Albemarle County Planning Commission
Regular Meeting
Final Minutes January 14, 2025

The Albemarle County Planning Commission held a public hearing on Tuesday, January 14, 2025, at 4:00 p.m.

Members attending: Fred Missel; Luis Carrazana; Corey Clayborne; Julian Bivins; and Karen Firehock, Lonnie Murray.

Members absent: Nathan Moore.

Other officials present were Michael Barnes, Director of Planning; Andy Herrick, County Attorney's Office; Bill Fritz, Development Process Manager; Syd Shoaf, Senior Planner; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to order and Establish Quorum

Michael Barnes, Director of Planning, said that he would be presiding over the meeting for the election of the Chair this evening. He said that following the election, he would pass the gavel to the newly elected Chair, who would conduct the rest of the meeting. He said that he would also like to recognize their Interim County Attorney, Andy Herrick, and the Clerk to the Planning Commission, Carolyn Shaffer. He said that the second item on their agenda was the public comment portion, which he would like to move, provided there was no objection from any Commission members. He said that he would like to move to schedule the public comment portion for after the scheduled public hearing, which was currently item number seven on the agenda.

Ms. Shaffer called the roll.

Mr. Barnes established a quorum.

Election of Officers: Chair and Vice Chair, appointment of Secretary, if needed

Mr. Carrazana said that he would like to nominate Mr. Missel to continue serving as Chair of the Planning Commission. Mr. Clayborne seconded the nomination.

Mr. Barnes said that with no further nominations, he would close the nominations. He asked if there was a motion to elect Mr. Missel as Chair of the Planning Commission.

Mr. Clayborne motioned that the Planning Commission elect Mr. Missel as Chair of the Planning Commission. Mr. Murray seconded the motion, which passed unanimously (6-0). (Mr. Moore was absent.)

Mr. Missel said that he was genuinely grateful to be a part of this Commission. He especially appreciated working with the other Commissioners, as well as the staff, and he was looking forward to closing out AC44 this year. He said that he appreciated the opportunity. He said that moving forward, he would like to ask if there were any nominations for the position of Vice Chair.

Mr. Clayborne said that he would like to nominate Mr. Carrazana for the position of Vice Chair for the year 2025. Mr. Murray seconded the nomination.

Mr. Missel said that having heard no additional nominations, he asked for a motion to elect Commissioner Carrazana as Vice Chair of the Planning Commission.

Mr. Bivins motioned that the Planning Commission elect Mr. Carrazana as Vice Chair of the Planning Commission. Mr. Murray seconded the motion, which passed unanimously (6-0). (Mr. Moore was absent.)

Discussion of Planning Commission Rules of Procedure

Mr. Missel asked Mr. Barnes to present the proposed changes to the Planning Commission's Rules of Procedure.

Mr. Barnes said that this year, they had not made any changes or suggested changes to the Rules of Procedure, so they remained the same as they were last year.

Mr. Clayborne motioned that the Planning Commission re-adopt the Rules of Procedure for 2025. Mr. Murray seconded the motion, which passed unanimously (6-0). (Mr. Moore was absent.)

Discussion of committees/boards/bodies to which Commission members serve as liaisons

Mr. Missel said that Mr. Moore had requested that he continue serving on the Rio Community Advisory Committee (CAC) and Citizen Technical Advisory Committee (CTAC). He asked Mr. Bivins if there were any committees he wished to serve on.

Mr. Bivins said that, if possible, he would request that he remain on the committees he was currently assigned to.

Mr. Murray said that he was fine, unless someone did not want to do the Metropolitan Planning Organization (MPO).

Mr. Clayborne said that he was fine to remain as-is.

Mr. Carrazana said that he had struggled at times to make the MPO Tech meeting due to scheduling conflicts.

Ms. Firehock asked when it was held.

Mr. Carrazana said that the meeting was held on Tuesday mornings once per month, from 10:00 a.m. to 12:00 p.m.,

Ms. Firehock said that she would be willing to do it, except that she had a teaching commitment on Tuesday mornings every fall, which would leave her without Tuesdays.

Mr. Murray said that he would be willing to do it.

Mr. Carrazana said that he was willing to consider a trade with another committee.

Mr. Missel said that there was the AC44 Working Group. He said that he assumed Mr. Murray wanted to stay on his CAC.

Mr. Carrazana said that he would be happy to do the AC44 working group. He asked when that group meets.

Mr. Murray said that it was kind of random.

Mr. Barnes said that the group would meet a couple of times this year before wrapping up.

Mr. Carrazana said that if there was another he could pick up, he would be happy to do so.

Ms. Firehock said that she was comfortable continuing with the committees she currently served on.

Mr. Missel said that he was as well. He said that it seemed that there was only one change, which was that Mr. Carrazana was moving to the AC44 comprehensive plan, while Mr. Murray was moving to the MPO.

Ms. Firehock motioned that the Planning Commission approve the committee memberships as discussed. Mr. Clayborne seconded the motion, which passed unanimously (6-0). (Mr. Moore was absent.)

Review and adopt meeting schedule for 2025 / PC Legal Notice

Mr. Missel asked Mr. Barnes to provide a brief overview of the proposed schedule.

Mr. Barnes said that most of the meetings on their posted calendar were typically held on second and fourth Tuesday meetings. He said that there were a couple of changes to note. He said that they were targeting March 18, 2025, for a potential work session on AC44. He said that the other two changes were in November, Veterans Day fell on November 11, so they were rescheduling their meeting for November 18. He said that similarly, Christmas Day was on December 25, so they were moving the meeting forward to December 16.

Mr. Carrazana motioned that the Planning Commission adopt the proposed meeting schedule for 2025. Ms. Firehock seconded the motion, which passed unanimously (6-0). (Mr. Moore was absent.)

Mr. Herrick said that before they proceeded to the consent agenda, he would like to bring to the Commission's attention a second item related to the calendar. He said that there was a proposed resolution in the packet that, if adopted, would allow meetings to be continued in the event of inclement weather. He said that according to the proposed resolution, meetings or public hearings would be continued to the next scheduled date, rather than being rescheduled. He said that this proposed resolution required its own separate motion and vote.

Ms. Firehock motioned that the Planning Commission approve the legal notice. Mr. Murray seconded the motion, which passed unanimously (6-0). (Mr. Moore was absent.)

Consent Agenda

Mr. Clayborne motioned that the Planning Commission adopt the consent agenda as presented. Ms. Firehock seconded the motion, which passed unanimously (6-0). (Mr. Moore was absent.)

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

John Watkins said that he was a resident of Albemarle, residing in the Covesville area. He said that he would like to speak about biosolids in Albemarle County. He said that the land that comprises Albemarle County had been renowned for its fertility since before the modern geopolitical boundaries they recognized today. He said that the Monacans and other original inhabitants of this area had lived here because of the relative ease the rich land provided. He said that the country's founding fathers had built the foundation of what became Albemarle County and later the United States in this area because it was prime agricultural land. He said that as time had passed, industrialization had led many of them to move away from the fields to the office.

Mr. Watkins said that while Albemarle County residents may not all be farmers, they still cherished and valued the agrarian lifestyle and the undisputable natural beauty and allure of Albemarle County. He said that, as a native of Albemarle, with red dirt under his nails and in his veins, he urged the County to consider testing and monitoring for per- and polyfluoroalkyl substances (PFAS) on land where biosolids had been previously applied in Albemarle County. He said that the writing was on the wall. He said that in Maine and Michigan, on lands where biosolids had been applied, farm businesses had been forced to close, resulting in the loss of livelihoods and a significant decrease in land and property values.

Mr. Watkins said that damning new revelations about the harmful effects of biosolids sludge applications were being published nationwide at an alarming rate. He said that the free fertilizer had come with a cost. He said that only now were they waking up to the truth about biosolids. He said that free biosolids were still just a false promise. He said that to curb further degradation of the land that made them who they were as residents of Albemarle; he reiterated his request that the County government consider incorporating testing and monitoring of lands where biosolids had been applied and consider banning biosolids altogether when drafting AC44.

Sean Cossette said that she lived in southern Albemarle County, and she was also hear to talk about biosolids. She said that she concurred with John Watkins' statement 100%. She said that in addition, she believed many of them were aware that biosolids had been receiving press attention, including sewer sludge, which was also industrial waste. She said that one point she would like to bring up was that it was puzzling why the rural agricultural areas were the ones struggling with the spread of industrial waste. She said that she was deeply concerned about this issue and one of her major concerns was the water well contamination.

Ms. Cossette said that although some testing was being done in public water systems, their private wells were not being tested, and she believed that southern Albemarle County had the widest spread of biosolids in Albemarle County. She said that it was particularly challenging and expensive to test their wells. She said that she would like to see a moratorium on biosolids being spread in their County until they had further knowledge of whether or not the biosolids had contaminated their wells.

Kim Swanson said that she would also be speaking on biosolids. She said that as a resident of the Rio District and a 16-year resident of Albemarle County, she had had the opportunity to serve on the Albemarle County Service Authority Board (ACSA) for over seven years. She said that she

wished to bring to the Commission's attention the opportunity before them in the development of the comprehensive plan by including language in all appropriate chapters to address the land application practice of biosolids.

Ms. Swanson said that biosolids are a treated amended form of municipal sludge that had the high potential to be a source of PFAS. She said that as a community, they valued water. She said that she was not serving on ACSA when the decision was made to add granular activated carbon (GAC) as a secondary treatment to all of Rivanna's water plants. She said that while its primary role was to reduce disinfection byproducts, it was an effective barrier for contaminants, including PFAS.

Ms. Swanson said that while their current water quality reports produced by ACSA demonstrated high-quality water for distribution, they remained vigilant given the high profile of PFAS in water systems. She said that they were fortunate to have this technology in their municipal system, but she strongly believed that a community that planned well and valued water resources for all County residents should discourage land practices that could contaminate both groundwater supplies and source water for their treatment plants.

Ms. Swanson said that as an example of their community's commitment to proactive, considerate, and smart planning, they as a community encouraged and supported through various community partnerships an expired drug take-back programs to prevent drugs from entering their water sources and becoming a burden to their downstream neighbors. She said that she requested the Commission to consider adding robust language throughout the comprehensive plan regarding the use of biosolids, so they did not contaminate their water resources.

Ms. Firehock said that she would like to make a comment on the biosolids issue. Although she was not aware that this would be brought forward tonight, she would like to state that unfortunately, their Department of Environmental Quality (DEQ) in the state of Virginia had significantly hindered local government's ability to address biosolid applications. She said that they were not allowed locally to regulate the application of biosolids on agricultural lands. She said that the only option they had was to object to the spreading of biosolids in certain areas, such as floodplains or areas used for active recreation.

Ms. Firehock said that for example, she had objected to a biosolids application near the James River, which was near an active canoe launching facility. She said that she had objected to the spreading of biosolids on that site to the DEQ, and that proposal was not moved forward. She said that however, she only had the authority to object based on the fact that it was in a floodplain and an active public interaction zone.

Ms. Firehock said that regardless of any potential mention in the comprehensive plan, which they could still decide later, she wanted to make it clear to the public that, as a Dillon Rule state, they only had the authority expressly granted by the legislature. She said that they did not have the authority to regulate biosolids, and in fact, the DEQ had tied the County's hands when they originally adopted biosolid regulations more than 20 years ago. She said that she wished it was in the County's purview, and she would personally like to ban biosolids, but she did not have that authority, and none of them did on the Commission.

He said that the County Attorney could also provide insight on this matter but based on his review of the issue and discussions with various individuals as well as the existing ordinances of other localities, he believed that one of the things they were able to do was to implement a monitoring

program. He said that they could require monitoring as a condition for property owners applying biosolids. He said that this was something that he thought they should investigate further and consider including in their comprehensive plan.

Public Hearings

ZTA 2023-01 Commercial Solar

Bill Fritz, Development Process Manager, said that he was joined by Linds Edwards, currently in the audience. He said that the Board of Supervisors had funded a consultant from the Berkeley Group to work on this program, and they had been instrumental in helping them get to where they were today. He said that their presentation would focus on the structure of the ordinance and the unique Albemarle-specific characteristics of how the ordinance was structured and what they had done. He said that the consultant would be able to answer questions about state-of-the-art technology, best practices, and what other localities were doing.

Mr. Fritz said that if the Commissioners had questions, they should direct those to them. He said that the ordinance began with definitions, which included several key terms, such as solar energy facilities, including panels and associated equipment for producing energy. He said that accessory solar energy facilities were small-scale installations, primarily for offsetting on-site electricity consumption, like rooftop and small ground-mounted facilities. He said that a panel zone was a method of measuring the size of a project, replacing megawatts or kilowatts. He said that they may have noticed that the ordinance did not reference the amount of energy produced or use energy production as a method of regulation.

Mr. Fritz said that instead, the ordinance focused on the land used for solar production, which was more important than the efficiency of the panels and equipment. He said that regulating based on production alone did not adequately capture the potential impacts, as the area needed to produce a given amount of energy was too large to allow meaningful regulation. He said that for example, a 1-megawatt facility may require a much larger area than expected, making it difficult to regulate. He said that by using panel zones as a regulating feature, they could use the land use tools of the code to regulate the impacts.

Mr. Fritz said that a 10-acre facility producing 1 megawatt had the same land use impacts as a 10-acre facility producing 2 megawatts or a half megawatt. He said that battery energy storage facilities were typically self-contained structures housing batteries and the necessary equipment for use and charging. He said that they could be associated with solar installations or be standalone. He said that when standalone, they could stabilize the grid, provide emergency power, and offer uninterrupted power for production, health, or computer needs.

Mr. Fritz said that accessory battery facilities were similar to accessory solar in that they were small-scale, comparable in size to a shed or garage, with minimal impacts. He said that the term "energy facility" encompassed all these components, serving as a convenient shorthand. He said that the inclusion of "wildlife corridor" as a definition was necessary, as it was used elsewhere in the proposed ordinance and was not included previously. He said that the main elements regarding solar installations were that they were by right over existing impervious areas, such as houses, parking lots, and other structures.

Mr. Fritz said that for ground-mounted installations over pervious areas, it was by right for 500 square feet. He said that in rural areas, it was 21 acres per panel zone, applicable to existing

parcels. He said that larger projects in rural areas (RA) would require a special use permit. He said that the main elements of the batteries were that they were by right up to 500 square feet, with larger amounts requiring a special use permit in RA and industrial areas. He said that supplemental standards applied to all by-right projects and special use permit projects, addressing unique project characteristics.

Mr. Fritz said that the Board may impose conditions to address these impacts, and supplemental standards may be waived or modified by the Board, if necessary, findings were made. He said that for example, the 500 square foot limit for ground-mounted solar may be waived or modified by the Board of Supervisors. He said that the ordinance included regulations for height, setbacks, screening, and fence design. He said that he would not delve into the specific standards for each of those aspects, but they encompassed all design characteristics of a solar facility and a battery energy storage facility.

Mr. Fritz said that based on best practices, they proposed regulations to address the potential impacts identified. He said that next, he would discuss the special use permit review. He said that the County had been moving away from including all submittal requirements in the ordinance. He said that this allowed the agent to develop submittal requirements tailored to specific projects or types of projects, taking into account the unique characteristics of each project and its location.

Mr. Fritz said that there were minimum requirements that must be met for all special use permit applications, including energy projects, which would also serve as supplemental information to address concerns that may arise from the special use permit. He said that they had proposed decommissioning, and they had identified one such provision. He said that it was not entirely clear in the ordinance whether this provision applied to all energy projects that required special use permits, including battery storage and solar facilities.

Mr. Fritz said that their intent was to include all energy projects, but the ordinance's language was not entirely clear on this point. He said that therefore, they would need to amend the ordinance to clarify this. He said that that concluded his formal presentation. He said that he was happy to answer any questions they may have, and he said that he was sure they would have them, but he did not want to exhaustively review each provision of the ordinance, which was lengthy.

Mr. Carrazana said that regarding the last point on decommissioning, that was something he noticed when he was looking through where the special use permit made it clear that the decommissioning components were there, as well as how to follow through with that with assurance. He said that however, he was unsure how decommissioning would be assured through the by-right requirements.

Mr. Fritz said that if there was no special use permit, the decommissioning process would not require a decommissioning plan due to its scale. He said that Linds Edwards could explain why this mechanism was chosen. He said that to date, they did not decommission rooftop solar facilities, and they were not proposing to do so.

Mr. Carrazana said that was correct, but he believed there was a significant difference between the rooftop solar and a 21-acre facility. He said that the 21-acre area was actually designated for the solar panels, which was the designated panel zone. He said that, however, as they had seen in recent instances, the actual parcel size could be closer to 30 acres.

Mr. Fritz said that they selected the panel zone as the definition was because when they explored alternative methods, such as measuring the area within the fenced boundary, there were uncertainties about how to calculate it if the area was unfenced. He said that likewise, referring to the area graded would not apply to a parcel that the developer was not grading. He said that they found that using the panel zone definition, which was similar to that used by other communities, provided a clear way to establish the facility's boundaries and measure its size. He said that they chose the 21-acre minimum lot size, which is in the staff report, because it is a standard used by the County for rural areas. He said that this number had been utilized for a number of years, so they adopted it as a basis for their definition.

Mr. Murray said that he was wondering if they could clarify the differences between the by-right of 21-acre and the respect for the use permit. He said that he was seeking to know what specific requirements would apply and which would not apply when they were dealing with a 21-acre site. He said that he was particularly interested in knowing whether the requirements for erosion and sediment control, as well as setbacks, would be different in this scenario.

