

**Albemarle County Planning Commission  
FINAL Minutes October 19, 2021**

The Albemarle County Planning Commission held a public hearing on Tuesday, October 19, 2021 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Corey Clayborne (arrived at 6:15pm); Rick Randolph; Daniel Bailey; and Tim Keller.

Members absent: Jennie More; and Luis Carrazana, UVA representative.

Other officials present were David Benish, Development Process Manager, Community Development Department and Planning; Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; Jodi Filardo; Jessica Hersh-Ballinger; 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/community/county-calendar](http://www.albemarle.org/community/county-calendar) when available.

After Ms. Shaffer called the roll, Mr. Bivins established a quorum.

**Other Matters Not Listed on the Agenda from the Public**

There were none.

**Consent Agenda**

Mr. Keller moved to approve the consent agenda.

Mr. Bailey seconded the motion, which passed (5-0).

**Public Hearing**

**CCP20210002 Southern Albemarle Convenience Center**

Mr. Bivins introduced CCP202100002, the Southern Albemarle Convenience Center.

Mr. David Benish introduced himself and said he would be presenting the Compliance Comprehensive Plan Review for the Southern Albemarle Convenience Center, CCP202100002.

Mr. Benish stated that he would first outline what a compliance review is and what it is not. He said compliance with the comprehensive plan reviews are required by State Code Provision 15-2-22-32. He said these reviews were often referred to by that number or by the term "CCP review." He said the review considers whether the general location, character, and extent of a proposed

public facility is in substantial accord with the adopted Comprehensive Plan. He said the Planning Commission performs the review, and their findings are forwarded to the Board of Supervisors, but no further action is required of the Board. He said the Commission's action is only related to the consistency of the use to the Comprehensive Plan and its provisions. He continued that it was not necessarily an action or recommendation on whether the facility should be constructed or not.

Mr. Benish said that the proposal was for construction of a solid waste convenience center for collection of household waste and recycled materials, to be operated by the Rivanna Solid Waste Authority (RSWA). He said outlined in the staff report and in the presentation were a list of the components and the scale of activity, and he believed the applicant would be revisiting those points so he would not go into great detail. Mr. Benish reported that the service would be a daily service six days a week. He said it would be for household material collection, not commercial collection, and would offer collection of trash and recyclable materials. He said that the trash must be in 32-gallon bags or less. He said that he would leave the other points for the applicant to provide further discussion in their later presentation.

Mr. Benish presented a GIS image of the parcel and site for the facility, noting that it is parcel Tax Map 121-8282, on property owned by Albemarle County since about 1989-1990. He said it was located on Esmont Road approximately 900 feet from its intersection with Route 20. He said it is in the Keene and Crossroads area, just south of the Keene Post Office.

Mr. Benish said that in terms of Comprehensive Plan and zoning on the property, the property is located within the County's rural areas designated in the Comprehensive Plan, and therefore was recommended for rural use. He said that it was zoned rural areas in the zoning ordinance, and public uses are permitted as a by-right use in all zoning districts including the rural area district. He said however, when a public facility structure is not explicitly identified on the land use plan or the Comprehensive Plan, such a compliance review is required even though it is a by-right use. He said that that was the circumstance with this particular site.

Mr. Benish said that a portion of the property was located within the entrance corridor overlay district. He said that a portion of the property falls within the district; it is a seven-acre site and less than half of it falls within that district. He said there was no proposed development of the overlaid district portion of the site, so the development itself on the property falls outside the Entrance Corridor District. He said the proposed maintenance of the wooded area on the east side and north side of the site would limit this ability from the entrance corridor.

Mr. Benish stated that the property is also located within the Southwest Mountain Historic District and the National Register Historic District. He noted that vacant parcels are not actually included in the National Register inventory, but the vacant parcels are listed in the County database as contributing to the rural character of this district because of its undeveloped nature. He said that the Historic Resources Planner had reviewed the proposal early on and recommended the maintenance of the wooded area around the developed portion of the site, and also recommended that landscape treatment across the frontage be installed to help maintain the rural character of the area. He continued that the Historic Resources and Entrance Corridor Planner had reviewed the initial site plan for this proposal.

Mr. Benish said the history of the use of the property was helpful to know. He said that on January 10, 1989, the Planning Commission did find that a transfer station was in compliance with the

Comprehensive Plan. He said that transfer station is a similar facility and is actually more intensive than the one currently being proposed. He said that the station was found in compliance on TMP 121-93, which was essentially the parcel across the street from the site. He stated that on February 1, 1989, the Board of Supervisors upheld the Planning Commission's finding upon appeal by adjacent property owners. He continued that in March of that year, the County engineer notified the planning director that the transfer station would now be located across the street from that original compliance review on the site TMP 121-82A2. He said that the planning director at that time determined that no compliance review was required, informed the Planning Commission at that time of the determination, and they concurred with that determination. He said the site was subsequently not developed. He said the staff report provided more background on that history, but if there were any questions, he or Facilities and Environmental Services (FES) staff could answer questions about it.

Mr. Benish stated that community meetings were required to be held for CCPs, and the meeting for this proposal was held on September 30, 2021 in virtual format. He stated that at that meeting, concerns were raised about the impact to adjacent properties and impacts from noise, odor, runoff, and generation of rodents to and from the site. He said that constituents expressed concerns about traffic impact to rural roads and the condition of Esmont Road, which serves the site. He said there were also concerns and comments that the facility should be located closer to population centers. He said there were write-in comments that were in support of the location being close to the Keene crossroads where the post office and store are located, and that the location could be useful during trips and commutes to Charlottesville and Scottsville, combining those trips for drop-offs.

