



**County of Albemarle  
COMMUNITY DEVELOPMENT DEPARTMENT**

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**ALBEMARLE COUNTY BOARD OF ZONING APPEALS  
ELECTRONIC MEETING VIA ZOOM  
AGENDA  
TUESDAY, MAY 4, 2021 at 2:00 P.M**

1. Call to Order
2. Establish a Quorum
3. Public Hearings:
  - A. There are no public hearings scheduled.
4. Approval of Minutes
  - A. [January 5, 2021](#)
5. Old Business
  - A. Samples of minutes from other boards/committees
    - [Agricultural and Forestal Districts Advisory Committee \(AFD Committee\)](#)
    - [Albemarle Conservation Easement Authority \(ACEA\)](#)
    - [Architectural Review Board \(ARB\)](#)
    - [Planning Commission \(PC\)](#)
6. New Business
  - A. Recognition of Service: Randolph Rinehart
7. Adjournment

**This meeting is being held pursuant to and in compliance with Ordinance No. 20-A(16), An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster. The opportunities for the public to access and participate in the electronic meeting are posted on the Albemarle County website on the Board of Zoning Appeals home page and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received. <https://www.albemarle.org/government/community-development/advisory-boards/board-of-zoning-appeals>.**

## **BOARD OF ZONING APPEALS ELECTRONIC MEETING GUIDELINES**

Thank you for attending the Board of Zoning Appeals (BZA) electronic meeting. The following information is provided to help ensure the meeting proceeds as efficiently and effectively as possible. As a courtesy to others, please turn off all unused cell phones during the meeting.

### **General Information:**

This meeting is recorded and later transcribed into minutes approved at a later meeting date.

Each item set for public hearing will begin with a presentation of the staff report. Next, the applicant or appellant for that item will be invited to speak. During the course of the process, the Chairman will open the public hearing to comments from the public. At the end of these proceedings the Chairman will announce that the public hearing is closed. Once the public hearing is closed, no further public comments will be allowed unless the Board asks for additional information from the applicant or appellant. For staff and applicants, there is a **15 minute time limit for presentations and a 5 minute time limit for rebuttal comments**.

The BZA reserves the right to digress from these guidelines in any particular case.

### **To Members of the Public:**

If you wish to address the BZA during the public hearing, please follow the instructions below:

- Log in/call in early.
- Via Web: Use the "Raise Hand" icon to notify the BZA Clerk that you would like to sign up to address a public hearing item. The Clerk will acknowledge you and list your name on the sign-up sheet for the specific public hearing item. When the public hearing is opened, the Clerk will introduce each speaker for comment.
- Via Phone: Press \*9 to notify the BZA Clerk that you would like to sign up to address a public hearing item. The Clerk will acknowledge you and list your name on the sign-up sheet for the specific public hearing item. When the public hearing is opened, the Clerk will introduce each speaker for comment.

If you do not sign up to speak prior to the meeting, an opportunity to sign up will be given prior to the close of the public hearing. When this opportunity is announced, follow the directions above to notify the BZA Clerk that you would like to provide comment on a public hearing item.

Time keeping is conducted through a timer. Each speaker is allotted **three (3) minutes** to comment. The timer will commence when you begin speaking; you will be notified when three minutes has ended, and you are requested to bring your comments to a close as your microphone will be muted after several seconds.

In order to give all speakers equal treatment and courtesy, the BZA requests that speakers adhere to the following guidelines:

- When called to address the BZA, please state your name. For uncommon spellings, please spell your name for the record.
- Address comments directly to the BZA as a whole - open public debate is prohibited.
- You may email written statements and other relevant material to [BoardofZoningAppeals@albemarle.org](mailto:BoardofZoningAppeals@albemarle.org) to be included in the record.
- If you represent a group or organization, you may identify the group to be recognized.
- If you exceed your allotted time, you will be asked to end your comments and the microphone will be muted.
- If a speaker does not use all allocated time, the unused time may not be shared with another speaker.
- Speakers are permitted one opportunity to comment during each of the public comment periods per meeting.

### **Additional Guidelines for Applicants and Appellants addressing the Board:**

- Understand that the Board of Zoning Appeals cannot change County ordinances.
- The BZA reserves the right to place additional time limitations on speakers, as necessary.

ALBEMARLE COUNTY BOARD OF ZONING APPEALS  
VIRTUAL MEETING  
TUESDAY, JANUARY 5, 2021 – 2:00 P.M.

Board Members: John Shepherd  
Marcia Joseph  
Ed Robb  
Randy Rinehart  
Edward (Bo) Carrington

Staff Members: Bart Svoboda, Zoning Administrator  
Francis MacCall, Deputy Zoning Administrator  
Marsha Alley, BZA Clerk and Recorder

County Attorney: Andy Herrick, Deputy County Attorney

BZA Attorney: James Bowling, IV

**1. Call to Order**

The meeting was called to order at 2:00 p.m. by Chairman John Shepherd.

Mr. Shepherd said he would start by reading some information that makes the meeting a legal meeting and explains the protocols.

Mr. Shepherd read the following statement into the record: “Good afternoon. As Chairman of the Albemarle County Board of Zoning Appeals, I call the meeting for January 5, 2021 to order. This is an electronic meeting. Please be patient as we all become familiar with this meeting alternative and virtual process.

“This meeting is being held pursuant to and in compliance with Ordinance No. 20-A(14), ‘An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster.’ BZA members who are electronically present at this meeting are...”

Mr. Shepherd asked the board members to announce themselves.

Mr. Randy Rinehart, Ms. Marcia Joseph, Mr. Bo Carrington, Mr. Ed Robb, and Mr. Shepherd each announced their presence.

Mr. Shepherd continued reading the statement: “The opportunities for the public to access and participate in the electronic meeting are posted on the Albemarle County website, on the Board of Zoning Appeals homepage and on the Albemarle County Calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.”

**2. Establish a Quorum**

Mr. Shepherd established a quorum, as all board members had stated their presence.

1 Mr. Shepherd introduced Mr. Bart Svoboda, Zoning Administrator; Ms. Marsha Alley, Recording Clerk;  
2 Mr. Andy Herrick, Deputy County Attorney representing the County; and Mr. Francis MacCall, Deputy  
3 Zoning Administrator.

4  
5 Ms. Joseph noted that Mr. Jim Bowling was listed as an attendee.

6  
7 After a brief pause, Mr. Bowling joined the meeting.

8  
9 Mr. Shepherd introduced Mr. Bowling, who was representing the Board of Zoning Appeals.

10  
11 **3. Annual Organizational Meeting**

12 Mr. Shepherd explained that this was the board's annual organizational meeting. He said they would elect  
13 officers, review and readopt the Rules of Procedure, look at the meeting schedule, and look at the annual  
14 report. He said they would start with the nomination and election of officers.

15  
16 **A. Election of Officers**

17 Mr. Shepherd said that as presented to him, they would go through the individual offices, seek  
18 nominations, and vote for people individually. He said they could also do this as a slate. He asked if  
19 anyone had an opinion or preference on that.

20  
21 Mr. Rinehart nominated Mr. Shepherd as Chair, Ms. Joseph as Vice Chair, and Mr. Carrington as  
22 Secretary for 2021.

23  
24 Mr. Robb seconded the nomination.

25  
26 Mr. Shepherd asked if there was any discussion about this and heard none. He said he appreciated the  
27 opportunity to serve in this position another year and looked forward to it. He thanked Mr. Rinehart for  
28 the nomination.

29  
30 Mr. Shepherd asked if they needed to require restating the motion in order to follow the total protocol.

31  
32 **MOTION:** Mr. Rinehart moved to nominate Mr. Shepherd as Chair, Ms. Joseph as Vice Chair, and Mr.  
33 Carrington as Secretary and that nominations be closed. Mr. Robb seconded the motion, which carried  
34 unanimously (5-0).

35  
36 **B. Review and Re-Adopt Rules of Procedure**

37 Mr. Shepherd asked if anyone had comments to offer and heard none. He said he himself had not found  
38 that there was anything he wanted to change. He said he had no suggestions about changing the rules, as  
39 they seemed to have gotten the BZA through a fairly complicated procedural year. He said he was glad  
40 that they were in place. He said a lot of work had been done to them a couple of years ago, and he  
41 believed he was fine with it.

42  
43 **MOTION:** Mr. Rinehart moved for the adoption of the current rules of procedure for 2021. Mr.  
44 Carrington seconded the motion, which carried unanimously (5-0).

45  
46 **C. Review and Adopt 2021 Meeting Schedule**

47 Mr. Shepherd asked if there were any comments or questions about the meeting schedule. He said he had  
48 a quick question. He asked Ms. Alley if there was an opportunity to change the time of day more

1 generally. He asked if Tuesday was wide open, or if they had just found themselves to be lucky on that  
2 day.

3  
4 Ms. Alley replied that she believed they had spoken about this at a previous meeting. She said she did  
5 inquire with Facilities, but they could not guarantee anything until the BZA actually made the request.  
6 She said they could not give her any confirmation on a hypothetical, in case someone else came in the  
7 meantime and took their spot.

8  
9 Ms. Joseph said she had a vague feeling that in the Rules and Procedures the BZA just approved, they talk  
10 about the time, though she was not positive. She said on the schedule itself, however, they have a deadline  
11 for filing time (3:00 pm), but they do not have the time on the schedule. She said it makes it easier for  
12 everyone who is applying to know that the time that the Board is meeting is 2:00 p.m. She asked if this  
13 could be put on the schedule.

14  
15 Ms. Alley said she could add this. She asked if it would be suitable to add it to the column or elsewhere.

16  
17 Ms. Joseph said it was fine, just as long as when the public comes in, they go online and know that the  
18 meeting itself is at 2:00 p.m.

19  
20 Ms. Alley said she could certainly make that change.

21  
22 Mr. Shepherd asked if anyone wanted to pursue the idea of changing the meeting time. He said he was not  
23 proposing it, but it was a chance to talk about it. He said 2:00 pm worked for him, as he was in the rhythm  
24 of it himself.

25  
26 Ms. Joseph said that at one point, Mr. Rinehart had preferred an earlier morning time. She asked him if he  
27 was still thinking this way. She said they did move one meeting earlier.

28  
29 Mr. Shepherd said there had been a special meeting that was early.

30  
31 Mr. Rinehart said he could not remember. He said he was fine as long as it was not 2:00 in the morning.  
32 He asked what the advantage would be to changing it. He said he thinks they should have an open mind  
33 about it, but he was thinking about the staff and how the current time could give them extra time in the  
34 morning to prepare for the afternoon, should that need arise.

35  
36 Ms. Joseph said she was also thinking of the public, and since this meeting has been a 2:00 pm meeting  
37 forever now, she believes people have it in their heads that this is when the meeting occurs. She said this  
38 was another portion of this.

39  
40 Mr. Shepherd said he was looking at whether anyone had a strong idea about changing the time, but he  
41 did not think this was what they were saying. He said he believed that the board was comfortable with the

1 time as it currently was. Mr. Shepherd said with that, and with the addition of putting the meeting time on  
2 the schedule, he would invite a motion to approve it.

3  
4 **MOTION:** Ms. Joseph moved to approve the meeting schedule, with the addition of the time that the  
5 meeting is held. Mr. Rinehart seconded the motion, which carried unanimously (5-0).

6  
7 **D. Review BZA Annual Report for 2020**

8 Mr. Shepherd said he had one question. He said the report was revised to add some information about the  
9 two court appeals. He told Mr. Herrick that he wanted to make sure that the synopsis or description of the  
10 issue was stated well enough.

11  
12 Mr. Herrick said the wording of this was up to the BZA and that he was fine with it.

13  
14 Mr. Shepherd said he had reviewed the annual report carefully and had no further comments about it. He  
15 asked if there was any other discussion, questions, or comments about the annual report. He said one  
16 thing he had spoken to Mr. Svoboda about was that at that point, he believed this would be forwarded to  
17 the Board of Supervisors.

18  
19 Mr. Svoboda said yes. He said they will take it to the Board of Supervisors with the BZA's approval,  
20 which was the next step. He said it would be going to the Supervisors in February.

21  
22 Mr. Shepherd asked if the annual report will also appear on the County's website, or if this was something  
23 that would be discussed. He said he was asking the question, but he was suggesting that the annual report  
24 is something that he thinks would come up fairly easily in a Google search in getting a picture of what the  
25 BZA does.

26  
27 Mr. Svoboda said yes. He said the report historically lives under the agenda and the materials of the first  
28 meeting of the BZA annually. He said if they wanted to create a separate tab, for instance, on the webpage  
29 that says, "Annual Reports," this is probably a possibility. He said as was discussed, it was probably best  
30 that he and Mr. Shepherd get together to walk through the webpage and see where it would best fit.

31  
32 Mr. Shepherd suggested that for the time being, they discuss whether or not they want to approve it as it is  
33 written. He said they can save that discussion for a future meeting, once they understand the options and  
34 how to best approach it. He said it is his hope that it be easily accessible, but they could talk about that.

35  
36 Mr. Svoboda asked for direction, that if there were no objections to posting it separately on the webpage,  
37 and if they could meet their guidelines from IT on how they post it on the webpage, that they go ahead  
38 and do that as opposed to reporting back and waiting. He said this was a suggestion and was up to the  
39 board.

40  
41 Mr. Shepherd asked if others had ideas about that. He said he personally thinks that the annual report  
42 should easily be found by people who are searching.

43  
44 Mr. Carrington said that as the new person on the team, he thinks it is a great synopsis document of what  
45 the board has done over the past year. He agreed with Mr. Shepherd that it should be easily accessible.

46  
47 Mr. Shepherd asked if this could be made as a two-part motion, or if it should be included in the motion  
48 with the approval. He asked if anyone wanted to capture this in a motion.

1 **MOTION:** Mr. Rinehart moved to approve the annual report, as presented, and that the board further ask  
2 that it be posted on the County's website. Mr. Robb seconded the motion, which carried unanimously (5-  
3 0).

4  
5 Ms. Joseph said she wanted to say something about the annual report. She said it was not anything about  
6 content, but she thinks it is an important thing that she wanted to go on the record. She said she wanted  
7 the Board of Supervisors to recognize how helpful it is to the BZA to have Mr. Bowling with them so that  
8 they can consult with him on different issues. She said she wanted to also be able to thank them, at some  
9 point in time, for taking the leap and making the expenditure. She thanked Mr. Bowling as well.

10  
11 Mr. Shepherd thanked Ms. Joseph for saying this. He said he wished he would have thought of it himself,  
12 as he definitely agreed. He told Mr. Bowling that he has really helped the BZA. He said he thinks their  
13 decisions are better and that this has been very helpful. He said he appreciates the work that Mr. Bowling  
14 is doing with them and that the BZA was lucky to find him.

15  
16 Mr. Bowling said they are a nice board.

17  
18 Mr. Shepherd said this concluded the organizational meeting.

19  
20 **4. Public Hearings**

21 Mr. Shepherd said for the record that there were no public hearings scheduled.

22  
23 **5. Approval of Minutes**

24 **A. December 1, 2020**

25 Mr. Shepherd asked if the board had had the opportunity to review the minutes and if there were any  
26 comments.

27  
28 Mr. Carrington said there was a lot of content to capture, and he thought it was well done.

29  
30 Mr. Robb and Mr. Rinehart said they did not have any comments.

31  
32 Ms. Joseph said she would have to abstain from the vote because she did not have the time to read  
33 through them. She apologized.

34  
35 Mr. Shepherd said he had no comments.

36  
37 Mr. Robb said that under Old Business, he wanted to make a comment that would relate to the minutes of  
38 the last meeting. He asked if Mr. Shepherd preferred he do that now, now that they had basically accepted  
39 the minutes.

40  
41 Mr. Shepherd said they were in the middle of approving the minutes. He asked if this had to do with the  
42 minutes, or if Mr. Robb wanted to go back and talk about the annual report.

43  
44 Mr. Robb said he wanted to briefly talk about the minutes of the last meeting, but he believed it would be  
45 better done under Old Business.

