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

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

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

Members absent none

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

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Work Session

CPA202100002 AC44 DA Land Use Policies

Mr. Missel said that he would like to note that this information may be helpful in providing context for their future work sessions. He said that they would have three main categories, which would stay consistent as they moved forward. He said that they would hear a recap of the Board of Supervisors' discussion, then they would hear the specific work session items and their content, and then the Commission would provide staff with general direction. He asked that the Commissioners align their comments with the questions received from staff as much as possible. He said that at the end, he would attempt to provide a general direction of the Commission, based on their input.

Tonya Swartzendruber, Planning Manager, said that today, she would be updating the Commission on the Development Areas Land Use Chapter of the Comprehensive Plan. She said that this afternoon, they would review the agenda, which would summarize the Board's feedback received on October 16. She said that they would also discuss a few community input themes that had been shared on the topic. She said that next, they would review the future land use map and categories, including activity and employment centers. She said that they would then review the upcoming steps and calendar.

Ms. Swartzendruber said that the draft chapter for development areas land use was currently available on their website, and the Commissioners should have received a copy. She said that today, they would focus on the future land use categories map and activity centers. She said that they would save the discussion on the goal statement, objectives, and actions for their next meeting. She said that to begin, they would review the Board's feedback on the growth management policy.

Ms. Swartzendruber said that the Board agreed with the Commission's previous comments on the importance of addressing barriers and challenges associated with being a welcoming community, particularly in regard to housing affordability. She said that the Board also agreed with the Commission and community input to include language in the growth management policy statement on protecting public water supply and watersheds. She said that the Board agreed with recent community feedback to include additional language on the purpose of the growth management policy, including protecting these water supply watersheds and other important resources in rural areas. She said that this content would be incorporated into part two of the plan document.

Ms. Swartzendruber said that regarding the Development Areas Utilization Review, the Board agreed with the Commission's recommendations to prioritize achieving the objectives of the Comprehensive Plan in the Development Areas Utilization Review. She said that the Board also felt that several factors may require more frequent updates than every two years and could become part of a rezoning and special use permit application review. She said that these factors included comparing the approved density of a project with the recommended density in the comp plan and tracking the rate at which affordable housing units were being delivered, either by right or as part of a review process.

Ms. Swartzendruber said that also, the Board agreed with the Commission that more incentives may be needed to better utilize land in the development areas and achieve higher densities. She said that the Board also agreed with them on the idea to consider swapping areas within the development area, acknowledging where lower densities had been proposed and built and transferring development potential to other development area locations.

Ms. Swartzendruber said that the Board also previewed the land use tools at their work session and shared that the future land use map should distinguish between areas designated for publicly accessible open and recreation space compared to privately owned open space. She said that this was one of their earlier noted direction topics. She said that the majority of the area plans currently used this approach, including Pantops and Crozet. She said that the Board also asked staff to consider what incentives could be used to encourage development in the activity centers.

Mr. Missel said that assuming they were tracking those comments, he assumed they may eventually become action items, such as incentives. He said that that was great to say, but he wondered how they actually made that happen.

Mr. Carrazana said that to that point, there were models available from other municipalities to incentivize adaptive reuse or infill projects. He said that he believed that gaining some benchmarks and best practices on how others were incentivizing projects might be helpful in that process.

Ms. Swartzendruber said that she appreciated the feedback. She said that staff were looking for feedback specifically on the 12 standard land use categories, including the rural area and three legacy land use categories. She said that they wanted to confirm that the Commission supported allowing Accessory Dwelling Units (ADUs) in the lowest density residential. She said that the green, representing public access and separately protected environmental areas, was something she wanted to discuss before they left the meeting tonight.

Ms. Swartzendruber said that regarding the future land use map (FLUM), staff also wanted to confirm that the Commission agreed with their approach to consolidating land use categories, as

outlined in the document referred to as the "crosswalk" that had been sent earlier that day. She said that they also wanted to make sure the Commission was comfortable with the fact that the activity centers were intended to focus growth and would function as a land use overlay. She said that they also wanted to ensure the Commission supported the attributes, distribution, and investment strategy that may go along with that.

Ms. Swartzendruber said that for the development area chapter, she wanted to make sure they understood how they had arrived at the current plan recommendations. She said that she would like to focus on the fact that their plan incorporated feedback from the community, Planning Commission, and Board of Supervisors, as well as their technical expertise and best practices, and was further guided by the AC44 guiding principles in Phases 1 and 2.

Ms. Swartzendruber said that the themes of the input they had received from the community related to the development area land use were displayed on the screen. She said that throughout Phases 1 and 2, they had good response and attendance to in-person and virtual events, online questionnaires, and visits to the AC44 website. She said that they intended to engage similarly with the community in Phase 3, including keeping the website up to date with current activities, resources, and draft documents. She said that based on their feedback, staff had drafted 12 future land use categories, which were presented in the packet and the draft chapter.

Ms. Swartzendruber said that it consolidated over 20 categories across five area plans. She said that the crosswalk they received this morning detailed how the 2015 land use categories matched with the proposed AC44 land use categories. She said that the categories were mapped in a one-to-one approach, so the color on the map or name of the category may be different, but the overall land use recommendations remained the same. She said that this did not affect any zoning entitlements. She said that as part of the adoption of the comprehensive plan, they would also ask the Board to adopt the proposed future land use map.

Ms. Swartzendruber said that the displayed chart was intended for their reference, but she would like to use this opportunity to discuss the recreation/open space category, specifically the medium green category that appeared on their FLUM. She said that currently, this category encompassed both publicly accessible open space and privately owned environmental features, such as critical slopes, floodplain, stream buffers, and private open space. She said that historically, their area plans had distinguished between these two types of open space, and the Board would prefer to continue with this distinction between the two types of open space. She said that this was a topic that they could address at the end of the presentation, but staff were seeking the Commission’s input and guidance on this topic.

Ms. Swartzendruber said that to illustrate this concept, she had included an example of a land use category summary sheet, which provided a detailed description and identified primary and secondary land uses, building forms, and ground floor uses. She said that as she had mentioned earlier, they did have legacy land use categories, which included Neighborhood Density Residential Low in Crozet downtown and Town Village Center.

Ms. Swartzendruber said that the Neighborhood Density Residential Low showed up across Crozet and the Village of Rivanna only. She said that across the other development areas, the least dense designation was Neighborhood Residential, which was indicated by yellow and represented three to six dwelling units per acre. She said that it was essential to note that these three land use categories would be carried over from their area plans but would not be applied to future area plans.

Mr. Missel said that he would like to ask for clarification on a point from the previous slide. He said that he would like more context or guidance on what they would like the Commissioners to provide feedback on. He said that specifically, he would like to know if it was acceptable for the legacy zones to continue as is, if that was their intended approach.

Mr. Barnes said that they had these specialty areas. He said that they recognized that the Crozet plan focused on their effort to revitalize their downtown area, similar to the Rivanna Village town center. He said that they had areas such as Jarman's Gap Road in Crozet, which was a low-density residential zone, and portions of Glenmore and Rivanna that also had low-density characteristics. He said that they were attempting to honor the commitments made to these residents, rather than pushing them to be redeveloped into neighborhood residential areas with three to six dwelling units.

Ms. Swartzendruber said that staff's approach was to conduct a one-to-one matching exercise, rather than making some of those big decisions outside of a small area planning effort. She said that they would prefer to revisit any further detailed land use updates as part of a future effort.

Mr. Barnes said that the final point he would like to make was that when they presented the 12 districts, they referred to them as the standard, because these other districts were somewhat unique. He said that they hoped that as they moved forward with small area planning, they would aim to consolidate these districts. He said that it was possible that they may retain downtown Crozet or explore alternative options, but their goal was to utilize the 12 districts in the future when conducting small area planning exercises.

Mr. Bivins said that he wanted to clarify a point that had been discussed in the past regarding legacy zoning. He said that when they had conversations about this topic, there was a provision that if the zoning on the property and the activity on the property were consistent, then if someone wanted to come in and do something different, they could.

Mr. Barnes said that he had mentioned legacy zoning. He said that however, their discussion was related to the comprehensive plan.

Mr. Bivins said that he was using an analogy to make a point about legacy. He said that the key concept here was legacy. He said that for instance, VEPCO was able to purchase three houses on the old Lynchburg Road for $6 million. He said that tonight, they would be discussing that project. He said that if he had the opportunity to acquire a parcel of land in an area that was considered a legacy site, but they planned to change it, and they considered changing it again in another area, he wondered if he would be able to immediately pursue a higher-density development, or if he would have to leave it as four single-family houses.

Mr. Barnes said that when it came to rezonings, they typically strived to align them with the comprehensive plan. He said that if his point was that he was looking to rezone a low-density residential area to a higher density, he understood that this could potentially be an issue, especially if the new zoning would allow for a higher number of houses per acre, as was the case with R1 zoning. He said that he did not foresee this as a major concern. He said that their goal was to honor the commitments made in previous plans for these specially designated low-density areas, which were outlined in the small area plans.

Mr. Bivins said that that would be the tension when one of the questions he asked them about was ADUs, because in fact, they were changing the density in a single-family area. He said that

he was attempting to use the term "legacy" in a way that highlighted the contrast between their current approach and the potential for breaking the legacy when looking at ADUs.

Ms. Swartzendruber said that noting the lowest density standard land use category was neighborhood residential, which recommends three to six units per acre, a recommended housing type within this category is accessory dwelling units. She said that this was a topic they would like to revisit later in this discussion. She said that given the significant amount of neighborhood residential on the map, which is yellow, one way to address housing choice is to allow detached accessory dwelling units in all residential zoning districts for single-family detached houses, so that these units could be built throughout the development areas as property owners choose. She said that this could be part of the zoning ordinance update, which will be informed by their updated comprehensive plan.

Ms. Swartzendruber said that the land use categories and how they are applied to the future land use map, along with the activity centers, influence the effectiveness of the growth management policy, as they discussed last time. She said that these activity centers are intended to foster the desired features of the development areas, based on best practices, community input, and housing and transportation choices, a variety of land uses, walkable neighborhoods, parks, and amenities.

Ms. Swartzendruber said that the activity centers will focus growth and help identify core areas of higher intensity mixed-use development, which also helps to prioritize infrastructure projects and investments. She said that they will operate as a land use overlay, providing additional guidance for development, along with the underlying future land use categories. She said that projects located within the activity centers will be encouraged to develop at the higher end of their recommended density and intensity range.

Ms. Swartzendruber said that in the draft chapter, there was a place type summary sheet for each of the activity center types, including a description and expectations that address anticipated land use, built form, and multimodal transportation. She said that the menu of place types was developed with a hierarchy in mind, so as the density of the development increases from local to regional, the feasibility of transit, larger public amenities, and other infrastructure also increases, and may require additional public investment and/or public-private partnerships to catalyze development.

Ms. Swartzendruber said that the displayed table provides a summary of the four center place types, including an overview of the typical attributes that are included in more detail in the development areas land use chapter. She said that as mentioned, these centers function like a land use overlay and encourage a higher intensity of development compared to the underlying land use categories. She said that they would also walk through some examples of what these centers could look like.

Ms. Swartzendruber said that from most intense and dense to the least, the four types of centers are regional, employment, community, and local centers. She said that she would delve into the features of each in the next slides. She said that 30 of these centers were depicted on this map, which was a consolidation of the 50 centers currently outlined in the five area plans. She said that many of these centers were small and were not currently anticipated to be mixed-use developments. She said that the consolidated set of centers helps to focus development and public projects.

Ms. Swartzendruber said that looking at the Pantops area, where the Riverbend Shopping Center was designated as a regional center, marked by the red oval. She asked the Commission to imagine this area as a vibrant, urban mixed-use area with residential, goods, services, and entertainment options accessible by various transportation methods, and serving as a regional destination.

Ms. Swartzendruber said that spanning approximately 0.5 miles, the 0.25-mile focused core area features buildings that are three to eight stories tall, with structured parking and blending into the surrounding context. She said that ground-story uses are required within the core area and the built environment includes wide sidewalks and streetscape elements that encourage pedestrian activity.

Ms. Swartzendruber said that moving on to the community center represented in blue at Rivanna Ridge, this area will be a focal point for commercial and cultural activities accessible by various transportation options, with a walkshed of 0.5 miles and a center area of 0.25 miles. She said that the core area will consist of buildings at least two stories tall, ranging up to six stories, and fitting in with the surrounding context.

Ms. Swartzendruber said that parking is relegated to the side or rear of buildings, with on-street parking encouraged. She said that medium-scale plazas and parks are encouraged and should be visible and linked together. She said that next they would look at the area surrounding Sentara Martha Jefferson Hospital and Broadway. She said that here would be a concentration of employment-generating uses that support basic industries and economic development goals.

Ms. Swartzendruber said that while mixed use is encouraged, residential, commercial, and retail should be considered secondary uses that support employees and community members. She said that the center does not have a defined walk shed or center, but instead should be a cluster of related facilities. She said that buildings are generally two to four stories tall, with massing, height, and step backs consistent with localized recommendations. She said that of note was that the circle shown at the hospital will be refined and focused on in a future small area planning effort to accurately reflect where the activity center should be with regard to parcel lines.

Ms. Swartzendruber said that finally, local centers like the one at Route 20 and Riverside Village, marked in orange, are the least dense and intense of the center types. She said that these smaller-scale developments support a 0.25-mile walking radius and feature a mix of uses, with buildings that can range from two to four stories. She said that activity ground-story uses are encouraged, along with small to medium-sized publicly accessible open spaces, and parking was relegated to encourage pedestrian activity. She said that bike and pedestrian facilities connected to adjacent neighborhoods and other activity and employment centers.

Ms. Swartzendruber said that moving on to their upcoming events, today, October 22, they were discussing the development area land use tools and policy. She said that staff would present this topic to the Board on November 6 and also conduct a community meeting on October 30 to review these topics, as well as the growth management policy. She said that on November 12, they would revisit the development area's land use goal, objectives, and actions with the Commission, and then with the Board on November 20.

Ms. Swartzendruber said that on the day before, she would have a meeting with the Commission to discuss the Rural Area Land Use Tools and Policy. She said that they would return to the Commission on December 10 to discuss the goal, objectives, and actions, and staff would present

the entire chapter to the Board on January 8. She said that she would now proceed to the next slide, which outlined the direction topics, and they could go through any questions the Commissioners may have.

Mr. Missel asked if the discussion on ADUs and low-density residential was referring to the rural areas or development areas with low-density residential.

Ms. Swartzendruber said that it referring to within the development areas. She said that there were posters for reviewing specific areas. She said that the yellow shown on the map was where they may consider adjusting the ADUs.

Mr. Moore said that he had a process-related question that he believed was connected to land use categories. He said that last time they were here, two weeks ago, he mentioned that he thought they should start with the missing middle approach, rather than the yellow neighborhood residential designation. He said that he was drawn to the idea because of the extensive discussion and the three pages of benefits that the missing middle concept could include. He said that when he looked at the map, he noticed that there were no missing middle projects in the urban ring area.

Mr. Moore said that he recalled suggesting that they start with the missing middle approach. He said that he thought that the document effectively recognized the need. He said that the issue was that the document started with a great deal of rhetoric, identified the problem, and then included yellow designations that essentially represented the status quo. He said that he believed he was picking up on the fact that they wanted to honor a previous commitment while deferring the issue to future small area plans, potentially revising it in the future. He said that he was curious to understand why this approach was chosen over a more comprehensive approach within the comprehensive plan.

Mr. Missel said that the middle residential was intended to be the missing middle designation.

Mr. Moore said that he was conflating missing middle with middle residential.

Mr. Missel asked if he was in agreement with the missing middle.

Mr. Barnes said that to address the question, he believed that a key part of their goal was to utilize the development area effectively, balancing density and commercial intensity. He said that staff was working towards creating activity centers as a means to achieve this, rather than making drastic changes to the land uses outlined in previous small area plans. He said that in fact, much of the land use map was designed to maintain consistency with these previous efforts. He said that the richer yellow neighborhood residential category, which included R1 and R2 zoning, was a prominent feature on the map and represented a significant portion of their community.

Mr. Barnes said that the community had the option to push for a different zoning category, but staff had taken a pragmatic approach, focusing on activity centers and establishing a hierarchy to support a walkable core. He said that this aligned with their long-held goals for the neighborhood model and community. He said that the question seemed to be probing the role of the residential category, and he believed that accessory dwelling units would be a recommended approach, rather than a "missing middle" category that would offer a wider variety of housing types.

Mr. Moore said that he appreciated the answer. He said that his personal commitment to past

plans was relatively low. He said that to be honest, his pace of change felt like it was moving too slowly. He said that however, he appreciated where staff was coming from on that point. He said that it was just challenging when it felt like an emergency, as their prices continued to rise, and they were pushing lower-income individuals out. He said that this was why he kept bringing this up. He said that he understood staff's perspective, and he thought the centers made sense in terms of their logic. He said that they offered a clear and clean solution that built upon existing developments and businesses that were already working.

Mr. Bivins said that even if they examine the missing middle model on page 10, they outlined detached single-family homes, which he supposed would be emblematic of the yellow area depicted. He said that to him, it felt like what they had been seeing during his tenure on the Commission, which was that they had been seeing a lot of projects that would fit the missing middle housing.

Mr. Bivins said that if they looked at some of the developments at Brookhill, or some of the projects on Rio Road in both areas, the upcoming project on John Warner Parkway and Park Street, he was surprised to receive an email stating that the RST project was now owned by yet another hometown big business. He said that it seemed that what was coming to them by default was that they were getting the structure, but not the nexus to transportation and centers. He said that they were getting the form, but it was not being connected to the types of places that Mr. Moore was saying they could.

Mr. Bivins said that he thought that, and he would make his comment when they discussed ADUs, which was why he may be less enthusiastic about those compared to others on the Commission. He said that he believed they were getting the form, but they were not getting was the nexus to transportation. He said that they did not own it, and they were not getting the nexus to commercial centers, which his recent walk around the commercial centers in their area revealed they had a lot of vacancies, and he was going to discuss this with staff. He said that when using the Pantops concept, when looking at the vacancies in those commercial sectors, there were a significant number of empty storefronts.

Ms. Bivins said that if they were discussing using centers to enliven the communities, he would expect them to have some insight to share regarding the vacancy rates in this area. He said that they could say that this was something they wanted to happen here, but if they examined the data, they saw that there were numerous empty retail spaces, offices, and other areas along the bridge up to Martha Jefferson; they had a substantial number of vacant spaces. He said that given this, his idea would be to consider how they could make that happen.

Mr. Bivins said that it was currently not apparent to him how they could make that a reality. He said that he knew how they could incorporate it into a plan, but if they were shifting towards a matrix approach, he would like to know how they would measure success in the long run. He said that as Mr. Carrazana would say, how would they know at the end of the day that they had achieved their goals? He said that currently, he saw a substantial amount of empty commercial space in Albemarle County.

Ms. Firehock said that she had similar thoughts that she would like to share while they were on the topic. She said that while they were discussing the Riverbend Shopping Center, she had spent a lot of time there. She said that she used to ride her bike there frequently, pick up Chinese takeout, and even rent videos. She said that hearing them talk about it, it sounded great, and she felt like she wanted to go to that place. She said that she was trying to imagine what motivated

the owner of that shopping mall to make changes from the single-story, sprawling Food Lion, Enterprise car rental, Roses, and all the other stuff that was there.

Ms. Firehock asked what the County would do to incentivize someone to have this vision. She said that it was located near the Rivanna Trail, and it had many other amenities nearby; it would lend itself well to residential and mixed-use development. She said that she thought it would be fantastic. She said that she felt like they needed to go beyond just writing beautiful statements. She said that they should take concrete steps to show the development community that they were committed to making this vision a reality. She asked what incentives the County could offer to make it easy for developers to join them in creating this vision. She asked if they should fast-track processes or lower fees.

Ms. Firehock said that thinking about the Pantops area in general, she knew they were not here tonight to create a small area plan or master plan, but when she first joined the Commission, people from that area would often come to discuss the pedestrian bridge they wanted to cross Route 250. She said that they had discussed this extensively within the Commission, but it was still not on the agenda. She said that it had been around seven years since they first addressed this issue, and that was a long time. She said that they could not get across the street there, so drawing the bubble diagrams with the road in the middle, it was clear that they were avoiding the elephant in the room.

Ms. Firehock said that she recently dropped her car off at Toyota and she wanted to visit Guadalajara. She said that the staff politely informed her that she could not cross the street. She said that she told them she would be fine, but the staff insisted they drive her across the street so she would not risk her life. She said that it was truly absurd. She said that she wanted them to all think carefully about how to incentivize when creating these grand visions, ensuring that they did not overlook the practicalities of actualizing them.

Mr. Missel said that they were focusing on the 12 standards plus three legacy land use categories. He asked if it was staff's goal for the Commission to convey that the general direction of the reduction from 24 to 12 plus three legacy land use categories was acceptable, with the fill-in-the-blank modifications to those specific 12 standard plus three legacy land uses.

Mr. Barnes said that that was correct.

Mr. Carrazana asked if there were 11 land use categories.

Mr. Barnes said that yes, there were 11, and the 12th was the rural area.

Mr. Bivins said that he was supportive of the 11 because the language was clear and descriptive, accurately describing what they wanted their future to be. He said that there was some additional information that he would like to see included in the "how to apply" section. He said that to answer staff's question, yes.

Mr. Murray said that, to reiterate, he hoped that when they reached the rural area chapter, they could reconsider whether a uniform sea of green to represent the rural area was truly necessary. He said that as an example, he would like to bring up the case of Ivy, which used to be a growth area with designated green spaces. He said that when it was removed from the growth area designation, it also lost its greenways and green spaces. He said that although some remnants still existed, they were no longer represented on the map. He said that he believed they should

reverse this approach, not just for Ivy, but for the entire rural area. He said that he would push for that.

