grading or excavation, the site can easily return to other more appropriate rural uses in the future, so staff did not feel that there was any significant or permanent impact there.

Mr. Clark summarized that factors favorable are the upgrades to Polo Grounds Road and the US 29 intersection; the fact that the maximum of four games would still apply, meaning that the level of use would not change significantly; and the use is of low-impact design.

Mr. Clark said that the unfavorable factor, if any, was the increase in operational hours and the additional months that it would be used; however, while there would be more days where the use had impacts, the total impact at any one time would still be capped by the limits on the parking area and the number of fields that could be used for games, which are the main generator of traffic.

Mr. Clark said that staff are recommending approval with these modifications to the previous conditions: The main changes are that for new condition #2, that seven field layout would now apply; #3 would be the requirement to add the flood safety signage recommended by RWSA; #4 is just changing the hours; #7 is changing from no irrigation to irrigation that must be withdrawn from the Rivanna River using a temporary over-the-bank hose, no permanent changes to the riverbank, and no removal of trees for this purpose. He said that condition 12 was the one that was originally designed to avoid four specific events at MonU Park, and given that traffic volume is being accommodated for Brookhill, for the residential development along Polo Grounds Road, this no longer seemed necessary and permits the MonU use to continue without being under the control of a different use which they have no say in. He said those are the recommended conditions and offered to answer questions.

Ms. Firehock asked why it was ever limited to not being able to start until 11, whether it was to avoid the rush-hour traffic interference.

Mr. Clark responded that it was.

Ms. Firehock asked how much water per day they wanted to withdraw from the river in the months of July and August and how much water per month. She said she understood it was below the DEQ permit requirement and was not a major irrigation, but she wanted to get a handle on the volume.

Mr. Clark responded that the DEQ line is at 10,000 gallons a day, and above that, one would need a river water withdrawal permit. He said his understanding from the applicants was that they expect to stay significantly below that. He said the applicants could address this more accurately than he could, but he recalled they said that 10,000 gallons would be enough for at least a few days' worth of the irrigation that they do. He said again as discussed earlier, the base flow on the river here is on the order of 20 million gallons a day, so something like 3,000 to 4,000 gallons a day is not a significant portion of that.

Ms. Firehock brought up the staff report which mentioned that they have 96 parking spaces. She asked if there were any sense of how many they currently tend to use. She said she knew some residents of that area were concerned about an increase in volume, because there would be more fields available that there would be more use.

Mr. Clark agreed that he had seen that concern as well. He said he did not know what their current use level is and assumed that Mr. Sipe could address that, but even though it is a gravel parking area, it was sized so it would fit 96 spaces, and there is not really any room to increase it in that existing gravel area, so they would have had to come in with a revised conceptual plan showing a larger area to fit any more spaces in there. He said he knew that some people in the community had gotten the impression that there were an additional 96 coming in, and that is not the case.

Mr. Clayborne asked if there was anything that stated this site must be used for soccer. He said

he understood the conditions saying that the fields must be arranged in a certain way but wondered if anything prevented some other use, as it is just an open field with the lines painted on.

Mr. Clark replied that the permit is for the single recreational use category in the zoning ordinance used for athletic facilities, so while that is a catchall for everything and lots of uses could go in that, he believed that since the conditions and the conceptual plan are so specific to soccer that they would need a different special use permit in order to establish a different recreational use on the site.

Mr. Clayborne wondered if they could have a concert out there as a fundraiser for that organization.

Mr. Clark said that normally they would make room for that in the conditions of a permit if it was expected to happen. He said that a question he would have for Francis MacCall is at what point is a fundraiser activity of some sort, accessory to the use and at which point is it a new use such as an event use. He said he was not sure exactly where that line was.

Mr. MacCall said he was not sure where that line was either. He said they would have to evaluate a request if they were to want to come in and actually do that to make that decision whether it would be considered accessory. He said the conditions now are fairly constraining as far as the use of the fields for what it is as the swim, golf, tennis, or similar athletic facility as the zoning ordinance identifies it, so there certainly could potentially be something accessory, whether that is usual and customary, something like that, but that evaluation would have to be done at some point if they were to request that.

Mr. Clark said that to his knowledge they had never had a request like that for this use.

Mr. Randolph commented in terms of the application that there was no documentation of the traffic study that was done for Brookhill on Polo Grounds Road's intersection with 29, so that meant they were taking it on faith that the set of traffic projections done that undergirded the Brookhill development application approved by the Board with that number (n) would now be (n) plus (x), which is the potential additional traffic that could occur with more games potentially being played at this location. He said they really do not know at this point what the cumulative impact would be without knowing the variables (n) and (x) to determine (y) as a result of this project.

Mr. Clark stated that he had that traffic study available that he could pull up if Mr. Randolph wanted to see a particular piece of it. He said he discussed this quite a bit with Mr. McDermott, who has been their transportation planner. Mr. Clark stated that the way Mr. McDermott explained the traffic analysis and the setup for that intersection was that the counts for that intersection were expected to accommodate Brookhill, the other residential and recreational users already on this road, plus some future growth, so given all of the other uses on this road, with Brookhill being very large and quite a few residential uses along this road, the fairly marginal increase that might be possible from MonU would not really make a big difference in those overall numbers.

Mr. Randolph said he understood and said it is a timing issue as well because when these games are played, it is going to be quite different than when the bulk of the commuter traffic will be accruing to that intersection, either going west or coming then east at the end of the day. Mr. Randolph recalled having been on the Commission at the time that this was approved by the Planning Commission and Board and noted that besides the transportation issue, the other issue

that the Planning Commission addressed was to ensure that there would be a minimal amount of noise disruption to the residents up in Carrsbrook area because that community had been very concerned about noise being projected from the soccer games, and the Planning Commission and Board were trying to ensure that that would not be disruptive to the customary enjoyment of Saturday mornings and Sundays, etc. Mr. Randolph said he did think noise may well have also factored into it and told Ms. Firehock that her recollection was correct that the primary discussion was about transportation.

Mr. Bivins asked Mr. Clark to go back to the slide with the pathway that goes along the Rivanna. Mr. Bivins said that maybe when the applicant came in, they would describe where this water would come from that may get drawn. Mr. Bivins asked about the circle all the way to the west on the map.

Mr. Clark said it was labeled bike/ped vehicle bridge. He said that is the bridge that is now in place.

Mr. Bivins asked if that was the 29 bridge.

Mr. Clark responded it was not and that it was the one upstream at Berkmar.

Mr. Bivins asked to go back to that to 29. He said that one of the things the Commissioners had talked about was enlivening the use of the river, particularly the river in these places, so he was trying to see what was going on there because there were all of these activities that they were trying to encourage there but then it would go up to the plateau.

Mr. Rapp said that that was the recently constructed access to the river right there, a boat launch area.

Mr. Clark referred to the map with the boat launch area, and then said they had proposed trails and multiuse paths around basically all of the edges of this property.

Mr. Bivins asked whether they were there now or were they going to be there.

Mr. Clark stated they are not there now. He said he believed the trails within Brookhill are going to be done as part of that development, but the connector from Polo Grounds down to the river and the trail along the river do not exist yet.

Mr. Bivins asked where the water was going to come from.

Mr. Clark said that the water was going to come directly from the South Fork Rivanna itself. He said that even in a drought when RWSA has to maintain instream flow by pulling off the bottom of the dam, that is 20 million gallons a day.

Mr. Bivins said that right now, they were planning to have a multimodal path there and that there is not one there now, so there is some conversation. He said that Brookhill path is going to go in.

Mr. Clark said that has already been approved and is already construction.

Mr. Bivins asked if there was going to be a path on the other side of the river.

Mr. Clark said it looked like the plan is calling for it, yes, though he had no idea where that stood in terms of acquisition.

Mr. Keller noted that he canoes from Charlottesville to Fluvanna several times each year. He said he did not really do the upper part of the Rivanna as much, but on the lower part, there are actually channels where even in the low water time (July, August, into September), there are times when you have to get out and walk the canoe and let it float in the channel without you. He wondered if any of the Commissioners had been on the upper reaches in those months to know how low the flow is and whether the water was going to be extracted from that channel, which is an important recreation channel. He was curious as to whether the water in the channel could be reduced enough that it impedes canoes and kayaks during that time.

Mr. Keller said that he had heard nothing about what herbicides and pesticides would be used as part of the irrigation process and the turf rebuilding process. He said if there is no condition to that effect, and he did not believe there is, he would hope that they would put a condition in since this is so close that there are questions about the distance from the edge of the fields to the river to require ecologically sound herbicides and pesticides if they are to be used as part of the field regimen.

Mr. Clark said that he did not have any information on what the applicants planned to use and deferred the question to them.

Ms. Firehock said she did not recall reviewing this application in 2012. She asked staff or Commissioner Randolph to elaborate on why it was that they did not allow irrigation using the Rivanna River. She asked whether they simply did not ask for it or whether it was a prohibition imposed by the Board due to concerns for water quality.

Mr. Clark said that he had gone back to look that up. He said it was not a water issue; it was a noise issue. Several concerns had been raised by nearby landowners about noise, and in working through that, in talking with the applicants, outdoor amplified sound had been recommended against, and they said they did not plan any. Mr. Clark said that they had heard from neighbors who said if they were going to be putting in fields and irrigate, they would have to listen to the pumps, and the applicant said that they did not plan to irrigate and so they would volunteer to the Commission so that they did not have to worry about that. Mr. Clark said since that time, they have had some problems with not being able to keep the fields in good shape without some water in, so they have found that they do actually need that. Mr. Clark volunteered to put up some information about noise levels for a typical portable pump and the attenuation of noise over distance to give a sense of what that impact might be.

Mr. Randolph said that he looked up the number of gallons in the average swimming pool in a backyard, which was 13,500, so they were not looking at a huge volume of water here. Mr. Randolph said that he also did not recall that there was any discussion about potential irrigation here; the two issues before them were sound and traffic.

Mr. Bivins asked to hear from the applicant.

Mr. Sipe introduced himself as a land use attorney in Charlottesville, and he said that he was representing Monticello United Soccer Club (MonU). He said that Pat Reilly was there also, who is the administrator for the organization, and he deferred to Mr. Reilly to explain the organization and answer a couple of the questions that were raised by Commissioners.

Mr. Sipe said that this application is not about any expansion of the use; it is just about allowing for more flexibility, which they think actually is positive overall on its impacts by reducing them. He said that the organization had approximately 150 members when the application was originally filed 10 years ago, and that is what they have today, so they have had a very stable enrollment and number of participants. He said there was some misunderstanding with the citizens in their comments, which Mr. Clark addressed. He said there would be no increase in the parking. He explained the misunderstanding about the use of the fields. He said the restriction is on four fields in use, so that is for practices and games. He said they originally had anticipated laying out up to seven fields to maintain turf, and they wanted to be able to rotate through them, and so by rotating, it would be a positive environmental impact to maintain a good stand of grass. Mr. Sipe referenced a letter submitted to the Commissioners by Mr. Reilly. Mr. Sipe said that the letter gave a good brief summary of what they were requesting and why. Mr. Sipe said that on the irrigation, there have been some questions. He said that going ahead and using the ability to irrigate was to ensure they could get new grass seed started or perhaps maintain it in a drought. He said they do not anticipate irrigating regularly; it is just occasionally when these certain events happen, and so he thought that was actually a positive because it would help maintain the grass turf in a good condition. He deferred to Mr. Reilly to address herbicides or pesticides.

Mr. Sipe said that traffic was the big concern that neighbors have raised, and he thought a lot of their concern is about the other developments in the area that have come in since the soccer park was originally there. He said he thought the traffic concerns are also being addressed by the increased flexibility they are looking for; by having slightly broader hours, they are in a position to possibly stagger the games and reduce some of the traffic's peak flows in and out of the site, so it really should mitigate traffic. He said they were not expanding the use or increasing the number of people who would be participating, so there was really no new traffic generation.