46  
47 Mr. Shepherd asked if the board was prepared to approve the minutes, as written, from the last meeting.

48  
49 Mr. Robb said yes.  
50

1 Mr. Rinehart said he was not sure that this was the case. He said if Mr. Robb wanted to comment on the  
2 minutes, he should do so before approving them.

3  
4 Mr. Robb said he had a follow-up question that would not be included in the minutes. He asked if this was  
5 too confusing.

6  
7 Mr. Shepherd replied that it was a little confusing. He said they could separate it out if Mr. Robb was  
8 prepared to vote.

9  
10 Mr. Robb said he would withdraw and that he was prepared to vote.

11  
12 **MOTION:** Mr. Robb moved to approve the minutes of the December 1, 2020 meeting. Mr. Rinehart  
13 seconded the motion, which carried unanimously (4-0). Ms. Joseph abstained.

14  
15 **6. Old Business**

16 Mr. Shepherd asked Mr. Robb what his concern had been.

17  
18 Mr. Robb said being in law enforcement, he was concerned about the follow-up enforcement of  
19 agreements and discussions that were made regarding, for instance, the North Pointe situation. He said  
20 there were certain promises made during that meeting, and he wondered if the County has seen fit to  
21 follow up to see if those agreements and promises have been acted on.

22  
23 Mr. Robb said they get these promises all the time, and very frequently, they fall through the cracks. He  
24 said he was concerned about that and wondered where they go from there. He said perhaps Mr. Svoboda  
25 could answer.

26  
27 Mr. Shepherd said he could answer to that. He said the construction entrance was closed. He said it was  
28 blocked with jersey barriers, and a bank has been graded in front of it to block the entrance.

29  
30 Mr. Robb commended Mr. Shepherd for his actions. He asked if the County has a system to follow up on  
31 these agreements and positions. He said he was concerned, as they had come up with these demands or  
32 requirements. He asked Mr. Svoboda if there is a follow-up within a certain length of time, such as 30  
33 days or a month.

34  
35 Mr. Svoboda replied that they have been aware and monitoring the site for North Pointe that the  
36 construction access has been removed from Pritchett Lane to Route 29, and the bridge has finally been  
37 completed. He said he believed it actually took a little longer than the applicant had stated because about a  
38 week after that, there was about a week's worth of rain, but this has been done.

39  
40 Mr. Svoboda said for conditions such as the variance that was approved, those inspections are done and  
41 are part of the permit process. He said they are done both at the preliminary stage and then at the final  
42 stage for those that are applicable, such as the way that the building looks or whether there is screening  
43 required. He said those variance conditions are part of the final zoning, and so there is, indeed, a  
44 mechanism and method to follow up on those things.

45  
46 Mr. Robb asked if it would be in order somehow that if the BZA made this a requirement of their next  
47 meeting, a meeting following when these agreements are reached, just as a matter of policy and practice,  
48 that staff would give the BZA that report.

1 Mr. Svoboda said they could, but the struggle would be that for the permit that is pulled for the barn, there  
2 is no time limit as long as construction continues. He said for the variance, as an example, they may be  
3 done next month, or they may be done three years from now. He said in order to report back, that is a lot  
4 of staff time to monitor the one particular permit.

5  
6 Mr. Svoboda said that when they go through the report annually, staff can tell the BZA whether or not the  
7 permit has been completed. He said this may be a better way to manage resources more efficiently.

8  
9 Mr. Robb thanked Mr. Svoboda for his response.

10  
11 Mr. Shepherd said it seems to him that for every application, there is an end point that requires some kind  
12 of final approval, generally. He said there are various processes where a bond is released or a certificate of  
13 occupancy or clearance is obtained. He said it seems that the mechanisms are in place, but it may be  
14 helpful for the board to hear the fruits of its labors to see how things play out. He said it would be a good  
15 idea to follow up on things. He said perhaps with the annual report next year, they can see where things  
16 are. He said this could be discussed further.

17  
18 Mr. Svoboda said yes.

19  
20 Mr. Rinehart said he thinks that in the course of reporting, the board is asking staff to do that, but even if  
21 they had not accomplished that requirement, they cannot go back on it. He said it would just be  
22 information only, and the BZA does not have the authority if the applicant did not comply. He said this is  
23 staff's job, and so he wants to make sure the board does not unnecessarily take up staff's time to have to  
24 have a report to them on those things. He said that in the course of reporting, however, this is fine. He said  
25 the BZA, as a body, should not have staff report to them at certain periods of time, such as when  
26 something did not make the 30 days. He said for staff to let the BZA know that it did not happen, this was  
27 not the BZA's job.

28  
29 Mr. Shepherd agreed. He said he had not given this any thought until now, but as they were discussing it,  
30 he believes that all the things they are acting on are associated with applications that have end dates and  
31 all sorts of conditions built into them. He said the board saw the proffers and conditions on North Pointe.  
32 He said it is a tremendous thing and a large program to monitor the site work and construction there, as  
33 well as the stormwater management, which is beyond the BZA's scope. He said there are approvals along  
34 the way and final approvals, which might be interesting to the BZA, but as far as monitoring the progress,  
35 he does not think it is appropriate for the BZA. He said the building process is in the hands of the owner  
36 to determine the timing.

37  
38 Mr. Rinehart asked if they had made a decision. He said he was looking at it from the staff's point of  
39 view, even in the case of Mr. Herrick reporting to the BZA on certain appeals. He said he did not want to  
40 see the BZA making it a requirement to ask staff. He said if the BZA made a decision about something,  
41 they move on. He said if staff wants to let the board know certain things, that is one thing, but he did not  
42 want to put in an unnecessary requirement. He said staff has enough to do as it is, adding that this was just  
43 his opinion.

44  
45 Mr. Robb said he did not want it to be misunderstood. He clarified he was not saying that it had to be a  
46 requirement. He said he was asking if there was a mechanism in place by the County to follow up on  
47 these particular promises that are made. He said he knows that from past experiences over the years, there  
48 are promises made by certain people, and those promises are never carried out. He said he knows this  
49 because he has seen it, and he often wonders what is happening with this because if one makes promises,  
50 they must keep them.

1  
2 Mr. Robb said he was not suggesting that they have to have a weekly or monthly report. He said he was  
3 asking if there was a mechanism, and if so, at the BZA level, they should be able to ask what has  
4 happened, without the intention of doing anything that would reflect unfavorably on anyone other than  
5 just asking what happened.

6  
7 Mr. Robb said if they are going to act in the capacity of being judges, judges do not have the requirement  
8 to make sure that the agreements are followed up with because there is staff who does that. He said his  
9 question is a simple one: whether or not Mr. Svoboda has a mechanism.

10  
11 Mr. Svoboda replied yes. He said the “promises,” to use Mr. Robb’s term, that staff has jurisdiction over  
12 are the ones that are conditions placed on applications and ordinance requirements, State Code  
13 requirements, and the like. He said statements that an applicant makes generally are not within staff’s  
14 jurisdiction, meaning they do not have the authority to hold someone to a promise that they made  
15 verbally.

16  
17 Mr. Svoboda said he would use screening as an example. He said if an applicant says, “Sure, I don’t mind  
18 planting ten trees,” but the condition says six trees, then staff’s authority lies with six trees, not with ten.  
19 He said this is why they are very careful when they have the discussions and write the conditions in the  
20 reports that they are specific about what happens and are clear in the conditions of what will be required.  
21 He said the requirements are the conditions and the ordinance. He said beyond that, there is no  
22 jurisdiction from the County that stretches farther than that.

23  
24 Mr. Svoboda said staff looks at those through the permit process, so anything that comes in with a site  
25 plan – whether it is a proffer, special use permit condition or variance condition – is reviewed at the time  
26 of application, or at the timing of the proffer. He said a proffer may say that, though not a BZA item,  
27 Road X needs to be built by December 2021, and staff monitors that condition to make sure it is met as  
28 they review permits, as the project goes on. He said there are different triggers for different things.

29  
30 Mr. Svoboda said using North Fork Research Park as an example, those proffers are 20 years old. He said  
31 there are still triggers in them that have not been met because they are based on square footage as opposed  
32 to a specific date. He said North Pointe has some similar ones, and there are timing issues that staff  
33 monitors as the project progresses. He said some are related to permits while others are related to dates,  
34 and they do have a mechanism for that. He said in terms of the variance that is the BZA’s purview, those  
35 conditions will be checked when the application is made to first make sure that when the permit is issued,  
36 it matches those requirements and that again, at final approval, what was proposed was actually built.

37  
38 Mr. Svoboda said this was the longer answer, and that the short answer was there are mechanisms in place  
39 to make sure that those conditions are met. He said he hoped this helped.

40  
41 Mr. Shepherd asked Mr. Robb if this resonated with him.

42  
43 Mr. Robb replied yes.

44  
45 Mr. Shepherd said he hesitated to add to this, but he believed it was his understanding that the zoning  
46 enforcement program is a complaint-driven system as well when dealing with violations. He said some of  
47 the closest observers of projects are neighbors, as they just saw with North Pointe, and he thinks it is  
48 typical that neighbors are very interested in the conditions that are put on projects. He said if neighbors  
49 see conditions not being met, they can report to the Zoning Department, and this would be in a very  
50 focused way, dealing with a particular issue that the Zoning Inspectors would go after.

1  
2 Mr. Shepherd said he has mentioned this in public hearings in the past, when people are concerned about  
3 what is, for them, a controversial project in their backyard, that the Zoning Department stands ready to  
4 investigate complaints. He asked Mr. Svoboda if he had stated this correctly.  
5

6 Mr. Robb said he was not intending to belabor the issue. He said they could talk about this for the rest of  
7 the day, but he made his point, and his point went back a long time. He said he, along with Mr. Svoboda,  
8 has seen where promises are made but never kept. He said he realizes staff has a limit to their jurisdiction  
9 and capabilities to enforce, but this does not mean it is okay for people to make promises and not keep  
10 them. He said perhaps Mr. Bowling had an opinion on this.  
11

12 Mr. Robb said he was not looking for trouble, but he was looking to support the people who are out there  
13 at North Pointe and were not getting responses to their complaints. He said trucks were rolling up and  
14 down the road, and problems were there. He said the BZA heard the representatives from the contractor  
15 say that they would meet with the residents and that they were more than happy to do all that they could  
16 to make the neighbors comfortable, happy, and understanding. He said this did not happen, however, and  
17 perhaps it has happened since.  
18

19 Mr. Robb said they have to look after the citizens of the County and although everyone does that, the  
20 citizens sometimes fall by the wayside.  
21

22 Mr. Shepherd said this was good to keep in mind.  
23

## 24 **7. New Business**

25 Mr. Rinehart said in May of 2021, his term expires or ends, and he wanted to announce that he did not  
26 want to run for reappointment to the Board of Zoning Appeals. He said he has been on the board for  
27 around 25 years, and it is time for him to get the gold watch and head to the pasture. He said he could be  
28 traveling to Alaska, which would result in him missing four meetings. He added that there were other  
29 reasons as well.  
30

31 Mr. Rinehart said he wanted to stay for as long as it takes until the June meeting for the applicants, for the  
32 judge making the appointment, and so forth. He said he would relinquish his spot earlier if that was the  
33 case, but he could stay through June if necessary. He said he was not leaving town, but it was simply  
34 time, as he has done this for enough years. He said it has meant a lot to him, but he made the decision that  
35 it was a good point to hang it up.  
36

37 Ms. Joseph said this was a huge disappointment, but she hoped Mr. Rinehart knew that she wished him a  
38 wonderful time in Alaska. She said the board would use him as much as they possibly can until June. She  
39 added that it was up to Mr. Rinehart to recruit someone.  
40

41 Mr. Shepherd said his reaction was to say “thank you” to Mr. Rinehart. He said he did not want to make  
42 this a retirement party that goes on and on each month, but he has a lot of respect for Mr. Rinehart, who  
43 has helped him in a lot of ways with guidance personally as well as in general. He said Mr. Rinehart’s  
44 experience over the years was embodied in so much of the institution and reflected in his decisions and  
45 reactions. He said it is helpful and powerful.  
46

47 Mr. Shepherd said he respected Mr. Rinehart’s decision. He thanked Mr. Rinehart and added that he  
48 looked forward to getting a few more months out of him.  
49

1 Mr. Shepherd said it occurred to him that this could be a smooth transition without a large gap if the judge  
2 can be notified of the coming opening and start the process. He said in some ways, by Mr. Rinehart  
3 announcing this early, it was a tremendous help to the board to avoid the five-month vacancy that they  
4 have had in the past, causing all sorts of problems with quorums and split decisions. He said announcing  
5 it early gives them a chance for a good transition to bring the next person on.

6  
7 Mr. Rinehart said it was a total respect of something he has believed in over the years. He said they are  
8 delighted that Mr. Carrington is there, but the angst it caused before he came on was something that he  
9 did not want to see the board go through.

10  
11 Mr. Shepherd said it would take some time to absorb this news.

12  
13 Ms. Joseph said she was so incredibly negligent in not reading the minutes because they were 49 pages  
14 long. She asked the attorneys if there was any way that those minutes could be reduced. She asked if they  
15 had to contain everything verbatim. She asked what the legal requirement is for minutes. She said she  
16 knows the audio is stored digitally, but because they have the audio, she wondered if they had to have  
17 minutes that were also verbatim.

18  
19 Mr. Bowling replied that the simple answer was no, but it was more complicated than that, as Mr. Herrick  
20 knows. He said over the years, he thinks this has been a debate with the Board of Supervisors. He said  
21 since the clerk ultimately serves the Board of Zoning Appeals, he or she is employed by the Board of  
22 Supervisors in the County, which tends to dictate how minutes are created.

23  
24 Mr. Bowling said Mr. Herrick is much more familiar with the process than he is, and so he would let him  
25 speak.

26  
27 Mr. Herrick said the minutes that are currently kept for the BZA far exceed the legal standards in terms of  
28 the requirements. He said all that the Freedom of Information Act (FOIA) requires is simply a record of  
29 the motions made and the actions taken. He said what is currently being created (near-verbatim minutes)  
30 far exceeds the legal standards.

31  
32 Mr. Herrick said he personally would not be opposed to a reduction or making the minutes more concise  
33 or brief. He said there is nothing requiring that they be as long as they are now, but this is ultimately a  
34 decision for the BZA to make rather than for staff or the other attorneys.

35  
36 Mr. Rinehart said that in the past, they went for a number of months with short minutes, unless they had a  
37 legal case and needed it, or they requested it after a meeting that was contentious. He said for a long time,  
38 they never had word-for-word minutes. He said he did not know why they could not go back to that.

39  
40 Mr. Robb said the evidence, in the event that anything would come to the courts, would be the recording  
41 that is being made. He asked if that was correct. He said therefore, the minutes themselves (or the  
42 transcripts) are not accurate anyway. He said they have had discussions related to this during the course of  
43 the last few years. He said the transcripts identify, generally, what was being said, but not necessarily  
44 exactly what was said. He said he did not see any reason why they needed to have minutes that are  
45 prepared by a stenographer and put into their meeting requirements. He said he would agree with Mr.  
46 Rinehart that they have had them much shorter, and they could easily be a synopsis that could be created  
47 by someone.

48  
49 Mr. Shepherd said he wondered if it did not actually require more skill to write shorter minutes than  
50 basically capturing the entire discussion. He said he has done minutes himself and knows that there is a

1 lot of discretion in them, or there can be, if one is dealing with summaries of discussions. He said the  
2 bottom line for him would be that he would want the minutes to reflect the basis of the board's decision.  
3 He said with variances where they are dealing with two threshold issues and five more criteria, this is  
4 something where they assume it will be appealed and where they would want to the board to spell out the  
5 basis of the decision. He said the same is true for an appeal in that they boil down to a few points, and  
6 they would want to have clarity on catching the basis of a decision on an appeal.

7  
8 Mr. Shepherd said he cringes when he reads himself being captured verbatim, as it is a humbling  
9 experience and it seems that much of that could be gone.

10  
11 Mr. Shepherd asked how the board would approach that, and what would be involved with that. He asked  
12 if it would be a training with Ms. Beth Golden.

13  
14 Mr. Herrick said it is his understanding that Ms. Golden is their professional transcriptionist. He said if  
15 this is a subject the board would like staff to explore further, he would suggest that they come back at a  
16 future meeting with some alternatives. He said he could think of other departments or boards and  
17 committees that work with Community Development, such as the Architectural Review Board and  
18 Conservation Easement Authority, that do their minutes differently but still meet the requirements of the  
19 FOIA. He said if this is a topic that the board wants to go into further, staff could come back at a future  
20 meeting with examples of how other boards and commissions handle it.

21  
22 Mr. Shepherd said this was a great idea.

23  
24 Ms. Joseph said this sounded perfect, adding that the reason that the BZA, as a board, reads the minutes is  
25 to make sure that they feel they are accurate. She said there always is that second level, so there is  
26 someone listening, someone writing down what they think the board said, and the board having the end  
27 responsibility of saying this was how it went down. She said they will always have that input. She said  
28 she has done minutes as well and normally, when people are yammering on, she will say that there was  
29 extensive discussion concerning the issue, and they came to a conclusion. She said the BZA has a  
30 responsibility to make sure that what is represented is correct.

31  
32 Mr. Shepherd said hearing examples of other boards' minutes would be helpful, and he looked forward to  
33 that.

34  
35 Mr. Rinehart asked the attorneys that if the board members should make a casual statement within the  
36 discussion of a case that was off-the-cuff, and it is written down, if this is one example of why the audio  
37 tape is played in court. He said they could slip up by saying something that jeopardizes a court case  
38 without intending to. He said he never thought about this until Ms. Joseph somewhat implied it.

39  
40 Mr. Bowling said this was not in any way to slight the fantastic job that the transcribers do for the County,  
41 in that they are not court reporters that certify what is saying, and they want to be exactly sure what was  
42 said. He said in every case of any importance, what he does in a matter of practice is to get the transcript.  
43 He said it used to be a real problem to not only board members, but also the public, to actually listen to  
44 the transcripts, but given the miracles of modern communication (or the curse of it), it is now relatively  
45 easy to stay in the comfort of one's home and listen to the audio of a public meeting.

46  
47 Mr. Herrick said he would address Mr. Rinehart's concerns about an individual member saying something  
48 that would jeopardize the board as a whole. He said the argument that they frequently make, which is true  
49 in court, is that the board speaks through its resolutions and adopted orders. He said regardless of any

1 comments that any individual board member might make, the board's official action is reflected in the  
2 adopted resolutions and orders. He said this is all that the court should be considering.

3  
4 Mr. Shepherd said this was a good discussion and that he looked forward to hearing more on this. He  
5 asked if there was any other new business.

6  
7 Mr. Svoboda said there were no meetings in February and March.

8  
9 Mr. Shepherd said he hoped that by late summer or fall, they would be meeting again in the auditorium.

10  
11 **8. Adjournment**

12 **MOTION:** At 2:57 p.m., Mr. Robb moved to adjourn the meeting. Mr. Carrington seconded the motion,  
13 which passed unanimously (5-0).

14  
15 (Recorded by Marsha Alley and transcribed by Beth Golden)

16  
17 Respectfully Submitted,

18  
19  
20  
21  
22 \_\_\_\_\_  
23 Bo Carrington, Secretary Board of Zoning Appeals  
24

**Agricultural and Forestal Districts Advisory Committee  
February 1, 2021 Meeting**

The Agricultural and Forestal Districts Advisory Committee met online on Monday, February 1, 2021.

Those members attending were:

| <b>Members</b>    | <b>Present</b> | <b>Absent</b> |
|-------------------|----------------|---------------|
| Benjamin Baer     | X              |               |
| Ron Goldberg      | X              |               |
| Tim Keller        | X              |               |
| Peter Lynch       | X              |               |
| Ann Mallek        | X              |               |
| David Powell, Jr. | X              |               |
| Liz Sutphen       | X              |               |
| Bruce Vlk         | X              |               |
| Esther Volkan     |                | X             |

Staff present were:

Scott Clark, Senior Planner  
Carolyn Shaffer, Clerk, Planning Commission and Boards

**Agenda**

1. Call to Order
2. Online-meeting Preamble & Roll Call
3. 2021 Officer Elections (Chair, Vice-chair, Secretary)
4. Approval of Minutes (9/23/2020)
5. Public Comment Options
6. SP202000012 Scruby Property - Tier III Personal Wireless Service Facility
7. SP202000013 Wavertree Hall Special Events
8. Old Business
9. New Business
10. Adjournment

**1. Call to Order**

Mr. Powell called the meeting to order at 5:32 p.m.

**2. Online-meeting Preamble and Roll Call**

Mr. Clark read out the preamble regarding the authorization for online public meetings during the Covid-19 public health emergency, and called the roll of Committee members.

**3. Election of Officers**

Mr. Lynch moved and Mr. Baer seconded to propose the following slate of committee officers for 2021:

Chair: David Powell, Jr.  
Vice-chair: Bruce Vlk  
Secretary: Scott Clark

The motion passed by a vote of 8:0.

**4. Approval of Minutes (9/23/2020)**

Mr. Vlk moved and Ms. Mallek seconded approval of the September 23, 2020 minutes. The motion passed by a vote of 8:0.

#### **5. Public Comment Options**

Mr. Clark provided a list of options for the Committee to establish a policy for taking public comment during meetings.

Mr. Goldberg moved and Ms. Mallek seconded to accept verbal public comment during meetings. Such comment would be limited to two minutes per person, with a limit of 30 minutes per item, and attendees would be prohibited from allocating their time to other attendees.

The motion passed by a vote of 8:0.

Ms. Sutphen then raised the question of whether the meeting's agenda items should be deferred until the public could be notified of the new public-input policy. Mr. Lynch moved and Mr. Goldberg seconded to continue with the scheduled items. The motion passed by a vote of 8:0.

#### **6. SP202000012 Scruby Property - Tier III Personal Wireless Service Facility**

Mr. Clark provided a report on this special use permit request for a Tier III Personal Wireless Service Facility, whose site would be adjacent to the Yellow Mountain District.

Ms. Sutphen moved and Mr. Baer seconded that the Committee find that the proposal conflicts with the purposes of the Districts, due to its visual impacts and their potential negative impacts on the agricultural economy of the District.

The proposal passed by a vote of 7:1.

#### **7. SP202000013 Wavertree Hall Special Events**

Mr. Clark provided a report on this special use permit request for a special events use, whose site would be adjacent to the Batesville and Yellow Mountain districts.

The committee took no action, but directed staff to place this item on a future Committee agenda after the applicants have re-submitted their application.

#### **8. New Business**

The Chair invited new business. There being none, the meeting moved on to the next item.

#### **9. Old Business**

The Chair invited old business. There being none, the meeting moved on to the next item.

#### **10. Adjournment**

With no further business, the meeting adjourned at 7:30 p.m.



**MINUTES OF A MEETING OF THE  
ALBEMARLE CONSERVATION EASEMENT AUTHORITY  
October 22, 2020 (Thursday)**

The Albemarle Conservation Easement Authority met online on October 22, 2020 at 4:45 p.m.

The meeting was held virtually because of the national, state, and local emergency declarations arising from the COVID-19 pandemic, which made it unsafe for the Authority to meet in person

Members present were:

Sherry Buttrick  
Rose Emery  
David Emmitt  
Jay Fennell, Chair  
David Mitchell  
John Moore  
Jennie More  
Hamilton Moses, III  
Peter Taylor, Vice-chair

Members absent were:

--

Staff members present were:

Scott Clark, Senior Planner  
Richard Deloria, Senior Assistant County Attorney

Agenda

1. Call to Order
2. Approval of Minutes (8/13/20)
3. ACEA202000010 Guthrie Hall
4. ACEA202000002 Hanes (revised proposal)
5. ACEA202000013 Gough
6. ACEA202000006 Detmer
7. New Business
8. Old Business
9. Adjournment

**1. Call to Order**

A quorum of nine was present at 4:47 p.m. when Mr. Fennell called the meeting to order.

Mr. Deloria read the Virtual Meeting Preamble for the ACEA (see attached) regarding the legal

authorization for online meetings, and held a roll call of the members, who stated their names and locations.

## **2. Approval of Minutes (8/13/20)**

Mr. Emmitt moved and Mr. Taylor seconded to approve the minutes of the 8/13/20 meeting.

The motion passed by a vote of 9:0.

## **3 . ACEA202000010 Guthrie Hall**

Mr. Clark presented a proposal for a conservation easement donation on the Guthrie Hall property (Tax Map 120, Parcel 20 and Tax Map 128, Parcel 1; 753.61 acres).

Based on the staff presentation and their conclusion that the proposal met the Authority's acceptance criteria, Ms. Buttrick moved and Mr. Moore seconded that the Authority accept the proposal and authorize the Chair to sign a deed of easement reflecting the proposed terms, provided that the following changes were made:

- Include a "no willful demolition" requirement for the historic Guthrie Hall house;
- Clarify that the pine stands are not included in the forest-protection terms; and
- Clarify that any replacement of the historic house after total loss by casualty is limited to 10,000 square feet of finished above-ground living space.

The motion passed by a vote of 8:1.

## **4 . ACEA202000002 Hanes (revised proposal)**

Mr. Clark presented a revised proposal for a conservation easement donation on the Hanes property (Tax Map 43, Parcels 24A, 24B, 24C; 186.61 acres). The Authority had previously accepted this proposal at their meeting on June 11, 2020 with permission for a single dwelling of up to 4,500 square feet within a building envelope. The revised proposal would permit one dwelling of up to 3,000 square feet and one dwelling of up to 1,500 square feet within the same single envelope.

Ms. Buttrick recused herself from this item.

Based on the staff presentation and their conclusion that the proposal still met the Authority's acceptance criteria, Mr. Moore moved and Mr. Taylor seconded that the Authority accept the revised proposal and authorize the Chair to sign a deed of easement reflecting the revised terms.

The motion passed by a vote of 8:0.

## **5 . ACEA202000013 Gough Donation Proposal**

Mr. Clark presented a proposal for a conservation easement donation on the Gough property (Tax Map 112 Parcel 16D; 165.72 acres).

The Authority took no action on this proposal, but requested that the item be presented at a subsequent meeting with (1) defined building envelopes for the permitted new dwelling, and (2) information from staff on the historic status of the existing dwelling, to inform a possible

decision on whether or not to require a “no willful demolition” requirement in any subsequent acceptance of the proposal.

**6. ACEA202000006 Detmer**

Mr. Clark presented a proposal for a conservation easement donation on the Detmer property (Tax Map 14, Parcel 26C, and Tax Map 1510; 31.8 acres).

Based on the staff presentation and their conclusion that the proposal did not meet the Authority’s acceptance criteria, Ms. Buttrick moved and Dr. Moses seconded that the Authority not accept the proposal.

The motion passed by a vote of 9:0.

**7. New Business**

The Chair invited new business. There being none, the meeting moved on to the next item.

**8. Old Business**

The Chair invited old business. There being none, the meeting moved on to the next item.

**9. Adjournment**

Ms. Emery moved to adjourn. The motion passed unanimously. The Authority adjourned the meeting at 6:50 p.m.

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Jay Fennell, Chair

## **VIRTUAL MEETING PREAMBLE for the ACEA**

22 October 2020

Notwithstanding any provision in our Bylaws to the contrary, as permitted under Albemarle County's Continuity of Government Ordinance 20-A(14) adopted September 16th, 2020; this Authority's Resolution adopted on May 14, 2020; and Chapter 1283 of the 2020 Acts of the General Assembly, we are holding this meeting by real time electronic means with no Authority member physically present at a single, central location as it is unsafe to do so because of the COVID-19 pandemic. All Authority members are participating electronically. This meeting is being held according to Section 6 of the County's Continuity of Government Ordinance. All Authority members will identify themselves and state their general physical location during the roll call which we will hold next.

The public has real time audio-visual access to this meeting over Zoom and real time audio access over telephone, both as provided in the lawfully posted meeting notice. The public is always invited to send questions, comments, and suggestions to the Authority through the County's Community Development Office at any time and through the Zoom chat and raise hand features. This meeting is being recorded and will be made available on the County's website.



County of Albemarle  
OFFICE OF COMMUNITY DEVELOPMENT

**Architectural Review Board**  
[mmaliszewski@albemarle.org](mailto:mmaliszewski@albemarle.org)  
434-296-5832 ext. 3276

## ARB ACTION MEMO MINUTES

**Date:** March 1, 2021

**Time:** 1:00 PM

**Meeting Room:** Virtual Meeting

**Members:**

Frank Stoner: Present  
Frank Hancock: Present  
Fred Missel, Vice-Chair: Absent  
Chris Henningsen: Present  
Dade Van Der Werf, Chair: Present

**Staff:**

Margaret Maliszewski  
Khris Taggart  
Carolyn Shaffer

### CALL TO ORDER

Mr. Van Der Werf called the meeting to order at 1:00 p.m. and established a quorum.

### DISCLOSURES

Mr. Hancock disclosed that he would recuse himself from ARB-2021-07: Starbucks.

### PUBLIC COMMENT

None.

### CONSENT AGENDA

None.

### Regular Review Items

- a. **ARB2021-06:** Airport Parking Lot Elevator and Stair Replacement

**Location:** 15 Aviation Drive

**Proposal:** To remove the central parking lot elevator and flanking stairs; to construct two elevator pavilions, and to complete associated improvements.

Staff Contact: Margaret Maliszewski

Representative for Project: Christopher Jaeger, Melinda Crawford

Margaret Maliszewski summarized the staff report in a PowerPoint presentation. ARB members had no questions for staff.

Chris Jaeger introduced the project for the applicant and Melinda Crawford summarized the history of the elevator replacement project and noted that value engineering led to canceling the previous design and proposing the current one. ARB members asked about the possibility of a future parking deck in the existing parking lot (not currently planned). ARB members commented that the current proposal was an improvement over the previous one and that the current design offered an appropriate “arrival experience.”

**Motion:** Mr. Stoner moved for approval of the Certificate of Appropriateness for ARB2021-06: Airport Parking Lot Elevator and Stair Replacement with the conditions listed in the staff report, as follows:

1. Revise the plan to indicate that the masonry infill walls at the patio lookout will be constructed of material to match the existing wall.
2. Add the standard mechanical equipment note to the site and architectural plans: *“Visibility of all mechanical equipment from the Entrance Corridor shall be eliminated.”*
3. Revise the lighting plan to maintain a maximum illumination level of 20 fc at the ground.
4. Consider revising light fixtures to those with color temperatures in the 2000K – 3000K range.
5. Identify on the plan the trees and shrubs to be demolished.
6. Provide a landscape schedule for proposed landscaping.
7. Add the standard plant health note to the plan: *“All site plantings of trees and shrubs shall be allowed to reach, and be maintained at, mature height; the topping of trees is prohibited. Shrubs and trees shall be pruned minimally and only to support the overall health of the plant.”*

Mr. Hancock seconded the motion.

The motion was carried by a vote of 4:0. (Missel absent)

**b. ARB2021-07: Starbucks – 2231 Seminole Lane**

**Location:** 2231 Seminole Trail

**Proposal:** To demolish an existing office building to construct a 1,138 sq. ft. building to accommodate a drive-thru Starbucks in addition to associated site improvements on approximately .70 acres.

Staff Contact: Khris Taggart

Representative for Project: Craig Kotarski, Adam Updike, Ross Downing

Mr. Hancock recused himself from the review of the Starbucks proposal.