Mr. Benish said that the renderings of the site showed a general layout concept for the site. He said that the containers around the perimeter were for recyclable materials, and the red compactors were for cardboard and trash disposal collection.

Mr. Benish showed a rendering of the entrance to the site.

Mr. Benish displayed an image of the site plan in case it needed to be referred to again and said the applicant may have a better version.

Mr. Benish said that in terms of the compliance review presentation, he would focus on a few of the more relevant recommendations of the Comprehensive Plan. He said that in the Community Facilities chapter, there was an objective to continue to provide for facilities and services in a fiscally responsible and equitable manner. He said that the nature of the public service delivery did orient, focus, and encourage public facilities to be located in the development areas, as opposed to rural areas. He said, however, the guidance also recognized that public facilities are allowed in rural areas in cases where it is not possible to be located in development areas due to physical constraints or the nature of the facility and/or the services provided. He reiterated that the highlighted portion on his presentation slide recognized the general desire to have facilities in the development area, but it did allow for them to be located in the rural areas to provide for unique service needs. He said in this case, the goal of this facility as reflected in the Solid Waste Management Plan for the County was to provide for a level of rural service in outlined portions of the County, and this was consistent with the earlier emphasized point.

Mr. Benish stated that the strategy was to schedule funding of government facilities through the Capital Improvements Program based on needs identified in the master plans, other chapters of this plan, and other adopted County-approved documents. He said they were focused mostly on the County's Long-Range Solid Waste Solutions Advisory Committee final report, which has been accepted and used as the County's plan for solid waste management services. He said that that study contained the recommendation to foster rural services, which is to carefully plan and establish recycling locations in more distant areas of the County. He said that the staff opinion was that the general location is convenient to rural residents and consistent with the recommendations from that final report.

Mr. Benish said the applicant may have the same information in their presentation, but he would touch on a subject briefly, as it related to the goals of the Comprehensive Plan and this particular facility. He said there was a map that outlined the future and existing service facilities for solid waste convenience centers. He noted that the Ivy Materials Utilization Center and the McIntire Recycling Center were existing facilities that, along with the prevalence of private-hauler service for trash and recycling, adequately serve the urban areas at the current point in time. He said that the service areas for rural service centers included the proposed facility in the Keene area to the south and a potential future facility in the US-29 North corridor. He said that between those two future facilities and the existing two facilities, most of the County would have a level of public service provided.

Mr. Benish summarized that the proposal was consistent with the community facilities section of the Comprehensive Plan and the Long-Range Solid Waste Solutions Advisory Committee final report. He said the location of the facility in the rural area is consistent with the Comprehensive Plan and the community facilities objectives, allowing for location of facilities in the rural area to address unique service needs—which in this case would be to provide convenient service to rural area residents. He said that the general location near Route 20 in the Keene area provides a central location to serve southern Albemarle County. He said that staff found no unfavorable factors as it relates to the proposal's consistency with the Comprehensive Plan and the Long-Range Solid Waste Solutions Advisory Committee final report.

Mr. Benish said staff recommends that the Commission find the location, character, and extent of the Southern Albemarle Convenience Center public facility and public use thereof, as proposed, to be in substantial accord with the Comprehensive Plan, for the reasons identified as favorable factors in this staff report.

Mr. Bivins asked if there were any questions for Mr. Benish.

Mr. Randolph said that he had a question about the level of detail. He said he understood what the Planning Commission's role was and what was before them this evening. He asked if, to Mr. Benish's knowledge, if there were any statistical analyses about how the center would operate as a regional facility—an intercounty facility. He said on page 5 with the resident service area, the applicant had drawn concentric circles out from Keene, and at 10 miles, it can be seen that it incorporates a fairly significant swath of one magisterial district. He corrected himself and said it was actually two magisterial districts: Fluvanna County and Buckingham County. He said there were a fair number of people who commute into Charlottesville, specifically to University of Virginia Hospital and Martha Jefferson Hospital, out of Buckingham County. He said that those people travel via Route 20, and this facility would be welcome for some of those people. He

continued that their use of the facility was terrific, and he did not want to deprecate the regional focus of this at all. He said that his first question was whether there was any kind of regional analysis. He stated that he had a few follow-up questions to that as well.

Mr. Benish said that it was a question probably best answered by the FES director and the applicant for the proposal. He said that he was not aware of that or how they planned to provide or restrict services from other localities.

Mr. Randolph said he appreciated Mr. Benish's response and asked if that were something that would be provided at the Board level.

Mr. Benish asked if Mr. Randolph was referring to a statistical analysis.

Mr. Randolph confirmed that he was.

Mr. Benish said that he was unsure but thinks it is something that could be provided. He said that Lance Stewart of FES had been working on the capital project and the funding with the Board of Supervisors, and that information may have been provided, but he did not know.

Mr. Randolph said he would hold off on more specific questions until later. He thanked Mr. Benish for his response.

Mr. Bivins asked if there were any further questions.

Mr. Randolph asked if there had been any kind of analysis from a public safety standpoint for the intersection of Route 20 and Coles Rolling Road and the intersection of Esmont and Plank, in terms of the occurrence of accidents at that intersection. He said it was something he was well aware of in a previous role with the County, and he hoped that as the Board looked at the project, that kind of detailed information would also be available. He said he understood it was not germane to the meeting that evening, but he felt it would be highly relevant for the Board to evaluate it. He said that they would make some recommendations that he would like to make as well later that evening as food for thought on the application moving forward.