Mr. Murray said that additionally, he would like to address the question regarding green representing access to environmentally protected areas. He said that he thought this was an important question because, when examining areas like Pantops along the Rivanna River, they often claimed to be planning for greenways, but in reality, only a small portion of those areas became actual open space. He said that he believed they should consider this in their plans and be more transparent about what they intended to achieve, rather than making promises that may not be fulfilled. He said that he believed they needed some concrete strategies to achieve their goal of having green space if their objective was to create actual green space. He said that overall, he was okay with that being two different colors.

Mr. Murray said that in the land use categories for employment centers, it was noted that there were no identified pedestrian networks, as seen in the example of Martha Jefferson. He said that as someone who may or may not work in a hospital and who may or may not commute by foot, he strongly believed that it was crucial for employment centers to have pedestrian-friendly infrastructure, such as bike lanes and walkways. He said that he thought that regional networks that connected employment centers were particularly important. He said that in his previous workplace, he observed that many employees commuted to the office by bike, running, or walking.

Mr. Missel said that to ensure that everyone was on the same page, he would like to confirm that they had addressed the land use category before proceeding with discussing ADUs, green space, the FLUM, and activity centers.

Mr. Carrazana said that he had a quick point to make regarding the 12 land use categories, which combined activity centers and related to some of their earlier conversations about the missing middle. He said that he believed this was a deeper dive, but he wanted to put it out there as they considered the potential for activity centers. He said that specifically, he would like to mention the edges of these activity centers, where some were situated in the middle of yellow zones. He said that he wondered if there were opportunities for development around the activity centers for up-zoning in order to fulfill that missing middle in the yellow around the activity centers.

Mr. Carrazana said that he understood some of them were legacy R1s, and there was a whole layer that he would avoid for now. He said that he believed there may be some opportunities when were there residential areas nearby that could be densified, potentially leading to a more balanced mix of uses. He said that Ms. Firehock had mentioned the possibility of densifying around these activity centers, which could help preserve rural areas while still promoting development. He said that they keep missing the opportunity to densify, so it seemed to him that by combining these two maps, they could look into what was happening at the rings of the activity centers.

Mr. Clayborne said that he had a question regarding the institutional category, which had “primarily affordable in response to housing” in parentheses. He said that he would like to know why this was being singled out in institutional as opposed to other categories.

Ms. Swartzendruber said that she believed this was a nod to the government and public uses, recognizing that it included their teachers, police officers, and public safety personnel. She said that the emphasis was on ensuring they could afford housing that was close to their place of work. She said that this was the only reason that was specifically highlighted.

Mr. Clayborne said that he wondered if there were other uses where they wanted to be thinking along those lines as well. He said that he could envision a similar concept in the neighborhood residential. He said that he thought it was something for the staff to explore. He said that the second part of his question was somewhat rhetorical, but he would be curious to know the housing needs for their community.

Mr. Clayborne said that if they were to build out the recommended density ranges and consider the activity centers and the map, where they were trying to push development, he would like to know what would be the impact on the actual number of units they needed. He said that he would like to know if they were getting closer to solving their housing issue or were they still far from it. He said that for example, if they were to build out at half of the proposed density, would that mean they were 25% better with housing? He said that he thought this was something to consider as they started to articulate their vision moving forward, particularly when it came to these land uses.

Mr. Barnes said that Charlottesville, a City of 10 square miles with a population of 44,000, was a notable example in his mind. He said that in comparison, their County had 37 square miles and a population of 65,000, making it an interesting comparison. He said that this comparison made it challenging to answer some of the questions that had been posed, as the issues they were discussing often overlapped across multiple topics. He said that what they were going to do as a community to achieve their goals was unclear. He said that how they would incentivize development and meet their affordable housing objectives was also uncertain. He said that at times, it was difficult to provide a meaningful metric response without a clear understanding of where their community was willing to go in terms of meeting those goals.

Mr. Clayborne said that he did not expect an immediate response; it would be impressive if he had one. He said that they always talked about it, but they never really knew how much of a positive push they were making to solve an issue.

Mr. Bivins said that he wanted to highlight a concern regarding their strategic planning process. He said that if they were a corporation, every quarter they would analyze their potential market and assess the data. He said that their data from the Weldon Cooper Center, while decent, was always lagging. He said that they were trying to make policy decisions with old information that was outdated and may not reflect their evolving environment. He said that as someone with a background in econometrics, he understood the importance of using current, relevant data to inform policy decisions.

Mr. Bivins said that in a for-profit organization or even a university, they would constantly review and update their data to ensure it accurately reflected the current situation. He said that given the significant changes in their economic environment, using data from 2020 may not be sufficient. He said that he believed it was essential to inform the Supervisors that they should provide staff with help for better quantitative analysis and timely information to help them make informed decisions. He said that this would enable them to assess the accuracy of the data and determine whether their current policies and numbers were still relevant.

Mr. Missel said that he was not sure if he was confusing the subjects, but on page three, where it discussed the factors to be tracked, that seemed to be relevant to that issue. He said that he believed in the update, they had heard that there was a recommendation to conduct reviews of this nature more frequently than every two years and to integrate them into the rezoning process.

Mr. Bivins said that what he was suggesting was that, since they were always sort of dealing with

someone who comes to them from an organization and said they had done this analysis and wanted to invest this money, yet they did not have data to support whether or not what they were asking them to do so they could make a recommendation was based on data that they would never do in another place.

Mr. Carrazana said that he understood that they had to move on to other topics, but he would like to acknowledge that they had previously discussed measurables multiple times. He said that he wanted to acknowledge that it had been incorporated into the plan and was prominently displayed. He said that he also appreciated the discussion on growth projections. He said that it was Weldon Cooper Center data, but they were providing a means to determine how to measure these variables.

Mr. Carrazana said that he would like to add that they had an excellent resource in the new School for Data Science at UVA, with incredibly bright students and faculty members eager to take on projects. He said that this could potentially be a thesis project. He said that he would encourage them to explore this opportunity, and if they were interested, he could connect them with the right people at UVA who may be able to assist with the data analysis they were discussing.

Mr. Missel asked if there were any more specific points regarding the land use categories before they moved onto the next topic.

Ms. Firehock said that to answer the big question, she was in agreement with the categories, and they made sense. She said that regarding middle residential located on page 11, where it discussed live-work units, she had been discussing this with folks from the development community, and she would like to highlight that they already had a significant amount of their land developed, although perhaps not densely enough. She said that they were looking at a lot of redevelopment, and live-work units required a fire-separated space from the ground floor to the unit above. She said that developers thought this was a problem, especially considering older structures that could potentially work for this, but this specific type of use required an additional fire-separated floor, so they could not use those older buildings.

Ms. Firehock said that if there was a coffee shop or restaurant located below, she would certainly be worried about fire safety. She said that having run an office for 18 years, she could attest that nothing ever caught on fire. She said that maybe they needed to revisit the requirements for live-work units, similar to how the County allowed for five units for lodging within historic structures. She said that this enabled them to reuse these big structures and promote lodging in rural areas. She said that in a similar vein, she would like to consider a situation where the use of a live-work space did not require a fire-separated floor if it was an adaptive reuse, and the work was not intensive. She said that much of the live-work space was not that intensive, so she wondered if it truly needed that fire-separated layer in there. She said that a lot of structures did not have that, even those that were previously commercial.

Mr. Barnes said that they were working on the comprehensive plan, which would help influence the zoning code, which would then allow the uses. He said that Ms. Firehock's references were more about the building code.

Ms. Firehock said that the language regarding "fire-separated" was actually in the comprehensive plan. She said that her suggestion would be to add language to accommodate an adaptive reuse situation, where no new construction was taking place, and the property was historic or otherwise. She said that this would enable their County staff to work with the property owner or developer to

make the necessary adjustments.

Mr. Barnes said that on that fine point, perhaps they should strike that language from the comprehensive plan.

Ms. Firehock said that that would likely be the easiest thing to do. She said that the easiest thing to do would be to state they encourage work-live space and adaptive reuse of their important structures and recognize how many people were working from home and running small businesses.

Mr. Murray said that in a lot of the area up on Route 29 that they had as general commercial, he believed a big opportunity to get infill development was by examining large shopping centers. He said that they often discussed incentives, and he thought that these areas with vast amounts of pavement were a clear example of where Tax Increment Financing (TIF) could be effectively applied. He said that providing direct subsidies for structured parking would also be beneficial, as developers may be hesitant to build more density due to the high cost of constructing structured parking.

Ms. Firehock said that towns such as Staunton, which was a smaller community than Albemarle, had built their own structured parking downtown so that they could have that density.

Mr. Murray said that there had been a lot of efforts to construct walkability from scratch in Albemarle County, with limited success. He said that he believed the best walkability occurred when existing infrastructure was retrofitted. He said that they already had these shopping centers with a grocery store and shops, and they could be enhanced by adding a parking garage, freeing up adjacent space that could be repurposed for housing. He said that he thought this approach was logical for creating the desired density in activity centers.

Mr. Missel said that to clarify, they were currently discussing land use categories rather than activity centers. He asked if the Commission was generally supportive of the land use categories. He said that it appeared they were. He asked how Mr. Moore would summarize his thoughts about the missing middle in a sentence.

Mr. Moore said that he felt that middle residential was a better place to start than neighborhood residential as an overall category.

Mr. Missel said that they had discussed that they should focus proactively on the edges, ensuring there was potential for rezoning and anticipating future development around the edges. He said that for him, this was about being proactive and thinking about what that looked like as they reviewed the categories. He said that they had touched on several key areas, including recreational open space, ensuring clarity and detail in rural areas, the importance of analytics, reviewing density allowances, ranges, and actual needs, live-work spaces, and adaptive reuse. He said that they were generally supportive.

Mr. Bivins said that when considering the green space within the development areas, he would like to highlight that the land for most of their parks was donated to the County, not purchased. He said that the County had not purchased any property to develop into parks. He said that he believed that one of the key points they were discussing was that if the County aimed to encourage development in that area, it would need to invest in amenities, including parks, green spaces, or gathering spaces.

Mr. Missel asked if there were any thoughts or comments on ADUs and low-density residential.

Mr. Murray said that while he was generally supportive of the concept, he did have a concern. He said that it related to the idea of increasing missing middle housing in the vast yellow area. He said that if they allowed a large number of ADUs, they risked locking in the area's single-family residential character, as it would become more difficult for someone to purchase a parcel and convert it to a different use in the future. He said that as he had mentioned earlier, he was generally in support of this concept, but he did find this to be a concern. He said that if they created a large number of new houses in that area, it could increase the cost for a developer who might want to convert the parcels to a more densely used property.

Mr. Bivins said that he would appreciate additional information on how much of that fell outside of a Homeowner's Association (HOA). He said that since most of the HOAs in their community were not supportive of ADUs.