Mr. Fritz said that the primary differences between the two were the minimum regulations. He said that for special use permits, additional regulations could be imposed, but the main distinction between a by-right facility and one by special use permit lay in the decommissioning process and obtaining a special use permit. He said that according to the ordinance, it stated that notwithstanding any exemptions under the water protection ordinance (WPO), these facilities were subject to the water protection ordinance. He said that this meant they would be subject to the same erosion control measures as any other area of disturbance.

Mr. Murray asked if they would also require a vegetative screening.

Mr. Fritz said that the screening requirements were included in the regulations, which would apply to all aspects of screening, height, and setbacks, regardless of whether the project was approved by right or by special use permit. He said that all of Section 5165 would apply to a buy-right project, except for the decommissioning requirements for projects under 21 acres.

Mr. Murray asked if they would be required to participate in the Pollinator Smart certification process.

Mr. Fritz said that would apply for those over 2 acres. He said that this was based on the conversations they had with the state regarding the right level to establish that acreage for a project.

Mr. Murray said that one of the concerns was that a large solar project could be developed in phases, 21 acres at a time. He said that it appeared that there was language intended to discourage this approach. He asked if Mr. Fritz could elaborate on that language and its implications.

Mr. Fritz said that the 21 acres was very much like the development rights that existed for parcels at the time of the ordinance's adoption. He said that theoretically, any parcel that was in existence on that date had five development rights, which were not magically increased if the property was subdivided. He said that the ordinance was based on parcels that existed on the adoption date, allowing for a single 21-acre area to be developed for each parcel.

Mr. Fritz said that for example, if a 100-acre parcel was subdivided into two 50-acre parcels, parcel one would receive the full 21 acres, while parcel two would receive none. He said that to prevent abutting parcels from appearing to have a larger facility, setbacks were established based on the size of the facility, with larger facilities requiring greater setbacks from each other, and smaller facilities requiring fewer setbacks. He said that the ordinance's tables outlined these setbacks.

Mr. Bivins said that he would like to ask staff a couple of things. He said that first, he wanted to thank staff for including page numbers on the documents, as this was one of his long-standing pet peeves. He said that on page three, he would appreciate if they could please help him better understand the fencing on 14 and how they would ensure that wildlife could pass through these fences. He said that while he understood the text, he was having a bit of difficulty grasping the specifics.

Mr. Fritz said that the intent was to replicate the best standards set by the state for fences that were either too high for deer to enter or too short for them to exit, while also allowing smaller critters to pass through with adequate spacing at the bottom. He said that if they did not get it right, they would appreciate feedback and revisit the design while also ensuring they were meeting state standards.

Mr. Bivins said that a couple of months ago, Dominion had been here, discussing the possibility of fencing around one of their facilities. He asked if they would consider adopting a similar standard, allowing for access for wildlife when fencing in an area. He said that this could be a requirement for commercial projects, but not necessarily for residential areas.

Mr. Fritz said that he did not know.

Mr. Fritz said that moving onto page five, where they mentioned decommissioning and site rehabilitation, he wondered how the County would become aware that a project had been inactive for six months.

Mr. Fritz said that they would notice that 4B required notification to the County.

Mr. Bivins said that he was aware of this requirement, but he was reminded of their homestays, which were supposed to notify them when they were operating as homestays. He said that he was aware of individuals who had not disclosed their homestay status to the County. He said that he could imagine that there may be instances where individuals, particularly those with smaller-scale solar projects, could simply cease operations without notification. He said that this concern had been shared by residents in the Secretary Road area, should that project ever be reconsidered. He said that there was concern among those living nearby about whether the individual operating the solar project would prioritize its benefits to the community or simply abandon it at their convenience.

Mr. Fritz said that this relates to the structure of the ordinance and why it was structured in this way. He said that Mr. Bivins was correct that they would need to conduct an enforcement and investigation, similar to what they did in cases of unreported homestays. He said that they had included a provision in the wireless ordinance requiring the operator to submit an annual report to confirm they were still using the facility.

Mr. Fritz said that they received very few, if any, responses. He said that the administrative burden of tracking those reports was deemed too great, and the ordinance was amended to eliminate the requirement. He said that the assumption was that it was too valuable of an investment, so they would continue to use it. He said that they applied a similar thought process to this ordinance, allowing operators to continue using the technology without the need for ongoing reporting.

Mr. Bivins said that it was a reasonable approach, because it could always be adjusted if, in fact, it was found that people were not being as forthcoming as they would like, or if companies were not being as transparent as they hoped they would be.

Mr. Murray said that he had another point to consider. He said that they had an ordinance on the books regarding properties with abandoned vehicles and other issues. He said that he was thinking about applying this ordinance to a smaller 21-acre property that did not have a decommissioning rule in effect. He said that if the property was no longer in use, they could utilize the other existing ordinance to require cleanup of the property, specifically if the solar panels were in a state of disrepair.

Mr. Fritz said that he would like to explore that topic further. He said that he was not prepared to provide a response to that question at this time, as he did not have the necessary information.

Mr. Bivins said that he had another question to clarify. He said that on page six, specifically in paragraph D and paragraph F, the agent referred to Mr. Barnes.

Mr. Fritz said that the reference was to Jodie Filardo, the Director of the department. He said that the Director of the department acted as the agent, although the agent may have designated other agents.

Mr. Bivins said that he wanted to clarify that they were not discussing the organization itself, as he had concerns about the delegation of responsibility. He said that they had a relationship with a number of ordinances where it was up to the individual or entity to notify the County when something was amiss or there was a complaint. He said that when they began discussing the potential removal of roads and infrastructure that had been established, he wondered how they would know. He said that he was very pleased that it was the Director of the department who had the ability to move in that direction. He said that it made him feel better.

Mr. Missel said that he had a few questions as well. He said that a lot of his questions had been answered already. He said that he recalled that staff had provided the rationale for the 21-acre figure. He said that he was wondering if they had considered the scale from the opposite perspective, such as what would be an appropriate size for a solar facility compared to integrating it into the existing 21-acre parcels.

Mr. Fritz said that was a good question. He said that the answer was that it was very difficult. He said that they had received a lot of input from various individuals, and opinions were divided. He said that some people believed that the number should be much larger, while others thought it should be much lower. He said that based on the comments they had received, it was likely that they would hear some of those perspectives today. He said that they were trying to strike a balance between all the comments and find a justification for their decision. He said that this is how they arrived at the 21 acres.

Mr. Missel said that he is reviewing the staff report, he saw it included a note regarding the comprehensive plan. He said that according to the report, the proposed ordinance had been evaluated against the existing comprehensive plan. He said that he wondered, as they had made progress with AC44, whether staff had evaluated the future implications of this proposed ordinance.

Mr. Fritz said that they were discussing it and incorporating some of the comments received into the comprehensive plan. He said that the comments made today would likely be reviewed by those working on the comprehensive plan to determine if they could be incorporated into the proposed plan. He said that they must use the adopted comprehensive plan for this work.

Mr. Missel said that he was unsure if his next question would be clear. He said that the report mentions that solar energy facilities were not permitted in high-value forested areas as identified in the comprehensive plan. He said that it seemed that he had already answered his own question. He said that the identification, the objective piece, was that it was in the comprehensive plan.

Mr. Fritz said that the number in question was based on the recent wireless 4.1, which had been identified as an important number by the Board of Supervisors. He said that they had borrowed this number again and it was included in the comprehensive plan. He said that if the comprehensive plan was updated in the future, this number would follow along, and new forest areas would be identified accordingly.

Mr. Missel said that regarding equity, the staff report mentioned that regulations were proposed to prevent the concentration of facilities near each other. He said that Mr. Murray had also mentioned this, which was that multiple projects in proximity may result. He said that he believed the proposed regulations aimed to address this concern. He said that specifically, the regulations suggested that a landowner could not own two 21-acre parcels that adjoined each other and both be eligible for by-right solar without a significant buffer zone.

Mr. Fritz said that was correct for by-right, but to clarify, they could submit a request to the Board of Supervisors to modify or waive the requirement, and the Board would then review it and take the necessary actions to address the request.

Mr. Missel said that he would like to clarify a point from the ordinance, specifically at the bottom of page one. He said that he was having trouble understanding the distinction between the maximum height of ground-mounted photovoltaic panels, which was 10 feet as measured from the finished grade, and the maximum height of buildings, structures, and other components of a solar facility, which was 20 feet as measured from the highest natural grade below each element. He said that he would appreciate it if staff could explain that.

Mr. Fritz said that Linds could address this point as it aligned with best practices. He said that one aspect of the elevation was to minimize the height of the bottom of the panel from the ground, which in turn reduced the damage caused by runoff. He said that since the water had a shorter distance to fall, the risk of erosion decreased. He said that it was understood that some elevation was still necessary, and the industry standard for this was 10 feet.

Mr. Missel said that on page two, the text discussed accessory solar facilities, including those mounted on roofs or the ground, subject to the applicable structure setbacks in the zoning district where the facility was located. He said that the setback standards did not apply to parcels under common ownership.

Mr. Fritz said that he would explain part of the reason they chose 500 square feet. He said that they selected 500 square feet because, if the ordinance allowed them to place panels on top of an impervious building, they could build a garage and attach panels to it. He said that in the case of someone just wanting to install panels, their research found that the average size of accessory structures was approximately 500 square feet. He said that therefore, if they could have a 500-foot structure, it seemed reasonable to allow 500 feet.

Mr. Fritz said that to help with siting in an area where they needed to have sunlight, if they owned both properties, they did not have to meet the side setback. He said that however, if they only owned one property, they must still meet the side setback requirement, just as they would for any other accessory structure. He said that this approach treated ground-mounted panels in the same way as any other accessory structure, with a bit of flexibility for property owners who owned both parcels.

Mr. Missel said that he was trying to envision a scenario where they might own both parcels, and they might choose to sell one of them.

Mr. Fritz said that the buyer would be aware of the location of those structures at the time of the sale.

Ms. Firehock said that she had a minor question regarding number 10, which discussed the Virginia Gold Certified Pollinator Smart Status Maintenance. She said that according to the requirements, it must be maintained for the life of the facility. She said that her question was, who was responsible for monitoring this, ensuring that the meadow remained healthy and thriving.

Mr. Fritz said that the state had a monitoring program, and they had extensive conversations with the state about how they would approach approving the plans, following up on the plans, monitoring those plans, issuing certification, and continuing to monitor those plans. He said that the state, with their expertise in this program, would be responsible for this process, and they expressed eagerness and willingness to do so.

Mr. Bivins asked if Mr. Fritz would be so kind as to share his perspective, he believed it would be helpful to understand why this was being considered in a rural area rather than in a more densely populated location like Fashion Square or Rio 29. He said that he would like to know the key differences between that size of project and commercial solar installations, particularly in terms of their connection to the power grid. He thought that this clarification would be beneficial.

Mr. Fritz said that one of the initiatives they were undertaking was encouraging the use of existing impervious areas. He said that in those areas, it was by-right, and individuals could do it without needing a special use permit. He said that by allowing solar installations by right in areas such as Fashion Square or Rio 29, it became a more attractive option, whereas obtaining a special use permit was less appealing. He said that part of the reason they permitted solar facilities in the rural area was because it aligned with the comprehensive plan's focus on renewable energy and energy conservation, as well as the Climate Action Plan's encouragement of such efforts.

Mr. Fritz said that if solar was to be a part of this solution, it needed to be placed somewhere, and they did not consider the development area suitable for this purpose. He said that they had invested in water and sewer infrastructure to support development, but these systems did not consume water and sewer, rendering their investments less valuable. He said that the

development area was already experiencing strain, leading them to utilize the rural area as an available location.

Mr. Bivins said that he believed there was a proposed project located off of Secretary Road in the Scottsville District. He said that during the discussion, there were concerns from individuals involved in that project about being able to see the panels. He said that however, after conducting a site visit, he found it would be difficult to see the panels. He asked if staff could provide some clarification on their decision-making process and recommendations for shielding, particularly within the planting strip, he would greatly appreciate it. He said that specifically, he was unclear whether the 100 feet was inclusive of the planting strip or if there was a 100-foot buffer before the separate planting strip. He said that he wanted to know if it was really 150 feet or if it was a planting strip within that 100 feet.

Mr. Fritz said that planting strips could be located in the setbacks, which is a customary approach. He said that yes, there are also standards for plantings and screening. He said that he was not sure if this addressed the question, but another point to consider was visibility. He said that they had discussed this with the airport, and it was surprising to learn that airports were actually considering placing these facilities on airport property due to their open areas, so the panels did not pose a problem. He said that however, they did want to ensure a glare analysis was conducted, and this provision was included in the ordinance.

Mr. Murray said that he wanted to revisit one more point. He said that they had settled on 21 acres as the parcel size, referencing their subdivision ordinance. He said that he thought it was worth considering that the 21 acres may not accurately reflect the actual area required for the project. He said that when accounting for setbacks, erosion, and sediment control, the actual area needed would be significantly larger than 21 acres. He said that he was wondering if they had considered starting with 21 acres as the parcel size and then adjusting down for the panel size to accommodate a reasonable amount of setback and erosion and sediment control.

Mr. Fritz said that he had mentioned earlier that they had selected the 21-acre area and that was how they had determined it. He said that they had explored alternative definitions of the project area and could not come up with a viable solution. He said that one option they had considered was to maintain the 21-acre basis but reduce the panel zone size to achieve an average of 21 acres of disturbed area. He said that determining the exact area of disturbance was difficult, as it depended on factors such as the graded area, fenced area, leased area, or panel zone.

Mr. Fritz said that for instance, the Commission had recently requested information on wattage per acre, which they could not provide due to inconsistent data for their older projects. He said that if the Commission's guidance was to limit the area of activity or disturbance to a certain threshold, staff could work backwards to establish a corresponding definition, such as a panel zone. He said that the key would be to determine what type of area of disturbance or activity the Commission was interested in including as a by-right point of reference in the ordinance. He said that if the Commission was open to for example, including 21 acres of cleared area for the zone, they could work from that point to establish a more precise definition.

Mr. Murray said that to follow up on a previous point, he reviewed the Code of Virginia and found that it defined blighted property as any individual, commercial, industrial, or residential structure that endangered public health, safety, or welfare due to being dilapidated, deteriorated, or violating minimum health and safety standards. He said that, additionally, any structure or improvement previously designated as blighted was also considered blighted. He said that Mr.

Fritz may not be familiar with the specifics of the blight ordinance, but he wondered if they could explicitly refer to this definition in the ordinance for properties that did not fall under the 21-acre designation.

Mr. Fritz said that they could look into it, but he was not comfortable responding to the question at this time.

Mr. Herrick said that the definitions of blight and junk in the zoning ordinance could be subjective, depending on whether a structure was inoperable. He said that if the panels were still functioning, but not being used, they would not be considered junk and were likely not blight. He said that if they deteriorated to the point where they were no longer functional, the Zoning Administrator may have the authority to pursue a zoning violation for junk or consider a blight remediation measure before the Board of Supervisors. He said that the key factor was whether the personal property was functional.

Mr. Carrazana said that he wanted to follow up on the clearance. He said that recently, they had approved a solar farm that was 10 acres per megawatt, which, based on some averages, exceeded the average of 7.5 acres per megawatt. He said that the significant difference was largely due to the amount of clearing required to ensure the panels were not shaded by trees or other obstructions. He said that he was curious to know if they had looked at the area of disturbance as a measure of the impact of the project, and if so, whether it could be used in conjunction with panel size to assess the level of clearing required.

Mr. Fritz said that it was possible that they would want to consider this, but some newer technologies allowed for drilling foundations in a way that minimized the area of disturbance. He said that therefore, they would need to figure that out then. He said that Mr. Carrazana saw where they were going.

Mr. Carrazana said that yes, he thought this conversation was headed towards discussing the size, specifically 21 acres and whether that was the appropriate number. He thought it would be helpful to elaborate on this for both the public and the Commission here. He said that the difference between "by right" and "by special use" was what he would like to clarify. He said that by special use, it did not mean that they could not do something, but rather that they were using a specific land use that may not be typical.

Mr. Carrazana said that they had approved several large facilities in the past, and it was not that they could not do solar panels. He said that however, the by-right allowance meant that they were now using their agricultural lands for this specific purpose. He asked if Mr. Fritz could talk about the types of reviews would be excluded. He said that one thing that was excluded was decommissioning, which he thought they needed to address. He said that he would like to know if there were other factors that might be excluded from this consideration.

He said that for example, during a special use permit review, they had greater flexibility. He said that one of the factors they were considering was whether the proposed development changed the character of the district. He said that if it were located in a historic district or an area of tourism where they wanted to maintain a specific view, that could be taken into account during the special use permit process, but not during a by-right development. He said that that was the simplest explanation he could provide.

Mr. Carrazana said that he mentioned the quality of the forest, and he believed that they were setting a threshold that they could not impact. He said that he asked how often these forests were monitored and how often they were updated.

Mr. Fritz said that the information had not been updated in a while. He said that it was one of the concerns they had raised with the Board of Supervisors regarding the outdated nature of that information. He said that there may be areas within those forested areas that had been timbered and were no longer forested or were subdivided. He said that in such cases, if an applicant submitted a by right project, for example, they would be informed that they were within the boundaries as shown on the map. He said that they might then request a special exception, and they would need to take that consideration to the Board of Supervisors, who would have to make a decision.

Mr. Carrazana said that vice versa, they could be taking out forested areas. He said that they had a report that talked a little bit about that before the end of the year, which stated that their forests and soils in Virginia had shown significant improvement, sequestering 40% of their current carbon output.

Mr. Fritz said that this ordinance was an imperfect tool, but it was the only one they could identify. He said that if it were updated, then this ordinance would align with the updated information.

Ms. Firehock said that it should be noted that updating the map with currently available data would not be a difficult task.