Mr. Benish responded that while they unfortunately did not receive it until a few days ago, they had received an accident report that VDOT generated. He said that it provided for a three-year period the types and number of accidents that occur both on Esmont Road and on Plank Road. He stated that in general, the information provided indicated that the accident rate is below what is typical for a rural road in the Culpeper District, and that was one of the ways they measured it. He said there was also an accident rate for per million vehicle miles traveled, which he said was an abstract number. He continued that both of the ratings for the road were very low for what that standard is. He said that it did cover specific accidents that occurred over that period of time. He said that he believed there were six accidents on Plank Road and nine accidents on Esmont Road, and the majority of the accidents were caused by wet roads, fallen trees, deer, and DUIs. He said that was a similar theme for both of those roads, but that information was newly available, and he did not identify any issues that were atypical of rural roadways. He said again that this information could be available to the Board.

Mr. Randolph noted that there would be additional traffic at the intersection as a result of this convenience center, and there would be a need for some steps taken to ensure that motorists slow down coming north and south on Scottsville Road/Route 20, to minimize future accidents. He also commented that statistically when measuring the Culpeper District, one must factor in with rural roads that there are roads that are even more isolated, and there are roads with much more traffic than this intersection in the Culpeper and Warrenton area. He said that one fatal accident at that intersection was one too many. He said he wanted to talk about that again after other Commissioners have the opportunity to ask questions.

Mr. Bivins asked if there were any further questions.

Mr. Bivins asked the applicant to begin.

FES Director Lance Stewart stated that he had been the lead on the current project for past Board discussions and public discussions, and he thanked the Commission for having him. He began his presentation by introducing the project team. He said that Phillip McKalips was with the RSWA and as their director of solid waste would be responsible for management of the facility. He said that E. Campbell Bolton was the project manager with Draper Aden Associates, the engineering firm that is supporting the project.

Mr. Stewart said that establishing what a convenience center is was a key question to answer—and fundamentally, it is a place to take bags of household trash. He said that this specifically referred to bagged household trash, which, as Mr. Benish had said, was not commercial trash. He said as it was envisioned and as it worked at the Ivy location, it would be a tag-a-bag program. He pointed to the figure presented of an average-sized person and a 32-gallon industrial-sized bag for reference. He said that tags would be available from local merchants for \$2 per bag, which is considered cost convenient if nearby, compared to the local hauler collection. He said that in rural parts of the County, curbside access is hardly a guarantee, and it was rarer than it was common for curbside hauler collection to be available.

Mr. Stewart said that they had talked about solid waste, and there had been concerns about odors and leakage. He presented an image of the compactor that would be purchased for this, stating that it has a feed chute in the front, and the rest of the compactor is completely self-contained and could not leak. He said that again, they would not accept any commercial waste in it, and that type of waste would not fit in the chute of the compactor. He said it was intended that the waste would be removed every day that the facility is open to avoid any issues with odors building up.

Mr. Stewart said those who were more accustomed to the McIntire Recycling Center can think about recyclables first. He said it was their mission as an organization to make sure to divert as many materials from the landfills as possible. He said that it would have a robust set of carefully streamered services for glass, plastics, paper and cardboard, tin, and other metals. He said they were lucky to have RSWA working on the project, because they ensure that everything collected gets recycled, which is very different than the situation with most other alternatives. He stated that they also anticipate that as at Ivy, they may in the future offer at this site special waste stream collection days. He said that would be a question for the RSWA Board to authorize and for the County and City to co-fund.

Mr. Stewart said he wanted to focus on what a convenience center is, other than just its function, and it is effectively a rural service. He showed a map of surrounding counties from the Long-Range Solid Waste Solutions Advisory Committee recommendation from 2015, modified slightly to make the convenience centers easier to see. He said that addressing Mr. Randolph's question about neighbors using the convenience center, he expected some of them would do so on their way to work, but it was clear on the map that they were not underserved in most counties. He noted that Greene County did not have a convenience center, and Fluvanna County only had one, but they could expect people to cross the borders, just as their residents in southern Albemarle have been crossing borders into other counties to meet their own needs.

Mr. Stewart stated that he had pulled some information from a 2020 survey about Albemarle County residents that was conducted for the Weldon Cooper Center, and there were specific questions about solid waste and recycling services in the County. He presented a graph of responses by type of locality in response to the question about quality of solid waste services. He noted a part of the graph that he said indicated that rural areas were less satisfied with their service. He said that, among some of the other services that were covered in that survey, the quality of solid waste services was ranked third worst.

Mr. Stewart showed another graph showing the satisfaction of County residents with the quality of recycling services provided. He said that the graph indicated a gap in urban versus rural service levels, but it also showed that the gap is acknowledged by those not in urban and suburban areas.

Mr. Stewart presented another graph showing how important it was to support investment in recycling services to rural residents. He noted that 75% of the respondents in the rural areas said that it was either "very important" or "important" to invest in recycling services. He said that it does not reflect the household trash portion, but in terms of those who responded to the survey, the feeling on the issue was very clear from the rural residents.

Mr. Stewart said that while Mr. Benish had already discussed the location of the convenience center, he would reiterate that it would be located six miles north of Scottsville near the post office. He said that it would be at the Keene crossroads, which would be very convenient to those in the rural area that the center is intended to serve. He said that he did not have anything to add to the information on existing and future resident service areas, other than that the radius around the service area could be smaller to show more accurately who would be using it frequently. He said that when looking at the densities of convenience centers in other counties, it was higher than what his future service area map showed, so the County's service levels still had some progress to meet the service levels provided by other counties, even with the future service area scenario.