Ms. Firehock said that they may not even allow ADUs in their bylaws.

Mr. Bivins said that also, from a positional space, he did not know how supportive he could be of ADUs if they were just increasing the Airbnb inventory in their region. He said that he would be fundamentally opposed to that. He said that he was not empathetic to someone saying they needed an Airbnb so they could keep their house. He said that there were lots of people in this community who did not have that option, and it tended to be those who were more privileged who could afford to create an Airbnb in their home in order to keep their property.

Mr. Bivins said that he did not know if the County should really be tilting the economic scale one way or the other. He said that it did not feel neutral to him if that was what this policy would engage in. He said that he did not believe there was a way they could engage with a prohibition on land in which they said they could only do this if they were going to rent it long term or put their family there. He said that he would be very resistant to just creating a new income stream for people.

Mr. Moore said that regarding Mr. Bivins' last point, the current County rules regarding short-term homestay use, such as Airbnb, required the host to be present in their home and limited the number of bedrooms to two. He said that the existing ordinance largely addressed this, but it appeared that there was a significant risk of noncompliance. He said that in fact, inviting noncompliance was a concern. He said that he thought that Mr. Murray and he may share a similar perspective on this matter. He said that he had no issue with ADUs. He said that however, it seemed that if they were to redefine the yellow as orange and call it middle residential, perhaps some individuals might choose to build a backyard ADU, and others might prefer a fourplex or opt for a cottage community, all of which were described in the three pages for middle residential.

Mr. Murray said that he agreed that the point Mr. Bivins had raised about HOAs was important. He said that one of the concerns people had about density was that they were receiving this density without adequate infrastructure. He said that as they moved forward with small area plans, he believed it was crucial to make a solid case that included commitments to infrastructure. He said that to be effective, they should aim to offer incentives that acknowledged the existing conditions of the neighborhood, such as the lack of sidewalks and parks. He said that if they explained to residents that the County understood that they were in an older neighborhood that never got sidewalks or a park, and a benefit of allowing more density in their neighborhood would be that they could finally get those sidewalks and a park.

Mr. Moore said that another aspect worth noting was that as the tax base increased in value, they had the resources to provide those amenities. He said that he concurred; in the past, he had expressed concerns about HOAs, and he still did. He said that he believed they could limit their flexibility and bind them in a way that restricted their freedom to make decisions in the future.

Mr. Bivins said that the Commonwealth of Virginia was a land rights place. He said that even though some HOAs were much more exclusionary in the past, they were voluntary associations. He said that one did not have to purchase a house in an area with an HOA. He said that if someone bought a house in an HOA community, it was hoped that they were well-informed by their realtor about what they were getting into. He said that he would not buy into one, although he did own one. He said that he believed this was a matter of freedom of commerce, and he was not sure the Commonwealth would allow a County to simply come in and break it.

Mr. Clayborne said that his colleagues had raised some excellent points, and some of them he had never thought about. He said that he did not want them to dismiss the potential benefits of ADUs entirely. He said that one positive aspect was that it could provide a way for multiple generations to live in the County together, sharing a property and potentially aging in place. He said that this could be a valuable aspect to consider. He said that while he did not think they had a complete solution yet, he wanted to reconcile the differing opinions and remain open to exploring how this concept could work. He said that the idea of a blanket ADU call for low-density residential probably needed some more tweaking.

Mr. Carrazana said that he did not have much to add. He said that he would like to reiterate that as they considered the areas that could be suitable, he believed they would be around activity centers. He said that this was because looking at how these could work together went back to the infrastructure point. He said that if they had activity centers, it was possible that transit could be directed there as well, providing an additional incentive. He said that this was in addition to the benefits of the sidewalks and parks. He said that a deeper dive would help them identify specific areas that may lend themselves more towards one or the other.

Ms. Firehock said that she would have significant concerns if they were to simply allow them by right in this zone, without any conditions. She said that she would consider allowing them by SUP, reviewing them on a case-by-case basis. She said that personally, she had experience with accessory dwelling units, having owned one that she rented out and made affordable for someone for nine years. She said that she also benefited from renting out an accessory cottage in Earlysville for $400 a month when she was young and poor. She said that she strongly supported them; however, in her personal examples, those cottages were discreet and did not occupy a significant amount of space or disturb the neighbors. She said that she believed each case was contextual.

Ms. Firehock said that for instance, using space above a garage could be a legitimate use of space without adding an extra structure to the yard. She said that it was simply utilizing space legally. She said that she also acknowledged the point about Airbnb regulations. She said that yes, there were instances of non-compliance. She said that what bothered her was the idea of it as a by-right use. She said that she understood the concerns about the potential impact on neighborhood character, particularly when a backyard's natural vista was altered by the addition of structures. She said that it was specifically the by-right use she did not like.

Mr. Missel said that there was consensus from the Commission that ADUs should not be by-right.

He said that he would try to summarize. He said that they were generally supportive of ADUs, but their general direction was that they should not be by right. He said that this was their general direction, although it was not a unanimous agreement. He said that he was informed that there was a difference of opinion on this matter. He said that there had been a good question about the impact of HOAs on this issue.

Mr. Missel said that he had written down that they should establish parameters related to qualifications and intent around ADUs in low-density residential. He said that as part of this, they needed to support it through a process that went beyond just by-right. He said that it was essential to keep the big picture in mind. He said that this included infrastructure and proximity to other activity centers, and helpful for opportunities for aging in place. He said that green represented public access and separate environmentally protected areas.

Mr. Carrazana said that he was not sure everyone had the benefit of where that was coming from, so it might be confusing.

Mr. Barnes said that during their discussion at the Board last week, it was noted that the map featured a significant amount of green space, which was not publicly accessible. He said that he believed a decision had been made in a previous comprehensive plan regarding the designation of this space. He said that it was somewhat unusual. He said that typically, communities would only highlight publicly accessible green spaces, such as parks, on their maps. He said that he found it interesting to examine the map, especially as they considered their options for development.

Mr. Barnes said that they had three alternatives: leave the current configuration, split the green spaces into distinct categories, or omit them altogether. He said that the second option would involve designating separate colors for environmental resources, such as parks, greenways, and protected zones. He said that the third option would involve not displaying the environmental resources on the map, instead using yellow to indicate parks and extending the color to the property line.

Mr. Barnes said the third option was more traditional and would not necessarily show the HOA property, floodplain, stream buffers, or critical slopes. He said that in this case, the extensive amount of green space on the map provided valuable context for their discussion on how to utilize the development area. He said that in some respects, it truthfully called out how much of the development areas were parks or a protected zone.

Mr. Missel said that he recalled from their 2015 process that the selection of those green areas was based on critical slopes, floodplains, and natural features. He said that this approach aimed to preserve these areas. He said that in line with his point, parks and natural features often overlapped. He said that therefore, separating them could be challenging. He said that for him, the practical aspect of having green spaces was more relevant. He said that as an applicant, if a parcel of land had green spaces marked on the comprehensive plan, he wondered what that really meant for him in terms of his application.

Ms. Firehock asked if it was possible to simply apply white crosshatching over the green area that was not publicly accessible.

Mr. Barnes said that if he were to recommend something to them during this discussion, he would suggest categorizing parks or publicly accessible land by a single color. He said that he would

not prioritize environmental aspects in this initial categorization. He said that then, a second category could be designated for protected areas, if they chose to implement this system. He said that I-64, which was already green in this context, would be removed from consideration. He said that as a proposed model, it may make sense to designate publicly accessible and the protected areas as different colors.

Mr. Murray said that he thought it was beneficial to have the designated areas on the map. He said that currently, they had areas set aside as parks, environmental resources, and areas they would like to become parks in the future. He said that these areas were often environmentally sensitive, but they did not have to be. He said that there were potential dangers to placing parks in floodplains, as evidenced by the recent floods in Crozet and the subsequent rebuilding of infrastructure. He said that he believed it was essential to have a system in place to incentivize and facilitate the development of certain areas into parks, either through purchase or mechanisms like transfer development rights.

Mr. Murray said that this could help ensure that areas with potential for green space were preserved, while allowing density to be concentrated in other areas where it was desired. He said that for instance, a developer with multiple properties could transfer density from one area to another, avoiding the need for rezoning. He said that there were alternative approaches to these types of uses that other localities had successfully implemented, which he believed they should explore. He said that he strongly believed that they needed to clearly indicate on the map which areas were intended to be green space. He said that however, he also thought it was essential to distinguish those areas from actual parks.

Mr. Bivins said that they did not have a deficit of parks in Albemarle County. He said that rather, they had a deficit of community spaces. He said that this was because many of the projects that came before them were required to include a minimum amount of green space, typically 25% of the total area. He said that while some of them on this Commission may not always been pleased with the layout of the green space in these projects, it did meet the required threshold. He said that what they lacked was a place where people could gather and interact, like the quad at Barracks Road.

Mr. Bivins said that he recalled sending a photo to Mr. Moore, showing a bustling area with people meeting, walking, and standing and talking. He said that he wondered how he could replicate this in the County, so he had been driving around to find a natural spot where people could come together. He said that unfortunately, he had not found such a place. He said that the only potential location he had seen was near Barnes Lumber, but even that was uncertain. He said that what he wanted to emphasize was that the County should invest in creating common spaces, which could be considered community areas. He said that they had vast areas of rural green space, but they were often inaccessible to the public.

Mr. Murray asked Mr. Bivins if he would agree that it was not always optimal for those gathering spaces to be located in floodplains.

Mr. Bivins said that he agreed with that. He said that he was not considering the rural areas, because most of their park spaces in the rural part of the County could not be accessed without a car.

Mr. Murray said that all of his comments were specific to the growth areas. He said that he believed they needed to discuss strategies of how to achieve that, which was a more in-depth

conversation.

Mr. Carrazana said that he believed the conversation was relevant to activity centers.

Mr. Missel said that he believed the general direction of the Commission was that they should be separated, aligning with staff's advice. He said that, after applying for numerous zoning and rezoning applications, he had come to realize that there was a process, and he was not saying that the concept of selecting locations for future parks and amenities was incorrect, but the concept arose during discussions, and that was where the Parks and Recreation Department was particularly valuable. He said that they had a broader view of the development area and could help create linkages and common spaces. He said that they worked with the Commission as part of the rezoning process. He said that now, they would move onto their next topic, which was activity centers.

Mr. Carrazana said that he generally agreed with the logic behind the hierarchy, which categorized smaller, local, community-based ones and then more regional ones. He said that he thought the term "employment centers" was a misnomer, as it did not follow the established hierarchy. He said that in his view, all activity centers were, in essence, employment centers, albeit at different scales. He said that they all served as local, community, and regional employment centers, just with varying levels of scope. He said that he was not sure he had a clear suggestion for how to incorporate this into the framework, as it currently stood as a separate entity. He said that it did not align with the same logic in his mind. He said that he had further thoughts on the attributes and other aspects, which he could discuss later.