Mr. Sipe said that MonU was okay with the conditions as presented and set out in the staff report, and they were asking for approval. He summed up in response to the questions raised that it has been made clear about the parking that there would be no additional parking. He tried to clarify that four fields in use means no more than four fields being used at one time, whether games or practice.

Mr. Pat Reilly introduced himself as the cofounder of Monticello United Soccer Field and also the club administrator. He gave background that they were a small 501(c)(3) nonprofit soccer organization started in 2003 just to play games and practice at Darden Towe and other county parks and schools. He said in 2012, the special use permit for MonU Park was approved, and that became their new home. He said they have most of their activities there, which has been a big help for them with scheduling flexibility, being able to have makeup games and knowing that there is an available field to reschedule things. He said when they first moved to MonU 10 years ago, they had a yearly membership of approximately 150 players, and now 10 years later, they are still small with membership numbers just below 150 for this season, so they really have not changed a whole lot in that respect. He said the number of fields is what prompted some concern. He said 10 years ago with their meetings, they had stated and it was understood that they would be limited to four fields in use at one time with 24 parking spaces per field and the 96 spaces but that they would have more than four fields there because they would be rotating around to preserve the field, but that wording never made it into the original special use permit. He said they have been moving goals, rotating around, and where they have one big area that has a field, when that field got worn out, they would move over next to it, so this was really to change the wording. He said when the County did an aerial view, you could see there were seven fields. Mr. Reilly said

they had explained originally that this was to rotate fields, preserve fields; especially since they were not irrigating, the only way to keep a field in good shape was to put it into rest. He said they want to make the wording official that they do have seven fields but are not going to be using more than four at one time, and over the past 10 years, probably once a year maybe, they use four at one time; they are more in the line of two or three at a time just because of their small number.

Mr. Reilly summed up that four fields in use is not changing; the 96 parking spaces will still be 96; and the traffic generated in and out of the park is not any different than it has been for the 10 years. He said as far as flexibility, they are looking for flexible hours basically just to be consistent with the operation of other public and private facilities, starting at 8 a.m and ending at dark. He said that helps them in a number of areas, one being the summer heat; if you cannot start until 11:00, and it was 4:00 on weekdays, they are playing in the heat of the day when they could schedule something in the morning or later in the evening. He said they could schedule around a rainy forecast coming in the afternoon to something in the morning, just normal flexibility that one would expect from a recreational facility.

Mr. Sipe reminded Mr. Reilly to address the question from Mr. Keller about pesticides or herbicides.

Mr. Reilly said that they use fertilizer; they get all of their fertilizer and seed from Landscape Supply, who have writeups on top of everything that is ecofriendly. He said he did not have exact things in front of him, but they are from what he understood one of the leaders in the industry of supplying an ecofriendly product, and that is why they use them.

Mr. Reilly said that they need the watering for germinating the seed; it is not a year-round watering of the field. He said it is typically late May/early June and a couple of weeks in September; those are the normal times that they would want to water to germinate the Bermuda seed right before summer and then the rye seed right as the temperatures start to get a little cooler. He said they are limited to 10,000 gallons a day. He said the little pump that they plan to use is 60 gallons a minute, and three hours of pumping is approximately 9,000 gallons, and that takes care of a field.

Mr. Bailey said he appreciated the description. He said he was in the satellite industry space with access to a lot of imagery, and that was one of his questions, how the use had practically changed since roundabout 2016 when it looked like more than the four fields from 2012 had been in use. He mentioned the misunderstanding in wording and that some of the uses had been there and said it would be helpful to clarify the definition of what it meant to be in use as current imagery from the site shows what would be defined as a soccer field with two goals set up across from each other that would be more than four fields and looked like six. He expressed that he was a college soccer player and a big fan of the sport and the impacts on youth and team.

Mr. Reilly said it should say four full fields that could be split in two, and it would still be one field.

Mr. Bailey clarified that it would be four regulation size, but other practice areas may be set up to have goals that could be used by participants or nonscheduled or scheduled practices that would extend that four in use.

Mr. Bailey said he was trying to understand the impact when talking about traffic with "in use" and the amount of people and density in the site at a given time, how that related to "in use" and four fields in use compared to the number of goals and smaller non-legal fields for practices.

Mr. Reilly said they do not have four full-size fields going and then little practice areas. He said basically a full-size field is split into two with two teams using that and then maybe two practice areas that are 40 x 30 being used. He said that consistently over the 10 years, they have seldom (never more than once or twice a year) even been up to the four full-size fields being used. He said, for instance, right now, they have four teams practicing down there, and they are splitting two of the full-size fields, and that is typically how it goes.

Mr. Bailey asked operationally if scheduling of use of these four fields, whether per team basis, runs through Mr. Reilly as the administrator.

Mr. Reilly said that everything goes through him.

Mr. Sipe added that looking at an aerial of the site at some point in time, there may be some goals that are set to the side, and the area is mowed to some extent, but basically it is one large field with the only designation of these particular fields in use through chalking, so the turfing grass across the whole site is maintained in good condition and what may appear to be the footprint of a field may be a field in rest at any given moment.

Mr. Reilly added that there may be goals on it because they are hard to move. He said that if they have enough goals that they do not have to move them, they just leave them.

Mr. Bailey said he was trying to figure out the operational impact of density use on traffic and other things as they think about it from how it has been practically used over the last 10 years to a forecast of more fields with increased hours and water as a separate issue. He said one of the core issues relates to the density of use, from how it has practically been used to project whether it is going to increase the use of the site and its impact on traffic and trying to understand how that works, the definition of four in use and how that is consistent or inconsistent with what has been in previous.

Mr. Sipe said the in-use restriction is that no more than four full-size fields are in use at one time, and so that is the limit, and they are not asking for any change in the limits, so there would not be any additional activity or intensification of the use. He said, in fact, that he would propose that by having a little more flexibility in the hours, by being able to schedule games perhaps with a little less of a tight schedule with cars coming in and out, they are really lowering the intensity of the use and the impacts, lowering the impact on traffic in terms of peak traffic, and allowing more time really reduces the intensity.

Mr. Reilly said they try to have dedicated game field and practice fields as much as possible just to keep the game fields in a little better shape. He said if they have games on four full-size fields, there would not be a fifth practice field going on.

Mr. Bivins asked Mr. Clark if he wanted to talk about enforcement.

Mr. Clark said if they were to hear from somebody with concern about more than four fields being in use, they are going to look at that as people on the fields at a time, not the fact that there are seven rectangles in the grass that are part of the facility; it is going to be about people using the site at any given moment. He said where more than four rectangles might be seen, there certainly are not four fields in operation at any one time.

Mr. Clayborne asked about league play, whether it is local participants versus local participants or hosting of tournaments where folks were coming from out of town.

Mr. Reilly said they have a local group with young kids, maybe 18 to 20 kids ages 9-10 years old, and then when they get a little older, they have a travel team; each season, the team will play four away games and then four home games. He said, for instance, it is lighter in the spring, so for this March, April, and May, they have 20 home games for that entire period and then 20 away games. He said the teams practice twice a week for 90 minutes.

Mr. Clayborne said he was trying to get a feel for the 96 parking spaces, whether they were maxed out. He asked about how the site is used, whether parents drop off their kids or if they stay for a while.

Mr. Reilly said they do both; some people drop and go, and they do not have any internet there, and other people stay and walk around the park while the child is practicing. He said the only time that the parking will get tight is when games are stacked on multiple fields. He said typically they have two or three games stacked on one game field. He said in the last 10 years, they have probably used four fields not even a couple of times a year on average. He said game-wise, it is maxed out at three fields most of the time. He said this season, it is essentially two fields having games on them at once because they only have four travel teams going whereas they typically have eight teams.

Mr. Clayborne said there were a lot of concerns about traffic, and so if a lot of folks are dropping off, it does not even matter if they have 96 spaces. He said he was trying to get his arms around that piece.

Mr. Reilly said it depends on really the age of the child if they felt they need to stick around or if they want to leave. He said that most people like the trail that goes around the park, and they like walking that 1.7-mile trail all the way around the park and then just walk that. He said the older kids drive themselves. He said it was hard to pin down as far as the spots. He said that nothing they were doing would be increasing any density of the traffic.

Mr. Sipe added that the activity described about parents dropping off and leaving or choosing to park and stay he would assume is generally unchanged over the past 10 years.

Mr. Reilly agreed.

Mr. Clayborne asked regarding this being inclusive for folks with disabilities. He said he was looking through the documents and did not see any mention of how any thought has been put into that, for example, ADA-accessible Porta Potties with this many games for parents or folks with disabilities. He asked about some of the things they might be implementing.

Mr. Reilly said they do not have the Porta Potties that would be accessible like that. He said they do have a golf cart to drive people with disabilities over to the sideline to help them out that way. He said they let them park in a closer area, as they have handicap parking spaces, but when the field is on the other side, they will basically pull up the cone and let them get closer if they need to and have them hop on the golf cart and drive them over. He said they have not seen the need for that yet, maybe just because of their size. He said that he would assume that was something that Allied portable toilets could accommodate if they needed to.

Ms. Firehock asked since they would not be using more than four fields at a time whether it was correct to assume then that they would be able to rest their fields for periods of time to allow them to recover from intensive play.

Mr. Reilly said they do that now and would keep doing that. He said they were a low-budget club, so that was one of their only means of keeping the fields in good shape. He said it was pretty sandy soil down there, so the older boys really tear it up. He said they have a dozen field-closed signs that go up over every field that is closed.

Mr. Bivins said that Mr. Reilly mentioned that there is a trail that goes around the property.

Mr. Reilly said their field maintenance guy makes sure that it is cut all the way around the property.

Mr. Bivins asked if that trail connected or could connect up to the trail that is hopefully going to go along the river.

Mr. Reilly said he did not know which side of the river.

Mr. Bivins said they were on both sides of the river. He said from the slide that Mr. Clark showed them, there was an attempt to get a trail that goes from the boat launch on the other side of 29 all the way down the river there, and a significant piece of it comes right in front of this property.

Mr. Reilly said he guessed it would depend on where it was. He said most of the area had woods to the river of 100 feet or more and was pretty thick and hilly inside there unlike the other side with a nice flat right next to the river area.

Mr. Bivins said that for using herbicides, whether or not they were using it twice a year or even with heavy rains, one of his concerns is how they are mitigating the runoff from this big field basically back into the river. He said he was trying to figure out whether there was a way to put some space between the river and the fields and the woods there which would tie into this nice green buffer that they have running down there. He said that would be helpful to both the quality of the water and would be helpful to give the parents a place to walk up and down the river if they needed to and in addition would help to facilitate an accessory on the river. He said they have riverfront and so he was hoping in a way to mitigate water runoff and to be perhaps thinking of a way to add an accessory for the parents as they are looking to do something while their kids are there, that this would be something that the organization would consider being in conversation with staff about how they might sort of join the waterfront there for what the Commission is trying to do.

Mr. Sipe added that what Mr. Reilly was describing really is a mowed path around the open area which is for private use of the parents and people who are there; it is not an improved trail that the County would ultimately maybe be looking for in the long run. He said that the buffer is very large already; their use does not intrude into that area that Mr. Clark said was 125 to 250 feet wide, so there is a natural buffer there now. He said he would add that the use they are making really has a lower impact than perhaps most agricultural cropping would.

Mr. Bivins said his real point was that this is a community good, and as a community organization, would they consider entering into a conversation with staff about how they might be able to extend that path there, trying to increase that path across a piece of property that has waterfront and would they be willing to engage in that conversation.

Mr. Sipe said they spoke with Mr. Clark about that briefly, and he would let Mr. Clark speak to that.