Mr. Stewart said he wanted to point out a few things about the conceptual design but would not go into great detail due to the limited time. He showed Esmont Road and said that the post office was just up the road. He said that there were two lanes of traffic; one was a bypass lane for people to access the solid waste compactors. He said that cardboard compactors were very popular. He stated that the larger compactors would be for metal and tin, which are pulled much less frequently than other types of containers. He said the intention was to install one compactor, but due to the rural nature of the area, it may be necessary to have two. He said that the intention is, if the funding is available, to build out the entirety of the site and stub out an electrical conduit and build a pad in the event that it is so popular they need to bring another one in. He said they are quite

expensive, but they are prepared for that eventuality, and the site plan submission did reflect what ultimate traffic counts would be.

Mr. Stewart stated that Mr. Benish had mentioned the hours of operation, and he would reinforce a few things, including that the facility would be closed on Thursdays. He said that was intended to get the Rivanna staff to come in and pull the recyclables containers that may have built up over time. He said this could help with problems of interacting with vehicles and large trucks at the same time. He said that other than the daily trip that would be made by a truck to pull the household waste container, the truck traffic generated from this would all be on a day when it would be closed for other purposes. He said that the hours would be adjusted seasonally. He stated that there would be no site lighting, so that would not be a problem for others in the area that may be disturbed by light. He said there were a lot of evergreen trees shown in the conceptual design, and while there was a lot of forest in the area, they were actually deciduous trees. He noted that they would be looking at adding more trees all around the full facility before the final site plan was approved and a part of the project. He said that there was a privacy fence intended to stop people from dumping illegally and from animals getting into the site, and there would be privacy screening on that fence to help cut down on the visual impact of the facility.

Mr. Stewart concluded his presentation and said he was happy to answer any questions or pass them on to Mr. McKalips or Mr. Bolton.

Mr. Bivins asked if there were any questions for Mr. Stewart.

Mr. Keller said he wondered if in light of some of the questions from the public that had been received, there was going to be a well or water source on the site, or any kind of detention basin for washing down oil and gas that could accumulate on the paved surface—as well as the kind of odiferous fluids that come from the compacted materials when they were moved from that site to another. He clarified that in this case, he was referring to the trash and not the recycling.

Mr. Stewart said he would defer that question to Mr. McKalips, who would be the operator for the facility.

Mr. McKalips stated that the compactors are self-contained, so unlike other containers that Mr. Keller may be familiar with, or trash trucks that he had driven behind, the compactors do contain all the liquid material that is put into them, so when they are picked up, they do not leak until they get to the transfer station and are dumped out onto the tipping floor. He said that it was not expected to see what is called leachate draining out of the containers. He stated that if there were problems with an individual compactor, that would be a maintenance issue and would be addressed immediately for a variety of reasons. He said that regarding the second question about wash water, operations at Ivy and McIntire have been going on for years and have not generated a lot of wash water. He said that if there were an incidental oil spill servicing a compactor due to a hydraulic line breaking or something similar, they would use an oil dry material to sweep it up and take it offsite for disposal. He stated that if a washing company were to be called in, the liquids would be contained. He said that because it would be a paved parking area, there would be some incidental dripping from vehicles, as there is in any parking lot. He said his understanding was that stormwater management would have a chance to infiltrate and basically become biologically treated at the soil level and not be a runoff issue. He added that it should be incidental at any rate.



Mr. Keller thanked Mr. McKalips and asked as a follow-up question if there would not be a water source onsite.

Mr. McKalips said that they would avoid doing it for that very reason: They did not want to have a lot of water being used onsite for any reason because it would create wastewater that would have to be dealt with later. He stated that restroom facilities for staff would be portable toilets as have been used elsewhere, such as the McIntire facility, and there would be no water source onsite.

Mr. Keller thanked Mr. McKalips.

Mr. Randolph said that he believed his question was for Mr. McKalips. He said it appeared that on the site, there would be source separation of glass, metal, and other materials. He asked if source separation would be utilized if there is no national, local, or international market for that material. He contemplated whether, if they are onsite and have source separation but there is no market for it, it helps to educate the public as to what is recyclable and what is not. He also asked if they were therefore increasing the costs of operation by having separate facility for glass and said he mentioned glass because at McIntire there was a company that utilizes the glass that was generated there, but in other neighboring localities, all of the glass was generally going to Zion Crossroads to a landfill. He said it was a question of environmental education and credibility and whether they were really serving an educational goal on the site if they set out a hopper for glass yet there was not any recycling happening.

Mr. McKalips said that since he has been the director of solid waste, that's been one of the most important things they've been trying to manage—and they were being careful to collect those materials that were recyclable. He stated that a few years ago, they stopped collecting plastic types 3 through 7. He said that those were being collected and bailed along with the 1 and 2 plastics and sent to Raleigh to go through the sort facility, sorted out of the material, and basically landfilled. He noted that as Mr. Randolph had just said, this attacked the County's credibility, and they did not want to be called out or imply that all that material was being recycled. He stated that the rest of the material being collected was in fact recycled. He said that there was some incidental loss, such as a bottle cap, but less than a portion of a percent of the material did not get recycled.