Mr. Missel said that according to page 24, the language discussed a three-tier system for centers to guide relative residential density. He said that this system did not include the employment center as one of its tiers.

Mr. Carrazana said that it seemed that the discrepancy lay in the overall headings. He said that the term "Activity and Employment Center" was used, but then "Employment Center" was listed separately as a distinct center. He said that to him, this created a bit of a disconnect.

Mr. Missel said that to reiterate Mr. Carrazana's point, local, community, and regional made sense, but employment should be reviewed.

Ms. Firehock said that there was a list of objectives at the end of the document which outlined the steps they would take, but she wanted to reiterate that she was still concerned about the specifics of what the County's investment was in making these happen. She said that what she wanted to see was a clear plan for how they would actually facilitate these projects, beyond just including them in the plan. She said that one potential action she wanted to suggest was to incentivize the use of both natural and constructed green infrastructure to treat stormwater runoff, which could be added to the end of the list.

Mr. Barnes said that they were asking the question about investments as a broad concept to use these as a place to focus investment on. He said that regarding the actions below, he believed it would be a great time to talk about the actions the Commission would like to have the County take for individual investments or incentives. He said that they could also postpone that discussion until the next time they meet.

Ms. Firehock said that was fine. She said that she had a quick suggestion on that. She said that

in the incentives she had developed for the development community in the past, she found it very instructive to conduct focus groups with the actual developers, similar to what they had done for affordable housing. She said that this allowed them to gauge the developers' reaction and determine whether the proposed incentive would actually motivate them or not. She said that by doing so, they could avoid creating incentives that may not be well-received, and instead, focus on those that were likely to be effective.

Mr. Bivins said that he wanted to reinforce what Mr. Carrazana had said about the employment centers. He said that every single one from 1 to 26 on page 31, they had housing within 0.25 miles. He said that he believed this was a unique aspect of their community, as they did not have a traditional downtown business district with only office buildings, nor did they have an industrial park that had been repurposed. He said that instead, every location listed from 1 to 26 offered a mix of housing options, making it possible to walk to housing, amenities, and services. He said that additionally, the regional centers, as described, had no mention of public or civic spaces, which meant they were large, vacant spaces with a high population density but limited community amenities.

Mr. Barnes said that they were trying to break the plan into different topics, and this was an artificial way of doing that. He said that by organizing it in this manner, they hoped that as they worked through it, they could see the synthesis here.

Mr. Bivins said that perhaps it was a placeholder, as he had described it, and when he had provided that detailed description, he thought he might see something about a gathering place. He said that he would give that as a point.

Mr. Barnes said that this was a crucial point because Mr. Murray had mentioned earlier that he wanted to be able to run to work. He said that he believed that part of their goal was to be evident in the transportation chapter, where they aimed to connect transportation to these centers. He said that employment centers, in particular, were a hub for people trying to get to work during peak traffic hours. He said that therefore, they wanted to integrate this with larger transportation plans and consider other types of investments they may be discussing.

Mr. Swartzendruber said that she would like to draw the Commission’s attention to a mistake they discovered in their draft chapter regarding the activity and employment centers Map. She said the map and E did not include the local centers, mistakenly leaving them off. She said that the PDF uploaded to their website correctly identified the local centers. She said that the error had been corrected. She said that she was not sure why the local centers had been initially left off, but she wanted to let everyone know that it was an error on staff’s part.

Mr. Murray said yes. He said that when reviewing the document and comparing it to the neighborhood model guidelines, he noticed that one crucial aspect was missing: sensitivity to terrain and the natural environment. He said that this emphasized avoiding grading and in-grading, which seemed to be absent from this concept. He said that he was not sure if this was due to the existing critical slope ordinance, but he believed that flattening the land did erase a sense of place. He said that many great cities and places had significant terrain, which was a key factor in their character.

Mr. Carrazana said that he had a comment to address the previous statement. He said that referring to the six topics they were trying to address, as he reviewed the attributes, he found them to be very helpful. He said that they had a description that included walksheds, land use

heights, and other relevant factors. He said that specifically, he would like to comment on parking. He said that while structured parking was encouraged at the regional level, upon reviewing some examples, including page 29 where they described the community center, which featured six-story buildings and potentially higher, he wondered if they could start to encourage structured parking or district parking at the community level.

Mr. Carrazana said that this aligned with the idea that creating amenities, such as public, civic, and open spaces, was crucial. He said that even in local centers, they had that. He said that therefore, he believed that structured parking would naturally follow, and the ability to create these amenities would be greatly enhanced if they had district parking. He said that he would encourage staff to consider this at the community level, as they did at the regional level.

Mr. Missel said that the Commission agreed that the activity centers concept had a logical hierarchy. He said that they had some questions about the employment centers and how that kind of wording fit into the three tiers. He said that it felt kind of overarching. He said that they had concerns about the County's role in investment and what their actions were, and staff said that they would get there. He said that they had also raised the issue of public and civic space in regional centers, but he was unsure of how that fit into the larger discussion on this topic.

Mr. Bivins said that they lacked a concrete community space. He said that they did not have natural areas or designated public spaces within the County where they could gather. He said that they were missing a pavilion, a downtown mall, or a lawn.

Mr. Moore said that civic space was mentioned in the longer descriptions of those land use types but was not included in the structural form. He said that arts and parks was a priority he had discussed with Mr. Barnes in the past, as Mr. Bivins said.

Mr. Murray asked if they could review the actions.

Mr. Barnes said that the intent was to return to the Commission on November 12 to discuss pages 33 and beyond. He said that they planned to organize their content into 10 chapters, with a policy section at the front and objectives and actions at the back. He said that for the rural and development areas, they had separated them due to the complexity of the content. He said that they hoped, as they progressed, to be able to tackle both policy and actions simultaneously.

Recess/Reconvene

The Commission recessed at 5:32 p.m. and reconvened at 6:00 p.m.

Mr. Missel called the meeting back to order at 6:00 p.m.

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Public Comment on matter pending before the Commission, but not listed for a Public Hearing on this agenda

There were none.

Consent Agenda

Mr. Missel said that there were two items on the consent agenda: approval of the draft meeting minutes from October 8, 2024, and the SE 2024-10 Pen Place Planting Strip Design Exception.

Andy Herrick, Interim County Attorney, said that as the Commission may be aware, Ms. Shaffer had distributed a draft resolution to approve SE2024-10. He said that if the Commission was inclined to approve the consent agenda, it should do so specifically noting that it was approving the draft resolution to approve the planting strip exception.

Mr. Clayborne motioned to approve the consent agenda with the resolution to approve SE2024-10 Pen Place Planting Strip Design Exception. Mr. Murray seconded the motion.

Ms. Firehock said that she wanted to pull this item, even though it was late. She said that in her opinion, and she hoped staff would take this into account, there were alternative ways to meet this exception request. She said that one option would be to narrow the sidewalk. She said that she had spent considerable time recently researching sidewalk standards, American Association of State Highway and Transportation Officials (AASHTO) guidelines, and Americans with Disability Act (ADA) requirements for another client.

Ms. Firehock said that the five-foot width of the sidewalk was intended to accommodate two strollers passing in opposite directions, but it was possible to narrow the sidewalks and still meet ADA requirements by providing a passing opportunity. She said that this could involve alternating between narrower and wider sections, allowing for the placement of street trees in the narrower sections. She said that as they continued to pave Albemarle County, they were losing trees, and this could have been a lovely, leafy green walkway.

Ms. Firehock said that instead, it would now be a hot walkway with a grassy strip. She said that she would like to encourage staff to consider varying the sidewalk design, rather than simply removing street trees every time. She said that under AASHTO and ADA guidelines, there was no requirement for sidewalks to be five feet wide; they simply needed to provide a passing opportunity. She said that in the future, she hoped staff would explore ways to vary the sidewalk design, rather than always sacrificing street trees. She said that however, she would support this item because it was too late to go back and change it now.

Mr. Missel called the vote on the approval of the consent agenda.

The motion passed unanimously (7-0).

Public Hearing

CCP202400001 Northern Albemarle Convenience Center

Michael Barnes, Director of Planning, said that he was sitting in for David Benish this evening. He said that this project, the Northern Albemarle Convenience Center, was in compliance with the comprehensive plan review. He said that during these reviews, they assessed the proposed public facility against the Virginia Code 15.2-22-32. He said that they may often hear these referred to as 22-32 reviews.

Mr. Barnes said that in this case, they were evaluating the general location, character, and extent

of the proposed public facility to ensure it aligned with the adopted comprehensive plan. He said that the Planning Commission reviewed these proposals, and their findings were forwarded to the Board of Supervisors, but no further action was required of the Board. He said that the Commission's action was limited to ensuring consistency with the comp plan, and this was not a recommendation or approval for the facility's construction.

Mr. Barnes said that he would briefly summarize the proposal. He said that the facility was open six days a week, primarily from 8:30 a.m. to 5:30 p.m. in the winter to 6:30 p.m. in the summer. He said that its purpose was to collect and sort recycled materials, similar to the Ivy Convenience Center. He said that there was potential for future expansion to include food waste or cooking oil collection. He said that household 32-gallon bags would be ticketed for disposal, and there was potential for annual special waste collection days. He said that an attendant would be present at all times at the series of structures proposed.

Mr. Barnes said that the proposed location was off Berkmar Drive Road, near a recently completed infrastructure project to connect Rio Mills to Berkmar and discontinue the rest of Rio Mills and its old alignment down towards the river there. He said that the property was zoned RA and was designated as RA in the comprehensive plan.

Mr. Barnes said that the site characteristics included the 19-acre site, visible in orange on the map, which was split by the newly created road. He said that the site they were discussing was located on the northern side of that road. He said that they could see the proposed facility's location on the property, marked by a red star. He said that currently, the property was undeveloped, mostly wooded, and sloped downward from left to right on the screen. He said that the uses to the north were rural or suburban in scale along Rio Mills Road.

Mr. Barnes said that to the south lay an existing and operational stone quarry, while further south and east were wooded sites. He said that notably, the parcel on the screen, located between Berkmar and Route 29, had recently been timbered. He said that this parcel was part of a larger land parcel that was offered to the County as part of the Brookhill rezoning. He said that this was depicted in the comprehensive plan. He said that the proposed development area surrounding this site was shown, but not inclusive of it, and also shown was the rural area. He said that the concept plan for the site was shown on the eastern part, at the intersection of the new Rio Mills Road alignment and Berkmar Drive.

Mr. Barnes said that two community meetings were held, attended by Places 29 North CAC, and Places Rio CAC. He said that the meeting's summary highlighted concerns from the community, including worries about impacts to adjacent properties, such as noise, odor, runoff, and rodents. He said that there were also concerns about traffic impacts, particularly on Rio Mills Road, where citizens expressed concerns about noise, speeding, and truck traffic. He said that finally, there was a suggestion that the site should be closer to the rural populations it was intended to serve. He said that these were some of the major concerns raised during the community meeting.