Mr. Reilly said the path is at the edge of the woods right at the edge of the field that is mowed. He also added they are the tenants there, and any trail would need to go through the owner.

Mr. Bivins said that was good to know, and he said he assumed that if the owner said yes, they would not object to that.

Mr. Reilly said whatever the owner says, they do.

Mr. Bivins asked if there were any lights there now, which could open up the possibility of hearing about evening soccer matches.

Mr. Reilly said there were no lights.

Mr. Bivins opened up for public hearing.

Ms. Shaffer asked the first speaker to please state his name and address, if he was with a group or an organization, the group or organization that he represents. She said he had three minutes to start talking.

Mr. Joe D'Alù stated he owned a property just immediately south of the Rivanna. He said he appreciated the use of MonU Park; it is a very cool amenity for the club to use, and they do enjoy seeing the public there using the fields. He said they have very few concerns about the application. He said, if any, it is a bit about the extended morning hours that are proposed. He said the game times are pretty limited with the use of only four fields. He asked if there would be limited hours applicable to field maintenance. He said they do enjoy the early morning solitude from time to time, and the crowds arguably and understandably can get loud as they are cheering for their favorite players and so forth, so he would like to understand a little bit about that and if that 8 a.m. hour has to do with maintenance as well. He said the lighting question had been answered. He said the trail was an interesting question that was brought up and is a separate issue, but he said it does seem that the semipublic use of the field might lend itself to that as that plan gets thought through and considered. He said aside from that, the biggest assurance they might be able to give the neighbors is about the timing of the field openings, especially on the weekends, and how noise might be a factor, especially in maintenance if not in use of the field play.

Mr. Don Long introduced himself as living in Crozet but also the president of the board of SOCA. He said he wanted to speak up and share their support for the requested changes to the special use permit. He said that they do not have enough soccer fields in the community; they have a lot of soccer players and need more fields. He said the County is working to address some of those issues, but he wanted to be clear that they support the efforts to increase the access to these fields. He said from personal experience, the changes on Polo Grounds Road have dramatically improved the traffic flow there, so he wanted to support this proposed change once again on behalf of SOCA and on behalf of soccer players in general.

Mr. Don Rucker said he and his wife have lived on 1936 Bentivar Farm Road for 10 years. He said they live right off of Polo Grounds Road and travel it many, many times every day. He said

one of their concerns every day is going underneath the infamous trestle bridge where traffic drops to 15 miles an hour and near-miss situations occur almost hourly; despite the beeping back and forth and despite the mirrors, there is always somebody that did not comply with the rules and hence the backup. He said traffic is an issue, and he reiterated that he had been there for 10 years. He said his biggest single concern just talking as an individual was traffic and safety. He said on April 9th, he sent the Commission a letter dealing with this particular matter. (Mr. Bivins confirmed receipt of that email.) Mr. Rucker said that being on Polo Grounds and being near-neighbors with Brookhill, they are particularly sensitive in a rural community to changes. He said that Brookhill originally proposed 600 to 800 household units, but this was bumped up and doubled to 1,550. He said for those in the immediate area, there were a number of issues concerning the traffic, traffic projections, densities, assumptions, which they argue with and see violated every single day. He said they are sensitive to added traffic to Polo Grounds and particularly when Brookhill is yet to be built out. He said he drove up there about 2 days ago, and it is probably about a third right now, and so those traffic assumptions made by a consultant have yet to be validated and verified with actual experience. He said that a new traffic generator is particularly concerning to them on a road which is basically a two-lane road which is hazardous itself with the turns and the rest of the stuff. He said that this had been enlightening in terms of hearing the information about MonU and the plans and the history and the rest. He wanted to express his single biggest concern right now today is that it specified in the Planning Board staff report, which he just received today and does not know that anybody else has gotten, that there would be no community meeting. He said that was concerning, and he queried why information flow would be restricted and why would they not be simply talking about the issues themselves and having a frank exchange like they are having today. He reiterated his point about lifting that particular restriction in the application to let them talk.

Mr. Bivins closed the public hearing and asked the applicant if he wanted to respond to anything that he heard.

Mr. Sipe said that he would briefly just say that he thought the opening hours of 8 a.m. were largely to be able to open the gate and get prepared for the day and that he would let Mr. Reilly speak to how he envisions games, but he does not think there would be cheering crowds that early in the morning. He said he would let staff speak about the community meeting question that was raised.

Mr. Reilly said that was correct that they typically like to open the gates an hour before their first game. He said that they would be opening the gates at 8:00 or 8:15 for people to come in and start the game at 9:00 and that they were not looking for 8 a.m. games. He said the maintenance guy is coming from Scottsville and is certainly not out there cutting fields or doing anything at 8 a.m. for several reasons; coming from Scottsville, he waits for all traffic to subside coming into town, and he typically gets in about 10:00, makes sure the dew is dry from the grass because it is not going to be cut wet, and then he starts in around 11:00 or thereabouts and finishes up before people come in and is usually done by 4:00, and that is the general maintenance schedule and that is typically three days a week.

Mr. Bivins closed the public hearing.

Mr. Clark said just to clarify, the community meeting is not to do with discussions between the applicant and the community after this point. He said there was certainly no restriction on any of that. He said the community meeting is a step early in the special use permit process where they typically set up a meeting, on-line lately, for applicants to describe their proposal to nearby

landowners. He said if they had held one for this permit, it would have been early last year. He said given the scale of the changes that are proposed which are minimal, they did not hold that meeting, especially given it was during the peak of changes due to COVID, but again, that is a step early in the process, and of course information is available for these hearings for people to read up on the proposal and to have influence on the decision-making, but there is no restriction on a meeting in the future between the applicants and the community.

Mr. Rapp said that this was brought to them back in April of last year, just as they hit the COVID transition, and there are some criteria in the code that allow the ability to waive a community meeting requirement based on the nature of the proposal including its scope and scale. He said if it is not likely to generate any significant concerns—and as they have stated here, the traffic improvements were made; there is no increase in usage on the field; this was an approved use and an existing use already out there—they did not feel that there was going to be any significantly new information to hash out aside from some of the information discussed tonight. He said as Mr. Clark mentioned, when they do waive a meeting like that, they do notify property owners and allow information sharing. He said they can certainly contact the planner and get application materials and review those and submit comments.

Mr. Keller wondered whether, given the various policies that they either have recently or are in the process of enacting for the County, they should have a condition about whether the herbicides and pesticides that are used are ecofriendly. He said as a canoeist for many, many decades, he knew that when there is something unusual coming across a riverbank, there is often interest and playfulness about dealing with that object that is not usually there, so while he did not think they needed to necessarily say anything, he thought that the applicant should be forewarned there would most likely be interesting things that are done to that hose and that pump unless there is an individual monitoring from the streambank. He said maybe a fisherman could be enlisted or a group of fishermen enlisted to be there watching out for it when it is in the water.

Ms. Firehock said that she understood from the applicant that they stated they would be actually spreading out the impact of the uses by expanding the hours, but she also appreciated the sensibilities that were entailed in restricting the hours to avoid rush traffic hours in the first place. She said that she personally would be amenable to letting them open a little earlier, perhaps 10:00 a.m., with the understanding that people would trickle in for a game that might start at 11, but she was not in favor of moving it to 8 a.m.

Ms. Firehock said that while they want to withdraw less than a swimming pool's worth of water on certain days when they are seeding, she was still concerned about that because they want to withdraw that water at precisely the time of year when that portion of the river is extremely low, and it has impaired benthic life. She said that she happened to be an expert in stream quality, and one of the reasons those impairments occur is due to low volumes and low flows which reduce the amount of available oxygen in the river, so she is actually opposed to permitting water withdrawal during the time of low water flows in that reach, and she has personally both monitored that reach as well as paddled it multiple times. She stated that she could attest to the challenges with the flow there as it is. She stated those were her two comments in terms of what she found objectionable. She said as far as the rest of the application, to have more fields available so that fields could have rest from intensive use was a good idea. She said that she would like them to consult with the Soil and Water Conservation District about the management of the field because even if they use ecofriendly fertilizer, it is common for people to overapply the fertilizer and put down more than is needed. She said she would have greater comfort if she knew that they were using advice from a professional that knows about water quality and fertilizer and maybe perhaps

even do some soil testing.

Mr. Reilly said they have done that through Landscape Supply, as they are a leader in the field.

Mr. Bivins interjected and told Mr. Reilly that at this point, they were not inviting his comments.

Mr. Bailey said having played on poorly maintained fields and being seriously injured as a soccer player due to the poorly maintained field, he was very in favor of safety of the individual players on the field, so rotating and putting fields in rest was a good idea, and he was supportive of that part. He said he shared some of the concerns about the watering and the water runoff, although he was not an expert in the field; he said he would like to understand how the 125-feet buffer helps maintain or minimize that and if there were other assurances. He said from what he could discern and from the assurances given by the administrator that the four fields in use does not practically seem to be affecting the current use of it, the concerns about traffic would relate to the increased hours, how the increased hours which by nature open up more opportunities for uses impact the traffic. He said specifically from his understanding, most soccer games are usually maintained on the weekends or after-school hours, and so one of the questions becomes whether this is a Monday through Friday and a weekend schedule or is it a Monday through Sunday schedule of the increase that is necessary to facilitate the practical use of the site, and so he could understand the use of that, but being sensitive to the neighbors, 8:00 a.m. does seem a bit early even on the weekends. He said he does not necessarily like to hear a bunch of things at 8 a.m., but 9 a.m. is being a slave to waking up on a normal workday from 9:00 to 5:00 and could be applicable. He said he would leave it to the fellow Commissioners to think about what the right timing is and how that is addressed in the special use permit.

Mr. Bivins said that whatever the timing is, he would want the timing to be the same as SOCA; he would not want to penalize this group or have them have a different opening and closing time than a field that is less than 300 yards down the road or the next parcel down the road. He said if they open at 8:00, then he would say that it was fine to open at 8:00, etc. He thinks they should be parroting and not penalizing MonU, which facilities are not as sophisticated as SOCA's with lots of permeable asphalt out there, lots of parking out there, lots of fields out there. He said this organization's fields are not as refined as that organization's fields are, so it is not about the players but about the installation of all the stuff there, so he for one would not want to penalize them in any way compared to people that are just a quarter of a mile down the road.

Mr. Bivins said that he would support having a condition around soil and herbicide and pesticide use so that everyone could speak to that, and so the organization could use that as a speaking point to say that they have done this, and this is their practice, so he would support a condition if they approved this that would add that into the approval.

Mr. Randolph said he wanted to echo Mr. Bivins' remarks. He recalled nine years ago that they got a communication from one resident nearby who expressed her concern about the sound of laughing children in the afternoon during a soccer game, and she cited that as a reason to oppose the original application. He said they have to be aware here that this is a critical resource in terms of a playing surface for soccer, which is in huge demand in this community. He said there are four potential soccer fields down there opening up, but that will be probably another three to five years before that project is completed, and in the meantime, the community continues to grow, and demand for soccer is not slackening. Mr. Randolph said he also echoed about trying to minimize restrictions on when play can begin here; it is a Saturday morning, and 8:00 a.m. in the morning is not an untoward hour to have the children out there playing and enjoying soccer. He said he

did think the condition that was suggested by Commissioner Firehock about herbicides and pesticides and getting professional advice was a sound recommendation. He said he was not too worried about the runoff given the distance involved before hitting the river. He said to also be mindful that while water may be absorbed into the land here if it is withdrawn from the river, in all likelihood it will end up being redirected back into the river subterranean-wise and end up going downstream anyway. He said putting the safety of these young athletes first was absolutely critical, and it was owed to them to have a really good playing surface to enjoy the sport.

Mr. Clayborne said he was certainly in support of the proposal. He said the way obesity is running rampant in our country, he had a hard time trying to throw a roadblock into trying to have a healthy community as long as they can be reasonable and respectful to the neighbors. He said he has been jotting down all of the great things that he has heard regarding the conditions, and he certainly agreed with Commissioner Firehock and thought that was a really strong one. He said he actually had the same exact thought as Mr. Bivins that with SOCA right down the street, it would be unfair to do anything different. He said personally he would like to see something that says where necessary and where reasonable, they can accommodate those with disabilities. He said if a Porta Potty were put out there, it should definitely be able to accommodate someone with a disability. He said he would be prepared to cobble together a motion with the amendments that his colleagues have said.

Mr. Clayborne asked Mr. Clark to pull up the motion. Mr. Clayborne moved to recommend approval of SP202000002 MonU Park with the conditions outlined in the staff report and the following additional conditions—that the administrator would use ecofriendly pesticides and insecticides and seek guidance from professionals in this field; that the field- use start time would mimic that of SOCA; and that where necessary and where reasonably accommodated, infrastructure can accommodate those with disabilities as well.

Mr. Keller seconded the motion.

Mr. Bivins said that it had been moved by Mr. Clayborne with those additions and seconded by Mr. Keller and asked for discussion.

Mr. Clark said first on mimicking the SOCA operating hours, he found the two old SP approvals for SOCA, and there was no reference to operating hours or seasons in those special use permits. He said the only reference to operating hours is that the site would be gated off and closed outside of operating hours, and there are no times set.

Mr. Clark said on the handicapped infrastructure, he was concerned about how to apply a condition like that in a floodplain where anything that needed to be a fixed or permanent structure would not be permitted, so that could be a real burden for the applicants or something they actually physically could not meet. He said if the intention was to have the handicap-accessible portable toilet on the site, then it could just say that.

Mr. Clark said the condition regarding use of ecofriendly herbicides and insecticides is probably unenforceable unless it is more specific than that, and he did not really know what to suggest. He said that hopefully they are using something that is EPA-approved, but ecofriendly is such a vague term that he did not think it would be enforceable.

Mr. Bivins said they would take this one piece at a time. He asked Mr. Clayborne and Mr. Keller if they were thinking about ADA Porta Potties.

Mr. Clayborne said it was his understanding that there would not be bolted-down infrastructure. He said he thought he saw something about portable restrooms, and so not to do anything to make the applicant have an undue hardship, just where if they were going to do that.

Mr. Bivins asked if counsel could address.

Mr. Herrick said that he did not disagree with Mr. Clark's observations and concern about the ecofriendly pesticide application. He said if Mr. Clayborne's motion was taken as sort of rough language that could be worked on and refined between here and when the Board considers this application, that might be best to leave some flexibility for that kind of fine-tuning of the language. He said he agreed with Mr. Clark that ultimately that language should be probably a little more specific, measurable, and enforceable. He said he shared Mr. Clark's opinions and thought as long as that language was refined that it would be an appropriate motion.

Mr. Bivins asked if they could move the motion the way it is with the understanding that it would be refined before it goes to the Board of Supervisors.

Mr. Herrick said that it could.

Mr. Bivins asked Mr. Clayborne if he agreed with that modification about having the ADA toilet put in and the understanding that this is language that is going to be refined before it goes to the Board of Supervisors, assuming it was passed.

Mr. Clayborne said he was certainly fine with that.

Mr. Keller said he was fine with his second.

Mr. Herrick brought up the hours of operations and making sure that the hours of operations were uniform among the various soccer organizations and said it would be necessary to the extent that they want to limit daytime operating hours that those be specified given that SOCA apparently does not have restrictions.

Mr. Bivins said that they were going to discuss pulling the hours or setting some hours. He said he would like to give Mr. Clayborne an opportunity since he moved to restart.

Mr. Clayborne said that he wanted input, but given what they had heard from neighbors and so forth, if they had to set a time, perhaps it could be 9:00. He said that he thought it was a good point made that starting earlier in the summertime was prudent, especially in the Virginia sun. He said he had no problems with that but would like to find that balance between being fair and respecting the neighbors and so he asked for input from his colleagues.

Mr. Carrazana said that it seemed with the applicants asking for an 8:00 start time with SOCA not having any kind of start time designation in their special approval, keeping the 8:00 that is being asked seemed fair.

Mr. Randolph agreed with Mr. Carrazana. He reemphasized that he thought putting the least amount of restrictions on this organization would be well called for because flexibility in operation is required during the summer months especially.

Ms. Firehock said she was still troubled by the water withdrawal and was trying to get an understanding of whether the irrigation was only to be done right when new grass seed is put down and then a couple of times or if this were something where they would water the field multiple days, multiple weeks, in a row until the grass was established. She said it was a sticking point for her.

Mr. Clark said he did not have the information on that, and Mr. Reilly would be the one to know best the applicant's intent.

Mr. Bivins said they were breaking something that they do not typically do. He remembered the applicant saying that it would only be twice a year, in the early part of the spring and then in the early part of the fall.

Ms. Firehock said she was trying to understand if they were talking about a week of water withdrawals or a day. She said it was not enough information for her to say in the fall and in the spring.

Mr. Reilly said that most of the Bermuda seed, which is the seed in late May/early June is already established, so that would be extremely minimal. He said if they do overseeding with the rye in September, it usually comes up within three days. He said what they have done in the past and which they would continue to do even if allowed to irrigate is wait for the forecast to be favorable and throw the seed down before the next rains come. He said that is how they have done it up until now. He said it does not always cooperate, but that has been the way they have gotten it established so far.

Mr. Bivins reiterated that part of it is using the weather, and if the weather is not cooperating, then it would be the two seasons as Mr. Reilly said. Mr. Bivins said that they have a motion before them that has to be crafted in some way. He asked for guidance from Mr. Herrick.

Mr. Herrick said that if Mr. Clayborne would like to amend his motion, he could withdraw that portion of the motion that dealt with operating hours. He said the conditions as proposed by staff allowed for hours of operations to begin no earlier than 8:00 a.m. He said it sounded as though the Commission's consensus was to also allow an 8:00 a.m. start time. He said Mr. Clayborne could withdraw the additional amendment in his motion and address start time and then proceed to a vote from there.

Mr. Clayborne agreed. He said the only reason he had backtracked was that he was not sure what SOCA's relationship was to neighbors. He said after hearing his colleagues, he was on board with withdrawing and leaving it as is in the staff report.

Mr. Clark said the motion was to recommend approval with the changes to the conditions from the staff report and with two additions now, one for staff to work with the applicants to develop language requiring ecofriendly herbicides and insecticides for use on the site and second to require that the applicants provide a handicap-accessible portable toilet on the site during operations.

Mr. Keller asked if Mr. Clayborne would be willing to add the water component or whether they have to vote and Ms. Firehock make a friendly amendment to it. He said they had two options, one to add that as a third condition and the other that it go as a recommendation to staff to work through this so that the supervisors would have that information when it comes to them if it were

not made a condition.

Mr. Rapp said that the SOCA website stated that their games are typically on Saturdays between 9:00 a.m. and 6:00 p.m., and that had been his experience as well with children who play soccer in the area.

Mr. Bivins said the timing was not an issue as it was close enough.

Mr. Herrick said to the extent that the Commission wanted to make water withdrawals a condition, that should be in the form of an amendment to the current motion that is on the floor. He said that should be taken care of now in terms of proposing an amendment to the motion that is on the floor.

Mr. Clark said they would need that to be fairly specific so that they understand what it is they would be trying to achieve.

Ms. Firehock said she could add a condition D to #7 that water withdrawal shall only occur during the week that new seed has been placed on the fields.

Mr. Clark read back, "Adding condition 7(D) stating that water withdrawals for irrigation would only occur on the site during the week that seeding on the site has occurred."

Ms. Firehock said that would be her amendment to the motion on the table.

Mr. Keller seconded the amendment.

Mr. Bivins reiterated that this was an amendment to Mr. Clayborne's motion and asked for any discussion on the amendment.

Mr. Herrick clarified that this would be a vote simply on the motion to amend the motion that is on the floor.

The amendment to the motion on the floor carried with a vote of 6:0 (Ms. More absent).

Mr. Bivins said that they now had before them the amended motion with the ADA bathroom and the herbicides and pesticides, working with staff and that language would be refined, and now with the amendment about water.

Mr. Randolph confirmed that Mr. Keller still seconded the motion with the changes in wording.

The amended motion was carried with a vote of 6:0 (Ms. More absent).

Mr. Bivins informed Mr. Reilly that he would be working with staff to refine the language to be clear with the public and with the Board of Supervisors.

b. SP202100001 Midway Solar Project

Mr. Fritz shared his screen. He said this application was located southwest of Batesville, and he had highlighted the parcel to see the County line just appearing in the lower left-hand corner of the screen to give an idea of where the property was on Craigs Store Road. Mr. Fritz explained

that the map showed the location of the agricultural forestal districts in the immediate area. He said the property was adjacent to an agricultural forestal district. He said the project was reviewed by the AFD on March 16, and by a vote of 6:1, the committee found that the proposal does not conflict with the purposes of the district. Mr. Fritz said the map also showed the location of the Batesville Historic District, and the closest point of that was about a half-mile to the northeast.

Mr. Fritz stated that this was an application for an eight-megawatt photovoltaic system with a four-megawatt battery energy storage system occupying about 80 acres of a 136-acre parcel. He said this proposal does not require any upgrading of the distribution system and does not expand the CVEC service area, and the power produced by this facility would be distributed throughout the CVE system in the same manner as power generated by any other generation source. He said that solar systems by their very nature must be located on relatively large, open, gently sloping areas with access to power transmission lines. He showed a photo demonstrating that some of the site was already open, and a power line crosses the property. He explained that the wooded area on this property was not a natural forest; it was planted pine.

Mr. Fritz said he had taken the conceptual plan submitted by the applicant and had modified it so that it would be easier to understand. He showed the portions of the site that are currently wooded. He demonstrated the area that would be cleared to accommodate the solar panels. He demonstrated how much of the site would be cleared to do that and how much of the site would stay wooded. He also demonstrated the area outlined for the battery. He said the batteries are housed in a structure that could be described as not unlike a shipping container in terms of its size and dimensions. He said the batteries provide power when the panels are shaded; for example, it allows the flow of energy from the site to be maintained as clouds pass by to prevent surges and drops in power and peaks in power from the facility and also allows for some power to be supplied during peak demand.

Mr. Fritz said he wanted to point this out because it was an issue in some previous discussions with the public. He demonstrated the access and said the plan as originally submitted showed the access on an adjacent property. He said the applicant had done additional survey work (which was available), and the access is in fact not on adjacent property; it is entirely on the CVEC property. He said it is important to point out that if this special use permit is approved, the access for the site cannot be located on adjacent property; it must be located on a CVEC property. He said this was not a major issue but simply a point of clarification.

Mr. Fritz said that there was a virtual community meeting that was held in February, and they had 37 attendees. He said the comments received included concerns about lighting, statements in support of grazing opportunities on the site, providing public trail access along Mechums River, visual impacts, property value impacts, decommissioning and recycling of decommissioned materials, and construction access.

Mr. Fritz referred the Commissioners to the staff report and said he would be happy to answer any questions. He said he just wanted to point out that this special use permit and all special use permits are evaluated for compliance with the provisions of the zoning ordinance. He said the zoning ordinance contains review criteria for special use permits. He said the ordinance does not contain any specific regulations for utility scale solar, so this special use permit was reviewed solely against criteria that all special use permits are reviewed against. He said this request was also reviewed for compliance with the comprehensive plan. He said the Commission would need to take two actions, and he had motions prepared for either approval or denial. He said action would need to be taken on the special use permit and an action taken to either find it substantially

in compliance or not substantially in compliance with the comprehensive plan. He said only the Planning Commission takes that action; the Board does not take the action on compliance with the comprehensive plan issue, though it does take action on the special use permit.

Mr. Fritz said that there were some issues that he thought were important for the Planning Commission to talk about. He said the results of the review did allow staff to recommend approval, and he said he was not going to discuss all of the findings that were made supportive of this project as they are contained in the staff report, but they have identified some concerns that they believe should be considered by the Planning Commission and ultimately by the Board of Supervisors.

Mr. Fritz said staff evaluated the soils on this property, and based on the USDA soil survey, about 33% of the site was prime soil. He said these soils are somewhat scattered throughout the site; there are no unique soils located on the property. He did point out that the decommissioning plan would allow the property to be used for agricultural and forestal use in the future; this project would remove prime soils from use, and after decommissioning, the quality of the soils would likely not be as good as they are now. He said the soils by the Mechums River would not be disturbed and some of the soils in the upper portion of the property would also not be disturbed; the biggest area is really that central area.

Mr. Fritz said the applicant had submitted some visual simulations, and this was an example of the type of information contained in those visual simulations. Mr. Fritz explained that the photo in the upper left showed a representation of the facility at the time of installation, and the example in the lower right showed a representation of the site with screening. He said they had analyzed the information and agree that screening trees would provide substantial screening at maturity; however, this screening would not be in place at day one, and there would be visibility for a number of years as the screening takes hold and matures. He said until the screening becomes fully effective, this facility would change the character of the area. He said this would be mitigated as the trees grow and eliminated once the facility was removed, but removal would not occur for several decades. He said this facility is located in the watershed of the South Fork Rivanna Reservoir, which is a drinking water impoundment. He said the staff report went into detail with the concern staff has with this type of facility in the reservoir watershed, and he would provide a brief outline of the comments.

Mr. Fritz said the introduction of impervious area not associated with agricultural or forestal activity may be considered inconsistent with the comprehensive plan. He demonstrated a photo showing how solar panels are installed. He said the solar panels themselves are impervious; however, the area under the panels remains pervious. He said this arrangement would likely result in less runoff than would be expected from a fully impervious development such as a barn, house, or greenhouse; however, runoff would be greater than the existing condition of the site due to the concentration of runoff caused by the panels. He pointed out that unlike other projects with impervious areas, this project might ultimately be decommissioned and returned to the previous condition; unlike impervious areas involving streets and parking, the impervious area from the solar panels does not collect oil, grease, rubber, or other pollutants that ultimately run off. He said that cleaning of the panels was done by rainfall or if rainfall is insufficient is accomplished by water brought in by truck and brush. He said that chemicals were not used in the cleaning of dust, pollen, or bird droppings from the panels. He said it was staff's opinion that the impervious nature of the proposed facility was mitigated, and this allowed them to recommend approval, but they do have concerns where they believe that the impervious nature of the facility is mitigated because of grass under the panels maintaining a pervious area; the use of tracking systems for the panels

alters the angle of the dripline of the panels and helps to prevent concentrated flow; the rows of panels are separated to prevent shading and to allow access. He said this separation allows for pervious areas scattered throughout the site, and this aids in runoff absorption. Mr. Fritz said the impervious nature of these panels was less than that from greenhouses or other agricultural buildings, and decommissioning would return the property to its previous state.

Mr. Fritz said they are recommending approval of this project subject to conditions. He said he would be happy to answer any questions.

Mr. Jocz introduced himself and asked to share a PowerPoint presentation. He said he was pleased to present to the Commissioners for their consideration the Midway Solar Center project. He said in addition to himself, the project developer for the Midway project, they had Mr. Danny Van Cleef, CEO; Mr. Mike Stanton, Vice President of Development; Ms. Becca Stoner, Development Engineer for the project; and also Mr. Andrew Cotter, who is a Power Portfolio Specialist for CVEC, who would ultimately be the power purchaser and user of the energy from this facility. Mr. Jocz said that in addition, they had two subject matter experts with them, Mr. Rich Kirkland and Mr. Ricky Hewitt, who would provide input as needed.

Mr. Jocz summarized Sun Tribe as a commercial and utility-scale solar provider established and based in Charlottesville, Virginia. He said they work with schools, local governments, landowners, and local partners throughout the Commonwealth to provide sustainable solar solutions and advance their partners' renewable energy goals. He said that being located in Charlottesville with many of their employees rooted in Albemarle County and surrounding communities, it is a unique opportunity and a privilege for them to be able to have the opportunity to develop a project like this in their own back yard, and they did not take this responsibility lightly. He said they really strived on development of this project to do it the right way, and their reputation as a community-focused developer is important to them, and delivering a community-focused project is a priority. He said they were also excited to be partnering in these projects with a similarly minded community-focused company such as the Central Virginia Electric Cooperative. He said he was there to talk a little bit about CVEC's goals and how this project fits within their portfolio.

Mr. Cotter said that over the last few months of this process, he had managed to speak with a number of the Batesville residents and thought it would be useful to provide a bit of the context on why they were doing this project whereas Sun Tribe could describe the what and the how. Mr. Cotter said he was the Power Portfolio manager at CVEC and also the CVEC project manager for the Midway Solar Center. He described CVEC as a member-owned, not-for-profit utility that serves 38,000 members in Central Virginia from Louisa down past Appomattox. He said they were a cooperative, just like a local wine, dairy, or produce coop, who are owned by their members who share in the costs, profits, and benefits, but instead of milk or vegetables, they do it for electricity. He said they do this by procuring energy from their portfolio sources—wind, solar, hydro as well as gas and coal—through a mix of contracts and market purchases and then they deliver it via the power lines seen in the neighborhoods. He said they see the Midway Solar Center as a keystone project for the long-term portfolio and are building to navigate the challenges they see coming down the pike.

Mr. Cotter talked about why this project was so important. He described that there were two types of electric systems. He said first was the transmission system, and the transmission lines are like major interstates—I-81, I-64, I-95—and this is valuable because it allows power to be imported from generators all over the mid-Atlantic from Ohio to New Jersey, down to North Carolina. Mr. Cotter talked about the distribution system and said these are the local roads, like Batesville Road

or Critzer Shop Road, and this is how power is actually gotten to the home. He said a catch here was that on every single exit on the transmission system, there are tollbooths, so while they can get a great contract from a merchant out in Ohio, they cannot really control what the cost is going through those tolls, and those tolls change moment to moment. He said the harshest penalties always hit when power is needed the most, so that is late afternoons during a heat wave where air-conditioners are needed or early mornings during a cold snap in the winter when heating systems are needed, or a pipe could burst. Mr. Cotter said that if they could build their own solar generator and combine it with a battery, not only would they be replacing the most expensive power they can get with lower-cost clean and renewable power, they can do it in a way that also controls these transmission costs, and the transmission cost moving forward is one of the biggest risks they have with keeping rates stable. He said if they could prove this here with this project, it could change the whole electricity investment strategy for them where they could see that proof right here how local generation sources could be used in order to balance out the portfolio even better.

As to the questions of “why here” and “why now,” Mr. Cotter said that the key to getting these benefits would be to site these solar and battery projects on their distribution grids (the local roads), and that is a challenge. Mr. Cotter noted that Mr. Fritz had mentioned that a lot of land was needed as well as access to power lines, but something that people seem to overlook unless they are in the industry is that you need the ability for a local grid to absorb all of the power that is being generated. He said the current deal right now is that you can avoid all of the transmission tolls only if the solar generator does not impact the transmission grid. He said at CVEC, they were not just one big network of distribution lines; they are actually about 20 separate small networks of distribution lines, and of those networks, there is only one that can take an eight-megawatt project, which is this project. He said after this, they have a five-megawatt happening in Fluvanna as well, and after these two projects, the low-hanging fruit is gone, and it would be much more difficult and the margins would be much more narrow to do these kinds of projects in the future and even more difficult if they do not have the proof and the numbers that they are looking to get by doing this proof of concept through this project. Mr. Cotter said in addition to the difficulties of siting, there is also a goldrush going on right now for good solar lots. He said they were competing against well-capitalized firms from all over the world—California, New York, Europe, Asia—for these pieces of land. He said on top of all of this, right now the current rules, which are beneficial to local communities, have limits, and it is unknown when those caps are going to be hit. He said considering the amount of information that they would be getting in the goldrush, he did not think they would be around that long and couldn’t speak for sure what the new rules would entail, but right now the getting is good. He said they get all of the benefits, the whole pie, so it is hard to see any change that would be better. He said finally, he wanted to speak as a local who lives right down the road in Afton. He said that they understand that there is an element of sacrifice here for the Batesville community. He said there is a big piece of land they are looking to take right smack in the middle of a neighborhood, but he wanted folks to keep in mind when you hear people talking about environmental sustainability, economic sustainability, world sustainability, green energy, the modern grid, and all these terms, that is actually what is going on here. He said this is where the rubber meets the roads, and he thinks they would find with subsequent presentation from Sun Tribe that they are really taking all of the feedback very seriously as they want it to work for everybody.

Mr. Jocz said that they were proposing an eight-megawatt AC solar energy facility paired with a four-megawatt battery storage system. He said in the original design, they had anticipated a maximum site area of approximately 80 acres, and as they have continued to iterate their design, they have seen that come down with a disturbance area closer to 65 acres, which is less than

50% of the site. He said of that, 32 acres would be involved in site clearing, and those would be largely limited to the current timber farm areas on the site, and then access would be from Craigs Store Road, and the facility would produce enough energy to power approximately 2,600 homes per year. He said it connects specifically to the distribution lines that already exist on the project site. Mr. Jocz said the parcel is Albemarle County parcel 85-17B owned by Central Virginia Electric Cooperative and is approximately 1.8 miles west of the town of Batesville and encompasses 136 acres of the RA zoned land. He said the current land use of the site is grazing/pastureland and timber farm, so those silviculture areas. He said there are a number of items they focused on as they designed the site and would continue to design the site. He said Midway was designed to utilize the cleared areas to the highest extent possible. They also looked to avoid sensitive environmental areas such as wetlands and steep slopes. They also utilize high-efficiency solar panels to help reduce the development footprint of the facility. He said the design is set up to either meet or exceed County requirements for site buffering, and as they continue with the development of the project, they would look to continue to ensure and evaluate impacts to adjacent landowner viewsheds and work with adjacent landowners to try to find solutions to those viewshed impacts.

Mr. Jocz demonstrated the current layout of the site. He pointed out the panel areas which as demonstrated in the image are more like building envelopes. He said the exact location and layout of the panels within this area would vary slightly as they finalize the size of the panel and the type of racking to be used on the site. He also demonstrated the locations of proposed additional supplemental vegetated screening and also the internal roadways to the site. He also pointed out the dash line outlining the panel areas. He said that showed the fence limitations of the site, and any existing vegetation outside of these areas would remain in place during operation of the facility and would not be impacted. He pointed out this was a continuing design that they are continuing to improve and take input on as they move forward in the project's development.

Mr. Jocz said that they have conducted a number of environmental and cultural and historic studies on the site including stream and wetland delineations, for which they have received preliminary jurisdictional determination for the project; cultural desktop and field cultural and historical studies; and field and desktop wildlife resource studies. He said the aim here to construct this project is not only to achieve local land use approval, but they also need to go through a process called the permit by rule process, which is a comprehensive review from state agencies such as DEQ (the Department of Environmental Quality), the Department of Historic Resources, the Department of Conservation and Recreation, and the Department of Wildlife Resources. He said they would continue to coordinate with these agencies moving forward to identify any unidentified cultural, historical, or wildlife resources on the site and, if identified, develop appropriate mitigation procedures to make sure those resources were not impacted in their projects.

Mr. Bivins said that time was up, and unless Mr. Jocz had something critical to share or had just one slide left, he would have to pause the presentation and allow the Commissioners to ask questions.

Mr. Jocz said that he was about halfway through the presentation. He said he was appreciative of their time and would turn it back over to the Commission to answer questions.

Mr. Keller said he is very much supportive of the concept. He said he had listened to the community presentation and also had the benefit of the presentation to the Agricultural Forestal Advisory Committee. He said if the question ever comes up about the vote there, they would have

to have staff explain the very tight parameters that that committee was addressing; it was not this overall aspect to be done by the Planning Commission. Mr. Keller said he had four areas of concern, and one is paramount on regular sites, and that is potential loss of high-value ag soils due to contour manipulation. He said he would like to see a project—and he would like to see all of the solar farm projects—work with not having to do the significant contour manipulations that are seen with the roads put in.

Mr. Keller said he had an opportunity to see these installations across the United States and Asia and in Europe, and he had seen some interesting ones in which the legs of the panels are at different heights so that the underlying land does not have to be compromised. He said he thought, as in the very thoughtful letter that was sent to them by PEC and Mr. Fritz's point as well, that even with scraping off the topsoil and saving it with the idea that it would be put back at a future date, there is still significant degradation. He said this is one of the core definitions at the state level of what constitutes prime agricultural lands and in the County as well, and that is high-quality soils. He said secondary to that primary underlying concern that he needs to have remedied to vote positively on this is the visibility at multiple distances along County roads. He said every day as he goes across Monticello Mountain, he sees a small array of solar panels on Carter Mountain but not a whole field full of them. He said even at a middle ground or background viewing, they are a substantial change, and maybe that would be something just like high-tension lines that we all as a society need to get used to, and he would be willing to entertain that.

Mr. Keller said third is dark sky and the question of lighting in the evenings, of when that would be turned off. He said obviously if there is work that needed to be done, then lights would need to be turned on, but he said he knew they had been talking about that so he would like that addressed. Mr. Keller said from the first project on Route 53 that they saw, there were discussions of the sounds of the motors that changed the panel inclinations, and there seemed to be disagreements over the amount of sound that was generated at the edge of the property from those units. Mr. Keller asked if they could just briefly address each of those four items.

Mr. Jocz said he would start with the concern about the lighting and dark skies. He said they have taken the community input and gone back and talked with their partners and identified that actually they can run the facility with no permanent lighting whatsoever. He said if maintenance needed to occur after daylight hours, they can use temporary work site lighting, but it is their intention to not include any permanent lighting with the facility at all.

M. Jocz said as far as the visual impact from distance, they would be happy to work with both the Commission and stakeholders within the community to identify areas of concern and develop additional visual simulations for those locations and then from that work out strategies for additional visual impact mitigation if possible.

Mr. Jocz said regarding Mr. Keller's last comment on the soils, he said they understand the unique challenges with the site. He said this was a unique opportunity for CVEC as well to develop a project like this in their service territory. Mr. Jocz said there were a number of mitigation opportunities that could be provided on the site in order to help reduce the impact on these prime soils including topsoil stockpiling as Mr. Keller mentioned and other soil amendments on the site as well as the intention to continue the current use of the site in ongoing grounds maintenance and operations at the facility for the use of solar grazing of sheep and maintaining the pasture grazing nature of the site.

Mr. Keller said he was going to stand strong on this one. He said he did not think that the standard

civil engineering solutions that are being seen in development across the country and around the world is the type of solution that they should be exploring. He said he thought there were ways from an architectural form standpoint that different sized legs could be used to support these structures so that they can step down and still work as a collective array without having to do the significant manipulation that is seen so often and is seen in the development areas. Mr. Keller said this was different; this was rural areas; this was about soil and underlying agriculture. He said if they were going to take advantage of the rural areas for this, and he supports that, then it seems there are ways to make it work without having to decimate the land.

Mr. Jocz said they were open to evaluating and understanding other methods for development of this site and looked forward to following up with Mr. Keller as they move forward.

Mr. Randolph said on page 11 of the confidential and proprietary Midway Solar development application (attachment B in the packet), the first sentence under critical slopes indicates that their design would not encroach on any large contiguous areas. He said they know from Mr. Fritz's presentation of the map that there are a series of different sections of pie that are not all tied together. He asked if the sentence, "We will not encroach on any large contiguous areas," meant that they intend to encroach on some fairly substantial noncontiguous areas of critical slopes as he sees back on the Mechums River side of the piece of property. He said he was not really clear here about the degree of grading that is going to be necessitated on this site. He said he has some intimate familiarity with Route 53 Sol Unesco solar site, which was the first major utility solar facility in Albemarle County that was not attached to a school building. He said he understood that there, that surface area was fairly flat—there was probably a fluctuation in elevation of no more than maybe 10 feet—but here on the topographic, with every line representing two feet, there are some real elevation changes, and he is assuming that when the trees come out and the stumps are removed, there is going to be some grading here, but he really does not have any firm indication from the submitted application of the extent of that grading, which he said he did feel adds to the poignancy of Mr. Keller's recommendation for looking at ways as much as possible to preserve the high-value soil that is there.

Mr. Randolph said he was concerned that he did not see any pronounced strategies to mitigate runoff during the construction process as a result of removing the trees, taking out the stumps, and doing any grading on the site. He said he knew they would be under state and local requirements, but he wants to see how they are going to go the extra mile to mitigate the potential runoff on the site.

Mr. Jocz said to speak shortly about the first comment regarding critical slopes, the reason why they added the clarifier "large continuous areas" was that there are small pockets as indicated in the Albemarle County steep slopes layer that are internal to the site that upon survey were identified as not steep slopes, and comments were focused specifically on those small areas in anticipation of a survey correcting those small pockets and areas.

Mr. Jocz said to the comment about the grading, he would turn it over to their site engineer to explain more about the process, what they are looking at in terms of grading on the site, and things they would be looking to achieve above and beyond current water protection ordinance requirements to ensure that stormwater and erosion-sediment control issues are adequately addressed in construction.

Mr. Ricky Hewitt introduced himself as a licensed civil engineer who has worked on a lot of utility scale and small scale solar in the State of Virginia. He said that all of the concerns being brought

up are standards and things that they take into high consideration. He said regarding the extent of grading, they are still in preliminary design. He said a lot of the grading parameters are a function of the racking that is selected, as Mr. Keller had indicated; that racking has not been fully selected. He said there are two types of solar racking that are standard—one is called fixed tilt, and one is called tracker. He said the benefit of the tracker, which this project is proposing, is that it allows the panels to track from east to west and optimize the amount of sunlight that they are able to absorb and turn into energy. He said one of the benefits of doing that is having a reduced footprint as compared to fixed tilt-type systems.

Mr. Hewitt said as they think about using the tracker racking technology, it does require a bit more grading, and the extent of that is still yet to be determined as they are still just in very preliminary design when it comes to that. He said the site currently is in primarily a silviculture operation where the trees are regularly (every 20 years or so) cut down and timbered, and when that happens, there are no perimeter erosion control measures that are put up for those operations, so the surrounding watershed, the buffers that they have shown, are cleared—they are not left or maintained—and also during all those activities, there are no perimeter erosion control devices put in. He said by going in and putting a solar system in that they are proposing, any clearing, any grading, any of the construction that is going to happen, is going to be protected with not only state minimums but standard civil engineering practices, that Mr. Keller mentioned are insufficient, and he does not disagree with that. He said in the State of Virginia, in his experience, developers and engineers and designers see the minimum standard as the goal to achieve as opposed to the foundation to build on, and Sun Tribe and Hewitt Solutions and all the other stakeholders including the county engineers with Albemarle have all identified ways in which they can use the state standard as a minimum foundation to build on and have identified a number of conservative engineering factors to exceed the norm while also not being cost-prohibitive to a site that is such a valuable resource.

Ms. Firehock asked about the application that said they would be retaining the topsoil on site by storing it. She asked if they intended that for the lifetime of the project. She said that is typically done during a construction project where the topsoil is temporarily disturbed and then returned in a short period of time. She asked if they were intending to say they were stockpiling the soils for the 30-year lifespan of the project or just during construction.

Mr. Jocz said before grading occurs, the topsoil would be captured, and then after grading occurred, the topsoil would be replaced and then vegetation reestablished. He said that using that topsoil to help reestablish the vegetation is an important factor in their erosion control measures, and then the racking and panels would be placed on top once that stabilization had occurred.

Ms. Firehock said she knew the applicants did not get to show their entire presentation, and she was not asking them to reshew the rest of it, but she wondered if there were any slides in the presentation that addressed the concerns about viewsheds and if it was possible to hear more about how the views were being protected and analyzed.

Mr. Bivins said that they did not necessarily need to see slides but thought it was a question a number of people have asked about viewsheds. He asked Mr. Jocz to hold that as a question.

Mr. Bailey asked if the applicant could speak a little bit about the plan for reconstitution of vegetation on the site related to potential pollinators, native species, and others, underneath the panels specifically as the panels are installed, and the plan for after construction and reconstitution of vegetation on the site, not just on the vegetated buffer.

Mr. Jocz said they were currently still evaluating postconstruction vegetated cover along with the [inaudible].

Ms. Shaffer announced that Mr. Jocz was muted and could not be heard.

Mr. Bivins asked to hear about how the views would be mitigated.

Mr. Jocz said they have indicated a number of locations to plant supplementary vegetation in addition to the current preservation of a majority of the existing vegetation surrounding the proposed layout locations. He said that vegetation is at a minimum aimed at being 20 feet in width, a double-staggered row of evergreen trees with a planted height of a minimum of four feet. He said they would also supplement that with a number of other—and part of CUP conditions—plant species, at least three plant species from the Albemarle County recommended plants list. He said the exact makeup of what the screening would look like was still to be determined as they go through the site plan review process; however, at a minimum, it would look similar to what was shown in the visual simulations that were presented earlier.

Mr. Bivins asked how things sit with citizens, property owners, neighbors if this should go through, who would have to wait 20 years before this happened. He asked what would be done between now and year 20.

Mr. Jocz said they anticipate the species that they would be planting on the site to be planted again at a minimum of four feet in height, and that species has a growth rate of approximately 12 to 24 inches per year, so they anticipate in approximately four to eight years after commissioning of the facility the vegetation to be substantial enough to sufficiently conceal the facility.

Mr. Bivins said they would go to the public hearing.

Ms. Shaffer asked Ms. Fellows to please state her name and address and association with any organization.

Ms. Jane Fellows said she lived at 1915 Thunder Ridge Road. She said she was a property owner neighboring property and appreciated Mr. Jocz and the Sun Tribe's project and was supportive of solar in theory, but while both Mr. Cotter and Mr. Jocz said they live here, and this is their backyard, here they were talking about her literal backyard. She said she had sent a letter. She said she is in support of solar energy and sustainability, but her biggest concern is the visibility issue, which they have been talking about, and she is pleased to see that they are taking it seriously, but she is positive that if it is visible from her property that it is going to negatively impact her property values. She said in her letter requesting to the Commission, she wanted to maybe flag or mark where the cuttings would be, where the plantings would be, so they could get a better sense what the impact to their viewshed would be because it would be hard for her to feel good about that project if it is going to impact the way she lives on this property. She said she has chosen a rural lifestyle for a reason, and having a commercial facility in her viewshed was never part of the calculation. She said she did appreciate the effort and the changes that she has seen in the slides that Mr. Jocz was showing and that these issues are being taken seriously. She said she also appreciated the opportunity to speak tonight.

Mr. Chris Hawk said he was with the Piedmont Environmental Council. He said the Piedmont Environmental Council (PEC) supports well-sited renewable energy that protects and promotes

natural carbon sequestration sources. He said solar sites should not adversely impact the natural, cultural, and historic resources that make Albemarle a great place to live, work, and play. He said the Rivanna Solid Waste Authority's proposals to locate solar on a landfill is an example of an appropriate location for utility-scale solar. He said PEC recommends that the Midway Solar special use permit be denied in its current form. He said in addition to their comment submitted earlier this week, PEC raises the following concerns: The current state of the Albemarle County zoning ordinance does not allow for utility-scale solar facilities to receive the level of staff review nor County enforcement that is warranted. He said utility-scale solar facilities are not comparable to other agricultural practices, and similar use is allowed as by-right in the rural area. He said the zoning ordinance should be updated to include utility solar specific language and ordinances.

Mr. Hawk said a one-liner definition is not sufficient for appropriate County review and enforcement for facilities of this size and nature. Mr. Hawk said that short-term construction-induced erosion and sediment control impacts and the long-term stormwater impacts for a solar facility far exceed those of agricultural practices and buildings permitted as by-right in a rural area district. He said this project proposes impervious solar panels on 80 acres and to imagine the impacts of an 80-acre building such as a greenhouse or a 40-acre greenhouse or a 20-acre greenhouse. He said there are no buildings within the rural area of this size. Mr. Hawk said PEC highlights the County staff statement that, "Staff cannot make a finding that even a temporary installation (25 years or more) of a large impervious area in the water supply watershed is consistent with the intent of the RA district." He said no findings suggest that there is the possibility for impacts on the Mechums River in the South Fork Rivanna Reservoir.

Mr. Hawk said an additional component of this staff report states that, "This project is unusual in that it is a use that can be removed allowing the site to largely return to its existing condition." He said while solar panels are proposed to be removed, there is little to no evidence that on-site soil characteristics would be returned to their original condition. Mr. Hawk said that all efforts should be made to return the land to its prior state including its viability for different types of equal or higher-use agriculture. He said pastureland is not equivalent to productive crop land. He said while "decommissioning will return the property to its current pervious state," decommissioning will likely not return the property to the same productive agricultural state. He thanked the Commissioners for taking the time to review PEC's concerns on this important matter.

Ms. Elizabeth Williams gave her address as 6973 River Hill Lane, which is on Batesville Road, and said her property is contiguous with the northeast corner of this development. She said she was wonderfully supportive of solar energy. She said she was concerned about the Mechums River and the runoff. She said it was true that the woods are pine forest, but when she moved there 30 years ago, it was a beautiful mature hardwood forest, and unfortunately the owner cut them down and turned it into a pine forest, and there was tremendous damage to the Mechums River in terms of silt. She said the method used was terrible when they were logging; they just drove the trucks right through the river. She said she was especially concerned since there was a concern about the impervious quality of solar farms and runoff. She said it was very steep going down to the river; she said she was glad they were not planning on going in the steep areas. She said she was especially concerned that there should be some monitoring of the river and whether it was being impacted with increased silt. She said the Mechums River was not considered a clean river; it has lots of silt. Ms. Williams said that it would be wonderful to move toward native plantings if possible and to not be using herbicides or fertilizers or anything of that sort. She said she did not know how green they were going with all of this. She said she would love there to be some way to monitor the river, to have some way to check and make sure that they were not increasing sedimentation and silt into the Mechums River.

Ms. Sara Tueting said she lived at 1832 Craigs Store Road. She said her property was immediately adjacent, so she would be able to see this from her kitchen window. She said they are right there on it. She said they were opposed to the project and had a number of concerns about its effect on their property values and the runoff. She said the property was higher behind their house so any construction would run off down the hill into their property and then into the creek at the bottom. She said they also have concerns about fencing, the effect on the night sky because they have talked about this being surrounded by chain-link fencing and security lighting as well as the noise from batteries and other things. She said they talked about it not being louder than a kitchen appliance, but kitchen appliances could be rather loud, so they have a number of concerns about the project. She said they were hoping that the County would take their concerns as the landowners into account and not just rubberstamp what the utility company wanted to do.

Ms. Debi Winstead said that she and her husband bought their property directly across from the proposed site at 1905 Craigs Store Road. She said they initially were very much in favor of this project, but as time has gone on since February, they have several doubts and concerns that have become perhaps a bit more heightened after hearing Mr. Jocz's spiel again, as it was kind of the same thing. She said there were things brought up in February that they do not think necessarily have been addressed, and they hope the planning committee will address these. She said noise was definitely a concern during construction as well as the traffic. She said they would like to know in all of these parameters how the County planned to enforce this. She said that had been told that construction trucks would only come from 151, but they have experienced with CVEC in the development of Firefly, their other project that brought Internet to them, that subcontractors and beyond subcontractors would go the quickest way, and they wanted to make sure that there is some sort of County oversight to the entire project with both the environmental impact around them and their lifestyle impact of how it would affect them all there in terms of viewshed, and she said there are several of them around also who have recently set up successful bed and breakfast homestays, and these would also be impacted by the construction. She said there was lots to be concerned about here, but most importantly is how the County planned on enforcing the rules around this project and seeing that proper oversight is there.

Ms. Padma Ball said that she lived at 6809 River Hill Lane. She said her property was adjacent to this proposed solar complex. She stated she had a lot of concerns, but her main ones were the fact that they were on the Mechums River, and she was also concerned about the water runoff. She said as it is now, their driveway is in a 100-year floodplain; their driveway intersects Batesville Road, and there is a creek that follows around Craigs Store Road and enters into the Mecham Road right next to their driveway, and it often floods. She said while it used to be a 100-year floodplain, it was quite often now. She said she talked to Mr. Jocz; he was kind and came out, and they walked the land and talked about the water, and he was going to work with the water engineers, but when this project is built and done, if there is flooding, all of them on River Hill Lane would have not only huge expense but often cannot get in or out if there is flooding. She said if there is more water there and there is no one to monitor it, for her, it is really important that they pay attention to all of these factors before saying it is a go-ahead. She said not only what might be happening to the Mechums River with the extra flow and the erosion, but all of the homes along this creek as well and those who have a driveway. She asked that they please pay close attention to all of the details and make sure that the project is not built and then the neighbors are left with problems.

Mr. Bivins closed the public hearing.

Mr. Jocz said he wished he had had a chance to get to the rest of his presentation. He said it outlined a number of areas in which they have listened to the community input and tried to put that back into the design of their project, and that included limiting of construction hours, working with landowners to specify the site extents and add additional supplementary vegetations to protect their viewshed as possible and also implement construction management and traffic management plans to ensure that traffic is managed in the correct way, eliminating any large construction vehicle traffic through the town of Batesville, Plank Road, Batesville Road, and Miller School Road, and in addition to be able to explain in more detail the number of erosion/sediment control and stormwater management measures that they were looking to implement above and beyond baseline requirements including oversizing of some of the BMPs, preserving permanently all of the existing vegetation surrounding the site to prevent future impacts to that vegetation. He emphasized that they are really listening to the concerns of the community surrounding the project and look forward to continuing to work with them if they have the opportunity to move forward with this project.

Mr. Fritz said there were a number of questions that the Commissioners had and some of the public had and that he may be able to offer some comments that help in the discussion. He said there was a condition that restricts lighting to only maintenance lighting; there would no other lighting permitted. He said there was a condition that would make this facility subject to the noise limitations of the ordinance and also a condition that establishes a minimum 100-foot setback, and that would also aid with the sound. He said he could give more personal observations about sound in his evaluation.

Mr. Fritz said there were comments about the grass under the panels, and that was a condition because it is in the applicant's application packet. For screening, he said there was again that requirement of the minimum 100-foot setback and there is a condition about the mix of vegetation. He also pointed out that a site plan was going to be required, and part of a site plan would be a conservation plan to be included, that all trees that are shown to remain, there is an agreement that the applicant enters into with the County shown on the site plan, so there are additional protections there of not only the conditions of the special use permit but also then conditions of the site plan and the zoning ordinance. He said there was a condition about access to the site, which would be enforceable by the zoning administrator, to restrict access to everything except passenger vehicles and pickup truck-type vehicles to that traffic being from the west and not from the east. He said that was also somewhat self-enforcing simply due to the nature of the roads to the east/northeast, just physically being able to make the turns and bridge limitations.

Mr. Bivins asked Mr. Fritz for insight about how people would know what the conditions were, how would they be aware of what was going on.

Mr. Fritz said that the conditions were attached to the staff report. He said this would go to the Board of Supervisors .He said he had a mailing list and an email list, and the speakers were on that email list; if not, if they email him at bfritz@albemarle.org, he would add them to his email list to make sure they know when this goes to the Board of Supervisors. He said the conditions would be there, and if the conditions were adopted, they would become enforceable by the zoning administrator, and the zoning administrator has a tool chest to require enforcement and penalties and other things that can be imposed. He said there would also be a site plan that this project would have to go through, and there would be notification to the abutting property owners of the site plan. He said he would use this email distribution list to let interested parties know that was coming forward. He said the site plan is where the details about the grading, erosion/sediment control, stormwater management facilities, and the exact limits of clearing and the exact species

of trees—all those very technical details—would be addressed. He said that would be shown on the site plan and becomes enforceable also by the County, also by the zoning administrator, same tools available to the zoning administrator to enforce.

Mr. Randolph said that he had asked Mr. Fritz on Friday for the language that the County might have in terms of the zoning ordinance addressing utility solar, and his response was there is no such language; it is really covered in the special use permit process. Mr. Randolph said the staff report was excellent and extremely thorough and really establishes a template moving forward on other solar projects in a rural area where there are critical natural resources, slopes as well as soils. He said originally, he had thought that maybe they needed to look at language and recommending that they really buffer the zoning ordinance in addressing solar facilities. He said he was not so sure now that they needed to go that route because basically looking at what Mr. Fritz has generated, with the conditions that are established here that run with the application and run with the land, assuming they are approved by the Board in more or less similar shape as now, they really do have the necessary default language available to continue to apply. He said he saw this as tremendous step forward from where they were on Route 53 three years ago. He said they have seemed to have now covered their needs without having to get into looking at putting language into a zoning ordinance with the problem of ossification of zoning language. He said things change with time, other conditions arrive, and the language does not get changed, and a future Planning Commission in 2032 grapples with the language that this Commission had signed on. He said he had faith and confidence now in what staff had come up with that going forward, there would be adequate safeguards to address the needs in the future.

Mr. Keller agreed overall with Mr. Randolph with a couple of caveats. He said it was an exciting project because the ownership and the development team were locally based and committed to the area and doing things well. He said he was excited, but it seemed that this project had the potential to be a state-of-the-art model for sensitively designed rural solar array installations, but they had not gotten there. Mr. Keller said they had tried to address the dark sky and the sound, and he was willing to go with those two. Mr. Keller said in terms of the visibility, he advised Mr. Fritz to use a software-generated scene area overlay. He said while they had responded to the community meetings and adjacent property owners, he was concerned about other areas where it could be seen, not so much what was seen but where it could be seen, because that was part of the major issue with large solar arrays. He said it is a personal issue, an age issue, whether people accept that technology and see it as beautiful or whether they see the technology and see it as an ugly scar on the landscape. He said a missing piece is that scene area overlay that could earmark what could be seen in a short distance of foreground and what could be seen in a longer distance and middle ground and what could be seen in the background because black blobs have an impact on what we see and how we think of the rural areas of the county. He said there might not be agreement, but it would take the questions out of the work the project team would do in the future because it would clarify the visibility and at what distance.

Mr. Keller expressed his concern about changing the land and the landform. He said if they were really going to have a model and seeing all throughout the County the loss of the original landforms, he thinks they need to hold firm in the rural areas, and he would vote against this unless he could have some assurance through condition or somehow that that is going to be truly explored and talked about with the Board of Supervisors. He said the soils are such an underlying part of how we define rural and agriculture from the Commonwealth code on down through that he thinks that the manipulations of every project are so much more extreme than they need to be. He said in this case, where they are basically planting a bunch of poles and sticking things on top of poles, he does not think they have to do the degree of manipulation that is the standard

operating practice and that they ought to set a new standard for what that can be in rural areas. He said this was his challenge to them. He said he did not know how they as a Commission handle it and that maybe he would be the outlier in this, but he would look then to his two architecture colleagues and hope they would weigh in about some interesting and creative ways that these forms might be able to be put on land without having to do the significant changing of contours that are being proposed, not just in this but in all of the ones the Planning Commission sees. He said that 53 was not as dramatic in its undulations as this site, so it was much easier to visualize and think about how that would go. He referenced that the team had mentioned there were only going to be a few of these special low-hanging fruit, so he recommended that these should be the ones where they could give a model, not just a county model but to become a national model for how this could be done.

Mr. Carrazana expressed his appreciation of Mr. Keller's comments. He added that he did believe that this is a great opportunity; unfortunately, because it is one of a few of the low-hanging fruit as had been mentioned, where this could become a model is how they could scrape the land and flatten it, and he did not think that would be an appropriate model, but if more and more they want to look for these opportunities here in the Piedmont, the topography is hilly. He said we know what we can do with earth moving. He said he lived in Southern California and saw how developments happened there. He said he believed they had a great opportunity, and how this array could move with the topography could be a beautiful thing. He said the arrays that are tracking east to west could still be kept and have them undulate up onto the landscape. He said the technology is there; the structural ability is there with the systems, and he would encourage and challenge the team to take a look at that and really use this as a model for the Piedmont.

Ms. Firehock said she thought that if this should pass the Commission and go to the Board, some more analysis should be done on how they are protecting the views from the adjacent landowners. Ms. Firehock said regarding the one concern in the staff report about impervious surfaces, she does not really consider this a site that is adding imperviousness to the watershed because the water is dripping off the solar panels and infiltrating into the ground where it falls, and there is not a large enough surface to cause an amount of volume and velocity of water that would cause erosion per se. She said she was not concerned with that. She said she had seen other projects in Virginia that are proposing to clear massive amounts of forest to put in solar arrays, and she is opposed to those projects, but this project does not appear to be causing the level of land change in terms of, for example, going from a forested to a non-forested state, so while she still has concerns with this project, she thinks a lot of work and due diligence has been done to try to make this an environmentally compatible project, and she also thinks of this in the same way she thinks of cell towers and large power distribution systems and other things that do not look pretty in the rural area, but yet power and phones are needed. She said she was willing to support this and see how well they can do in terms of protecting the environment. She said the conditions in the staff report were quite robust and give some of the surety that they need for this project to minimize impact and maximize success.

Mr. Bailey said there was actually a document in the packet that provided a viewshed analysis; it was provided by the applicant. He said it was hard to determine how official it was when there was a disclaimer that it was not prepared by a licensed surveyor, but it does claim to use lidar data and puts limited impacts within about a half-mile range to being able to see the site. He did not know if Mr. Fritz could maybe clarify how to interpret this viewshed analysis that was provided for the project.

Mr. Fritz said they looked at the information that the applicant provided, and one of the slides was

just taken from that; he just snagged two pictures from that. He said staff analyzed it; in his opinion, based on his review and the viewshed analysis the applicant did, looking at the topography of the area, visiting the site so looking from the site out, he thought the visual impacts are more significant in the immediate area of the site, and the rest is really from a distance, so it is mitigated. He said it is a little bit like the wireless, of how much visibility is acceptable, whether it needs to be invisible or mitigated. Mr. Fritz said that in the staff discussions, ultimately his recommendation was that the visibility is really most significant immediately adjacent and would be mitigated over time as the trees grow.

Mr. Bailey clarified that in the viewshed analysis, in the light green area that would be considered mostly to the northeast going back towards Batesville, were some of the larger areas where the site could be seen. He asked Mr. Fritz if he felt that would be as impactful being anywhere from half a mile to two miles away.

Mr. Fritz said once you start getting to that distance, though it is going to change the character of the area, that is going to be mitigated over time. He stressed that part of the issue here was that the only tools available are the review criteria for all special use permits, and it is a substantial detriment, which is a very high bar, and then there is the change in the character of the district. He compared greenhouses to the solar facility, looking at whether a solar facility results in a change in the character of the area differently than what could occur by right, and ultimately his recommendation was that it was not going to at those distances; it would to some degree in the immediate area but not at a greater distance.

Mr. Bailey commented that when he was referring to grasses underneath, it does not actually state in the conditions to be native grasses and pollinators—it just says grasses—and it was just a clarification that if grasses were to reconstitute the area that they be native in nature.

Mr. Bivins added that if this does go forward, he would encourage the applicant to have a significant sit-down with the neighbors who sit next to this project. He said that it would be helpful to the project and to the community if they could have a deep sit-down, perhaps outside with masks on, but to have a deep conversation about what this project is going to look like if it goes forward. He said they are being challenged here by some interesting things, and with the profile of the individuals that are associated with both the solar company and given that the utility wants to come before a whole host of communities to put these in, then it would be quite helpful if they could speak positively to the issues around soil and the issues about visibility. He said he did not think they were ugly—he actually thought they were kind of cool—but some people would not be as accepting. He said he has asked before that they may not be accepting of this, but would they be accepting of a slaughterhouse, like the new slaughterhouse that is about to be opened in Orange, so would they rather have that or would they rather have solar panels. He said the applicants would be well served if this group were to sit down and have some serious conversations with some individuals about how to set the standard on how this kind of project is installed. Mr. Bivins said he was supportive of it with the narrative that they put in the transcript the whole thing about the issues of the important soils, about not having to change the terrain so dramatically but being creative with the way of doing installation on the terrain, and then the really big one on this of engaging the neighbors in dialogue so that they have people who speak positively about them and the project wherever they are, as opposed to the neighbors feeling like no one listened.

Mr. Keller said he would like to give it one more shot. He asked Mr. Fritz to put up the high-value ag soil map. Mr. Keller said he was thinking of a condition to suggest just to see what the pleasure

of the body was. He said he would like to suggest a condition that says that no more than 10% of those prime soils are disturbed; that would get at manipulation of contours but would be within the bounds of the way agricultural Virginia is defined.

Mr. Bivins asked if Mr. Keller was putting that in the form of a motion to be added to the conditions.

Mr. Keller said he hoped for discussion about it.

Mr. Randolph said that 10% needed to be defined, whether by square footage or in terms of volume of soil. He said they also needed to hear from the applicant whether that was doable.

Mr. Keller said he was thinking of the land area, so square footage/acreage. He said it was a way to encourage thinking about this in a different manner.

Ms. Firehock said that was feasible, but she had the same question of whether it was practicable, could the applicant actually do that. She said she saw the map of the prime soils that overlaps with all of the arrays and access to the site.

Mr. Carrazana told Mr. Keller that it might also be helpful to define what he meant by "disturb." He asked if that meant they could not install panels on a slope. He said they need to define what is meant by the amount of disturbance that is allowed.

Mr. Keller said he was talking about the total prime soil area as defined and was talking about square footage/acreage, etc., and he certainly was hoping that the solar panels would be applied on top of that but without having to scrape any of the topsoil, so this would be an encouragement to think about creative ways to plant the panels; it would not preclude panels completely covering the prime soils.

Mr. Carrazana said that was a helpful clarification. He said he would be supportive of that.

Mr. Fritz said that if the Commission wanted to do something like that, they could provide staff direction, and they could work on that before going forward to the Board of Supervisors to try to come up with the language instead of trying to craft that at 9:30 tonight.

Mr. Hewitt interjected that he did not think that was a good idea.

Ms. Firehock said the 10% issue would be difficult to determine tonight, as someone who does a lot of site planning. She said the Commission could express simply that it wanted to minimize disturbance or removal of prime agricultural soils, but she did not think they could get a specific condition articulated this evening.

Mr. Keller said he was comfortable with that. He said he was just putting something forward to try to get the Commission to really force discussion of this and force the applicant to have to really think about this other than saying it would be nice not to.

Mr. Bivins said they had staff instructions there. He asked if Mr. Fritz had enough with this conversation engaged with him to engage with the applicant to try to present something before going to the Supervisors.

Mr. Fritz said staff would do their best to engage with the applicant to try to come up with

something and do their best to share the concerns and comments and tone. He said the Board would have the benefit of the minutes also.

Mr. Keller said that Ms. Firehock's language that she proposed would be a way so that it actually would be the beginning of a condition that would be refined and to work with the development team on. He said he wanted the development team to understand how important this is to many people in the County.

Ms. Firehock said she would be happy to add that language.

Ms. Firehock moved to recommend approval of SP202100001 Midway Solar with the conditions outlined in the staff report and an additional condition #20 that the applicant make every effort to avoid removal or disturbance of prime agricultural soils as depicted on the map provided with the application.

Mr. Keller said he would second the motion but wondered about a clarification that makes it clear from the get-go that they were supportive of solar panels being on top of the soils.

Ms. Firehock said she was not sure and felt more work would need to be done. She said she did not know enough about how they are going to place the panels physically.

Mr. Fritz said speaking as the staff working on this that they heard what the Commissioners were saying and would take the condition into the totality of the conversation to put it all together to work with the applicant and ultimately the condition.

Mr. Keller seconded the motion.

The motion was carried with a vote of 6:0 (Ms. More absent).

Ms. Firehock moved to find that the facility proposed in SP202100001 is substantially in compliance with the comprehensive plan.

Mr. Bailey seconded the motion.

The motion was carried with a vote of 6:0 (Ms. More absent).

Mr. Bivins told the applicants that they had heard deep discussion about the Commission's positive inclination for this project and projects like this, but they also heard the Commissioners say things that they believe could be improved with the applicant's skill set and the desire to do so. He said hopefully they would work with Mr. Fritz and the rest of the team to move forward and put together a project that is both helpful for them in the industry and for their company but also for the community because there are probably some other fields that they care to be involved with and might have to come back before the Commission. Mr. Bivins thanked them and encouraged them to continue to do some good work around these projects.

Committee Reports

Mr. Bivins mentioned that he and Mr. Rapp had spoken about the [4:01], which is a reconfigured city, university, and county. He said they had been talking about a lot of things, more for knowledge than anything else, but recently over the last two meetings, the university architect,

who he thinks is doing a fine job, has shown them what they are doing on the Ivy to Emmet Street corridor and then also a new building being put where the Dell is, but they are not doing away with the Dell—they are just going to move the Dell to a place that actually works better. He said she showed these projects, which give an insight into the new built environment of the university, which he found very exciting. He said that she and Mr. Carrazana had said they would come and give a presentation to the Planning Commission if the Commissioners would like to see that. Mr. Bivins suggested that these were two major movements forward in what the university is going to look like.

Mr. Carrazana agreed that they would be happy to do so and suggested around the second week of June or after would be better timing as there were a number of things that were still being worked through. He said they wanted to bring those to the Planning Commission as well because it would complete the thinking behind the Emmet-Ivy corridor and the problematic developments in that area.

Mr. Bivins said that he would enjoy the Commission being able to see that.

Mr. Rapp said there were no updates and that there was no Board meeting the previous week. He said there would be a Board meeting the next day. He said they would reconvene as a Commission the first week in May.

Before adjourning, Mr. Bivins said for those who were saying they could not get their vaccine because they were not old enough, as of today everyone is old enough because the governor had reduced the level by which everyone there is now part of the old-enough crew, so he encouraged the vaccine. He reminded everyone to mask up, be safe, and watch out for the ticks.

Adjournment

At 9:22 p.m., the Commission adjourned to May 4, 2021, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



Charles Rapp, Director of Planning

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

Approved by Planning Commission
Date: 5/11/2021
Initials: CSS