Mr. McKalips stated that in terms of whether they collected all those different materials and if they all went to different recycling receiving companies, the answer was no. He said that due to costs, mixed paper and all of the cardboard go to the same facility, the Sonoco Paper Mill south of Richmond. He said that that was a convenience, and they want to maintain that opportunity cost of handling them separately because cardboard sometimes can become very valuable, instead of \$80 a ton, it could be \$200 a ton. He said that the County wants to get the credit for providing the material at that cost, even though it is going to the same place; the facility buys it at \$200 a ton instead of \$80 because that is what they want as their raw material. He said that philosophically, he would like to continue to collect and separate source material as much as possible and educate customers not to contaminate it, as well as trying to find the most lucrative markets. He said if there is a time where one of the products is not recyclable, one of the first things looked at would be to either find a different market or to terminate collecting it, because at that point the County would be disposing of it.

Ms. Firehock said she did not ask many questions because she had already participated in the community meeting. She said that she wanted to note for the public's benefit that people from

other counties are not going to be able to dispose of their trash at this facility unless they go and buy a sticker. She said she also noted that there are ample opportunities to dispose of trash at facilities in Buckingham and Nelson counties, so there is no reason to come to Albemarle's facility to dispose of trash. She said the other point she wanted to make was that it would be nice if there were other ways to get the stickers since they would not be sold onsite. She said that besides mail order, she had seen other communities that have them available at local general stores. She stated that then if someone forgot, they could stop at a local store and get stickers before going to the facility. She said that for the Planning Commission, they should remember that it was fine to ask these questions, but they are present at the meeting to find whether the use is in accordance with the Comprehensive Plan; they were not doing a site plan review and some of this was not actually within their purview this evening.

Mr. Bivins asked if there were any other questions.

Hearing none, Mr. Bivins said they would move onto the public hearing and see if there were any individuals from the public who wished to speak.

Mr. Rex Linville with the Piedmont Environmental Council (PEC) said that he lives in the Samuel Miller District and wanted to share two thoughts that the PEC had regarding the proposed Southern Albemarle Convenience Center. He said as they all knew, it was a long-held and central tenet of the County's growth management policy that the location of new public facilities should be held within the County's development area. However, he stated, the staff report provided a compelling argument that this particular service falls into the category of public facilities that may be allowed in the rural area due to the nature of the facility and the nature of the service being provided. He said that he thought it was important to point this out to distinguish the proposed use from other public services and infrastructure improvements that could become the camel's nose under the tent and encourage provision of additional services outside of the development area.

Mr. Linville said that more importantly, the proposed site is within the Southern Albemarle Rural Historic District and is proximal to thousands of acres of private land that has been permanently protected under conservation easements. He said that if not done well, the facility could have a negative impact on the resources that were acknowledged as special and important to the historic district and permanently protected by private, county, and statewide conservation agencies that accepted the easements. He said that specifically, the nomination for the rural historic district described the region as "physically characterized by its Piedmont landscape, including mountainous woodlands, rolling pastures, and low-lying floodplains of the James River, large farms, historic villages, and crossroads communities interspersed throughout vast panoramic vistas enabled by the region's extensive concentration of open space, readily testifying to the district's well-preserved rural landscape."

[51:03 audio cuts, inaudible]

Mr. Bivins said about three seconds of Mr. Linville's comments had not been heard.

Mr. Linville thanked the Chair and continued that while the property itself did not contain a contributing structure, the undeveloped land does in fact add to the general character of the district. He said that further, important resources contributing to the district, such as Enniscorthy, Plain Dealing, and Estouteville, are all within the immediate vicinity of the facility. He said that the

PEC was surprised that the historic district was not mentioned in the staff report, although the staff did mention it in the presentation this evening. He said they believed the County staff and this Commission should give greater attention to the negative impact this facility could have on these important conservation resources and require the applicant to develop a mitigation plan to address those impacts. He said that the conceptual design and site plan, for example, show clear road frontage with a few conifers planted as a visual screen—and this site and its surroundings deserve better. He said that by formally acknowledging the potential impact of the facility on the historic district and the protected landscape as a factor unfavorable, it is hoped that the applicant will be required to provide a more robust screening and landscape management plan geared toward protection of the scenic and historic resources that make this part of Albemarle such a special place worthy of national recognition and distinction.

Hearing no further comments, the Chair closed the public hearing.

Mr. Bivins asked Mr. Stewart if there was anything further, he would like to add.

Mr. Stewart said that Mr. Linville's comments were noted, and he looked forward to reaching out to him to get some suggestions or take any direction from the Planning Commission.

Ms. Firehock stated that in addition to the staff's reasons for it being recommended and being found in compliance with the Comprehensive Plan, she also wanted to note that the Climate Action Plan that the County adopted recently also calls for a reduction in vehicle miles traveled. She said that she lived on the very tip of the County, and her house was the second-southernmost property in Albemarle County. She continued that her drive to the Ivy MUC from where she lived was 58.5 miles round trip. She said that the distance from her house to the new center would be 27 miles round trip, and if she were to combine that drive from her office, it would be 12.3 miles round trip. She said that hers was just one example. She said as they had just heard from Mr. Linville about the historic aspects, she felt that staff took that to heart and would do their best to provide adequate screening of this facility. She said it was only taking up a two-acre footprint of seven acres of wooded cover around it. She stated that if one spent some time on that road, as she did today and often did because she lives in that area, there was trash all along the road. She said that they learned at the community meeting that the data showed a reduction in roadside dumping and trash. She said that people would be more likely to avail themselves of this facility rather than dumping in the woods, and she pledged that she would personally do a trash cleanup along that road to help once that facility is complete. She said that she thought that the damage to the look and feel of the historic district was much greater from all the dumping southern Albemarle experiences, versus what it would look like once there was a clean and safe facility to take trash to.

Ms. Firehock noted that if anyone had been to the facilities in Nelson County, those facilities were extremely clean and well maintained, and she believed that this future facility would be like that. She said the facility that was currently operated for recycling at the Ivy MUC was also kept extremely tidy—much more so than the Charlottesville facility. She said that they had heard some of the comments of people's property values being damaged in the public comments, but she did not believe that would be the case. She said that she believed it would be a well-run facility; it was in a convenient location, and people could combine it with trips to the post office. She said that the roads are in pretty good shape for southern Albemarle, including those leading to the facility.

Ms. Firehock stated that at the public meeting, they also heard comments about bicyclists and others using that road. She said that when she drove to the Ivy center, she saw 5–8 cyclists on the way coming and going, and she did not see any cyclists around this facility. She said that there were bicyclists riding the rural roads all across the County, which she said is a wonderful thing, but there was no greater impact to bicyclists in this new facility location. She said her last comment was that people assumed there were lots of choices for trash pickup, but in her district, they simply did not have the ability to have affordable trash pickup. She said that a nearly 60-mile round trip to take out trash was, in her opinion, unacceptable to those who care about the environment. She noted that it was on the line between her district and Mr. Randolph's district, and she believed it would serve both equally well.

Mr. Randolph said that he would note that most cyclists would not be using Esmont Road because of its twisting nature, and the hills there with vehicles could be extremely dangerous. He said that most cyclists, if they were traveling an east-to-west direction in that corridor, were coming across Plank Road. He said he also noted that as a cyclist, about 10 days prior on a Saturday, he was in the Tour de Greene, which dipped down into northwestern Albemarle County in the area of Advance Mills and Dyke. He said that the level of trash he saw along the sides of the road was really disappointing. He said to Ms. Firehock that he hoped she was right that having a convenience center would be the panacea or silver bullet to clean up the disposal of trash along the roads, and he expressed some skepticism that the convenience center alone would solve that problem.

Mr. Randolph stated that he knew that annually, if not bi-annually, VDOT has had to clean up Route 20, south of PVCC down to Scottsville because of the quantity of trash that gets generated. He said that if a content analysis were performed, one would find that the number one problem was that there was no bottle bill in this state, so beer cans and bottles are disposed day and night along the road. He said the second major thing he noticed on his tour was the amount of paper goods from fast food stores that were thrown out of the car door. He said it was easy to get in the window when you pay, and easy out the window when you are done eating. He said that he hoped Ms. Firehock was right about it, and in five years they would have to see if Route 20 was cleaner year-round as a result of having the convenience center there. He said he would suspect it would improve somewhat, but he was afraid that this would not happen unless they get to a point to where they can get people who use the roads to understand that they were all in this together and that they need to share the roads being clean. He said that a problem he had was that motorists were supposed to yield to cyclists, such as in France where the message is, "We are all in this together," so cyclists and motorists need to be aware of one another. He said that somehow, one way or another, they need to get to the notion of a collective responsibility to keep their road highways as beautiful as they can be.

Mr. Keller stated that he thought Mr. Linville's point was well taken. He said that they have several historic districts, and as the co-author of the bulletin on rural historical districts that led to a lot of the guidelines that are used around the country today, he saw many things were missing from the rural historical districts, just as the Black Lives Matter movement showed. He said he hoped, with others, that those missing things would start coming in, and rural historic districts around the country were being reexamined for things that were omitted.

Mr. Keller said when Mr. Linville talked about the land, he talked about a number of things, including crossroads communities. He said that a crossroads community like this one is the proper

location for a facility like the convenience center. He said world historic districts and history tell the story over time. He said there's a newer facility there, the post office, that is a significant component of the crossroads community. He said he believes the convenience center could serve as an important element for a number of functions. He continued that building the convenience center at the crossroads community prevents building an incompatible use along Route 20 where a convenience center would suddenly disrupt the fields and wooded areas. He said he believed the location of the convenience center at the crossroads community would be consistent with the Comprehensive Plan and with the historic district component, as opposed to out in the rural areas where many convenience centers are already located. He said that there will be eyes on the street, and that was important because having the center close to where things happen and to the post office was important. He said there were transportation issues that were outside of the consistency with the Comprehensive plan, and he hoped Mr. Randolph would talk about the issues associated with a multi-car, multi-road intersection.

Mr. Randolph said he talked to Supervisor Donna Price about the transportation issues., and he had thought about it for a number of years because of the complaints from the people living and working at the crossroads of Plank Road, Esmont, and Route 20. He said he felt that VDOT would need to step up and provide flashing lights warning about the danger of the intersection. He said equal warning is probably needed from Esmont Road and Coles Rolling Road for people to be aware of the intersection at Route 20, given that there will be more traffic accumulating in that area as people utilize the convenience center. He said that is the best that can likely be done, and a traffic light could possibly be installed in 50 years. He said caution and prudence is necessary, knowing that there will be increased traffic and people can become impatient waiting in line. He said that delays caused by waiting in line will encourage people to speed on Route 20, so reminders need to be placed telling people to be cautious about the Plank Road/Esmont Road/Route 20 intersection. He said he thought it was germane to the discussion and an important point brought up by the people who were opposed to the application.