Mr. Barnes said that with this particular project and the review against the community facilities chapter of the comprehensive plan, specifically page 12-1, was the applicable language being examined here. He said that objective number one focuses on providing public facilities and services in a fiscally responsible and equitable manner. He said that typically, these types of facilities would be provided within the development area, and rural area residents should not expect levels of service delivery equal to those in the development area.

Mr. Barnes said that however, public facilities are allowed in the rural area in cases where it is not feasible to provide them in the development area due to physical constraints, the nature of the facility, or the services provided. He said that for instance, providing trash and refuge collection to rural residents was considered consistent with the general provision of facilities and services. He said that this was particularly relevant, as rural residents often lacked urban pickup for recycling and trash.

Mr. Barnes said that the Long-Range Solid Waste Solutions Advisory Committee's final report from 2015 aimed to provide solid waste management services to rural residents. He said that it was noted that the map provided appeared to be slightly outdated. He said that it depicted four service areas in circles, with the two blue ones representing Ivy and McIntire. He said that the southern one likely should be in blue as well, which was where the convenience center was approved for Keene. He said that the northern area they were discussing, represented by the green circle, aimed to provide services to areas north and west of Route 29, as well as north and east of Route 29.

Mr. Barnes said that staff had found factors that were favorable to this proposal, consistent with the community facilities section of the comprehensive plan and the 2015 Long-Range Solid Waste Solutions Advisory Committee's final report. He said that the location in the rural area aligned with the comp plan's community facilities objective and guidance for allowing facilities in rural areas to address unique needs, particularly to provide convenient service to rural area residents. He said that the location provided reasonable and accessible access to the northern portions of the County via the commuter routes along Rio Road, and also offered convenient access for residents in the development area who may want to use the facility.

Mr. Barnes said that staff had not identified any unfavorable factors. He said that they did note that traffic may increase along Rio Mills Road, but it was not anticipated to be a significant increase. He said that staff's recommendation was that the proposed location, character, and extent of the community center and public use thereof substantially aligned with the comprehensive plan for the reasons identified as favorable in this staff report.

Mr. Missel said that one thing he would like to clarify was that the Commission's action was solely related to the appropriateness of the site for the proposed public use, and it did not imply an endorsement or recommendation for the construction of the facility.

Mr. Clayborne said that according to the report, this site had previously been proposed for a future high school. He asked if a new site for the high school had been identified in the northern part of the County.

Mr. Barnes said that he did not have an answer at this time.

Mr. Bivins said that the site had been proffered for use by either the County government or schools, and it was essential to note that it was not exclusively a school site. He said that the site had initially been considered for Center II, but instead, it was being placed at the Lamb's Lane campus. He said that there had been discussions about reshaping the Lamb's Lane campus to remove activities that were not in compliance with an educational campus. He said that for instance, the campus had a vehicle wash station, a fueling station, and a repair station, which were unique to this campus. He said that currently, some facilities were being relocated to the Penney's site, while some of it would be built out and added to this property, including a fueling and maintenance area.

Mr. Missel asked if there were any other questions for staff on this item.

Mr. Bivins asked if staff had any information about the traffic impacts at the convenience center in Keene.

Mr. Barnes said that he would defer that question to the applicant.

Ms. Firehock said that the report detailed the daily visits to the Keene site.

Mr. Bivins said that this would likely be similar.

Mr. Barnes said that the traffic generation they were anticipating with this project would be similar to the Keene one.

Mr. Missel asked when the concerns raised by community members, such as those regarding rodents and smells, would be addressed if they were not addressed today.

Mr. Barnes said that he would defer that question to the applicant, but his understanding was that those concerns would not be issues and would be managed effectively.

Mr. Missel said that those concerns were valid, but his understanding was that they did not apply to the Commission's purview of addressing substantial accordance with the comprehensive plan.

Mr. Barnes said that broadly speaking, no.

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

Jeff Dumars, Deputy Director of Facilities and Environmental Services said that he was a resident of the Redfields Subdivision. He said that he was looking forward to discussing the convenience center with them, building on the points Mr. Barnes had made earlier, so they would be concise. He said that their agenda would cover the basics, including what the convenience center was, why it was located where it was, examining the proposed site plan in more detail, and reviewing visual simulations. He said that Philip McKalips, Director of Solid Waste for the Rivanna Solid Waste Authority, and Wendy Karably from TRC, would be available for questions after the presentation.

Mr. Dumars said that in 2015, the Long-Range Solid Waste Solutions Advisory Committee had identified a significant lack of facilities in Albemarle County, particularly compared to neighboring communities, and inadequate services for rural residents. He said that since then, they had invested in infrastructure, including the Ivy Transfer Station in 2019, the Ivy Convenience Center in 2021, and the Southern Convenience Center in Keene in 2023. He said that when selecting a site for the convenience center, they had looked for easily accessible locations that also minimized impacts on neighbors and surrounding properties.

Mr. Dumars said that the facility was designed to handle bagged household waste, with opportunities for compostables, recyclable collection, and periodic special waste stream collection. He said that the facility would accept 32-gallon trash bags, with costs comparable to local hauler rates for urban residents, made available to rural residents and others. He said that tags could be purchased from local merchants or by mail and deposited in self-contained

compactors with feed chutes to limit waste to these trash bag sizes.

Mr. Dumars said that it should be noted that the facility would not accept commercial or construction waste. He said that the proposed hours of operation, six days a week, from 8:00 a.m. to 5:00 p.m., were being considered without a seasonal timeframe. He said that the facility would be coordinated with other County facilities to ensure consistent availability throughout the County. He said that currently, it was anticipated to be closed on Wednesdays and open the other six days a week.

Mr. Dumars said that upon reviewing the diagram, it depicted the County with blue dots representing a 10-mile radius, and the two blue circles with the red concentric circle represented the existing facilities. He said that to the south lies the Southern Convenience Center in Keene, to the west is the Ivy facility, and to the north is the proposed Northern Convenience Center. He said that without this facility, significant rural populations in the northern part of the County lacked access to a facility within a 7.5 to 10-mile radius. He said that the location was strategically situated to best serve residents broadly in the County.

Mr. Dumars said that the site, previously proffered, was zoned rural and located on Rio Mill, just off Berkmar. He said that the community-wide benefits of this facility included access to residential bag waste and recycling services for rural residents. He said that these centers had proven to reduce illegal dumping and curb open burning, which were crucial in achieving their climate action goals. He said that the proposed site was located on Rio Mill, off of Berkmar, just north of the Places 29 Rio CAC and just south of the Places 29 North CAC areas. He said that the site was also bisected by Seminole Trail, running north-south, with Berkmar to the west.

Mr. Dumars said that regarding the uses of this area, as previously mentioned, there were primarily undeveloped forest lands to the east and south. He said that to the west lay the Luckstone-Rivanna plant, an aggregate supplier. He said that directly north was a farm lot with open pasture and forested lands, followed by the northwest corner, which marked the beginning of adjacent residential parcels. He said that zooming in on the site north of Rio Mills Road, this land was approximately 8.3 acres. He said that one of the reasons the development was focused to the east, adjacent to Berkmar was to maintain a 300- to 400-foot buffer from the nearest residential property boundary or structure, thereby maintaining a significant boundary.

Mr. Dumars said that the site comprised 3.1 acres, with less than half of the disturbance area, which broke down into 0.8 acres of fenced area, 0.3 acres of entry road, 0.4 acres of stormwater treatment facility, and 1.4 acres of regenerative forest on the sloped areas. He said that upon entering the site to the north off of Rio Mills Road, driving up the entry corridor and circulating the facility in a counterclockwise fashion, one could observe the lanes for accessing compactors and bypass lanes, two self-contained compactors, an attendant station, and a 30-foot-wide entrance corridor with security fencing surrounding the facility. He said that there was also a commitment to provide decorative fencing for screening, which would be demonstrated.

Mr. Dumars said that the facility featured 10 parking spaces, including one van-accessible space adjacent to recycling containers, eight standard-sized spaces, and two large 80 cubic yard recycling containers. He said that the stormwater facility was significant, and the sloped areas were proposed to be planted with native trees and reforested with a buffer. He said that additionally, they had conducted visual simulations to demonstrate the screening of the facility. He said that the aerial view showed the intersection of Berkmar and Rio Mills Road, looking north of the facility.

Mr. Dumars said that they had also conducted two visual simulations, one from the entry drive looking up the drive. He said that to demonstrate that most of the activity within the facility would be completely screened from Rio Mills Road, the facility should be visually screened from the road at its completion, within five to 10 years when the native planting flourished. He said that a similar visual simulation had been conducted for Berkmar, looking to the west. He said that at the completion of construction, the site should be well screened from views along the road corridor. He said that additionally, within a short period of time, the reforestation should block views into the site.

Mr. Moore asked if the facility would offer a similar program to Ivy MUC's electronics recycling.

Phil McKalips, Director of Solid Waste for the Rivanna Solid Waste Authority, said that yes, that was something they had considered. He said that there were some logistical constraints that made it somewhat difficult to hold those special collection events. He said that they would need to manage the breadth and extent of it. He said that they already utilized their existing heavy equipment, but it was something they could consider.

Mr. Moore asked if this was a place where someone could take an old couch or something. He asked if it was for household waste only.

Mr. McKalips said that it was not intended for larger items; they would continue to direct people to the Ivy Solid Waste and Recycling Center where they had the facilities to manage that.

Mr. Bivins said that this was something that the part of the County had been seeking for a long time, and it had experienced recycling envy for many years. He said that he hoped that if they moved this forward, it would help alleviate some of that. He said that on the attachment six, he noticed a small box located on the northwestern side of the property, which was within the property line. He said that however, it was not mentioned in the document, and he was curious to know what this box was intended for.

Mr. McKalips said that he believed it was a garage on the property up there.

Mr. Bivins asked how it would be accessed.

Mr. McKalips said that it would likely be accessed via the driveway of that property owner.

Mr. Bivins said that it was located on the County's property.

Mr. McKalips said that their intention, as they had done at the Southern Convenience Center, was to establish a license with the County, taking responsibility for the developed area of the site. He said that for instance, the County may choose to create an open space easement or a similar arrangement on the other portion of the site. He said that this was exactly what they had done at the Southern Convenience Center. He said that as a result, they would have no interest in developing or using that portion of the site.

Mr. Murray asked if there were any streams on the parcel.

Mr. McKalips said that there were none.

Mr. Clayborne asked if the applicant had any insights on other parcels evaluated before deciding on this one.

Mr. Dumars said that he did not have that information at this time.

Mr. McKalips said that they had discussed available options in that area, but he was unsure of whether they performed a detailed property survey in the area.

Mr. Clayborne said that he was asking this question because he recalled a community comment mentioned by Mr. Barnes during his presentation regarding the site's suitability for serving the rural area. He said that when examining the aerial view, he noticed a high level of density, which suggested that the residents in that area may already have access to adequate solid waste services. He said that therefore, he was wondering if the primary concern should be whether the land was already owned, rather than whether it could be used to serve the rural constituents as intended.