Mr. Murray said that he had a question and a comment regarding that specific issue. He said that as part of the committee, when developing that, a multitude of metrics were considered beyond just the presence of trees. He said that he was wondering if they had considered using the term "habitat" instead of "forest." He said that this was particularly relevant because there had been significant discussion about the pre-colonial state of Albemarle County, which was actually a mosaic of grasslands, savannas, and forests. He said that although they currently identified forests by their ease of detection from space, this did not necessarily mean they were the only important habitat.

Mr. Murray said that there were also old-growth grasslands, such as those he could take people to see, which were equally important. He said that in the future, he suspected they would have the capability to identify these from space within the next five to ten years, as the data improved. He said that he simply wondered why they could not write the ordinance to include "habitat" as a contiguous block, rather than restricting themselves to forests exclusively. He said that this approach may also eliminate the perverse incentive to clear forested areas, thereby no longer qualifying as a protected forest block.

Mr. Fritz said that the block would still be a forested block, as it would require an act of the Board of Supervisors to change the map. He said that just because the property was timbered did not automatically drop it from the map. He said that if someone were to clear the timber and then request a change six months later, the Board might not be inclined to grant it due to the prior action. He said that the Board of Supervisors had spent a considerable amount of time discussing habitat and biodiversity areas when reviewing the wireless proposal. He said that the issue was that these areas were not identified at the parcel level. He said that they did not currently have this information at the parcel level. He said that if they did, then yes, they could consider zoning restrictions for these areas.

Mr. Murray said that it was worth mentioning that Big Meadows was a well-known example of a protected public land, and it was also a significant pre-colonial grassland that they were all familiar with. He said that given its importance, he thought it would be beneficial to avoid putting them in a situation where they would have to rewrite the ordinance when they had better data. He said that instead, he proposed that they substitute the word "habitat" for "forest" in the current ordinance and then apply the new data to the habitat block when they were ready, rather than the forest block.

Ms. Firehock said that in practice, Albemarle chose to designate those as forest blocks. She said that these large habitat blocks could also include wetland complex systems, and did not necessarily only refer to forests. She said that it just was a funny way that they described it in the biodiversity report.

Mr. Missel said that he was not cutting off questions, but rather, he was inquiring if there were any specific questions that needed to be addressed before they proceeded into discussion later.

Mr. Clayborne asked Mr. Fritz if the Fire Department had weighed in on this shift to 21-acre panel zones as by right. He asked if there were any concerns if something were to catch on fire, such as a lack of water supply in the area.

Mr. Fritz said that yes, they had talked to the Fire Department. He said that the issue for the Fire Department was to ensure that the separation of the panels was adequate, allowing them to access the interior of the property, which was their primary concern.

Mr. Clayborne asked if there was nothing about the water supply seemed to be a concern.

Mr. Fritz said no. He said that they had access to the most current building codes and code requirements. He said that therefore, there was no concern beyond the one raised.

Mr. Missel opened the public hearing. He asked if any members of the public wished to address this item.

Sophie Massey said that she was a resident of the Samuel Miller District near Scottsville. She said that she wanted to combine two concepts, solar and biosolids, and add a third element, factory farming, to illustrate the connection. She said that this was all related to industrial practices related to their rural area. She said that today, for the first time, the Environmental Protection Agency (EPA) acknowledged that forever chemicals in sewage sludge fertilizer, also known as biosolids, could exceed the EPA's safety thresholds by several orders of magnitude.

Ms. Massey said that once contaminated land in their area became condemned, as it had in other proactive states, they needed to consider alternative uses for that land to prevent the recirculation of forever chemicals into the food, feed, fiber, and lumber systems, as well as the environment. She said that solar may offer a solution. She said that County staff had noted that solar facilities could significantly remove land used for agricultural or forestal activities. She said that they should be strategic about which land they removed from these activities.

Ms. Massey said that prioritizing keeping the good land for food production, wildlife refuge, and carbon sequestration was essential. She said that instead of using contaminated land for industrial purposes, they should repurpose it for renewable energy production. She said that the

County GIS map provided a useful biosolids overlay, highlighting areas where biosolids had been applied. She said that this was where they should focus on developing industrial-scale solar projects.

Ms. Massey said that she wanted to focus on the ordinance amendment allowing 21 acres of solar without a special use permit. She said that she wanted to share a personal story about special use permits or lack thereof. She said that as a neighbor to the County's only factory farm, which opened last year, she was aware of the significant impact it had on their community. She said that the farm processed over 200,000 turkeys annually, generating substantial waste. She said that this type of industrial-scale agriculture was allowed by right in Albemarle, without the need for a special use permit.

Ms. Massey said that she and her neighbors were not given prior notice or an opportunity to voice their concerns about the potential impact on their water quality, Scottsville's drinking water, or the air quality for their entire community. She said that they had no opportunity to inquire about the potential impact of turkey litter dust on their children's developing lungs. She said that special use permits in rural areas were not merely an administrative burden, or extra bureaucratic hoops, but a way to show common courtesy and provide a platform for rural voices to be heard.

Ms. Massey said that a special use permit was an act of good communication and community outreach. She said that their suburban and urban friends often enjoyed this privilege more frequently than rural residents did. She said that her family deserved the courtesy of advance notice and the opportunity to speak up about the industrial operation going in next door. She said that rural residents deserved advance notice for something as significant as a 21-acre solar development, and they too deserved to have their voices heard.

Carol Carter said that she utilized rooftop solar on their farm and truly appreciated it. She said that she was located at 852 Redlands Farm in the Scottsdale District. She said that Albemarle County's natural beauty was their most treasured asset. She said that it was what drew her to this area and was the foundation of her quality of life. She said that it was why many University of Virginia (UVA) graduates returned to the County to raise their families and bring their parents here to care for them. She said that it was also why Albemarle was second to Napa in the wedding industry, which counted as tourism.

Ms. Carter said that she had previously written to the Commission and discussed the issues that she believed were crucial to County life, including solar health, water resources, wildlife corridors, and the local food movement. She said that the patchwork of solar installations throughout the County was concerning. She said that Albemarle County could not be responsible for all of the energy demands of AI and data centers. She said that many in the City desired clean energy to be available from the County or elsewhere. She implored the Commission to listen to the County constituents, as they must live with these decisions.

Ms. Carter said that she hoped they all had a copy of the book with Robert Llewellyn's photographs, which highlighted what they had to lose if they did not get it right. She said that they could not afford to make mistakes that would irreparably harm their environment. She said that she cringed whenever they mentioned the graded areas, as decommissioning and restoring a graded area was a difficult and costly process. She said that 21 acres was an arbitrary number, and she believed it was essential to consider the historic and especially the scenic aspects when making decisions.

Martha Donnelly said that she was a landscape architect living in Charlottesville. She said that her core energy, emotional, and spiritual energy, came from nature. She said that the trees, birds, butterflies, and bees of the rural countryside were essential to her. She said that unfortunately, since 1974, the world had lost 45% of all invertebrates. She said that it was insects that pollinated 90% of their flowering plants. She said that they had also lost about a third of their bird populations. She said that they were losing their biodiversity. She said that it was critical that they adopt solar energy, as it did not harm the environment.

Ms. Donnelly said that moreover, solar energy could be produced while growing perennials and grasses that supported insect proliferation. She said that these insects were a vital food source for nestlings. She said that in fact, one clutch of chickadee eggs required between 6,000 and 9,000 caterpillars to fledge within about 16 days. She said that she asked that the final draft of the solar ordinance be specific, flexible, and encourage solar agrivoltaics to promote wildlife conservation.

Catherine Riley said that she was a citizen of Albemarle County. She said that she had lived here her entire life, and she resides in Forest Lakes. She said that she was a junior at Albemarle High School, and as a member of Gen Z, she had found herself at the center of the climate crisis. She said that as a teenager, it can be hard to feel like she has a voice, especially in her County. She said that being here today allows her to bring up her pressing concerns.

Ms. Riley said that climate change is an urgent topic, and they cannot preserve everything as it currently was. She said that preservation cannot solely be about aesthetics, although it would be desirable. She said that currently, with this crisis, preservation of aesthetics was not possible. She said that clean energy is the future. She said that although aesthetic adjustments will be necessary, they will still have their green spaces, forests, parks, and areas they enjoy during their weekends. She said that however, they needed the transition to solar power to combat the almost irreversible destruction of climate change.

Veronica Vitko said that she was a resident of Albemarle County, residing in the Hollymeade area and also a junior at Albemarle High School. She said that as a student deeply committed to sustainability, she had witnessed a growing voice among students advocating for an increase in renewable energy within their community. She said that young people today were acutely aware of the world they were inheriting and were constantly reminded of this crisis through news headlines and personal experiences.

Ms. Vitko said that many individuals in this County and those close to her were already being affected by climate change. She said that it was imperative that they actively worked towards creating a sustainable future. She said that change must come soon. She said that as a youth, she hoped that those in positions of power in this critical moment would take decisive action and create policies that built a sustainable community powered by renewable energy. She asked the Commission to ensure that this solar ordinance took all necessary steps to promote renewable energy in Albemarle County.

Caroline Pugh said that she was a resident of Charlottesville, and she has spent her entire life in Albemarle County, graduating from Albemarle High School. She said that she was currently the Climate Policy Director at C3. She said that she wanted to reiterate that she has spent the first 21-plus years of her life in Virginia, attending the University of Virginia. She said that she was deeply invested in this community and the environment, having grown up exploring the mountains.

Ms. Pugh said that she firmly believed that expanding local clean energy is crucial for both their community and the greater environment. She said that her recent experience living in Los Angeles during her graduate degree program reinforced this belief, as she witnessed firsthand the devastating effects of climate disasters. She said that she narrowly missed the worst fires the city has ever seen when she just moved back to Charlottesville. She said that they knew that these types of disasters will only worsen and become more frequent if they do not change the way that they handled their energy system. She said that Albemarle County was taking steps to address this, with commitments in their climate action planning.

Ms. Pugh said that she hoped to see this ordinance align with those commitments and recognize the need to make it easier to build clean energy, meeting their own local energy needs, not just those of the northern Virginia data centers. She said that they were not anywhere close to achieving this. She said that one of the most important things they could do was enable smaller community and shared solar projects, which are typically between 3 to 5 megawatts and require 30 to 50 acres of land. She said that given the limited number of viable utility-scale sites in the County, these projects were often more financially challenging if they continue to add multiple regulations to make every project meet every possible ideal.

Ms. Pugh said that it simply would not happen, and they will continue to rely on energy sources that are detrimental to the environment, placing the burden on other communities rather than their own. She asked the Commission to consider ways to offer flexibility and encourage development in the area of solar and clean energy. She said that additionally, it was essential to remember the co-benefits of these projects, including the creation of pollinator gardens, the tax revenues they generate, agrivoltaics, preserving existing mature trees, and other innovative approaches. She said that these help balance development with community needs and offer a more flexible approach to project implementation.

Sadhbh O'Finn said that she was a climate justice policy manager with the Community Climate Collaborative (C3). She said that she wanted to share a personal experience that resonated with her work. Like her colleague Caroline at C3, she narrowly escaped a devastating climate change exacerbated disaster when she moved to this area from Asheville, North Carolina in the summer.

Ms. O'Finn said that the fear she felt from the outside, as her community went dark and silent for days, was nothing compared to the fear that those inside the disaster felt. She said that they were trapped, without energy, backup, or resiliency, and it was unpredictable. She said that they had seen enough of these disasters to know they were happening and would continue. She said that climate change was often experienced through disaster videos, and she did not want them to be the ones capturing that footage.

Ms. O'Finn said that more than that, she wanted them to be able to look back and know that they had taken action to mitigate climate change by creating their own clean energy in this County. She said that it had been a privilege to work with the County on the draft solar ordinance over the past year, and she had seen the authors listen to and respond to climate advocacy within the community since the ordinance's release last March. She asked the Commission to act boldly and go further than the 21 by-right acres. She said that community solar developers had told them that they would be disincentivized from pursuing 2-megawatt projects.

Ms. O'Finn said that they needed them to be able to pursue 3 to 5-megawatt projects across the County to meet their obligations and build resiliency and ownership into their energy system. She said that this was a "both and," and they must address environmental stewardship alongside this

effort. She said that clean energy production was a fundamental aspect of environmental stewardship, and she urged them to take bold action. She said that she recommended increasing the by-right acreage to 50 acres, which would propel them closer to meeting the clean energy goals outlined in Albemarle County's climate action plan.

Paula Beasley said that she was an Esmont resident in the Samuel Miller District. She said that she commended the by-right provisions for impervious surfaces, brownfields, and former landfills. She said that however, she was strongly opposed to the change that would permit by-right on any 21-acre parcel in rural areas. She said that by-right did not provide the ability to evaluate the 5.9.3 other considerations applicable to a special use permit, which were essential for preserving the County's unique assets, including historical, cultural, prime, and locally important agricultural soils, scenic landscapes, topography, and land features, as well as residences.

Ms. Beasley asked if they had truly envisioned the impact of over 21,300 to 31,500 ground-mounted panels in every 21-acre parcel in the County. She said that within just 5 miles of her home, there were hundreds of such parcels. She said that a solar panel checkerboard would split the farms, contiguous landscape, and not even benefit the residents or tourism. She said that most solar projects in their area was industrial in size, and most required greater than two times the amount of their panel size.

Ms. Beasley said that permitting it by right in 21 acres would incentivize people to use all 21 acres for panels. She said that the special use process allowed residents' voices to be heard, and she believed that any panel installation over 500 square feet should be evaluated by special use permit, just as in the non-rural districts. She said that otherwise, out-of-state marketing firms would promote the entire County, waving marketing brochures and promoting $2.5 million or more to sign up for the entire County, which would be disastrous. She said that she supported the Piedmont Environmental Council’s comments, but believed that allowing by-right on 10 acres or less, which would be approximately 15,000 panels, was still too much.

Ms. Beasley said that they needed the 5.9.3 considerations, including topography, viewsheds, and surrounding conservation easements, and agricultural and forestal districts, as well as locally important and prime agricultural soils, were crucial for preserving the lands and ensuring that everyone benefited, including Charlottesville town. She said that the rural areas capture solar energy, utilizing it without environmentally destructive build-out. She said that they capture carbon, stabilize and shelter, and provide wildlife habitat, cleanse the air and water, create biodiversity, and grow food. She said that she appreciated their consideration of her other written comments.

Sean Cossette said that she lived in the southern part of Albemarle County in the Samuel Miller District, on Langhorne Road. She said that she loved solar energy and was very concerned about the environment. She said that she had 150 solar panels on her property, which was a small, historic, rural farm. She said that they generated 100% of their power they used, and the surplus was sold back to American Electric Power (AEP). She said that she was doing her part, and she encouraged other individuals to do their part. She said that however, she did not understand why they would put the burden of power generation would be placed on their rural community.

Ms. Cossette said that she wondered if the burden of generating power be shifted to developments, airports, rooftops of data centers, and parking lots. She said that she struggled to envision a 21-acre solar farm adjacent to her property, due to the significant noise and visual impact it would have on the community. She said that she would greatly encourage people to

install solar panels on their own homes, businesses, and require it for future developments. She particularly said that she loved the idea of requiring solar panels at airports. She asked that they please not encourage the 21-acre by-right allowance for solar installations.

Jane Zolhorig said that she resided in the Ivy area and had been a resident of Albemarle County for the past 18 years. She said that she was here tonight to express her support for the proposed zoning ordinance amendments for solar energy and battery storage facilities. She said that as a young person living in this County and someone who was passionate about clean energy, she was deeply invested in the steps taken by officials to promote a more sustainable future for the next generation of Albemarle County residents.

Ms. Zolhorig said that like many others her age, she was not a homeowner, which means roof-mounted solar was not yet an option for her. She said that a community solar subscription program was an option, which would be supported by the passage of a strong solar ordinance. She said that she had heard that one common concern about renewable energy projects was that they detract from the natural beauty of the landscapes they are built upon. She said that the proposed ordinance addressed this issue by including specific provisions for setbacks and vegetative screening, which were designed to preserve the visual aesthetics of the County.

Ms. Zolhorig said that she appreciated the County's holistic approach to drafting this ordinance and believes the guidelines it put forth promote responsible development. She said that adopting a comprehensive solar and storage ordinance was a critical step in the right direction to achieve the County's climate action plan. She said that she looked forward to seeing the strides taken to promote local energy generation in Albemarle County and to seeing this ordinance move forward in the approval process.

Christine Montemat said that she resided in Charlottesville, near the Greenbrier Elementary School area. She said that she was a healthy individual, but she was born when the first mainframes were being built, so she felt the impacts of carbon emissions. She said that the heat, humidity, and air pollution, even in their area, made her practically a summer shut-in, and she resented it. She said that she closely followed environmental science news, and she was alarmed to learn that climate systems were destabilizing at a faster rate than predicted by scientists. She said that she was frightened not just for children and grandchildren, but for herself, for all people, and for every life form on Earth.

Ms. Montemat said that having invested in the maximum rooftop solar allowed by Dominion, she had incurred significant upfront costs, which she would be paying for a long time. She said that she had also purchased an electric vehicle (EV) and charged it at home, covering her electric needs. She said that however, she believed that large-scale solutions were necessary to address the soaring energy demands, including data centers supporting AI, which were predicted to consume vast amounts of energy. She said that as a gardener, she enjoyed birds and nature, not only because it allowed her to live. She said that she was doing what she could with her property.

Ms. Montemat said that she had planted an 8,000-plant savannah garden last summer, with 35 native species, which was not only beautiful but also pollinator-friendly. She said that she invited them to visit. She said that everything that everyone had, regardless of class, was endangered. She said that she firmly believed that they must collectively prioritize generating clean energy and protecting their environment. She said that she applauded their work on this ordinance and respectfully requested clarity of regulation and flexibility of benefits to ensure they could implement this efficiently, fairly, and quickly.

Christine Putnam said that she resided in the Scottsville District. She said that she served on the Albemarle County Natural Heritage Committee and lives on property surrounded by the Woodridge solar project. She said that she had spoken to the Commission about this before. She said that she had been following that project, and she was keenly aware of what was at stake as they transitioned forest and farmland into utility-scale solar, which was essentially an industrial use.

Ms. Putnam said that she appreciated the efforts of staff and the community's input in crafting a model solar ordinance, but it was a significant challenge to ensure responsible progress. She said that she was pleased to see that the Virginia Pollinator Smart Program would be a requirement, and the restriction on solar placement in high-scoring forest blocks was a welcome addition. She applauded them for including these measures.

Ms. Putnam said that her primary concern was the size of the by-right facilities, specifically the 21-acre development without a special use permit. She said that 21 acres was a lot of land. She said that she believed that County-required conditions should be established to avoid, minimize, and mitigate harm. She said that decommissioning was a significant concern, and she thought it was essential to include provisions for responsible handling of materials to prevent leaving industrial waste for future generations. She said that additionally, she was concerned about grading, and she was glad that mass grading could be avoided wherever possible.

Ms. Putnam said that she often wondered what would have happened if the grading process at Woodridge had begun last spring, given the prolonged dry spell and subsequent heavy rainfall. She said that she believed they had to be really careful about removing the topsoil and should push for really strong conditions. She said that in closing, yes, they must develop clean energy, but they should be careful not to harm their precious and valuable resources. She said that they should not be in a big rush; they should do it right so they would not look back and wish they had done it differently.

Donna Shaughnessy said that although she lives in the City, she serves as the chair of the local Sierra Club, representing 800 Albemarle members. She said that her colleague, Kirk Bowers, will be speaking to the Commission remotely. She said that he was their conservation chair and would be discussing their overall take on this matter, but she would like to address a few details. She said that they were truly grateful for the changes made to the ordinance proposed last year. She said that it was clear that the staff listened to their comments and put a lot of thought into the complex process.

Ms. Shaughnessy said that the ordinance was now very close to being perfect, in her opinion. She said that she would like to focus on the missing middle, similar to the missing middle in housing. She said that large-scale projects require higher levels of scrutiny and requirements to protect County residents and the landscape. She said that they want to make small-scale projects as easy to implement as possible, so landowners can easily install and utilize solar. She said that the proposed ordinance handles both small and large projects well.

Ms. Shaughnessy said that however, there was a gap in the County's policies for projects between 21 and 50 acres, which could further the County's goals towards net zero. She said that she was sure they were aware of the research being conducted in the County, which noted that even if every available impervious surface were covered in solar panels, it would still not meet the County's energy needs. She said that therefore, they need to do more than that. She said that

one promising avenue to increase energy independence is shared solar, or small-scale projects using 30 to 50 acres.

Ms. Shaughnessy said that these projects, also known as community solar, can be a great option for people who are unable to install solar panels on their roofs, such as renters, those who cannot afford solar, or those with roofs or electrical systems that are not suited for solar. She said that if the ordinance could be changed to allow for the development of up to 50 acres, these small projects could easily be brought into service, leaving the County more resilient during power outages and allowing for more local control. She said that additionally, changing the upper limit would also enable farmers to more easily implement agrivoltaic projects. She said that she would like to commend the staff for their excellent work on this matter and the opportunity to share her thoughts.

Valerie Long said that she was a resident of the White Hall Magisterial District and an attorney at the law firm of Williams Mullen. She said that she and her colleague, Lori Schweller, worked with solar developers around the state and specifically this region. She said that they had had the opportunity to work with the Commission on the Woodridge facility, and they were currently working on several other projects.

Ms. Long said that they appreciated the opportunity to share comments tonight and the changes made to the prior draft. She said that they still had a few technical comments that they would follow up with staff on, but they would like to bring two more substantive concerns to the Commission's attention. She said that one was regarding the requirement for the Pollinator Smart certification. She said that they supported the general requirement, but they were concerned that there was no guarantee all applicants would be able to meet those regulations.

Ms. Long said that they had discussed this with staff, and they thought they may be at a point of disagreement with them on this point. She said that when they worked with the Commission on the Woodridge solar facility, they had a detailed condition of approval that provided a strict process for handling situations where an applicant could not meet the certification requirements. She said that they would like the Commission to reconsider this issue. She said that they believed if the Commission took the language directly from the Woodridge solar conditions of approval and incorporated it into the ordinance, it would be perfect.

Ms. Long said that it still required applicants to use their best efforts, but it provided an appropriate safety valve in the event they were unable to comply with that specific program. She said that their second concern was the requirement in the current draft that the cost of the decommissioning study and plan be paid in cash and deposited into an escrow account. She said that most jurisdictions required a performance bond or letter of credit instead of cash. She said that this was the process for all other development in Albemarle County, and she was unaware of any reason why the draft ordinance requires cash to be imposed.

Ms. Long said that it was an extraordinary financial burden on all projects that would require a decommissioning plan. She said that the other provisions of that plan were quite stringent, but they were reasonable and aligned with standard practices in other jurisdictions. She said that therefore, she would like to request changing the provision that said the County may approve the use of a bond or letter of credit, which would make it a discretionary decision. She said that finally, she would like to note that the climate action plan included strong provisions that aimed to enable and incentivize utility-scale solar, and those two elements would further those goals.

Chris Meyer said that he was the chair of the Board of the Charlottesville Renewable Energy Alliance. He said that their organization, comprising companies in this town and area, were delivering clean energy projects throughout the state and the United States. He said that they would like to thank the Planning Department for their collaboration with them and the broader community. He said that he had been in numerous meetings with Mr. Fritz and many others, and he believed they were in a good position with this draft.

Mr. Meyer said that it had significantly improved over time, and he thought many of their member firms believed it would enable them to undertake more projects in the County. He said that there were a couple of items he would like to see modified to facilitate the deployment of their projects while protecting the environment. He said that first, they were requesting the removal of the 500 square foot limit on ground-mounted solar panel zones for by-right accessory and commercial and industrial properties. He said that this would allow landowners to decide the best use of their property, and he believed it was unnecessary to limit it to 500 square feet of panel zones.

Mr. Meyer said that they also needed to modify the surety requirements for decommissioning. He said that they were happy to have assurety requirement, but they needed more flexibility around different types of mechanisms. He said that he appreciated Ms. Shaughnessy's example of the missing middle. He said that he had heard concerns about industrial solar projects sending power out of state or to data centers. He said that to truly benefit the community, they needed to facilitate community solar projects. He said that these required 30 to 50 acres, 2-to-5-megawatt size projects, and were regulated by the state.

Mr. Meyer said that they also required low-income subscriptions. He said that if they wanted to facilitate community solar projects that would benefit residents of this County, he would ask for by-right up to 50 acres of panels and zones. He said that finally, he would like to mention that his company, East Point Energy, specialized in standalone battery energy storage. He said that they were pleased to see that energy storage had been included in this ordinance, as it was a crucial component of a clean energy electricity grid. He said that he believed it would be beneficial to cite this in the County's regulations as well.

Susan Kruse said that she was the Executive Director of the Community Climate Collaborative. She said that she was delighted to be with them all and to have this conversation. She said that in 2019, the Albemarle County Board of Supervisors identified climate action as their top priority in their strategic planning process, and shortly thereafter, the County unanimously approved a goal to reduce community-wide greenhouse gas emissions by 45% by 2030 and to achieve carbon neutrality by 2050.

Ms. Kruse said that coincidentally, 2019 was also the year she became the Executive Director of the Community Climate Collaborative, and it has been a pleasure working with County staff, decision-makers like the Commissioners, and community members to achieve their climate goals together. She said that one of her early meetings was an Architectural Review Board (ARB) meeting for a commercial rooftop solar project within an entrance corridor of Route 29. She said that it would have required the project to be hidden from view.

Ms. Kruse said that this ordinance demonstrated that the County had made significant progress, and County staff was working diligently to get it right for their community. She said that when the Planning Commission and Board of Supervisors approved the Woodridge Solar Project back in 2023, then-Chair Donna Price noted the high energy consumption in Albemarle County. She said that she encouraged them all to stretch their thinking about what they mean by energy

consumption. She said that it included the electricity they pay for in their homes, the energy they would consume in the future as technology advanced, and the energy they used in their daily lives, such as travel, purchases, and clothing.

Ms. Kruse said that they were nowhere close to generating all their energy within their own borders. She said that currently, they were placing the burden on many other communities, mostly communities of color and low-income communities elsewhere. She said that therefore, it was crucial that they incentivize clean energy development right here at home. She said that there were two points she would like to quickly note. She said that first, the maximum tilt of 10 feet noted in the ordinance raised concerns about grazing on site, as there may be other considerations to take into account.

Mr. Kruse said that although it was mentioned as a best practice, she believed there were other examples where it may not be the most effective approach. She said that they need to examine this aspect more closely to ensure their farms and solar projects were compatible. She said that she would like to thank the Commission for investing time into this ordinance, and she was looking forward to seeing more clean energy generation in their local area.

Nancy Koenig said that she was a resident of the Scottsville District. She said that she had a 5-acre sheep farm in Scottsville. She said that the heirs of their bordering farm had contracted with a solar company to install solar panels. She said that she was concerned that if solar farming was permitted, the entire character of the area would be altered. She said that the economy in the Scottsville District was based on agriculture, historical value, and the area's natural beauty. She said that if solar panels were permitted by right on even 10-acre parcels, the County, rural and suburban, could be checkerboarded with solar panels.

Ms. Koenig said that supplementing their energy production could be a good plan, but not at the expense of what their County was known and loved. She said that solar panels were best installed on buildings and above parking lots. She said that she was worried about the future and what would happen with solar panels when they were decommissioned. She said that the technology was not yet sufficient.

Ms. Koenig said that the County was moving ahead with allowing for massive and small solar panel installations on the ground. She said that even if sheep and cattle were to graze under the panels, property values would decrease, and the quality of life would suffer. She said that with ground installations of solar panels, more heat was generated, soils were spoiled, economies were changed, and beauty was depleted. She said that as a responsible steward, they needed to consider all the unintended consequences. She asked the Commission to further restrict the installation of solar panels on agricultural and forested lands.

Ana Bechtenstein said that she was a licensed landscape architect with a practice in Albemarle County, particularly in southern Albemarle. She said that she would like to start by thanking the Commission all for creating this solar ordinance, and she was glad they were here tonight to review it. She said that however, she would like to express her concern regarding the 21-acre panel limit. She said that she understood that some have suggested a patchwork development in Albemarle County, and she would encourage them all to further restrict this number. She said that she also thought it was essential to consider property elevations and viewsheds when determining what can be done by right.

Chris Perrault said that she lived in southern Albemarle County, in Alberene. She said that she wanted to express her thoughts on the proposed 21-acre solar field. She said that to put it into perspective, 21 acres was equivalent to approximately 900,000 square feet, which was roughly the size of eight city blocks. She said that having plantings to block out a by-right solar field of 21 acres was a pipe dream, because over eight city blocks, or 16 football fields, the earth's surface can change dramatically over such a large area.

Ms. Perrault said that it was a wild idea to think that they could just allow anyone with 21 acres to proceed with a solar installation. She said that they needed to reconsider the idea of ground-mounted solar installations on such a large scale without further consideration. She said that one acre was approximately 43,000 square feet, which was also an enormous amount of space that could potentially power around 20 homes.

Mr. Perrault said that they should not create their own crisis out of fear of a climate crisis, which was a reasonable concern. She said that she believed it was extremely irresponsible when thinking about the future. She said that they were talking about things that they construct as human beings versus what had been created by something much greater than them, which had created all of this. She said that they needed to take that into consideration.

Kirk Bowers said that he was a 38-year resident of the Rivanna District, a 400-year descendant of Virginia, and the current conservation chair for the Piedmont Group Sierra Club. He said that as a professional engineer with over 40 years of experience, he could provide insight into the field of civil engineers, who designed plans for solar facilities and oversaw construction. He said that he had recently returned from discussions with other counties and had personal experiences he wished to share, particularly in reference to climate change.

Mr. Bowers said that by the end of the century, central Virginia would experience a climate similar to northern Florida, a fact that would occur unless they took responsibility for mitigating climate change and reducing its impacts. He said that they recognized, as part of their national policy, that renewable facilities should balance conservation and renewable energy needs while avoiding undisturbed natural areas. He said that they also acknowledged that natural resources were crucial for mitigating climate change.

Mr. Bowers said that however, he believed that the solar ordinance did not go far enough in encouraging solar development. He said that it was imperative that they encourage utility-scale projects when a site was suitable for a solar farm. He said that the state of Virginia's electricity demand would triple over the next 15 years, and with Virginia now being the data center capital of the world, rooftop and distributed sources could only provide 50% of electricity demand. He said that this was why they needed large renewable facilities to close the gap.

Mr. Bowers said that furthermore, climate change denial still existed in parts of rural Virginia, with more than 30 localities effectively banning utility-scale projects. He said that this lack of foresight placed an additional burden on them and other counties to make up for the deficit. He said that he was furious about that, and it was one reason why they in Albemarle needed to have an effective and workable solar ordinance that encouraged solar facilities in appropriate locations. He said that he would think that they could support larger facilities, but only when the site was suitable.

Maria Duster said that she was a climate justice policy manager at the Community Climate Collaborative. She said that they were an advocacy organization that works in Charlottesville and

Albemarle County and have had many conversations with the County regarding this ordinance. She said that she wanted to support the remarks made by her colleagues tonight, but she also wanted to address a concern that had come up several times. She said that she would try not to repeat what others had said, but she did want to clarify regarding the comments regarding a potential checkerboard of projects throughout the County.

Ms. Duster said that there was a fear that the proliferation of these projects would occur, and she wanted to assure that this was not what they were trying to support, nor would it happen. She said that a significant portion of the County was already protected by conservation easements and other protective regulations. She said that by increasing the size of the smallest by-right facilities throughout the County, they were not suggesting that an enormous number of projects would pop up. She said that in fact, by providing small-scale solar facilities that were not accessory, they could actually reduce the number of facilities across the landscape.

Ms. Duster said that they deeply supported community or shared solar in Virginia, pending action by the General Assembly. She said that however, she believed that less than 1% of the County's land or surface area would be required to meet their proportional obligations under the Virginia Clean Economy Act. She said she would like to speak to this point further. She said she would like to thank the Commission for their time and the County staff for their work.

Mr. Missel closed the public hearing. He asked if the Commissioners had any questions or comments regarding the comments from community members.

Mr. Bivins said that there were a couple of points he would like to bring up. He said that he recently heard a portion of the discussion at the Supervisors' meeting regarding the Acquisition of Conservation Easements (ACE) program last week. He said that he believed he had heard that approximately 25% of the County's rural area was under conservation easement, which would likely result in a significant amount of land being removed from development. He said that during the conversation about farming in Albemarle County, he was told that the primary crop was hay.

Mr. Bivins said that this information was confirmed by the tax assessor, and he believed the Supervisors would not have taken a false statement. He said that he would like to note that there was another point made after the hay discussion, but he was having trouble remembering it due to his initial confusion regarding the hay production. He said that perhaps Mr. Barnes could recall what the second most-produced crop in Albemarle was. He said that it appeared that Albemarle County was not focused on valley-type or Orange County-type farming, but rather on hay as its primary agricultural product.

Mr. Bivins said that this was a notable aspect of the County's agricultural history, as they were able to supply hay to the country during droughts and even export it. He said that however, he wanted to be clear about what they were talking about when discussing farming in their County today. He said that also, he would like to hear comment from someone about the Woodridge project, which was located on a very disturbed site. He said that it looked like a place that had been destroyed by chemical warfare; that was how bad the site looked.

Ms. Firehock said that it had been severely eroded and severely degraded for some time.

Mr. Bivins said that the trees that were left behind were, unfortunately, poorly maintained and had been largely destroyed. He asked if they had ever approved a site for a project that was proposing to take down an existing forest.

Ms. Firehock said that there had been places which were agricultural pine plantations. She said that she had stated repeatedly on this dais that if it were a mature hardwood with a rich soil profile, she would say no. She said that the ones they had approved had been those that had undergone extensive pine rotations or were cleared fields.

Mr. Bivins said that they often used broad, generic terms, but in reality, the specifics could vary greatly. He said that it was not like they were doing corn or taking down orchards. He said that for example, the recent project in the Chiles Orchard area near Batesville, where they were doing a wonderful layout. He said that he was trying to figure that out because he had been hearing various terms related to agriculture in their County, and unless someone wished to correct him, his understanding was that it was mostly hay.

Mr. Missel said that part of the reason they had not seen other applications was because of the special use process, which had limited that.

Mr. Bivins said that the two pieces he wanted clarity on were what they were truly talking about when discussing agriculture in Albemarle County, and what they were talking about when discussing how much land could possibly be converted to solar, considering that 25% of the land in the County was under some sort of conservation easement. He said that it was a good amount of land, and it meant that their community was sensitive for preserving land in ways that made sense for the future.

Mr. Murray said that regarding the issue of the cash requirement, as opposed to their approach with other projects with bonds, he would appreciate if staff could clarify that.

Mr. Fritz said that if they referred to the top of page 7, the County may approve alternative methods to secure the availability of funds for the decommissioning of a solar facility, such as a performance bond, letter of credit, or other security approved by the County. He said that upon reviewing the comments, they would determine if this was clear enough. He said that the intent was to allow for all alternative methods to be used, not cash. He said that they would review the comments and verify that it accurately reflected their understanding and then proceed accordingly.

Mr. Murray said that there was also the issue raised with the Pollinator Smart program. He said that he wondered if there was an alternative available, and if not, what would be the alternative in case the developer could not receive certification.

Mr. Fritz said that the alternative would be for the applicant or the owner to petition the Board of Supervisors to modify the original plan. He said that if they claimed that their alternative solution was equal or better, they would need to demonstrate this. He said that based on their conversation with Pollinator Smart, and Ms. Long's assessment, they disagreed. He said that they believed, based on the information they had received from the program, that it was feasible and could be implemented.

Mr. Fritz said that yes, it did require some effort, but it could be done. He said that in a previous special use permit, they had expressed their preference for avoiding language in the ordinance that left it to a subjective analysis by the agent or Zoning Administrator. He said that they would rather the Board of Supervisors make this determination, which was why it was written that way in the ordinance.

Mr. Missel said that there was so much goodwill in the room, and he believed that everyone shared this motivation. He said that there was a challenge in striking a balance between preserving the natural beauty of their location and the impact of carbon emissions, as well as the potential negative effects of unmitigated solar farms. He said that the challenge lay in finding a balance between these competing interests.

Mr. Missel said that what he was hearing in terms of regulation seemed to be a binary choice: either a special use permit, which would provide them with the ability to consider decommissioning, historic resources, viewsheds, and other factors that allowed for discernment and subjectivity, and the other option was by right, which did not give them the ability to address those issues. He asked if there was a gray area he was not able to see or that was missing.

Mr. Fritz said that zoning was an imperfect tool, but it was the only one they had. He said that to be effective, it required a number, which provided predictability and ensured that everyone was treated fairly and in a similar manner. He said that this allowed for efficient processing of projects. He said that however, it could become subjective when staff members had differing opinions, with some projects being approved administratively and others requiring a special permit. He said that as a result, they would not recommend that as a good planning practice. He said that unfortunately, zoning was an imperfect tool, but it was the only one they had.

Ms. Firehock said that she would like to mention one idea. She said that other localities had adopted fast-track permitting and expedited review processes for projects that met specific green goals. She said that theoretically, the County could establish a separate category for solar development projects, allowing them to bypass the standard permitting process. She said that some counties had even assigned a dedicated planner to review and expedite green projects, which often met certain criteria. She said that this approach would provide a middle ground between traditional SUP processes and by right, giving developers more flexibility and potentially faster approval. She said that she was not suggesting that it was an easy process, and she acknowledged that.

Mr. Fritz said that this technique was used for economic development, for instance. He said that if certain goals were met, the review process was accelerated.

Ms. Firehock said that it could be used for Leadership in Energy and Environmental Design (LEED) projects and energy-efficient building projects.

Mr. Fritz said that the special use permit process still needed to be completed, but the timeline could be reduced from 180 days to 100 days, or as specified.

Mr. Barnes said that he would like to add one more point. He said that he would like to extend his appreciation to staff and the Communications and Public Engagement (CAPE) Department for their efforts. He said that on June 6, 2024, they brought together 20 representatives from various non-governmental organizations (NGOs), which helped to clarify the ordinance and make it more black-and-white. He said that he believed that this event was instrumental in addressing the balancing issues that had been mentioned.

Mr. Barnes said that he was hearing discussions about the 21-acre rule and whether it was sufficient, and to him, this number could be subjective at times. He said that if the size of the project was acceptable, he thought it would be worth exploring ways to curb other aspects that

were not. He said that Mr. Fritz was saying that to the extent that they could keep this as administrative approval, or getting above a certain level, something that required a legislative act, that would be their recommendation to the Commission.

Mr. Missel said that that was helpful. He said that he thought they all understood that the final number was somewhat subjective and may not be the largest possible. He said that that did not mean that something even bigger would not be approved. He said that it simply meant that they would need to exercise wise discernment when considering the preservation of the area that they all cared about.

Mr. Carrazana said that he was still struggling to understand why decommissioning and remediation were not included in a by-right application. He asked if there was a rationale behind this decision.

Mr. Fritz said that it could be. He said that they had been following the guidance of others, but it could indeed be included. He said that they could potentially reduce the size to 10 acres or 5 acres.

Mr. Carrazana said that regardless of the actual number, he believed that the decommissioning process should be included.

Mr. Barnes said that he believed that was what they were trying to suggest. He said that his previous comment was trying to explain that there were certain elements to consider, such as decommissioning. He said that they may decide that for anything above 5 acres required a decommissioning plan, but anything above 21 acres would necessitate a decommissioning plan and a special use permit process. He said that it was possible that there may be some flexibility, especially if there were specific issues at hand, and if the Commission felt that the acreage size was acceptable, they could explore creative solutions.

Mr. Bivins said that he would like to elaborate on that point because it was an important consideration. He said that one of the reasons for decommissioning was the presence of a surety, which provided leverage. He said that he would not be comfortable reducing the size to 5 acres or 10 acres and adding decommissioning without a way to ensure it. He said that in that case, they would be gaining nothing. He said that if decommissioning was to occur, there needed to be a viable way to make it happen.

Mr. Carrazana said that he absolutely agreed.

Mr. Bivins said that he wanted to ensure that this was understood, considering they were discussing the balance between the needs of the facility and the surrounding area. He said that he would like to ask a question regarding the by-right process. He said that they would still need a permit even with the by-right process.

Mr. Fritz said that they still needed to provide a plan to demonstrate that they were meeting all the standards outlined in the ordinance, as well as the supplemental regulations. He said that this included addressing the size, screening, setbacks, and other requirements. He said that the way they had written it initially was to avoid having to process multiple modifications. He said that they were not required to submit a site plan; however, they were not exempt from all site plan requirements. He said that for example, one of the site plan requirements was to show the topography for the entire property plus 50 feet beyond the boundaries.

Mr. Fritz said that if the property was 100 acres and located in a corner, they did not need to show the topography for the entire property plus 50 feet beyond. He said that to waive this requirement, they would need to go to the Board of Supervisors. He said that if they made it the other way around, they could say that they needed to show sufficient grading for the area beyond the project boundaries, including off-site areas. He said that this was just one example of how they processed plans, and the same process applied to wireless towers.

Mr. Barnes said that the special use permit process was a separate and distinct process. He said that following that, a site plan was required. He said that the by-right process could help avoid a considerable amount of time, including staff review time, and an additional five months to move through the Commission and the Board of Supervisors. He said that adding the site plan process to that timeline and the potential burden was what influenced their initial numbers.

Mr. Missel said that going back to what Ms. Firehock had said, there were situations where they could overlap the special use permit and the site plan process.

Mr. Fritz asked if he was saying those processes would go on simultaneously.

Mr. Missel said yes.

Mr. Fritz that to an extent, it was possible to do that. He said that however, it could be procedurally challenging because they were trying to review a plan that was subject to discretionary review. He said that they did not know what would happen if the Board increased a setback or what if they did not approve a portion of it. He said that this could lead to false starts. He said that as a general rule, they encouraged applicants not to process the full plan, but they could initiate the review process of a site plan.

Mr. Barnes said that the last part to consider was the cost. He said that an applicant likely would not go through the costs of developing a site plan if they were not going to get it.

Mr. Missel said that he understood it was a risk to the applicant. He said that the question was, in this example, they were not implying that they essentially needed the site plan, but rather they needed to address all the site plan-related issues. He said that they were creating less risk.

Mr. Fritz said that to proceed with the project, they would need to submit a site plan. He said that if it involved a special use permit, the agent could state that, based on the scale of the project, there was a sensitive area, requiring a detailed grading plan in that specific area. He said that this was a benefit of having a special use permit, as it allowed them to customize the minimum requirements for a submittal. He said that while the applicant could choose to exceed those requirements, they needed to ensure that they received sufficient information with the special use permit.

He said that for him, this issue came down to process and scale. He said that it was those two factors. He said that from a process standpoint, he thought the scale of the project, for example, 10 acres, could impact the efficiency of the process. He said that if the County could encourage a more expeditious process, that might be helpful in that sense. He asked if there might be a minimum size or scale that this project needed to meet in order to be considered. He said that he could easily visualize a 21-acre parcel, as he lived in southern Albemarle and saw many

developed parcels of that size in the area, such as Bundor and others. He said that they were large areas of land.

Ms. Firehock said that it would be larger than 21 acres, because 21 acres in panels would require an additional 20% of land beyond that for access roads, stormwater management, and other things.

Mr. Murray said that one of his concerns was that the proposed standard seemed out of step with their zoning and subdivision requirements in the rural area. He said that if their default size was 21 acres, he hoped they would revisit this. He said that to match it with their zoning, the total size of the development, including buffers, roads, and other features, should be approximately 21 acres. He said that this would result in a panel size closer to 10 acres. He said that by doing the math in reverse and considering setbacks, he believed they could estimate a more reasonable size that aligned with the 21-acre subdivision standard in the rural area, rather than the 21 acres of panels, which seemed inconsistent with their rural subdivision practices.

Ms. Firehock said that it would probably be 35 acres for the total parcel in that case.

Mr. missel said that if they all agreed on that point, which he did, then one way to consider this was by examining the area of disturbance. He said that they had talked about that as being a measure as opposed to the panel zone. He asked if that was a fair way to look at this.

Ms. Firehock said that she believed it was a better way to approach this. She said that she had a few minor comments on this ordinance regarding the specific language, but they were relatively straightforward and could be easily addressed through edits.

Mr. Fritz said that they often became aware as they completed their final tasks, or as they progressed through the process, that there were things they could phrase that a little more effectively.

Ms. Firehock said that she had about seven of those items. She said that she was not comfortable with taking this size project out of the SUP process. She said that specifically, she was concerned that it would eliminate the Commission's ability to use discretion when evaluating projects, as Mr. Bivins had mentioned earlier. She said that when considering a site which was highly disturbed, having lost most of its topsoil, and it could only be improved by addressing the extreme grading issues from an old logging project, as well as amending the soil and creating pollinator habitat, then a solar installation was clearly a beneficial development.

Ms. Firehock said that this was done in that particular project that had been mentioned earlier. She said that they had a very hilly landscape, and it did certainly matter where the projects were sited. She said that some commentators had noted that high-profile locations could be more challenging to site projects without disturbing viewsheds.

Ms. Firehock said that it was easier in their landscape than on the coastal plain to tuck projects into the land in such a way that a significant project would not disturb everyone's viewsheds. She said that in terms of scattering them all over Albemarle County, the solar sites themselves had to make sense from an energy distribution standpoint. She said that the U.S. Department of Energy had already mapped out ideal sites for solar installations, which she used as a risk assessment tool for conservation. She said that solar siting companies may view it as an opportunity map.

Ms. Firehock said that however, they could not simply be placed anywhere, so it was not going to affect every parcel. She said that she understood that people wanted to expedite project approvals, and there was a concern about nimbyism stalling all the projects in the County. She said that nevertheless, she believed this body had done a commendable job of being objective and considerate of various factors in reviewing solar sites. She said that she did not see a compelling reason to relinquish this role simply because it was solar.

Ms. Firehock said that she would like to add one more comment before she concluded. She said that for example, a 21-acre panel site may require 30 acres to allow for disturbance, and that would not be big enough to score a 4.1 for a forest block, because the minimum size for habitat corridors is 100 acres. She said that this would allow for a mature hardwood forest to be cleared by right for a solar farm. She said that notably, the majority of a forest's carbon was stored in the soil, which would be disturbed in the process. She said that releasing this stored carbon contradicted the goal of reducing carbon emissions via solar power.

Ms. Firehock said that this conversation was not addressed in the ordinance, and it seemed to be off the table. She said that she agreed that they had a responsibility to be good stewards of their environment, but there were alternative ways to make it easier for solar companies without sacrificing the special use permit process entirely. She said that perhaps they could explore adjusting the margins to accommodate smaller projects to be by right, while still maintaining some level of regulation. She said that she was not comfortable with the idea of completely changing the process to be mostly by right, except for very large projects.

Mr. Missel asked if there was a specific number Ms. Firehock would support as the maximum area to be allowed by right.

Ms. Firehock said that she had not thoroughly considered the issue to provide an informed response. She said that she would estimate 10 acres, but she was not confident in that figure, as it was purely speculative.

Mr. Carrazana said that he still believed that the issue with that was that one could still take 10 acres of hardwood.

Mr. Bivins said that the hardwood had been preserved under the current conditions.

Ms. Firehock said that no; they could take anything due to the by-right allowance.

Mr. Fritz said that no; by right or by special use permit were not permitted in a forest area identified in the comprehensive plan that scored 4.1 or higher.

Ms. Firehock said that those areas had to be at least 100 acres to be considered.

Mr. Fritz said that it was whatever was shown in the presentation.

Ms. Firehock said that she was the one who built that model.

Mr. Fritz said that yes; if it was not 4.1 or greater, then they could do whatever they wanted.

Ms. Firehock said that while there were other habitat corridors that were 100 acres, they lacked certain characteristics. She said that for instance, they may not have rare species or have

sufficient water or as much topography for habitat niches. She said that as Mr. Murray had mentioned, soil diversity and numerous other measures played a crucial role in this model of rankings. She said that it was great that they would be preserving the highest quality ones, but there were lower-ranked habitat corridors that, despite their lower ranking, were still essential for being considered a habitat corridor.

Mr. Murray said that he could take them to visit important habitat sites that would technically be permissible as solar installations because they fall just outside of those areas.

Ms. Firehock said that she could have a landscape of rare plants on a certain mountainside that was not included in the forest blocks.

Mr. Murray said that the solar project in Batesville, which involved solar projects supporting existing farms, was clearly a use that should be allowed by right, in his opinion. He said that when they were talking about solar as the only usage of the parcel as a by-right allowance, it was a different question for him and was not addressed in the proposed ordinance. He said that he was unsure if it was because they could not address it.

Ms. Firehock said that she believed that it would be too difficult to write into the code.

Mr. Murray said that perhaps they could limit a certain percentage of a parcel to the solar panels. He said that he was unsure. He said that personally, he would lean towards the 10 acres of panels. He said that the overall disturbance and the setbacks should be no more than 21 acres. He said that it should match their subdivision size of 21 acres. He said that it could be less than that for him, but definitely no more than that.

Mr. Missel asked if Mr. Murray was stating that he would support a panel zone with an area of less than 21 acres, provided that the area of disturbance did not exceed 21 acres.

Mr. Murray said that that was exactly what he was saying. He said that it was also worth noting that some of the points Ms. Firehock was trying to make seemed to be getting to the idea that they needed a rural area plan. He said that they had previously discussed the need for such a plan, and he believed that identifying areas crucial to the type of agriculture they wanted to see in Albemarle County would be a key component of that plan. He said that currently, they did not have those areas designated.

Mr. Murray said that ideally, they should have a comprehensive plan map that outlined priority agricultural areas. He said that he thought it would be beneficial to prevent this type of development in those areas, even as a by-right activity. He said that he wondered if there was a way to temporarily hold space for these areas, such as designating them as zoned for agriculture, even though they did not currently have such zoning. He said that this would allow them to revisit the ordinance at a later time, once they had a rural area plan in place.

Mr. Missel said that he would like to revisit a point Mr. Murray had made earlier. He said that he heard that Mr. Murray was supporting by-right solar development on disturbed land of up to 21 acres.

Mr. Murray said that he was unclear about how the score was determined, particularly since the Natural Heritage Committee was not consulted when that arbitrary number was established.

Ms. Firehock said that the 100 acres was a standard established by the Department of Conservation and Recreation as the minimum size forest area required for interior forest birds to have sufficient breeding and foraging areas, so it was not an arbitrary number.

Mr. Murray said that there were other things that did not require such a large amount of acreage.

Ms. Firehock said that to his point, this plan only addressed those areas in the Biodiversity Action Plan, but there could be other rare plant areas or similar issues that may arise when examining each project individually.

Mr. Murray said that, as he had mentioned earlier, there needed to be language in the plan that included an update to the Biodiversity Action Plan, which should also include a more detailed rural area plan. He said that this would provide space for considering situations where this approach may not be appropriate at all.

Ms. Firehock said that since they did not have a rural area plan, they had not had those conversations about where in the County this type of development could occur. She said that given that approximately 95% of their County was designated as rural area, that represented a significant amount of land. She said that in essence, it suggested that this type of development could be considered in any area of the County.

Mr. Murray said that one reasonable compromise would be to require special use permits for all solar developments in the rural area until that plan was complete. He said that once the plan was complete, then they could consider opening up areas where special use permits would not be required.

Mr. Carrazana said that to add to his previous point, he was in agreement with Ms. Firehock. He said that he believed removing the special use permit for solar development was not a viable option. He said that it was not just their evaluation and conversation that mattered, but also the input from the public. He said that to his knowledge, none of the solar projects that had come before them had been denied. He said that he was not aware of any solar project that had been denied. He said that this was not just a concern of the Commission, but also of the community. He said that the public had a right to have a say in this matter, and it was essential that they consider their voices. He said that he was struggling with moving an industrial use into the agricultural areas.

Ms. Firehock said that it required sunshine, but it did not technically require rural land.

Mr. Carrazana said that that was right. He said that as far as he knew, there was only one source of farmland. He said that there were many sources of energy, and he would not reiterate that. He said that they had this conversation a few weeks ago, and he had provided detailed information. He said that unfortunately, all sources of energy were imperfect. He said that there was no perfect source of energy that could provide everything. He said that he had been searching for solar panels for his home for quite some time, and one of the personal factors that was impeding him from taking that step was that he could not find solar panels that were not made in China. He said that 78% of full solar panels were manufactured in China, and breaking it down to the components themselves, it was 98%.

Mr. Clayborne said that there was a lot of carbon there.

Mr. Clayborne said that they constantly stressed equity, but when considering the mining and the industry, it was coming from forced labor. He said that this was a struggle he was personally having. He said that they were all imperfect sources. He said that also, the decommissioning process was still unknown, untested, and had unknown impacts on the soil and remediation. He said that specifically, he was concerned about the leaching of chemicals, such as polysilicons, used in their production. He said that he wondered how these chemicals would affect the soils. He said that unfortunately, there had not been sufficient research on this topic. He said that as a result, he believed there were many unknowns that they needed to consider before proceeding. He said that he had a difficult time simply stating that they could allow these facilities without a special use permit.

Mr. Missel asked if Mr. Carrazana supported the ordinance. He said that he wanted to ensure that he understood his position accurately. He said that he also wanted to confirm that they were still seeking a specific number, even if it was uncertain. He said that what he was hearing was that the number might be around 10 acres, and they were still trying to determine that.

Mr. Carrazana said that his preferred number would probably be around 2 acres.

Ms. Firehock said that there were a few issues with the decommissioning process that she would like to discuss. She said that for instance, the ordinance mentioned stockpiling the topsoil and returning it later. She said that from a soil science perspective, it was not feasible to simply scrape off the topsoil, pile it, and then reintroduce it 30 years later. She said that the topsoil would have lost its organic matter and characteristics that took 100 years to make, essentially becoming rubble.

Ms. Firehock said that this was a silly notion that the solar industry had marketed, so that they could say they were stockpiling the soil and would smooth it back down in 30 years. She said that they should not bother with that; they should stipulate that the land be returned back to the natural contours of the land as closely as possible. She said that this would also allow the pollinator habitat to mature and potentially create new soil. She said that additionally, when posting a performance bond, they should consider the potential inflated costs in 30 years and adjust accordingly.

Mr. Bivins said that it was included; there was a review process every five years.

Ms. Firehock said that also, regardless of its size, everything should have a decommissioning plan in place.

Mr. Carrazana said that that was true regardless of whether it was by right or not.

Mr. Clayborne said that he had a question for Mr. Fritz. He said that in terms of defining commercial-scale solar, he would like to know the range of panel coverage in acres. He said that he understood that this might be an unusual question, as it was typically defined by the amount of energy it produced. He said that using the terminology that Mr. Fritz had used with panel coverage and acres, he wondered when it began to not make sense anymore.

Linds Edwards said that they were with the Berkley Group. They said that they would like to express their gratitude for everyone's hard work and dedication over the past year in developing this ordinance. They said that to address Mr. Clayborne’s question, utility-scale projects typically lose their economic viability at around 1 megawatt. they said that they require connection to the

transmission level grid, rather than the distribution level grid. They said they could provide more information if that did not answer the question.

Mr. Clayborne said that what they were really grappling with in this discussion was the 21-acre panel zone being designated by right. He said that his question was whether a numerical estimate could be provided to align with the acreage of the panel zone. He said that based on their description, he wondered if there was a specific number.

Mx. Edwards asked if Mr. Clayborne was asking what the panel coverage would be for a parcel with a total of 21 acres.

Mr. Clayborne said that he was referring to the megawatts.

Ms. Firehock asked how big an installation needed to be to get to 1 megawatt.

Mx. Edwards said that generally, it was about 7 to 10 acres per megawatt, depending on the topography. They said that due to the extreme slopes in Albemarle County, they were looking more towards the 10 acres per megawatt.

Mx. Edwards said that that was particularly relevant given the regulations in place to avoid riparian buffers, floodplains, and wetlands, so they would be pushing closer to the 10 acres per megawatt threshold. They said that they were available for any further questions.

Mr. Missel said that as they considered recommending this to the Board, their recommendation could be vague if they were not really sure. He said that they were particularly concerned about special use permits and the by-right process, and they could communicate to the Board that they were unsure about the exact range of what was allowed. He said that they were essentially leaving it up to the Board to decide. He said that with the expertise on this Commission, they could consider recommending approval at a specific number, with certain conditions such as decommissioning plans being required for all installations.

Mr. Clayborne said that he had a lot of discomfort with 21 acres, which was not his preferred number. He said that he had a great deal of respect for the expertise Ms. Firehock and Mr. Murray had shared on land development, habitats, and ecosystems. He said that if he had to choose a number, it would likely be within the range of 7 to 10 acres, as their subject matter expert and consultant had just shared.

Mr. Clayborne said that he would have significant concerns about removing the Commission from the review process for this discernment reason, which they had been discussing for several hours. He said that he agreed that decommissioning plans should be part of all installations, without a doubt. He said that he was still grappling with the idea of taking the Commission and Board out of the process of review and guidance that they were here for.

Mr. Missel asked if the 7-to-10-acre estimate was based on panel zone and not on the entire area of disturbance.

Mx. Edwards said that that would be approximately 7 to 10 acres of solar panels. They said that several factors contributed to this average, but that range was likely the most accurate estimate. She said that it was likely closer 10 acres when considering the general characteristics of Albemarle County.

Ms. Firehock said that they might need 15 acres to get 10 acres of panels.

Mx. Edwards said that they were considering access roads, setbacks, buffers, and any necessary substation, as well as additional transmission lines, which would increase the overall acreage closer to 10 acres.

Mr. Carrazana said that they had a lengthy conversation regarding the Buck Island project. He said that they were at the higher end of that measure, but that was for the total disturbance area. He said that they had to clear the land to ensure adequate sunlight for the panels. He said that the site was previously a pine farm, so they had to remove the trees to create a buffer zone around the panels. He said that according to their calculations, they averaged about 10 acres per megawatt, and their 3-megawatt project required approximately 30 acres of total disturbed area, within the fence line.

Mr. Murray said that he hoped they would explicitly reference blighted property in the context of decommissioning, as determining whether a property was blighted could be a complex issue. He said that clarifying this up front in the ordinance would allow for expedited action if the properties were disused and fell into disrepair, which could help expedite the decommissioning in such situations.

Ms. Firehock asked if that would be amending their blight ordinance to include that description, or if they did not need to because it is already covered.

Mr. Herrick said that state law addressed blight, and as a result, any blight ordinance was typically property specific. He said that when the County adopted blight ordinances, it did so after specific properties had been brought to the attention of the Board of Supervisors.

Ms. Firehock asked if a solar site could be brought to their attention and discussed as a potential option.

Mr. Herrick said that it depended on whether the subject facility was inoperable.

Mr. Murray said that he believed that if the panels were inoperable and in a state of disrepair, a reference to the blighted ordinance would be sufficient to include in the solar ordinance. He said that as he had mentioned earlier, they had completed a significant amount of work, but they were waiting on a rural area plan. He said that he was not comfortable with simply stating "forest blocks." He said that he hoped they could change it to "habitat blocks," as he believed this was a simple wording change that would have a significant impact. He said that they had not included "prime agricultural soils" in the maps due to a mapping issue, which was not well-structured. He said that he agreed with Ms. Firehock that there were ways to improve the mapping structure.

Mr. Bivins said that as he listened, he was learning and perhaps shifting. He said that a key aspect of this was the functional transmission of the distribution line. He said that he thought much of the conversation they were having today regarding a solar installation going into everyone’s backyard would not be realized. He said that he had observed the land use patterns in his own neighborhood, where he lived, and he saw 300 acres of land within a two-minute walk that would not being utilized for this purpose.

Mr. Bivins said that he believed they needed to scale back their approach and focus on something that might actually be built at some point in the future. He said that he had found the work on the rewriting of the wireless tower ordinance to be particularly helpful, particularly in identifying areas of historical significance on the maps. He said that he appreciated the effort that had been put into laying out these areas.

Mr. Bivins said that he would like to build on that by asking staff to identify where these things could be located, because they were well-known. He said that some of what they were discussing may be worthwhile to bring up, but the code may not fully address it, or the code may be referred to unnecessarily because it would never apply to a particular area due to connectivity issues. He said that it may be helpful to focus the conversation if specific areas were identified.

Mr. Bivins said that he was struggling with the discussion about reducing acreage, because he knew that their building practices were promoting growth; they were telling developers to do their business with certain restrictions. He said that they had made the decision to promote growth. He said that hearing from their consultant that these installations would require about 10 acres of panels per 1 megawatt, if they go in the direction of reducing it down to 10 acres, they would effectively close the door to any type of commercial projects in the County.

Ms. Firehock said that they would still be allowed by special use permit.

Mr. Bivins said that he understood. He said that even with a special use permit, they were putting a specific amount of time to it and a certain amount of dollars on it. He said that if there was a way to find an accelerated approval process, he could support that. He said that it would be smart and would encourage people to come here. He said that he did not want to be like Orange County, where they had made a strategic mistake by not allowing any commercial solar projects in the County. He said that it was a place of privilege that he hoped they would not realize in Albemarle.

Mr. Bivins said that he believed there was a way to be sensitive about the environment, but the sensitivity needed to be real in terms of where connectivity was. He said that they were not talking about bespoke solar systems that would service each individual EV and home. He said that they were discussing installations that would connect to the network, and there were only certain places where Dominion would support connection to their lines. He said that from what they heard from a prior applicant, there was a prohibition from the regional energy coalition that meant they were only taking on projects very slowly.

Mr. Bivins said that his point was that he wanted to be clear that the creation of this ordinance was not for the entire 400 miles of Albemarle County; it was for a much smaller area that had the possibility of connecting to the transmission lines. He said that once they did that and found a way, if meeting all the variables, for staff to look at it, bring it to the Commission and Board for consideration, with an abbreviated process, he could support that, but he could not support reducing it entirely to 10 acres. He said that he understood the discomfort with 21 acres, but he thought 10 acres would send a signal to the industry that it was expensive to do business here and they would not achieve some of their goals.

Ms. Firehock said that if one wanted to make a certain size by right, they could add parameters for them to meet in order to be by right. She said that they could get into things like viewsheds, visibility, and other requirements. She said that it would be difficult, but they could theoretically do that. She said that they had various parameters that homestays had to meet, for example.

Mr. Fritz said that he was not sure if that was true. He said that he had been doing this for a while, but he had no idea how to write an ordinance where it would be objective and state that the viewshed is a certain variable. He said that he did not know how to do that, other than saying it could not be seen from the road, seen from another house, or something similar. He said that he was unsure how to say that the view was mitigated, so it was by right.

Ms. Firehock said that they did it with cell towers, where they had to be painted brown.

Mr. Fritz said that the ordinance said specifically what they had to be; they had to be designed to a certain dimension and height. He said that those were variables he could measure.

Mr. Carrazana said that the viewshed was one component. He said that there were many others.

Ms. Firehock said that there were other conditions they could write which would be objective, but she did not think they would write them tonight.

Mr. Murray said that to Mr. Bivins' point, there were limited areas where utility-scale solar was feasible. He said that in his original vision, he had anticipated that they would identify these areas in the County where utility solar made the most sense, excluding prime agricultural soils and large forest blocks. He said that they could then make these areas by-right for solar development. He said that at that point, they could have areas where 50 acres could be developed by right, justified by the analysis done prior which identified the area as a place where solar installations made sense. He said that if they considered this as an interim step, he believed they should hold a place for the idea that they should come back, identify the places that are high priority areas which had more by-right potential.

Mr. Missel said that he suggested they attempt to put their conversation into writing and move it to the Board for consideration. He said that it appeared the Commission did not support the ordinance as written. He said that the action they were considering was to support the zoning text amendment and recommend approval to the Board of Supervisors.

Mr. Fritz said that they could also choose to support an ordinance with these changes, including changes to the proposed ordinance, which was a common practice for the Commission.

Mr. Missel said that he had been trying to keep track of the changes. He said that one was the need to acknowledge the 21-acre size. He said that they could either be vague and say they did not know the correct size, or they could say that 10 acres was a more appropriate size, based on a panel zone of 10 acres or a total disturbed area of 10 acres.

Mr. Bivins said that he could not support narrowing it down.

Ms. Firehock said that it may become commercially unviable, and in that case, they would have failed to achieve their goal. She said that she assumed that the Board of Supervisors' goal was to increase solar development, but by making it unviable, they would essentially be saying why bother.

Mr. Missel said that personally, as Mr. Carrazana had mentioned, it was important to have the opportunities for public input. He said that he totally supported commercial-scale solar through the appropriate process.

Mr. Bivins asked if a by-right development had to inform their neighbors.

Mr. Fritz said no.

Ms. Firehock said that they would fill out their application, meet the requirements in the code, and move onto the next steps.

Mr. Missel said that a special use permit would require notification to the neighbors.

Mr. Bivins said that they had a number of different things in land use that required notification to the neighbors, even if it did not come before the Commission and Board.

Ms. Firehock said that if there was no public hearing, then there was no public input.

Mr. Bivins said that he was not referring to public hearings, but rather a notice to neighbors. He said that this was what happened with the turkey farm, where they could not do anything about it. He said that there were some uses that required notification to neighbors that did not require a public hearing or approval from the Commission and Board of Supervisors.

Mr. Fritz said that they had had a similar process in place for a long time with site plans and subdivisions, where they would notify the abutting owner and allow them to appeal the decision to the Planning Commission. He said that the Planning Commission would then review the matter every Tuesday and ultimately have to inform the neighbors that they had to approve the project, despite their opposition. He said that this process became increasingly frustrating for the neighbors, who thought that they could do something but had little control over the outcome.

Mr. Fritz said that to clarify, he would like to ensure he understands the intended changes. He asked if it was suggested that, in terms of acreage, 1 megawatt was the threshold between viable and unviable. He said that if they wanted to allow that, giving staff that guidance on this would enable them to work backwards to determine the required panel zone or clear area. He said that he was attempting to help facilitate this conversation, and he wanted to confirm if that was indeed the intention.

Mr. Missel said that he could agree with that, based on their consultant's opinion.

Ms. Firehock said that she could not support making the use by right at this juncture. She said that preschools, churches, and many other uses were only allowed by special use permit in the rural area. She said that while a bunch of screaming four-year-olds may make a lot more disturbance than a bunch of humming solar panels, the impacts were vastly different.

Mr. Missel said that Ms. Firehock had previously mentioned the possibility of 10 acres.

Ms. Firehock said that it was a maybe.

Mr. Missel said that he was simply asking if that was a hard no.

Ms. Firehock said that she was a hard no right now. She said that she was waiting for Mr. Bivins to make a compelling argument to change her mind.

Mr. Carrazana said that he agreed with Mr. Murray's proposal to keep the SUP process until they could identify suitable areas for solar installations. He said that then, they could designate areas as by-right for solar.

Mr. Missel asked if that would come along with the rural area plan.

Mr. Bivins said that he did not know if they would need a rural area plan at that point.

Ms. Firehock said that she would be much more supportive of that approach.

Mr. Clayborne asked how long it would take staff to complete that task. He asked if it would be a year-long exercise. He asked if they could use the existing maps referenced by Ms. Firehock and complete it in a quarter. He asked how far they were kicking the ball down the road.

Mr. Barnes asked if the Commission was requesting staff complete a full rural area plan or an overlay district.

Mr. Clayborne said that he was referring to an overlay district which identified areas that were most feasible and suitable for such a project.

Mr. Fritz said that it would be difficult to do. He said that the state had been trying for the past two years to identify and define what "good agricultural soil" was, for purposes of keeping solar installations from consuming that good agricultural soil. He said that simply identifying "prime soils" would encompass a vast majority of land, making it difficult to establish a clear definition. He said that they would need to create a new definition that was distinct from existing ones, and it was unclear when that could be achieved.

Ms. Firehock said that it had already been defined by the U.S. Department of Agriculture. She said that they had stated there should be no solar cells on prime soil.

Mr. Bivins said that he had thought they were talking more about where are the possible transmission connections.

Mr. Fritz said that to clarify, the most recent special use permit they had, the Buck Island Solar, was a 3-megawatt facility. He said that it was not located on a transmission line, but rather on a distribution line. He said that this meant it was not a high-voltage line, but rather a line that served a specific area. He said that they had seen smaller facilities, such as those in Woodridge and Midway, located on main lines. He said that in contrast, the Ivy Landfill was not on a transmission line, but rather on a distribution line. He said that however, as facilities grew in size, they may require connection to the transmission line, at which point they would typically be located near the transmission lines.

Mr. Missel asked if it was possible that they could express support for the ordinance with one exception, being their significant concerns regarding the scale of 21 acres being by right, until more such clarity was documented to guide such developments in sensitive areas, including forest soil, historic districts, viewsheds, and others.

Mr. Fritz said that what Mr. Missel stated was easy for staff to give to the Board of Supervisors. He said that he wanted to clarify one point because it had not been brought up. He said that currently, the ordinance allowed for 0.5 acres by right. He said that the definition as currently

written was not specific to a panel zone, so they should clarify that. He said that he assumed the Commission did not want to get rid of the existing permission for 0.5 acres by right in the rural areas.

Mr. Missel said that there was consensus to keep the 0.5 acres by right.

Mr. Bivins said that even if they did that by right, he still had questions about the decommissioning process there. He said that for instance, if a farmer decided to sell their 100 acres of sheep farm, the new owner would know that they had some panels with some age and wear on them. He said that they would likely discount the price of the panels, taking into account that they would eventually need to remove and dispose of them. He said that this was a crucial aspect of equity, as it was not an easy thing to acknowledge.

Mr. Bivins said that when they discussed equity, they must consider the complexities of decommissioning these systems. He said that as Mr. Carrazana had mentioned, shipping them to a yet-to-be-designated location was a significant undertaking. He said that he was trying to determine what best practices the County could establish for decommissioning these types of activities on the back end.

Mr. Bivins said that he was not suggesting that they needed to have this information now, but he believed it was essential to consider the long-term implications. He said that if they could demonstrate a thoughtful approach to the beginning and end of these systems, it would make the community more comfortable with the idea of adopting them. He said that he was confident that there were smarter minds than his who could provide a more comprehensive solution, but he was certain that being transparent about the entire process, from start to finish, was crucial to building trust and confidence in their approach.

Mr. Missel said that he agreed 100% with that point. He said that he would like to revisit the idea of potentially finding a way to expedite or overlap the process. He said that this involved identifying that gray area, where one could balance the need for public input with the desire to move things more quickly. He said that the goal was to find the best of both worlds, where they could incentivize developers to scale up their projects while still allowing for public input.

Mr. Carrazana said that he was supportive of an expedited process that did not exclude a public hearing and opportunity for public comment, as well as review from the Planning Commission. He said that however, it was not a linear process; there could be parallel or non-sequential steps. He said that the current process, which involved a five-month timeline, could be streamlined. He said that perhaps there was an opportunity to overlap some steps to shorten the overall time for these projects.

Mr. Fritz said that he believed the comments they had provided were clear and concise enough to be presented to the Board of Supervisors. He said that they would have the benefit of reviewing the minutes and, if desired, watching this video as well.

Mr. Missel motioned that the Planning Commission support the ordinance, ZTA 2023-01 Commercial Solar, as written, with one exception: the Commission’s concern of the 21 acres being developed by right, until such time when more clarity was documented to guide future by-right developments in sensitive areas, including forests, soils, historic districts, viewsheds, etcetera. He said that the Commission also recommended decommission plans for all solar

facilities and explore methods to expedite the process for large-scale solar projects that required special use permits.

Mr. Clayborne said that he would like to add one piece of information and request staff's feedback on this. He asked, when this proposal went to the Board, if there was a way to create a feasibility map that illustrated, as Mr. Bivins had mentioned, that it was not referring to all rural areas, but rather highlighted the likelihood of these projects occurring in specific areas, thereby providing a sense of scale and impact.

Mr. Fritz said that it would be challenging to accomplish, but they could take certain steps. He said that they could remove parcels that were under conservation easements, areas with steep slopes, and forest blocks. He said that they had done this before, so they could create maps to help the Board visualize the scale and scope of the issue. He said that however, they lacked the detailed maps, such as those showing the location of pine forests, which would provide a more accurate representation of the problem at this time.

Mr. Bivins seconded the motion.

Ms. Firehock said that when she made the comment about the soils, she mentioned that simply placing them in a pile for 30 years and then reintroducing them did not make ecological sense. She asked if they could revise that part of the ordinance to recommend that they should return the soil to as close as possible to their original contours.

Mr. Fritz said that it was in his notes, so when this item moves forward, they would share those comments with the Board of Supervisors. He said that if they amended the ordinance to include those recommendations, they would note that to the Board when they presented the item and the Commission’s comments.

Ms. Firehock said that she had made some definitional adjustments to the wildlife corridor, but that was a relatively minor adjustment.

Mr. Fritz said that if anyone had those types of comments, staff would be more than happy to take a look at those.

Ms. Firehock said that forest blocks referenced in the ordinance, but it was not included in the definition. She said that therefore, they should also include it in the definition.

Mr. Fritz said that it was not necessary to include it, because it referenced forest blocks in the comprehensive plan.

Mr. Murray asked if staff had noted his comment regarding habitat blocks.

Mr. Fritz said that yes, he had that comment noted as well.

Mr. Carrazana said that he had a point of clarification on the motion. He said that it stated they were supportive of the ordinance, and he would add that it was with the exception of removing the special use permit. He said that in other words, the ordinance would be in effect without the by-right permission.

Mr. Fritz said that it currently existed with 0.5 acres by right.

Mr. Bivins said that they were not changing that.

Mr. Fritz said that that was the way they were interpreting the motion he had made.

Mr. Missel said that he had mentioned the 21 acres, but he did not specify the by-right designation.

Mr. Carrazana said that it was with the exception of removing the 21 acres from being by right. He said that as long as that was emphasized, he was supportive.

Ms. Firehock asked the Commission's legal counsel if they were in compliance.

Mr. Herrick said that the motion was sufficient if the Commission believed it was sufficient.

Mr. Missel called the vote on the motion to recommend approval of ZTA2023-01, with the proposed changes outlined by the Commission. The motion passed unanimously (6-0). (Mr. Moore was absent.)

Recess

The Commission recessed at 9:12 p.m. and reconvened at 9:20 p.m.

SP202400018 Charlottesville Community Church

Syd Shoaf, Senior Planner, said that he would be presenting staff's recommendations for Special Use Permit SP202400018 Charlottesville Community Church. He said that this permit seeks to allow religious assembly use for up to 500 seats. He said that the subject property, located at 26 Pebble Drive, south of Charlottesville, was 6.81 acres and zoned R1 Residential. He said that Pebble Drive was accessed via Scottsville Road, or Route 20. He said that 26 Pebble Drive served as the subject parcel, as well as the parcel to the rear, which was TMP 90-35F. He said that the comprehensive plan designates it as Office/R/Flex/Light Industrial.

Mr. Shoaf said that the adjacent parcels to the north were part of the Avinity Estates Subdivision, zoned Planned Residential Development PRD). He said that the parcels to the rear and south were zoned R1 Residential, each containing a single-family residence. He said that the adjacent parcel to the west was zoned Light Industrial and were home to Martin Roofing. He said that to the east, across Route 20, the parcels were zoned Rural Areas. He said that the site currently featured an existing single-family residence and a detached garage. He said that Pebble Drive served both the subject property and the rear parcel, with a 50-foot private right-of-way.

Mr. Shoaf said that the site's topography was sloped, with steep slopes managed, and it was located within the entrance corridor overlay district. He said that the applicant would provide further details on their proposal, but he would provide a general overview. He said that this special use permit seeks to allow religious assembly use for up to 500 seats, with three distinct envelopes: a building-parking envelope, a building envelope, and an open space amenity area.

Mr. Shoaf said that in addition to the proposed landscape buffers around the property's boundary lines, the applicant is also seeking to relocate and reconstruct the existing Pebble Drive to better suit the topography near Scottsville Road. He said that a 10-foot shared use path was proposed along the frontage of the property, and there was also a potential location for a 10-foot shared

use path or a 5-foot primitive trail to the Avinity Estates subdivision, pending approval from the Avinity Estates Homeowners Association (HOA).

Mr. Shoaf said that the streets within the Avinity Estates neighborhood were private streets, so it was up to their discretion as to how it was used. He said that the special use permit was reviewed under the factors for consideration outlined in the zoning ordinance. He said that staff believed that, with the proposed conditions, the special use permit would not harm adjacent parcels, would not alter the character of the nearby area, and would remain in harmony with the R1 Residential zoning district, and was consistent with the comprehensive plan.

Mr. Shoaf said that there were six total conditions for this proposal. He said that the first condition required development to be in general accord with the provided concept plan, including the location of proposed building envelopes, parking envelopes, open space envelopes, and landscape buffers. He said that the second condition limited the area of assembly to a maximum of 500 seats. He said that conditions three, four, and five related to transportation improvements on the site.

Mr. Shoaf said that the sixth condition, which was bolded, would be filled in with a date five years after its approval by the Board of Supervisors. He said that overall, there were two positive aspects: the use was consistent with the review criteria for special use permits in the zoning ordinance, and it was also consistent with the Southern and Western Urban Neighborhoods Master Plan. He said that staff had no concerns and recommended approval with the conditions as outlined in the staff report. He said that he was happy to answer any questions from the Commission.

Ms. Firehock said that on the path that would be constructed by Route 20, she assumed it did not connect to any existing paths on either side, as the other parcels did not have that path.

Mr. Shoaf said that was correct at this point. He said that there was no path on Avinity Estates or the single-family residence to the south. He said that there was a path located two parcels over, which was the Kappa Sigma site, which had been recommended for approval by the PC earlier last year.

Ms. Firehock said that on Route 20, on the other side of the road, there appeared to be a development that ends abruptly in a slope that does not connect to the other side of the road. She said that she would appreciate Mr. Shoaf's insight on whether he believed this path could potentially connect topographically in the future. She said that although he was currently using a laser level to assess the situation, she would value his opinion based on his visit to the site.

Mr. Shoaf said that was the County's goal. He said that they aimed to establish a network along Route 20, as outlined in their long-range plans. He said that if this project was approved and they proceeded to the site plan phase, they would begin examining the engineering and grading necessary to create a connection between this site and adjacent parcels, making it feasible to link them.

Ms. Firehock said that her next comment was a quick check-in for the public. She said that the building envelope referred to the area on one side of the parcel where the building would be constructed, but it did not include the actual building itself.

Mr. Shoaf said that that was correct. He said that it was the area in which staff was willing to allow the proposed buildings to be constructed. He said that he hoped they would not build a two-acre building. He said that provided was the illustrative plan, and it served as an example of what this development may look like if it were to be approved.

Mr. Bivins said that to follow up on his colleague's question about the sidewalk, he would like to reiterate a point he had made before. He said that he had previously expressed concern that why they would build a sidewalk if it was never going to be connected to anything. He said that his question was, why do they ask applicants to build a sidewalk to nowhere on both sides? He said that he believed it did not make sense. He said that the Avinity people had already stated that they did not want the project in that location, citing concerns about flooding, and that they would not build a path there. He said that similarly, Martin Roofing would definitely not put a sidewalk on their property.

Ms. Firehock said that it was a very steep entrance. She said that they must violate the slope ordinance to install it.

Mr. Bivins said that his point was that if there was a sidewalk to nowhere, it raised questions about why they were asking them to install it. He said that he had another question. He said that on page three, at the top, it stated that the project narrative proposed a facility not to exceed 55,000 square feet. He said that he was unclear about the total square footage of the three buildings in the plan. He said that he wondered if the total of 55,000 square feet was the combined area of all three buildings, or if that was the maximum size for the facility. He said that on the agenda, it mentioned 13,100 square feet.

Mr. Shoaf said that he did not have the agenda in front of him that had the 13,100 feet.

Mr. Bivins said that on the agenda, under SP202200012, it stated that they were allowed to build a 13,000-square foot building. He said that however, the staff report indicated that the actual building size was 55,000 square feet, which included all three buildings. He said that he was simply asking if that allowance was for all three buildings, as that would make sense to him.

Mr. Shoaf said that he was reviewing the agenda provided here, but he was still not seeing the specific item he was looking for. He said that the numbers mentioned reminded him of SP 20200012, which had been presented to the Planning Commission in December. He said that he believed the 13,000 square feet was the building size for that specific project. He said that it was not listed in the materials provided.

Mr. Missel said that it was a different agenda.

Ms. Firehock said that the agenda that was emailed and the one that was printed might be different.

Mr. Bivins said that he assumed it was an editorial change. He asked if they were at 55,000 square feet across all three of the buildings.

Mr. Shoaf said that yes. He said that they did not condition the building size, which was noted in the narrative provided by the applicant. He said that the applicant could provide further detail about whether it was one specific building or the total across all buildings.

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

Scott Collins said that he was representing the Charlottesville Community Church for this application. He said that the site was 6.98 acres, which meant that it could be suitable for by-right solar panels. He said that this was a unique project for him; typically, he presented to the Planning Commission on projects in rural areas, discussing traffic, impacts, noise, and other concerns. He said that tonight, he had the opportunity to discuss a church project within the development area, which was ideal since the congregation was already located there. He said that the church had owned the property for about a year, currently residing 500 yards away at the Mountainside View School.

Mr. Collins said that they were excited to establish a permanent residence, believing it would help their church grow and expand as desired. He said that being within the same vicinity area was a significant advantage. He said that he would like to discuss the property's history, as it played a role in the site's challenges. He said that he would briefly outline it. He said that this property was originally part of the Avinity development in 2013, when the rezoning for the second phase was approved. He said that it was initially a single-family residence, intended to be combined with the Avinity Estates rezoning.

Mr. Collins said that the property's owner who was elderly and ill, was selling the property with the intention of using it to pay medical bills and provide for her family later. He said that she passed away soon after they had the property under contract to be incorporated into the rezoning, and her son decided to keep it. He said that the property was removed from the rezoning, and it remained a rural property. He said that the son lived there for a while before moving on. He said that now, they were ready to sell the property, and he had worked with several builders on this site, finding it to be very challenging in terms of topography.

Mr. Collins said that one of the biggest challenges was access from Route 20, as it was a heavily trafficked road with a significant amount of traffic coming from both directions. He said that adding a left turn lane, in particular, was costly and could be a significant barrier to development. He said that this was why few residential developments had been built in this area, as the costs of infrastructure improvements along Route 20 were difficult to justify. He said that when the church acquired this property, it presented a unique and feasible opportunity.

Mr. Collins said that the site was not subject to the same traffic patterns as other areas, as it was not located at peak PM or AM hours, eliminating the need for a left turn lane. He said that to address the need for deceleration, a right turn lane was being considered, which would allow for safe entry into the site. He said that he would show a few pictures to give a better understanding of the terrain of the property. He said that currently, the site was quite steep, with a significant incline from Route 20 to the back of the property.

Mr. Collins said that the house at the rear of the site was barely visible, and the terrain made it difficult to access. He said that the existing Pebble Drive, which served the house and adjacent property, was also a challenge due to its steep grade. He said that the right-of-way for this driveway was owned by the property, but its steepness presented a logistical hurdle. He said that going back to the original picture, it was clear that there was no suitable landing at the intersection with Route 20, especially when considering the low-volume commercial entrance and turn lane.

Mr. Collins said that to meet the speed limit requirements at this intersection, a landing was necessary, and then the road must tie in with the existing grade, which was steep and not

particularly inviting, especially for a church. He said that they had reviewed the possibility of modifying the roadway, and it appeared that the road would need to veer into the site, allowing for a longer roadway to be built as it approached the site. He said that this design enabled them to create a landing at Route 20 and bring the road up to grade, where it could then tie back into existing Pebble Drive, which flattened out as it approached the site.

Mr. Collins said that their goal was to make this transition more inviting. He said that as shown in this scenario, the edge of the new road was essentially on the edge of Pebble Drive. He said that they were working to incorporate the road and build it from the landscape strip out to their site. He said that next was another picture, showing the road's approach to the top of the site, where it became flatter. He said that this illustrated the concept of establishing an edge and building the road out in this way.

Mr. Collins said that a significant aspect of this project would be the buffer between the development and Avinity Estates. He said that he had included this original approved plan for the Avinity Estates development plan, which was a PRD. He said that he would point out that the buffer was set up with a proposed 8-foot wooden fence, 5 feet into the property, and landscaping was intended to go between the fence and the property line, featuring significant landscaping screening with evergreen and deciduous trees. He said that deciduous trees were spaced about every 25 feet, with evergreen trees staggered in between.

Mr. Collins said that this buffer plan had been proposed for the Avinity Estates five to six years ago. He said that the next image was an example that illustrated what actually existed on the property. He said that if that buffer had been installed, the property would have been more screened from the Avinity Estates development, and vice versa. He said that the Avinity Estates development, which had been completed five to seven years ago, had been experiencing issues with what had been promised. He said that this should be rectified and updated. He said that he wanted to bring this to the Commission’s attention.

Mr. Collins said that regarding the pedestrian pathway along Route 20, he had developed projects in the area, including Spring Hill, Avinity Estates, and Galaxie Farms. He said that all of these projects had pedestrian pathways in front of them. He said that the ultimate goal was to create a pedestrian connection between Mill Creek and the area where Avon Street tied back into Route 20, forming a pedestrian pathway network. He said that he agreed that if a pathway was not needed or connected to other existing paths, it may not be necessary to build it.

Mr. Collins said that perhaps the condition could be imposed that the church would build the pathway if or when asked, across the frontage where it tied into other properties. He said that ultimately, the idea was that these old properties would be developed, redeveloped, and a pathway would be created, with the County potentially filling in any gaps. He said that they would be happy to go either way on that one. He said that they had reviewed the conditions and accepted them. He said that they were here to discuss and answer any other questions regarding this request.

Mr. Bivins said that if he understood correctly, the applicant was not required to plant trees eight feet off the fence. He said that it would be the responsibility of Avinity’s. He said that he wondered how the applicant would go about getting those trees planted.

Ms. Firehock asked if it was included in the Avinity site plan to have that landscaping, therefore they were in violation and should be made to put it in.

Mr. Missel asked if it was part of the approved site plan.

Mr. Collins said that it was part of the approved site plan. He said that he was showing the plan from the approves site plan.

Mr. Bivins said that the applicant would then have a course of action to get some trees planted.

Ms. Firehock said that it was not this applicant's job to enforce it.

Mr. Shoaf said that that was correct. He said that Mr. Collins had shown that it was part of the approved final site plan for the Avinity Estates subdivision. He said that he was currently looking at it. He said that the plan included a six-foot landscaping and maintenance easement along the property line. He said that an eight-foot wooden privacy fence was to be installed eight feet from the property line.

Ms. Firehock said that the County could make them conform to that plan.

Mr. Clayborne said that he had a question regarding the stormwater management facility. He asked if it was planned to be a wet pond. He said that the playground was right there and there was no fencing on the project.

Mr. Collins said that that particular feature was actually a dry pond, consisting of a dry grass swale that filled with water during rainfall and drained slowly over a 24-hour period. He said that it was not intended to be a wet pond adjacent to the playground facility. He said that instead, they were proposing a couple of water quality swales, similar to those seen at JPJ, within the parking lot between parking spaces. He said that these swales would help treat the water as it flowed from the upper part of the parking lot and then drain down to that spot for additional detention purposes.

Mr. Clayborne asked if there would be no situation where on a Sunday, after it had rained on Saturday, and children were playing in the playground, resulting in a three-year-old falling into a pond of water.

Mr. Collins said that most of those would drain out over a 12-hour period, so that situation would not occur.

Mr. Clayborne said that in terms of parking, he would like to know if they were exploring any alternative solutions beyond a sea of asphalt, such as pervious surfaces or other options.

Mr. Collins said that they would definitely consider the overall composition of the parking lot as part of their evaluation. He said that they were looking at incorporating swales to capture drainage, which would help break up the asphalt and provide some landscaping between the parking spaces.

Mr. Clayborne said that he believed he had read that there would be lighting in the parking lot as well. He said that as for the recreation field, he wondered if there was lighting available there as well.

Mr. Collins said that no, there would not be lighting on the recreation field.

Mr. Clayborne asked if there needed to be a condition to make sure that did not happen.

Mr. Shoaf asked if the question was whether there would be lighting on the recreation field.

Mr. Clayborne said that yes, he was wondering if at any point someone could put up stadium lights.

Mr. Shoaf said that they did have a lighting ordinance that would need to be followed, so if this project got approved and moved to the final site plan, their lighting ordinance would apply. He said that since the parcel was also within the entrance corridor, the ARB would review this as well and it must adhere to their guidelines.

Mr. Clayborne said that he had one final question. He said that he was wondering if the building would be powered by a generator, or if that was not a consideration. He said that given the increasing frequency of power outages and resiliency efforts, he wondered if this facility could serve as a community gathering place in the event of a prolonged power outage, such as during the winter months.

Mr. Collins said that was not a bad idea, but it was not something they would make a condition of. He said that as the church evolved, although he could not see it becoming a part of the phase one plan, it could potentially be included in phase two and three. He said that this was going to be a multi-phase project, with at least three or four phases. He said that he would definitely consider when adding a gymnasium towards the end, that would be an excellent thing to have.

Mr. Bivins asked if 55,000 square feet was inclusive of all the buildings.

Mr. Collins said that yes, that was for the whole facility.

Mr. Missel said that besides the plantings that were not existing but should be there, he would like to know if the applicant was planning on planting in the 12-foot landscaping buffer that runs along that border.

Mr. Collins said that they were, yes, considering the possibility that if they did disturb certain portions of it, they could return and landscape those areas afterwards.

Mr. Missel said that Mr. Carrazana had helped him understand this, but he would like to confirm. He said that as they moved along the planned alignment of Pebble Drive, there was a white gap between the building's parking envelope and the building envelope after the curve.

Mr. Collins said that that was part of the existing 25-foot right-of-way.

Mr. Missel said that he was wondering if it would be possible to move the alignment of the existing Pebble Drive, shifting it down so that it was adjacent to the building and parking envelope.

Ms. Firehock said that they would then have more room for a buffer.

Mr. Collins said that it was possible, but the way the current building was functioning suggested that they would like a small gap between the building and the existing grading. He said that they also had some grading issues to address. He said that while there were many factors at play, including the building envelope, grading, and road layout, their goal was to minimize the grading

along the edge of the building. He said that however, there would still be a significant amount of grading between the building and the road that they would need to work through.

Mr. Missel said that he was considering the possibility that if they needed the envelope for building envelope purposes, they would have pushed it to the edge of Pebble Drive. He said that the fact that they had not done so with the parking envelope suggested that there may be some flexibility in the current configuration.

Mr. Collins said that to clarify, the grades between the proposed building and Pebble Drive could be as much as eight to six feet. He said that therefore, the building could not be placed directly there due to the significant grading required. He said that this grading would result in the area being green, but it would be occupied to accommodate the necessary slopes without installing too many retaining walls, which they were trying to minimize.

Mr. Missel asked if they had completed a grading plan yet.

Mr. Collins said that they had done a conceptual plan, but it was not finalized.

Mr. Bivins said that he wanted to know if that plan would address or handle some of the concerns raised by the neighbors regarding the potential for water to flow onto their properties.

Mr. Collins said that it appeared that nearly all the water on the site drained down to Route 20, as could be seen on the site itself. He said that there was limited drainage over that area.

Mr. Bivins asked if there would not be as much shifting over to those last units near the cul-de-sac.

Mr. Collins said that no; the drainage will be going in a southward direction, not northward.

Mr. Missel asked if they would be grading in the 12-foot landscape buffer.

Mr. Collins said that on the northern side, there may be some grading that extends there. He said that they were trying to minimize the grading as much as possible to preserve as many of the existing trees as they could. He said that however, there may be one or two spots where they needed to grade, and in those cases, they would replant trees.

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

Laura Sugg said that she resided in Avinity Estates on Moffett Street, right by the cul-de-sac. She said that she had lived in Albemarle County for over 13 years, including four years at the University of Virginia. She said that as a long-time resident, she was speaking on behalf of herself. She said that she was pleased to hear about the church's presence. She said that the church was not a NIMBY issue, but the NIMBY situation was about the road's location and the buffer.

Ms. Sugg said that looking closely, it could be seen that the area was occupied by townhouses with decks. She said that the noise from the gravel driveway, which was currently unpaved and noisy, was a significant issue. She said that she was aware that the road would be paved, and the landscape would not provide sufficient sound buffering. She said that in the winter, the lack of visual screening would also be a problem. She said that as someone who would be looking at the athletic field, she was concerned about the impact on her neighbors, who would be exposed to

parking lot lights. She said that if it was possible, relocating the road would be the most suitable solution.

Ms. Sugg said that there were 21 homes purchased at a higher price due to their location, although she acknowledged that things changed, and she was sure the church would be a good neighbor. She said that the privacy fence did not go all the way down; she had no privacy fence behind her home. She said that she had some scraggly trees and this gravel road. She said that if the road could not be moved, she suggested that the church consider building a tall sound fence to provide both visual and sound buffering on the other side of the buffer zone. She said that she was not aware of what Avinity and Stanley Martin had agreed to in the past, but she did know that their four houses lacked a privacy fence, and the existing fences above were not effective.

Ms. Sugg said that while trees were aesthetically pleasing, they did not provide adequate sound barriers. She said that the current situation would change dramatically, as it would go from a few cars passing by a house to hundreds of cars on a Sunday morning, and potentially on Wednesday nights as well. She said that she hoped that the church had a busy schedule, as that would help mitigate the issue. She said that she kindly requested that either the road be relocated, which she understood was a significant ask, or that the church be required to build a tall, soundproof privacy fence. She said that addressing the light pollution issue was crucial, as it affected the neighborhood's quality of life.

Mr. Missel closed the public hearing.

Mr. Bivins said that there was intended to be a fence in that area. He said that one of the questions was whether the public commentor who was still awake should be working with Avinity to install the fence where it should be and replant the trees where they should have been. He said that it appeared that this was not this applicant's responsibility.

Mr. Missel said that he was also going to ask whether the fence required as part of the Avinity site plan extended all the way down to the end of that cul-de-sac. He said that he was not aware if they had access to that plan.

Mr. Shoaf said that yes, he could display that on the screen.

Mr. Carrazana said that he wanted to follow up on that question to staff. He asked if that was an issue that the County could move forward with, or would the County require a formal complaint from Avinity residents in order to enforce that.

Mr. Bivins said that the complaining did not help in Esmont, where he witnessed an illegal garage operation that was taking place, which was clearly a violation.

Ms. Firehock said that a zoning inspector would enforce that, not Mr. Shoaf. She said that they should receive an answer tonight about whether someone could evaluate the situation.

Mr. Barnes said that it was zoning versus the site plan that already had a bond.

Bart Svoboda, Deputy Director of Community Development and Zoning Administrator, said that it had been duly noted. He said that they would review the site plan to determine if it was a violation. He said that there were some grade changes there, but without reviewing the plan, he was unsure how far down the fence extended and what requirements were in place. He said that they would

investigate this further. He said that to Mr. Bivins, they could discuss the garage in Esmont, as he believed that issue had been resolved. He said that they paid attention to the Commission's concerns and strived to have a robust enforcement program, although opinions may vary depending on the perspective of the complainant. He said that they would look into this matter and conduct research to determine if there was a potential site plan violation.

Ms. Firehock said that if Avinity had an HOA, it seemed like something that should be brought to their attention internally. She said that it seemed like they had solved that issue.

Mr. Missel said that he had a question regarding the staff report. He said that upon reviewing it, he did not see a condition specified for the 12-foot landscape buffer.

Mr. Shoaf said that this site was zoned R1 Residential, which meant that landscaping buffers were not required for R1 residential districts. He said that if this were a commercial site, a 20-foot use buffer would be required, preventing them from grading the site. He said that instead, they would need to provide plantings to meet the buffer requirement. He said that if this proposal was approved, they could discuss landscaping requirements in the site plan stage. He said that at that point, they could review and ensure that the proposed plants were part of their approved plant list.

Mr. Bivins said that regarding condition #4, he would like to know if it was possible to have language to require connection at the appropriate time.

He said that he would like to push back a bit on that point. He said that he observed in areas like Crozet and other places where they had struggled to get sidewalks in. He said that if sidewalks were not included in the development at the outset, they were rarely added later. He said that he wondered if not including sidewalks in the current design might be creating a barrier to future development of sidewalks.

Mr. Bivins said that he was not suggesting that the sidewalk should not be located there. He said that he was simply wondering if it could be reserved or set aside for a specific purpose.

Ms. Firehock said that the area could be reserved and would be added at a later time when there was sufficient connectivity to support it.

Mr. Bivins said that he appreciated what he was saying, and he agreed that in his previous applications in Crozet, he had expressed similar concerns. He said that in particular, he was looking at a certain road, which appeared to have a brewery on it, but he was not sure of the exact name. He said that it was clear that until the Acme Files property was developed, there was no clear plan for sidewalks. He said that as a result, it seemed unnecessary to require people to create sidewalks. He said that if they were to do all of these projects at once, it would be more efficient. He said that in this case, he thought it would take several years before a sidewalk was installed here.

Ms. Firehock said that upon reviewing the aerials, it became clear that the proposed path would be impossible to create, as it would require demolishing the buildings on Avinity’s site to make way for it. She said that the path would then need to navigate through the church and the wrecking service next door.

Mr. Murray said that a bike lane in that area would provide a solution for the existing traffic of bicycles on that road. He said that it would allow them to divert traffic off the road for a little while, providing a safer and more efficient alternative.

Mr. Bivins said that what he was suggesting was to give the applicant the opportunity to come up with a solution that worked for today, while reserving the space for potential future development when they were able to connect it up.

Ms. Firehock in the meantime, it could be a good opportunity to incorporate some landscaping, such as bushes or other plants, which would be less obtrusive than the existing asphalt. She said that if she looked at this area, she would see another example of a 10-foot-wide path of asphalt that was quite ugly and served no purpose. She said that it ran into a hill and was never going to be built. She said that there were no connections, and it was simply unattractive. She would much prefer to see some trees or greenery in that area.

Mr. Bivins said that even a small addition for bicycles would be acceptable.

Ms. Firehock said that space should be reserved for a future pedestrian connection when the connections to adjacent properties become possible.

Mr. Herrick said that it could be reserved for dedication upon demand of the County.

Mr. Shoaf said that he had a clarification question regarding the shared use path along Scottsville Road. He said that condition #4 referred to a pedestrian path from that shared use path along Scottsville Road into the site to connect to the future church facilities.

Mr. Bivins said that it was a 10-foot shared use path along Scottsville Road, connecting the path to the property, specifically the section that was colored brown.

Mr. Shoaf said that that was condition #3.

Mr. Bivins motioned that the Planning Commission update condition #3 as stated in the staff report to reserve the space for dedication upon demand of the County for a future pedestrian connection when the connections became possible. Mr. Clayborne seconded the motion, which passed unanimously (6-0). (Mr. Moore was absent.)

Committee Reports

Mr. Murray said that the Crozet CAC meeting was brief, primarily consisting of electing officers and discussing potential topics for the upcoming year. He said that there was little to report from the meeting.

Mr. Bivins said that his CAC met as well. He said that they elected officers, too. He said that they had a discussion regarding Resilience Together, but there was a section where they discussed partnering with external organizations. He said that this relates to Mr. Clayborne's initiative on using community partners to address this issue. He said that it would be beneficial if they could include some questions from AC44 in this discussion, as they are working with various community organizations that may not be directly involved with them. He said that Ms. Serena Gruia mentioned that they were collaborating with his team on AC44, so it would be helpful to integrate

these conversations to ensure that they were considering the input from all relevant parties, including the 10-12 organizations that may be able to elicit more community input on their work.

AC44 Update

Mr. Barnes said that he had no update this evening.

Review of Board of Supervisors Meeting: January 8, 2025

Mr. Barnes said that they had their annual organizational meeting, as well as a presentation on the AC44 Rural Areas Development Chapter. He said that they had an extensive discussion on rural area topics, including the ACE Program and the desirability to continue it.

Mr. Bivins said that he had read the minutes from that meeting, which stated that they had all agreed that the location should be Shadwell for prioritization in the rural areas. He said that he would have disagreed with that. He said that in his opinion, it should have been the Yancey exit. He said that it was situated near their current agricultural activities and was where people were coming to engage in various pursuits. He said that additionally the large mill on Route 250 was a significant agricultural business, and he would not have supported the Shadwell exit. He said that when viewed from a bird's eye perspective, the actual land available for development was limited in Shadwell. He said that this land was actually located on the other side of town.

Mr. Missel said that that was where they had identified the priority, as opposed to excluding the other one.

Mr. Bivins said that it was stated that they had all agreed, but he was not present, so he understood that. He said that he believed there was also an underlying issue. He said that his colleague mentioned that there was something going on that resulted in them not wanting that side looked at by some other people. He said that he thought there had been a thing about it not being Crozet and not Yancey Mills but instead focusing on Shadwell. He said that when viewed from above, he believed there was more potential for development in Yancey than Shadwell.

Mr. Murray said that he had consistently made the comment that the Yancey Mills area was zoned industrial, and if the mill were to close, it could be redeveloped into any type of industrial use, some of which would be highly unsuitable. He said that he believed it would make sense to redefine what they considered industrial, creating a classification for agricultural support industrial that was more appropriate for that area. He said that this would be a more thoughtful approach than simply allowing any type of industrial development. He said that this would be a reasonable activity, and they would discuss that area further. He said that he believed that people in Crozet would support that kind of conversation.

Mr. Bivins said that if they planned to conduct a study on those intersections, the Yancey intersection would provide a more robust set of results, as it offered more land and potentially greater opportunities for meaningful outcomes, compared to the Shadwell side.

Mr. Murray said that he would refrain from taking a stance on that issue. He said that he would like to mention another conversation that took place at the Board of Supervisors meeting. He said that there was a discussion about a growth area swap, which generated a significant amount of conversation. He said that he had concerns about this topic, primarily because the areas being

considered would require finding an alternative location that did not already have public water and sewer services and would not get public water and sewer.

Mr. Murray said that they talked about Rivanna Village, and based on his understanding, the proposed swap would not be adequate since it would involve public water and sewer. He said that if they were planning to swap this for another location, making something in the rural area a growth area, they had already given the essential infrastructure of water and sewer, so there was question as to what was being swapped.

Mr. Bivins said that that conversation originated here, as he was the one who initially suggested that if they looked at the situation in Rivanna Village and considered the narrative that had unfolded during his time on the Planning Commission, it was unlikely to happen. He said that the large community in the woods was Glenmore, which had taken steps to prevent growth in that area. He said that they had previously examined a project located off of Running Deer Lane, which was initially proposed, had a promising concept, but it was repeatedly hammered down and ultimately, he thought, it was not being pursued.

Mr. Barnes said that he believed they were talking about Breezy Hill.

Mr. Bivins said that it was clear that it had been torn to pieces by the community in Glenmore, and it was a prime example of the challenges that came with this type of development. He said that he agreed it was unlikely to move forward. He said that if they examined the original plan, it appeared that many of the key elements had stalled, and the community had essentially given up on the idea.

Mr. Bivins said that he was not sure how to revive it, and he wondered if the supervisors had any leverage to make it happen. He said that if it was not feasible, was there an alternative location where they could allocate the land, providing access to transportation and a road? He said that the issue with the trestle near Clifton was that it was already at capacity, and any attempts to expand the road had been met with resistance. He said that as a result, they had created a development area that existed only on paper, with no real potential for growth or development.

Mr. Murray said that a swap implied that one area was giving up something in order for something else to gain something. He said that he was not entirely clear that something was being given up.

Mr. Bivins said that there may be something that will never be realized. He said that in the decision to designate this area as a development area, other locations were denied consideration. He said that as a result, they now have a site that will never be part of the development area. He said that, conversely, they had denied numerous other places the opportunity to be part of the development area due to transportation and water concerns, decisions made many years ago that had never come to fruition. He said that this was the trade-off he was referring to. He said that it was not a secret that it would never be realized. He said that they should examine another part of the County that could potentially realize its potential, and he was not suggesting Crozet specifically, but rather another location in general.

Items for follow-up

Mr. Bivins said that he thought it would be really cool to see the civic assessor. He said that the piece of software that people were going to be able to use to submit their projects, they could use

that software, and then the civic assessor would work with it, and then someone could say, yes, they could use this.

Mr. Barnes said that Mr. Bivins was referring to Civic Access.

Mr. Bivins said that it went live last week.

Mr. Missel said that it took the place of County View.

Mr. Barnes said that it did. He asked if Mr. Bivins was interested in a demonstration.

Mr. Bivins said that yes, he got a four-minute demonstration, and it does the kinds of things he thought would be helpful to many people.

Mr. Barnes said that he was sure Ms. Filardo would be willing to give them a tour of that new software.

Ms. Firehock said that if they did that as a Planning Commission item, it would give the public the opportunity to learn about it as well.

Adjournment

At 10:20 p.m. the Commission adjourned to January 28, 2025, Albemarle County Planning Commission meeting, Lane Auditorium.

Michael Barnes, Director of Planning

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

Approved by Planning Commission
Date: 02/25/2025
Initials: CSS