Ms. Firehock said she wanted to clarify an earlier point. She said she did not claim that the recycling and trash disposal area would be a panacea for all trash on the roads of Albemarle County. She said she cited staff's presentation at the community meeting which used studies that showed the proximity of a recycling and trash station was a predictor for reduced roadside garbage. She said multiple studies have said that when people see trash, they are more likely throw it. She continued that there have been other behavioral studies detailing how picking up trash causes less trash to be thrown. She said it is like the broken-window theory—if there is a broken window, there are likely to be more broken windows; if you do the repairs and cleanup, there are not as many problems. She said articles also discuss how pay-as-you-go trash collection increased recycling. She said she was prepared to make a motion if there was not any other discussion. She commented that she wished trash did not have to be disposed of, but it must be, and there were not adequate facilities in the area to do so.

Mr. Bivins asked if there was any further discussion. Seeing none, he asked Ms. Firehock to move forward with what she had suggested.

Ms. Firehock moved to find the location, character, and extent of the "Southern Albemarle Convenience Center, CCP202100002" public facility and public use thereof, as proposed, to be in substantial accord with the Albemarle County Comprehensive Plan and the Climate Action Plan.

Mr. Randolph seconded the motion, which passed unanimously (5-0).

Mr. Bivins thanked staff and told them the Commission found the application in substantial accord, and he hoped they got the advice and support that they needed to move forward with the plan. He said he hoped it did not end up like a plan they attempted in the 1990s, where the Commission approved a plan that did not go anywhere. He emphasized that he hoped this plan would not end up in a file somewhere and that the convenience center would actually be constructed. He said the abbreviated name "CCP" reminded him of the Cold War and asked if there were a name other than CCP that could be used.

### **Committee Reports**

Mr. Bivins then asked for committee reports. Seeing none, he said he would share information from the previous night's community meeting, but he then turned the discussion over to Commissioner Bailey because the project was going into Mr. Bailey's neighborhood.

Mr. Bailey reported that the community meeting was for a rezoning request for roughly eight acres in front of the rehab facility on Rio Road, just down from the garden going towards Albemarle High School from Route 29. He continued that past the garden spot and before the Four Seasons neighborhood, there were five parcels in total.

Mr. Bivins added that there were four parcels purchased while the buyer already owned one.

Mr. Bailey said that no date had been set for rezoning, which would be from an R6 to a complex with up to 250 townhomes and a 15% affordable housing proffer on the 200 or more units, for about 30 affordable housing units. He said it is a rental facility, not for purchase, and they also had some concept plans. He stated that since it was in the development area, it was good to have that kind of housing, and he would wait for it to move through the system. He ended that if anyone were interested in learning more, staff would likely be able to share the assets provided for the project.

Mr. Bivins said that the affordable housing number would likely be higher because of a new policy. He said he wished it were not called "The Heritage on Rio." He said that was his only objection, and he would have a conversation with the staff about changing the name. He said that it called for three- to four-story apartment buildings with about five or six pods. He mentioned that it was a very walkable space, and the green area will be preserved.

### **Old Business**

There was none.

### **New Business**

Mr. Bivins stated that the first point of new business is the appointment of Planning Commission member to Charlottesville-Albemarle Metropolitan Planning Organization (MPO) Rivanna River Bicycle and Pedestrian Bridge Advisory Group for Smart Scale 2022 Application Process. He then introduced Ms. Jessica Hersh-Ballering.

Ms. Hersh-Ballering said she would be able to expand on the memo the Commission received or to answer any questions. She said she was working with Albemarle County and was no longer with the Thomas Jefferson Planning District Commission.

Mr. Bivins congratulated and welcomed Ms. Hersh-Ballering.

Mr. Rapp said that Ms. Hersh-Ballering had joined the County a few months ago, and this was her first opportunity to come before the Commission. He said she is the principal planner for transportation, taking Mr. Kevin McDermott's old position due to his promotion. He said she handles all capital projects and transportation planning, working with Dan Butch and the rest of the transportation planning team.

Mr. Bivins asked Ms. Hersh-Ballering if she had been present for the crossroads discussion and if she had heard Mr. Randolph's comments about managing traffic in the area.

Ms. Hersh-Ballering said she had been present and would pass the information along. She said the reason she was before the Commission was to request that they appoint a member to a stakeholder advisory committee that will look at a potential project called the Rivanna River Bicycle and Pedestrian Bridge. She said the bridge would provide a multimodal connection between the Woolen Mills area and the Pantops area. She said the request is being made because the Charlottesville/Albemarle MPO has created a new process for Smart Scale applications. She said the MPO had worked with committees, including the MPO Policy Board, to identify four projects that will be submitted for round five of Smart Scale, which would be in 2022.

Ms. Hersh-Ballering said of those four projects, one was the Rivanna Bicycle and Pedestrian Bridge. She said this is a needed multimodal connection that had been identified in other plans, including the Pantops Master Plan, and VDOT had been involved with the project. She said that VDOT had hired consultants, who identified two potential alignments for the bridge. She said one would be further north, going from City to County; the other would be further south, going from County to County. She said a member of one of the TJPDC's committees had identified a third alignment as well. She said the project has had some public engagement, but the MPO would like more from stakeholders in the County and the City before submitting the project as a Smart Scale application. She said, quoting Sandy Shackelford from the MPO, "The purpose of this committee will be to evaluate and prioritize a number of factors that need to be considered as the alignment is determined and additional design determinations are discussed to inform the final application."

Ms. Hersh-Ballering noted that whoever joins the committee will join representatives from the Charlottesville Planning Commission, the Pantops CAC, and staff from Charlottesville and Albemarle from Community Development, Parks and Recreation, and other areas.

Mr. Bivins asked how this appointment lined up with the Citizens Transportation Advisory Committee (CTAC) liaison.

Ms. Hersh-Ballering responded that the liaison was expected to be a different individual. She said one person would be the CTAC liaison, and one person would be from the Planning Commission.

Mr. Bivins asked if the CTAC liaison would also be included.

Ms. Hersh-Ballering answered they would be included in the stakeholder advisory group. She said that the Planning Commissioner who sits on CTAC has two different opportunities to join the stakeholder committee – either as a representative of CTAC or the Planning Commission. It would not be true to say that there are two ways for anybody to join the stakeholder committee.

Mr. Bivins asked how the MPO Technical Committee would be engaged in the conversation.

Ms. Hersh-Ballering said she did not believe they had a representative on the stakeholder committee, although they will be informed of the process and updated, like CTAC. She said the committee will meet monthly under the direction of the MPO starting in November up until preapplication and submitted in April. She noted that it might be written incorrectly in the memo as May.

Mr. Keller said that he thought that MPO Tech had a great deal of involvement in suggesting who would be on the committee reviewing Smart Scale. He said that the Commission would like to double up roles where possible to cut down on the number of meetings they must attend. He suggested that they appoint, in the next year, the person who is the MPO Tech or CTAC liaison as the liaison to the Rivanna River Bicycle and Pedestrian Bridge Advisory Council. He said this would save time and energy.

Mr. Bailey agreed. He said that CTAC had discussed it, and it made sense to him for MPO Tech or CTAC to sit in on this commission as a way to reduce the number of meetings.

Mr. Bivins asked if anyone else wanted to speak. He asked if there was a second to close the nominations.

Ms. Firehock seconded the motion.

Mr. Bivins asked for a vote.

Mr. Herrick said that Mr. Bivins could combine his motion to close nominations with a nomination to make the election.

Mr. Bivins made the amendment per Mr. Herrick's suggestion.

Ms. Firehock accepted the amendment.

Mr. Herrick asked Mr. Bivins to clarify the nominee.

Mr. Bivins said the nominee was Mr. Daniel Bailey from the Rio District. He called the vote.

The motion to nominate Daniel Bailey to the Rivanna River Bicycle and Pedestrian Bridge Advisory Committee passed unanimously (6-0).



Mr. Rapp said that the Commission needed to appoint someone to the CIP Advisory Committee. He said Ms. Firehock had been the liaison, but the budget process was about to start for the CIP so he was asked to identify someone.

Mr. Bivins said that would run out of the normal assignments, which are typically done in January.

Mr. Rapp said it appeared to be early, but the request had been made.

Mr. Bivins said Ms. Firehock was the designee and asked if a new person was needed.

Mr. Rapp responded that he was unsure if that assignment would continue because it would continue on into the spring.

Mr. Bivins said many people were unsure if they would be selected or reselected for their positions for that time.

Ms. Firehock said she applied to be reappointed because she was excited about the Comprehensive Plan update and the zoning update. She said that the Supervisor for whom she would serve is running unopposed. Ms. Firehock said if she were reappointed as Commissioner, she would be happy to continue on the CIP—but if anyone else would like the appointment, she would be happy to concede.

Mr. Bivins asked if anyone else would like the nomination. He said there was no response.

Mr. Herrick suggested a combined motion as he had previously.

Mr. Bivins moved to close the nomination for Karen Firehock to be appointed to the CIP Advisory Committee.

Mr. Randolph seconded the motion, which passed unanimously (6-0).

Mr. Bivins thanked Ms. Firehock for running and continuing her role.

Mr. Bivins asked Mr. Rapp if there were any updates for meetings they had not attended.

### **Review of Board of Supervisors Meeting – October 6, 2021**

Mr. Rapp said on October 6, 2021, there was a work session with the Board on the Comprehensive Plan to wrap up that scope. He said the Board would be back in early November to talk about the engagement plan. He said they will work with Rachel Falkenstein to come back and update the Commission and get feedback on the zoning ordinance updates and Comprehensive Plan. He said there was a public hearing on October 6, 2021 for the zoning map amendment for Breezy Hill. He said it was approved by the Board of Supervisors. He said there was a work session the previous week on the Rio Road Corridor Study, managed by Mr. Benish and the consultant team. He said he would bring information back to the Commission once they made some progress, and he expected work to resume in November.

Mr. Bivins said the Commission would meet again on November 9, 2021. He reminded everyone that election day is November 2.

Mr. Keller asked Mr. Rapp if there was any information on December meetings.

Mr. Rapp said in November, there are public hearings scheduled for November 9 and a work session on the CIP with Mr. Andy Bowman from the Office of Management and Budget. He said Mr. Bowman wants to talk to the Commission about projects and the CIP process. He said nothing else is scheduled for the second week of November.

Mr. Keller asked again what the December meeting schedule looked like.

Mr. Rapp said December looked light. He said there was a public hearing for a special use permit scheduled for December 7, 2021, and that was all.

Mr. Bivins said to send any member's travel plans that take them away from meetings to himself, Mr. Rapp, and Ms. Shaffer. He asked if there were any other comments. He told everyone to stay safe, and said he wanted to hear if anyone will get their second or third COVID-19 vaccine doses.

### **Items for Follow-Up**

There were no items.

### **Adjournment**

At 7:33 p.m., the Commission adjourned to November 9, 2021, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



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Charles Rapp, Director of Planning

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

Approved by Planning Commission
Date: 11/09/2021
Initials: CSS