Khris Taggart summarized the staff report in a PowerPoint presentation. ARB members questioned the need for a 30'-wide travelway (applicant will provide more information), asked if there were examples of approved murals to consider (none), and asked for additional information on the context of the site (aerial views were shared). Adam Updike, Starbucks Store Development Manager, stated that the proposal was for a drive-thru only store with no indoor seating. Craig Kotarski (Timmons) stated that, generally, all of staff's recommendations could be accommodated. Material samples would be provided and a narrower travelway width would be

considered, potentially allowing for additional planting area. Ross Downing, Store Design Manager, noted the wood tones of the proposal, the mural content, the canopy detail, the materials. The timing of the review of the content of the mural was questioned. ARB members noted the appropriate scale of the building and its canopy and agreed that the size of the building mitigated the blank wall areas. It was generally agreed that the mural should be eliminated from the proposal so that a process and guidelines for reviewing murals could be established. Studying the city's program was recommended.

**Motion:** Mr. Stoner moved to forward the recommendations outlined in the staff report to the Agent for the Site review Committee, amended as follows:

- Regarding requirements to satisfy the design guidelines as per § 18-30.6.4c(2), (3) and (5) and recommended conditions of initial plan approval:
  - Prior to Initial Plan approval the following items shall be resolved to the satisfaction of the ARB: None. The ARB recommends approval of the Initial Plan without conditions.
- Regarding recommendations on the plan as it relates to the guidelines: None.
- Regarding conditions to be satisfied prior to issuance of a grading permit: None.
- Regarding the final site plan submittal:

A Certificate of Appropriateness is required prior to final site plan approval. The following items and all items on the ARB Final Site Plan Checklist must be addressed:

1. Provide samples for all materials and colors.
2. Provide details regarding the drive-thru related items. Revise the plan to indicate the color of the drive-thru related items. Colors that are compatible with the building design and that minimize the visibility of these elements from the EC would be appropriate.
3. Show the location of mechanical equipment (building and ground mounted) on the site and architectural plans and show how it will be screened from the EC.
4. Revise the dumpster enclosure detail to specify materials that are compatible with the building and appropriate for the EC.
5. Add the standard mechanical equipment note to the architectural drawings.
6. Provide a lighting plan with the next submittal.
7. Revise the landscape plan to add an additional tree along the frontage to achieve more consistent spacing and meet the minimum planting requirement.
8. Revise the landscape plan to show large trees, at 40' on center and 2½" caliper at time of planting, in the planting area east of the parking lot.
9. Revise the landscape plan to provide a row of shrubs along the full length of the proposed retaining wall along the southern perimeter of the site.
10. Revise the landscape plan to provide trees along the northern perimeter of the site that does not conflict with existing off-site landscaping.
11. Revise the landscape plan to increase plant diversity such that no single species of tree or shrub exceeds 25% of the total proposed for that plant type.
12. Increase the depth of the planting bed along the retaining walls or revise the shrub to one with an upright habit and mature size suited to the available planting area. Revise the landscape plan to provide a row of shrubs along the full length of the proposed retaining wall along the southern perimeter of the site.
13. Revise the plan to indicate retaining wall material, color, manufacturer. A block in a muted, earth-tone color would be appropriate.
14. Show areas designated for preservation and tree protection fencing coordinated throughout the plans.

15. Sign applications are required for all proposed signs.
16. Eliminate the mural from the proposal. The applicant may return in the future following ARB establishment of mural guidelines.

Mr. Henningsen seconded the motion.

The motion was carried by a vote of 3:0. (Missel absent; Hancock recused)

**c. ARB2021-08: Pantops Holiday Inn Express Minor**

**Location:** 870 Pantops Corner Way

**Proposal:** To relocate mechanical equipment and add screening; to revise site lights and to add feature lighting; to remove the sunshade

**Staff Contact:** Margaret Maliszewski

**Representative for Project:** J. Wilson Enochs, III

Margaret Maliszewski summarized the staff report in a PowerPoint presentation. ARB members had no questions for staff. Wilson Enochs reviewed the applicant's proposal. The ARB asked questions about the sunshade (clarify safety issue, depth, posts, could it be installed higher on the wall - no), and asked if there was planting area available in front of the equipment fence (yes). ARB members discussed the proposal, noting general agreement that the equipment fencing was appropriate, that the blue lights were not appropriate and could establish a poor precedent, that wall lights should be reduced to a pedestrian scale which is typically considered to be 12-16', and that the sunshade was an important element on a prominent face of the building.

**Motion:** Mr. Hancock moved for approval of the Certificate of Appropriateness for ARB2021-08: Pantops Holiday Inn Express Minor with the conditions listed in the staff report, amended as follows:

1. Provide alternate architectural elements to substitute for the sunshade on the west elevation.
2. Indicate on the plan the equipment height, the screen height and a screen color that blends with the building.
3. Include the standard equipment note on the site plan amendment plan: "Visibility of all mechanical equipment from the Entrance Corridor shall be eliminated."
4. Provide a legible photometric plan for review.
5. Provide cut sheets in the site plan for all proposed fixtures.
6. Revise the lighting plan to note the light loss factor (LLF) used to calculate the photometrics. To meet county requirements, the LLF must equal 1.0. Revise the photometrics as necessary.
7. Revise the lighting plan to show lamps with a color temperature between 2000K and 3000K.
8. Revise the lighting plan to note the color of the light fixtures and poles. Bronze or black would coordinate with nearby developments.
9. Revise wall fixture mounting heights to lower, pedestrian scale heights (20' or lower).
10. Add the standard lighting note to the plan: "Each outdoor luminaire equipped with a lamp that emits 3,000 or more initial lumens shall be a full cutoff luminaire and shall be arranged or shielded to reflect light away from adjoining residential districts and away from adjacent roads. The spillover of lighting from luminaires onto public roads and property in residential or rural areas zoning districts shall not exceed one half footcandle."

11. Eliminate the blue lights from the proposal.
12. Eliminate illumination of the building for purposes other than safety and security.
13. Note that a site plan amendment is required for the equipment and screening.

Mr. Henningsen seconded the motion.

The motion was carried by a vote of 4:0. (Missel absent)

**d. ARB2021-09: Caliber Collision**

**Location:** 1720 Seminole Trail

**Proposal:** To establish an auto body shop use in an existing 9,200 sf building with associated site improvements on a 1.02-acre parcel

Staff Contact: Khris Taggart

Representative for Project: Melissa Hernandez

Khris Taggart summarized the staff report in a Power Point presentation. The ARB had no questions for staff. Melissa Hernandez gave a brief summary of the project. ARB members asked the applicant if the equipment could easily be relocated (the applicant wants to maintain the current proposed location), if the applicant could screen the equipment (yes), if landscaping could be added (yes), and for clarification on the fence (a stained wood plank fence is proposed). ARB members discussed the fence material (a metal material would be more compatible), the importance of screening the rooftop equipment, and partial mitigation of the equipment by the location at the west end of the building. Staff explained the proposed actions, noting the need to be sure that the rooftop equipment screening would have an appropriate appearance.

**Motion:** Mr. Hancock moved to forward the following recommendation to the Planning Commission and Board of Supervisors:

The ARB does not recommend approval of the Special Use Permit as proposed because screening issues have not been resolved and it is not clear that the visual impacts can be sufficiently mitigated. The applicant should return for a work session with the ARB to review alternate fence designs that are more coordinated with the building, and options for mitigating the view of the new rooftop equipment, including but not limited to: alternate equipment locations, paint color, and/or landscape screening.

Mr. Stoner seconded the motion.

The motion was carried by a vote of 4:0. (Missel absent)

**e. ARB2021-12: 1680 Seminole Trail**

**Location:** 1680 Seminole Trail

**Proposal:** To renovate the property to accommodate an automobile dealership

Staff Contact: Margaret Maliszewski

Representative for Project: Scott Collins

Margaret Maliszewski summarized the staff report in a PowerPoint presentation. ARB members asked staff if there were any buildings changes (only repair of wall surfaces where the drive-thru structure will be removed, with the repair to match the surrounding wall condition). Scott Collins briefly addressed the ARB, noting that the proposal had been before the board previously. ARB members asked if the new retaining wall would match the existing (yes). ARB members agreed that the site plan and the adaptive reuse were appropriate, that the proposal was a big improvement, and that the additional planting was appropriate.

**Motion:** Mr. Stoner moved for approval of the Certificate of Appropriateness for ARB2021-12: 1680 Seminole Trail with the conditions listed in the staff report, as follows:

1. Revise the photometric plan to extend footcandle readings out to the property line. Show that spillover at the property line does not exceed .5 fc at the street.
2. Note on the lighting plan that the color of the fixtures and poles will be bronze.
3. Indicate on the lighting plan that maximum pole light height, including any bases, will be 20'.
4. Resolve the tree/light pole conflict on the south side of the building without reducing plant quantities.
5. Add details and/or notes to the plan indicating the construction type and material of the rebuilt retaining wall and describing an appropriate, coordinated appearance.
6. Revise the demolition plan to address the partial removal of the retaining wall.

Mr. Henningsen seconded the motion.

The motion was carried by a vote of 4:0. (Missel absent)

**f. ARB2021-10: Hollymead Extra Space Storage**

**Location:** Along Worth Crossing west of the Worth Crossing/Regent Street intersection, approximately 365' east of the Rt. 29 Entrance Corridor and 477' north of Timberwood Boulevard

**Proposal:** To construct a 105,726 sq. ft. self-storage building with associated site improvements on approximately 3.43 acres

Staff Contact: Khris Taggart

Representative for Project: Brody Glenn, Barry Byrd

Khris Taggart summarized the staff report in a Power Point presentation. The ARB had no questions for staff. Brody Glenn discussed the building design, highlighting the drive aisle through the building. He and Barry Byrd presented revised elevations showing more brick higher on the building, more articulation (indentations) in the brick, an added canopy, and revised sign colors (green eliminated). ARB members asked about the EIFS colors (accent color is eliminated), the depth of the brick articulation (1½" – 2" recess), the differences/similarity of the corner elements (could be made more similar). In discussion, the ARB noted their appreciation for the applicant's proposed revisions and noted that they address most of staff's recommendations, though some of the brick detailing may not be readable from the EC street.

**Motion:** Mr. Henningsen moved to forward the recommendations outlined in the staff report to the Agent for the Site review Committee, amended as follows:

- Regarding requirements to satisfy the design guidelines as per § 18-30.6.4c(2), (3) and (5) and recommended conditions of initial plan approval:

- Prior to Initial Plan approval the following items shall be resolved to the satisfaction of the ARB: None. The ARB recommends approval of the Initial Plan without conditions.
- Regarding recommendations on the plan as it relates to the guidelines: None.
- Regarding conditions to be satisfied prior to issuance of a grading permit: None.
- Regarding the final site plan submittal:
  - A Certificate of Appropriateness is required prior to final site plan approval. The following items and all items on the ARB Final Site Plan Checklist must be addressed:
    1. Revise the architectural design to increase the visibility of the brick proposed.
    2. Revise the architectural design to better establish a sense of human scale.
    3. Revise the distribution of building materials and architectural elements to help establish a cohesive whole and better relieve the blankness that is present along the north, west, and south elevations.
    4. Provide perspective renderings from both directions on the EC street, with and without landscaping.
    5. Provide specifications for proposed window glass. Show that VLT will not drop below 40% and VLR will not exceed 30%. Glass should be clear, without tint. If tinted glass is proposed, provide a sample for review. Add the standard window glass note to the architectural plans.
    6. Show the locations of all ground- and building-mounted equipment on the plans. Show how visibility from the ECs will be eliminated.
    7. Add the standard mechanical equipment note to the plan: "Visibility of all mechanical equipment from the Entrance Corridor shall be eliminated."
    8. Provide a complete lighting plan with the final site plan.
    9. Sign applications are required for all proposed signs. Provide with the sign applications a sample of the color proposed for the signs.
    10. The revised elevations presented in the meeting sufficiently address comments 1-3.

Mr. Hancock seconded the motion.

The motion was carried by a vote of 4:0. (Missel absent)

## WORK SESSIONS

### a. **ARB2020-108:** Airport Road Sheetz

**Location:** Northwest corner of Seminole Trail (Route 29) and Airport Road (Route 649)

**Proposal:** To construct a fuel station with a 6,077-sf building, 4,244-sf fuel pump canopy, a 1,024-sf carwash, and associated site improvements on three parcels totaling approximately 2.88 acres.

Staff Contact: Khris Taggart

Representatives for Project: Lee May, Tom Columbus, Jamie Gearhart, Valerie Long, Ryan Cheney

Khris Taggart summarized the revised submittal in a brief Power Point presentation. The ARB had no questions for staff. The applicants summarized their proposal, noting the changes to

signage, tower design and ice machine color. The ARB asked the applicants about material transitions at the drive-thru (nearly in the same plane), the comparative width of the stone piers at the towers, and the design of the southwest corner. The ARB discussed the apparent lack of resolution in the design of the southwest corner and the impact of deleting the stone at that corner and on the west side of the building. Valerie Long asked if removing the stone would resolve the issue. Mr. Van Der Werf clarified that the south elevation was a three-part façade and the material transitions don't relate to any architectural feature in plan view. The applicant suggested a Mapes canopy instead of an awning and showed the elevations with brick instead of stone.

**Motion:** Mr. Stoner moved to approve the revised architectural design with the following changes:

1. Eliminate the stone above the base at the southwest corner. Lower the cornice height to match the main wall height.
2. Eliminate the stone above the base on the west elevation. Lower the cornice height to match the main wall height.
3. Revise the south-facing elevation of the southwest corner to compose the service door, awning, grease storage, and glazed opening to relate to each other with a coordinated appearance. The use of a single Mapes canopy may be appropriate.

Mr. Henningsen seconded the motion.

The motion was carried by a vote of 4:0. (Missel absent)

Mr. Stoner left the meeting at 4:05 PM and indicated he would not be present at the next meeting.

## **OTHER BUSINESS**

### **a. EC Guidelines Discussion:** Revised schedule

Staff summarized the recent changes in the schedule for the ARB's discussions of the Entrance Corridors and stated that an updated schedule would be distributed for review.

### **b. Minutes Approval:** February 1, 2021

**Motion:** Mr. Henningsen moved for approval of the minutes from the February 1, 2021 ARB meeting.

Mr. Hancock seconded the motion.

The motion was carried by a vote of 4:0. (Missel absent)

### **c. Next ARB Meeting:** March 15, 2021

## **ADJOURNMENT**

The meeting was adjourned at 4:20 p.m. to the next Virtual ARB meeting on Monday, March 15, 2021 at 1:00 p.m.

**Albemarle County Planning Commission  
FINAL Minutes February 2, 2021**

The Albemarle County Planning Commission held a public hearing on Tuesday, February 2, 2021 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Tim Keller; Rick Randolph; Daniel Bailey; Corey Clayborne; and Luis Carrazana, UVA representative.

Members absent: Jennie More.

Other officials present were Scott Clark; Bill Fritz; Steve Allshouse; Amelia McCulley; Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

**Call to Order and Establish Quorum**

Mr. Bivins said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said opportunities for the public to access and participate in the electronic meeting will be posted at [www.albemarle.org](http://www.albemarle.org) or on the County calendar, when available. He called the meeting to order.

Mr. Rapp called the roll. All Commissioners indicated their presence except for Ms. More, who was not present.

**Consent Agenda**

Mr. Keller moved to approve the consent agenda.

Mr. Clayborne seconded the motion, which carried unanimously (6:0). (Ms. More was absent.)

**Public Hearings**

**SP202000007 Rappahannock Electric Cooperative**

Mr. Scott Clark, Senior Planner with Community Development, presented. He said this item was a public hearing for a special use permit request for a powerline upgrade. He said the applicants were in attendance in case there were any questions for them after the presentation.

Mr. Clark said the proposal is a special use permit request to upgrade an existing redistribution line, which is a by-right level of electrical line that typically carries power between neighborhoods in local areas. He said this request is to upgrade the corridor and those poles into a transmission line, which requires a special use permit.

Mr. Clark said specifically, this would install pole topper extensions of existing powerline poles to increase the height of the poles from an average of 46 feet to a new height averaging about 82 feet. He said that on those new extensions, they would install a 115-kilovolt powerline in the existing corridor that is about 1.6 miles long on the west side of US-29, along the parcels shown

on the map on the slide in red. He said the gray areas on the map represented the County's Development Areas, and the white areas were the Rural Areas. He indicated on the northern portion of the map, noting that it was the Greene County line.

Mr. Clark said the overall width of the easement of the corridor would increase from 40 feet to 75 feet in order to accommodate the larger safety zones needed for the higher-voltage lines.

Mr. Clark said he would present a few pictures of the corridor as it currently exists. He said the photo on the screen was a view from Advance Mills Road, looking south. He said it shows that portions of the corridor are open to the highway, Route 29, which is an entrance corridor. He said one could also see in the photo how the poles have been built out of metal, with a flat space on top where the extensions can be added on. He said he would show a graphic of this momentarily.

Mr. Clark presented a photo of a grassy area farther south with a narrow band of trees between the highway, which was on the right, looking north.

Mr. Clark presented a view from the road, noting there was a thin band of trees along the edge of the road. He said there is an open area behind that for the existing powerline corridor. He said in some cases, there were more open areas behind that, but in this case, there were more wooded areas.

Mr. Clark presented another view of the existing corridor and the poles from the highway itself.

Mr. Clark presented a page of the conceptual plan for the project. He said this new corridor would run north from the Rivanna Substation north to the Greene County line. He noted that the blue dashes represent the existing 40-foot utility easement and bracketing that (in the lighter green color) was the proposed 75-foot easement. He said the difference shown was 17.5 feet on each side, on the east side, which was shown down in the view. He said the extension is into the VDOT right-of-way, so it is already clear area and doesn't make any difference except for places along the very edge, where there are some individual trees.

Mr. Clark said that on the west side of the corridor, there is another 17.5-foot extension of the easement. He said this covers a variety of land cover types, from residences and yards to woods as one goes along the corridor. He said later, if the Commission needed to see them, he could show them the remaining pages of the plan. He noted that what was shown on the slide was only the first page.

Mr. Clark said to give a sense of scale, the west side increase (which is the one that would mainly impact vegetation) is about 17.5 feet wide and about 1.6 miles along, which gives a rough area of about 3.4 acres in that expanded easement for the entire length of the proposed transmission facility.

Mr. Clark presented a graphic from the applicants showing what they propose to add. He said the lower half showed the existing structure height and what the posts currently look like, along with the additional increase in height on top of that which would be bolted onto the higher-voltage poles. He said at the bottom, one could see that the poles are currently centered in the 40-foot easement and remain centered in the 75-foot easement as it is expanded.

Mr. Clark said the applicant also provided a photo simulation of the change. He said some Commissioners may recognize the driveway shown, which is on the property that abuts the

Greene County line. He said the “before” view was shown at the top, with the existing poles, and the “after” view showed what it would look like after the addition of the extensions that would carry the higher-voltage transmission lines.

Mr. Clark said in analysis of the special use permit request, the main factor focused on whether the review was consistent with the Comprehensive Plan. He said this is in a heavily traveled, very important entrance corridor, and so staff wanted to look at how scenic resources would be impacted. He said the Comprehensive Plan has several goals that talk about protecting scenic resources not only in the County in general, but especially in these entrance corridors, and using design guidelines to help maintain the integrity of those corridors to the County.

Mr. Clark said this project has been to the Architectural Review Board twice, in May and in November 2020. He said he wanted to briefly explain how staff approached the review. He said as stated in the staff report to the ARB, there are clear limitations associated with screening utility lines. He showed the slide with the before and after pictures and said to imagine how ineffectual it would be to apply typical ground-level screening centers to a pole like this. He said it was not an effective approach.

Mr. Clark said typical building design and infrastructure screening techniques cannot be effectively applied to utility poles 85 feet in height. He said over the course of the review with the applicants and the ARB, staff’s focus was rather than trying to hide these pole extensions or screen them from view, they find a way to offset their visual impacts. He said they certainly have impacts on the corridor, and staff acknowledges that, but a simple attempt to block the view of them was not going to work, so they tried to find a way to offset that.

Mr. Clark said that after several rounds of discussion, staff talked with the applicants about their proposal and ways that they can use their integrated vegetation management technique to offset the visual impacts of the poles. He said the picture on the screen showed that the existing corridor, where it is open to the road, is essentially mowed clear at the moment. He said this is a typical management technique for utility corridors like this, but it is somewhat expensive for the utilities and obviously not very scenic for the community.

Mr. Clark said the idea here is to improve the visual character of the utility easement by having taller and more varied vegetation in those currently fairly featureless corridor areas by allowing a select suite of native (not invasive) species of shrubs and low trees that could grow there without causing a hazard to the overhead lines.

Mr. Clark said to give a couple of examples of what this looks like, he would show pictures of examples from other parts of the country. He said he knows this is not the site, or even in Albemarle, but they were a couple of examples of what integrated vegetation management looks like on the ground. He said the example shown on the screen was aimed at more of a pollinator habitat and some perennial (but short-lived) plants rather than trees that would come up every year. He said one could see how this would benefit the habitat of insects and other animals that use that kind of territory, and that it was more visually pleasing than being mowed flat to dirt.

Mr. Clark showed a picture of another example, this time from the Eversource Energy Company in New England. He said he did not know what the flowering trees in the photo were, but the idea was that this gives an array of shrubs and smaller trees under the corridor. He said even the poles there were very different, but the vegetation would be similar to what is proposed under the integrative vegetation management approach (IVM).

Mr. Clark said there are a couple of caveats to this he wanted to mention. He said the utility's easement allows the applicant to manage vegetation under these lines. He said they can control what comes up and what doesn't, and they can use management techniques to affect the array of vegetation there, but they do not control the right of an underlying landowner to remove what they want. He said as he mentioned earlier, there are some places along this corridor where the line is going over residential yards. He said those residential yards would probably stay that way, or could stay that way, because the underlying landowners always have the right to also manage that vegetation.

Mr. Clark said another thing he should point out is that some of the individual trees that stand between the utility lines on US-29 are likely to be removed, depending on the exact clearances once the poles are up and the wires are in place. He said it is hard to say exactly which ones would stay and which would go and, of course, they will change over time as they grow, but he should acknowledge that there will be changes on the edge of the highway itself.

Mr. Clark said staff believes, however, that the gradual change from bare soil and grass to shrubs and small trees will significantly improve the appearance of the utility easement along the entrance corridor.

Mr. Clark said when this request went to the ARB in November 2020, the board voted 3-1 to forward a recommendation of no objection to the proposal, with the condition that the IVM plan be included as a requirement for the special use permit, and that this plan include proactive management to promote native species such as meadows, shrub landscapes, and pollinator species, as well as low-growing trees and other native vegetation as compatible with safety needs and that are visually pleasing in the entrance corridor. He said staff has adopted this direction into the conditions that he would present to the Commission.

Mr. Clark said regarding the Comprehensive Plan, the Rural Areas are generally focused on protecting natural resources and the viability of rural land for agriculture and forestry. He said the good thing about this project is because it is reusing an existing corridor rather than carving a new one through the landscape, it is not creating any additional footprint, nor is it blocking access to any agricultural or forestry land.

Mr. Clark said in summary, staff has identified two favorable factors. He said he should have mentioned these in more detail at the beginning, but the proposed upgrade would increase the reliability of electric service to area residents. He said what he should have mentioned at the beginning was the rationale for this particular project is the final step in a loop of transmission line connections that would allow the electric cooperative to significantly shorten power outages by having multiple transmission routes to their customers. He said if one line goes down, they will have another route to get there.

Mr. Clark said using the existing corridor is an improvement over creating a new corridor that would impact natural resources and agricultural lands.

Mr. Clark said the factors unfavorable include the pole height increase along the entrance corridor. He said the recommended condition requires IVM to help offset that visual impact by creating more visually pleasing vegetation in the corridor.

Mr. Clark said staff's recommendation is that the Planning Commission recommend approval of the special use permit, with the following conditions: general accord with the plan he showed earlier with the pole remaining within the existing 40-foot right-of-way, making sure there is a color match on the pole extensions; and requiring exactly the IVM plan that the ARB called for. He offered to answer any questions, adding that if there was a need for details about the operations, representatives for the applicant were available.

Mr. Clayborne said Mr. Clark had showed an image of the right-of-way and asked if on VDOT's side or the property owner's side, there is an instance along the 1.6-mile corridor where an individual property owner is negatively impacted, outside of the visual impacts already stated. He asked if there are any other negative impacts that a property owner could experience.

Mr. Clark replied that the underlying landowners would have to agree to this expanded easement. He said if the County approves this special use permit that includes the widened corridor, then the utility would have to work one-on-one with all of those landowners to acquire that expanded right-of-way. He said it is possible that there would be some impacts, and generally, this would mean that the utility would have the ability to cut or trim vegetation that protrudes into the 75-foot easement. He said the work being done on the ground is only to haul the equipment in and (he assumes) to shut down the lower lines, add the pole toppers, and add the new lines on. He said there are not a lot of new entrance roads, and there were no grading or landscaping changes going on. He said it was literally just adding poles and wires.

Mr. Clark said the wider easement allows maintenance to keep vegetation away from those higher-voltage lines.

Mr. Clayborne said he believed he read in the materials that the existing poles are already designed to accommodate this proposal, which looked as if it had started back in 2009. He said this has been a long process and asked if it was fair to say that this was not a surprise that this proposal would be coming, as a newcomer on the Commission.

Mr. Clark replied that he did not know if they in Community Development had been aware of the full proposal for that long, but certainly, the utility was looking ahead to the upgrade potential, and they do have bolt plates on top of those poles where they can go ahead and do that. He said this has been in the works for a while, and he thinks this has been under review with the County for about a year now.

Mr. Carrazana said he wanted to make sure that in the images Mr. Clark shared, there were added lines along with this. He said there are lower lines that exist today. He asked if more lines would be added with the higher lines, or if the lower lines would go away.

Mr. Clark said as far as he knew, there would be more lines. He said the distribution lines on the lower lines would stay, and the transmission lines would be an additional function added on top. He said he could pull up the graphics again after going through the questions to show how this is set up.

Mr. Bivins asked Mr. Clark to show the graphic before moving on to the applicant.

Mr. Clark presented the graphic on the screen showing the existing and extended poles. He indicated on the graphic to the connector plate. He said down below are the existing distribution

lines, and then three mounts up higher for the phases of the high-voltage lines for the transmission facility that go on top of that. He said all of that would be there.

Mr. Clark again showed the before and after pictures, which showed lines on both.

Mr. Bivins asked to hear from the applicant.

Ms. Valerie Long said she was representing the applicant, Rappahannock Electric Cooperative (REC). She said joining her were a number of representatives from REC's project team, who would all be available to answer questions: Lee Brock, Manager of Engineering and Power Supply; Sam Wilson, Director of Substation and Transmission Engineering; Cindy Musick, Director of Vegetation Management Services and a Certified Utility Corridor Arborist; Jeff Powell, the executive who manages REC's key commercial accounts; and Gary Durdock, Director of System Planning and Engineering Design.

Ms. Long thanked Mr. Clark for his excellent presentation and said he covered the vast number of issues in a way that was clear to her and seemed to be clear to everyone else as well. She thanked Mr. Clark for the time he took in understanding the proposal and its unique aspects.

Ms. Long said she had a few additional slides to show. She said many of them had already been seen, but she would have them available.

Ms. Long said she would first speak briefly about the purpose of the proposal. She said REC is a rural electric cooperative, and its territory covers portions of 22 counties within Virginia. She said only a very small portion of their territory is in Northern Albemarle, which is the 1.6-mile span of their distribution line along the Route 29 South roadbed. She said REC does have over 2,000 customers in Albemarle County, which are a mixture of residences, commercial businesses, institutional entities (including Rivanna Station and a number of other businesses), and agricultural enterprises in the community.

Ms. Long said this would add a 115-kilovolt transmission line on top of the existing distribution lines. She said to answer Mr. Carrazana's question, Mr. Clark was exactly correct in stating that the existing lines will remain, and an additional pole toppler will be added. She said she had a few additional photo simulations that she could show the Commission.

Ms. Long said this is an energy infrastructure project that will enhance the resiliency and viability of REC's system in this area. She said it will enable REC to restore outages much more quickly to any of their member customers in the area.

Ms. Long presented a map of the project corridor, showing that essentially, the starting point is around Dickerson Road. She said REC has a substation at the outer edges of the Development Area. She said there is a small sliver of the G.E. Intelligence Platforms Systems property that fronts on Route 29, but really, the substation is the start of the project. She said it extends all the way up the 29 Corridor, up to the Greene County line.

Ms. Long presented a map that was included in the application package, for which she would provide a brief overview to help orient everyone. She indicated on the map to the Rivanna Substation, Dickerson Road, Route 29 North, the Greene County line, and the Madison County line. She indicated to the project span, approximately 1.6 to 1.7 miles. She said this was not the southern boundary of REC's service territory but was just the southern boundary of the project.

She said they do have additional member customers whose parcels are to the south, and a number of member customers whose parcels are on the east and west of Route 29. She said they have an existing substation off of Proffit Road, which already has an 115-kV transmission line that was put in about 10 years ago.

Ms. Long said if the proposed line is approved and constructed, it will enable REC to improve the resiliency of their system and provide the ability for them to restore outages more quickly. She said if there is, for instance, an issue on the line between the Rivanna and Proffit substations, they can backfeed power back from Preddy Creek and Pratts Substations, and vice-versa. She said if there are outages, they can backfeed back and forth, and so it is an upgrade to their infrastructure. She said it does not increase the amount of power loads, but merely supports them.

Ms. Long pointed out that REC does not generate any electricity. She said it merely distributes it to its member customers. She said they buy it wholesale from other generators and then distribute along its network. She said this line will not increase any generation in power because REC does not generate power. She said all it does is enable them to transmit and distribute it to their members in a more efficient and expeditious fashion.

Ms. Long said it is a critical infrastructure upgrade that reduces the time of power outages when they occur due to severe weather or other circumstances. She said with the unfortunate increase in climate change, as she was sure everyone has experienced, there has been an increasing number of severe storms and outages, particular in the area. She said they are seeing more and more examples of that, and so this project is as important as ever.

Ms. Long said Mr. Clayborne was correct that this project has been in the works since essentially 2009. She said REC first approached the County at that time with this project, but unfortunately, there was a procedural issue with the Zoning Ordinance. She said that because REC is not an owner of any of these parcels, it did not have the ability under the County Zoning Ordinance to submit a special use permit application that is needed for the project.

Ms. Long said they could not find a solution to that problem in 2009, but they did go ahead and replace the poles, which were wood at the time, with metal poles, as they needed to be upgraded anyway. She said they were planning ahead, knowing that they would come back at some point in the near future with the request for the transmission lines, so they went ahead and upgraded them. She said the foundations are ready and do not need any further work.

Ms. Long said essentially, REC continued working on the plans and approach her firm in 2017 or 2018. She said her firm then started working with REC in trying to find a solution to the procedural problem. She said ultimately, with the assistance of the Community Development Department staff, Commission, and Board, they did work with the County on a Zoning Text Amendment that authorized a rural electric cooperative to submit an application. She said this was approved in December 2019, and the special use permit application was submitted in February 2020. She said she was happy to explain this further.

Ms. Long presented the graphic of the proposal, noting that the Commission had already seen this, but what she believed was most helpful was showing the 40 feet of the existing easement would be increased by 17.5 feet on either side. She said one half is mostly on the VDOT side, and the rest is on the landowners' side. She said Mr. Clark was correct in saying that there would be no other impacts imposed on any of those landowners, aside from widening of the easement area. She said there would be no grading, no additional roads, and no additional infrastructure of

any kind other than needing to keep a wider easement area due to the taller poles and higher voltage involved.

Ms. Long presented other exhibits that had been previously shown. She said she had these slides to present the variety of types of frontage along the corridor. She indicated to Rivanna Substation, some residences, open areas and wooded areas, a church, a number of parcels that are almost entirely wooded, and the Greene County line. She said near the Greene County line, there are a variety of conditions in this area, from fairly wide-open residential parcels to a commercial store, along with a few residential parcels with some vegetation. She said this was to show the variety of conditions involved.

Ms. Long presented one of the same photos the Commission already saw, reiterating that nothing that exists there now will go away or change. She said everything new will be up above, vertically.

Ms. Long presented a second photo simulation, looking to the north. She said for point of reference, this was taken from the intersection of Dickerson Road. She said there were just pole toppers on top, with no additional grading or construction. She said she did not believe there was any impact on the ground, as there was no grading, clearing, or any earth disturbance in installing the pole toppers.

Ms. Long said there was some information in the application package about IVM, which is what the applicant is proposing to use along the corridor to manage the vegetation. She said she has learned a lot about it over the last year, and it is the industry standard for how to manage vegetation in utility corridors. She said the most important thing is avoiding conflicts between vegetation and the powerlines. She said it is particularly important when dealing with higher-voltage lines, like this transmission line. She said it is a method to manage the vegetation and promote pollinator areas, meadows, and compatible low-growing species in working to avoid and eliminate tall-growing, fast-growing, and invasive species that will be in conflict with the lines.

Ms. Long said Ms. Cindy Musickj, the Vegetation Management Specialist and Arborist for REC, was present to answer questions about the process. She said IVM is, again, the industry standard for how to manage and balance the goal of safety of the lines with an attractive utility corridor that promotes animal habitat, meadows, and low-growing plants.

Ms. Long presented some photos that were taken by the applicant from the corridor in September 2020, around the same time as the photos Mr. Clark showed earlier were taken. She said there was maintenance that took place on the corridor over the summer, in July and August, and these photos were taken in mid-September, showing how the vegetation grows back fairly quickly. She said these photos also show the variety of conditions that exist along the corridor. She said in some areas, lower-growing trees that are not a risk to injuring the lines are allowed to stay, and the vegetation grows fairly quickly.

Ms. Long presented a photo of an example, looking south. She said it showed a dead tree covered in vines. She said it was a little distorted and looked as if it was up in the lines due to the angle the picture was taken from, but it actually was not. She said it was a dead tree covered with vines and was not growing any taller, so REC allowed it to stay there. She said it does not cause any safety problems, and the crew still has plenty of room to work around it. She said it provides a nice habitat for birds and other species, and it helps to add vegetation to the right-of-way.

Ms. Long presented additional photos that were taken soon after the maintenance, which showed some other vegetation that was left in place and some smaller trees that will not be in conflict with the lines.

Ms. Long presented another example, which Ms. Musick had flagged to her as being significant. She said the picture was of a dead tree that REC intentionally left there because it provides habitat for birds but is not growing or getting taller.

Ms. Long presented a photo that was taken prior to maintenance and shows how, at the three-year or four-year mark, how some of the low-growing trees were able to continue growing while adding interest to the corridor, yet not competing with the lines at all or posing a danger. She said the other picture on the slide was taken post-maintenance and showed the vegetation already growing back fairly significantly.

Ms. Long presented a photo and said although it was shown earlier, she wanted to include it because it demonstrates the point that Mr. Clark made that obviously, the landowners retain the right to manage their property as they wish, so long as it does not conflict with REC's needs in the corridor. She said some landowners choose to mow their lawn and keep it open while others want it wooded. She said this slide demonstrated pre- and post-maintenance with no difference, but for others, it will be more significant.

Ms. Long presented another photo from the same spot, taken from a slightly different angle from Google Earth Street View. She said this was just before maintenance took place at about the 5-year or 5.5-year mark. She said this was very soon thereafter, showing how the vegetation grows back fairly quickly, particularly in the first year.

Ms. Long presented a similar photo from a couple of weeks later to show how the vegetation continues to grow in quickly. She presented another photo that was taken about a month after maintenance.

Ms. Long presented another photo to show how a property owner has a lease with the billboard company and chooses to keep the area open and mowed so that the billboard is visible. She said the easement would go back a little bit further, but the photo shows how in many portions of the corridor, the views will not be substantially different.

Ms. Long presented a photo of a landowner's property that showed an open area.

Ms. Long said there had been discussion and questions from some members of the public and others questioning why this has to be done along Route 29 and why it cannot be put in a different location so that it is not along an entrance corridor. She said REC did consider that issue, but ultimately decided that utilizing the existing poles along an existing corridor was by far the lowest impact of the alternatives.

Ms. Long said the map on the right showed the approximate location of the alternate route that is workable for REC, which would require easements and clearing along a very long span, disrupting a number of other landowners. She said that along the existing corridor, REC can add this line with relatively minimal impact on those landowners, other than the widening of the easement area. She said they believe that, for many reasons, this is the best solution for this issue. She said there are also streams and stream buffers along the alternate area, and that utilizing the existing line would not have any impact on streams, stream buffers, or any sensitive areas.

Mr. Bivins informed Ms. Long that her speaking time was up. He asked the Commissioners if they had any questions for the applicant before the public hearing.

Mr. Keller said he had a question for Ms. Long, and one for Ms. Musick. He said Ms. Long knows a great deal about what can be done with both high tension lines and cell towers. He asked if there is the possibility of a cell tower array being added to the top of any of these poles, once the pole topper has been put on them.

Ms. Long replied that she did not know if the foundation was designed for that. She said she knew it was not designed for that, and it was designed for the addition of the pole toppers. She said she would guess that if there was a wireless provider that was interested, and REC was willing to do a study and look at whether the foundations were strong enough to support the additional weight of wireless antennae and equipment, they could potentially consider that. She said the weight of the equipment, the antennae, and the lines required for those are incredibly heavy and usually are not able to be added to existing structures that have not been intentionally designed for that, but she could not speak to that issue.

Ms. Lee Brock said that they would have had to been specifically designed for that. She said they would be allowed to install fiber optics below, and she believed there already was some of that, but as far as on top, they were not designed for that.

Mr. Keller asked if there was a request from a cell tower that involved reworking just one tower, if this is something that would be considered.

Ms. Brock replied that the cell company would have to pay for the whole thing, and REC would certainly look at it, but she would think that they would have to replace the whole thing. She said it would surprise her if it was economical for them.

Mr. Keller said Mr. Fritz was still on the line to answer his question. He asked if this was possible, how many feet it would be able to go up, and if there would be any recourse on the part of the County.

Mr. Bill Fritz said there were two options. He said one would be to do a Tier I facility, which is an attachment to an existing structure, and it could not be any taller than the existing structure. He said they could propose to expand the structure, and this would be a special use permit (Tier III) and whatever the application was, it would be reviewed and may or may not be approved. He asked Mr. Keller if this answered his question.

Mr. Keller replied yes. He told Mr. Bivins he would bring this back during discussions later, but he wanted that information for the public and for the Commissioners. He said his second question was about tree pruning. He said those who travel to other parts of the country are amazed that the Commonwealth of Massachusetts seems to have such more sympathetic pruning of trees along powerline rights-of-way than what is seen in the Commonwealth of Virginia, and he wondered if the IVM person could speak to that, as it is another component and the higher visual component that forms the backdrop people will be looking at as they progress north and south on Route 29.

Ms. Cindy Musick replied that in Massachusetts, she believes there are different statutes that apply to state road rights-of-way, and there may or may not be larger easements. She said if there

is a larger easement then obviously, not as much of a pruning cut is needed because the trees simply do not exist, meaning they are further back, and it is not as obvious as they have been pruned.

Ms. Musick said that in Virginia, they tend to stick to the smaller easements that the trees may be closer, and so they have to be pruned. She said it sounded as if Mr. Keller is interested in this, and of course, certain species grow faster than others. She said if there is a maple, they can have anywhere between 6-7 feet of growth per year. She said if there is something like an ailanthus, they could have that in the early season. She said it is a prescriptive approach that is very specific to species. She said as Ms. Long mentioned, REC and most utilities take an IVM approach, and pruning is part of that, as well as allowing certain species to grow larger if they are not getting up into the wire zone.

Mr. Clayborne said he had a question on the overall project and the future of it. He said he saw a slide where it showed the line going through the neighboring counties of Greene and Madison. He asked if the intent is that this upgrade would go to those counties and, if so, what the timetable is.

Ms. Long replied that this is part of an overall infrastructure upgrade that REC is working on, and so it is just the Albemarle County segment of the upgrade. She said there are portions that exist in Greene. She said there is a segment where it does not exist, and it does not yet exist in Madison. She said in those counties, there will also be upgrades. She said in those counties, however, the transmission line is allowed by right, as compared to Albemarle, which requires a special use permit. She said REC wanted to be sure that it could get the special use permit approved in Albemarle in order to then move forward with the rest of the project.

Ms. Long said in terms of a timetable, assuming that the special use permit is approved sometime in the next few months, it will take approximately a year to work with each of the landowners who own property within the project area to negotiate easements and terms with each of them. She said after that, it is about a 4- to 6-month project to get the new pole toppers installed and the line. She said thus, it would be roughly 1.5 years from the date of the approval to finish the Albemarle County section. She said she would look to Ms. Brock and Mr. Wilson at REC if they had anything to add. She said she did not know if the Greene and Madison portions that are not already built will come after that, and if this would be about another 6-month process before everything is complete.

Ms. Brock said they would continue on up, and Mr. Wilson could talk about the timing.

Mr. Wilson said timing-wise, he assumed they would start from both sides. He said they would start working with landowners on both sides because they have to go with easements on the rest of the lot, and so they will continue to process. He said it will be several years before it is all done. He said he could not remember the total mileage, but it would take a little while. He said they will be going in parallel so that while they are working on Albemarle, they will be working on the others, if they get final approval.

Mr. Randolph asked Ms. Long if it was safe to say that what she was looking at here in terms of a project is the extension of a spur that goes from the main transmission line down into Albemarle County. He said it is equivalent to a railroad in that they have a unidirectional line, and it terminates there at Dickerson Road. He said when conceiving of it in that way, one gets a better understanding that it isn't that any energy being generated is going from Albemarle, north, but it

is quite the opposite. He said where the energy is generated by Dominion Power is, in fact, going down this spur, coming into the critical infrastructure that exists in the business park, which hold strategic growth industries for Albemarle County.

Mr. Randolph said another thing he feels would have been helpful in looking at the application, especially for new members of the Planning Commission that may not have had exposure to this before, is to have cited the fact that the major reason for this project is because they are upping the overall kilowatts of energy that is going to be distributed on these powerlines.

Mr. Randolph said the reason why there is therefore a need for the powerlines to be higher is for the safety factor that the increased power, with the electromagnetic currents generated there, is a safer distance for any humans and animals that would be below. He said they certainly saw that on the Cunningham-to-Dunes project with Dominion Power, when he was on the Board 2017-2018, where they upped the overall power generation to 500 kv on that line, and so the towers had to get much taller, and the lines had to be separated.

Mr. Randolph said it was not a criticism, but he was simply pointing out that he did not think the narrative emphasized the public safety aspect enough as to why this project is being initiated in Albemarle County to protect human life along this improved corridor, with increased power coming into the Rivanna Station area.

Ms. Long said she appreciated Mr. Randolph pointing this out. She said he was correct that it will certainly utilize the portions of the infrastructure that are in other jurisdictions for the great benefit of Albemarle County and its institutions and businesses. She said it is about safety for everyone as well.

Mr. Bailey said he believed the height for safety was covered, and this was clearly about putting in a transmission line versus a distribution line to create a network of substations. He said he did not think it was called out, but when Governor Northam signed the Virginia Clean Economy Act, which was to promote the adoption of renewable energies, one key part of that was modernization of the infrastructure and the transmission and distribution to allow utility-scale solar or commercial solar to connect into distribution lines, meaning the substation has to have enough capacity to handle those interconnectivity requests, then has to be distributed to other parts or wherever it will be serviced.

Mr. Bailey said he would like to understand the fault tolerance and multiple paths, and if the applicant could add something to the narrative about how this may help REC and others in the County and in Virginia assist in the goals to decarbonize and adopt clean energy.

Ms. Long said she would need to draw on the resources of the REC team to address that specifically. She said she could speak to one issue. She said Mr. Bailey was exactly right about the Virginia Clean Economy Act, incentives, and other provisions it includes to upgrade, modernize, and promote renewable energy. She said she would ask Ms. Brock, Mr. Wilson, or others on the team to address Mr. Bailey's specific questions about those details, as she was not sure those were in her wheelhouse.

Ms. Brock said that as far as generation goes, REC is a distribution electric cooperative, meaning they do not generate power. She said they buy the power at wholesale, sell it, and distribute it to their members. She said this project is not going to increase generation, nor load. She said it will

make it available through a backfeed or second source to this area. She said the load will all stay the same, but during an outage, one will not be out of power for as long.

Mr. Bivins said he believed Mr. Bailey had an additional point he was making. He asked Mr. Bailey to expand on his question, as he did not believe it was about what Ms. Brock spoke to, but it was about whether or not the system upgrade allows for diversification of the receipt of power as opposed to the distribution of power.

Mr. Bailey said this was exactly it. He said it was more about trying to understand if this enables an increased ability not just to distribute power, but to transmit power through the transmission lines and [inaudible] substation. He said he knows he is not a solar producer, but he has worked with many of them, and one of the things they look for is whether or not there are parcels near substations and distribution lines to push it to up transmission lines and other lines. He said he understands that REC does not install solar fields, but they would supposedly purchase from a vendor like Apex or many others in Albemarle County who do this.

Ms. Brock said REC does not purchase from the. She said they will interconnect them.

Mr. Bailey said this is what he had meant.

Ms. Brock said this could be possible. She said given the area along Route 29, however, it would surprise her if anyone would want to connect right on Route 29. She said REC is bound by state law to at least entertain their application, and they would.

Mr. Bailey asked if this particular site in Albemarle County, then, would not produce any knock-on clean energy opportunities, based on what Ms. Brock just said. He said it did not mean that it would not work in the full infrastructure they are working on in the grand plan.

Ms. Brock said if she understood Mr. Bailey correctly, this was correct.

Mr. Bailey said he was trying to understand if there were opportunities for clean energy to comply with the Comprehensive Plan, and it did not sound as if this particular project had those.

Ms. Brock replied that it could, but it depends. He said what solar developers are looking for is a very large area of flat land that is right near a transmission line. She said she did not know if she could see that in this area of Albemarle, but should someone come in and want to clear-cut a lot of land to put in solar, and the County is okay with it, and they want to connect into REC's transmission line, they would entertain that because they have to. She asked Mr. Bailey if this answered his question.

Mr. Bailey replied yes, more, or less.

Mr. Bivins said he had one clarifying question for Ms. Musick. He asked if with the additional 17.5 feet, looking towards the property line, they should expect that the trees there would be eliminated.

Ms. Musick replied this was correct.

Mr. Bivins added this was so that they do not interfere with the transmission lines.

Ms. Musick replied yes. She said along those lines, there would also be natural regeneration that goes on immediately afterwards. She said like Ms. Long's pictures had showed, regeneration occurs rather rapidly, and so there will be low-growing shrubs and [inaudible] trees allowed to remain after they resprout. She said if one has ever seen an area that has been cleared like that, it happens rapidly.

Mr. Bivins said one of the things they are talking about is a native Virginia meadow. He said some of this doesn't happen all by itself but has to be encouraged and managed. He said in those places in the County where they do have pollinator fields, they are actually intentional and have been planted and looked after. He said although he was pleased to see that staff put in Item #2, he did not see in the IVM that they were going to intentionally be engaged in managing or creating a natural area.

Ms. Musick replied that IVM actually is an intentional way of managing property. She said if they look at powerline corridors that are managed in this way, what it does is that it suppresses forest successions. She said after clearing, one would naturally have a plethora of trees. She said the seed source is existing in the soil, and they are going to regenerate along with ferns, forms, and pollinator species.

Ms. Musick said in order to have a pollinator habitat, one must suppress the trees, which suppresses forest succession, which achieves the meadow. She said it can be done through planting, but it can be done almost as efficiently by simply using the existing seed sources in the soil. She said this is something that has been done forever, naturally. She said this is done through IVM.

Mr. Bivins opened the public hearing.

Mr. Robert Ray Messick said his family has owned this property for about 120 years. He said his grandmother originally gave the right-of-way to Rappahannock Power Company in the early 1950s. He said this was a distribution line, which was fine. He said his mother, in the early 1970s, gave them more right-of-way for more distribution lines, with the understanding that there was not going to be a transmission line. He said now, they are getting a transmission line, supposedly without arm extensions. He said these lines will be very close to the pole, but no one will guarantee him that they will not put (either on these poles or some other poles) arm extensions.

Mr. Messick said this is the beginning of Albemarle County. He said his family has left it green. He said he and his sister loved growing up there when they were kids, and it has not changed much since they were young. He said he feels that this powerline now has become an industrial eyesore at the entrance of Albemarle County.

Mr. Messick said in the local generation of electricity, there has been a revolution in the last 4-5 years, since this whole thing was planned, for solar and wind energy. He said they are going to have to get off of burning fossil fuels. He said Lake Anna's power plant is now about 50 years old and may be extended for another 25, but at some point, North Anna is not going to be in service.

Mr. Eric Myers said he was representing Bree M. Myers, who is the property owner on 29 North, at the Frays Mill Road/29 South intersection. He said his uncle is Mr. Robert Messick, who just spoke. He said they have a great appreciation for this property. He said he was driving home that day, looked over, and saw mature oaks, of which many would have to be taken down. He said

they are as tall or taller than the current transmission line and, in his opinion, help blend the current transmission line.

Mr. Myers said he wanted to give a few facts. He said REC was talking about the regrowth under there, but in looking at the Climate Action Plan and the biodiversity plan for the County, he wanted to quote a few scientific facts about mature oak trees. He said a mature oak tree can produce 10,000 acorns per year, which helps support wildlife forage. He said during growing season, a mature oak can transpire up to 40,000 gallons of water, which helps cool the atmosphere, including their canopies. He said it takes 35 years for an oak tree to produce its first small crop of acorns, and a 100-year-old oak (which some of these are) has sequestered 5,000 pounds of carbon during its life. He said one could multiply that figure by the number of trees there.

Mr. Myers said he did not quite agree with saying there is little environmental impact. He said he has a degree in environmental science, and although there would be grasses and the like, the loss of transpiration and canopy does not seem to go along with the Climate Action Plan from October 2020 that Albemarle County is committed to.

Mr. Myers said he has a great appreciation for the property, walks it many times a year, and has seen a lot of wildlife. He said his family tends to keep it wild if they can. He said he greatly appreciated the opportunity to speak on behalf of his mother, this property, and the environment.

Mr. Bivins closed the public hearing. He asked the applicant if they wanted to respond.

Ms. Long said she would make a few brief comments in response. She said Mr. Messick is correct that the solar and renewable energy market is continuing to increase. She said as Mr. Bailey indicated, it is a key component of the Virginia Clean Economy Act that was just enacted in 2020. She said certainly, this was likely to continue to increase. She said some of the power that REC purchases now from wholesalers is generated from renewable sources, so while they do not generate the power (as they have said) and they purchase it at wholesale, some of it is renewable, and it is very likely that this will only increase in the future.

Ms. Long said regardless, this does not diminish the need for this transmission line, going forward. She said this is about enhancing the infrastructure, being able to restore power to REC's member customers in a very timely fashion, to reduce outages whenever possible. She said it would not have an impact on that issue.

Ms. Long said Mr. Messick also made a comment, which he had shared with the applicant previously, about some concerns. She said she believed what he was concerned about was that these poles would be replaced with much taller poles with arms. She said these are the types of structures that one sees with a 230-kilovolt line that Dominion Power might run, but this is not at all what is planned here. She said the images the applicant showed the Commission of the pole toppers are exactly what is proposed, and what the foundations for these poles are designed to hold. She said REC did not have any plans to increase the size of the structure, and she does not think they would be able to, anyway.

Ms. Long said with regard to Mr. Myer's comments, the applicant does not dispute the value of vegetation and trees to the economy and climate, in general. She said it is unfortunate that the larger transmission lines do require a larger easement area. She said one thing she did not mention is that typically, REC's standard easement width for a transmission line is actually 100 feet wide. She said some were on the Commission when Central Virginia Electric Cooperative

(CVEC) obtained a special use permit for their project they called Cash Corner in the Keswick area. She said this had an existing 100-foot easement already.

Ms. Long said this is REC's standard, but because they are able to utilize this existing line and for a variety of other reasons, such as the goal for trying to minimize the impact on these property owners as much as possible, they were able to secure permission to reduce the easement width to the full 75 feet. She said it is just 17.5 feet of additional land for all the parcels which to those individual landowners, is absolutely significant, and the applicant appreciates that. She said this is why REC worked hard to minimize the impact and are using this existing corridor instead of resorting to a brand-new corridor that would impact a whole other group of landowners. She said they believe this has the least impact.

Ms. Long said she knows Ms. Myers and her family are fortunate to own what is over 100 acres of what looks to be mostly wooded land in the project area, and perhaps even more. She said there will be substantial wooded areas remaining as a result of the stewardship of the property for all these decades, and likewise with Mr. Messick's property.

Ms. Long said the applicant wishes they did not have to expand the easements and do any more tree clearing but unfortunately, this is part of the requirements of this infrastructure upgrade. She stressed that they were trying to minimize this to the extent possible.

Mr. Bivins brought the discussion back to the Commission.

Mr. Randolph moved approval of SP202000007 Rappahannock Electric Cooperative as recommended in the staff report.

Mr. Clayborne seconded the motion.

Mr. Bivins encouraged some discussion.

Mr. Keller said he would start off by saying that he would support the request, but he finds the vegetation management plan almost disingenuous. He said he does not know if it is particularly different than what is done along many of these corridors, which they bushhog and then, sprouts come up, and they bushhog later. He said perhaps they will allow it to be there a bit longer, but he would need to know more.

Mr. Keller said in response to Mr. Bivins' question, they did not get a real response as to whether there is then going to be selective elimination of invasives and allowing natives to grow up and mature in the fashion they elect to be (e.g., ferns in a shaded area, rhododendrons in a different kind of shaded area). He said the photographs shown by Mr. Clark of rhododendrons in the rolling hillsides they can find in some of the corridors in Southwest Virginia are certainly appealing.

Mr. Keller said they need to understand that it is still going to be rugged, and what has historically been a beautiful entrance corridor on 29 North is being degraded for many different planned use [inaudible] and is going to continue. He said that every time something like this happens, they lose a bit of that scenic quality that makes Albemarle special.

Mr. Keller said the fact that it is next to the corridor and that it is not going through a number of parcels, however, is beneficial. He said while he does not think he will live long enough to see an alternative to the cell towers and high-tension lines, he does believe they will see energy fixes,

and just as the telegraph and telephone poles have gone away for much of the American landscape over the last 100 years, they will see these disappear in the next 100 years. He said he was ready to second Mr. Randolph's motion if there were no other comments.

Mr. Bivins noted that Mr. Clayborne had seconded the motion. He asked if there were other comments or discussion.

Mr. Herrick said before the vote was taken, he wanted to clarify Mr. Randolph's motion. He asked if it was to approve with the conditions recommended by staff.

Mr. Bivins replied yes. He said it was then seconded by Mr. Clayborne.

Mr. Bailey said he was also in support of the request, given that power is a need. He said that in addition to the IVM plan, as Mr. Keller pointed out, there is a significant visual impact, as it is doubling the size, and so he does believe it will have an impact on the character of the entrance corridor. He said anything that can be done with IVM and more specificity to bring back some of the vegetation and soften the man-made structures would be impactful in trying to keep the character that Mr. Keller alluded to that makes Albemarle special.

Mr. Bailey said he would also state that he looked at the REC website, saw some things about the clean energy, and got an understanding of the substation and transmission. He mentioned there being a better understanding before going to the Board.

Mr. Bailey said he was not an electric expert by any means and did not pretend to be, but he knows they are a consumer of electricity, and they also have an existing infrastructure and substations that need to be able to handle load that is produced by solar and wind farms. He said they have to be able to receive it somewhere and then transmit it to where it is consumed. He said understanding how this (perhaps not just in Albemarle, but in the grand plan of REC in this modernization) can help support that would be nice to know from a Planning Commission perspective of trying to support clean energy and decarbonization.

The motion carried unanimously (6-0). (Ms. More was absent.)

Mr. Bivins said he believed the applicant had an idea of how to fine-tune their presentation before going to the Supervisors. He said hopefully, they would inwardly digest that as they go forward.

Ms. Long said the applicant appreciated the comments and feedback.

## **Presentation**

### **Proposed Fee Schedule Changes**

Mr. Bivins noted this was a presentation and there would not be a public hearing on the matter.

Mr. Steve Allshouse, Manager of Forecasting and Performance for the Department of Community Development, presented. He said what he wanted to accomplish that evening was to give the Commission some general background information regarding CDD's work to update its fees. He said he would talk about staff's work that was done as of the end of the January and update the Commission on tasks that still need to be completed, as well as the remaining timeline. He said he would also field the Commission's questions.

Mr. Allshouse said what he would specifically talk about was Chapter 18 of the County's Code, which is the portion that deals with zoning. He said he would be limiting his comments to that chapter. He said as background, the County's CDD fees were established in a fee study that was conducted by PFM Group (which is based in Arlington, VA) in 2007. He said the County contracted with PFM to do an exhaustive study, and in 2008, the Board adopted the fees as well as a policy whereby existing fees were supposed to be adjusted every two years based on Board-adopted staff salaries. He said for example, if staff salaries by the Board increase between the two years by 4%, CDD fees were supposed to go up commensurately, also by 4%.

Mr. Allshouse said unfortunately, this policy has not always been applied routinely. He said most CDD fees were last updated in November of 2015, so it has been more than five years now since the fees were last updated.

Mr. Allshouse said the issue they are facing in CDD is that due to the lack of increase since that time, they are seeing an increasing disparity between the revenues and costs. He said that in other words, CDD is providing services in 2021 and charging the 2015 price.

Mr. Allshouse said another issue that has come to light recently is that there are services that CDD provides the public that are not covered in the current County Code, but they have identifiable costs they are incurring by providing services. He said they are proposing new fees to try to address those issues. He said he would also talk briefly about a proposed technology fee.

Mr. Allshouse said that as of January, staff has developed a tentative set of calculations for updates to existing fees using the 2008 Board-adopted policy. He said these increases for existing fees, if adopted, would increase the fees by about 10%, with is commiserate with the increasing level of salaries since 2015.

Mr. Allshouse said staff has also identified services related to architectural review and proposed new fees based on those services. He said the calculation that has gone into those fees is such: staff has looked at the relative amount of time it takes to do certain architectural review projects and related those to other fees in the department. He said they have a relative understanding of how much time it takes to do something they are proposing and how much time it would be related to for another type of activity, which is how they are coming up with their fees. He said they are basing a commensurate on an amount of time relative to other tasks.

Mr. Allshouse said one other fee staff is proposing, as he mentioned earlier, is a technology fee. He said this fee is envisioned to be applied toward replacing the County's CountyView software system. He said he knows some Commissioners were new to the Commission and that members of the public listening in may not know what CountyView is. He said CountyView is the County's system that tracks development. He said everyone in CDD uses it, and members of the public can use it. He said when the software was initiated 16 years ago, it was cutting edge and was very useful to CDD. He said the system is 16 years old, however, and if one is familiar with software, they know that 16 years is a very long time for a system to be in use.

Mr. Allshouse said specifically, there have been a number of add-ons put onto the system, and it has become very cumbersome for staff to use it. He said they feel their end users in the public are also likely finding it to be cumbersome to use.

Mr. Allshouse said the hope is that if the technology fee is adopted, this would help fund a new system for CDD. He said it is possible that the system would be integrated across the County as an enterprise reporting system and could also streamline the development of a new process. He said staff also hopes that a newer system will be much more user friendly than the current system.

Mr. Allshouse said some of the other work that has gone on with regard to the fees update is that staff has been looking at other jurisdictions and their development-related fees and finding out that if what they are proposing is consistent and reasonable based on what they have seen in other jurisdictions, this effort is ongoing.

Mr. Allshouse said the initial look that he did several weeks ago had a focus on the technology fees, first of all. He said he looked at Fairfax and Montgomery Counties because both of those jurisdictions have a technology fee and, as far as he knows, are the only two jurisdictions in the Commonwealth of Virginia that have a technology fee. He said he also looked at the City of Alexandria because Alexandria does a lot of historic preservation work, and they have fees that pertain to that. He said the thinking was that those fees that are charged in Alexandria would be similar to the fees that are being proposed in Albemarle, and so he wanted to get an idea of how reasonable their proposals were compared with those in Alexandria.

Mr. Allshouse said he also looked at the City of Charlottesville, as this is their neighboring jurisdiction and are part of the same region, but he wanted to point out that they would be looking at some additional jurisdictions. He said that for comparability purposes, staff feels that Hanover, Henrico, James City County, and Roanoke County are all comparable, to varying degrees, with Albemarle, and to look at their fee structure and fee level will be instructive to staff.

Mr. Allshouse said in the last several weeks, staff has also been engaged in some outreach. He said they initially sent out an email blast to everyone that is on the County's Amail system and also to anyone who has done business either building or planning with CDD in the last two years. He said these emails have alerted people to the proposed changes, provided links to underlying documents, and provided a feedback box so that if they have any comments or questions, they are able to send those to staff. He said when this happens, those comments and questions are sent to him and the Department [inaudible].

Mr. Allshouse said that as of the end of January, there were approximately 650 visits to the webpage, and unfortunately, only one comment, which was a comment that dealt with Chapter 7 and not Chapter 18.

He said in any case, this was one out of 650 visits. He pointed out that with this being said, the deadline for comments is not until February 26, 2021, and so it may be that they see a rush toward the end. He said so far, they have had very little feedback from the website.

Mr. Allshouse said the second part of staff's outreach took place a few weeks ago, on January 19 and 21. He said on January 19, staff met with the Blue Ridge Home Builders Association (particularly with Ms. Jenny Tapscott), Free Enterprise Forum (Mr. Neil Williamson), Southern Development (Mr. Charlie Armstrong), and Great Eastern (Mr. David Mitchell). He said he met with them for about an hour and a half and got their feedback and commentary.

Mr. Allshouse said that on January 21, staff met with representatives from Southern Environmental Law Center (SELC) and Piedmont Environmental Council (PEC). He said from

SELC, they met with Mr. Travis Pietila, and from PEC, Mr. Christopher Hawk. He said it was about an hour-long meeting, in both cases.

Mr. Allshouse said staff received a lot of good feedback from these meetings. He said what they gleaned from these meetings were three issues, two of which were common, and the third being one that staff is looking into. He said the first issue, as he alluded to earlier, is that the group desires fee comparisons with additional jurisdictions. He said this is very reasonable because if the County is about to ask for a fee increase, then they will want to know how they compare with other localities.

Mr. Allshouse said another very important item that came up is the impact of fees on affordable housing. He said anytime a fee is increased, there is an impact on the market for housing and the affordable units.

Mr. Allshouse said finally, there was a question about the cost recovery percentage. He said what is meant there, as he interpreted it, is this: for every service for which the department charges a fee, the question is what percentage of their cost related to that service are they recovering.

Mr. Allshouse said staff is looking at these issues and doing a comparison of the other jurisdictions. He said he will also be engaged in case studies where they are looking at other projects that have been done over the years to say if these fees had been in place at the time these projects were done, how much would that have meant in terms of total fees for each project, then compare that with the history. He said these are projects that were completed relatively recently, including 999 East Rio; the building that houses the Starbucks at 5<sup>th</sup> Street Station; and three single-family detached residences, one of which is concerning affordable housing units. He said staff will be looking at all of those to get an idea of what the impact would be and as a tangible benchmark for people to be able to say that they know the project and its specifics and how the proposed changes would have impacted it.

Mr. Allshouse said the remaining work for staff is to complete the case studies and examine the impacts on housing costs. He pointed out that one of those projects is a commercial project, and they are also looking at the impact on the commercial side of the real estate market. He said as he mentioned previously, they are surveying fees in Hanover County, Henrico, James City County, and Roanoke County, for the purposes of comparison and documenting the cost recovery percentage for proposed fees.

Mr. Allshouse said as a side bar, he did not believe that the recovery percentage would change for existing fees. He said he would not get into all the math behind that, but for the time being, his thinking is that it would not change for existing fees. He said they want to make sure their proposed fees are consistent with the cost recovery that exists.

Mr. Allshouse said additionally, after staff has done the study and has included comments and other relevant information, there may very well be potential revisions to the recommended fee updates. He said nothing was carved in stone, and as he has told people earlier, they have started the process but are by no means finished with it.

Mr. Allshouse said on that note, he wanted to talk about the remaining timelines. He said on March 3, he would be giving a presentation to the Board of Supervisors. He said on March 23, they are coming back for a public hearing with the Planning Commission, and on April 21, the Board will have a public hearing on the fee updates.

Mr. Allshouse said for anyone listening in and would like information, they can visit the URL listed on the slide, then click "Community Development Fees" on that page. He said this will give access to all the documents that were provided to the Planning Commission as well as the comment box, where people are more than welcome to leave comments. He said the deadline for comments is February 26. He offered to answer any questions from the Commission.

Mr. Bivins asked Mr. Allshouse what the structure was that was depicted on the last slide he showed.

Mr. Allshouse replied that he did not know. He said he had pulled the picture off the County website that afternoon.

Mr. Bivins asked if it was a County structure.

Mr. Allshouse replied that he would assume so.

Mr. Bivins asked if there were questions from the Commission. He said he would start by saying that he understood why the Commission was hearing the presentation that evening, because it was in the Zoning Ordinance, but that frankly, he was surprised that this is something that comes before the Planning Commission. He said as staff is doing their survey around the communities, he would ask that they look to see the number of other jurisdictions that deal with this as a matter of doing their business as opposed to bringing it to the Commission. He told Mr. Rapp he did not know if he was speaking out of turn, but it seemed as if this was an odd thing.

Mr. Herrick said Mr. Bivins could blame him for this. He said because it is an amendment to the Zoning Ordinance, where the fee structure exists, it goes through the Planning Commission.

Mr. Bivins said perhaps they can think about this in the future and pass the motion to amend and take this out. He said he would defer to the rest of his colleagues.

Mr. Clayborne said he totally understands that they have to run a sustainable organization, and so it seems like the reason for this hike is that it had not been done in quite some time, which was about 10%. He said hypothetically speaking, if this all goes forward, he wondered if this would get back on the every-two-year track that it had somehow slipped off of.

Mr. Allshouse replied that he believed it would. He said per Board policy, it should be done every two years.

Mr. Randolph said noting that remark, he would point out that when the original fees were agreed to in 2008, there was an economic event going on in the U.S. economy that began with Lehman Brothers that August called "The Near Depression." He said since then, as was discussed by the Board, the Board subsequently did not feel that it was appropriate to increase any fees. He said it was not that the fees were untouchable, but it was just not a politically appropriate time to increase those levies.

Mr. Randolph noted that past Board practice to not increase the fees on a two-year cycle does not equate to the Board policy. He said the Board reserves the right not to follow the policy at a two-year interval. He said to state that the policy is that it will be changed every two years is not an accurate remark.

Mr. Randolph said secondly, there is an assumption made in one letter criticizing this proposal about money being dedicated to a software upgrade and asserting that any software upgrade will automatically result in increased efficiency. He said this is not necessarily the case, as everyone having to live through Microsoft Windows upgrades in the past recognize. He said efficiency did not follow with those upgrades.

Mr. Randolph said he was not casting dispersions on the proposed software upgrade, but he thinks the aim is probably to have better communication and coordination across departments by having this software, thereby possibly creating some efficiencies, but this does not mean (in an economically laissez faire definition of efficiency) that it is automatically going to be saving the County any amount of money on an annual basis.

Mr. Randolph said in coming to Mr. Allshouse's defense, he wanted to talk about the reason why he was utilizing Fairfax or Alexandria. He said Albemarle County is a high-growth community and part of a high-growth coalition in the General Assembly, and as a high-growth community, they look to their peers that are also seeing significant annual growth rates for what they are doing as best management practices.

Mr. Randolph said the fact that other counties have not gone down this direction does not mean that Albemarle shouldn't and in fact, it is a sound management that staff is proposing to do this now and keeping good company. He said he would assert that if they do this, then their normal peers that they look at as comparable communities (e.g., James City, Roanoke, Hanover, and Spotsylvania) may well follow Albemarle in looking at this kind of an overall scheme to generate revenue.

Mr. Randolph pointed out that the more of these kinds of revenues that can come into the County to counterbalance the cost of dealing with applications, the less the burden is on where the majority of the taxes are paid in this county, which is by homeowners, not by businesses. He said this proposal is asking people applying for applications to pay their fair share.

Mr. Randolph said when looking at the minor adjustments, one cannot fathom how there could be any impact here on affordable housing. He asked if with an additional \$1,000 in all the applications that one might have to make for a special use permit, this would really jeopardize the commitment to affordable housing. He said the affordable housing card is being played in many games, currently, and not always with high stakes or clarity of purpose.

Ms. Firehock said she was wondering if Mr. Allshouse could talk more about efficiencies to be realized by the new software. She said she was not questioning whether they need new software, but she was wondering if there was any kind of cost savings or increased efficiency that it would provide that would offset the need to increase fees.

Mr. Allshouse replied that he could not speak specifically about any inefficiencies at that point because he did not know what software system they would eventually end up with, and so he would be speculating. He said he did know in conversations that he has had with members of the department, the current system is somewhat clunky, and he is seeing they are beginning the process to replace the software. He reiterated that he could not speak specifically to it, but he did know that if they go to a new system, this will very likely streamline the process.

Mr. Allshouse said when considering how much technology has increased (notwithstanding snafus with Microsoft upgrades), there have been productivity increases that the private sector has realized over the last 16 years. He said staff's thinking is that they would benefit from that.

Mr. Allshouse said one other thing he would say is that if they do streamline the process and get development review times shortened, to some extent, time is money in the world of building and development, so this might also benefit the people paying the fees. He said it remains to be seen, but this would be his thinking, at this point.

Mr. Keller said his colleagues hit his points. He said the presentation was well conceptualized and presented. He said one piece he looks forward to are the comparables so that they can see what a minor part of the cost of a unit will really be. He said he was sure it would be less than 1%, and he thinks this builds on what Mr. Randolph. He said he wanted to echo Mr. Randolph, as no one could say it better than him the issues that they are seeing of affordable housing being thrown up all the time as an excuse for things that are not happening.

Mr. Keller said he believes the Commission and the Board are endeavoring to deal with affordable housing, and some of these points just do not hold water that are coming from certain communities. He said the Commission is dedicated to that, and he believes Mr. Allshouse's work will show the small amount of impact the fees will have on affordable housing.

Mr. Allshouse said he was joined that evening by Ms. Amelia McCulley, and perhaps she may want to say anything regarding the technology.

Mr. Bivins said he would give Ms. McCulley the opportunity to speak on that once all the Commissioners had commented.

Mr. Bailey thanked Mr. Allshouse for putting the presentation together. He said it was informative, and he understands and appreciates there is still work to be done. He said on the surface, it is a 10% increase and if using the U.S. Bureau of Labor Statistics consumer price index inflation calculator, inflation has risen since 2015 by 11%, so it is actually not even tracking with inflation and to cover salary adjustments. He said on the surface, it was not as if they were going for 30% and outpacing the cost of a dollar. He said presumably, the same inflation goes through the selling price of developers and others that are paying some of these fees on what they can demand for their housing, and so they are able to demand more than what they did in 2015 based on that cost of a dollar.

Mr. Bailey said as a software engineer and owner of a software company, he would wholeheartedly agree with Mr. Allshouse on lots of things. He said he has used CountyView and applied for permits himself to do things at his house, and it is a horrible user experience on the outside. He said it is a 1990s system, and software certainly has a lifecycle, so he appreciates the productivity gains. He said there are also measures in the software industry called usability index, and this is not just productivity gains by someone using it, but it is the ability to use it not just for staff, but for the other stakeholders that use County services, so he thinks there is a lot to be said there as well.

Mr. Carrazana said he believed everyone had covered his point, and it was a well-done presentation. He said he appreciated the expansion of comparing to other counties, as he feels this is appropriate.

Mr. Bivins said when looking for what to tie this to, he would also ask staff to look at the construction escalators, as this is a package of activities that developers are dealing with when they put projects together. He said while he appreciates that they are doing this as a function of County salaries, this is really not tied into the business that is coming before them and is not aligned effectively with the fees. He said he thinks there is a different kind of argument that one could look at when looking at the construction industry and its whole host of escalators they have before them that would tie in. He said when looking at this, he would suggest staff give a look at those indicators to see how they might tie in.

Mr. Bivins said to counter his colleagues, these costs are de minimis. He said he believed it was Ms. McCulley or Ms. Jodie Filardo who said that during the pandemic, the County has done about \$100 million worth of projects. He said the typical project that comes before the Commission is well over \$20 million when talking about a big development. He said when talking about a \$2,000 fee for a \$20 million project, even though he is pro-business, he is having a hard time figuring out how this is a hard thing.

Mr. Bivins mentioned Mr. Sean Tubbs' recent piece on the housing stock in Charlottesville, which was sent out on his newsletter, the prices in the City for existing properties are off the charts. He said if they are talking about big, magnificently planned communities that will give lots of good places for people to live, \$2,000 for a rezoning seems like a reasonable cost of business, particularly when one does a kitchen in one of these houses, which will probably cost \$4,000. He said he was having a hard time understanding why this would be something that would cause angst, given that for labor and finishing and because he is hearing that people cannot even get pine to do projects with lately, as the price has gone up.

Mr. Bivins said that for the technology fee, this is probably where he would go sideways with his colleagues. He said he does not think they should charge a technology fee. He said they do not charge a technology fee when they enhance the HR system, nor do they when they enhance the 911 system. He said they do not charge a technology fee when they do a whole host of things that provide services to the community, and so he does not want CDD to have to fall into the thinking of having to sing for their new technology.

Mr. Bivins said if the County is saying that this is an important enhancement for them to do what they do, then he thinks they should look at the argument of some of his colleagues [inaudible – frozen video feed]. He said if they are committed as a community to do this, they should say they are going to invest in technology as part of what they do. He said they invest in their people so that their people can do their jobs.

Mr. Randolph said, "show me the money."

Mr. Bivins said he knew there were people looking at them, but the model of being residential and tax income focused is part of the County's problem. He said he understands where they are living, but they cannot do the kinds of things that they claim they want to be as an incredible community and depend uniquely on residential taxes.

Ms. Amelia McCulley, Deputy Director of Community Development, said she appreciated the Commission's insights into whether to have or not have a technology fee. She said Mr. Bivins made a good point. She said this is, of course, a major start-up cost, and the fee is one way to begin to accumulate money to offset that cost. [inaudible – frozen video feed] one week, \$19 million in the value of construction and building permits. She said she was not talking about

development applications, but she was purely talking about building permits. She said she thought she would share some trivia there.

Mr. Bivins said he would vote for the team for doing that because they know some of the communities that surround them in the Commonwealth have basically been forced to close down because of the COVID-19 situation. He said this is a story that needs to be shared across the community, that they have helped to keep this industry moving and get out of the way to make sure that people can have new homes and refurbish their homes to have a life that is a function of them having to work from home. He said hopefully, they have the internet capability to do that.

Ms. McCulley said they were talking about the technology and what that would bring the County in terms of process improvement and customer service. She said she was not surprised to hear what Mr. Bailey said about the interface because one of the significant needs for improvement is a customer interface, whether one is a frequent customer who is coming again and again doing business with the County as a builder or developer, it is not an easy interface. She said it is very hard to navigate, and it is even more difficult if one is a member of the public who is trying to figure out what is going on in their neighborhood and who hardly ever interacts with the software.

Ms. McCulley said that along with the technology investigation, staff will be working on process improvements and an improved customer interface. She said for example, one of the process improvements is that staff is looking at a front-end software that will help them process applications as they come in to make sure that they are complete before staff takes them. She said changes like this can allow them to go from reviews in series (or sequentially) to parallel review. She said this alone, where they would have all their reviewers looking at the same plans at the same time, can save time. She said they are just at the beginning of this process with the whole replacement of CountyView, and so much of this remains to be seen, but she thought it would be worthwhile to respond to the questions.

Mr. Bailey asked if CountyView is mobile friendly.

Ms. McCulley replied no.

Mr. Bailey said it was largely servicing a deskless workforce, which was why he asked about mobile.

Mr. Bivins asked Mr. Allshouse if he got what he needed from the Commission.

Mr. Allshouse replied yes.

Mr. Bivins said the Commission would look forward to seeing Mr. Allshouse again in March.

### **Committee Reports**

Mr. Clayborne said he attended the Pantops CAC recently, and essentially, the gist of that meeting was the proposal for a new hotel that would be coming up just beyond Bojangles and SunTrust. He said this was an introductory meeting to that concept. He recalled from Mr. Kevin McDermott's presentation that the whole corridor is part of Smart Scale funding, and his Supervisor has shared that the project has been approved to eliminate what is called the "suicide lane" from the top to the bottom of the hill. He said all of this will start working together, and the hotel proposal will be coming before the Commission at some point in the future.

Mr. Keller said there was an MPO Tech organizing meeting for the beginning of the year, and as they were meeting, they were having the Smart Scale scoring results passed to them, project by project, from their VDOT representative. He said after each one, there was a big applause, as they were shocked that Charlottesville-Albemarle did as well as it did. He said of course, they all have to realize that this is the internal staff recommendations for the scoring. He said he was sure everyone had seen them in the paper, but if not, they could go to the soon-to-be-renamed Thomas Jefferson Planning District Commission for the results.

Mr. Bivins said the Hydraulic-29 CAC met, and the only piece that he would suggest the Commissioners do if they have not done so for their own CACs is having Ms. Michaela Accardi come and do a primer on what a CAC is, FOIA, and all the various pieces. He said Ms. Accardi does an excellent job, and for the people who are new to CACs, there probably is not an easy way for them to have heard that information. He said it was helpful for a number of people who are brand new, since a significant number of his CAC had timed out. He said Ms. Accardi is an excellent resource.

### **Review of Board of Supervisors Meeting: January 20**

Mr. Rapp said that on January 20, the Board met to discuss Breezy Hill once more. He said there was a motion that did not pass, with a 3-3 vote from the Board of Supervisors, and so the application was denied.

Mr. Rapp said the Board moved to adopt the zoning text amendments for outdoor storage, outdoor activities and recycling uses in industrial zoning districts, which had come before the Commission a couple of months ago.

### **Old/New Business**

Mr. Rapp said there was no longer an item for the February 9 work session. He said they had planned to talk about the next steps of the Crozet Master Plan, but he would say that staff received a lot of helpful and constructive feedback from the Commission, CAC, and members of the public and will continue to do so. He said staff wanted to have a little more time to make sure they address some of those concerns and do a thorough job before bringing it back to the Commission. He said they will be revisiting this in March, at their work session.

Mr. Rapp said the Commission's next actual meeting date will be February 16, when they will have a public hearing for the form-based code for the Rio-29 Small Area Plan area. He said staff will also provide an update on the Rio Corridor study that they are working on.

Mr. Bivins thanked Mr. Rapp and his staff, on behalf of the Commission, for the work that they are doing in Crozet. He said he particularly looks forward to hearing what is happening on the Rio Corridor, as he knows there are a number of pieces there that will have an impact on some of the projects that are looking or not looking to go forward there, depending on what they are.

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

There were no items.

### **Adjournment**

At 8:04 p.m., the Commission adjourned to February 16, 2021, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.

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Charles Rapp, Director of Planning

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

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| Approved by Planning<br>Commission |
| Date:                              |
| Initials:                          |