

**Albemarle County Planning Commission
FINAL Work Session and Regular Meeting Minutes
December 13, 2022**

The Albemarle County Planning Commission held a work session on Tuesday, December 13, 2022 at 4:00 p.m.

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

Members absent: None

Other officials present were: Kevin McDedermott, Acting Director of Planning; Leah Brumfield, Rebecca Ragsdale, Bill Fritz, Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Ms. Shaffer was present electronically via Zoom call.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Ms. Firehock established a quorum.

ZTA – Sections 31, 32, 33

Ms. Leah Brumfield said that the work session today was for the Zoning Modernization Update Project, numbered ZTA202200002. She said that she would give a brief introduction before Ms. Rebecca Cobb with the Berkley Group, the project's consultants, would present more information. She said that the purpose of the project was to modernize the Zoning Ordinance. She said that the ordinance had not undergone a complete overhaul since it was adopted in 1980.

Ms. Brumfield said that they had made a number of amendments in those intervening 40 years, but the ordinance was in need of overall reorganization and an overall cleaning up. She said that by doing a complete evaluation, building the ordinance back from the ground up, they intended to make it clearer, more user-friendly, and bring in ways that spoke to the modern comprehensive plan goals, addressed the current needs of residents, and updated any outstanding code changes from the State of Virginia.

Ms. Brumfield said that when this project was originally launched earlier in 2022, work began with the creation of new setback regulations, streamlined land uses chart, but following two work sessions in April and June, they came to the realization that the project needed to restart, so that brought them to today. She said that the goals today were to receive the presentation from the Berkley Group of the overall evaluation of the ordinance, which was a 98-page document in the Commission's packets.

Ms. Brumfield said that while the length of the document was overwhelming in volume, the majority of it was actually detailed, diagnostic notes on each section of the ordinance, giving comments on potential changes and what must be changed and why. She said that the other section that took up a lot of space in that document was the crosswalk where each section of their current ordinance was proposed to be ending up in a new, reorganized layout.

Ms. Brumfield said that since it was a lot of information to cover, the Berkley Group would present their findings in two parts with discussion held after each part. She said that Ms. Cobb would first present the overall evaluation priorities and findings, then the ordinance structure direction. She said that while she was certain the Commissioners had specific and detailed input on individual sections, they would be able to discuss those in depth later on during the project, and right now they were focusing on the evaluation

priorities, findings, and the ordinance structure. She said that the real work would begin with the drafted materials in their next section.

Ms. Rebecca Cobb with the Berkley Group said that she would discuss the current status of the project phase, the ordinance evaluation, and also talk about the ordinance structure and next steps. She showed a diagram of the Phase 1 schedule, starting back in August with time for investigation, and now at the first work session for Phase 1. She said that they would proceed through two more work sessions where they would draft and review drafted material, and again investigate to make final revisions in June, while also presenting what they had drafted to the Board prior to moving to Phase 2.

Ms. Cobb said that the overview of the project could be divided into three parts, which were investigations, content development, and adoption. She said that for Phase 1, they had completed most of the investigation, which the Planning Commission had participated in. She said that content development was beginning with the ordinance diagnostic and the table of contents, which they would discuss today, and then they would move through the other items, some in this phase and some in future phases. She said that adoption was some time away, but they would get there.

Ms. Cobb said that the engagement summary was Appendix C in the report received by the Commission. She said that the engagement summary was summarizing the different groups that were involved in Phase 1, including Community Development staff, the Planning Commission, and the Charlottesville Area Development Roundtable. She said that some common themes brought up by these groups were that the ordinance was complex, the application submissions were inconsistent, lengthy approval processes due to the number of cases being heard and the steps to get through processes, a desire for more by-right uses created through making some special permits into by-right use standards, a desire to increased density and building height in specific areas, and reevaluating the Neighborhood Model, which had concerns across all three groups that there needed more future planning for that district.

Ms. Cobb said that the items shown in the yellow color on the slide were items that could be addressed during this phase, and the items in the teal color were things that would be addressed in future phases. She said that the Community Development staff would be providing a complete list of application requirements, as well as explaining the processes for each type of permit, and wanted to create a more efficient site plan process. She said that the staff noted that it was a long process that could become more efficient through internal workings with staff as well as things in the ordinance that could be improved. She said that things for future phases included reducing the administrative burden of the Neighborhood Model District, addressing minor disturbances within critical slopes, changing uses to by-right with uses standards, and clarifying and refining existing use standards.

Ms. Cobb said that some highlights from the Planning Commission were that staff required additional detail in applications, streamlining of the application processes, and considering adding a work session prior to public hearings. She said that she believed that the work session item should be trigger-based, because while it was something that could be useful for the Planning Commission, it could also lengthen some projects that were actually simple.

Ms. Cobb said that there should be a trigger based on data such as number of acreage or number of dwelling units, and then the work session could be very beneficial prior to a public hearing. She said that the other items for future phases were to modernize industrial uses, consider incentives for low-impact development, adding maximum parking limits, which was something heard from multiple groups, and that parking issue was changing nationwide. She said that they also listed addressing or removing height and setback standards as an issue.

Ms. Cobb said that from the Charlottesville Area Development Roundtable, they heard clarifying the permitting processes, and reducing the details required on concept plans, which was different than the Planning Commission's wish for additional details. She said that it was interesting to consider that as they were updating this ordinance, they would be putting in the standards and the requirements vetted by the Planning Commission and approved by the Board, so that may be a reason that concept plans could have

less details in terms of sidewalks or parking, because the standards would be in the ordinance, then they would not need to be included in every application.

Ms. Cobb continued that they wanted the creation of a “desktop process” for site plan discrepancies, which would help with conflicting information between departments and allow the building permit process to start prior to final site plan approval. She said that the future items listed were to incorporate maximum setbacks instead of minimum, to update recreational amenity requirements, and allow more by-right housing options. She said that was the engagement summary, and more detail could be found in the Appendix C for any additional information the Commissioners were interested in.

Ms. Cobb said that the evaluation report was in Appendix A, and the matrix was where they looked at the Code of Virginia in comparison to the ordinance, and looked at Title 15.2 Chapter 22, each section, so they provided the section number, a description of the section, and classified and made judgments in terms of if they were in compliance, partially in compliance, or not in compliance with that item, and when they thought there was room for improvement in compliance, they had made recommendations in bold. She said that in the report, they did a synopsis of that. She said that chart 1 showed the number of things applicable to Albemarle, and about 85% of those were applicable, and 16% were not.

Ms. Cobb said that chart 2 took away not considering the things that were not applicable and looked at what they were in compliance with or partially compliant or not in compliance with. She said that they would consider this a passing grade, and they had now identified the places to strengthen, so they would look to those items throughout the drafting process so that they were fixed and resulted in better compliance with the Code of Virginia. She said that the bottom chart, chart 3, showed the optional provisions. She said that state code had several optional provisions, and not all would be suitable to Albemarle County. She said that they were utilizing about half of them, so the other half were just something to consider if it would be suitable to implement for Albemarle.

Ms. Cobb said that further in the report, with the information guided by the mentioned bodies and by the ordinance, as well as best practices and the Code of Virginia, they made a report of basic recommendations. She said that page 9 discussed the permitting process, and the recommendations were a simplified permit structure that was supported with definitions, clear application requirements, and streamlining with more administrative approvals. She said that this would take burdens off of the Planning Commission, free their agendas, and help things move along when they did that.

Ms. Cobb said that for site plans, the recommendations were to clear submissions requests, implement limits on resubmission and specify the denial process, and reduce the length and complexity of the process. She said that for districts and district standards, the recommendations were to reduce waiver requests, allow more low impact uses in Rural Areas, and to reevaluate the Neighborhood Model District.

Ms. Cobb said that page 11 showed uses and definitions recommendations, which were to incorporate Code of Virginia uses and definitions, broaden and consolidate terms, and to add modern uses. She said that on page 12 was the use matrix recommendations, which were to incorporate regulations into the ordinance, and to reorganize and simplify. She said that use standards recommendations were on page 12 as well, which were to add to new by-right uses, to amend to address frequent modification requests, and to integrate past zoning determinations.

Ms. Cobb said that page 14 discussed community design standards, including streets and landscaping to be aligned with VDOT and to consider native species and mature sizes, parking to include maximum parking limits and to clarify surface requirements, critical slopes to clarify differences between critical and other slopes and to allow minor disturbances, and to reduce the burden on the BZA about signs. She said that included the summary of the engagement summary and the report. She asked if there were any questions relevant to permits and processes, and if there were things that Commissioners read that they thought were incorrect from the ordinance, and if there were things that the Commissioners strongly disagreed with being included in the draft.

Mr. Missel said that at the beginning of the presentation, Ms. Cobb talked about the sources of input, and then a slide with prioritized items on top in one color and other items in another color on the bottom. He asked how that decision was made to not prioritize things such as, for example, disturbance of critical slopes.

Ms. Cobb said that it was not that those items were not prioritized, but the order in which things would be addressed. She said that the gold color indicated items that could be addressed during the current phase, and the other items were things that they would address and revisit in other phases.

Mr. Missel clarified that it was all a part of this process.

Ms. Cobb said yes. She said that they would not be dealing with those items when they would not be applicable for more than a year.

Mr. Missel said that he understood. He said that also at the beginning of the presentation, Ms. Cobb mentioned hosting an open house. He asked who would be participating in that event.

Ms. Cobb said that they would be giving that open house with staff. She said that the date had not been set, but probably would be set this week. She said that they wanted to hold the event in January, and it would be to inform the public about the phasing and the intention of the project.

Mr. Missel said that they had discussed public engagement with the community and to make sure that it was as robust as possible, so reaching out to groups that were applicant groups that would want some say in this. He said that he encouraged them to do that as comprehensively as possible.

Ms. Cobb said that they would. She said that they were working with the Albemarle engagement staff, as well as within this phase of the project creating a plan and would be sharing that with staff in order to be robust throughout.

Mr. Missel said that one of the main themes was to help simplify the planning process and expedite it. He said that he knew that there were some things that the County could control and others that they could not. He asked what efforts were being done to include groups such as RWSA and VDOT in this process so that they could work together and not end up with a great County policy that interfered with another regional organization's effort.

Ms. Cobb said that they wanted to consider those other departments, and they were a big part of those approvals, and they would do that through the drafting.

Mr. Missel asked if they anticipated any of them would change their processes as a result of this.

Ms. Cobb said that she did not think so.

Mr. Bivins asked if there could be a word insert under "district and district standards," at the end of the first paragraph, it said that such instances included challenges with setbacks encroaching setbacks for parking and accessory uses and rigid transitional lines between high and –" and the sentence then ended. He asked if that missing information could be provided. He said that he liked the idea that they would go from 90 to 100 days and the ability to discuss what he had seen there and flexibility of permitting and the process.

Mr. Bivins said that one of the things that puzzled him was that when they said that they would tie things to be reflective of VDOT's processes and try to enhance the connection to state code, he wondered if they could create their ordinances to change when those things changed, or if when their Supervisors engaged in legislative conversations, staff under FOIA would have an opportunity to say that while it may not be a big-ticket item, it may be helpful in planning and building out their community.

Mr. Bivins said that the current Governor was interested in accessory units, as well as expanding the density codes at a state level. He said that he did not know if it would pass in a bifurcated legislature, but there was some headway in researching those topics. He asked if something radical occurred what the flow-through would be for their ordinances so that they were in sync with their community members so they would be able to do something else and not be out of sync with builders and developers who relied on the rules of legislature and wondered how the local building market would reflect on that.

Mr. Bivins said that in the County, they had to have things that tied into the legislature, and he would like to know how they would do that in a way that allowed them to be nimble but predictable with the code. He said that he would like to know how the state code and connection with other state organizations like VDOT would land in a document that would allow it to be both instructive, directive, and hopefully inspired people to do good building in the County.

Ms. Cobb said that in terms of things like density or other state code-related things, they should aim for compliance with the state code, which sometimes meant that when the state amended things, the County had to amend things. She said that the ordinance was not meant to sit for another 40 years and would continue to change. She said that there were things that the state code said that the County could utilize and decide parameters for, so there was room there in those terms. She said when speaking about VDOT and other state agencies, their method typically was to reference them and not to be specific about what their code said.

Mr. Bivins said that that was a workable solution. He said that the development community wanted predictability, and they also wanted to bring projects to fruition that were cost-effective and met the community's needs, but there was a third element where they took their code creation as a downstream reality of what happened in the state legislature, and he did not know how they would balance that in a way that brought predictability also neutrality so that the code did not imply there was an extra cost to get projects done.

Ms. Firehock said that she had more specific questions related to the appendix, but she did not feel that they were necessary to ask in a work session because they were not drafting anything yet.

Ms. Cobb said that was correct.

Ms. Firehock said that she would send her questions separately and copy the Commission. She said that the process sounded reasonable. She said that she was concerned that there was a part of their code that allowed people to, through an SUP process, have special event permits under SPs through Section 10.2.2.50. She said that if she had an old barn in a rural area and wanted to start using it for weddings, she could come to the County and ask for it to be used for events as a preexisting structure. She said that they had already dealt with farm wineries, breweries, and distilleries, but this felt more severe. She said that her concern was that that piece of code that people could apply for meant that the rural area could be turned into a commercial event venue, and she did not like the piece of code. She asked Ms. Cobb if that section of code could be looked into.

Ms. Cobb said that when it was time to address that issue in a later phase of the process, they would.

Ms. Firehock said that this was a well-intentioned piece of code with the potential to go wrong, and there had already been controversial places in her district that had been involved in it. She said that she had a long email that she could send to Ms. Cobb's email.

Ms. Cobb said okay.

Ms. Firehock said that her other questions were minor ones that were relevant to when they were writing the code that she would send separately.

Mr. Clayborne asked if Ms. Cobb could discuss engagement and how they knew that they were successful in those exercises.

Ms. Cobb said that because it was permits and processes, they wanted to reach out to people who were most familiar with that topic, so that was the guide in this process. She said that they were putting together a full engagement plan for this, and they planned on having some metrics and monitoring if people visited the webpage and responded to the survey. She said that the end result of knowing how successful they were was if they were getting information and answers that could be utilized to make changes in the ordinance that showed that people understood what they were talking about and that they were answering needs through those changes. She said that there would also be additional metrics, and the engagement staff would be relied on to monitor and perform engagement.

Mr. Murray said that as he read the document, he saw a lot about expediting or about various policies being barriers to development or other things. He said that a lot of policies came about because they were trying to stop things from affecting natural resources in certain areas. He said that it was difficult to build on critical slopes and floodplains, and those were not done to be barriers but meant to protect a resource. He said that the tone could be more balanced. He said that particularly given some things they had with the Montclair situation, they had different ways to expedite. He said that he was focused on clarity and making the process easy to understand, but he did not want things to be so expedited that they impacted the resources that the public cared about.

Ms. Cobb said that she agreed. She said that when referring to making some things by-right, she would add that they were by-right with use standards, so those impacts were still addressed while that process was still easier and business-friendly.

Ms. Firehock said that one of her concerns was an example made that the County's standards were more stringent than FEMA, and that was an example of something that was a good thing. She said that part of their stringency was because of the aftermath of Hurricane Camille, and it was a bad idea to build in the 100-year floodplain. She said that many people's houses were in that area, but she was proud of the County's more stringent policies and held it against other counties. She said that another was about the Mountain Ridgeline Protection, there was a whole story behind that, and being aware of why they had some of the things were because they had failed at something else.

Ms. Firehock said that those things should be considered before agreeing to fix them. She said that the other thing about expediting things was that there was a lot of talk about what people would like, but they were very short-staffed, and they could write all sorts of things about how they could make things more efficient, but at the end of the day, there was a shortage of planners. She said that perhaps that fact was indicated in the report, but they received a lot of pushback about why things were taking so long, and the reason was the lack of manpower.

Ms. Cobb said that by strengthening the ordinance, it would help with the manpower issues.

Ms. Firehock said that they certainly were wasting time on things that went through multiple rounds of the process, but there had been times when that slowdown had helped reveal a major problem with a development site that must be addressed and not sped through.

Mr. Carrazana said that he would like to address the concept plan details. He said that he would like to hear what the burdensome elements were in the concept plan. He said that there had been some with more detail that needed to be presented, but he thought that was uncommon. He said that the issue that they had faced was that they did not have enough information for what they were asking for. He said that if they were asking for a change in a setback or setback, in some cases they did not provide the height of the building. He said that having the pertinent information for what was being asked for was important, and they did not always receive that. He asked what issues were found to be burdensome in the current concept plan.

Ms. Cobb said that they did not create a list of that. She said that when she was drafting this section, she would make some comparisons to other localities and make decisions based on that and bring information based on that.

Mr. Carrazana said that he believed that staff was working on some revisions to the concept plan's applications.

Mr. McDermott said that he was unaware of that right now, but he would let them know.

Ms. Firehock said that Mr. Rapp was pondering things, but she did not know what that was.

Mr. Carrazana said he may not have gotten there. He said that he did not know if there was any movement in that and would like to see what was underway.

Ms. Firehock said that during the last economic downturn, the County relaxed what was required to be included, and it could be a matter of going back to what they used to require, which was that they used to require helpful things.

Mr. Carrazana said that they could be asking for things that were above and beyond the specific request. He said that that could be burdensome if someone was only asking about one thing. He said that there must be a way that they could balance that so that they got the information for the topic at hand for the issue being presented and not cover other impertinent information.

Mr. Bivins said that some projects had mentioned that they had already been before the ARB, and he wondered why they went to the ARB before the Planning Commission. He said that he wondered if the process was backward, or if a package that came out of this process should be seen by the Planning Commission before going through the process. He said that he asked Mr. Rapp if the ARB and PC should have a work session to understand what they were looking at, because they were stressing things that were agreed to that not only changed the form of the project before the Commission, so they were unable to have a robust discussion with the applicant about that. He said that moving items to more administrative determination was something he was fine with, but only if there was an opportunity for both the Supervisors and the Planning Commission to have an overview or updates in a significant way.

Mr. Carrazana said that there was a conflict between the development industry and some of the other details about the concept plan. He said that he would like to see how they would resolve those conflicts in a way that made sense, the Planning Commission had the details they needed, and if there was a way to simplify the process. He asked if they had thought about that process.

Ms. Cobb said that they were not at that point. She said that they had a few other articles that would be drafted first, but research would begin on that topic and similar localities' requirements.

Mr. Missel said that the ARB perspective was important to mention. He said that when he served on the Board, most of the ARB's filter was aesthetic and not land-use related, and they tried to stay within those boundaries. He said that he realized that Mr. Bivins' comment about the process being reversed did seem true, because the ARB's general guidance may mislead people by getting approving remarks early on in the process. He said that the fact about aligning the request with the detail was hugely helpful to an applicant, but if they were making a relatively simple request, the applicant should know that they did not need to spend extra time and money to do certain things. He said that he did not exactly know how to do that, but he did think that alignment was critical.

Mr. Carrazana said that was likely something for the staff level.

Ms. Cobb said that staff would review applications and have pre-application meetings to let applicants know that it was simple and that they did not need certain other things.

Mr. Missel said that he agreed with Ms. Cobb. He said that there was a different perception among different staff members, so to put something in writing that was some sort of checklist or guideline to make it more objective was important.

Ms. Cobb said okay.

Mr. Missel said that in thinking of how economic development was woven into the process, there was no ability for a developer to create a ready site that allowed for future economic development to come in and be ready to go.

Mr. Murray said that there was also a lot of talk about things being done more administratively as opposed to coming before the Commission, but often, the fact that something came before the Planning Commission was the only way the public was able to provide input on something, and when things were being done administratively, there must be increased transparency. He said that particularly as they had performance-based standards, it was important that the public be engaged in helping develop those performance-based standards and being engaged in what those were so that when a project did happen that was next to them, they would understand how and why it had been approved and that it did not all happen in a black box.

Ms. Firehock said that a comment in the document was that it would be nice to have a graphic of the development process, and there was a simplified version shown there. She said that the County did have a graphic of the development process, but it was somewhat complicated. She said that they needed something better than what they had. She said that some localities had engaged in a different type of expediting, which was greenlighting.

Ms. Firehock said that they had lost a lot of their ability to require things, such as on-site water quality treatment, but if they did enough green things in their application, they could get in a different pile to be reviewed faster. She said that they should think of not only how to speed things up, but even if they did not have the staff capacity down the road, she would love to hear a developer say that if they did permeable pavement and a green roof, they could go in the fast pile, and that would be worth it. She said that she would like to begin thinking about that.

Mr. Murray said that the Natural Heritage Committee had voiced concern about salamander migration in vernal pool systems, and saw a developer come forward and say that they understood the issue and wanted to build tunnels for the salamanders to use for migration and help protect the important habitat in Albemarle County. He said that something like that helped a developer move a project through the development process faster, because everyone recognized the good things that they were doing. He said that it would be wonderful to formalize that so that when they had good projects, there was a way to greenlight them.

Ms. Firehock said that it had been done in other Virginia localities.

Mr. Bivins said that they had daycares that came back for five more students. He said that they spent a lot of time debating if there should be five more seats in a daycare center, and all the time and work it took to get that to the Planning Commission could have been avoided. He said that there was a host of things that could be asked to have done and then more serious things like the environment that should have the Planning Commission's involvement.

Ms. Cobb said that they were aware of many of those things mentioned by the Commission, which were described in the engagement summary and had been mentioned with discussions with the groups involved. She said that they would be aware as they got to process and use standards and other things. She said that she would like to continue to the table of contents. She said that in the proposed table of contents, Appendix B of the report given, there were two parts, the proposed table of contents and a crosswalk.

Ms. Cobb said that Article 1 and Article 2 were things that they were preparing to begin drafting and were the first two articles proposed in the ordinance. She said that Article 1 was a lot of state code items, as was Article 2, following state code but establishing the Board's authority to have a Zoning Ordinance and map.

She said that they had also included things about the interpretation of the regulations and the transition from the current ordinance to the new ordinance. She said that Article 2 was the administration for the Zoning Ordinance, including the Zoning Administrator, Planning Commission, BZA, and ARB, who were all addressed in terms of powers and duties, or addressing what state code said they could or could not do and the timeframe it must be done in. She said also in this article would be enforcement, fees, taxes, and expense payments prior to making applications and improvements to property.

Ms. Cobb said that article 3 was proposed to be permits and applications that would always be a part of this phase, but not in this work session. She said that work session 3 would be when they would talk about the permits, what was required, the concept plans and what was required for them, as well as timeframes, appeals, hearings, and notifications. She said that the next two articles would not take place in Phase 1. She said that article 4 was primary zoning districts, which would establish the primary zoning district as well as include basic standards for lot size, setback, and building height. She said that article 5 would establish the overlay districts and the standards related to those.

Ms. Cobb said that those would be followed by two articles related to uses. She said that article 6 would be the use matrix for the primary districts and would address overlay district uses. She said that article 7 would be the use performance standards, which would be organized by type of use as well as organization of the use matrix to follow that same format. She said that article 8 was community design standards, including lighting, landscaping, walls and fences, streets and sidewalks, parking, loading, signs, and open space. She said that Article 9 was proposed to be the form-based items. She said that the current Rio form-based code may be expanded to include additional form-based things, so they felt having a separate article for that made it easier to amend as time moved on. She said that Article 10 was for nonconforming uses, lots, and structures, which were heavily dictated by state code. She said that Article 11 would be definitions.

Ms. Cobb said that the crosswalk provided showed the existing sections and where that information was proposed to be located. She said that it let them know if there was a particular topic that the Commissioners were interested in that it would be addressed in a specific article. She said that it was important to note that when they were proposing this location, it did not mean that that specific text would be right there, but that that topic would be there, and they may clean it up to make it more readable, or that they changed standards based on comprehensive plan policy, but it guided where that should go. She said that during drafting, they may realize that things may be better organized in a different way. She said that it also served as a guideline to ensure that they were not missing items of the text and capture everything that should be present in the drafted sections and make obvious and informed decisions about changing, editing, or taking out things that were irrelevant.

Ms. Cobb said that the format of the new ordinance was different than the current one. She said that the current ordinance had articles and sections, and they proposed to have articles, divisions, and sections, which would make it easier to find what one was looking for, as well as amend later on. She said that the definitions were currently in Article 1 Section 3, and they proposed to put that at the end of Article 11. She said district regulations were currently in Article 3, and they proposed splitting them into Article 4, which established districts and the main district regulations, Article 8 with community design standards, and Article 9 was the form-based code item.

Ms. Cobb said that procedures were currently under Article 4, and they proposed to split into Article 2 and Article 3, with Article 2 detailing the procedures of the different administrative authorities, and article 3 detailing the permit processing. She said that the goal of this discussion was if the Planning Commission approved of this layout, realizing that they had not built out the sections, which would be determined as they drafted. She said that having a consensus on whether or not the table of contents made sense would be great information to have.

Mr. Bivins asked if the definitions the Commission had outlined in the past would be applied, or if new definitions must be defined as a part of this process.

Ms. Cobb said that there may be some things they wanted to change and would have those in mind, but it was good to know. She said that they certainly did not want to have time to bring something to the Commission when they had already done that work.

Ms. Firehock said that she did not have a strong opinion about the table of contents as long as it was structured so that things could be easily found.

Mr. Bivins said that it was important to set up the authority of the administration first, and then from that authority, things spread from that.

Ms. Firehock said that there was confusion among the public about the role of the Planning Commission and its authority over matters. She said that there was a woman from Utah who called her repeatedly and mistakenly thought that she was the Planning staff. She said that there was confusion about what their roles were. She said that she was thanked by members of the public for working on a Sunday, but she did not want them to think that she was a full-time staff member putting in hours on a Sunday, because she was a public official and always worked on Sundays.

Mr. Bivins said that he wanted people to understand the lack of authority they had; they were a body of recommendations, with few things that they had complete authority over.

Ms. Firehock said recently, people had written to the Planning Commission about what they wanted to have taken care of with applications, but they were only able to recommend part of these lists, so she had to explain what they did and did not do for applications and how state code influenced this. She asked Ms. Cobb if there was anything she could do to help with this misperception.

Ms. Cobb said they would definitely do that. She asked if everyone was okay with the layout.

Mr. Bivins said that there was a diagram that showed the state code compliance analysis. He said that when he was looking at the index, he wondered which they were talking about, because if they were 39% in compliance, that should hopefully mean that they could move from one place to another, but he would like to know what those that were in compliance actually were so that he knew whether or not to focus on that.

Ms. Cobb said that her job was to make sure that what was drafted and presented met the state code, and whether that was whether it was taking what existed in the ordinance and pulling it over, or if they added text to make it in compliance.

Mr. Bivins asked if that would be notated.

Ms. Cobb said that it would be obviously indicated whether they met state code or not.

Ms. Firehock said that there was more than one instance where they were not compliant in a sense with the state code, but were grandfathered in, and purposefully were not updating that code because the state code had intentions that were different than those of the County. She said that those were not a mistake, and that was a challenge.

Ms. Cobb said that she believed she knew what the item was that Ms. Firehock was referring to.

Ms. Firehock said that there was more than one item.

Ms. Cobb asked Ms. Firehock to include that in the email she would send to the consultant so that they were aware of it.

Ms. Firehock said that her information was based on conversations with staff.

Ms. Cobb said that the next steps were a meeting in February to discuss Article 1 and Article 2, the general and administration articles that would be drafted for them to review, talk about, and tweak those articles based on that discussion in February. She said that in January, they proposed the open house to occur, so they would announce that date, time, and location very soon.

Ms. Cobb showed a slide that had a list of reminders, which said that their next meeting would be in the conference room so that they could have a better discussion and hash out what was to be drafted. She asked the Commissioners to read the materials and come ready to discuss those things so that they could meet the objective of that meeting, which was to create a draft of Article 1 and Article 2 that the Planning Commission was comfortable with. She said that the next time, they would meet on a different article, so consensus and judgments must be made to move on to those next items. She said that if there were questions to please refer them to staff so that they could help expedite the process.

Ms. Firehock asked if Ms. Cobb could be more explicit about what the Commissioners should review and to what level of detail. She said that she had made notes on Appendix A, but she did not feel that that work was necessary at this stage. She said that rather than simply review and come prepared with comments, she would like to know what level of detail Ms. Cobb would like them to review the information.

Ms. Cobb said that when they drafted articles, the Commissioners would receive a memo that would highlight some of the major changes that they would like the Commission to consider and give feedback on. She said that also in the drafted text would be editor's notes where they would highlight specific items that were changed or based on state code, and those would help with reviewing and finding information. She said that she would be looking for consensus on particular items and how things could be changed so that there was agreement.

Mr. Bivins asked if the report was still necessary.

Ms. Cobb said that Mr. Bivins was welcome to review that document as often as needed.

Mr. Bivins asked if this document would pertain to the homework.

Ms. Cobb said that it would not be needed for the homework. She said that it would be helpful to refer to as they got into other phases so that those items that were not in the current phase could be reviewed.

Recess

At 5:16 p.m., the Commission recessed until 6:00 p.m.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Ms. Firehock called the meeting to order and established a quorum.

Other Matters Not Listed on the Agenda from the Public

Mr. Neil Williamson stated that he represented the Free Enterprise Forum (FEF). He said that in December, since 2016, the FEF had offered poetic remarks regarding the state of the County. He noted that an issue they often dealt with was a concept called not-in-my-backyard (NIMBY). He said that the poem for this year was called, "The NIMBY Who Stole Diversity," a satire of "How the Grinch Stole Christmas" by Dr. Seuss. He recited the poem:

"Every planner down in Whoville liked residential diversity a lot. But the NIMBY, who lived in an established neighborhood, did not. The NIMBY hated density and the whole housing variety season. Now, please don't ask why. No one knows what the reason.

"The NIMBY remembered quite fondly when his house was new. He was the first single-family home on the old farm in subdivision Phase two. The roads had no sidewalks, no curbs on the street, just one type of housing spread out and notoriously neat.

"The people who moved into farm divisions one, two, three, and four demographically looked like NIMBY and nothing much more. The lack of diverse housing types did not appear in NIMBY's sphere. He was all for apartments, townhomes, and housing affordability, just not near here. NIMBY was worried because he knew every planner down in Whoville beneath was busy now imagining a new neighborhood concept, and they're hanging their zoning maps with a sneer, 'tomorrow's comp-plan day. It's practically here.'

"NIMBY growled with his nimble fingers nervously drumming. 'I must find a way to stop this housing diversity from coming.' For tomorrow he knew the entire Who planning team would wake bright and early and endorse the housing diversity dream. And then, oh, the people who did not all look alike, the darn housing variety, and the traffic and children, the mixed-use components the planners had fit in.

"And the more NIMBY thought of this increase density ring, the more NIMBY thought, 'I must stop this whole thing. Why, a resident for 30 years, I've put up with it now. I must stop the density from coming, but how?' Then he got an idea. An awful idea. The NIMBY got a wonderful, awful idea. 'I know just what to do,' the NIMBY laughed in his throat. He made a quick Santa Claus hat and a coat. He chuckled and he clucked, 'What a great NIMBY trick. With this coat and this hat, I look just like St. Nick!' He loaded some bags and some old empty sacks on a ramshackle sleigh, and he hitched up old Max. Then the NIMBY said, 'giddyap,' and the sleigh started down toward the County Office Building where the Whos lay a-snooze in their town.

"And all their windows were dark. Quiet snow filled the air. All the Who planners were dreaming sweet dreams without care. When it came to the first little office on that second-floor square, 'This is stop number one,' old NIMBY Claus hissed. And he walked down toward the office, empty bags in his fists. Then he slid Charles Rapp's recently retired ID card passed the door (it really wasn't that hard). He got stuck only once for a moment or two, and he stuck his head out into the dim room. Where the proposed comp-plan maps were all hanging in a row, these density maps, he grinned, were the first things to go.

"He slithered and slunk with a smile most unpleasant around the whole. He took every colored marker present. Supervisor red-dot exercises, focus group notes, internal memos, meeting minutes, action plans, community engagements—he stuffed them in bags. And then, the NIMBY very daft, he stuffed them in bags one by one down the elevator shaft. Then he slunk to the staff icebox, and he took the planners' feast. On the walls, he left nothing but hooks and some wire. He even took the last update from Town Crier.

"'Poopoo to their woos,' he was nimble humming. 'They're finding out now their housing density is not coming. They're just now waking up. I know just what they'll do. Their wide mouths will hang open for a moment or two. Then the planners down in Whoville will cry, "boohoo." That's a noise,' grinned the NIMBY, 'I simply must hear.'

"So, he paused, and the NIMBY put his hand to his ear. And he did hear a sound rising over the snow. It started in level and it started to grow. But the sound wasn't sad. It sounded very merry. It couldn't be so, but it was merry, very merry! He stared down at Whoville, the NIMBY popped his eyes. And then he shook. What a shocking surprise!

"Every Who down in Whoville, the tall and the small, were singing the praises of residential density and embracing housing diversity without any new maps at all. He hadn't stopped the density concept from coming. It came! Somehow or other, it came just the same! And the NIMBY, with his NIMBY feet ice cold in the snow, stood puzzling and puzzling, 'how could it be so?' It came without red dots. It came without overlays. It came without chapters, without charts or minutes galore. He puzzled three hours till his puzzler was sore.

"Then the NIMBY thought of something he hadn't before. Maybe accepting housing diversity and density doesn't come from the planning. Maybe it comes by everybody working together under a community banner. And what happened then? Well, in Whoville they say the NIMBY's small heart grew three sizes that day. And the minute his heart didn't feel quite so tight, he raised up his load through the bright morning light, and he brought back the red dots, the maps and the minutes, and the food for the feast. And he, himself, the NIMBY, carved the roast beast."

PUBLIC HEARINGS

AFD202200002: Blue Run AFD – Periodic Review

Ms. Rebecca Ragsdale, Planner, said that she was filling in for Mr. Scott Clark. She said that she would review the characteristics of the Blue Run AFD. She explained this was the 10-year periodic review of the district, which was required.

Ms. Ragsdale stated that the Blue Run AFD was in the northeastern part of the County between Stony Point Road and Gordonsville Road. She said that it included a number of parcels within the Southwest Mountains district. She said that it was about 4,244 acres and included a significant amount of wooded areas and parcels of important agricultural soils. She noted that this was a required 10-year review of the district. She stated that there were no withdrawal requests.

Ms. Ragsdale explained that the item was before the Agricultural and Forestal District Committee on November 9, and the committee recommended approval unanimously to renew the district for a 10-year period. She said that there were no members of the public in attendance. She said that staff recommended approval of the district.

Ms. Firehock opened the hearing for public comment. She closed the public comment and brought the item back before the Commission.

Mr. Bivins asked for clarification regarding the number of development rights for the district.

Ms. Ragsdale responded that she did not know, and it was not included in the report.

Mr. Bivins said he did not have a sense of what they were discussing in terms of land-use issues. He said he wanted to know why the soils were mentioned when the majority of the soils were not of particular importance for agriculture. He said he wanted to know what the other soils were.

Ms. Firehock explained that prime soils were identified because they were for agriculture.

Mr. Bivins said that the report did not identify the soils as prime soils.

Ms. Firehock said she hoped that they would not include sub-par soils. She said that the classification usually had to do with row crops. She said that animals could be grazed on lower-quality soils. She noted that there could be a farm use across a parcel despite the soil quality.

Mr. Bivins said that he wanted to see more detail. He noted that a majority of the land was in a conservation easement. He said he was conflicted as to why there were AFDs, land use, and the ability for someone to have conservation easements on the same area. He said that when they began to review the ordinances, he wanted a robust conversation about the use of the AFD and the different type of land benefits.

Mr. Bivins said that he was a supporter of farms and family farms. He said he wanted to ensure that the farms and credits were used by people who were engaged in the business. He said that he wanted to ensure the land classifications were not being used to reduce tax burdens. He said he wanted to strengthen protections for family farms.

Ms. Ragsdale clarified Mr. Bivins wanted to know the benefit of having the different property types in the AFD is they were also under easement. She explained that the AFD brought other benefits along with County-level review and regulation. She noted that items may not be covered in easements because easements were varied.

Ms. Ragsdale explained that the district brought the benefits of limiting the intensity of potential uses. She noted that the report indicated there were 38 existing dwellings. She stated that more information would be provided regarding the development rights and the significance of why it was in the AFD. She stated that in the report, "particularly important soils" meant prime soils.

Ms. Ragsdale said that a number of the characteristics of the district were important, and staff believed it was important to have the County-level program. She said that the program brought some benefits to landowners. She noted that it limited development from higher intensive uses. She said if there were uses to happen within the district, then they were reviewed with greater scrutiny. She mentioned that they should review why the program was significant and why it was in place.

Mr. Bivins said that since the County had limited commercial land and a commitment to family farms, he wanted to ensure the decisions made with the ordinance were supporting the general community good.

Ms. Firehock clarified that the AFD Committee had reviewed the proposal, so the Commission's review was not the only review. She clarified that an AFD was not just about development rights, but it was about surety that surrounding farming uses would continue for a certain period of time. She said that the AFD helped to ensure small farms were able to stay in business. She suggested that a conversation about the best tools for rural land conservation and agriculture should start with the comprehensive plan. She said that she was not suggesting opening up the rural area for development.

Mr. Murray stated that he had reached out to staff prior to the meeting for more information. He stated that properties used to be included in the AFD which did not have any remaining development rights and would have otherwise not qualified. He said that the Board made a positive change by disqualifying properties from the AFD that would not have qualified under agriculture and had no remaining development rights. He said that he clarified with staff that there were no such disqualifiable properties within the district.

Ms. Firehock said that it should be a standard item included in the reports.

Mr. Murray noted that people could decrease their property development rights while within the district, and that should be part of a future discussion.

Ms. Ragsdale noted that family divisions under certain circumstances could utilize development rights. She said that it did allow for the creation of 21-acre lots, but the use of the development rights was one of the limitations.

Mr. Murray stated that there could be more discussion on the point.

Ms. Firehock said that all of the rural land protection policies should be revisited when they review the comprehensive plan.

Mr. Missel moved to recommend approval of the Blue Run district for a 10-year period. Mr. Clayborne seconded the motion, which carried unanimously (6:0).

SP202200014: Woodridge Solar Substation, and SP202200015: Woodridge Solar

Ms. Firehock stated that items 4b and 4c on the agenda would be combined into one public hearing. She said that 50% more time would be provided to each speaker for a total of 4 minutes and 30 seconds of speaking time. She noted the Commission did not object to the speaking time increase. She said she would provide more instructions when it was time for public comment.

Mr. Bill Fritz, Development Process Manager, explained that the County had reviewed and approved three applications for solar facilities to date, and they were constantly updating the review process. He explained that the Board had directed staff to hire a consultant, and any work produced by the consultant before the Board reviewed the application could be included in the Board's review. He said that language could be included for a siting agreement between the Board and the applicant.

Mr. Fritz stated that there were two applications before the Commission—three were included in the staff report, but the Commission only had to take action on two. He stated that there were two special use permits—one, for an electrical substation, the other, for the solar energy system. He mentioned that he would reference to the solar energy system as a solar farm or solar facility during the presentation.

Mr. Fritz stated that there was a special exception for disturbances of critical slopes. He said that the Commission may provide comments, but they were not required to provide comments to the Board. He stated that there had been two community meetings for the project—one was held virtually, and the other was held in-person. He said that concerns about visual impacts, property value impacts, stormwater impacts, fire safety, and decommissioning and recycling of decommissioned materials were all brought up in the meeting.

Mr. Fritz stated that the subject property was in the southeastern part of the County close to the Fluvanna County line. He said that the area was rural with a lower population density than most other parts of the County. He noted that the property area was over 2,000 acres, and the developed portion was over 600 acres—including panels, cleared areas, stormwater management, access, and the like.

Mr. Fritz stated that the area was largely wooded with scattered fields and residential development. He noted the locations of Secretary's Road, Jefferson Mill Road, and the powerline crossing the property. He said that staff recommended approval of the special exception for the property except for specific areas identified in the report. He said that the areas were identified in the review by determining whether the slopes were managed or preserved steep slopes. He said that staff felt the identified slopes to not be disturbed had characteristics that were more in the preserved than managed category. He said that they made a recommendation on that finding.

Mr. Fritz stated that the project was reviewed for compliance with the comprehensive plan as required by the special use permit process and by Virginia Code § 15.2-2232. He said the Commission would be requested to take action as part of the special use permit review. He said that a plan was submitted along with substantial documentation, and the documents were linked in the staff report.

Mr. Fritz said that the documents included an application plan, a vegetation management plan, a visual study, and others. He stated that the documents were considered during the review and when considering proposed conditions. He said that the staff report discussed many issues, and the applicant's information was significant, and for that reason, his presentation was limited. He said that the applicant was present at the meeting and would provide a presentation.

Mr. Fritz noted that there were three minor changes to the conditions for the special use permit. He said that he could provide those changes now or later in the public hearing. He mentioned that the changes were minor to reflect some overlooked items.

Ms. Firehock requested Mr. Fritz provide the changes to the conditions to the Commission so that they would be able to consider them.

Mr. Fritz explained that there was an update to the first condition to allow changes to be made if it was necessary to implement the vegetation management plan. He said that they wanted to ensure the flexibility was given so that they would not have to come back before the County to amend the special use permit.

Mr. Fritz noted that the project was composed of multiple properties. He explained that the third condition required 200-foot distances from property lines, but it should specify 200-foot distances from exterior property lines.

Mr. Fritz said that the fourteenth condition should be changed to allow for above-ground wires if it would avoid impacting wetlands or streams. He explained all the proposed changes to the conditions impacted the interior of the property and would not impact the adjoining properties.

Mr. Murray clarified that the vegetation management plan would include the management of invasive species and the replanting of native species within the buffer.

Mr. Fritz stated that the vegetation management plan was comprehensive. He said that the applicant would provide more information regarding the vegetation management plan.

Mr. Murray asked if the panels would be considered impermeable surfaces during the site planning stage.

Mr. Fritz noted that they had considered the panels as impermeable surfaces during prior reviews when the state had differing regulations. He explained that the County had more stringent regulations than the state when treating stormwater from the solar power systems. He responded yes to Mr. Murray's question.

Mr. Clayborne clarified that one of the conditions stated that, "the property owner must grant the Zoning Administrator or designee for inspection purposes within 30 days of the Zoning Administrator requesting access." He asked if the 30-day requirement was typical.

Mr. Fritz said that it was unusual because projects were not typically as large as the subject proposal, and projects did not typically have associated security. He explained that the proposal was a utility, so there were some security issues. He explained that the property would be fenced and gated. He said that there may be other safety issues. He said that it was not an unusual requirement for a project with unique characteristics.

Ms. Firehock stated that the applicant would be allowed additional time to present on both special use permit applications.

Mr. Scott Reamer stated that he represented Hexagon Energy. He said he lived at 1369 Lane Town Road in Crozet. He said that he had worked in the solar power industrial for seven years, and he had been a resident of the Charlottesville area for 10 years. He said that Hexagon Energy was a local employer, and several of his colleagues were in the audience. He said their offices were located on the Downtown Mall.

Mr. Reamer stated that discussions for the Woodridge Solar project began in 2019. He said that about a year ago, they received notice from the grid manager that their project was fast-tracked for connection. He said that they would have an interconnection agreement in hand within the month or early next year. He said that the interconnection agreement would enable the project to begin work rapidly, per the Board's approval.

Mr. Reamer noted the importance of solar energy. He said that between 25,000 to 30,000 homes worth of power would be produced per year by the project. He said that it was not enough, and the solar industry had not seriously taken into account land use considerations. He said that they wanted to use the project as an example of responsible land use.

Mr. Reamer stated that the project was located on a 2,300-acre timber tract, and it was several parcels under common ownership. He explained that the applicant had a lease agreement for the property. He said that the project's total impact area was about 1,500 acres. He said that the fenced area would be about 620 acres, but 650 acres was included as an upper-limit estimate.

Mr. Reamer said that this was not the largest solar project in the state. He said that there was a 500MW array in Spotsylvania County. He noted that the proposed array was 138MW. He noted that the Spotsylvania array had issues with runoff. He said that there was an 800MW array that was recently approved.

Mr. Reamer noted that the County's climate action plan specified the ways that climate mitigation measures should take place. He said that the Woodridge Solar project accomplished three primary strategies of the County's climate action plan. He said that those strategies were to enable and incentivize utility-scale renewable energy projects in the County code and during Community Development regulatory processes; partner with utilities and renewable energy companies to increase local renewable energy and energy storage initiatives; and promote and facilitate investment in utility-scale renewable energy by the private sector.

Mr. Reamer said that the project would produce power for the equivalent of about 25,000 to 30,000 homes. He said that the visual impact was a concern for some. He explained that the panels were situated in a field and were usually about 8 feet tall, and sometimes they were taller. He said that the County's setback requirements were 25 to 75 feet depending on the location.

Mr. Reamer said that they provided a 200-foot setback from all external property lines. He said that of the 200-foot buffer, 100 feet would include existing vegetation around the perimeter, and in areas lacking vegetation, they would plant thick, fast-growing pine buffer. He noted the pine buffer would grow rapidly. He said that behind the first 100 feet would be another 100-foot buffer of tall-growing native meadow plants to provide pollinator habitat and further screening.

Mr. Reamer said that they had developed a pollinator mix in the vegetation management plan. He said that the state had the Virginia Pollinator Smart certification which was a review process and listing of species, and the state would then endorse and qualify a site as pollinator smart or not. He said that the vegetation management plan had been designed with the help of the engineer to be in compliance with the Smart Pollinator program. He mentioned that there was potential for commercial honey production on the site.

Mr. Reamer said that they complied with the Wetland Ordinance stream buffer, and there would be no activity in terms of construction save for existing stream crossings and locating powerlines across streams. He said that they would not be within 100 feet of any delineated wetland, and the plan had been submitted to the Army Corps of Engineers. He said that the vegetation plan would enable wildlife corridors because different sections of the array were separated. He said that they did not anticipate notable disruption to the wildlife patterns.

Mr. Reamer said that they had been in discussions with local shepherds who were interested in keeping sheep on the site. He said that the vegetation management plan was designed to balance the dietary needs of sheep and the needs of pollinators with the vegetation around the panels, in the meadows, and in the stormwater management. He said that they had discussed a potential beekeeping and mead production partnership.

Mr. Reamer stated that the site was currently a commercial timber tract that had not been well maintained. He said the land was currently managed in 14 different tracts that were continually cleared. He said that the timber project was not the best use of the land. He said the proposal was a 35-year project that would allow the soils to rest.

Mr. Reamer said that there had been two formal meetings, and they had spent numerous hours providing site tours and canvassing. He said that there were two significant changes as a result of community feedback. He said that they had removed panels along Island Drive to minimize the proximity to residents who expressed concerns. He said that the vegetation management plan had also been developed as a response.

Mr. Reamer said that they had been in contact with the Sierra Club, C3, and Livable Cville, and all had provided a detailed review, produced factsheets, and endorsed the project. He noted that a hunt club currently hunted the property, and they would continue to be allowed to hunt on the property because there was about 1,800 acres of available space.

Mr. Reamer said that the project was allowed to interconnect because an old coal plant had been decommissioned and there was space on the grid for a large solar project to fulfill the need. He said that the coal plant had been decommissioned in Fluvanna County.

Mr. Reamer said that the condition of the site was degraded. He said that soil tests were performed across the whole area, and the results indicated the soil was acidic across the whole site. He said the soil would require a rehabilitation process of lime and fertilizer. He said that they had developed a seed mix and a maintenance plan for the soil.

Mr. Reamer suggested that a condition of approval be added that would require the applicant to work with a third party to help monitor the state of the vegetation as it was planted.

Mr. Murray clarified that there would be 100-foot buffers around all the streams on the property.

Mr. Reamer said that was correct.

Mr. Murray clarified that the condition as proposed by staff would allow the removal of invasive plants, the planting of native species, and stream restoration.

Mr. Fritz said that was correct. He said that the applicant would be able to perform any stream restoration as permitted under the Water Protection ordinance as long as it was not in conflict with the application plan. He said that stream restoration was permitted and consistent with the site plan. He said that he would work with the Zoning Administrator to ensure it was clearly understood.

Mr. Murray said that soil analysis skewed toward agricultural uses when determining needs. He said he wanted to ensure that the applicant could alter the vegetation management plan to add additional species and remove species, as necessary.

Mr. Fritz said that could be done.

Mr. Murray stated that the sheep, if there were to be any, should be fenced from the buffer.

Mr. Reamer responded that the sheep would be within the fences.

Mr. Clayborne asked for more information regarding lessons learned from other projects.

Mr. Reamer said that he learned of the benefit of community engagement. He said that projects were easier for the applicants and the community if there was an open dialogue from the beginning. He said that the need for vegetation was another lesson learned. He said the stormwater impacts had become evident, and the industry had done a disservice of not historically acknowledging the land-use issues and responding rapidly.

Mr. Bivins asked what the applicant would do with a portion of the landscape that had formed a deep gully from the timber use.

Mr. Reamer responded that the site would require grading. He said that slopes had to be leveled to a 15% grade. He noted there were concerns about the required grading and the health of the topsoil. He said that the vegetation management plan worked to integrate best practices in those areas. He said that the scour areas on the landscape would be smoothed, and they would reduce channeling and rapid runoff and erosion. He said that the site would no longer be a cutover site.

Mr. Bivins noted that there were a number of small tributaries on the property that had not been maintained by the timber use. He asked how the applicant would address the tributaries. He said that there were some species surviving in those tributaries.

Mr. Reamer noted the areas of delineated wetlands. He said that they had contracted with Wild Ginger Services out of Scottsville to do a wetland delineation. He said that they spent an entire summer delineating the wetlands on the property, and the site plan was based on the delineation. He said that they had to be setback 100 feet from any wetland. He said that they were not proposing to restore the wetlands, but they did propose to leave them open for restoration. He said that any tributary which had been delineated and approved by the Army Corps of Engineers would have to remain undisturbed.

Mr. Bivins asked what the highest and lowest elevation of the topography was.

Mr. Dan Jamison said that he was with Timmons Groups. He said that there was likely 50 to 60 feet of fall throughout the site. He said that there were some higher points in the site and that the transmission line was located on a ridge.

Mr. Reamer said that the elevation change was gradual throughout the site. He said that there would be no import or export of soil from the site.

Mr. Bivins clarified that the site was about 500 feet above sea level, and it ranged from 450 feet to 500 feet.

Mr. Reamer said it ranged from about 450 feet to 525 feet.

Mr. Bivins asked for more information regarding the interconnection agreement.

Mr. Reamer explained that they were within Dominion Energy's service area, but the grid management area extended north to New Jersey, west to Chicago, and south to North Carolina. He said the grid management area was called Pennsylvania-Jersey-Maryland. He said that the grid management managed the processes for Dominion and the other utility providers.

Mr. Reamer said that grid managers were called independent system operators (ISOs). He noted that the Pennsylvania-Jersey-Maryland ISO had historically been easier to connect to, but they had been overwhelmed with solar projects and put a two-year moratorium on any new interconnections.

Mr. Reamer explained that they had assumed the project would be delayed because of the moratorium. He stated that because of the decommissioned coal plant and other contributing factors, there was space on the grid for the solar power system to connect without upgrading the infrastructure. He stated that they received the interconnect update on December 24, 2021.

Mr. Bivins clarified that the project had been approved to connect to Dominion Energy's service system.

Mr. Reamer explained that they only had a couple of years from the signing of the interconnection agreement to build the facility.

Mr. Carrazana asked for more information about how the soil conditions would be improved. He asked why the panels were considered impermeable and whether it should be reconsidered.

Mr. Reamer responded that there was a debate about whether solar panels were impermeable surfaces or not. He said that in Massachusetts, solar panels were not considered impermeable. He said that panels provided about 33% groundcover in the arrays, and they were not touching each other. He said that the drip edge from the water off the panels was not an issue at the site because the environment supported enough vegetation. He noted that water was able to flow under and around the panels.

Mr. Reamer mentioned that the state had undergone a major stormwater management revision, and one of the changes stipulated that solar power facilities had to be designed as if they were impermeable surfaces. He said that the state was currently trying to find a middle ground in the categorization. He said that the guidance to consider the panels as impermeable surfaces was withdrawn following public comment, and it was no longer a state mandate. He said that they intended to comply with state and local mandates. He noted that the site design took into account stormwater management infrastructure, and there would be space for it.

Mr. Missel clarified that there was one substation request. He asked whether additional substations would be needed in the future.

Mr. Reamer said that they only needed one substation. He said that the substation would be located in the interior of the site. He said that the point of the substation was to connect to the grid. He said that they may, in the future, request a battery storage amendment so that battery storage infrastructure could be installed. He said that battery storage had not been fast-tracked. He noted that the market was still unstable, and that the technology was constantly changing. He said that the battery storage would be the only potential addition to the substation, and it would be located at the substation facility.

Mr. Missel clarified that the applicant had two years from the signing of the interconnect agreement to get the solar facility live on the grid.

Mr. Reamer said it was about two years. He noted that if the extensions continued, then they would have more time, but it was unknown how long it would go.

Mr. Missel asked if the applicant planned to perform all of the grading and all of the installation within the first two years or if they planned a phased approach.

Mr. Reamer responded that they anticipated construction would only take between 12 to 18 months. He said that once the grading was complete, they had to install steel posts into the ground and secure the panels. He said that they would need to go before the state to receive a permit-by-rule which required a detailed cultural and historical study. He said that there was a three-year permit validity added. He requested that language be added to allow the timeframe to be extended due to extenuating circumstances.

Mr. Missel noted that supply chain issues may pose a challenge.

Mr. Reamer noted it was a factor. He said that a new judgment determined that the panels produced in southeast Asia would be subject to a tariff, and that would put burdens on supply. He said with the passage of the Inflation Recovery Act (IRA), local or US-based production was incentivized and increasing.

Mr. Missel asked what percentage of the transmission wires would be above ground.

Mr. Reamer responded that they would need to connect each of the subarrays to the substation. He said that each array would have an inverter, and those lines would be consolidated, and the consolidated line would be transferred to the substation. He noted the location where the wire would have to be above ground to cross a stream.

Mr. Missel noted that the runoff was cleaner than runoff from other uses. He stated that erosion control devices would have to be installed.

Mr. Reamer explained that sedimentation basins would be scattered throughout the site which would remain as stormwater management basins.

Ms. Firehock stated that the guidelines for public hearing participation were on the backside of the agenda. She noted that speakers would be provided extra time because two hearings were being combined. She

said that support for public comments could be shown with raised hands of support. She said that remote speakers would follow the in-person speakers.

Mr. Matt Hantzmon said that he was the founder and CEO of Hexagon Energy. He said that he was a lifelong resident of Charlottesville. He said that the company worked nationally on solar power projects, and Virginia had only embraced renewable energy projects in recent years. He said that they wanted to ensure they used best practices for the project.

Mr. Hantzmon said that Hexagon Energy stressed stewardship as a company. He said that they wanted to ensure the project was well-received by the community. He said that the landowner was an old friend of his. He said that the project would improve the quality of the land and leave it in better condition once it was decommissioned.

Mr. Hantzmon said that he had worked in the industry for over 20 years, and the County's processes were some of the best and most thorough. He requested that the Commission vote in support of the project.

Mr. Billy Spradlin said he was with the Woodridge Sportsmen's Association. He said that they had leased the land for the proposed project for over 50 years. He said that the project was positive for the community, and it would better the land in the community. He said that he grew up in the County and had lived his whole life within two miles of the site. He said that the project would keep rural land rural. He said that the fenced-in area was insignificant compared to the amount of land which would be incorporated with the project and kept as forested land. He said he and his children hunted on the land. He said that they leased the land to preserve it for the use.

Mr. Spradlin noted that the community had several construction workers and planners, and they would benefit from the project. He stated that he ran a security company, and the site would need security. He said that he supported the project, and the Woodridge Sportsman Association was also in support.

Mr. Drew Price said that he lived in the Samuel Miller district and had lived in the County for 17 years. He said that his children attended ACPS. He said that he was in support of the project. He said that he was the president and co-founder of Hexagon Energy.

Mr. Price said that when they started Hexagon Energy, their goal was to build a local small-business and bring the benefits of renewable energy to the area. He said that they had spent the past seven and a half years working in Virginia and across the US to bring projects that delivered clean energy, environmental benefits, and economic opportunity.

Mr. Price said that they had worked to develop a well-sited and thoughtfully designed project that benefited the community. He said that his kids had shown more interest in his job due to this project, and his kids realized that their future depended on his job in many ways. He said that his kids continued to show more interest in solar power.

Mr. Price said he was proud to stand before the community to offer the project which would make the community and the world better. He said that the Woodridge Solar project received community input, engineering expertise, and environmental rigor, and it was designed with care for the community. He requested that the Commission recommend approval to the Board.

Ms. Christine Putnam said she lived on Secretary's Road. She noted that there was a need for alternative energy sources to address climate change. She said that she would rather see solar placed on rooftops and brownfields. She said that the project had advantages given its proximity to the transmission line. She said she was the chair of the Albemarle County Natural Heritage Committee. She said she was concerned about the protection of the County's natural resources. She said she was concerned about the impact of the solar project on the land.

Ms. Putnam said that Mr. Reamer had listened to the concerns and noted the commitment from Hexagon Energy to restore native vegetation and protect stream buffers. She said that she had reviewed the vegetative management plan and that the plan was sound. She said that the plan relied on active monitoring, and the active monitoring had to happen for the vegetative plan to be successful. She noted the difficulty of establishing plant cover in acidic soils impacted by decades of industrial timbering. She noted that the intensive grading could prove to be difficult.

Ms. Putnam said that there was a possibility that the weather was not cooperative and there would be places where the vegetation did not take. She said a third-party professional was required to make sure that the vegetative plan was properly implemented and monitored throughout the life of the project. She said that the developer has offered such a condition, so it should be included as a condition of approval. She said that the developer should provide funds for the monitoring and any needed remediation.

Ms. Putnam said that County staff or neighboring citizens should not be expected to take on the responsibility. She said that if the land were to be restored to support a biodiverse system, active monitoring had to take place. She said that the County was in the process of hiring a consultant to draft an ordinance for utility-scale solar power, and the model ordinance needed to require that projects met the Pollinator Smart certification and that they were properly monitored.

Mr. Danny Van Clief said that he lived in the White Hall district, and much of his family's history in the area included property ownership in southern Albemarle. He said that he was the founding CEO of a solar energy business based in Charlottesville called Sun Tribe Development. He said that his business was part of a growing collection of renewable energy companies in the County. He said that Hexagon Energy was a respected competitor, but he was speaking in support of the project.

Mr. Van Clief said that he had worked on more than 70 completed solar projects in 22 states over the past 15 years, including a successful special use permit application a year ago for a solar farm in the County called Midway Solar. He said that by the time an application came before the Commission, it had been thoroughly vetted by County staff, and the standards and conditions which had been imposed were of substantial quality and merit. He said that the County was one of the most rigorous localities to secure a land-use permit for solar power.

Mr. John Kluge said that he was a longtime resident of the County and a business owner. He said that he left his little girl at home. He said that he was in support of the Woodridge Solar project. He said that he was the co-founder of the Thistlerock Mead Company. He said that they hoped to open up the use within the next year. He explained that mead was a honey-derived product classified in the state as a farm winery. He said that they were a nature-based, emission-driven, social enterprise.

Mr. Kluge said that they produced a wine that was based on the production of honey. He said that the farm was currently located in the Milton area where they had a regenerative flower operation and apiary. He said that the work started during the COVID-19 pandemic to restore their soil. He noted the short-term improvements to the biodiversity from the soil restoration work. He noted that the quality of the soil and the ability to grow vegetables had changed.

Mr. Kluge said that because they produced honey as their fermentation ingredient, they had a requirement to produce at least 51% of their fermented sugars from the honey they produce. He said that they currently had 40 hives under their management. He said that they reinvested 50% of their pre-tax profits into climate action, conservation, biodiversity protection, and the livelihoods of disenfranchised beekeepers. He said that they were looking for ways to structure innovative partnerships. He said that their goal was to be the first net-zero meadery in the country and the first net-zero winery in the state.

Mr. Kluge explained that they would be able to relocate the bees to the Woodridge site and advise on the pollinator plan and land management practices. He said that they would be able to use the collected honey to produce a value-added product in the County. He said that he supported the project, and they had signed a letter of intent with Hexagon Energy stating their purpose.

Ms. Allison Wickham stated that she worked with Thistlerock Mead Company. She said she was the founder of the Siller Pollinator, a Charlottesville-area-based, pollinator-focused service provider and nectar share. She explained that a nectar share was a CSA-style beehive share program in collaboration with local non-profits. She explained she had an undergraduate degree in chemistry, environmental studies, and geography, and a master's degree in soil and crop science.

Ms. Wickham stated that the project would have a direct, positive impact on pollinator populations. She said that the project would provide clean energy, food, and nesting grounds for native pollinators. She said that there were over 400 species of bees native to the state. She said that the native pollinators relied on native species. She said that the vegetation plan was a good plan and explained that the applicant had allowed them to keep bees on the site which would greatly improve their honey yields.

Ms. Wickham said that the honey would be turned into mead to be enjoyed in the County. She said that the project could serve as a model for a cooperative piece of land. She said that the project model should be encouraged. She noted that she could not keep bees at a coal fire power plant. She said that she fully supported the project and requested that the Commission support it as well.

Ms. Jamie Piotrowski said she was a resident of the Rio district. She said that she was in support of the project. She requested the Commission recommend approval to the Board. She said that she was a recent graduate of the Virginia Cooperative Extension's Master Gardener training. She noted that the plans included extensive vegetation management for improved biodiversity with potential benefits for the local ecosystem. She mentioned that the project qualified for the Virginia Pollinator Smart program.

Ms. Piotrowski said that ongoing monitoring would be wise. She noted that the project was at a strategic location due to the existing transmission line. She said that the community needed to be involved in the local efforts for the climate action plan to move forward. She said that increased community involvement needed to be encouraged by the Board and by the Commission.

Ms. Piotrowski stated that they all required electricity and had a vested interest in replacing fossil fuels with renewable energies. She said that she had seven grandchildren, and she wanted them to have a livable community and a livable Earth. She said that she had solar panels on her roof, and she drove an electric vehicle. She said that they needed renewable energy at scale to make a difference. She requested the Commission recommend approval of the project to the Board.

Mr. Graham McLean stated that he was a County resident. He said that he agreed with the previous comments. He said that the state needed to deploy substantial renewable energy of all kinds in all sorts of configurations to decarbonize the electricity sector—distributed generation, solar on brownfields, and solar on reclaimed coalfields. He said that it would not be enough. He said that utility-scale solar was a critical piece of the solution, and they would not reach their goals without it.

Mr. McLean said that the existing transmission line was important to consider. He said that the less solar that was deployed in the County, the state, and the country meant that more solar energy had to be imported. He said that the County should approve sound, renewable energy projects that leveraged existing infrastructure. He requested the Commission support the proposal.

Mr. Matthew Gilligan said that he was the co-chair of Livable Cville. He explained that Livable Cville was a local, all-volunteer group whose mission was to advocate for policies to build an inclusive Charlottesville area with affordable housing, sustainable transportation, and healthy neighborhoods. He said that climate change and environmental justice were urgent matters that must be addressed at the local level. He said that he was in support of the special use permits for the Woodridge Solar project.

Mr. Gilligan said that their research had shown the project to be consistent with the County's environmental and land-use goals. He said that the project was an opportunity for the County to establish itself as a leader

in utility-scale solar projects. He said that the project would produce local solar energy and preserve the ecological integrity of the site through a vegetation management plan.

Mr. Gilligan said that the project was consistent with Phase 1 of the County's climate action plan. He explained that the climate action plan recommended that when considering utility-scale renewable energy projects, the County should strive to maintain a holistic perspective that accounted for potential climate benefits and the health of the local ecosystem.

Mr. Gilligan said that the project maintained the balance through a combination of reduction in carbon emissions, room for effective stormwater management, and an extensive vegetative management plan. He said that Hexagon Energy had secured an interconnection agreement. He said that a rejection of the project could cause the County to miss a window of opportunity. He said that it could take decades for smaller community-scale and rooftop projects to provide an equivalent amount of renewable energy in the County. He said that the project represented a significant change in land use for the site.

Mr. Gilligan said that the project would give the County the chance to improve ecological diversity and act quickly on its goals to address climate change. He requested that the Commission recommend approval of the project.

Mr. Kendall Dix said that he lived in Esmont on the border of Scottsville in the County. He said that he was the national policy director for a climate justice organization based in Louisiana but operated internationally. He said that he moved to the area from Louisiana. He said that the climate problem meant any action taken now is more valuable than action taken later.

Mr. Dix noted that from a justice perspective, there was skepticism about utility-scale solar. He said that he reviewed the proposal looking for flaws. He said that the site had already been severely degraded. He said that the proposed site was appropriate for the use. He said that the remediation of the land and other conditions could be an example of utility-scale solar done right. He said that the County had the opportunity to provide a model project.

Mr. Dix said that studies were published detailing how larger projects were more efficient in terms of electricity generation. He noted that solar energy came with costs. He mentioned that there were mining impacts and manufacturing impacts. He said that the resources should be used efficiently so that other regions were not subject to environmental injustice. He said that he supported the project and requested that the Commission recommend approval.

Mr. Rich Allevi stated that he was a Charlottesville resident and the co-founder of Sun Tribe Solar. He said that he was the chair of the Charlottesville Renewable Energy Alliance, and he was a member of the Virginia Board for Workforce Development which advised the Governor on all matters related to workforce. He said that he was the co-chair of an organization called SHINE—Solar Hands-on Instructional Network of Excellence.

Mr. Allevi explained that SHINE was a nonprofit funded by the state, and they developed training labs so people can learn the skills required to be effective on a solar job site. He said that part of the program was an informational dashboard that used data to predict where projects would come up next and where they would need to roll out training labs funded by the state. He explained that PVCC agreed to deploy the program at its campus. He said that with the approval of the project, there would be the support of the state and SHINE to train local residents to obtain employment at the project.

Ms. Patricia Mata said she lived on Secretary's Road. She said that the solar panels would be built next to her home. She said she would be able to see them from her home. She said that they previously had distributed too much herbicide on the neighboring land, and it made it desolate. She said that there had been previous herbicide sprays and pine growth. She said she was concerned that more herbicides would be used to implement the solar panels.

Ms. Mata asked where the solar panels would be sourced. She noted that Mr. Reamer knew about the visual impacts. She said that US-made solar panels should be used. She noted that a fire station was supposed to have been built in the area. She said that currently, the closest station was near Monticello High School or Scottsville. She questioned the emergency response time to the site. She said that there was no clear-cut plan for how the panels would be decommissioned. She expressed concerns about the dismantling of the panels and the future uses of the site. She said she was against the solar panels being located next to her house.

Mr. Jim Allen said that he had lived in the County across the road from one of the original solar fields proposed by Hexagon Energy. He said he was speaking in opposition to the project. He said he was concerned about fire safety. He said Massachusetts was a colder environment and lush. He said that he moved here from Dallas, Texas. He said that in the summertime, it was dry and dusty, and there was a fire hazard. He said that they were about 30 minutes from emergency response.

Mr. Allen said that he had worked in the investment business for 40 years. He said that people without stakes often invested heavily in certain items which caused issues down the road. He said that the people who lived next to the proposed site were not necessarily in favor. He said that Hexagon Energy was good to work with. He said that they wanted to ensure that their lands were not changed from what they were when they moved to the area. He said that a solar facility should be put in western or northern Albemarle.

Ms. Laura Young said she was speaking in support of the project. She said that her grandmother lived off Secretary's Road, and her property bordered one of the proposed locations for the solar panels. She stated that her grandmother's driveway would become an access point to one of the service stations. She said that initially, she was excited about the potential renewable energy, but she was worried about the impact on her grandmother's property. She said that she met with Mr. Reamer, and he had received their feedback and assured them that they would be good neighbors.

Ms. Young mentioned that the County had set a goal to hit zero net emissions by 2050. She said that the project would get the County closer to the goal. She said she supported the project and encouraged the Commission to support it as well.

Mr. James Tameron said that he lived across the road from the proposed location on Secretary's Road. He said that he hoped the Commission would hold the applicant to the terms of the project.

Mr. Bryan Freidman said that he lived on Blenheim Road, about two miles from the proposed site. He said that he was in support of previous comments regarding the good working relationship with Hexagon Energy. He asked for clarification regarding the total area of panels. He said he was concerned about who would own the project and the land once the project was complete. He said that he was concerned about the ability to enforce the conditions.

Mr. Freedman asked where the power would be distributed from the facility. He asked whether the power from the facility would go to the County or if it would be exported. He said that he agreed solar energy was important to decarbonize the grid. He said that it should benefit the people living in the County.

Mr. Bruce Sullivan said he agreed with previous comments. He said that he had lived in the County since 1973. He said that his mother lived at 4503 Island Drive. He said that they supported the project. He said that they had concerns early on, but they had met with Mr. Reamer who addressed the concerns. He said that the biggest concern regarded who would care for the road. He said that the project was a great opportunity for the County. He said that it would be a model for a good solar project. He said that he supported the project.

Ms. Firehock asked if there were any public speakers signed up via Zoom.

Ms. Shaffer said yes. She read the protocol for the public speakers.

Mr. Kirk Bowers said that he was a 35-year resident of the Rivanna District and a native of Virginia. He said that he represented the Sierra Club as the Conservation Chair for the Piedmont group. He said that the executive committee of the Piedmont group endorsed support for the Woodbridge Solar Facility project. He said that the project site was suitable for a solar facility and would generate power for 25,000 homes, or over half of the homes in Albemarle County. He said the project also supported the goals of the County Climate Action Plan to reduce greenhouse gas emissions. He said that it would meet about 20% of the goals for all greenhouse gas emissions for the County, and the facility also fit into the County's Comprehensive Plan goals and the pending update. He said that it was a great project that they supported; however, they had a few recommendations and reservations.

Mr. Bowers said that they did not support a project without thorough research, and he had over 40 years of civil engineering experience and was a licensed professional engineer in addition to being Conservation Chair, with lots of experience with site development projects. He said that he was asking for several things, including specifics in construction plans to minimize construction-related compaction of on-site soils, share a high cover of perennial vegetation with minimal maintenance, to design the site with permeable space between solar panel rows to promote filtration of stormwater runoff. He said that solar farms could be designed to minimize the impact on landscape and eco-hydrological processes. He said that they were attempting to stop using conventional stormwater practices using stormwater basins by using infiltration and low-impact development design.

Mr. Bowers said that they recommended that Low Impact Development be used to the greatest extent possible on this site, partially to encourage the recharge of groundwater as part of the site development process, however, there were some competing interests. He said that they needed to develop a good stormwater plan that would use existing on-site soils and filtrate the water, which meant building infiltration cells between the panel rows. He said that during construction, site management practices should minimize adverse impacts to the soils. He said that the construction sequencing made him cringe when he heard that there would be two years to completion of this project, and even plans that were well-organized could become years behind schedule.

Mr. Bowers said that there were likely problems due to the steep slopes on this site, and slopes over a 15% gradient would create difficulty in getting anything to grow on the slopes. He said that when he looked at some of the soil characteristics, there were highly erodible soils on the site, and it could be a disaster like what was seen at the Locust Grove solar facility installation, where there were major erosion problems. He said that the Sierra Club supported the project.

Ms. Katie Ebinger said that she lived in Charlottesville. She said that she was the climate policy analyst for the community climate collaborative, or C3, a nonprofit in Charlottesville that specialized in local climate action. She said that she supported granting special use permits to the Woodridge Solar project. She said that over the past few weeks, the policy team at C3 had conducted an analysis of the proposed Woodridge site to assess the justice, environmental, economic, and climate impact of the project. She said that they were excited to comment on their support for the project.

Ms. Ebinger said that some of the positive aspects from their study were that the Woodridge project effectively engaged community groups. She said that one result was a well-thought-out design that centered on ecosystem health throughout every stage of the development process, and their community engagement went far beyond what was required, and some of the feedback was incorporated into the project's final design. She said that as this project progressed, she urged that community engagement be centered throughout. She said that about justice, whenever they were able to create clean energy, they could close a dirty power plant, which historically were located in environmental justice communities. She said that similarly, they could hope to slow climate change, which impacted communities of color most drastically.

Ms. Ebinger said this project's importance to climate change mitigation was also substantial; C3 had estimates to greenhouse gas emissions in the first year similar to what Hexagon projected, so this was to the order of 100,000 times the amount of greenhouse gases mitigated in the first year, and even when accounting for emissions created during the manufacturing and other parts of the process, this project was

still significantly favorable from a climate perspective. She said that they believed that inviting such a beneficial project to the County was the right decision for the community and the climate, and they urged the approval for the special use permits for the Woodridge Solar project.

Ms. Shaffer said that there were no other speakers online.

Ms. Firehock asked the applicant to make closing remarks and to address public comment.

Mr. Reamer said that he had enjoyed the time he had spent with citizens who both approved and disapproved of the project, because it indicated a special opportunity to get to know each other. He said that a consistent question that had been raised was how they would make sure that this excellent vegetation management plan would be enforced. He said that another question that had been raised was if they could work with one of the many qualified local environmental monitoring companies to do bi-annual or annual reports that they as a company, or put as a condition, that a regional qualified company produced an annual compliance report with the vegetation management plan. He said that they fully supported doing something like that and he wanted to ensure that they guaranteed their promises. He said that he hoped that this would appease much of the concern from the public, and his company supported that fully.

Ms. Firehock said that a citizen asked about decommissioning, which would be covered as a part of the plan. She asked if Mr. Reamer could address this issue for the public.

Mr. Reamer said that as part of their application, a decommissioning plan would be included, and he recalled that \$8M in current dollars was the cost of decommissioning the site and putting the site back to near-preexisting conditions, meaning that it would not be completely regraded and they would not remove the then-mature vegetation. He said that it would be set aside as a financial instrument with the County before any ground was broken so that the County had that fund to decommission it if the owner stopped the operation.

Mr. Reamer said that in regard to inflation, a stipulation of what was included in their plan, and one of the conditions was that it must be renewed every five years so that the amount was true to whatever inflation had affected. He said that he did not mean to avoid that information in his initial presentation, as it was a central feature of the plan and was part of the submitted application.

Ms. Firehock said that another question raised by the public was where the power went.

Mr. Reamer said that that was a good question that had been discussed at length in various community meetings. He said that the power itself was electrons pumped into this substation that flowed up and down these lines to other substations in the area, and they did not know exactly where the power went, but physically, the electrons were used locally. He said that the market that allowed them to build this project and sell the power was part of a virtual power purchase agreement. He said that that meant that someone with a large power bill who was interested in reducing their carbon footprint would contract with them to buy the power. He said that if they heard, for example, that the power was going to northern Virginia to a data center, the electrons actually were not, but the crediting of the system and the way the power was paid would be credited against someone who may want to contract to buy the power. He said that the electrons from the project would be going onto their grid in the area.

Ms. Firehock said that she would like to address the other question about erosion. She said that while they were spaced far apart, there was a series of panels angled in a certain direction, which created a certain volume of sheet flow and hit the ground at the same spots, which was explained by evidence of severe gullying at other solar sites. She asked if Mr. Reamer could address that more.

Mr. Reamer said that that happened when sheet flow from rain went across the ground, which was why it was important to have the vegetation management done correctly, because the deep-rooted system would help slow all of that runoff from the beginning. He said that that was not all that was needed to solve the issue, so they built in management ponds as a baseline. He said that they were tried and true, but were not

desirable, so they were looking into low-impact development features such as swales between panel rows, but they had to research the engineering and potential issues of the alternative solutions. He said that submitted was a concept plan that showed that at the bare minimum, they had what was required for stormwater pond management, and they were looking into other low-impact development and best management practices that they could. He asked if that answered Ms. Firehock's question.

Ms. Firehock said that she thought so. She said that she could not speak for all members of the public. She asked if Commissioners had other questions for the applicant.

Mr. Carrazana said that another concern raised was fire. He asked if Mr. Reamer could talk about the potential of fire hazard. He said there was another issue about the distance to a fire hydrant, due to there being a well on the site and not enough pressure for a hydrant.

Mr. Reamer said that it was an electrical facility that would be installed, and sometimes things would catch on fire. He said that most fires ended up happening due to poor construction, and they would work very hard and have County supervision to make sure that was done. He said that they would work before the site plan approval with the fire department to ensure their proposal was an acceptable plan. He said that they had ideas of dry wells or cisterns located throughout the site, and if there were sheep on the site, water would be required anyway, so there may be confluence for those water cisterns for the sheep to serve that other purpose.

Mr. Reamer said that pine forests were not immune to fire, and a lightning strike on a dry forest would pose a real problem. He said that because there was separation and use of low-height vegetation, there would be a fire break. He said that they would work with the fire department to address that more effectively, and a condition was to work with the fire department to ensure they had an acceptable plan.

Mr. Murray said that the location of the site was close to some popular running and cycling routes in the County. He said that he wondered about truck traffic and sensitivity to other users on the road.

Mr. Reamer said that the technical answer was that VDOT had reviewed the process and said that there was no adverse effect from their perspective. He said that he had not thought about the cycling perspective, but they would work with the community, the County, and VDOT to ensure that trucks were careful, and they would use flaggers and signs appropriately. He said that there was some established context for doing so and they would make sure it worked with flagging.

Mr. Bivins asked if Mr. Reamer knew what Hexagon's long-range planning for ownership of the property was.

Mr. Reamer said that historically, as a company, they worked as a front-end developer, meaning they went through entitlements phases, got everyone to sign everything off, then transferred ownership of whatever project to a company that had a balance sheet and a lower cost of construction financing than they did. He said that that allowed them to work across many markets, and their reputation would follow if they did a bad project. He said that they would love to eventually own and operate projects, and there was no project they would like to operate more than this particular one, and while he could not promise it, that was their hope for an ideal scenario. He said that there was no condition, and they could sell it to whomever they wanted to but were looking for every opportunity to own and operate it themselves.

Mr. Bivins said that clear options that sat before the company should be relayed to the Board of Supervisors and Mr. Reamer should consult his counsel for that.

Ms. Reamer thanked Mr. Bivins for the guidance.

Ms. Firehock thanked the applicant and said that the matter was now before the Commission for deliberation.

Mr. Murray said that overall, this was a great project that could be a good example for projects that may be seen in the future. He said that they should suggest a condition and place a condition of having ongoing monitoring, which was a great addition to this.

Mr. Missel asked Mr. Murray what kind of monitoring he was referring to.

Mr. Murray said that he mentioned ongoing monitoring.

Mr. Missel clarified that it was monitoring of the vegetation.

Mr. Murray said that was a great condition to add to this. He said that he would lean on treating the panels as impervious after seeing what happened in Louisa. He said that he did not think it would happen here, but there were some cautionary tales in the region.

Mr. Clayborne said that he supported the project presented tonight. He said that it aligned with the County's goals for sustainability and seemed a reasonable site for such a project. He said that in terms of the conditions, they may want to mention someone who was certified in the field of cost estimating in order to note that a professional was completing it. He said that as-builts should be made available for the decommissioning process, and it was important for them to be present.

Ms. Firehock said that she also was in support of this project. She said that she agreed with adding the condition, and the applicant mentioned third-party monitoring by a qualified firm that did that type of assessment bi-annually for the first five years and then annually thereafter, because the vegetation should be established. She commented that the Commission reviewed applications such as this because each one was unique, so she did not see it as all solar was good or all solar was bad, but this particular site seemed to have a high amount of erosion and a lot of gullyng, and the soil appeared to be in poor condition. She said that her background was in natural resources management, so she was qualified in this area, and she believed that this project would improve the health of the soil and decrease the runoff occurring there.

Ms. Firehock said that she often was against solar projects that removed forests because the point of solar was to help with carbon release, and forests and their soils sequestered a tremendous amount of carbon. She said that in fact, it was the soils that sequestered even more carbon than the trees, but for that to be occurring and doing so well, there must be a thick layer from years of leaf fall from a mature forest. She said that if this were performing as a mature hardwood forest that was relatively undisturbed, she would be against a project removing a carbon sink to provide a carbon release. She said that because this particular site was highly impacted, the soils were in poor condition, and a lot of erosion was occurring, after the vegetation management plan was put in place, the site would be more stable and the soils would build and improve over time as the biomass decayed over the winter and new biomass came in. She said that it would be a net positive for this particular site.

Ms. Firehock said that she was certain that the power in the room they sat in was from coal, likely mined from a mountaintop in southwest Virginia, so they had a responsibility as a County to take care of solar. She said that she wanted to be clear that this did not mean that she would be in support of removing mature forests for solar, but for this particular site and the degraded condition it was in, and the fact that the applicant had maintained connectivity through the site by protecting streams, wildlife would continue to move through the site. She said that he did not mention that there would be small openings in the fence so that small animals could move through it. She said that it was a less impactful site than most she had seen throughout her career.

Mr. Bivins said that he was in support of the project. He said that the ground was in poor condition and likely would not be reforested, but the bulk of the 2,300 acres had a lot of forest that would likely be timbered. He said that also on the 1,500 acres would be a diversification of uses, so if the beekeeping and shepherding occurred there, along with the timbering and hunting, it would be more than the timbering with the hardwood-suppressing chemicals. He said that he was pleased to support this use for the diversification of uses and because the proposed use supported people.

Ms. Firehock said that the paneled acreage that it was impacting was 200 acres on a 1,500-acre site. She said that it was not a 1,500-acre solar panel development, and there was a lot of habitat being protected on that particular site.

Mr. Carrazana said that he appreciated the Chair's comments on forests' role in carbon capture. He said that he would also vote no if this project were to take down mature forests, because they simply did not have enough land if they were to convert everything to solar and drove electric vehicles. He said that this site was unique in some ways, and there were many cautionary tales about what solar fields had done to land, so this project was bringing in so many parts and creating an ecosystem. He said that from that standpoint, it was very much environmentally friendly to the economy and also brought in solar energy.

Mr. Carrazana said that two days ago, there was a net energy gain from fusion, so it was an interesting conversation they needed to have in terms of carbon neutrality. He said that they must manage their resources well, thinking about agriculture and farmlands, but this project brought so many things together that they all wanted to succeed. He said that they wanted to ensure it did succeed and how it kept their eyes on it, because there were many commitments and promises here, so they needed to make sure it was actually happening and that these activities were continuing to flourish on this land. He concluded that he would vote yes for this project.

Mr. Missel said that he was in support of the project and was prepared to make a motion. He said that he had proposed conditions he would like to review with his fellow Commissioners. He said that he agreed with the comments about the removal of mature forests, and he also would likely feel the same way. He said that this was a great test study for the climate action plan, and it would continue to be something monitored as they moved forward, as the vegetation would be. He said that it was important to consider the 25,000 homes was huge, and the electrons being local was a helpful insight to have. He said that it was an effective and logical use of the degraded land and would only improve the landscape. He said that he appreciated the public comment and understood the comments from the people who lived adjacent to this.

Mr. Missel said, noting it was a subjective statement, that he hoped it would be a nicer view than what was currently on the site. He commended the applicant for an outstanding community engagement process and thought it was a great model that potentially could be considered as they moved forward. He said that it met the mission of providing clean, renewable energy, and acknowledged the reality that there was a need for utility-grade solar, and that it was well-incorporated into the natural environment. He said that there were many positive aspects to this project that they all realized, and he was also aware that there was much to learn. He said that this group was still learning as they went through each project, but if they did not go through projects like this, they would never learn how to do better, and this was a huge leap forward to be able to do that.

Mr. Missel said that he had a few questions relating to conditions. He said that he appreciated Mr. Clayborne's comments about as-builts being required for the commissioning process, and he would be in support of a condition that stated it, although he imagined it would be done as part of the work regardless. He said that the third-party vegetation monitoring could be a condition, and some minor tweaks to incorporate into the motion. He asked Mr. Clayborne mentioned another item in addition to the as-builts.

Mr. Clayborne said that he had requested that the person who performed the cost estimation had a certification in that field.

Mr. Missel asked if that was in addition to something written.

Mr. Clayborne said that he had just thought of it.

Mr. Missel asked what the cost estimate was for.

Mr. Clayborne said that it was the cost of decommissioning. He said that there were different components to it.

Mr. Missel said that that was related to the five-year process that the County would go through. He asked if that was built into that process.

Mr. Fritz said that he would recommend for that that it be clarified that the decommissioning plan was done by qualified individuals, they could go back and make sure the condition already had it or come up with the appropriate language.

Mr. Missel said that in terms of the monitoring, something to the effect of third-party monitoring of vegetative plantings.

Ms. Firehock said that attainment of the vegetation management plan by a qualified professional. She said that the frequency should be specified as well.

Mr. Missel said for an initial period of two per year for the first five years following implementation of the plan, and once per year annually thereafter.

Ms. Firehock noted that there was also a special exception consideration for disturbance of steep slopes and the Commission did not have legal authority over special exceptions, but if they wanted to take that up they could make a recommendation to the Board on how they received that matter, but it was not necessary due to the lack of authority.

Mr. Missel asked for the consensus of the Commission on that matter.

Ms. Firehock said that her general practice was to not weigh in on special exceptions that they did not have a say over. She said that it was up to Mr. Missel.

Mr. Bivins said that there was another one as well.

Mr. Missel said yes.

Ms. Firehock said that they had the solar substation and the actual solar site itself, and then they had the potential for the special exception.

Mr. Missel said that he understood.

Mr. Herrick added that there was also the comprehensive plan review. He said that Mr. Fritz had sequenced the proposed motions in that order.

Ms. Firehock said that was whether it conformed with the comprehensive plan.

Mr. Fritz said that he had a sequence laid out for the Commission.

Mr. Missel asked if they should keep the sequence.

Mr. Fritz said yes. He asked if Mr. Missel could restate the condition he was talking about for the third-party inspection so that he could type it in and display it on the screen. He said that he also had a potential recommendation to add, which was that they should include the County to approve the qualifications of the third party.

Mr. Missel said yes. He asked if that was the same for the decommissioning plan.

Mr. Fritz said that he had included the decommissioning plan to have as-builts, and the development and updating decommissioning plan to be done by qualified individuals. He said that it may already have this information, but they would develop the appropriate language.

Ms. Firehock said that they did not need to craft specific recommendations for these details.

Mr. Fritz said there were three separate actions, one being compliance with the comprehensive plan, then SP202200015 Woodridge Solar, and third SP202200014 Woodridge Solar Substation.

Mr. Missel moved the Planning Commission to find the facility proposed in SP202200015 was in substantial compliance in the comprehensive plan. Mr. Clayborne seconded the motion. The motion passed unanimously (6-0).

Mr. Missel moved the Planning Commission to recommend approval of SP202200015, Woodridge Solar, with the conditions outlined in the staff report and with changes to conditions 1, 3, and 14, presented tonight. Mr. Murray seconded the motion.

Mr. Bivins said that on the second point, the decommissioning plan to include as-built plans, he would like for it to be clearer on what those two plans were.

Mr. Clayborne said that as-builts were, at the end of a construction project, were the documents that depicted what was actually constructed as opposed to the design, including what was installed above and below ground.

Mr. Bivins asked if that was for after it was decommissioned.

Mr. Clayborne said that it was after it was constructed so that they had a map to go from.

Mr. Bivins said okay.

Ms. Firehock asked if there was any further discussion. Hearing none, she asked the Clerk to call the role.

The motion passed unanimously (6-0).

Mr. Missel moved the Planning Commission to recommend approval of SP202200014 Woodridge Solar Substation, with the conditions outlined in the staff report and with the changes to conditions 1, 3, and 14, presented tonight, as well as the three on the slide. Mr. Murray seconded the motion. The motion passed unanimously (6-0).

Mr. Herrick said that before they dispensed this item for the evening, counsel for the applicant had pointed out that the wording of the compliance with the comprehensive plan motion may not have been sufficiently broad. He said that it was worded that the generation station was in compliance with the comprehensive plan, and out of an abundance of caution, it may be best to make another motion to indicate that the substation was in compliance with the comprehensive plan as well.

Ms. Firehock asked if that should be made as an additional motion.

Mr. Herrick said that it should if the Commission found that the substation as well was in substantial compliance with the comprehensive plan.

Ms. Firehock said that she understood that they both be in compliance.

Mr. Fritz asked if it should be a new motion.

Mr. Herrick said that since the first motion approved the generating facility, it should just be a separate motion.

Ms. Firehock said that they did not want to vote to undo the first one, so an additional motion should be made.

Mr. Missel moved the Planning Commission to find the facility proposed in SP202200014 was in substantial compliance with the comprehensive plan. Mr. Clayborne seconded the motion. The motion passed unanimously (6-0).

Committee Reports

Mr. Bivins said that the Places 29 Community Advisory Committee met last night, and they had Garland Williams, the Director of CAT, presenting about the evolving status of CAT and the installation of bus shelters, as well as present on a project that the County and CAT had secured that would put on-demand buses going throughout Pantops and to 29-north from North Fork to Walmart to give people who lived in that area an opportunity to connect to the established bus lines. He said that the County received funding for it, and CAT would be running it either themselves or hiring another entity to run it on their behalf.

Mr. Bivins said that there was also a presentation by Michael Culp, the Director of Broadband Access and Affordability. He said that most of their actions were around affordability and trying to extend broadband service to places in the County where there were difficulties obtaining it. He said that Mr. Culp also was the advocate for broadband and internet issues with the providers in their community. He said that while Mr. Culp may have part of his team dealing with affordability, but he was also the person who talked to Xfinity, Comcast, and other servicers.

Mr. Herrick said that CenturyLink was now called Brightspeed.

Mr. Bivins said that it was interesting to understand how that connectivity was happening and how the County was supporting the establishment of that. He said that he may be someone who had insight into the work-from-home population and whether the County had the infrastructure to make that happen.

Mr. Carrazana said that there were a few points he wanted to bring up that he neglected to the last meeting. He said that at the MPO, they went over the long-range transportation plan, and they talked about focus groups, and there hopefully would be amendments about this that they would see. He said that they had a business focus group, a safety professionals focus group, an equity priority community focus group, and special interests focus groups. He said that there was a lot of overlap and they had questions about what constituted participation in these focus groups, and he hoped there would be amendments there.

Mr. Carrazana said that they also looked at areas of different phases of the process they were in, identifying goals, prioritization of goals, and identifying needs, and there was a conversation about the difference between the goals and the needs. He said that they prioritized projects and plan approval. He said that they thought it was important, particularly before they got to the prioritized project, for there to be communication with the comprehensive plan, when that occurred, and when was the best time for connection between the transportation plan and the comprehensive plan. He said that that was voiced, but he was not sure they got direction on what was the best time from staff. He said that hopefully in the next meetings they would talk more about the comprehensive plan and long-range transportation plan merging.

Review of Board of Supervisors Meeting – December 7, 2022

Mr. McDermott said that there were a number of items that the Planning Commission saw that the Board reviewed at their last meeting. He said that those included the addition to Hatton Agricultural and Forestal District, which passed unanimously, and the Virginia Institute of Autism expansion, which also supported unanimously for both the expansion and the parking lot across the street. He said that the Daylily Preschool also went before the Board, located near the Crozet area, and the Board brought up many of the same

issues mentioned by the Planning Commission, such as coming back with small amounts of growth. He said that the Board was almost considering approving them for more than the requested amount, but it was not allowed due to the advertised advertising, but they approved it as it was presented.

Ms. Firehock said that there was an interesting dynamic where the applicants thought that if a Commissioner recommended approval of more students than they planned to have, it did not mean that the Commission was setting the enrollment process, but they seemed to think that the Commission required that amount, when they actually were recommending them to not come back before the County again when they wanted to add more children.

Mr. McDermott said that a robust discussion was had with the Board. He said that as was noted, the Daylily applicant had originally requested close to 50, and the staff never said that they could not have 50, but with a larger approval coming in, they asked more questions and the bar was raised slightly, and as they asked questions, people thought that they did not need to do it because they did not want to provide answers for a parking plan.

Ms. Firehock said that there was something mentioned about triggering inspections required by the state if there were 50 or more.

Mr. McDermott said that it was ultimately the applicant's decision to reduce the number, because they believed it was easier and did not expect that they would need that full amount. He said that the Board's point was well taken and that they would be considerate of people's needs, especially preschools, due to the need for them in the community.

Old/New Business

Ms. Firehock said that the next convening meeting would be held in the new year, which included elections for Chair and Vice-Chair positions. She asked that the Commissioners keep it in mind so that they could have a coherent discussion. She said that the Secretary of the Commission would open the meeting and then they would hold the elections.

Mr. Carrazana asked if the meeting was on January 10.

Ms. Firehock said that they would adjourn to January 10. She said that the other thing that came up in the new year was serving on the different committees, so staff needed to have an updated list of who was serving on what group. She said that the CIP Advisory Committee did not exist anymore. She said that Chair Price had informed her that the Board had disbanded it and preferred not to hear the insights of that particular group.

Mr. Clayborne asked when they would hear back from the AC44 group. He said that they last met in September for a work session.

Mr. McDermott confirmed that September was the last time the Planning Commission had heard from them. He said that the next public meeting was coming up in January with the Board of Supervisors, and that would serve as a kick-off for Phase 2 and get their buy-in for the scope and plan of that phase. He said that at that time, they did not have a PC meeting schedule, but there were at least two more PC meetings in that period, so they would be coming back at least twice over the 2023 calendar year, and there would be other public meetings with the working group, public survey, and public workshops.

Mr. McDermott said that he could provide the Commissioners with the summary that would be given to the Board so that they could review that timeline. He said that the next phase would be looking at particular resources and would be getting background reports for the major areas of focus in the comprehensive plan, including transportation, land use, resources, economic development, and parks and recreation. He said

they would also be developing toolkits for those items about how to evaluate them and how to move forward with them in the comprehensive plan, as well as beginning to address goals and strategies during the next phase.

Ms. Firehock said that she wondered if the comprehensive plan process had been slowed due to staff shortages. She asked if adjustments should be made to the schedule due to this reality.

Mr. McDermott said that not necessarily. He said that they had an aggressive schedule to begin with, so they probably had not quite kept up with what they initially said, but they had not had any specific slowdown that could be identified. He said that they had expanded their contract with EPR, the consultant working on it, to get them to put in more work to cover some of the slowdown. He said that they had a great team with Ms. Tori Kannellopoulos running it and they did not foresee any significant slowdown.

Ms. Firehock asked the Commissioners to keep the January elections in mind. She adjourned the meeting.

Adjournment

The Planning Commission adjourned to Tuesday, January 10, 2023.



Kevin McDermott, Interim Director of Planning

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

Approved by Planning Commission
Date: 01/24/2023
Initials: CSS