Mr. Dumars said that looking at the diagram, it was strategically located there to serve the most residents concentrically in the County.

Mr. Missel said that he wanted to build on that. He said that the diagram was very compelling because the overlaps looked perfect. He said that he wondered whether the question being asked was whether it was actually best located to serve the rural area, or if they simply considered the diagram's coverage regardless of the area's development status.

Mr. Dumars said that he believed it was a combination of both. He said that the goal was to cover all areas of the County, and this was the next on the list. He said that there would be future plans to locate additional facilities to provide services for the entire County.

Mr. Carrazana asked where the recycling material would go. He asked what facility was receiving it.

Mr. McKalips said that the two long containers, containing aluminum beverage cans and mixed metals, were taken directly by Gerdau to their facility in Roanoke. He said that the other containers on a diagonal, along with the larger compactor, contained glass, which was periodically collected by Strategic Materials and taken to their sorting cullet facility in Wilson, North Carolina. He said that the plastics were taken to a sorting facility in Raleigh, North Carolina. He said that the fiber products, including newsprint, office paper, mixed paper, and cardboard, were currently being sent to a paper mill south of Richmond.

Ms. Firehock said that she did not have any questions. She said that the design was essentially the same as the one in Keene, which she had found quite enjoyable and recently used on Sunday. She said that although it may not be within their control, she had a comment that she thought was worth considering for the comprehensive plan. She said that they had developed this facility, and they had incorporated a stormwater management pond, but there could have been an opportunity to incorporate a circular, vegetated planting area that could have been recessed to create a rain garden.

Ms. Firehock said that using permeable pavement could have eliminated the need for the large stormwater pond. She said that given the high volume of visitors to this site, it could have served as a demonstration site. She said that for example, their County Office Building featured

bioswales, and she thought it would have been a nice opportunity to utilize the vegetative space for education or a xeriscaping demonstration, showcasing how to use native, drought-tolerant plants.

Ms. Firehock said that when she inquired about the Keene site during its development, she was told that it was value-engineered out or that the funds were not available. She said that such alternatives, which include using native plants and permeable pavement, can cost less than traditional stormwater management ponds. She said that overall, she supported the design, which worked well, but she wished it could incorporate more green elements.

Mr. Dumars said that the plan was not finalized, so they could incorporate those comments into their final design phase to see what they could do.

Ms. Firehock said that it could be a great site for demonstration and education.

Mr. Missel said that he agreed with Ms. Firehock; it was a great idea. He said that he had a similar question related to stormwater management. He asked if it was anticipated to be a dry pond.

Mr. Dumars said that that was correct.

Mr. Missel said that there was significant grading in place helped create the pond. He said that minimizing this grading through the recommended measures, such as biofilters, would be beneficial. He said that this would likely reduce their costs significantly if it was possible. He said that they may be able to preserve some of the green space instead of grading it all.

Mr. Missel asked if any members of the public wished to comment on this item.

Jennifer Marshall said that she was a resident of the adjacent property next to the proposed site. She said that she had taken a look at the visual representations and questioned whether it would be better suited further out in a rural area, despite the perfect visual overlap. She said that as a resident of the neighboring area, she had lived there for over 25 years. She said that her neighbors and she all had private trash service, which meant they did not have to travel far to dispose of their waste. She said that the comment that it was a seven to 10-mile drive to an area to throw away trash was inaccurate, as they actually had private curbside service.

Ms. Marshall said that the neighborhood areas, Woodbrook, Hollymead, Forest Lakes, and the townhomes at the Hollymead Center also had private trash service. She said that she found it hard to imagine that residents would stop their private trash services or use a drive-down facility to bag their waste. She said that one thing that was not mentioned was the traffic report. She said that she had attended the last meeting and expressed concerns about the traffic and the blind spot at the top of the hill. She said that according to VDOT, a traffic study had been ordered, but it had not yet been completed.

Ms. Marshall said that she was curious that, given the significant investment of time, money, and resources in the project management, this study had not been done. She said that several years ago, when the connection road was built, traffic had increased significantly, and she jokingly referred to it as an expressway to Walmart. She said that however, it was where she lived, and now, looking at this proposal, she believed that most people in the surrounding area would not be using it.

Mr. Missel asked if there were any speakers online who wished to speak to this item.

Ms. Shaffer said that there were none.

Mr. Missel asked if the applicant wished to address the issues raised regarding the location or the traffic. He asked if the Commission had any further questions for the applicant.

Ms. Firehock would appreciate it if they could address the comments that had been made. She said that specifically, she was interested in understanding the demand behind the Northern Convenience Center concept. She said that this project was the result of a comprehensive solid waste study that involved extensive community engagement over several years. She said that she would like to know more about how they identified the demand for this facility.

Ms. Firehock asked if they could elaborate on their methodology and the specific areas served by this center. She said that she would also like to hear their thoughts on the recycling rate. She said that they knew that curbside pickup of commingled recyclables was not always effective, as many materials ended up being stuck together. She said that as experts in this field, she would appreciate their insights on this matter.

Mr. Missel asked if they could also address the traffic report and their thoughts on that.

Mr. McKalips said that they were working to get the traffic study set up, but it had not been accomplished yet. He said that it was something they were working toward and would get done. He said that regarding demand, it was right next to the developed portions, but the lobes of that bisect the northern part of the County to the east and the west. He said that the alternative would be to have separate facilities for the eastern and northwestern areas.

Mr. McKalips said that something he would like to point out at McIntire was that just because a development was new, it did not necessarily mean that residents had access to recycling services. He said that many multifamily units, such as townhomes, condos, and apartment complexes, often lacked or had inconsistent access to recycling facilities. He said that this may lead to increased traffic from these areas, as residents may prefer source-separated recycling to avoid the comingling issue, or because of the lack of service in their new, modern facilities.

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

Mr. Clayborne said that he was on the verge of voting no, but the gentleman's explanation convinced him to vote yes. He said that he found it surprising that they did not have data to support this decision, such as a demand study or similar analysis. He said that for instance, knowing that only 25% of residents in this area had recycling service would be convincing, but it seemed like they were relying on anecdotal evidence rather than concrete data. He said that he was flagging this concern for future consideration, as it felt like a common practice to have data to inform such decisions.

Mr. Murray said that upon reviewing the map, he noticed that a substantial portion of the rural area and northwestern part of Albemarle County remained uncovered. He said that it seemed unlikely that residents from that area would travel to utilize the facility. He said that therefore, it would be beneficial to have data on how this decision was made and why the northwestern part of the County was deemed less well-served when the circle largely overlapped with their growth area.

Ms. Firehock said that it was true that people from the northern part of the County did travel to Charlottesville or go down Route 29. She said that as someone who did not live near the Keene center, she still made a short detour on her way to Charlottesville to dispose of her trash and recyclables. She said that in this case, she could envision this center serving as a convenient stop for travelers, even though it may seem far, as it would be a convenient place to drop off items on the way to their destination.

Mr. Murray said that considering the layout of roads in that section of the County, there was no direct route from the northwestern side. He said that one option was to travel all the way up to Route 33 and then back down.

Ms. Firehock said that they may need another facility like this one as well.

Mr. Bivins said that in looking to the future, he would like to highlight a few key points. He said that, in his view, this location was close to a regional center, the Hollymead Center. He said that they had been discussing the types of amenities they wanted to include at regional centers, and this site was situated near one of the existing regional centers. He said that, thanks to the University Foundation, a cut-through was planned on Berkmar, which would connect to Airport Road and potentially include a circle, with approximately 1,400 units expected to be built out in the future at North Fork, and North Point was still in development.

Mr. Bivins said that he thought this location made sense, particularly for those who commuted to work or traveled to the airport. He said that he believed this location represented an improvement over the past, particularly in terms of environmental benefits to Rio Mills. He said that also, regarding the dry ponds for stormwater management, Berkmar extension had multiple areas that included those types of installations on the other side.

Mr. Bivins said that while it may not be the most optimal solution, several water ponds were constructed along Berkmar on either side of the area. He said that for him, this felt like a similar situation to the road up from there, which had a large apartment complex or townhouse community nearby. He said that as they could see, people in the development area would be relatively close to the center over the next 10 years, so they were just bringing them to that center. He said that he thought this was a reasonable approach.

Mr. Bivins said that the traffic going into the convenience center would not be significantly different from the traffic going into the quarry, which was closer to the intersection. He said that the quarry generated a different type of traffic, with varying levels of noise and dust, and a distinct mobility pattern. He said that while curbside pickup was convenient, it could be unreliable, especially when it came to recyclables. He said that some curbside pickup services only accepted trash and may not accept recyclables if they were mixed with trash.

Mr. Bivins said that by giving people the option to make their own decisions, they were encouraging residents to take the initiative to recycle. He said that they could stop by Best Buy, Walmart, or other locations on his way to deposit recyclables. He said that he believed they were building that kind of recycling muscle into the community and the County as a whole. He said that he was fully in support of this initiative. He said that he was also grateful that they no longer had the Rio Mills dump any longer.

Mr. Moore said that he would like to echo some comments already made. He said that in his

experience, people often drove into town for various reasons, especially when living in a rural area. He said that while they did not live on a grid, their hilly terrain and curvy roads made navigation challenging. He said that if one were to choose a location that was easily accessible with a short detour, this site appeared to be a good option. He said that it was conveniently located for those coming from the east, such as Stony Point, or from points northwest, like Free Union or Boonesville.

Mr. Moore said that this made sense, especially considering that many residents in the County, including those he knew personally, took their recycling into the City to McIntire, making the trip more convenient. He said that he appreciated that the parcel was situated about 600 feet from the nearest house, which seemed like a reasonable setback. He said that while it was not ideal to have a neighbor nearby, the distance appeared to be sufficient, and he appreciated the thought that had gone into this aspect of the design.

Mr. Missel said that echoing Ms. Firehock's comment, he believed it would be a great idea to implement an educational and sustainable approach to stormwater management on the land. He said that it was encouraging to hear that the traffic study would be completed, which was key. He said that also related to traffic, he lived in North Garden and used the Keene recycling center rather than going to the Ivy one. He said that there was less traffic going that direction than the other direction, so it would be interesting to see, but he believed this would help traffic in the County overall.

Mr. Missel said that for educational purposes, in terms of the data analytics, he believed there was a lot that went into this project that the Commission had not seen, which would be helpful to include as a summary in the staff report in order to provide better clarity. He said that also, if and when the facility was built, they had done surveys before to see where people were traveling from and how it would affect the placement of future facilities in the County. He said that he was interested in seeing whether they were getting a lot of people coming from the development areas or mostly rural residents, and how that may impact the location of the next facility.

Mr. Bivins motioned that the Commission find the location, character, and extent of the Northern Albemarle Convenience Center public facility and public use thereof as proposed to be in substantial accord with the comprehensive plan for the reasons identified as favorable factors in this staff report. Ms. Firehock seconded the motion, which carried unanimously (7-0).

SP202300017 Walnut Creek Substation

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

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

controls. He said that the site would be surrounded by a 12-foot-high perimeter security fencing, and landscaping would be added to screen the facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Barnes said that they were seeking to incorporate a variety of plantings that were taller in nature. He said that the concern was specifically with the area he was highlighting on the screen, where the adjacent property was slightly higher and featured a steep slope dropping down into the site, with a slope of 2.5 to 1. He said that the applicant was concerned that planting larger vegetation in this area could cause it to fall down the slope and land on the fence. He said that to address this concern, they had proposed a specific type of planting, which was a mixture of a few different species of shrubs that would reach maturity at approximately 20 feet tall. He said that this proposal met the minimum standards set by the ordinance.

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

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

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

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

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

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

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

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

Mr. Fritz said that this, in turn, would necessitate the landscape, screening, and other provisions outlined in the ordinance. He said that to ensure clarity, they should review and refine the

conditions to avoid redundancy and accurately reflect the ordinance's requirements. He said that specifically, they would need to ensure that the screening, lighting, and sound requirements were met, as outlined in the ordinance. He said that they could work to craft the conditions in a way that accounted for any potential issues before presenting them to the Board of Supervisors.

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

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

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

Mr. Fritz said that they were not sound experts.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Brooks said that one notable aspect was that this site was located within an existing

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

Mr. Brooks said that moving on to setbacks, beginning with the front, the combined parcel areas' frontage was along Old Lynchburg Road. He said that according to the ordinance, the minimum front setback was 75 feet; they were offering 80 feet to the fence line. He said that for the east side setbacks, they were offering 45 feet to the fenced property line, and the west side was greater than 150 feet. He said that in the rear, which was predominantly occupied by the existing transmission corridor, they were offering 40 feet of setback for the requirement of 35 feet. He said that the displayed photo showed the 115 kV line, but he wanted to clarify that it was not a single line, but rather a multitude of overhead lines, used for pictorial reference only.

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

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

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

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

Thomas Propts said that he was representing Dominion Energy. He said that since speaking with

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

Mr. Propts said that they had also plotted this up to the nearest residence, where the sound level would be approximately 32 dBA. He said that for reference, an OSHA graphic on the left side of the screen correlated dBA sound levels with common heard experiences. He said that it should be noted that these sound levels did not account for the beneficial impacts of the screening plantings they had been discussing, the anti-vibration pads under the transformers, and the low sound fans specified as part of their standard for all units.

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

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

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

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

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

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

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

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

Mr. Brooks said that that was a previous application.

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

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

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

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

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

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

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

Mr. Clark said that that was correct.

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

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

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

approximately 42 dBA.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Brooks said that he was afraid not. He said that the layout they had proposed, with the setbacks he had hoped to outline clearly, had resulted in exceeding the setbacks. He said that

they had condensed the site as much as possible, and the layout they had so far, with the fence line location, was necessary for the electrical equipment as proposed.

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

Mr. Brooks said that a significant challenge in this project was that they had already evaluated the 500 kV overhead line in operation. He said that to proceed, they had to maintain clearance from the wire to the grade. He said that they were also constrained by visual and above-ground limitations.

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

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

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

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

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

Mr. McLaughlin said that he requested that Dominion provide a sound study and documentation regarding the noise generated by both the Phase 1 substation equipment and the inevitable Phase 2 expansion, which would include permanently deployed noise-generating transformers. He said that they understood that the infrastructure needs of the County and the Commonwealth

were crucial, but they believed it was essential to consider the impact on individual property owners' quiet enjoyment of their homes and their livelihoods.

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

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

Mr. Missel closed the public hearing.

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

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

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

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

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

Mr. Bivins said that he would like to make a request regarding the recommendations that are presented. He said that he would like to see them explicitly tied to the ordinances, so that staff can clearly understand their responsibilities and can respond accordingly without feeling obligated

to be overly formal. He said that he would respectfully ask Dominion to consider being good neighbors when possible.

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

Mr. Moore said that tonight, they had a unique opportunity to demonstrate the 120 hertz sound, which was currently at approximately 30 decibels. He said that this was comparable to what one might experience while sitting on a deck, minus the necessary mitigation measures that would be implemented in phase two. He said that it was challenging to determine whether this sound would comply with the County's sound ordinance, which was significantly higher. He said that he was unsure about the best approach to address this issue.

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

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

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

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

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

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

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

Ms. Firehock motioned that the Commission recommend approval of SP202300017 Walnut Creek substation with conditions as recommended in the staff report and following additional details: for condition four, ensure that compliance with the County's sound ordinance, Section 418, was met and that decibels did not exceed 60 dBA during the day and 55 dBA at night; that a landscaping study be conducted; ensure compliance with the County's lighting ordinance in Section 417; and require the completion of a new landscaping plan, approved by the Director of Development, which reflected the new enumerated conditions on the site and adequately protected the neighbors from disturbance, while also complying with Section 32-797. Mr. Bivins seconded the motion, which passed unanimously (7-0).

Committee Reports

Mr. Carrazana said that the MPO Tech Committee met last week, and they discussed Smart Scale projects. He said that one point he wanted to bring up was that the Fifth Street Diversion Diamond project came in at a significantly higher cost. He said that the main reason for this change was that, under further study, it was discovered that the bridge itself needed to be altered, resulting in a complete overhaul of the structure.

Mr. Carrazana said that the project was going back into redesign. He said that one positive aspect, despite the inevitable delays, was that it may be more cost-effective to incorporate a separate bike and pedestrian bridge, a feature that had previously been considered as an alternative. He said that this was something that he believed would be reevaluated as it was repackaged.

Mr. Bivins said that he hoped it would happen, as it would provide the necessary impetus and leverage to implement similar changes on Avon Street Extended. He said that currently, one of the challenges on Avon Street was that the correctional center was located on the opposite side of the bridge, making it difficult for families to walk to the area. He said that this could increase walkability in the area.

Mr. Barnes said that what they were really discussing was that attempting to incorporate a shared use path on the bridge reached a point where it no longer fit, and at that point, they would need to replace the deck. He said that this was what was driving the significant increase in costs. He said that instead of replacing the entire deck, it might be possible to build a separate bridge, which could be more cost-effective.

Mr. Carrazana said that it also included replacing the substructure.

Mr. Bivins asked if there was discussion regarding the $20 million the City was providing back due to the cancellation of a project. He asked if this would impact the County at all.

Mr. Carrazana said that he did not recall any discussion about the City returning money.

Mr. Barnes said that it was probably the Emmett Street Phase 2 project, although he was not certain. He said that he would work with staff to obtain the information regarding the project they were discussing, and then he would send an email to all of them with the answer.

Ms. Firehock said that the Historic Committee had canceled its meeting due to a scheduling conflict with Preservation Piedmont, who had scheduled their meeting for the same time. She said that as a result, members of the Historic Committee were being excused to attend that meeting at Ivy Creek, although they would not be conducting any business.

Review of the Board of Supervisors Meeting

Mr. Barnes said that there were no private or ZTA applications presented to the Board at the October 16 meeting. He said that as a result, they had heard their summary of the discussion regarding the growth management policy and the land use tools for the development area they had previously discussed.

AC44 Update

Mr. Barnes said that he wanted to cover the schedule for the first five topics. He said that some of these topics had multiple dates associated with them. He said that for example, in the development area land use category, they had a meeting scheduled for October 22, and they would follow up on November 12 to discuss the actions component. He said that regarding the rural land use category, they would present on November 19 and again on December 10.

Mr. Barnes said that they would also be discussing environmental stewardship on December 17. He said that there would be a special meeting on December 21 dedicated to transportation. He said that finally, they would be presenting a chapter on parks, recreation, and open space on December 28. He said that he had also included the times for the work sessions and Board work sessions, with the goal of ensuring there was sufficient time for their discussions so that they could provide the necessary information to the Board.

Mr. Moore asked if the November 19 meeting was scheduled for 6 p.m.

Mr. Barnes said that was correct, and it was a special meeting.

Ms. Firehock said that she would not be able to attend the November 19 meeting or December 17 meeting.

Mr. Barnes said that as they gained a clearer understanding of how this worked, they had a schedule for all 10 chapters. He said that they had decided to provide them with the first five chapters now. He said that they planned to review the progress with the Board and the discussion, and then they would publish the remaining dates after they had reviewed a couple of chapters.

Mr. Missel said that on October 29, the City-County Planning Commission meeting was scheduled. He said that on October 30, the all-CAC meeting was scheduled.

Ms. Shaffer said that they needed to determine how many Planning Commission members would be attending. She said that if more than two members were expected to attend, she would need to schedule a special meeting on the website.

Mr. Herrick said that the question was how many members of the Board of Supervisors and the Planning Commission were attending the all-CAC meeting. He said that the Board Clerk had already noted that it was a special meeting of the Board of Supervisors. He said that Ms. Shaffer inquired about whether they also needed to note it as a special meeting of the Planning Commission, which would depend on the number of commissioners interested in attending and participating in the all-CAC meeting.

Mr. Herrick said that based on the number of commissioners wishing to attend, it should be noted as a special meeting.

Mr. Missel asked if the meeting on October 29 was set for 2 hours.

Mr. Barnes said that they were aiming for 2 hours. He said that they were hosting a joint City-County public meeting on the Resilient Together effort, a collaborative initiative between UVA, the County, and the City. He said that the meeting would take place in room 241 on October 29 at 5:30.

Mr. Missel said that he also wanted to follow up on their pre-meeting discussion with staff, where they had identified areas of focus for the meeting. He said that with seven commissioners present, including eight City commissioners, there would be a total of 15 people. He said that to ensure a productive discussion, he would suggest keeping comments brief and to the point.

Mr. Moore asked if there were three meetings scheduled in January.

Mr. Barnes said that at this point, he did not have any private sector meetings scheduled for January. He said that he believed they would have some, but he had already set aside January 14 as a regular meeting and January 21 as the transportation topic, which he anticipated would be a lengthy discussion. He said that they had planned meetings for the 14, 21, and 28 in January. He said that if he determined that they did not have enough private sector topics or could reschedule them for the last meeting, he would cancel one. He said that he intended to keep the January 21 for the transportation topic, as he believed it would require a significant amount of discussion time.

Ms. Firehock said that she would be able to attend the 6 p.m. session on January 21, but she would not be able to attend the 4 p.m. session.

Mr. Herrick said that the January 14 meeting was the organizational meeting, and the January 21 meeting was not a regular meeting.

Mr. Barnes said that it would be a special called meeting.

Mr. Herrick questioned whether the January 21 special meeting should be held at 6 p.m.

Mr. Barnes said that he believed that transportation was a topic that would likely warrant discussion for some time. He said that was why he thought it would be beneficial to cover both policy and actions related to transportation in this meeting. He said that therefore, he thought it was a good idea to allocate sufficient time for discussion on this topic.

New Business

There was none.

Old Business

There was none.

Items for follow-up

There were none.

Adjournment

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

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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: