Albemarle County Planning Commission
Draft Work Session and Regular Meeting Minutes
February 27, 2024

The Albemarle County Planning Commission held a public hearing on Tuesday, February 27, 2024, at 4:00 p.m.

Members attending were: Fred Missel, Chair; Corey Clayborne; Julian Bivins; Luis Carrazana; Nathan Moore; and Lonnie Murray.

Members absent: Karen Firehock

Other officials present were: Michael Barnes, Director of Planning; Kevin McDermott, Deputy Director of Planning; Bill Fritz; Ben Holt; Andy Reitelbach; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Other Matters Not Listed on the Agenda from the Public

Rob McGinnis, Piedmont Environmental Council (PEC), said that he was there to provide comments on the draft goals and objectives for the rural area land use and transportation. He said that PEC supported many of the goals and objectives; however, he had some concerns. He said that PEC was extremely concerned about Goal 4, which called for planning for unique locations in rural areas with established land use patterns, zoning, and existing development that were inconsistent with rural area goals. He said that this goal was allowing sprawl by compounding mistakes of prior zoning decisions and should be eliminated or rewritten to align with goals 1 through 3.

Mr. McGinnis said that Goal 4.3 called for the evaluation of potential opportunities for nonresidential land uses at Shadwell and Yancey, rural interstate interchanges. He said that these evaluations should be completed through small area plans, which had been discussed before as suggestions for development expansions. He said that industry should be prioritized in agricultural and silviculture, and under no circumstances should sprawl be promoted for US 250 east and west of Yancey and east of the Shadwell interchange. He said that PEC strongly supported the objective calling for the development of a rural area land use plan. He said that the plan must be fully funded and should commence within one year of adoption of the AC44 comprehensive plan.

Tom Olivier said that he would discuss rural areas in the comprehensive plan. He said that he had resided on a farm in southern Albemarle County for over 40 years with his wife Ren, raising thousands of lambs. He said that decades ago, he studied baboon genetics in Kenya and lived for a couple of years in Western Australia, where he studied evolution and introduced rabbit populations. He said that these experiences instilled in him a profound appreciation for both the merits and complexities of open spaces or rural areas.

Mr. Olivier said that their community was renowned for its high quality of life, and their rural areas contributed significantly to this quality of life. He said that surveys from the 1990s onwards demonstrated that County residents placed high value on open spaces and expected the County

to protect them. He said that rural areas were not merely picturesque landscapes; they also harbored ecosystems that provided essential materials and services for their existence - clean air, clean water, and carbon sequestration. He said that these ecosystems faced threats from various sources - invasive species, climate change, and human population growth and economic development.

Mr. Oliver said that County open spaces also housed evolving businesses, such as wineries and weddings. He said that as climate change continued to impact their economy and citizens, persisting agricultural commodity production capacities in Albemarle County may become increasingly valuable. He said that rural areas were vital and should not be assessed by comparing revenues generated by rural areas now to revenues of more developed uses.

Mr. Olivier said that it was dangerous to think of rural areas as suburbs waiting to happen. He said that their rural areas constituted a significant part of their economy and needed protection. He said that he supported a rural areas chapter in the new plan and believed that a stand-alone rural areas plan would meet their planning needs even more effectively.

John Schumann said that he would like to briefly comment on the Rural Area Land Use Transportation AC44 plan. He said he supported the work of the PEC. He said that he had concerns about Goal 4 and its potential to inadvertently lead to unintended consequences, such as increased growth and development in rural areas. He said that living close to a few existing commercial entities in rural areas caused him to worry that these could be used as leverage for further commercial development in these areas.

Mr. Schumann said that he requested that Goal 4 be carefully considered to prevent expanded development. He said that he understood the need to grandfather existing development that had likely occurred but encouraged them to grandfather such developments and then restrict their expansion rather than allowing them to expand further.

Tom Loach said that he wanted to address the County's recent focus on the concept of equity in their planning lexicon. He said that this concept posed a problem due to Albemarle County's current land use system being based entirely on inequality. He said that if these equity concepts were implemented, they would create significant development pressure in rural areas and erase the distinction between growth areas and rural areas, eliminating the benefits for rural landowners.

Mr. Loach said that in 1975, Albemarle County decided to provide land in two distinct categories: growth areas and rural areas. He said that at that time, the County also sought permission from the state to join the land use valuation tax program and finalized membership by incorporating an ordinance into law. He said that in 1991, Robert Tucker, then County executive, published a report on land use value taxation. He said that in this report, Mr. Tucker outlined two crucial points: the reason for implementing the land use tax program and who pays for the program.

Mr. Loach said that regarding the reason for the land use tax program, Mr. Tucker stated that the current land use program for preserving rural land had been an objective for the County for almost two decades. He said that the benefits derived from the program for the community at large were significant, even though only eligible land use properties derived a monetary benefit from land use taxation. He said that it could be argued that all County residents received intangible benefits via proximity to rural land, open space, and woodlands.

Mr. Loach said that Mr. Tucker explained that the cost of land use taxation was not hidden; it was implicit in the concept of land use that the tax burden was shifted to other taxpayers. He said that property that was ineligible for land use value taxation did bear a greater share of taxes because

of having a land use. He said that land use would cost taxpayers, primarily growth area residents, $14 million this year, translating to approximately $680 per average homeowner for land use.

Mr. Loach said that one must question how long those who paid for this land use would tolerate paying so much money for a program that no longer served its original purpose of rural preservation. He said that if equity between rural and growth areas was what one desired, caution should be exercised, as one might inadvertently achieve the opposite outcome.

Nora Thalhimer said that as a concerned resident of Albemarle County who valued the preservation of natural resources and rural communities, she requested that in the next phase of work, the County avoid proposing goals and objectives that could lead to development in rural areas. She said that prioritizing water resource protection and maintaining existing forest cover should be their top priorities.

Ms. Thalhimer said she agreed with Mr. McGinnis's earlier concerns that the County should temporarily halt the process of identifying crossroads communities until a comprehensive rural area plan was prepared, which included adequate community engagement. She said that she requested eliminating goals associated with expanding legacy zoning. She said that they should consider creating small area plans for Shadwell and Yancey Mills rural interstate interchanges to assess land uses at these interchanges and shield rural areas from sprawl along Route 250 at both locations.

Peggy Gilgus said that upon reviewing the materials prepared for the meeting, she had identified inconsistencies that required attention. She said that to ensure their community's resilience, they must prioritize protecting their watersheds, agricultural lands, forests, and biodiversity. She said that recognizing that human beings rely on healthy ecosystems was crucial.

Ms. Gilgus said that in order to safeguard their rural assets, which provided essential resources such as water, food, flood and drought protection, extreme heat mitigation, and carbon sequestration, they must identify and preserve them from disruption caused by development, impermeable surfaces, pollution sources, and other impairments. She said that achieving this goal required prioritizing the creation and adoption of a comprehensive rural area land use plan. She said that until they had mapped and identified their valuable natural resources in rural areas, they should not endorse or forecast any parts of them for future development. She said that marking crossroads, communities, rural interstate interchanges, and unique locations in AC44 prematurely was counterproductive.

Ms. Gilgus said that while she understood the rationale behind establishing resiliency hubs, the most environmentally responsible choice would be to utilize existing community centers, schools, and churches as emergency shelters and communication centers for rural residents in times of crisis. She said that the need for increased resilience in AC44 stemmed from the fact that they had already caused significant harm to the sustainability of their ecosystems upon which they depend. She said that they must take proactive measures to protect them now so they can continue to support them in the future.

Paula Beazley said that she fully supported the PEC recommendations for the rural areas draft. She said that the primary goal had always been, and should be, for rural areas to preserve and protect their agricultural, forestal, horticultural economy, ecosystems, natural resources, biodiversity, historic, cultural, and architectural assets. She said that she opposed provisions in the draft such as rural crossroads, rural communities, crossroad communities, rural interchanges, and permitting more commercial activities built in legacy zoned places. She said she opposed provisions for resiliency hubs every five miles, as this would completely fragment rural areas,

resulting in a loss of all the foregoing assets that needed protection.

Ms. Beazley said that they supported resiliency hubs in existing facilities where people currently congregated, such as shopping centers, libraries, community centers. She said this approach would not affect agricultural, silvicultural, horticultural, or natural ecosystems. She said that the County must focus on affordable housing within its development areas to stem the tide of persons moving to rural areas for economic reasons.

Ms. Beazley said that she supported rooftop solar, which, if effectively adopted, could supply 40 to 50% of their energy needs and save their rural areas. She said that the possible negative environmental effects were considerably less. She asked them to develop that before permitting rural areas to be gobbled up by out-of-state solar marketing companies who did not care or have to live with the consequences.

Ms. Beazley asked that they update their historic preservation plan and ordinance. She said that these were important County aspects. She said that what they had asked for and needed in rural areas was broadband or preferably fiber optic due to their many storms. She said that they needed more frequent and inexpensive transportation was needed to connect them to existing commercial areas.

Work Session

CPA202100002 AC44 Goals and Objectives for Rural area Land Use and Transportation

Ben Holt, Planner said that the staff would cover as much ground as possible within the allocated hour and a half but would readdress this topic in Phase 3 with goals, actions, and action steps included. He said that they would provide an overview of where they stood in this process regarding rural area land use and transportation. He said that staff would primarily skip a repetition of the AC44 project, which they had discussed during their last work session, and move directly into goals and objectives concerning the rural topic. He said that at the end of the presentation, they would discuss the next steps in AC44.

Mr. Holt said that the purpose of this work session was to obtain Commission feedback on the content of these draft goals and objectives for land use and transportation within the County's rural area, which constituted approximately 95% of the land area. He said that they would guide the discussion using overarching questions focusing on goal alignment with the existing framework and identifying potential gaps within each section. He said that staff had included several specific questions where Commission feedback and direction were particularly needed.

Mr. Holt said that following this work session, staff would compile the Commission's feedback and share it later with the Board during their March 20 work session on these same topics. He said that the finalized goals and objectives would be used to draft action steps, which would be presented in Phase 3.

Mr. Holt said that regarding the rural area, the input themes collected from the public emphasized protecting the natural environment, preserving historic resources, including African American settlements and free towns, ensuring transportation connections to services and expanded rural area transit, safeguarding rural road character, exploring adaptive reuse of existing buildings, and establishing resilience hubs within the rural area, including crossroads communities.

Mr. Holt said that staff had held public meetings at Batesville and Yancey Community Center in the rural area. He said that at Batesville, feedback from the discussion shared similar themes to

those previously mentioned, including support for small area plans before determining land use decisions within crossroads communities, utilizing resilience hubs, environmental and historic resource protection, addressing areas with existing septic issues, improved transportation safety, and exploring transit expansion for rural areas.

Mr. Holt said that the feedback from the Esmont community at Yancey Community Center was similar in nature. He said that themes included community support networks and communication, bike and pedestrian safety, protection of farmland, forest, and natural habitat. He said that healthcare access and services was a major theme, as well as aging in place for this community in similar areas. He said that phase one input included services and healthcare access, broadband provision, maintaining rural growth management priorities, and limited housing and jobs.

Mr. Holt said that organized into topics of land use and transportation, rural land use included conservation and siting of solar facilities discussion, supporting agricultural and silviculture, crossroads communities and resilience strategies, as well as nonresidential land uses for legacy zoning areas. He said that transportation goals included the unique transportation networks of rural areas and considerations for safety and maintaining quality of life.

Mr. Holt said that notable goals and objectives included a recommendation for a rural area plan addressing varying localized needs, which was Objective 1.3. He said that they had a recommendation for small area plans at rural interstate interchanges, which was Objective 4.2. He said that this would be further developed with action steps. He said that they recommended investigating walking, biking, and transit opportunities within rural areas, particularly focusing on crossroads communities and equitable access, which was Goal 3.

Mr. Holt said that crossroads communities had already been identified in the 2015 plan; however, guidance for these areas was limited. He said that the AC44 draft definition of crossroads communities emphasized determining essential services and needs for rural populations, exploring resilience hubs, and clarifying that these communities were not designated for economic development or expanded residential development.

Mr. Holt said that during the December 19 work session, feedback supported community resilience hubs concepts, more equitable service provision in rural areas, and clear guidelines for appropriate uses and potential benefits associated with this designation. He said that the Commission also endorsed engaging individual communities before implementing land use or zoning changes within crossroads communities. He said that public input from recent rural area meetings would be incorporated into recommendations shared in Phase 3.

Mr. Holt said that regarding resilience hubs, these hubs could be adapted to various scales for each individual community. He said that they may consist of publicly owned buildings and facilities or privately owned establishments in certain areas. He said that there was potential for grant funding to support resilience upgrades. He said that important aspects of these hubs may include disaster response, provision of services such as medical and community resources such as gathering spaces, events and programming, local food access, and community gardens.

Mr. Holt said that regarding the draft growth management policy, the definition entailed continued emphasis on the distinction between development areas and rural areas. He said that growth would be concentrated within development areas with well-defined boundaries to protect the rural character and natural environment while maintaining low-density, limited residential development. He said that small-scale businesses and limited infrastructure would serve existing communities.

Mr. Holt said that staff had documented email feedback from Commissioners Murray and Firehock, and they had received several emails, including community members who spoke just before this session began. He asked if the AC44 team should focus more on resilience hubs than the Crossroads Community's designation. He said that if the Planning Commission would like to change direction in the Crossroads Community's discussion, now was the time to do so. He said that these areas, regardless of designation, could still have area planning and community engagement in the future.

Mr. Holt said that there was a remaining focus on adaptive reuse and recommendations within the historic resources chapter. He said that for transportation, staff would like to know what more efficient, effective, and equitable transit service would look like for the rural area. He said that they would also like to know what sort of bike and pedestrian infrastructure would serve the unique needs of the rural area and how the plan recommendations should prioritize or implement these bike and pedestrian opportunities.

Mr. Missel said that he had skipped a member of the public who wished to comment during the previous item, so he would provide her the opportunity to speak at this time.

Christine Putnam said that she was a member of the Albemarle County Natural Heritage Committee. She said that she was there to discuss the rural area chapter. She said that the chapter emphasized protecting agricultural and forestry industries, which was commendable since they held significant importance. She said that she would like to remind the Commissioners that these land uses could negatively impact biodiversity and water quality.

Ms. Putnam said that she lived surrounded by industrial pine plantations, which were once native hardwood forests. She said that she had witnessed the consequences of these land uses firsthand, including soil degradation from aerial herbicide applications, heavy equipment usage, soil compaction, and littering. She said that these practices resulted in monoculture yellow pine forests that could not support the biodiversity found in native hardwood forests. She said that it was possible that some agricultural crops may have similar effects.

Ms. Putnam said that she lived near Albemarle County's largest vineyard. She said that the exposed land had led to erosion and degraded water quality in nearby streams. She said that these observations underscored the need for incorporating best management practices in the plan to support sustainable land use. She said that she would appreciate seeing more references to the Biodiversity Action Plan and stream health initiatives throughout the document to ensure comprehensive protection of water quality, soils, and ecosystem services that contributed to clean air, water, and climate change mitigation.

Mr. Andrews said that they would now move onto questions from the Commission.

Mr. Moore asked, in regard to Objective 1.1, about the statement that mentioned reducing the rate of conversion of rural area land to residential uses. He said that he would like more information about the rate.

Mr. Bivins said that it meant, to him, eliminating the by-right capability for individuals to conduct family divisions. He said that this implied that they eliminate family divisions, which would directly address the issue of reducing certain divisions they were discussing.

Scott Clark, Conservation Program Manager, said that regarding the conversion of lots in rural areas for residential use, it was somewhat challenging to provide specific figure. He said that prior to the mid-2000s recession, approximately 275 to 300 new lots were approved annually. He said

that since the Great Recession, the number had decreased to around 150 per year. He said that although this may not seem significant, when accumulated over several decades, it had a considerable impact. He said they may be able to pull acreage data from the GIS system.

Mr. Clark said that at some point, the effects of the recession would fade, and they would return to the 300 they were seeing previously.

Mr. Murray said that as a part of the Chesapeake Bay program, it conducted a landscape analysis focusing specifically on land conversion. He said that there was some fascinating GIS data available regarding the transformation of land uses from one type to another. He said that at some point, they could examine this data as a County and consider the conversion rates. He said that the analysis went beyond merely quantifying how much land was converted for residential use; it also examined how much forest was converted to pasture or how much pasture was converted to houses, among other things.

Mr. Clark said that they saw the conversion analysis, and the main issue was that it was conducted at the scale of the watershed, making it coarse data. He said that in the next year or so, they would receive new land cover data for the County. He said that they hoped to rerun the analysis at a much finer resolution.

Mr. Moore said that there were two questions. He said that the first one was of a definitional nature, concerning Goal 1 and protected scenic areas and landscapes. He said that he was curious about what constituted a scenic area and its definition. He said that he would like to know if there was a layer on the GIS map that indicated those areas.

Mr. Holt said that they had designated scenic roads and entrance corridors. He said that what was valued and considered scenic was, to an extent, defined by the public. He said that they consistently received feedback highlighting hillsides, mountain views, dark skies, farmlands, forests, and other such landscapes. He said that historic resources also held significant importance as much of the rural areas in the County fell within historic districts.

Mr. Moore said that goal four examined the intersections of I-64 at Shadwell and Yancey Mills interchanges, part of which was in a rural zone despite being near Route 29. He asked if there was a reason for excluding this intersection from the other two considerations. He said that he was referring to evaluating potential opportunities for nonresidential land uses at Shadwell and Yancey Mills. He asked why the Route 29 intersection was not included.

Mr. Barnes said that one of the objectives was to address the legacy land uses and zoning in the development area, particularly excluding the old Hickory Hill gas station. He said that they aimed to develop in a manner that avoided issues similar to those at Route 250 West. He said an example was in Crozet, where certain uses were forced into conditions without proper site plan review for access control and infrastructure provisions such as sewer systems. He said that the interchange in question was included in the development area.

Mr. Bivins said that regarding the questions about investments in rural areas and development around transportation and multimodal, he wanted a framework for balancing these priorities. He said that providing criteria for decision-making would be helpful. He said that they could not undertake both projects simultaneously due to limited resources. He said that if they sought assistance from VDOT, their scoring system may prioritize development projects in their community due to higher intensity of use. He said that he wanted additional information on the current land usage and coverage in their area with updated data, which may help refresh their understanding of available resources.

Mr. Bivins said that he wanted similar information regarding farms. He said that when he examined the new census data for farms, they no longer qualified as a farming community unless negative income was the defining characteristic of such a community. He said that he wanted data that allowed him to answer staff's questions.

Mr. Murray asked if there were already certain elements in this draft that they likely wanted to revise or if there had been specific points raised by the public that they were considering adding or modifying before taking into account the opinions expressed during the discussion.

Mr. Holt said that they had taken into consideration the Commission's feedback. He said that in the Word document, they had marked the draft versions to indicate the feedback received from the Commission. He said that many of the draft goals and objectives had already integrated the feedback they had obtained from the community. He said that much of this would be reflected in the action steps. He said that he had recently reviewed Mr. Murray's email comments, along with those from Ms. Firehock, and he believed some specific points raised would be addressed in the action steps.

Mr. Murray said that they had heard comments that they needed a rural area plan to comprehensively address land uses and designations in rural areas. He said that the crossroads communities and interstate interchanges had been identified as contentious parts of this plan. He said that the question was raised whether delaying these parts until after their completion would be feasible. He asked if they were considering this option.

Mr. Holt asked if he meant until after the comprehensive plan was finished.

Mr. Murray said that specifically, there had been discussion in their comprehensive plan regarding the rural area. He said that currently, it was all one designation and treated uniformly. He said that the draft suggested that they may need to reevaluate this approach. He said that perhaps they should consider differentiating rural areas instead of treating them all the same. He said that the concerns about crossroads communities, interstate interchanges, and other related issues tied into this larger discussion. He asked if staff had considered addressing these concerns either after or simultaneously with reassessing the one-size-fits-all approach for rural areas.

Mr. Missel said that he believed that when considering the 25 pages of content, there was a significant amount of information packed into this document. He said that the focus was on rural area lands, including transportation, historic, scenic, and cultural resources. He said that there was a separate section dedicated to crossroads communities and community resilience hubs. He said that there was another section addressing rural interstate interchanges and transportation projects.

Mr. Missel said that all of these aspects were viewed through the lens of resilience and equity, which was different from their previous approaches. He said that to better understand this document, they could start by examining the rural area section first and establishing its foundations. He said that they could use that guidance to inform other sections such as crossroads communities, community resilience hubs, rural interstate interchanges, and so forth. He said this approach allowed them to tackle one aspect at a time rather than attempting to address everything simultaneously, which could be overwhelming.

Mr. Murray said that the growth area included greenways and green spaces, as well as conservation areas. He said that one interesting aspect was examining a previous comprehensive plan, such as Ivy, which was once a growth area but had since been removed. He said that when

Ivy was removed from the growth area, its green spaces and greenways were also eliminated, which highlighted the importance of considering legacy uses in rural areas.

Mr. Murray said that in the proposed comprehensive plan, there appeared to be no map of proposed greenways and green spaces, which needed to be addressed. He said that when discussing conservation, high priority conservation areas should be included in the plan. He said that maps of agricultural lands and prime agricultural areas should be incorporated into the plan as well. He said that these should be considered essential layers within their comprehensive plan.

Mr. Missel said that they were now focusing on questions. He said that the information Mr. Murray had shared was helpful, and he believed others would contribute similar insights. He said that he would like to return to the question regarding the structure, specifically the larger framework. He asked staff if they could provide their input on this matter.

Mr. Holt said that they would potentially have additional guidance in these areas through the actual study for a small area plan. He said that previously they had discussed rural interstate interchanges and crossroads communities in relation to planning toolkits. He said that at that time, both staff suggestions and the Board's direction supported utilizing an area plan for two of the four interchanges they had discussed: Yancey and Shadwell. He said that crossroads communities would undertake individual community plans and localized feedback before implementing land use or zoning changes.

Mr. Holt said that he wanted to mention that crossroads communities already had existing designations within the comprehensive plan, totaling seven or eight. He said that their discussion focused on legacy land use, not promoting additional buildings or growth. He said that this conversation was about adaptive reuse, which was already occurring to some extent. He said that the topic of resilience hubs did not have to be limited to crossroads communities, regardless of designation. He said that any comprehensive rural land use study could potentially yield more guidance in these areas.

Mr. Barnes said that this process had been quite successful. He said that throughout their journey, they had received valuable input from the community, both through written comments and verbal feedback. He said that as they progressed into phase three and outlined action steps, this information would help clarify certain aspects. He said that it may also be appropriate at this juncture to determine if this was not the ideal time for certain actions or if they should refine their approach based on the feedback they had received. He said that they could certainly consider incorporating this suggestion into their plans. He said that they could defer this action until after phase three was completed; however, engaging in a discussion about it now might prove beneficial in shaping their future efforts for rural areas in this context.

Mr. Murray said that during his conversations with Batesville residents, he realized that the topic of greenways was closely related to their community. He said that they were passionate about where their greenways were located. He said that engaging in one discussion without considering this aspect seemed incomplete.

Mr. Clayborne asked for clarification regarding the Rural Rustic Roads Program.

Mr. Holt said that the program, administered by VDOT, assessed rural roads to determine their suitability for paving. He said that they maintained the existing right-of-way without expanding the roadway's width. He said that potential reasons for paving included addressing high traffic or erosion and sediment issues, which could stabilize the area. He said that these decisions may be influenced by community impact from nearby landowners.

Jessica Hersh-Ballering, Principal Planner, said that the County had an existing policy for the Rural Rustic Roads Program that allowed residents or property owners on those roads to express their opinions about whether paving should occur. She said that they had the option to add roadways to a no-pave list if that was their preference.

Mr. Carrazana asked why the designation was necessary for creating a community resilience hub. He said that he believed their earlier response indicated that it was not required. He said that he agreed with his colleagues that they needed to establish clearer definitions for the rural area plan before they could proceed with connecting cross-rural communities. He said that although their 2015 plan had identified some aspects already, revising that plan necessitated revisiting the identification of cross-rural communities that they currently possessed.

Mr. Carrazana said that during discussions about progressing to action steps and incorporating some of these objectives, they must clearly define these goals or at least provide examples of what they meant. He said that goal four had been discussed in their conversation, and, in his opinion, its wording was unclear and invited various interpretations. He said that some community members had expressed concerns about this goal, as had he. He said that he did not believe this was the intention; rather, it was the wording that needed clarification. He said that to avoid approving these goals without necessary clarifications, he recommended they address the unclear wording in several objectives before proceeding.

Mr. Missel asked, regarding the boundaries or definitions of crossroads communities and rural interstate interchanges, if staff had considered establishing physical boundaries for each area. He said that these boundaries could either be existing ones that will be retained or areas that could potentially expand. He said that this was a concern for many of them, as there was uncertainty regarding whether these expansions would be unbridled or not.

Mr. Holt said that during their planning toolkit discussions, they held multiple meetings where they analyzed the areas these interchanges would be applied to. He said that at the Yancey interchange, they focused on a smaller area east of the highway due to public input and some Commission members' observations of historic communities in the vicinity. He said that they did not finalize a map for this area; instead, they will likely do so during the small area plan for each of these interchanges.

Mr. Holt said that regarding Shadwell, most of the area in question was bordered by roadways, specifically north of Route 250 and south of I-64 in the Shadwell area. He said that the crossroads communities' area was likely to be limited to the vicinity of the historic crossroads and certain legacy uses such as country stores and post offices. He said that defining these boundaries will occur during the localized area plans for these locations as well.

Mr. Missel asked for an explanation of the Rural Area and Environmental Stewardship Comprehensive Plan. He said that it was related to Objective 1.2.

Mr. Holt said that it referred to two distinct chapters with interconnected influence: the environmental stewardship chapter and the rural areas chapter. He said that these chapters would help define and direct areas of protection.

Mr. Missel said that the community had expressed concern that the County was moving away from protecting and preserving the rural areas. He asked how staff would respond to those comments.

Mr. Holt said that the draft AC44 project aimed to reinforce the existing growth management policy by protecting the rural character of rural areas, maintaining the boundaries of development areas, and concentrating growth within these areas. He said that they were discussing various areas of the County that did not entirely conform to typical RA uses and RA lots.

Mr. Bivins asked where the Biodiversity Action Plan would be located within the comprehensive plan. He asked for clarification whether this plan would have its own distinct section or if it would be integrated into another section.

Mr. Clark said that the entire Biodiversity Action Plan had not yet been adopted as a component of the comprehensive Plan.

Mr. Clark said that the Biodiversity Action Plan was completed in 2017. He said that the entire document was accepted by the Board but not adopted as a chapter of a plan. He said that in 2019, the 2015 chapter on natural resources was updated separately to incorporate the main goals of the Biodiversity Action Plan. He said that not the entire plan, with its 70 or so recommendations, but the structure of the landscape prioritization that went into that plan was incorporated. He said that as for what would happen in the future, he was unsure. He said that he would assume at the very least they would adopt that equivalent level of detail. He said that if they updated the action plan, then that same level of detail would move into the comprehensive plan.

Mr. Missel said that the Commission should consider if the draft goals were aligned with the AC44 framework for an equitable and resilient community.

Mr. Carrazana said that in general terms, he believed that it was consistent. However, he said that his reservations stemmed from the language used in some of these goals. He said that he thought they should proceed because the intention was clear; however, he said that there needed to be greater clarity in the wording. He said that this was where he faced difficulties; nevertheless, he still agreed because he trusted the underlying intent.

Mr. Clayborne said that regarding resilience, he was somewhat surprised not to see more specific information about utilities, possibly due to the broad nature of the term. He said that in rural areas, power outages were more common. He said that he wanted to know what could be done to plan for such events. He said that stronger internet connectivity was essential for remote work in these areas.

Mr. Clayborne said that wildfires were a concern that should be considered when thinking about resiliency. He said that he was curious about the effects of tourism on these areas and whether they contributed to equitable development. He said that wineries and other attractions drew attention, commerce, and trade to rural areas. He said that he wanted to know the impacts of this growth. He asked if tourists should be allowed to stay in rural areas or if there should be a controlled approach. He said that tourism was a significant industry in their region, and they had received several awards for their efforts.

Mr. Murray said that the intention was clear, but the language needed refinement. He said that there were specific elements where he believed equity remained a concern. He said that a fire risk layer was crucial. He said that upon hearing "resilient community," he also thought of "sustainable community." He said that he appreciated the remarks made tonight emphasizing that, as they promoted agriculture, they should prioritize sustainable agriculture and encourage best management practices.

Mr. Bivins said that the one aspect of agriculture that had experienced growth was agritourism, increasing from approximately $1.1 million in 2017 to $2.2 million in 2022. He said that conversely, traditional farming had decreased over this period, with net losses for traditional farms rising from $8,000 annually to around $16,000 annually. He said that there had been a decline in the number of traditional farms within their County as well. He said that this shift in agribusiness highlighted a move away from traditional crops or cattle toward a more diverse range of activities.

Mr. Bivins said that considering the future of vibrant agriculture businesses, it was crucial to examine the sustainability of farming data trends. He said that the number of farms had decreased, and losses had become more significant over time. He said that as they discussed the evolution of their rural community's activities and resources, they must consider what types of uses should be prioritized for this area.

Mr. Bivins said that it may be helpful to drill down and analyze specific uses. He said that there would be some calibration of people's expectations regarding what that actually did. He said that they should consider whether it was really just estates involved or if there were absentee owners under LLCs or if generational farming practices were taking place. He said the Commission would find it helpful to be informed about what was actually occurring in the rural parts of their community.

Mr. Bivins said that he knew about the individual discussing the yellow pine farm, which had left a negative impact. He said that they had visited that project in Scottsville, and it was appalling; it seemed like they were on Mars due to the runoff and gullies. He asked how they could ensure agriculture could coexist and enhance the land there. He said that he proposed addressing the issue he raised earlier: providing them with the necessary tools to answer questions effectively. He said that since this was AC44, it focused on future casting. He said that when he engaged in future casting, he needed guidance. He said that staff should provide them with the framework within which their macro-level analysis would be conducted.

Mr. Bivins said that he could appreciate the importance of greenways, but he did not understand why multimodal transportation was necessary in rural areas. He said that greenways enhanced rural activities for tourists who visited for hiking and other rural pursuits. He said that they should allocate funds to improve these activities without distracting from development areas.

Mr. Bivins said that focusing on appropriate crossroads communities may help build community trust in their intentions and reduce negative emails. He said that by demonstrating their commitment to preserving rural areas, they could avoid misconceptions about their plans. He said it would be helpful to have updated data. He said that it was not helpful when people became upset due to seeing outdated data from six, seven, or eight years ago.

Mr. Bivins said that there were appropriate uses for footnotes. He said that by adding footnotes explaining specific cases and future plans, it could help clarify unfamiliar terminology and reduce anxiety levels. He said that this would prevent people from sending negative emails accusing them of not being considerate. He said that providing additional information in these documents about their thought process, even if not in an appendix, such as listing the feedback received and aspects being considered, would greatly benefit the process.

Mr. Carrazana said that he believed that some confusion arose due to ambiguous language that left room for interpretation. He said that to address this issue, they needed to refine their wording and provide additional examples or footnotes for better understanding.

Mr. Murray said that there was multimodal traffic in the rural areas. He said that the question was

whether to encourage new multimodal traffic.

Mr. Bivins said that he was fully appreciative of the scenic bicycle route. He said that when considering how to allocate dollars, he would prioritize the tasks that everyone was advising them to do. He said that all the messages they received suggested investing in the development area while leaving the rural area as it was. He said that they should not enhance services when they had limited dollars available that they were trying to apply to the development area. He said that he understood this perspective, but he also believed that there were outdoor activities they were overlooking. He said that the County was leaving off the table certain activities that could attract a different group of people to enjoy the rural area.

Mr. Murray said that if they considered expenses, he would argue that it was significantly cheaper to protect a mile of existing greenway in rural areas that was already being used compared to constructing another mile in growth areas.

Mr. Moore said that he had some comments regarding goal two, specifically about having a strong agricultural and silvicultural economy. He said that he had looked at similar numbers to those presented by Commissioner Bivins regarding the current state of Virginia's agricultural economy. He said that it was declining in Albemarle County, and only larger farms of more than 2,000 acres in other parts of the state were growing. He said that to achieve a strong agricultural and silvicultural economy, they must recognize that agriculture and silviculture were fundamentally economic activities, not preservation or aesthetic activities.

Mr. Moore said that they needed to approach this as an economic development issue. He said that in order for this economic development to work in rural areas, they required reliable broadband for farm stands and agritourism card transactions. He said that they required reliable electricity, including three-phase electricity for larger operations, and cell coverage, which was becoming a utility. He said that they also needed access to co-op funding sources and training resources for young people interested in pursuing farming as a viable career option.

Mr. Moore said that to ensure a thriving agricultural sector in the future, they must take specific actions. He said that his next point focused on community resilience hubs and crossroads communities. He said that while discussing these topics, he found that they were interconnected. He said that when considering resilience hubs, he was intrigued by the comments about crossroads communities in the staff engagement. He said that they had received numerous suggestions for improvements in these areas, such as clinics, small stores for healthy food, community gathering centers, childcare facilities, and public goods. He said that these amenities were essential for people's daily lives.

Mr. Moore said that there were also comments expressing opposition to having these facilities in their communities. He said that he did not fully understand this perspective. He said that when examining community resilience hubs and crossroads communities, two aspects stood out to him. He said that he was more of a crisis-oriented environmentalist than a slow-paced one. He said that the world would have macro impacts on the community whether they wanted it or not, so they must be prepared. He said that this meant having safe places where they could seek emergency services and access necessary resources for living. He said that community resilience hubs served as a vital solution for more remote areas, and it was surprising that this concept was considered contentious.

Mr. Moore said that they experienced a crisis in loneliness, which had been acknowledged by the Surgeon General. He said that many people reported having no friends or very few friends, and they spent less time socializing. He said that they may be able to address this crisis by building

community spaces.

Mr. Moore said that they had failed to address the use value tax deferral program effectively. He said that the policy allowed wealthy landowners to receive substantial tax breaks by claiming their land was being used for farming purposes when it was not. He said that cutting hay once a year was not farming, He said that this subsidy may be contributing to lost County revenues. He said that he would like to see these issues addressed in their goals, including an analysis of their impact and potential actions to rectify them, while acknowledging that state law may limit their ability to make immediate changes.

Mr. Murray said that he believed there were several tasks that he requested last year which were not completed. He said that one of these tasks that he considered highly valuable was the land use evaluation, which he had studied for many years. He said that they should treat this evaluation as an expense. He said that as budget time approached, this program cost them approximately $14 million annually. He said that it should be included in the budget as a line item for that projected cost because it was incurring expenses. He said that when examining programs such as conservation easements, which had a zero-budget impact, they should assess which option offered a better return on investment: conservation easements or land use valuation, since one was permanent, and the other was merely renting conservation.

Mr. Bivins said that they appeared to be stuck in a period of stream health initiatives. He said that he would like to know if they could examine whether their current initiatives could be improved or if they had had any impact on land management. He said that they had land situated near the border of rural and urban development where septic systems had failed. He said that when these systems failed, wastewater flowed directly into the water system, potentially contaminating it. He said that if they could implement better septic systems in these areas, they could maintain water quality while keeping costs affordable.

Mr. Bivins said that to ensure that their long-standing principles from the 1970s and 1980s remained relevant and effective, they must evaluate their continued application in light of current technology. He said that they should consider whether their current approach to protecting their watershed was sufficient or if they needed to explore alternative methods. He said that they could determine the potential consequences for their districts if they implemented changes or if such changes were even feasible.

Mr. Carrazana said that he fully agreed that they must be more specific about the various types of land uses and soils present in these regions. He said that despite these statements being made repeatedly, he had not seen any tangible steps taken to incorporate them into their documents. He said that the rural land use section did not currently address this issue. He said that to better identify prime agricultural lands in these diverse areas, they must gather more data specific to each rural region.

Mr. Bivins said that the landcover data was also outdated, from 2013. He said that many people became emotional when they saw this information, interpreting it as if this was all that had been achieved since then. He said that where there had been change over this period.

Mr. Missel said that in his view, there were three main aspects to consider: 1) Organization structure and data feeding into it, which they had discussed extensively that day; 2) Utilizing this information for setting goals and establishing priorities; 3) Focusing on rural areas as a broad category, with potential subcategories such as environmental concerns, watershed management, farming, diversity, physical development, transportation, solar energy, public services, private services, resilience hubs, rural interstate interchanges, and crossroads.

Mr. Missel said that before moving onto action items, he proposed that they spend more time together as a group in a work session, discussing available data and some of the topics they just discussed. He said that they must ensure that 95% of their land in rural areas was properly utilized. He said that it was a valuable resource. He said that he suggested collaborating with staff for a continuation of the work session.

Mr. Murray said that he was eager to discuss the transportation slide presented earlier. He said that he would like to mention that he was aware that if this topic would not be addressed in a future work session, he would like to provide his comments now since he had much to say about it.

Mr. Missel said that they would have another work session where Mr. Murray could provide his comments.

Mr. Holt addressed the upcoming schedule for the AC44. He said that he would like to highlight that they had a Board session scheduled for March 20, during which they would discuss these same goals and objectives. He said that the session would cover development areas, rural areas, and community facilities for the Board's work session. He said that they would also acquire feedback from the Board members and incorporate it into the Commission's feedback. He said that moving into spring, they would commence phase three, which would focus on action steps for each plan chapter. He said that they would establish big moves or plan priorities for implementation within the first five years of plan adoption. He said that this addressed the issue of hierarchy that Mr. Missel mentioned. He said that their action steps would incorporate metrics where applicable, allowing them to track implementation progress in the plan.

Mr. Murray said that if this issue was not addressed during another work session, he would like to specifically mention his concerns regarding rural rustic roads. He said that there appeared to be some issues with this approach, as the pave-in-place nature of these roads actually worsened conditions for pedestrians due to the lack of margins. He said that he had recently run on two different roads that were on the paving list - White Mountain Road and Fox Mountain Road - and he could attest to the importance of preserving these areas. He said that these roads passed through large forest blocks, which were highlighted in the Albemarle County Biodiversity Action Plan as being at risk of development if paved.

Mr. Murray said that it was worth comparing their current transportation proposals with their previous plans. He said that Objective 7 stated that existing comprehensive plans should provide safe and effective transportation options while preserving the character of rural areas. He said that this included explicitly focusing on safety improvements rather than paving and widening rural roads. He said that except for agricultural and forest operations, new road construction in rural areas should be limited.

Mr. Murray said that this aligned with his previous comments suggesting that they should follow Loudoun County's example by implementing programs to protect their rural gravel roads and acknowledging their historical use. He said that they had already received one email comment from someone who had identified several roads currently used by the running and cycling community that should be protected. He said that he would like to emphasize these concerns in case they did not have another work session to discuss this matter further.

Recess

Mr. Missel called a recess until 6 p.m.

Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Consent Agenda

Mr. Clayborne motioned that the Commission approve the consent agenda as presented. Mr. Carrazana seconded the motion, which carried unanimously (6:0). (Ms. Firehock was absent)

Public Hearing

ZMA202300006 Woodbrook Apartments

Andy Reitelbach, Senior Planner, said that this was a rezoning request for four parcels of land located between Berkmar Drive and Woodburn Road, at the terminus of Woodbrook Drive. He said that he had highlighted the four parcels that were the subject of this rezoning request on the image in front of them. He said that the Rivanna Reservoir could be seen in the upper left-hand corner of the screen, while Woodburn Road was identified going north to south on the left side of these parcels. He said that Agnor-Hurt Elementary School was directly to the south of the subject property, and the SPCA property was to the northeast of the subject property. He said that he had identified Lowe's in the lower right-hand corner of the aerial view.

Mr. Reitelbach said that currently, all four of these parcels were zoned R6 residential, which permitted six units per acre. He said that by-right, based on the size of this property at 7.202 acres, the property owner could develop 43 residential units, not including any sort of bonus factors that may be possible. He said that the only overlay zoning district for this property was AIA, Airport Impact Area. He said that surrounding zoning districts included one parcel zoned R15 directly to the south, commercial properties zoned C1 to the east and northeast, and rural areas directly across Woodburn Road to the west. He said that Woodburn Road was the designated boundary between the development areas to the east and rural areas to the west.

Mr. Reitelbach said that rural areas were to the west of Woodburn Road, while the Places 29 Master Plan designated the area to the east as urban density residential. He said that urban density residential recommended residential uses between six and 34 units per acre, along with small-scale secondary uses that support the neighborhood. He said that residential building height was recommended at a maximum of four stories or 45 feet. He said that the surrounding comprehensive plan land use designations included institutional areas to the south, such as Agnor-Hurt Elementary School, office R&D flex light industrial areas to the northeast, and urban mixed-use areas around centers to the east. He said that the designated center was farther east on the other side of Berkmar Drive.

Mr. Reitelbach said that there were four parcels currently zoned R6 at 7.2 acres. He said that existing uses included several single-family detached houses along with accessory structures. He said that the applicant sought to rezone the property to PRD with proffers. He said that the applicant aimed for a maximum of 244 multifamily units, which equated to a density of 33.9 units per acre, at the top of the recommended range for urban density residential areas. He said that the maximum recommended density in UDR was 34 units per acre.

Mr. Reitelbach said that there were two buildings facing Woodburn Road on the west side of the

property, while a third building was directly to the east. He said that two residential buildings were located more interiorly on the east side of the site. He said that most of the buildings proposed had a height range of three to four stories; however, the building farthest to the east, closest to the Woodbrook Drive entrance, was proposed to be five stories.

Mr. Reitelbach said that there were five multifamily buildings in total, with Buildings One and Two fronting Woodburn Road, and Buildings Three through Five located internally within the site. He said that the height range for four buildings was three to four stories, while the fifth building, farthest to the east, was proposed to be five stories. He said that there were two access points: one from Woodburn Road and another utilizing an easement that granted the property owner access to the cul-de-sac of Woodbrook Drive.

Mr. Reitelbach said that since this was a PRD, there was a minimum requirement of 25% open space throughout the site. He said that on the application plan, the applicant had determined that meeting the minimum requirement was possible. He said that there was a cemetery in the northeast corner of the property, with half of it on the subject property and half on the adjacent SPCA property. He said that the applicant proposed fencing around the cemetery and providing access through designated parking spots for descendants to visit the cemetery.

Mr. Reitelbach said that the applicant proposed a continuous pedestrian path connecting Woodbrook Drive entrance to Woodburn Road entrance. He said that the applicant suggested 15% affordable housing at 80% AMI, consistent with current County policy. He said that two special exceptions were requested: waiving the step-back requirement for all buildings in the development and reducing the minimum rear setback from 20 feet to 10 feet.

Mr. Reitelbach said that the applicant had proposed two proffers: contributing $10,000 to the County's capital improvement program for constructing a crosswalk and pedestrian signal on Berkmar Drive and Woodbrook Drive and providing pavement markings on Woodburn Road from Agnor-Hurt Elementary School to the subject property's northern boundary due to the lack of markings currently.

Mr. Reitelbach said that regarding the school impacts of this development, based on the numbers provided by ACPS and yield ratios, it was anticipated that this development would generate approximately 43 students in total across all three school levels. He said that this project would involve approximately 20 students at Agnor-Hurt Elementary School, eight students at Burley Middle School, and 15 students at Albemarle High School.

Mr. Reitelbach said that currently, Agnor-Hurt and Burley schools were under capacity; however, Albemarle High School was over capacity. He said that High School Center 2 was recently approved by the Board of Supervisors, and its rezoning was also approved recently. He said that this project was moving forward with its site plan.

Mr. Reitelbach said that the positive aspects of this rezoning request included four points: the request was consistent with the uses and density recommended by the Places 29 Master Plan; the request was consistent with 12 applicable neighborhood model principles; the request provided affordable units at 15% of the total number of units constructed, consistent with current County policy; and the request had proffered improvements to Woodburn Road and a cash contribution to the capital improvement program.

Mr. Reitelbach said that there were two primary concerns associated with this development: the proposed development would result in additional student enrollment at area schools, particularly at Albemarle High School, which was already over capacity; and one of the buildings, Building

Number Five, which was the most interior building on the site, was proposed to be five stories high, one story higher than the maximum recommended by the Places 29 Master Plan. He said that staff recognized that this building was located at the rear of the property, interior to the site, and closest to existing commercial uses. He said that staff recommended approval of ZMA 2023-00006 Woodbrook Apartments.

Mr. Bivins said that he would like to pose a question to their counsel regarding the proffer for Woodbrook Drive and the signal. He said that the current proffer amount was $10,000. He asked if they had ever considered how they addressed inflation or whether proffers could include inflation adjustments.

Mr. Herrick said that proffers were voluntary submissions made by developers. He said that the County was limited to considering the proffer that the developer had offered rather than what anyone might consider to be the ideal proffer. He said that if the Commission believed that the developer had not adequately addressed the impacts of its development, the Commission had the ability to simply recommend denial of the project overall. He said that the County did not have the ability to go back and essentially alter the proffers, because they were voluntarily offered by the developer.

Mr. Bivins said that the developer could implement an inflation adjustment.

Mr. Herrick said that nothing would prohibit a developer from offering that as part of its proffer package.

Mr. Bivins asked how much the road improvements would cost.

Kevin McDermott, Deputy Director of Planning, said that they did not cost out or provide an estimate for upgrading that intersection and installing pedestrian crossings. He said that currently, he knew that the landings did not meet the current ADA requirements; therefore, pedestrian heads would need to be installed. He said that he did not have an exact cost estimate; however, he could confirm that $10,000 would not cover the full cost of upgrading for pedestrian crossings. He said that this amount would only cover a small portion of the total cost.

Mr. Bivins said that at the Woodburn Roadside, there appeared to be an indicator suggesting that there would be a path connecting Building Envelope 1 to the school. He said that this path may be intended for young people to safely access the school or the sidewalk nearby. He said that it was unclear whether the $10,000 would contribute to this path or if there was an expectation that the County would cover the costs of ensuring pedestrian safety when the path crossed the road near the school.

Mr. McDermott said that his understanding was that they were constructing that portion of the path. He said that he believed it was intended to connect to something on campus.

Mr. Reitelbach said that the pathway would extend up to the property line. He said that the applicant agreed to collaborate with the school system in order to identify the optimal final position for this pathway.

Mr. Clayborne said that he sought clarification regarding cemetery protection near construction sites. He said that he was inquiring if there were available standards that offered guidance for cemeteries in close proximity to construction. He said that he had come across a recommendation of five feet; however, this distance appeared quite close, potentially within reach of construction activities. He said that this seemed unusual, prompting him to raise this concern. He asked if there

were any applicable standards.

Mr. Reitelbach said that he was not aware of any standards. He said that there may be standards from the Virginia Department of Historical Resources.

Mr. Carrazana asked if any archaeological studies had been performed at the cemetery.

Mr. Reitelbach said that he was not aware that any archaeological studies had been conducted in that location. He said that the applicant may be able to provide more information regarding what types of studies or archaeological digs had taken place in that area thus far.

Mr. Bivins asked whether they needed to conduct an AIA determination for this particular property.

Mr. Reitelbach said that for this particular case, since it involved a rezoning for a planned district, the AIA determination was essentially part of the rezoning process.

Mr. Missel said that he had a question regarding the 25 percent open space requirement that was mentioned. He said that he believed that the applicant was convinced they could meet this requirement. He asked how staff verified and quantified open space.

Mr. Reitelbach said that the open space could encompass various types, such as landscape buffers, amenity areas, tot lots, recreational facilities, and similar features. He said that in the application plan, the applicant included a list of proposed open space types along with their respective percentages and acreage within the property. He said that this information satisfied the requirements stated in the application plan. He said that during the site planning stage, they would verify that at least 25% of open space was provided in accordance with the plan.

Mr. Missel opened the public hearing.
Valerie Long, Williams Mullen, said that she was representing the applicant. She said that Megan Nedostup was also present, along with several representatives from GW Real Estate Partners, the applicant, who was a local company. She said that Rob and Will Gordon, among others from GW, were there too, as well as Scott Collins from Collins Engineering, the civil engineer for the site.

Ms. Long said that the site in question was formerly part of the Western Bypass right-of-way, which they believed was a suitable location for repurposing into residential use. She said that it was situated near existing apartment complexes, a school, the SPCA, and various shopping and destination locations.

Ms. Long said that the development area was right on the edge of rural land, with the west side of Woodburn Road being rural. She said that there was a wooded buffer on the west side of Woodburn Road that helped establish a boundary between rural areas and development areas.

Ms. Long said that the illustrative plan outlined their proposed development for this location. She said that it identified amenity areas and the five buildings, one of which was five stories. She said that improvements along Woodburn Road and a second entrance were proposed. She said that a future access easement for interpersonal connection was proposed.

Ms. Long said that the project offered numerous benefits, such as meeting comprehensive plan goals for efficient land use at high residential density. She said that the development provided 34 units per acre and committed to affordable housing while satisfying neighborhood model principles. She said that it improved multimodal transportation, including a path throughout the

site, and was close to many locations, making it suitable for rental housing. She said that teachers at Agnor-Hurt Elementary School would be nearby. She said that it satisfied several County goals for climate action.

Ms. Long said that this was the application plan showed building envelopes, travel ways, parking envelopes, and green areas as amenity spaces and open space. She said that one sidewalk connected to Woodburn and Woodbrook, as shown in the Places 29 Master Plan. She said that sidewalks were provided throughout the project.

Ms. Long said they proposed a pedestrian and bike connection, and they would collaborate with the County school facilities team to identify the most suitable location for this purpose. She said that they wanted to demonstrate their commitment to creating a pedestrian connection to the school property. She said that regarding the amenity areas, there was a dog park located at the top, a pool and clubhouse in the middle, and a tot lot near the school parcel.

Ms. Long said that the dog park location next to where the SPCA would be situated was compatible. She said that there would be other amenity areas like fire pits, gathering spaces, and outdoor amenity spaces. She said that they had placed sidewalks wherever possible. She said that there were bus stops within walking distance for added convenience. She said that this location was ideal for individuals who preferred not to use their cars or those who wanted to minimize their car usage.

Ms. Long said that it was also close to shopping destinations in the Rio Hill Shopping Center and other establishments along Berkmar. She said that they proposed improvements along Woodburn, such as a six-foot street tree buffer and a sidewalk. She said that they needed space for utilities and additional planting strips before the building to enhance the appearance of that side of the property. She said that this would create a clear boundary between the rural area and their development. She said that this project would contribute to various elements of the County's Climate Action Plan, such as improving bike and pedestrian infrastructure, increasing sidewalks, and maximizing density in development areas, among others.

Ms. Long said that other provisions in their projects were fairly standard. She said that the project benefits included: consistency with the comprehensive plan, enhancing multimodal transportation, the location, sustainability elements, and all commitments under their plan. She said that the $10,000 was for the pedestrian crossing at Berkmar. She said they were aware that this was not the full amount for the sidewalk. She said that in conversations with staff and their traffic engineer, given the existing number of residences in the area, they worked to identify what a proportionate amount would be toward that future improvement.

Ms. Long said that regarding cemetery standards, she was not aware of any other requirements. She said that the boundaries of the cemetery were clearly delineated on a recorded plat, allowing them to know exactly where it was and mark it in the field. She said that staff usually required tree protection fencing around such areas, placed five feet away from the boundaries. She said that this had been done on other projects before. She said that they had discussed maintenance of the plot with a descendant of someone buried in the cemetery.

Mr. Carrazana asked if Ms. Long could provide information about which buildings they had requested the step-back amendment for.

Ms. Long said that they were requesting it for all of them. She said that the step-back requirement applied to any buildings after their third story. She said that this four-story building proposal suggested a 3-4 split, which may mean that the requirement was not necessary for this particular

building. She said that buildings 1, 2, and 3 were four stories, and Building 5 was a five-story building. She said that they requested that all of them be included. She said that unfortunately, the ordinance did not specify that the step-back requirement was intended solely for buildings along roads. She said that it applied to every building within a project, regardless of its location.

Mr. Carrazana asked if buildings 1 and 2 were intended to have four stories.

Ms. Long said that was correct.

Mr. Carrazana asked if there were available drawings or elevations of those buildings. He said that he recalled that during the discussion about the landscape, there were some related visuals presented. He said that he was unsure if they were retained or not.

Ms. Long said that she did not have an elevation of it; however, she had another design. She said that she was attempting to demonstrate an appropriately large, but not too large, span between the pavement and the building to create a comfortable and inviting pedestrian environment with street trees and sidewalks. She said that the applicant would dedicate land as necessary for these improvements.

Mr. Carrazana asked if there were nothing that would relay what they were asking for with the step-back.

Ms. Long said that she did not have any drawings other than she could use her cursor to indicate the fourth floor. She said that the step-back would require a 15-foot distance. She said that if the step-back were required, it would have a substantial impact on the layout of the apartment units and the number of units that could be provided in all of the buildings. She said that given that they wanted the building to be set back far enough to avoid concerns or canyon effect along that road, they also needed to supplement it with the elements shown here.

Mr. Carrazana asked if this was also an area where they requested a reduction in setbacks.

Ms. Long said no. She said that the setback request applied specifically to this area where it abutted a commercial property. She said that the side or rear currently had a 20-foot setback. She said that they were requesting a reduction to 10 feet, which would be consistent with all other properties in the area and allow for a 10-foot buffer.

Mr. Carrazana asked if Ms. Long could explain the purpose of the 50-foot buffer represented by the purple line.

Ms. Long said that during the SPCA property's recent rezoning, a special use permit was granted, possibly within the last five to 10 years. She said that the property was initially zoned R6. She said that upon approving the permit, the Board mandated a 50-foot vegetated buffer to be established between dog walking areas and potential kennels or similar facilities and any future residential residences. She said that this buffer served as a separation measure and was shown for context.

Mr. Clayborne said that he was struggling to visualize the massing and scale in comparison to the neighboring buildings. He said that he understood that there was topography data available for this area. He said that Building 5 was situated at a lower elevation; could they please clarify if it rose up in relation to its surroundings. He said that if Building 5 was five stories, he would like to know how its height compared to the surrounding structures. He said that it was difficult for him to provide his input without these visuals for reference.

Ms. Long said that the area surrounding it consisted of commercial properties or similar establishments. She said that Building 5 was initially proposed for five stories. She said that the existing residential apartments in this location were previously approved. She said that the structure was a commercial building, specifically a commercial condominium. She said that the entire area consisted of commercial properties, including the property owned by the SPCA.

Mr. Clayborne asked if they were the same height. He said that he was referring to the aspect of massing and scale.

Mr. Moore said that the apartments called Perch were four stories.

Ms. Long said that she had some images to depict the area. She said that the adjacent buildings were built more than 20 years ago. She said that there could be more efficient use of land with four-story buildings there as well.

Mr. Clayborne asked if it would be towering over other buildings.

Ms. Long said that she did not think it would. She said that there was quite a distance between the buildings, along with parking and a 10-foot landscaping buffer. She said that the proposed landscaping plan was meant to ensure the applicant's intent for the building to not directly face the back of a commercial building or parking lots. She said that the proposed design included a double row of parking spaces and a 20-foot setback from the property line. She said that there was a 50-foot wooded buffer surrounding the area as well. She said that the decision to place a five-story building in this location was made after considering various factors, such as maximizing the number of units while providing sufficient parking, amenities, landscape areas, and buffers.

Ms. Long said that the original concept plan included five-story buildings throughout the development area; however, this would have exceeded the comprehensive plan's designation. She said that the challenges of providing adequate parking and amenities for higher density led to the conclusion that a five-story building in this location was the best option. She said that comparing this location to alternatives, such as placing four-story buildings at the edge of the development area, the chosen location offered better balance and functionality for the project.

Mr. Clayborne said that he did not have any issues with density whatsoever but wanted to offer some constructive criticism. He said that with all due respect, if they were requesting special exceptions regarding height and massing, it would be highly beneficial to demonstrate how these proposed changes related to the surrounding area, particularly if they were not by right. He said that if they were seeking approval for such changes, providing visuals would be extremely helpful because at present, he was merely examining rectangular structures, which could be quite challenging. He also said that he was curious as to why there were no proposed solutions to mitigate the effects on local schools.

Ms. Long said that utilizing the school's student calculator estimates that a total of 43 students could reside there. She said that this figure also took into account the number of students who could live there if the property were developed under its R6 zoning, which would be 40.

Mr. Clayborne asked if Ms. Long was stating that it would be the same outcome.

Ms. Long said correct. Ms. Long said that the existing R6 zoning allowed for a maximum of 43 units per acre to be built. She noted that coincidentally, this project at 244 was estimated to yield

approximately 43 students. She said that this number was not over and above what would be yielded by a by-right development; it was the total number of students. She said that she did not go back and analyze how many students would be added with by-right development or the incremental increase in students.

Ms. Long said that they understood the capacity challenges at Albemarle High School and knew that both the County School Board and Board of Supervisors had taken steps to address them. She said that they believed that the location of this development, next to an elementary school that had capacity, would be particularly attractive for families with young children, young teachers, and young professionals. She said that it may be less appealing for families with teenagers, but the planned amenities would make it a nice community for those with teenagers as well.

Mr. Clayborne said that he would like to discuss the design philosophy behind the project, focusing on the target population and circulation concerns. He said that there were approximately 43 school-age children in the area, and there may be more under school-age children present. He said that the project featured numerous children within its scope, and upon examining the image before him, he noticed buildings surrounded by expanses of asphalt. He said that this raised concerns about pedestrian and vehicular circulation for him. He said that the tot lots and green spaces appeared randomly placed in odd shapes and locations, which prompted a discussion about the design philosophy concerning the intersection of people and cars on the site and how this solution was chosen over alternative options.

Ms. Long said that the multifamily project presented similar challenges in accommodating necessary parking spaces, sidewalks for pedestrian access, and strategically placing amenity areas for resident convenience. She said that while not public roads, parking lot travel ways required slower vehicle speeds for resident safety, particularly around children. She said that the applicant team could discuss their experience in managing these challenges in their existing communities. She said that sidewalks had been prioritized wherever possible within the project area, including pedestrian paths around surface parking. She said that these paths facilitated safe movement throughout the project, such as from homes to the tot lot or pool area. She said that while caution was necessary, these design elements aimed to provide a safe environment for residents of all ages.

Mr. Clayborne said that he comprehended that this was a concept which may evolve and appear 50 times different. He said that he merely wished to bring this to their attention.

Mr. Murray said that regarding service parking, he knew that in Charlottesville, many apartment complexes now had parking spaces located underground beneath the building. He said that during discussions, they may have considered requesting additional height for the structure; however, this would not have allowed for sufficient density due to the limited number of parking spaces. He asked if there was a height at which underground parking would become commercially viable for their project.

Mr. Murray said that his second question was if, since their design did not appear to accommodate stormwater on site, they had explored ways to handle this issue more effectively. He said that many apartment buildings were well-suited for features like green roofs, which could help mitigate stormwater impact. He asked if they had considered incorporating such design elements into their project to exceed state requirements and minimize the impact on the nearby reservoir.

Ms. Long said that the applicants had not yet reached the point of addressing stormwater management at the rezoning stage. She said that as part of the rezoning application, they must demonstrate their ability to accommodate stormwater management requirements by presenting

conceptual designs. She said that on sheet 6 of 8, they proposed a potential location for an underground facility in the area. She said that it was possible that nutrient credit purchases or other measures would be necessary in addition to this proposal. She said that at the site plan stage, applicants could consider further improvements. She said that the Service Authority and the Rivanna Authority provided comments during the review process, which would be taken into account during the VSMP and ENS permitting processes at the site plan stage.

Mr. Murray said that underground storage primarily focuses on addressing quantity rather than quality.

Ms. Long said that there might be more required.

Mr. Murray said that green roofs would be an effective method for improving building quality. He said that they would contribute to enhancing overall quality.

Ms. Long said that the applicant was hearing these comments, which she believed were very helpful. She said that in this location, having structured parking, particularly underground, was cost-prohibitive due to the expense of digging down for parking below grade. She said that the building may need to be substantially taller, and rents would have to be higher to cover additional construction costs. She said that on another project they had worked on, they had to scale back the height because they could no longer afford the structural parking. She said that even though their rents were high, and their area's median income was high, they were not sufficient to cover the additional costs of structured parking. She said that she hoped that this would change in the future.

Ms. Long said that in 10 years, things might be different, and they could add a new building in one of the currently designated parking areas by amending the zoning. She said that this new building could have parking underneath, even if it was just surface parking with a six-story building instead of four. She said that this would be like an at-grade parking space, similar to those found at a beach house. She said that this presented a challenge. She said that she wished that it were better. She said that aside from the comprehensive plan, the site could potentially handle twice the density, if not more, than what they were proposing without creating traffic impacts or other issues, given its location.

Mr. Murray said that regarding the comprehensive plan, he hoped they could eventually reach a point where they could provide subsidies for structured parking. He said that this would help make certain areas more viable.

Ms. Long said that would be great.

Mr. Bivins said that he had one question regarding this matter. He asked if it was possible for the applicant to request an exception for parking. He asked if they were allowed to grant such exceptions. He asked if they could consider allowing the applicant not to adhere to the parking ordinance.

Mr. Reitelbach said that there was no specific allowance for special exceptions to reduce parking requirements. He said that however, the applicant could request the zoning administrator to examine parking requirements and other forms of transportation, such as transit access or multimodal access, as substitutes for parking requirements.

Mr. Bivins said that he would like to know what the product mix would be there. He asked if he would observe efficiency/studios, or if he would only see one, two, and three bedrooms, and perhaps four bedrooms.

Ms. Long said that no decisions had been made yet regarding the unit mix.

Mr. Bivins said that he would encourage some efficiency/studios if that was possible. He said that in his view, the rear of the property should be considered the back, although from Berkmar, it appeared as the front. Consequently, he said that the mass of the buildings from Berkmar would be quite significant. He said that if he could have his preference, he would request that the five-story building be positioned where building four currently stood, as it would face less competition from dogs walking on the adjacent property. He said that this suggestion was made in case only one building was allowed, but he would strongly advocate for all buildings to be five stories tall, and to ask for a parking exception.

Ms. Long said that the engineer clarified that Building 5's location was the lowest point in the elevation.

Mr. Bivins said that he acknowledged the topographic map's information from her but emphasized that his main point was not that. He said that if he stood in front of the commercial building or even went behind it, it would still be lengthy. He said that if he was in the Woodbrook Court area, which was a semicircle leading out onto Berkmar, it would still be tall. He said that he proposed that if they were only going to have one building, they should place it in the middle and address the doors. He said that he genuinely preferred that they have all five of them. He said that they should have all five and make them five-story buildings.

Mr. Bivins said that he would also suggest requesting an exception for parking. He said that he believed that this area, given their project and other projects nearby, could handle some density without causing issues. He said that he would like to point out to staff that this area did not make sense to him. He asked why they did not redraw the rural area next to the reservoir. He said that they had an isolated road that currently had development on one side and rural land on the other. He said that when driving down there, he understood his colleague may be uneasy, but they could protect that area.

Mr. Bivins said that when driving down there, it would seem strange that they did not have similar density on the left side of the road. He said that it would be beneficial to have a conversation about having some density on that side of the road as well. He said that if he understood correctly, Ms. Long said that for Berkmar Roadside, they were requesting an exception for the setback but not for anything on the north side of the property.

Ms. Long said that was correct. She said that they were not requesting anything on any other side.

Mr. Bivins said that he was attempting to maximize its potential by adding as much development as possible. He said that this was because most proposals they received did not reach full capacity. He said that they should exceed expectations and build beyond the standard density. He said that he understood that this may be met with some resistance from fellow architects. He said that he was simply trying to optimize this area, which he believed had minimal issues.

Ms. Long said that she agreed. She said that she believed that was what they had done in terms of balancing costs and practical realities for needing to have a certain amount of landscaping, accommodating underground utilities, maintaining a modest buffer around amenity areas, and

providing sufficient parking. She said that they would be requesting a parking reduction as part of the site plan review. She said that even with this reduction, it still resulted in them needing more parking, although not as much as currently required by the ordinance. She said that this proposal was what they desired, but she was not certain if it was entirely compliant with the current regulations, as it assumed a reduction in parking requirements.

Mr. Bivins said that he had been contemplating ways to create more space for community building due to the tensions witnessed in various communities. He said that he would continue to ask how they could design spaces that foster community and provide a location where individuals could gather comfortably without feeling segregated based on age. He said that the goal was not to create another parking lot or tot lot, which he personally disliked. He said that they should aim for a community space where people of all ages could come together. He said that while the clubhouse may serve this purpose, they must consider its limitations and potential issues. He said that he would challenge them and their applicants to explore alternative methods for creating intentional spaces that promote community gathering.

Mr. Moore said that he would echo some of Mr. Bivins' comments. He said that this particular parcel or set of parcels was ideal for redevelopment and increased density. He said that it was conveniently located near a grocery store, transit lines, and a school. He said that remarkably, it had very few overlays that restricted its development. He said that he was unsure of the specifics.

Ms. Long said that she had never experienced one without at least one managed slope. She said that Scott Collins also mentioned the same sentiment. She said that they had to scrutinize their surroundings carefully, but there were no buffers or steep slopes present.

Mr. Moore said that he agreed with Mr. Bivins that he found the proposed density in this area suitable for this location. He said that what was currently present was commendable. He said that if the development expanded to this extent, he would be open to considering something greater than proposed. He said that he had two minor questions that he would like to address, which were also raised at the Rio 29 Community Advisory Committee meeting. He said that one was regarding the small red arrow at the bottom left corner crossing into Agnor-Hurt Park. He said that he appreciated its proximity to a school; however, he was also aware that this was merely a bus lane without a crosswalk or any other safety measures. He asked Ms. Long to discuss how people, particularly children, might navigate this situation.

Ms. Long said that unfortunately, the design did not consider accommodating pedestrians in the future. She said that initially, there was no pedestrian infrastructure installed, which might be due to the area being rural and not having enough students to walk there. She said that nevertheless, they believed that incorporating pedestrian facilities made sense for similar reasons. She said that to proceed, they would need to build these facilities while considering input from County school officials and ensuring safety measures were in place.

Ms. Long said that perhaps a dirt path could be constructed alongside the existing sidewalk on the opposite side. She said that children could use the grassy area as a temporary footpath until more permanent solutions were implemented. She said that this would be the safest option, avoiding children crossing the street or bus lane altogether. She said that creating a safe walking route was essential for the well-being of small children living in this community. She said that currently, there might be an informal footpath in place due to the lack of proper infrastructure.

Mr. Moore said that it was likely that children had made some.

Ms. Long said that the playground was located within a park where children would visit. She said that the area featured soccer fields and other amenities. She said that the park was adjacent to a County park, situated next to the school.

Mr. Moore said that he would emphasize getting those conversations with the school initiated as part of the plan, which he understood was what they had described. He said that the other issue, and this was relatively minor, but it was one of those things that could sometimes be overlooked. He said that it was one of those situations where a member of the Community Advisory Committee mentioned that the woods behind the building were where staff at the SPCA often walked dogs, frequently those with behavioral issues. He said that considering the proximity of a dog park to these woods might not be ideal due to dog behavior.

Ms. Long said that she agreed that it could be a potential issue. She said that there was a significant difference in grade in that area, which meant that there would need to be a point of vertical separation. She said that she hoped that the retaining wall, located at a higher elevation, would provide enough physical separation to avoid problems. She said that while she believed that location was best for the dog park, she hoped that dogs could get along. She said that the dogs would also be separated by the fence. She said that dogs who lived there would be inside the fence, and they trusted that SPCA dog walkers had trained their volunteers well.

Mr. Missel asked if there were any comments from the public. Seeing none, he asked the Clerk if there were any online speakers.

Ms. Shaffer said there were none.

Mr. Missel closed the public hearing and the matter rested with the Planning Commission.

Mr. Carrazana said that he agreed with his colleagues that this would be an ideal location for increased density. He said that he was unsure of what they could do or not do in terms of parking in the site plan. He said that he encouraged exploring options for reducing minimum required parking. He said that podium parking was expensive due to its at-grade nature, but they needed to consider it in the County. He said that they had already discussed this in AC44 meetings, and he anticipated more conversations about it in the future. He said that while he was not certain that this would be the ideal opportunity to implement such changes, it may require building much higher than five stories to accommodate them.

Mr. Carrazana said that he suggested considering combining some of these open areas during site plan discussions to create larger spaces. He said that although the school across the street offered some green space, they primarily functioned as landscaped areas rather than true public green spaces. He said that those were the factors he would highlight. He said that he believed they had already been discussed, and he agreed with those comments. He said that he wanted to echo Mr. Clayborne's point, which was something they had repeatedly brought up in this forum.

Mr. Carrazana said that it primarily concerned staff members, because when they reviewed submissions seeking exceptions for setbacks or step backs, and they failed to provide necessary information, it made their decision-making process difficult. He said that this large development involving significant investment, so they should expect minimum standards, a section cut, an elevation, or contextual information to evaluate what they were being asked to relinquish. He said that in this case, they were not given enough information to assess the 15-foot step-back requirement. He said that this issue had arisen multiple times, and he wished they could integrate these requirements into their exception guidelines.

Mr. Barnes said that he believed they could make that a requirement in the future.

Mr. Clayborne said that the information provided was crucial for them to serve effectively. He said that without this data, it was difficult for them to communicate efficiently with their staff and offer appropriate counseling. He said that he concurred with the other Commissioners' remarks.

Mr. Bivins said that he did not plan to vote on the exceptions. He said that he was unaware that they had a role in this process unless the chair felt that it should fall under their jurisdiction.

Mr. Missel said that was correct.

Mr. Bivins said that they did not have an obligation to speak on this matter. He said that while he appreciated his colleagues' desire for this, he believed that if it must be placed anywhere, it should be with the floor above them. He said that when they considered it, he suggested they provide some evidence or documentation. He said that he did not plan to examine the SEs; he just planned to examine the ZMA.

Mr. Herrick said that Mr. Bivins' statement was accurate. He said that the Planning Commission had the authority to provide feedback on special exceptions if it chose to do so; however, he said that ultimately, this decision lay with the Board of Supervisors.

Mr. Carrazana said that they could certainly provide their recommendation regarding whether they believed it was appropriate to do so at that site or not. He said that without the necessary information; however, the Board was essentially making decisions without their fully informed recommendation.

Mr. Moore said that he did not have much to add. He said that once again, he was merely reiterating his belief that it was a suitable lot for housing, which he hoped would be accessible for working people.

Mr. Missel said that he appreciated their input and wanted to emphasize that they should not undermine the importance of adding density. He said that density was particularly crucial in areas designed for it but that they must also consider the balance of quality of life. He said that overcrowding a site could lead to an undesirable living environment. He said that he knew everyone agreed; he was emphasizing that this aspect should be taken into account during future development objectives.

Mr. Missel said that he felt that recreational spaces had been somewhat overlooked in the plan. He said that the triangle was merely a byproduct of parking configuration because they could not accommodate triangular parking zones. He said that despite this, there was a commitment to sidewalks, connectivity, adjacency to the school, and so forth. He said that their discussions on transportation had been intentional and beneficial.

Mr. Moore motioned to recommend approval of ZMA202300006 Woodbrook Apartments, for the reasons outlined in the staff report. Mr. Bivins seconded the motion, which passed unanimously (6-0). (Ms. Firehock was absent from the vote.)

ZTA202300002 Personal Wireless Service Facilities

Mr. Missel said that this was another challenging issue they faced that night. He said that they had received numerous emails expressing opinions on both sides of the matter. He also said that he had requested that staff address the issue of community health and their authority concerning

this matter. He said that he looked forward to hearing their input, which he hoped would provide clarification for some community members who had raised concerns about this issue specifically.

Mr. Missel said that the discussion would primarily focus on balancing aesthetics, which could be subjective in many cases, and public safety. He said that everyone was aware that the County had spent considerable time addressing aesthetics and enhancing the visual environment they lived in and enjoyed. He said that balancing technology was also crucial in this context.

Bill Fritz, Development Process Manager, said that he would present the Zoning Text Amendment for the Personal Wireless Service Facility. He said that the section addressing environmental factors was directly sourced from federal code. He said that he would read the federal code provision verbatim. He read, “No state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." He said that this text directly answered the question raised.

Mr. Fritz said that the Planning Commission was informed about the comprehensive information provided in their packet. He said that there was significant interest in this topic, resulting in a survey conducted. He said that both a summary and raw data from the survey were included in the packet for further analysis. He said that the raw data allowed participants to examine the actual answers provided during the survey. He said that one consultant was joining the meeting online and two consultants were present in person.

Chris Musso said that he was with the Berkeley Group and was accompanied by Darren Coffey, also from Berkeley Group. He said that Susan Rabold from Cityscape Consultants was their subject matter expert for the project and was attending the meeting remotely. He said that they had partnered with Cityscape Consultants and County staff over the past year to review Albemarle Planning Commission's personal wireless facility ordinance, reassess its provisions, and revise them to align with both state and federal codes.

Mr. Musso said that he would begin by outlining their agenda for the evening. He said that they would be discussing the purpose of the initiative, providing a background of wireless policy in Albemarle County thus far, covering the work conducted for this project, including community engagement activities, presenting the highlights of the proposed changes they brought before them that night, opening the floor for a public hearing, and requesting that they provide a recommendation to the Board for the newly proposed ordinance.

Mr. Musso said that he would provide a brief overview of the history of the wireless ordinance in Albemarle County. He said that Albemarle County had adopted its first wireless policy in the year 2000, which was 24 years ago. He said that as wireless technology had advanced, there had been an increasing need for additional regulatory measures. He said that much had changed in the past two decades. He said that in 2004, Albemarle had adopted its existing wireless ordinance. He said that since then, the ordinance had undergone several minor amendments to address changes in technology needs and development; however, the ordinance had not seen a complete rewrite or overhaul since its inception.

Mr. Musso said that the purpose of their project was aimed at reevaluating the entirety of the wireless ordinance and revising it where necessary, as technology continued to advance, so too must the regulatory framework surrounding it. He explained that most of the wireless technology regulations were determined at the state or federal level, primarily by the FCC. He said that their objective in this project was to ensure that Albemarle County's wireless regulations matched those

found in both the Code of Virginia and FCC guidelines. He said that they aimed to develop County regulations that could assist the wireless industry in meeting the growing demand for wireless services in the area, thereby better serving the community.

Mr. Musso said that as someone who frequently drove through Albemarle County, he could attest that cell phone service could be improved in certain locations. He said that to address this issue, their work was divided into two separate phases consisting of research and development. He said that introducing the project to the public and industry professionals on March 7, 2023, Cityscape Consultants began with a comprehensive inventory assessment of all existing wireless facilities in Albemarle County, as well as those just beyond the border that still served the County. He said that from this, a service map was created to identify potential gaps or areas with no or poor wireless coverage in the County.

Mr. Musso said that both of these were shared with industry leaders in the community on June 13, 2023, and were available through Albemarle County. He said that following the creation of both the wireless inventory and service coverage maps, an analysis was conducted to determine if the policy was a partial cause of the service gaps, and if so, what changes could be proposed to improve future network service. He said that the proposed ordinance changes resulting from this analysis were now before them. He said that they would discuss some of the key highlights of this ordinance shortly, but these proposed changes were a direct result of required changes from state and federal regulations, the gap analysis, and community engagement.

Mr. Musso said that a crucial aspect of any project like this was community engagement. He said that before work began on the project, staff held a kickoff meeting on March 7, 2023, open to the public and industry stakeholders, where they introduced the project to them and sought initial feedback and suggestions. He said that prior to the development of the draft ordinance amendments, they also launched an online survey through Engage Albemarle that was conducted between August 7 and August 27, 2023, to ask the community what changes they wished to see in the wireless facilities in the County and gather suggestions for potential changes. He said that in the final stages of their process, they shared the proposed ordinance changes with both the community and industry members.

Mr. Musso said that they received direct feedback from them regarding these changes. He said that their proposed ordinance's recommendations primarily stemmed from majority opinions and updates to the Code of Federal Regulation. He said that he would now like to highlight some key proposed changes to the ordinance that they believed were significant. He said that first, they proposed removing agricultural forest districts and clustered facilities from the list of avoidance areas. He said that this would allow treetop towers in these areas to be acted upon administratively instead of requiring a special use permit. He said that updates in industry terminology, federal, and state regulations had led them to make these changes, particularly in definitions.

Mr. Musso said that they proposed allowing small cell facilities by right in compliance with state regulations and require providers to give notification of installation to the County. He said that they also proposed removing reference to tree height as a concealment element. He said that this change would allow administrative approval of treetop towers to be installed at a height of 30 feet above the reference tree's height. He said that they had removed this requirement so that treetop towers could be installed at modified heights. He said that they proposed requiring providers to supply a statement that facilities were in compliance with FCC regulations. He said that they proposed removing the limit on the number of arrays permitted on a tower and removing the size limit on antennas.

Mr. Musso said that they proposed removing the limit on the diameter of the monopole, which was in the provided picture, to accommodate coaxial cables for co-locations to be placed inside the monopole. He said that they proposed removing the maximum projection of antennas of 18 inches on facilities, structures, and buildings. He said that this change would accommodate antenna and radio size changes in the industry and promote greater coverage of wireless signals by allowing radios to be placed on the tower versus the ground. He said that those were some of the key changes they had proposed in the ordinance.

Mr. Musso said that he invited them to review the ordinance in front of them if they wished to discuss any specific changes that were not mentioned during this presentation. He said that the Commission was asked to provide a recommendation of the proposed ordinance to the Board of Supervisors following a public hearing conducted after this presentation. He said that the recommendation could either be an approval with the proposed ordinance included in Attachment 6 or approval with the included Attachment 6 with any desired changes.

Mr. Clayborne asked if during their background research, they had identified any localities that had similar ordinances that served as a basis for design.

Mr. Musso said that in retrospect, they did not include benchmarking in this project. He said that their focus was exclusively on federal and state regulations, which they examined within Albemarle County for a gap analysis and wireless inventory. He said that Mr. Fritz or Ms. Rabold could provide further details.

Mr. Fritz said that the County's ordinance was more restrictive than most other jurisdictions. He said that they had a very robust ordinance. He said that few other localities addressed this issue as much or as thoroughly as they did.

Mr. Clayborne said that several significant proposed changes numbered 1 through 9 appeared to be substantial. He asked if other localities had similar items.

Mr. Fritz said that they either had similar ones or did not regulate it at all.

Mr. Carrazana said that during the presentation, public engagement was mentioned and its role in shaping recommendations was highlighted. He asked if they could elaborate on particular public engagements and how they had been incorporated into the current situation.

Mr. Musso said that he did not know if he had the survey in front of him at the moment; however, he could remember specific questions from it. He said that they received mixed opinions on the survey, which was common, but he could recall several instances where the majority of people were accepting of increasing the maximum tower height by however many feet, they raised it by.

Mr. Fritz said that the attached document, Attachment 1, contained the summary of the survey. He said that the results were presented in a pie chart format, allowing for visual representation of each question's outcome. He said that the majority of questions showed a relatively close split, such as 51% versus 49%, 52% versus 48%, or one-third versus one-third. He said that in cases where there was a majority, that direction was considered for amending the ordinance.

Darren Coffey said that he was from the Berkeley Group, and he would like to briefly comment on the survey results. He said that there were two significant observations: firstly, that service coverage was insufficient for most people; secondly, there was a high response rate, with over 700 responses and approximately 20 to 30 responses per day. He said that this indicated that the topic was of great interest to the community. He said that they proposed modifications in nine

major categories, which appeared to involve significant changes. He said that however, these changes could have substantial benefits for service enhancement without negatively impacting the County's aesthetic appeal. He said that for instance, allowing monopoles to increase their width to accommodate equipment inside them would be difficult to detect visually from distances of 20 to 30 feet above ground level.

Mr. Coffey said that their recommendations were based on professional judgments. He said that Bill Fritz was one of the leading telecommunications experts in Virginia with over 24 years of experience. He said that Susan Rabold, who was listening and could address technical questions, did this process across the country. He said that the County engaged them in partnership due to their understanding of the importance of preserving its character while accommodating telecommunications infrastructure. He said that they believed that the proposed changes were both significant and prudent without compromising the community's emphasis on maintaining its unique character.

Mr. Carrazana said that they held a work session there during the summer. He asked for an outline of the key takeaways from that session and indicated that they wanted staff to identify if any of those findings were incorporated into the new recommendations.

Mr. Musso said that was an excellent question. He said he was unsure if he participated in that work session; however, if their cohort was active, she may contribute some insights.

Susan Rabold said that she was with Cityscape Consultants. She said that in that prior work session, they had presented the engineering analysis they conducted, which aimed to increase coverage area without significantly altering the existing code, as Mr. Coffey mentioned earlier. She said that they then incorporated the feedback from that meeting into the survey. She said that they ensured that the questions and options presented to the community were based directly on their shared information, including maps and terminology from the federal code. She said that this way, when the revised code was presented to them, they could clearly see the changes in definitions.

Mr. Bivins said that their policy had not kept pace with technological advancements. He said that although the proposed regulation that stood out for its forward-thinking approach was the 30 feet above tree level requirement, trees would grow and technology would expand, leading to different equipment in the future that would make it more efficient. He said that he wanted to address a couple of points. He said that he did not understand why they could not establish a set of colors for Albemarle County equipment and require them to be painted accordingly.

Mr. Bivins said that he was also unsure of the certification requirements for an FCC engineer. He said that while there were certifications available, he was not certain whether Albemarle County wished to assume responsibility for verifying that engineers met FCC standards rather than placing that liability on applicants themselves. He said that this was a risk he would not want the County to undertake. He said that he would like to have conversation about not avoiding historic areas.

Mr. Bivins said that regarding historic areas, there was a document available online called "Albemarle County Historic Districts." He said that those historic districts were often very rural. He said that some people in these areas attempted farming, but fiber connections at home did not help when working in the fields. He said that some new technology in tractors and farm equipment relied on cellular connections for their operations. He said that the challenge was to balance rural and agricultural needs while incorporating technology.

Mr. Bivins said they must decide whether to support farmers who required this technology or prioritize personal preferences for newer devices like his Razr phone. He said that he was in favor of this approach but had two concerns. He said that he wanted to know why should they qualify who an FCC-certified engineer was. He said that they should let the applicant handle this process. He said that secondly, he wondered if they could they not create a set of colors or a color palette that would work in these areas and provide guidance for painting structures.

Mr. Murray said that in the previous comprehensive plan discussion, he had highlighted that their rural area lacked a map detailing open space resources. He said that this was particularly concerning since many sensitive environmental areas were located on mountaintops. He said that without proper delineation of these resources and specific callouts for biologically significant areas on mountain peaks, they may face issues if they did not adequately consider this factor.

Mr. Murray said that he was interested in the statement regarding historic districts; however, he believed historic resources held more importance than historic districts. He said that this approach would allow them to address the impact on historic Black communities in their rural area without disproportionately placing cell towers in areas without opposition. He said that he requested clarification on item seven concerning open space resources.

Mr. Musso said that he believed that the map displayed on that slide represented the locations of your Agricultural Forestal Districts (AFDs), which constituted a significant portion of their County. He said that the purpose of preserving open spaces was to maintain natural areas that would not be developed, thereby allowing them to serve functional purposes. He said that he understood the apprehension regarding mountaintop and ridgeline conservation. He said that he was unsure if Mr. Fritz could address this issue. He said that however, he assumed that since administrative approval was required for such developments, they hoped they would be halted at that level. He said that they could certainly investigate this further.

Mr. Fritz said that the avoidance area still included ridge areas, and they could work on refining or redefining its definition. He said that with the Commission's comments, they could further refine this definition when presenting it to the Board of Supervisors, ensuring that they understood which ridge area was being protected.

Mr. Bivins said that he believed there was more to consider than just shadowing effects on ridges. He said that his colleague was referring to biologically sensitive areas in the County that may not be ridges. He said that those areas may be part of the biodiversity plan, which highlighted locations where towers should not be placed.

Mr. Fritz said that he was making a note of it.

Mr. Missel asked for the definition of small cell facility, as he wanted to ensure his understanding was accurate. He said that in regard to this subject, he wanted to know if it was correct that associated equipment such as electric meters, concealment, telecommunications demarcation boxes, backup power systems, and all related components were not included in the calculation. He said that if these elements could be situated outside of the specified six cubic foot area.

Mr. Fritz said that yes, that language was directly taken from the state code without any alterations. He said that the reason for including it as a by-right use was that the County had no authority to deny it if it met those requirements. He said that they must approve it if it met those requirements.

Mr. Missel asked if a small cell facility had a similar height to a normal one.

Mr. Fritz said they were generally attached to utilities or buildings; there was no new structure associated with that.

Mr. Bivins said that the small facilities provided a smaller distance for transmissions as well.

Mr. Missel asked about the existing towers that had been previously reviewed and approved under the old or current regulatory standards.

Mr. Fritz said that they could be expanded.

Mr. Missel asked if they could be expanded to these new regulations.

Mr. Fritz said yes.

Mr. Missel asked if they could do it by right where it was allowed by right.

Mr. Fritz said that they would be able to utilize the new regulations and have the standoff distance and have the antenna array at the specified height. He said that as a result, there would be no difference between a previously approved tower and a new tower. He said that they would be able to do the same thing.

Mr. Missel asked if Mr. Fritz could provide information regarding what percentage of current cellular facilities were small ones.

Mr. Fritz said that there had been no small cell facilities approved in Albemarle County. He said that they had not received any applications for a small cell facility in Albemarle County that he was aware of.

Mr. Carrazana said that at the University of Virginia, there were several small cells. He also said that the City had some small cells too. He asked if they were considered as being on state land at UVA.

Mr. Fritz said that he was unable to answer that question at this time; however, they had not received any applications for small cells that he was aware of. He said that it was possible that some may have been installed without permits, which would be a separate issue to address.

Mr. Carrazana said that he was wondering about one on Fontaine.

Mr. Fritz said that he assumed those facilities were located on the City side of the university.

Mr. Missel said that it was the County.

Mr. Fritz said that he was not aware of any facilities. He said that it was possible that they applied because they processed numerous applications. He said that if they did apply, they would have applied for a Tier 1 facility, which required a building permit, and they would approve those applications accordingly. He said that he was not aware of any specifically stating that they were a small cell coming in under the small cell regulations of the state. He said that they may have just come in and claimed that they could meet the Tier 1 requirements so they did it as Tier 1.

Mr. Missel about the opening avoidance area paragraph's third point, which discussed locations within 200 feet of state scenic highways or byways. He asked for clarification if this regulation applies to entrance corridors as well.

Mr. Fritz said that entrance corridors have never been considered avoidance areas, and they were not currently proposed to be avoidance areas either.

Mr. Missel asked how that related to ARB oversight.

Mr. Fritz said that the Architectural Review Board reviewed tower applications, particularly Tier 3 towers, which required a special use permit. He said that this permit was referred to the Architecture Review Board for comments, similar to other individuals commenting on special use permits. He said that Tier 1 and Tier 2 towers did not have specific regulations they must follow.

Mr. Missel said that his last question was regarding the grouping of towers.

Mr. Fritz asked if Mr. Missel was referring to the horizontal clustering of towers.

Mr. Missel asked what Mr. Fritz initially thought when addressing this issue.

Mr. Fritz said that the original language, when initially adopted, aimed to address situations where more than three signs were clustered together, potentially causing adverse visual impacts. He said that the survey results indicated that most people desired relief from this issue.

Mr. Missel said that they would not receive any additional oversight in this regard. He said that this meant if someone came in and wished to add a fourth or fifth element, they would not be subject to further scrutiny.

Mr. Fritz said that the area will not be designated as an avoidance area. He said that regarding its location, if there was a need to remove trees that may cause adverse impacts or setbacks that cannot be met, then yes. He said that simply being near other towers did not automatically classify it as requiring a special use permit. He said that among the treetop towers they had, he believes they only had one location where there were more than three.

Mr. Moore asked if, in general, towers must be situated as far behind the property line as they were tall.

Mr. Fritz said that no alterations were made to the setback requirements. He said that certain restrictions had limited people from undertaking expansions of towers due to their inability to meet the setback requirements. He said that this issue had persisted for several decades.

Mr. Bivins said that the tower height had to meet the fall line of the tower itself.

Mr. Murray said that during their discussions, he frequently heard concerns regarding distances from residences, which essentially referred to distances from property lines. He asked if they had contemplated increasing the setback even more than their current proposal to address these concerns.

Mr. Fritz asked if Mr. Rabold recalled the conversation regarding that issue.

Ms. Rabold said that she did not remember discussing an increase in setbacks; they merely decided not to suggest a decrease. She said that she would like to address the question regarding

the engineer certification. She said that the standard was not intended for the County to oversee the certification process. She said that they simply requested that the industry provide a signed statement from the RF engineer confirming they had met the standards outlined in the FCC emissions document. She said that this was a straightforward process where the RF engineer indicated their compliance when submitting materials for review. She said that they had included this requirement due to concerns about health and safety from emissions since they could not regulate them. She said that the most they could do was require certification.

Mr. Missel said that he would open the hearing to comment from the public.

Ms. Shaffer said that for clarification, Christine Putnam had spoken earlier during the work session.

John Cruikshank said that he resided on Spring Lake Drive in the White Hall District. He said that he opposed the proposed revisions to the current policy concerning cell towers in Albemarle County. He said that he preferred maintaining the existing policy without alterations. He said that he understood that people desired to use their cell phones; even he possessed one. He said that the rural areas of Albemarle County remained picturesque, and they should not mar their landscapes with unsightly structures.

Mr. Cruikshank said that there was no need for cell towers to be larger or taller; they should never be situated near schools or densely populated neighborhoods. He said that this issue primarily revolved around money. He said that the telecommunications industry leveraged their financial resources and lobbyists to persuade the U.S. Congress to pass the Telecommunications Act of 1996, which prohibited him from discussing the ecological, wildlife, and human health damages caused by these installations.

Mr. Cruikshank said that financial gains had led to the proliferation of cell towers. Verizon, AT&T, and other companies received substantial payments for each tower installed. He said that Albemarle County Schools had received $128,986 from Milestone Communications since 2019 for placing large cell towers adjacent to athletic fields at Albemarle High School and Western Albemarle High School. He said that this situation was shameful. He said that bigger was not better. He asked them to reject these policy changes. He said that they should preserve the beauty of their landscape and the health of their people. He said that they should not sell out to the telecommunications industry, which was only motivated by profit.

Barbara Cruikshank said that she resided in Earlysville in the White Hall District. She said that her background was in community health. She said that she would begin by presenting some facts about wireless radiation that many people seemed to overlook. She said that wireless radiation was classified as a carcinogen in 2011 by the World Health Organization; it had the potential to cause cancer. She said that this type of radiation affected every system within the human body, leaving none exempt from its influence. She said that children were particularly vulnerable due to their rapid development and high metabolism and were therefore at the greatest risk.

Ms. Cruikshank said that cell towers operated 24/7 without any off button, emitting continuous pulse radiation that passed through and was absorbed by the human body before being transmitted to others. She said that over 2,000 global studies had demonstrated the detrimental effects of wireless radiation on human health, particularly in children. She said that the Federal Communications Commission (FCC) standards, which were 28 years old, had never been updated or strengthened. She said that the lack of action had led to the FCC being sued for failing to increase safety levels for humans.

Ms. Cruikshank said that she would like to share one cell tower story, specifically the one at Albemarle High School, located just 55 feet from the building. She said that her own measurements of radiation levels were found to be very high and alarming. She said that the County schools agreed to have experts assess whether these levels were legal. She said that she had requested that they determine if the levels were safe for human exposure. She said that although they were deemed legal, two building biologists hired by her expressed extreme concern for the safety of the children in the building and urged immediate action.

Ms. Cruikshank said that this situation was disgraceful, as children represented highly sensitive areas that should be protected from such radiation exposure. She said that the current situation could lead to conflicts between neighbors and was driven by financial gain. She said that she had personally experienced microwave syndrome, which was becoming increasingly common due to exposure to wireless radiation. She said that children in schools and teachers faced constant radiation exposure throughout their day.

Mike Shingold said that he lived on Garth Road in White Hall. He said that he was there today to raise a couple of points. He said that firstly, he believed that the cell phone service could be improved in their area. He said that what was proposed went too far and was essentially a capitulation to the cell phone companies and tower owners. He said that he would like to clarify that he heard their second consultant state that there was no impact on aesthetics.

Mr. Shingold said that if they examined the numerous responses received, they would observe that many people had complained about its impact on aesthetics. He said that he thought that was incorrect. He said that he also believed that the first consultant, if he understood him correctly, suggested that this was merely implementing federal and state law. He said that in other words, what was before them now. He said that while it was true that this was implementing some federal and state law, they had the right to deny or amend it. He said that it was not simply implementing what was required by higher authorities.

Mr. Shingold said that he believed another crucial aspect that had been overlooked concerning aesthetics was that people visited this area because of its beauty. He said that by erecting these massive towers and widening them, they would likely see a decline in tourism. He said that he had not heard any consultants discuss the negative impact on County revenue from this. He said that he highly recommended that they postpone voting today and consider this aspect.

Mr. Shingold said that finally, he would note that when individual cell phone towers were installed in the past, local residents had the right to comment on them or oppose them. He said that if this law was implemented, however, they could unilaterally change that on behalf of cell phone tower companies and cell phone companies without input from residents regarding individual towers. He said that although there was undoubtedly excellent cell phone service, he believed they needed to reassess this proposal, which appeared to be primarily beneficial for cell phone companies and cell tower companies.

Nate Holland said that he was a resident of Albemarle County and also a consultant for Verizon Wireless. He said that Verizon Wireless supported all the proposed changes to the telecommunications ordinance except for point number two, which concerned the by-right height of administratively reviewed towers, also known as Tier 2 treetop towers. He said that the height had increased from 10 feet to 30 feet above the tallest tree within 25 feet of the tower.

Mr. Holland said that Verizon's Radio Frequency Systems (RFS) engineers had reviewed the draft ordinance and believed that increasing the height of all towers across the County by 20 feet would

not result in a meaningful improvement of cellular coverage. He said that due to the topography and rural nature of most of the County, customers would require a minimum tower height of 175 feet above ground level to see a significant improvement in coverage. He said that therefore, Verizon requested that the County revise the ordinance to allow new and replacement 175-foot monopole towers, provided that setbacks allowed for monopole and self-support towers.

Mr. Holland said that he was also a resident of Albemarle County and a member of the 5th and Avon CAC. He said that the revision of the wireless policy had been long overdue and that he had lived there for 17 years or more. He said that the current policy had achieved its intended purpose in the early 2000s, which was to conceal the towers. He said that as he drove around the County, it had successfully hidden the towers but had had a detrimental effect on the residents of Albemarle County, as cell phone usage had become more widespread because the coverage was inferior compared to other areas.

Mr. Holland said that since he frequently traveled around the state, he kindly requested that they meticulously assess the changes being made and determine if they were sufficient to provide high-quality coverage throughout the County. He said that he endorsed Mr. Bivins' remarks concerning historic areas being listed as an avoidance area. He said that there were numerous historic areas in the County that restricted their ability to establish sites.

Valerie Long said that she was from Williams Mullen. She said that she had been working in this field for approximately two years less than Bill, who held the record. She said that she had first worked on her first wireless application in 1998. She said that her colleague, Lori Schweller, who might contribute to their discussion, had extensive experience in this area, having worked for both Verizon and other providers. She said that they had collaborated in various other localities. She said that if anyone had questions about ordinances in other localities or their implementation, they would be pleased to engage in that conversation. She said that she was unsure if they had received their comments or not, as they were not included in the agenda packet.

Ms. Long said that they would like to request that they review them and consider asking staff to incorporate their comments into the draft ordinance. She said that one of their comments was included in the draft, but it had been changed since its initial release. She said they were very excited with the proposal to allow towers to be 30 feet above the reference tree instead of just 10 feet. She said that this change would significantly improve the quality and coverage of wireless services. She said that this provision had been reverted back to 10 feet in the current draft. She said that there was a technical nuance regarding substantial change that she would let Mr. Fritz explain further.

Ms. Long said that this provision was intended to facilitate towers reaching 30 feet but required them to be initially placed 10 feet above the trees and then increased by 20 feet later. She said that this would not occur for any carrier. She said that implementing such a plan involved constructing two towers and replacing them immediately, which was not feasible. It would create a significant deterrent to achieving the objective of enhancing coverage. She said that there remained several issues that she had mentioned earlier, which they had highlighted in their letter and written comments that had not been addressed. She said that historic districts, as mentioned by Mr. Bivins, according to materials from one of the work sessions, comprised 29% of the County.

Ms. Long said that it was still listed in the current draft as an avoidance area. She said that the impact of an avoidance area was that if a tower met all the criteria for a Tier 2 site, such as being a brown pole, 10 feet above the trees, it was classified as a Tier 2 site by right, subject to staff review, if it was not in an avoidance area. She said that conversely, if it was in an avoidance area, it required a special use permit, which could take nine months or more if deadlines were met. She

said that this change did not offer any additional benefits to the public. She said that staff still reviewed Tier 2 facilities for visibility and impacts and other related aspects, which was another matter altogether. She said that she would be pleased to discuss these concerns further and address any questions anyone may have.

Mr. Missel asked if there were any other members of the public who wished to speak. Seeing none, he asked the Clerk if there were any speakers online.

Ms. Schaffer said there were none.

Mr. Missel asked if the Commissioners had any further questions.

Mr. Bivins said that when the County engaged with the firm offering guidance, he wanted to know if they had explicitly stated that they wanted an industry firm or if they had requested someone who was not affiliated with the industry.

Mr. Fritz said that the Board of Supervisors had set out the criteria for evaluating the responses to their RFP that they had issued previously. He said that they assessed the submissions based on these established criteria.

Mr. Bivins said that he would like to clarify that they were not shilling for any industry at this time.

Mr. Coffey said that the Berkeley Group was a local government consulting firm that exclusively focused on public sector work. He said that Cityscape was another telecommunications firm specializing in public sector projects as well. He said that neither the Berkeley Group nor Cityscape could be accused of being pro-industry; they prioritized locality. He said that they collaborated with industry players while attempting to strike a balance in regulatory measures. He said that the speakers demonstrated varying opinions tonight, highlighting the need for finding a suitable balance. He said that their recommendation aimed to address this issue by drawing a clear line.

Mr. Moore said that he had a question regarding a point raised by Ms. Long. He said that he was unsure if he received an email about it or if he did, it was lost among numerous others. He said that concerning the proposal for a tower 30 feet above the reference tree or nearby trees, he was unsure if this required staff approval or disapproval, and if there was a requirement to build it 10 feet first before adding the remaining height.

Mr. Fritz said that the FCC had introduced a complex issue regarding tower height increases. He said that the FCC had a provision allowing for an increase in tower height if it did not result in a substantial change. He said that this substantial change was defined as more than 10% or 20 feet, whichever was greater. He said that for this explanation, they would focus on treetop towers. He explained that treetop towers could be increased by 20 feet. He said that for 80, 90, or 100-foot towers, this meant they could reach up to 120 feet.

Mr. Fritz said that the County's interpretation of FCC guidelines stated that part of being a substantial change was defeating concealment elements. He said that the FCC did not define concealment elements, so the County did, including the relationship to the reference tree in the definition. He said that a new FCC order effectively removed this definition as an option for them. He said that treetop towers that were previously 30 feet above the tree could now be increased by 20 feet, reaching 50 feet above the tree due to the automatic increase allowed by the FCC provision. He said that historically, they had received requests for tower height increases, typically for Tier 3 towers.

Mr. Fritz said that one speaker mentioned that they needed 175 feet. He said that there was no provision in the ordinance that prohibited applying for and obtaining approval of a 175-foot tower. He said that this was classified as a Tier 3 special use permit. He said that previously, this body had recommended approval of a Tier 3 tower in Greenwood, which was approved by the Board of Supervisors. He said that the tower was more than 10 feet above the avoidance area, among other factors. He said that there was no restriction on this. He said that in cases where applicants requested a 125-foot tower, they approved it at 105 feet. He said that they allowed them to build the tower at this height and then add an extension later if needed.

Mr. Fritz said that this had been their consistent practice. He said that they had been clear about this policy. He said that they did not require incremental construction. He said that they approved the tower at 20 feet less than its ultimate height. He said that this was why, in this instance, there was a 10-foot allowance above the current height, enabling an additional 20 feet for a total of 30 feet. He said that this was due to the FCC's guidelines. He said that he would like to clarify regarding the email; he would try to apologize. He said that two letters were misfiled in all the documents he received, however, they were included in the packet and were a part of the record. He said that they would be included in the packet forwarded to the Board of Supervisors. He apologized to the two individuals affected by this unintentional error.

Mr. Clayborne asked if public safety officials had examined this issue yet. He said that he inquiring due to the 41% of service users who reported poor coverage, such as having only one bar. He said that this statistic appeared quite significant.

Mr. Fritz said that he did not recall the numbers; however, throughout this process, they had been in communication with Mike Culp from the Broadband and Affordability Office. He said that Mr. Culp had been liaising with emergency service providers. He said that these providers had not offered any direct comment, either positive or negative. He said that they were aware of this issue but had not stated whether it fell short or met expectations. He said that essentially, they had remained silent. He said that they may have commented in the survey; he should note that this survey received the second-highest response among all County surveys conducted.

Mr. Missel closed the public hearing and the matter rested with the Commission.

Ms. Rabold said that she would like to clarify a statement made by Bill regarding public safety. She said that although they did not provide commentary on their analysis, they contacted them after they completed their inventory. She said that they informed her of additional infrastructure they had at some of their sites and that they did not have personal wireless service facilities at all of their locations. She said that she conducted another round of assessments to include these facilities after receiving their information. She said that in the future, they may consider using parts of their analysis to improve public safety coverage in certain areas. She said that she wanted to share this information because they were monitoring their work and provided feedback specifically about their locations.

Mr. Moore said that they must find a balance between increasing service coverage and respecting people's desire for discreet towers, as stated by their consultants. He said that while he recognized the aesthetic appeal of concealed infrastructure, he said that others may have different preferences. He said that they faced challenges in historic districts, where any cell coverage improvements required approval from both them and the Board of Supervisors. He said that this process could significantly slow down and increase expenses for cell coverage in Esmont, Keene, Howardsville, Scottsville, Woodridge, Stony Point, and Keswick. He said that these areas collectively covered nearly one-third of the County's land.

Mr. Moore said that some historic districts were small enough that they could work around them, such as Profitt, Advanced Mills, or Batesville. He said that however, addressing the Southern Albemarle Historic District, which encompassed the entire southeast quadrant of the County, posed unique challenges. He said that even preservation advocates acknowledged the need for better cell service in these areas.

Mr. Moore that they should not overlook this issue and should find ways to improve cell coverage without compromising historic preservation efforts. He said that their technical expert suggested that 30 feet was still a challenging height for tower installation but remained workable. He said that his focus for this topic had been on ensuring that people had access to cell coverage for essential uses, such as economic activities and personal safety, rather than just recreational purposes like using social media in rural areas.

Mr. Missel said that he would like to ask staff about this matter, specifically concerning the historic district. He said that he believed several individuals had questions related to this topic. He asked if, given that it was within the avoidance area, this necessitated staff review and a special use permit.

Mr. Fritz said that if it was in an avoidance area, it automatically triggered it to a Tier 3, which required a special use permit regardless of design.

Mr. Missel asked if they had considered alternative ways to define or focus more specifically on the concern that would be relevant in a historic area rather than the entire district.

Mr. Fritz said that the issue was that they lacked a historical ordinance. He said that there were no County-identified historic districts either, which made it challenging to determine the criteria for assessment. He said that they were unsure whether they should use national landmarks or Virginia-registered landmarks. He said that there were no guidelines or clear directives, so they did not explore alternative routes.

Mr. Missel said that this meant it was very broadly defined.

Mr. Fritz said that the definition was indeed broadly defined. He said that if the Commission intended to recommend that staff adjust the avoidance area to ensure it is not within X miles of a landmark or Virginia-registered site or some other target, he would collaborate with their historic preservation team to determine the appropriate phrasing. He said that once they established the correct wording, they could then reference the appropriate document to confirm their understanding of which items or locations require protection. He said that the avoidance area's distance from these resources could be adjusted accordingly, whether it be one mile, two miles, five miles, or a thousand feet.

Mr. Bivins said that he agreed with Mr. Moore regarding avoidance areas but was hesitant about labeling historic structures as avoidance zones. He said that his disagreement with Monticello's stance should not impact their decision-making process. He said that he would like to refer back to their June 13 meeting where it was mentioned that 51% of the County fell under avoidance areas, which he found unreasonable. He said that the percentage would always be unacceptable to him, especially when considering historic homes in their community that had been recognized with Virginia historic plaques.

Mr. Bivins said that including such homes in avoidance zones would drive him further out of his mind. He said that if they must avoid situations like Greenwood, where a plantation owner had

objected to a cell phone tower due to visibility concerns, even though it was located on a farm adjacent to their property. He said that this was not the approach they should take in their region. He said that recent statistics from the Washington Post revealing that 70% of the adult population exclusively used cell phones. He said that if they wanted to be an attractive location for new businesses or encourage people to stay there, they must address cell phone coverage issues.

Mr. Bivins said that cell phone infrastructure might be similar to seeing telephone poles or wires but was essential for modern communication. He said that some individuals argued that people should get broadband or fiber in certain areas instead, but he believed this created an equity issue since it was not always feasible for everyone. He said that he approved of the proposal, and while he wished it were 30, but he did not want to go to 50. He said that he understood what Mr. Fritz was saying about getting it to 30, but it was a convoluted way of doing so.

Mr. Murray said that he wanted to express his concern regarding applications that came before them because they could not consider the coverage and service they would provide when they were presented. He said that this was ironic since they were now considering an ordinance to address their lack of coverage. He said that as someone who lived in a rural area with minimal cell coverage at home, this issue did not significantly affect him. He said that he did not move to this area for better cell coverage; he had other means of connecting. He said that he lived in Batesville before this, where he also had limited cell coverage, which did not pose a problem for him. He said that he survived then, and he would continue to survive. He said that reliable electricity and high-speed internet were essential for him. He said that cell phone coverage was not a priority.

Mr. Murray said that one of the significant gaps in this discussion was their lack of accurate mapping in the County for high biodiversity areas or areas of natural importance. He said that they mentioned that these facilities would not be placed in those areas; however, they did not have a map identifying them. He said that another issue was their inability to address historic resources in an equitable manner due to the absence of a historic preservation ordinance. He said that if they had had those criteria in advance, this decision would have been easier for him. He said that they could then suggest providing an avoidance area around historic resources, as identified by their historic resources committee, and around areas of natural significance, as identified by their local experts.

Mr. Murray said that these were some of his concerns. He said that additionally, they discussed the height of a tower, that was not very large. He said that 130 feet was actually not very far. He said that he would be more supportive of this proposal if they could increase that setback. He said that he was unsure of the exact percentage increase, perhaps 150%, but he suggested adding more than the current 100%. He said that some properties being discussed for cell towers were 100 acres in size; they could accommodate more setback space while still having ample room for the tower. He said that this would address many of the public's concerns, such as one person living 100 feet away from a cell tower.

Mr. Clayborne said that regarding Mr. Bivins' comments, he wished to exercise caution because by definition, a historic building was not particularly old. He said that carefully considering the language they used there was something he would recommend. He said that he would slightly challenge Mr. Murray's comments. He said he believed they should not penalize individuals for relocating to rural areas. He said that he was unsure if everyone shared Mr. Murray's perspective on cell phone usage; however, if he had elderly parents residing there, he would want them to possess a cell phone that functioned properly.

Mr. Clayborne said that based on the information presented tonight, he did not think inaction was an option. He said that public safety was of utmost importance to him when he examined the data and statistics provided there. He said that they had hired consultants for a reason; they were intelligent individuals with extensive experience in this field. He said that he believed they had done an excellent job in balancing the pros and cons and arriving at a reasonable conclusion. He said that consequently, he was inclined to support what had been presented to him and concurred with most of the comments from his colleagues at the dais.

Mr. Carrazana said that he had mixed feelings about this issue and had since June. He said that during that time, they had a long and enlightening presentation given to them by Ms. Rabold. He said that Mr. Fritz had mentioned that they were now discussing the fact that cell towers in Albemarle County were not very noticeable when compared to other communities outside the County. He said that those communities may not actually have better cell coverage than they did in Albemarle County. He said that this ordinance appeared to disregard all of that progress. He said that he was not arguing that they should not modernize and provide better coverage; in fact, one of his main takeaways was that having multiple providers in one tower would be a significant benefit. He said that they were limited in that.

Mr. Carrazana said that they could increase width and add more antennas, among other improvements. He said that he believed all these factors contributed significantly. He said that the height issue did not concern him personally. He said that however, he objected to the notion that they could be placed anywhere special use designation. He said that in essence, they were allowing them to be situated almost anywhere. He said that he agreed that historic districts should not be restricted from receiving necessary services. He said that he was not in agreement that this was merely a carte blanche that can be placed anywhere. He said that there may be certain areas where they could find common ground in excluding towers altogether; however, he was not seeing this option in the current proposal. He said that he was struggling to strike a balance.

Mr. Carrazana said that they all understood the need for increased coverage and updating their ordinance to accommodate technological advancements. He said that he did not believe that it was an all or nothing situation. He said that he thought they could achieve that goal and probably would. He said that one of the points, and Mr. Bivins reminded him of this, was that 51% of areas were avoidance zones. He said that it was significant. He said that he did not think that 51% was necessary, however, he also did not think that it should be considered zero. He asked where they would find this balance. He said that he was not certain that this particular solution struck that balance, at least not for him.

Mr. Bivins said that his colleague mentioned that they were uncertain about the coverage areas. He said that some people might remember that he had become accustomed to situations where an applicant claims that doing something else does not align with their pro forma, which they cannot verify as good, bad, or indifferent. He said that this was similar to their uncertainty about the coverage area. He said that if he could not ask a developer why they cannot do something, could anyone really expect AT&T or Verizon to reveal their coverage areas. He said that they would only install towers if they could generate profit or close a gap.

Mr. Bivins said that his colleague's point about co-location was relevant; carriers may choose to co-locate due to convenience rather than obligation. He said that the County's land use approach was market-driven, particularly in development areas. He was unsure how one could select something that was not market-driven. He said that the County had decided that the Planning Commission guided decisions for their Supervisors but were not the primary decision-makers. He said that they must determine if there was a middle ground for this process in critical areas of the County, which may involve a secondary level of review to help transmit trust in the

Commissioners' decisions. He said that they could encourage staff to come back with solutions that aligned with Albemarle County's spirit.

Mr. Carrazana said that Mr. Bivins had expressed his sentiments. He said that he believed that there were certain areas that would benefit from a second level of review, meaning public review. He said that for instance, they discussed how increased density in some areas might not be detrimental. He said that in other areas, they acknowledged that their infrastructure limitations prevented them from accommodating higher density. He said that the public had the opportunity for review in these cases. He said that this proposal seemed to eliminate that option, except for historic areas, which he also disagreed with.

Mr. Clayborne asked if staff could go back and review the safety valves for each of those tiers because he did not intend for it to be a free-for-all.

Mr. Carrazana said that his understanding was that any previously approved tower, including those in their entry corridors and in areas that were once considered restricted or avoidance areas, they could now raise that tower.

Mr. Fritz said that avoidance areas were not prohibited areas in Albemarle County; there was no such thing as a prohibited area. He said that to enter an avoidance area, one must obtain a special use permit, which triggered an additional level of review. He said that this review process was accelerated, requiring Board of Supervisors review under federal and state law within 150 days. He said that the current ordinance defined avoidance area locations as ridge areas, parcels within AFDs, parcels within historic districts, clustering where there were three or more towers, and within 200 feet of a state scenic highway or byway.

Mr. Fritz said that the proposed change was to limit avoidance areas to ridge areas, parcels within historic districts, and locations within 200 feet of a state scenic highway or byway. He said that if a property fell within one of these three categories, it would automatically trigger a special use permit review and additional review by the Planning Commission and the Board of Supervisors. He added that agricultural and forestal districts still required review by the Agricultural Forestal Advisory Committee due to state code requirements. He said that this was not a special use permit but an additional level of review that was already in place for these districts.

Mr. Clayborne said that he thought there was additional information. He asked if it were located in the entrance corridor, it still proceeded before the ARB, which served as a safety valve. He asked if this process was automatic.

Mr. Fritz said that the Architectural Review Board could review building permits and related matters; however, they did not have established standards for wireless facilities.

Mr. Bivins asked if Mr. Fritz could clarify where their work of preserving historic resources might be or where they currently stood in terms of feasibility.

Mr. Fritz said that there was a Historic Advisory Committee. He said that the Board had not expressed interest in moving forward with that. He said that one possibility was that while implementing the comprehensive plan, they could identify areas that required additional protection. He said that these areas should be reflected in the zoning ordinance. He said that after adopting the new comprehensive plan, which identified historic resources and their unique aspects, they could return to the ordinance. He said that they could then specify protection radii for each resource, such as 1,000 feet around one and different sizes for others.

Mr. Fritz said that additionally, areas with biodiversity could be designated off-limits if they could be mapped. He said that historic districts could be removed from the wireless regulations initially. He said that after adopting the comprehensive plan, they could amend the zoning ordinance to include protection for the identified historic resources. He said that this process could be divided into two steps since the zoning ordinance should reflect the comprehensive plan. He said that if the comprehensive plan was amended, so should the zoning ordinance.

Mr. Murray said that creating a gap between two steps in the process might lead to less coverage and potential impacts. He said that waiting for the comprehensive plan to be completed before implementing the ordinance appeared to be more effective.

Mr. Fritz said that he was saying that they could leave the historic resources as an avoidance area now. He said that afterward, they could return and state that they had revised their identification of historic resources. He said that consequently, the zoning ordinance should be amended accordingly.

Mr. Murray said that made sense to him. He said that including scenic rivers in the plan was essential. He said that although they had a 100-foot buffer from streams and other features, 200 feet may still be insufficient. He said that it was crucial to recognize that one could easily observe scenic roads or resources from a distance of 200 feet.

Mr. Fritz said that he recalled this conversation from the late 1990s, as he vividly remembered their discussion about incorporating scenic rivers at that time. He said that they had considered adding them but ultimately decided against it due to concerns about not placing towers near rivers.

Mr. Bivins said that one of the main concerns regarding operating a cell tower was that they wanted to be able to access a facility off of a main road, travel a short distance, deal with their needs, and leave. He said that in his six years on the Planning Commission, no one had ever suggested placing such facilities in remote locations like the back of a field. He said that they simply desired a convenient location for their staff members to access easily and efficiently. He said that he believed that some sensitive areas would be preserved because it would not be economically viable to place a tower in those locations.

Mr. Murray said that 200 feet was insufficient. He said that increasing this distance would address some of their concerns. He said that they could enhance the avoidance area by raising the number. He said that they should consider increasing the setback from property lines significantly. He said that this was crucial because many members of the public worried about cell towers being built too close to their homes. He said that if they doubled the distance from property lines, this concern would be alleviated.

Mr. Carrazana asked Mr. Fritz, in his evaluation of the proposed alterations, what he thought was the most marketable aspect. He said that there certainly was the ease of application and time reduction. He asked if he could identify the most significant changes or effects that they would observe from the proposed changes to the ordinance.

Mr. Fritz said that the increase from 10 to 30 feet, along with the size and spacing of antennas and their standoff distances, would be greater than in previous instances.

Mr. Carrazana asked if they would be seeing more antennas in places, they might not have previously observed them.

Mr. Fritz said that he was unsure if more antennas or additional poles would be observed. He said that it was true they may be more visible because they would now be placed 30 feet above. He said that it might appear that there were more antennas than previously, even though the total number remained unchanged. He said that he was not certain if this development would prompt a rapid increase in applications in Albemarle County. He said that in the past, they had witnessed bursts of applications from one or more companies as market and construction conditions changed. He said that this was because the situation was evolving due to the market maturing, leading to less construction than in the past. He said that the focus had shifted from building more sites for coverage to increasing capacity instead. He said that however, there continued to be new coverage sites.

Mr. Missel said that staff proposed recommendations for approval of the proposed ordinance, and if the Planning Commission did not support the current ordinances written, staff recommended that the Commission provide alternative language and make a recommendation of approval with the alternate language. He said that during their discussions, he identified two main points that might require adjustments: historic resources as part of the exclusion zone or avoidance area, and setbacks. He said that these were the primary concerns raised during their conversation.

Mr. Carrazana said that he believed Mr. Fritz had recommended leaving the historic resources undisturbed; however, this did not preclude the possibility of a tower being proposed in an avoidance zone, similar to one they had previously approved. He said that it would mean that applications would continue to appear before them until they had a method of clarification.

Mr. Fritz said that he heard that they intended to maintain the current state of historic preservation while updating the comprehensive plan to better identify and protect historic resources. He said that following this, they planned to amend the wireless regulations after adopting the comprehensive plan. He said that in summary, they would leave the preservation as is but acknowledge the need for future review.

Mr. Missel asked what setbacks Mr. Murray had taken issue with.

Mr. Murray said that there were two setbacks: one was 200 feet from a scenic highway, and the other was from the property line. He said that he proposed that both those setbacks be increased. He said that he was open to a reasonable discussion about what that should be. He said that he thought it should be increased to a more appropriate level, taking into consideration the safety and stability of the structure.

Mr. Carrazana said that he believed that the increase in height should be at least proportional to the height. He said that they increased by 30%; therefore, they increased the setback by 30% as well.

Mr. Bivins said that the height of setback for a tower was considered ideal in certain areas of their community when located in Waynesboro. He said that in order to be cautious about the decisions he made, he must carefully consider which projects he approved. He said that the majority of opposition had arisen in the western region of their County. He said that even in cases where towers were situated far from complainants, such as the tower near Western, resistance persisted. He said that to make informed decisions, he must gather more data than simply addressing complaints. He said that this data should include staff reports, applications, and distances from properties. He said that his experience over the past six years had taught him that people had raised objections for reasons unrelated to tower proximity or impact. He said that he must rely on concrete evidence rather than isolated complaints when evaluating potential projects.

Mr. Murray said that the setback accomplished multiple objectives. He said that if they increased the setback, it would address the scenic issue since it was less likely to be noticed, would be farther away, and smaller in appearance. He said that in terms of altering Albemarle County's ordinance, this change would help minimize the visual impact. He said that additionally, it reduced the impact on neighbors. He said that upon calculating the setback increase, if there was a 130-foot tower, this would add an additional 40 feet, which was quite reasonable. He said that they could likely consider a range of 50 to 100 feet.

Mr. Bivins said that he would resist the proposal for several reasons. He said that he had heard discussions about the possibility of gravel being placed down before constructing the road or entranceway, which would likely cause further concerns about the access road leading from the highway. He said that the clearing of X amount of land for this access road would also have an impact. He said that while he appreciated the 30% calculation, he was not convinced about its prevalence without data. He said that he would stand alongside others in supporting the 30% increase, but he was hesitant to add another 100 feet without seeing evidence from previous applications that this was an issue. He said that he believed that the current five-foot setback from boundary lines for developments was already much larger than the height of a tower, so he would like more information.

Mr. Fritz said that they had a one-to-one setback requirement, which meant that structures could be built no closer than a certain distance from the property line. He said that there were two ways to obtain exceptions to this rule: obtaining an easement on the adjoining property or receiving a special exception from the Board of Supervisors. He said that these exceptions allowed for structures to be built closer than one-to-one setback.

Mr. Bivins said that they could buy an easement and make a decision.

Mr. Carrazana asked if a tower currently within 200 feet of a byway or highway and wishing to increase its height by 30 feet was permitted to do so by right.

Mr. Fritz said yes. He said that if a tower had been approved by special use permit in an avoidance area, they could have increased the height by 20 feet.

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Mr. Missel asked if they should add the 30% to the 200 feet.

Mr. Moore said that the one-to-one ratio already made sense because it represented the status quo.

Mr. Missel said that he was referring to the 200 feet of the scenic byway.

Mr. Murray said that for cleanliness, he proposed a setback of 1 to 1.5 times the width of the property line, rather than 30%. He said that he would also state that, considering the setback from scenic highways, he would suggest it be 300 feet.

Mr. Bivins asked if Mr. Murray was referring to 250, 20, and 29 as scenic highways.

Mr. Murray said that there were scenic highways, roads, and byways.

Mr. Fritz said that it was Route 6, 22, 231, 20 South.

Mr. Bivins said that they had the opportunity to return to this issue later, he said that he believed it would be fair to ask if they could review these highways when they revisited this topic. He said

that he was not particularly concerned about 29 South; however, he did care about it. He said that if they were going to make a decision about this matter, he would feel more confident in his decision-making process if he could obtain some data.

Mr. Missel asked if he was suggesting to postpone this matter and continue the discussion.

Mr. Bivins said no. He said that during the comprehensive planning process, there would be a time when they considered historic data with the group. He said that if their colleague suggested specific locations for these features, he would better understand the rationale for prioritizing them, particularly the byways. He said that he was not as concerned about the highways since drivers typically focused on them.

Mr. Missel said that they been presented with various numbers concerning setback increases. He said that their recommendation involved either approving or denying these proposals. He said that they could provide a specific number for their consideration or recommend that they consider increasing the number without actually providing a specific number. He said that there were concerns about setbacks, and they should have a more informed, objective approach to that matter.

Mr. Carrazana said that they should provide language for staff communication with Supervisors later.

Mr. Herrick said that if there was general consensus to recommend approval with specific revisions or exceptions, the motion could be to move to recommend approval of the ordinances proposed by staff with certain specified revisions. He said that the more specific these revisions were, the better. He said that even if there was only rough consensus, it could be articulated in the form of the motion he suggested.

Mr. Carrazana said that he was uncertain if it was a motion regarding the revision of the comprehensive plan once they had it. He said that he was not sure how this would be formulated into a motion.

Mr. Fritz said that they would communicate that information. He said that their aim was to summarize the discussions held by the Commission, which would be included in their summaries. He said that this was one of the points mentioned during their conversation. He said that currently, they were leaving out the historic district; however, they planned to revisit this topic in the future once further historical research had been conducted.

Mr. Carrazana said that it should also encompass the setbacks and issues with some of the avoidance areas.

Mr. Carrazana motioned to recommend approval of the proposed ordinance included as Attachment 6.

Mr. Murray said that he could not vote in favor of this proposal as currently written.

Mr. Moore seconded the motion, which passed (5-1), Mr. Murray dissenting. (Ms. Firehock was absent from the vote).

Committee Reports

Mr. Moore said that the Rio Places 29 Community Advisory Committee had recently met. He said that he expected that they would receive this update at some point. He said that Flow Hyundai had proposed placing a car dealership between two other car dealerships on 29. He said that this proposal was not expected to be highly contentious, as it was not at the CAC meeting. He said that Mr. Ned Gallaway provided updates from the Board side of things during the meeting. He said that Mr. Gallaway was working on securing staff time to analyze the waterway and lagoons behind Woodbrook neighborhood. He said that this was in response to increased runoff from car dealerships and other sources across 29. He said that there had been more high-water incidents and downed trees in these lakes and lagoons, which could cause clogging.

Mr. Moore said that Mr. Gallaway also mentioned that MicroCat, which had been in the news, had provided 8,500 rides, with 7,500 of those in the last two months. He said that it was likely to become permanent with future budget considerations. He said that the $0.05 bag tax, while inconvenient when forgotten in the car, was expected to generate around $100,000 for Albemarle this year, which would be used for litter cleanup. He said that there was ongoing discussion about improving the Hillsdale at Rio intersection, where two stoplights were located next to each other. He said that the SmartScale project had already been submitted and was almost ready for potential funding. He said that the proposal involved installing a kidney bean-shaped traffic circle at the location, which was similar to a double traffic circle for multiple intersections.

Mr. Murray said that he was unable to attend the Crozet CCAC meeting due to a scheduling conflict; however, they proceeded with the discussion. He said that the topic centered around the land currently owned by the railway, which would be transformed into a center in Crozet. He said that this project was quite exciting, and he hoped that they had explored its details. He said that he would provide further information about this development at a later time.

Mr. Carrazana said that MPO Tech heard new information regarding the Fontaine interchange, specifically the displaced; eft, was discussed in detail. He said that this design eliminated the left turn when traveling north on 29 and wanting to go west. He said that instead of making the left turn directly, drivers proceeded to Fontaine Avenue and made a U-turn before taking another left onto the highway. He said that this solution was considered better than previous options for traffic flow management in Fontaine. He said that additionally, the divergent diamond design for 5th Street was presented for consideration. He said that further studies would be conducted, but details had not yet been finalized or funding decisions made.

Mr. Missel said that the meeting of the 5th and Avon Community Advisory Committee took place on February 15. He said that the primary agenda item was a revision to the neighborhood model district application proposed by Albemarle Business Campus. He said that essentially, they reduced the nonresidential square footage and increased the number of residential units from an unspecified previous amount to 240.

Mr. Bivins said that he was very disappointed in that project. He said that it was an excellent idea, but every six months it had morphed into just being a storage center in the back. He said that it had intended to serve as an incubator for new businesses, as well as various other functions. He said that it had been identified as an opportunity zone in the past, but now it was just another zone.

Mr. Murray said that he had one final report. He said that he was involved with the local Soil and Water Conservation District, where he served as an associate director. He said that he also served as the chair of the Water Resources Committee. He said that at the last Water Resources Committee meeting, he discovered that they had a program called the Virginia Conservation

Assistance Program. He said that for a long time, he had requested that certain practices, such as green roofs, should qualify for assistance only when implemented alongside new construction.

Mr. Murray said that at the last meeting, he learned that green roofs and permeable paving now qualified for conservation assistance, provided they met their stormwater requirements first. He said that consequently, individuals who had met their stormwater requirements could qualify for up to $30,000 in assistance for green roofs or permeable paving as part of new construction projects. He said that this exceeded expectations and could apply to schools, businesses, homeowners, or churches.

Review of Board of Supervisors Meeting: February 21, 2024

Mr. Barnes said that the last meeting of the Board occurred on February 21. He said that during the afternoon session, they addressed two topics. He said that they discussed the developer housing incentives, which had been previously seen by the Commission. He said that secondly, there was a discussion regarding the Fontaine interchange and the changes from displaced left to signals at the bottom of the ramps. He said that this was the most accurate way to describe that topic.

Mr. Barnes said that in the evening, they considered two legislative proposals or acts. He said that the first one was Home Depot's special use permit for outdoor storage, which passed. He said that the second proposal involved a long conversation about the Montclair rezoning, which had its original application in 2020. He said that this has been a long-standing project. He said that the Montclair rezoning proposal passed 4-2, with a couple of people voting against it.

Mr. Barnes said that they had to extend sewer in the jurisdictional area to accommodate the rezoning of the parcel from RA. He said that this was a smaller issue in comparison. He said that the only other item on their consent agenda was some material that had been reviewed during this meeting tonight. He said that this included draft comprehensive plan language for development areas and rural areas, land use, and transportation recommendations, as well as capital improvement. He said that these topics had been covered during the previous meetings and were included in their packet for reference. He said that the Board would receive updated information from the meeting and their next gathering on March 20.

AC44 Update

Mr. Barnes said that he had nothing further to report regarding AC44.

New Business

Mr. Missel said that he was part of a public meeting regarding a Buck Island solar farm proposal. He said that only four people attended, four neighbors who live near the existing Rivanna solar farm. He said that the Buck Island solar farm was approximately 35 acres in size. He said that this meeting made him realize the importance of being proactive in shaping the solar ordinance. He thanked Mr. Fritz for his work in this regard. He said that the deadline for public comment on the current draft was March 15. He said that he recommended that anyone who had the opportunity should review the draft and provide their input. He said that this was crucial for ensuring appropriate solar development in their community.

Mr. Murray said that he would like to discuss with staff that he learned that there was a reference in the Biodiversity Work Group appendices regarding a special site located in Buck Island. He

said that he would like to know from staff at some point the distance between this site of special significance and the solar facility.

Mr. Bivins asked if staff could provide examples explaining why rooftop solar projects were not considered for industrial-sized solar installations. He said that the County government did not possess the authority to compel private entities to install solar panels on their roofs. He said that people had questioned why large-scale solar projects were not implemented on roofs, which would provide enough energy for their needs. He said that staff must explain that achieving the necessary energy capacity required a larger scale of installation, and that educating the community about this was important.

Mr. Missel asked if Mr. Barnes could provide a link to the draft ordinance that Mr. Fritz was working on.

Mr. Barnes said that the draft ordinance would not be presented until May.

Mr. Missel said that he would appreciate being able to see the current draft in order to know where it currently stood.

Mr. Barnes said that he would provide further information regarding the current draft, the special resources at Buck Island and its location in proximity to the solar project in the area, and why solar power was not working in the development areas.

Mr. Murray said that the name of the special site was called the Rivanna Bluffs below Buck Island Creek.

Old Business

There was none.

Items for Follow-Up

Mr. Missel said that Mr. Barnes had addressed the items for follow-up.

Adjournment

At 9:10 p.m., the Commission adjourned to Tuesday, March 12, 2024, Albemarle County Planning Commission meeting, 4:00 p.m. in Room 241, regular meeting at 6:00 pm in Lane Auditorium.

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Michael Barnes, Director of Planning

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

Approved by Planning Commission
Date:
Initials: