ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: R. A. Yancey Lumber Corporation: Special Exception Request	**Staff:** William D. Fritz, AICP
Planning Commission Public Hearing: June 23, 2020	**Board of Supervisors Hearing:** July 15, 2020
Owner(s): R. A. Yancey Lumber Corporation	**Applicant(s)**: R. A. Yancey Lumber Corporation
Acreage: 35.8 acres	**By-right use**: Sawmills, temporary or permanent: planing mills; wood yards (reference 5.1.15)
TMP: 55-111B and 55-112 **Location:** Northeast quadrant of the I-64 and Rockfish Gap Turnpike interchange, commonly known as the Yancey Mills or Crozet exit.	**Special Exception Request for:** Reduction in setbacks, expanded hours of operation, expansion in permitted sound levels and reduction in vibration limits.
Magisterial District: White Hall	**Proffers/Conditions**: No
Requested # of Dwelling Units/Lots: None	**DA -** **RA - X**
Proposal: Approval of special exceptions to bring the existing mill into compliance and authorize new construction.	**Comp. Plan Designation:** Rural Area
Character of Property: The site is developed as a sawmill and wood yard.	**Use of Surrounding Properties:** Residential, wooded and commercial uses exist on properties in the area.
Factors Favorable: 1. Would permit an existing business to remain and expand. 2. Impact caused by some special exceptions may be mitigated with conditions. 3. Some areas have been used for Mill operations prior to 1980 and approval of special exceptions clarifies the permitted activities.	**Factors Unfavorable:** 1. Approval of some special exceptions would result in substantial impact to adjacent property. 2. Approval of some special exceptions is not supported by the special exception review criteria.
Recommendation: Subject to conditions, staff recommends approval of those special exceptions that would allow structures and activities existing as of June 12, 2020 to remain except for the sorter/stacker. Staff recommends denial of any exceptions that would result in construction of new structures or placement of new machinery.	

STAFF CONTACT: William D. Fritz, AICP
PLANNING COMMISSION: June 23, 2020
BOARD OF SUPERVISORS: July 15, 2020

PETITION:

PROJECT: R. A. Yancey Lumber Corporation: Special Exception Request
MAGISTERIAL DISTRICT: White Hall
TAX MAP/PARCEL: 55-111B and 55-112
LOCATION: Northeast quadrant of the I-64 and Rockfish Gap Turnpike interchange, commonly known as the Yancey Mills or Crozet exit.
PROPOSAL: Request for special exceptions to allow reduction in setbacks, expanded hours of operation, expansion in permitted sound levels range and reduction in vibration limits. Approval of the special exceptions will bring the existing mill into compliance based on the mill's compliance with special conditions and authorize new construction.
OVERLAY DISTRICT: Entrance Corridor
PROFFERS: None
COMPREHENSIVE PLAN: Rural Area

CHARACTER OF THE AREA:

The property is developed as a sawmill and wood yard. Property to the north, west and east have residential uses. Property to the south is wooded. Property to the northeast is developed commercially. Village residential zoning is located north of this property across Rockfish Gap Turnpike.

PLANNING AND ZONING HISTORY:

December 10, 1980 – During the adoption of the Zoning Ordinance and the comprehensive rezoning of the County the supplemental regulations of Section 5.1.15 were adopted and these properties were designated as HI, Heavy Industry.

October 14, 1987 – The Board of Supervisors amended the Albemarle County Service Authority jurisdictional area to include water service.

October 11, 1988 – Variance to the front setback was approved to allow expansion of the office building adjacent to Rockfish Gap Turnpike.

January 21, 1991 – Building permit application was submitted for storage building. This application has been voided and no information is available.

September 16, 1991 – Building permit was issued for portable equipment for asphalt. This equipment is no longer on the property.

February 4, 2003 – Variance was approved to allow construction of a rotary crane. This crane was not constructed.

July 12, 2004 – SDP 2003-44 Yancey Lumber Log Crane site plan was denied.

September 12, 2018 – Building permit was submitted for construction of a sorter stacker. This permit has not been issued. Special exceptions are required for the permit to be issued.

February 21, 2019 – Building permits were submitted for all buildings constructed without required

permits. These permits have not been issued. Some permits cannot be issued without special exceptions. Some permits require building code issues such as inadequate fire flow to be addressed.

December 20, 2019 – Notice of Violation was issued stating "The piece of equipment constructed in the VDOT right of way and the new sorter/stacker constructed on these parcels do not meet the required setbacks." The owner has appealed this determination.

March/April 2020 – Special exception review was scheduled for consideration by the Planning Commission and Board of Supervisors. Due to the impacts of COVID these meetings were not held.

June 2, 2020 – Board of Zoning Appeals deferred appeal hearing.

DETAILS OF THE PROPOSAL:

The applicant has requested 19 special exceptions and provided justification for approval. This information is included in Attachment B and Attachment H. Each special exception request will be discussed in detail.

Below is a summary of the requests:

Relief from the setback requirements of Chapter 18, Section 4.20 of the Code of Albemarle (Attachment C)

- Allow structures closer than 10 feet from the right-of-way.
- Allow structures closer than 100 feet from any district boundary.
- Allow parking closer than 30 feet to any district boundary.

Relief from the supplemental regulations of Chapter 18, Section 5.1.15 of the Code of Albemarle (Attachment D)

- Allow structures and storage of logs closer than 100 feet from any lot line.
- Allow machinery to be located closer than 600 from dwellings on adjacent property.
- Allow operations to begin at 6:00 am instead of 7:00 am.
- Allow loading and unloading of wood products between 6:00 am and 11:00 pm instead of 7:00 am and 12 midnight except for activities associated with the kiln which would be permitted 24 hours a day.

Relief from noise regulation provision of Chapter 18, Section 4.18 of the Code of Albemarle (Attachment E)

- Allow increase in daytime maximum dBa measured in a receiving zone (adjacent property) from 60 dBa. The proposed increase ranges from 66 dBa to 77 dBa.
- Allow increase in nighttime maximum dBa measured in a receiving zone (adjacent property) from 55 dBa. The proposed increase is to 65 dBa adjacent to Rockfish Gap Turnpike and to 59 dBa in other locations.

REASON FOR REVIEW:

The Zoning Ordinance allows for some regulations to be varied, waived or modified by special exception. Those regulations eligible for a special exception are specifically noted in the Zoning Ordinance. In some instances, the Zoning Ordinance simply states that the regulation may be reduced by special exception. For example, the regulations for setbacks in industrial districts contains the following language: (Reference Chapter 18, Section 4.20(b)(2) of the Code of Albemarle)

> Any minimum setback may be reduced by special exception.

However, other sections contain more detailed language. In the case of waiver or modification from the requirements of Section 5 the Zoning Ordinance states in part, "The commission may modify or waive any such requirement upon a finding that such requirement would not forward the purposes of this chapter or otherwise serve the public health, safety, or welfare or that a modified regulation would satisfy the purposes of this chapter to at least an equivalent degree as the specified requirement; and upon making any finding expressly required for the modification or waiver of a specific requirement; except that, in no case, shall such action constitute a modification or waiver of any applicable general regulation set forth in section 4 or any district regulation". (Reference Chapter 18, Section 5.1(a) of the Code of Albemarle)

While the Zoning Ordinance states that this type of modification (special exception) is subject to commission action, a decision of the Court has required the County to modify the Zoning Ordinance to establish that the authority to grant special exceptions is reserved by the Board of Supervisors. Chapter 18, Section 33.43 of the Code of Albemarle provides clarification on the issue of special exceptions.

The action before the Board of Supervisors is consideration of the special exceptions. The Code of Albemarle has additional regulations that must be met by the owner. Staff has not included discussion of these regulations in this report because they are required, and no conditions are necessary to enforce the requirements. Examples of the types of regulations that must be met include the building code requirements to ensure that all buildings meet the Uniform Statewide Building Code. This includes a requirement that appropriate construction techniques are used and adequate fire protection is provided. The Code requires submittal of a certified engineers report. This report must include a description of the proposed operation, including all machines, processes, and products to verify that the activity complies with required performance standards.

Sec. 33.43 - Introduction.

This division establishes the regulations and safeguards for filing, reviewing, and acting on applications for special exceptions.

A. *Power to grant special exceptions is reserved by the Board of Supervisor*. The Board of Supervisors reserves the power to consider and approve or deny all applications for special exceptions.

B. *Matters eligible for a special exception*. The Board may approve special exceptions to waive, modify, vary, or substitute any requirement of this chapter that is expressly authorized to be waived, modified, varied, or substituted.

C. V*ariations and exceptions distinguished*. A special exception is not required for any matter that may be varied or excepted under Section 32 or Chapter 14 or for developing and constructing residential dwellings at the use, height, and density permitted by right in the applicable district as provided by Virginia Code § 15.2-2288.1.

The Board of Supervisors has the sole authority to grant special exceptions and prior review by the Planning Commission is not required by the Zoning Ordinance. The Board of Supervisors has established a policy directing staff to refer special exceptions to the Planning Commission for a recommendation when staff is recommending denial of any special exception.

The Board of Supervisors chose to amend only the provisions of Chapter 18, Section 33.43 of the Code of Albemarle and not every provision discussing possible modification of regulations. This has led to some confusion about the role of the Planning Commission. The role of the Planning Commission is to review the special exception and provide a recommendation on the application.

ANALYSIS OF THE SPECIAL EXCEPTIONS

SETBACKS – Special Exception Details

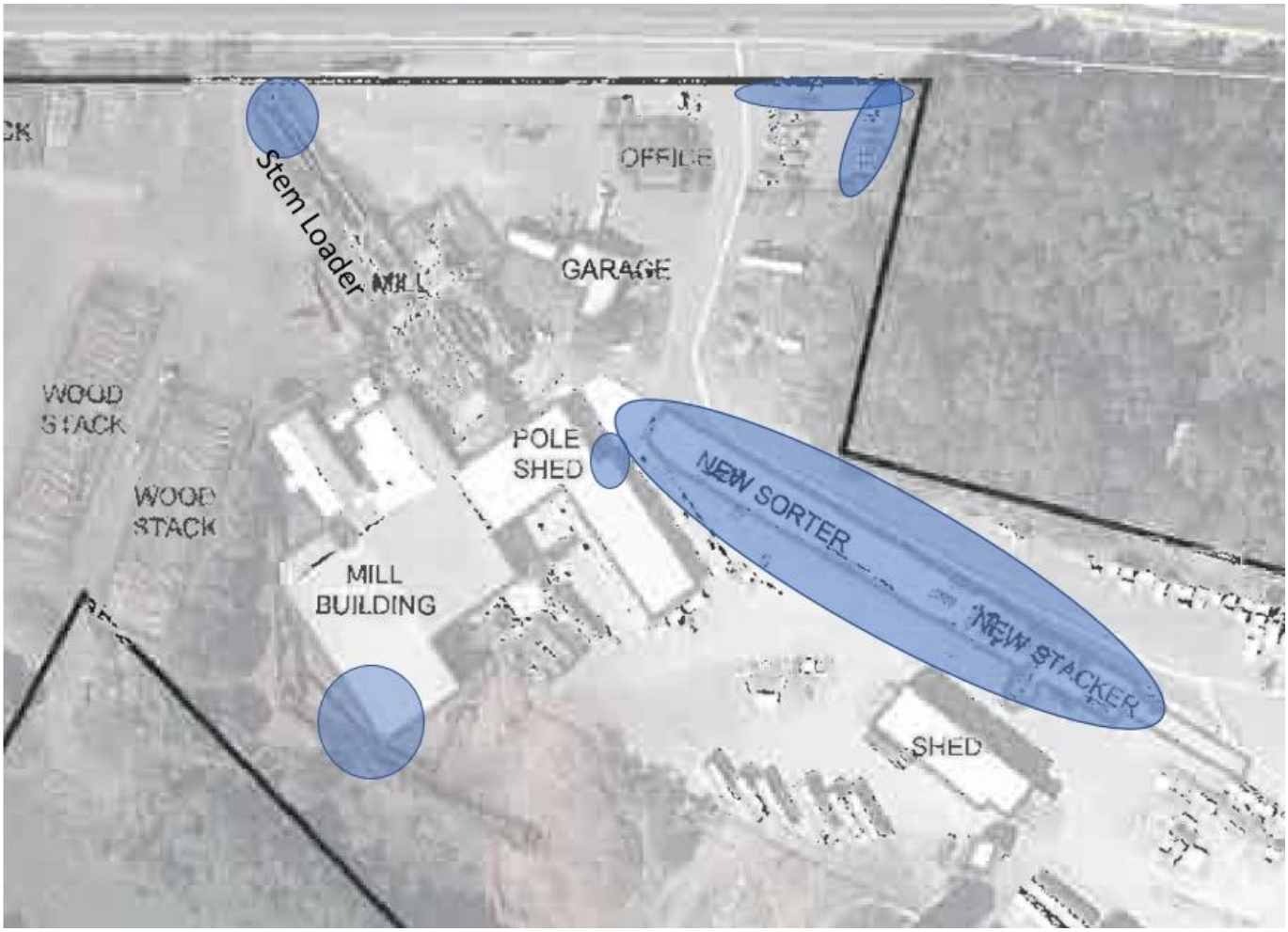
Request for relief from the setback requirements of Chapter 18, Section 4.20 of the Code of Albemarle (Attachment C)

- Allow structures closer than 10 feet from the right-of-way.
- Allow structures closer than 100 feet from any district boundary.
- Allow parking closer than 30 feet to any district boundary.

(The ordinance contains no standards for the review of a special exception)

Throughout this report staff will refer to building numbers where available. Attachment K includes an aerial photograph identifying buildings by number and a building schedule describing each building including when it was built.

The applicant has requested a special exception from the setback for three structures and parking. Staff has highlighted the location of the structures and parking area below.



The applicant constructed a Stem Loader adjacent to Rockfish Gap Turnpike. This construction appears to have occurred sometime between 1996 and 2002 based on review of aerial photographs. At the time of construction, the ordinance required a 50-foot setback for structures adjacent to public streets. The ordinance was amended in 2015 and currently requires a 10-foot front setback. The equipment was actually constructed across the property line such that it was located approximately 5 feet into the right-of-way of Rockfish Gap Turnpike. The applicant has purchased 10 feet of right-of-way from the Commonwealth, so that the equipment is no longer in the right-of-way. No plat has been submitted for review and staff is unable to confirm if the setback is now met.

The portion of the Mill Building (building 7b) not meeting the 100-foot setback was constructed after 1980 and before 1990 based on review of aerial photographs and information provided by the applicant. This structure is approximately 95 feet from the property line.

The portion of the Pole Shed (building 8) not meeting the 100-foot setback was constructed in 1996 according to information provided by the applicant. This building is approximately 98 feet from the property line.

Construction of the new Sorter/Stacker (building 27) was begun but has stopped. Retaining walls have been constructed and some equipment is in place as is a concrete floor. This proposed structure is approximately 35 feet from the property line. The ordinance requires a 100-foot setback.

The date of establishment of the parking area is difficult to verify. Staff has reviewed the available aerial photographs. It appears that the general area has been used for parking or storage since 1980.

SETBACKS – Comments

Setbacks are intended to prevent the overcrowding of property and prevent impacts on adjacent properties. The Board of Supervisors has determined that a structure setback of 100 feet in the Heavy Industrial district is appropriate to protect adjacent non-industrial property from substantial impacts. This setback has not changed since the adoption of the ordinance in 1980.

No building permits were submitted for these structures prior to their construction. If permits had been submitted, they would not have been approved. At the time the buildings were constructed the only method to reduce setbacks was by applying for a variance. The ordinance has been amended and setbacks may now be reduced by the Board of Supervisors with a special exception. It is important to note that conditions may be imposed on the approval of either a variance or special exception.

It is unlikely that a variance would have been granted for a reduction in setback because redesign was possible. The redesigned structures would have met setbacks and allowed for reasonable use of the property.

It is possible however, that a reduced setback could have been approved. Any approvals should take into account the impact caused by the structure. These impacts may include:

- Visual impacts
- Blocking air or light
- Sound impacts from equipment or activity

The minimal reduction in setback requirements for the Mill Building and Pole Shed are such that visual impacts or the blocking of air or light are not significantly greater than what would occur by meeting the setbacks.

The review of a variance would have insured that the Stem Loader would not have been built within the right-of-way. Impacts from this structure include visual impacts on Rockfish Gap Turnpike. This road was designated an Entrance Corridor in 1990. If the applicant had applied for a variance or a building permit it would have been reviewed by the Architectural Review Board for impacts. The Architectural Review Board can support the reduction in setback for the Stem Loader in its current location (Attachment F). However, it is unknown what the comments of the Architectural Review Board would have been if an application for the Stem Loader had been submitted prior to its construction. The Virginia Department of Transportation does not object to the location of the Stem Loader and has in fact sold the necessary area to the applicant so that the Stem Loader no longer encroaches into the right-of-way.

The location of the proposed Sorter/Stacker (building 27) is approximately 35 feet from the property line. This 65% reduction in setback will result in visual and sound impacts on the adjacent property inconsistent with the purpose of setbacks. It will also result in the placement of equipment and activity much closer to adjacent property than permitted by-right in the Heavy Industry District.

On September 17, 2018, the Architectural Review Board (ARB) reviewed the proposal for the construction of the new Sorter/Stacker (building 27), special exception for the other structures and special exception for parking. The ARB supported the exceptions. The ARB recommended screening, either fencing or landscaping to provide separation and buffering between the right-of-way and the parking. The applicant has submitted a conceptual plan showing an area for the installation of landscaping. Attachment O.

As stated previously it is difficult to determine when the location of the parking within the setback was established. It is possible that this parking predated the adoption of the ordinance in 1980. This is not a determination that the parking is non-conforming but is an acknowledgement that some activity was occurring near Rockfish Gap Turnpike and the adjacent property since 1980.

The noise impacts caused by the reduction in setback will be address in later portions of this report.

SUPPLEMENTARY REGULATIONS – Special Exception details

The Ordinance contains regulations specific to sawmills, planing mills and wood yards (Attachment D). These regulations are intended to address the specific and unique impacts generated by this type of use.

The applicant has requested a special exception from setback regulations for multiple structures and the storage of lumber, logs, chips and timber. Below, staff has highlighted the location of the structures and machinery that do not meet required setbacks. The reader will note that some structures are not highlighted but are within 600 feet of adjacent residences. Those structures closer than 600 feet to adjacent residences that are not highlighted are not subject to the setback because they either do not contain machinery or existed prior to 1980.



The applicant has requested relief from multiple supplementary regulations. The language of the ordinance and the applicant's request are outlined below. The applicant's full request is contained in Attachment B and Attachment H.

Ordinance Requirement

a. No structure and no storage of lumber, logs, chips or timber shall be located closer than 100 feet to any lot line. Trees and vegetation within the 100 foot setback shall be maintained as a buffer to abutting properties and uses, provided that during the last three months of operation the trees may be removed.

Outline of Applicant's Request

The applicant has requested that existing structures and storage of lumber, logs, chips or timber be allowed to continue as currently exists. Adjacent to Rockfish Gap Turnpike the setback for the storage of lumber, logs, chips or timber would be reduced to zero (0) feet. The applicant requests that the proposed Sorter/Stacker setback be reduced to 35 feet. Some of the location of lumber, logs, chips or timber are less than 100 feet from adjacent lots.

Ordinance Requirement

b. No saw, planer, chipper, conveyor, chute or other similar machinery shall be located closer than 600 feet from any dwelling on any lot other than the lot on which the sawmill, planing mill or wood yard is located.

Outline of Applicants Request

The applicant is requesting that existing machinery not meeting the required setback be allowed to remain.

- The proposed Sorter/Stacker (building 27) is approximately 350 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.
- The Pole Shed (building 6) is approximately 540 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.
- The Silo (building 10) is approximately 570 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.
- The Boiler (building 11) is approximately 570 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.
- The Kiln (building 12A) is approximately 515 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.
- The Planer (buildings 18, 22 and 23) is approximately 550 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.
- The Pole Shed (building 6) is approximately 540 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.
- The Mill Building (building 7a and 7b) is approximately 520 feet from the dwelling located to the south on Tax Map 55, Parcel 100.

- The Stem Loader (adjacent to Rockfish Gap Turnpike) is approximately 500 feet from the dwelling located to the west on Tax Map 55A, Parcel 28.

All the residential structures evaluated relative to the setbacks were in existence in 1980.

Ordinance Requirement

c. No machinery used for sawing, planing, chipping or other wood processing shall operate between 7:00 p.m. and 7:00 a.m. No wood or wood products shall be loaded or unloaded between 12:00 midnight and 7:00 a.m.

Outline of Applicant's Request

The applicant is requesting that machinery used for sawing, planing, chipping or other wood processing be permitted from 6:00 am to 11:00 pm.

The applicant is requesting that the loading or unloading of wood products be permitted from 6:00 am to 11:00 pm and that loading and unloading associated with the kiln be permitted 24 hours a day.

SUPPLEMENTARY REGULATIONS – Comments

The ordinance provides guidance for review of a special exception from the supplementary regulations:

Sec. 5.1 - Supplementary regulations.

a. The commission may modify or waive any such requirement upon a finding that such requirement would not forward the purposes of this chapter or otherwise serve the public health, safety, or welfare or that a modified regulation would satisfy the purposes of this chapter to at least an equivalent degree as the specified requirement; and upon making any finding expressly required for the modification or waiver of a specific requirement; except that, in no case, shall such action constitute a modification or waiver of any applicable general regulation set forth in section 4 or any district regulation. In granting a modification or waiver, the commission may impose conditions as it deems necessary to protect the public health, safety, or welfare.

The setbacks established by the supplementary regulations are intended to minimize the impacts caused by industrial character of sawmills, planing mills and wood yards. The applicant has provided a justification for the granting of the special exception (Attachment B and Attachment H). Staff will not address all the applicant's justification but does offer some comments.

Staff has reviewed aerial photography from 1980. The storage of storage of lumber, logs, chips or timber on the property appears to be in the same location or nearly same location today as it existed in 1980. This is not a determination that the storage of storage of lumber, logs, chips or timber is non-conforming but is an acknowledgement that some activity was occurring near Rockfish Gap Turnpike and the adjacent properties since 1980.

The applicant states that the adoption of the 1980 ordinance imposed restrictions on the property making expansion difficult. However, the ordinance has always contained an option for relief from overly burdensome regulations. In fact, the applicant has twice made use of the relief process to allow expansion of the office (building 01) and construction of a rotary crane. Both applications submitted by the applicant were approved. However, the applicant never sought relief from any regulations for the construction of other structures or machinery. During the review of a request the County could have considered all relevant factors including the impact of denial, possible alternatives allowing compliance, and measures to mitigate the impacts caused by granting modifications. Because the structures are existing, except for the proposed Sorter/Stacker staff has limited the analysis to possible methods of mitigating the impacts. The primary impact from the machinery is noise. The noise impacts caused by the reduction in setback will be addressed in later portions of this report.

The applicant has stated that due to the location of the original Mill Building (buildings 4, 5, 6) and the shape of the property, no other location exists for the proposed Sorter/Stacker (building 27). Staff notes that some of the buildings associated with the Mill Building do predate the 1980 regulations. However, expansions have occurred after 1980. These improvements do not meet the setback requirements. None of these expansions were reviewed for compliance with the ordinance. It is impossible to determine if alternative layouts for those improvements would have allowed for the construction of the Sorter/Stacker in a location that meets the requirements of the ordinance or in a location that did not require a 40% reduction in the required setback.

The applicant correctly notes that the presence of dwellings on adjacent property imposes a setback on the mill. The applicant also correctly states that new dwellings could be constructed on adjacent property and that the presence of new dwellings could impose even greater setbacks on the mill. However, the applicant states that "The requirements of this regulation would then impossibly require the Mill to incur the exorbitant expense of rearranging the Mill based on these newly constructed residences to achieve compliance with the buffer – an unreasonable, impractical, and entirely impossible requirement". The construction of dwellings on adjacent property may impose additional setbacks on the Mill. However, construction of dwellings on adjacent property would not require the Mill to rearrange structures, machinery or modify operations in any way. The County would take into consideration the timing of construction of dwellings on adjacent property when reviewing any special exception request. Just as the County would consider new residential construction adjacent to a mill, the County must consider new mill construction adjacent to existing residences.

Staff does not agree with the applicant's assertion that "…The regulations of Section 5.1.15(B) impose unreasonable restrictions and setbacks on the Mill". The applicant had the option to submit a request for relief prior to construction. As stated previously the applicant did seek relief from regulations twice. Both of those requests were approved. At the time of review of any request, the County may have denied the request, approved the request or approved the request with conditions. If the County denied a request or imposed conditions that the owner objected to, those actions could have been appealed. It is impossible to determine what the layout of the Mill would have been if requests had been submitted. The County is not be obligated to approve the current request for the Sorter/Stacker because the applicant has constructed improvements without permits in such a manner as to leave one area available for expansion.

The applicant has asserted that the operating hours are historical, dating back to 1960. Staff is unaware of any request the applicant has made to vest these activities as non-conforming and staff is unable to independently verify the historic hours of operation. However, the kiln was constructed in 1990, without permits. Therefore, the hours of operation associated with this activity cannot be vested.

NOISE – Special Exception details

The applicant has submitted noise and vibration studies (Attachments G and N). The ordinance establishes noise level limits for receiving zones. In this situation the receiving zone is also the property line. The ordinance establishes a daytime noise level limit of 60 dBA and a nighttime noise level limit of 55 dBA.

The applicant is requesting that daytime typical or median 5-minute maximums be 77 dBA after removal of ambient sound level adjacent to Rockfish Gap Turnpike and 70 dBA for the property to the north, Tax Map 55, Parcel 111A.

The applicant is requesting that nighttime noise level maximums be increased to 65 dBa adjacent to Rockfish Gap Turnpike and 59 dBa at all other boundaries.

NOISE – Comments

The ordinance provides guidance for review of special exception noise regulations:

a. The commission may modify or waive the standard set forth in section 4.18.04 in a particular case upon finding that strict application of the standard would cause undue hardship and not forward the purposes of this chapter or otherwise serve the public health, safety or welfare, or that alternatives proposed by the owner would satisfy the purposes of this section 4.18 at least to an equivalent degree.

The County does not have any staff qualified to provide detailed comment on noise studies and must rely on the information submitted by the applicant. The County Engineer has reviewed the applicant's submission to verify that it has been prepared as required by the Ordinance and that the report uses appropriate engineering concepts.

The applicant notes that conducting the noise study is complicated by the presence of the Mill and ambient sounds, particularly from Rockfish Gap Turnpike.

As staff has stated previously in this report, setbacks are a means of mitigating noise impacts. It is clear from the noise studies and observation that the Mill generates a significant amount of noise. The applicant has stated, "The Company is not proposing to increase noise levels over and above existing, historic conditions, but only to legally accommodate these historic conditions". Staff agrees that any conditions that existed prior to 1980 are historic and may be considered vested. However, expansions occurred after 1980 and these expansions increased noise levels. None of the expansions were reviewed for compliance with the ordinance. Staff has not reviewed the request to allow increased noise levels above the 1980 noise levels with any consideration that they have existed for a number of years. Staff has reviewed the request for increased noise as if the use does not exist. This is how the requests would have been considered if the owner had submitted applications for the construction of new buildings and placement of new equipment after 1980.

VIBRATION - Special Exception details

The applicant has submitted a request for a modification of the vibration regulations of Chapter 18, Section 4.14.2.

VIBRATION - Comments

The ordinance contains no provision allowing for the Board of Supervisors to consider a special exception from the vibration regulations.

SUMMARY AND RECOMMENDATIONS

(These recommendations may also be found in Attachment J. The numbers match what is included in Attachment J.)

SETBACKS – Special Exception

The ordinance contains no criteria for review of a special exception for reduction of setbacks in the Heavy Industry district.

The setbacks of the Heavy Industry district are intended to minimize impacts on adjacent property.

(Attachment J, Item 1)
Staff recommends approval of a special exception from the provisions of Chapter 18, Section 4.20b to reduce the 100 foot setback for the Mill Building (building 7b) and Pole Shed (building 8). Staff is making this recommendation solely on the basis that the buildings exist, and the reduction is minimal. This recommendation should not be considered as a precedent for any future requests on this or any other site.

(Attachment J Item 2.)
Staff recommends approval of a special exception from the provisions of Chapter 18, Section 4.20b to reduce the 10 foot setback for the Stem Loader. This recommendation is based on VDOT's willingness to sell right-of-way to allow the Stem Loader to be approximately 5 feet from the right-of-way and the recommendation of the Architectural Review Board.

(Attachment J Item 3.)
Staff recommends approval of a special exception from the provisions of Chapter 18, Section 4.20b to reduce the 30 foot setback for parking adjacent to Rural Areas property. This recommendation is based on the review of aerial photography which appears to indicate that this area has been used for parking or storage prior to 1980.

(Attachment J Item 4.)
Staff recommends denial of a special exception from the provisions of Chapter 18, Section 4.20b to reduce the 100 foot setback for the proposed Sorter/Stacker (building 27) to 35 feet. Staff opinion is that approval would be inconsistent with the following stated purpose and intent of the Zoning Ordinance as found in Chapter 18, Section 1.4 of the Code of Albemarle:

- Facilitate creating a convenient, attractive and harmonious community;
- Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic or other dangers;

Staff notes that approval of the request may be consistent with the following stated purpose and intent of the Zoning Ordinance:

- Encourage economic development activities that provide desirable employment and enlarge the tax base.

Staff opinion is that if the applicant had complied with the ordinance for the construction and placement of structures and machinery it is possible that suitable area may exist to allow construction of the Sorter/Stacker with less impact on adjacent Rural Areas property.

SUPPLEMENTARY REGULATIONS – Special Exception

The ordinance provides guidance for review of a special exception from the supplementary regulations. Staff's recommendation is made with consideration of the ordinance guidance.

(Attachment J Item 5.)
Staff recommends approval of a special exception from the provisions of Chapter 18, Section 5.1.15a to reduce setback for the storage of lumber, logs, chips or timber to zero (0) feet. This recommendation is based on the review of aerial photography which appears to indicate that these areas were used for storage prior to 1980.

(Attachment J Item 6.)
Staff recommends denial of a special exception from the provisions of Chapter 18, Section 5.1.15a to reduce the 100 foot setback for the proposed Sorter/Stacker (building 27) to 35 feet. Staff opinion is that requiring a 100 foot setback does serve the public health, safety and welfare. Further, staff is unable to find that a reduced setback of 35 feet would satisfy the purposes of the supplementary regulations requiring a 100 foot setback to at least an equivalent degree.

(Attachment J Item 7.)
Staff recommends denial of a special exception from the provisions of Chapter 18, Section 5.1.15b to allow the location of the proposed Sorter/Stacker (building 27) approximately 350 feet from the dwelling located to the north on Tax Map 55, Parcel 111A. Staff opinion is that requiring a 600 foot setback does serve the public health, safety and welfare. Further, staff is unable to find that a reduced setback of 350 feet would satisfy the purposes of the supplementary regulations requiring a 600 foot setback to at least an equivalent degree.

(Attachment J Item 8.)
Staff recommends approval of a special exception from the provisions of Chapter 18, Section 5.1.15b to allow the location of the Pole Shed (building 8) approximately 540 feet from the dwelling located to the north on Tax Map 55, Parcel 111A. This recommendation is based on denial of the request to increase noise limits. If the noise limits are met, a reduction of the required 600 foot setback is met to at least an equivalent degree. If a special exception is granted to allow increased noise levels staff does not support a reduction in setback.

(Attachment J Item 9.)
Staff recommends approval of a special exception from the provisions of Chapter 18, Section 5.1.15b to allow the location of the Silo (building 10) approximately 570 feet from the dwelling located to the north on Tax Map 55, Parcel 111A. This recommendation is based on denial of the request to increase noise limits. If the noise limits are met, a reduction of the required 600 foot setback is met to at least an equivalent degree. If a special exception is granted to allow increased noise levels staff does not support a reduction in setback.

(Attachment J Item 10.)
Staff recommends approval of a special exception from the provisions of Chapter 18, Section 5.1.15b to allow the location of the Boiler (building 11) approximately 570 feet from the dwelling located to the north on Tax Map 55, Parcel 111A. This recommendation is based on denial of the request to

increase noise limits. If the noise limits are met, a reduction of the required 600 foot setback is met to at least an equivalent degree. If a special exception is granted to allow increased noise levels staff does not support a reduction in setback.

(Attachment J Item 11.)
Staff recommends approval of a special exception from the provisions of Chapter 18, Section 5.1.15b to allow the location of the Kiln (building 12A) approximately 515 feet from the dwelling located to the north on Tax Map 55, Parcel 111A. This recommendation is based on denial of the request to increase noise limits. If the noise limits are met, a reduction of the required 600 foot setback is met to at least an equivalent degree. If a special exception is granted to allow increased noise levels staff does not support a reduction in setback.

(Attachment J Item 12.)
Staff recommends approval of a special exception from the provisions of Chapter 18, Section 5.1.15b to allow the location of the Planer (buildings 18, 22 and 23) approximately 550 feet from the dwelling located to the north on Tax Map 55, Parcel 111A. This recommendation is based on denial of the request to increase noise limits. If the noise limits are met, a reduction of the required 600 foot setback is met to at least an equivalent degree. If a special exception is granted to allow increased noise levels staff does not support a reduction in setback.

(Attachment J Item 13.)
Staff recommends approval of a special exception from the provisions of Chapter 18, Section 5.1.15b to allow the location of the Mill Building (building 7a and 7b) approximately 520 feet from the dwelling located to the south on Tax Map 55, Parcel 100. This recommendation is based on denial of the request to increase noise limits. If the noise limits are met, a reduction of the required 600 foot setback is met to at least an equivalent degree. If a special exception is granted to allow increased noise levels staff does not support a reduction in setback.

(Attachment J Item 14.)
Staff recommends approval of a special exception from the provisions of Chapter 18, Section 5.1.15b to allow the location of the Stem Loader (adjacent to Rockfish Gap Turnpike) approximately 500 feet from the dwelling located to the west on Tax Map 55A, Parcel 28. This recommendation is based on denial of the request to increase noise limits. If the noise limits are met, a reduction of the required 600 foot setback is met to at least an equivalent degree. If a special exception is granted to allow increased noise levels staff does not support a reduction in setback.

(Attachment J Item 15.)
Staff recommends approval of a special exception from the provisions of Chapter 18, Section 5.1.15c that operation of machinery used for sawing, planing, chipping or other wood processing be permitted from 6:00 am to 11:00 pm. This recommendation is based on denial of the request to increase noise limits. If the noise limits are met, a reduction of the required 600 foot setback is met to at least an equivalent degree. If a special exception is granted to allow increased noise levels staff does not support a reduction in setback.

(Attachment J Item 16.)
Staff recommends approval of a special exception from the provisions of Chapter 18, Section 5.1.15c that the loading or unloading of wood products be permitted from 6:00 am to 11:00 pm. This recommendation is based on the historical use of the property and that it satisfies the purposes of the supplementary regulations to at least an equivalent degree.

(Attachment J Item 17.)
Staff recommends denial of a special exception from the provisions of Chapter 18, Section 5.1.15c that the loading and unloading associated with the kiln be permitted 24 hours a day. Staff opinion is that requiring an extended period where activity does not occur on site does serve the public health, safety and welfare. Further, staff is unable to find that allowing 24 hour a day loading and unloading activities would satisfy the purposes of the supplementary regulations to at least an equivalent degree.

NOISE – Special Exception

The ordinance provides guidance for review of a special exception noise regulations.
Staff's recommendation is made with consideration of the ordinance guidance.

The intent of the noise regulations is: (reference Chapter 18, Section 4.18 of the Code of Albemarle)

> The board of supervisors hereby finds and declares that noise is a serious hazard to the public health, safety, welfare, and quality of life, and that the inhabitants of the county and adjoining localities have a right to and should be free from an environment of noise. Therefore, it is the policy of the county to regulate noise as provided in this section 4.18.

(Attachment J Item 18.)
Staff recommends denial of a special exception from the provisions of Chapter 18, Section 4.18.04 to increase daytime noise limits. The applicant may seek a determination on noise level for non-conforming activities. Those activities constructed or expanded after adoption of the Zoning Ordinance in 1980 were subject to the ordinance but were never reviewed. The adjacent properties impacted were developed with dwellings prior to the expansion of the Mill. Mitigation of noise may be accomplished with construction techniques. For those buildings housing equipment, the design of structures, the location of structures and the choice of equipment can mitigate noise. The fact that the applicant has developed the property and may have to retrofit should not be considered an undue hardship as the development of the property was conducted without any permits and not in compliance with the County regulations. Approval of increased noise levels does not serve the public health, safety or welfare to an equivalent degree as complying with the ordinance. Approval of an increase to the limits in noise levels is inconsistent with the intent of the noise regulations.

(Attachment J Item 19.)
Staff recommends denial of a special exception from the provisions of Chapter 18, Section 4.18.04 to increase nighttime noise levels limits. The applicant may seek a determination on noise levels for non-conforming activities. Those activities constructed or expanded after adoption of the Zoning Ordinance in 1980 were subject to the ordinance but were never reviewed. The adjacent properties impacted were developed with dwellings prior to the expansion of the Mill. Mitigation of noise can be accomplished with construction techniques. For those buildings housing equipment, the design of structures, the location of structures and the choice of equipment can mitigate noise. The fact that the applicant has developed the property and may have to retrofit should not be considered an undue hardship as the development of the property was conducted without any permits and not in compliance with the County regulations. Approval of increased noise levels does not serve the public health, safety or welfare to an equivalent degree as complying with the ordinance. Approval of an increase to limits in noise levels is inconsistent with the intent of the noise regulations.

VIBRATION - Special Exception

No provision exists allowing for the Board of Supervisors to consider a special exception from the

vibration regulations. Therefore, no recommendation is being made on the applicant's request for a special exception from the vibration regulations.

SUMMARY:

Factors favorable to this request include:

1. Permits an existing business to remain and expand.
2. Impact caused by some special exceptions may be mitigated with conditions.
3. Some areas have been used for Mill operations prior to 1980 and approval of special exceptions clarifies the permitted activities.

Factors unfavorable to this request include:

1. Approval of some special exceptions will result in substantial impact to adjacent property.
2. Approval of some special exceptions is not supported by the special exception review criteria.

RECOMMENDED ACTION:

Based on the findings contained in this staff report, and with the conditions proposed below staff recommends:

Section 4.20 Setbacks and Stepbacks in Heavy Industry Districts

Staff recommends approval of the reduction in setbacks for existing structures and parking. (Attachment J Items 1, 2, 3)

Staff recommends denial of a reduction in setback for the proposed Sorter/Stacker (building 27). (Attachment J Item 4)

Section 5.1.15 Supplemental Regulations Applicable to Sawmill, Temporary or Permanent, Planing Mills and Wood Yards - Location of storage of lumber, logs, chips or timber, the location of machinery within 600 feet from any dwelling

Staff recommends approval of a reduction in setbacks for the existing storage of lumber, logs, chips or timber and the location of existing machinery within 600 feet from any dwelling. (Attachment J Item 5, 8, 9,10, 11, 12, 13, 14)

Staff recommends denial of a reduction in setback for the proposed Sorter/Stacker (building 27). (Attachment J Item 6, 7)

Section 5.1.15 Supplemental Regulations Applicable to Sawmill, Temporary or Permanent, Planing Mills and Wood Yards – Hours of Operation

Staff recommends approval of a special exception that operation of machinery used for sawing, planing, chipping or other wood processing and that the loading or unloading of wood product be permitted from 6:00 am to 11:00 pm.

(Attachment J Item 16)

Staff recommends denial of a special exception allowing loading and unloading associated with the kiln be permitted 24 hours a day.
(Attachment J Item 17)

Section 4.18.04 Noise Regulations

Staff recommends denial of the requested special exception for modification to the noise regulations.
(Attachment J Items 18, 19)

Staff recommends the following conditions of approval:

1. Structures and Machinery will be permitted as shown on a survey titled 'Alta/NSPS Land Title Survey' prepared by Timmons Group and dated August 2, 2017. (Attachment I) except for the Sorter/Stacker which shall not be permitted.
2. The owner must obtain a Certificate of Occupancy for all existing structures by January 1, 2021. For any structure that is not issued a Certificate of Occupancy by January 1, 2021 the owner must cease use of the structure until such time as a Certificate of Occupancy is obtained.

Motions:

Special Use Permit

A. If the Planning Commission **chooses to recommend approval** of any special exception request:

I move to recommend approval of special exceptions recommended for approval by staff with the conditions outlined in the staff report.

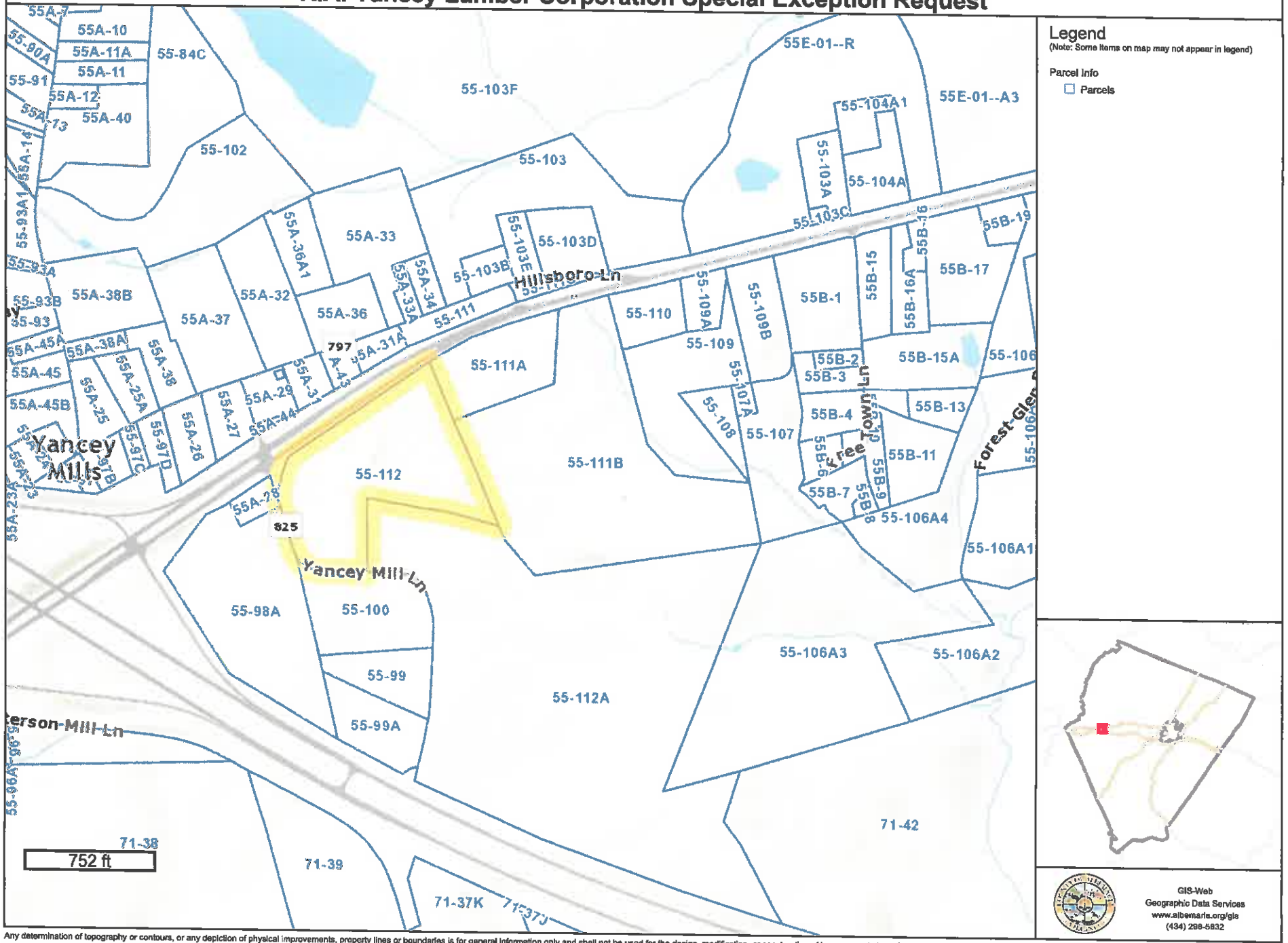
B. If the Planning Commission **chooses to recommend denial** of any special exception:

I move to recommend denial of special exceptions recommended for denial by staff. *Any motion(s) to recommend denial should state the reason(s) therefor.*

ATTACHMENTS

Attachment A- Maps and aerial photograph showing character of the area
Attachment B- Applicant's request and justification
Attachment C- Chapter 18, Section 4.20 of the Code of Albemarle
Attachment D- Chapter 18, Section 5.1.15 of the Code of Albemarle
Attachment E- Chapter 18, Section 4.18 of the Code of Albemarle
Attachment F- Architectural Review Board action
Attachment G1- Noise and Vibration Study
Attachment G2- Noise and Vibration Study
Attachment H1- Applicant's supplemental information, received March 12th.
Attachment H2- Applicant's supplemental information, received March 12th.
Attachment I- Survey titled 'Alta/NSPS Land Title Survey' prepared by Timmons Group and dated August 2, 2017
Attachment J- List of all special exceptions with staff recommendation
Attachment K- Aerial photo with building numbers and building schedule
Attachment L- Public Comment
Attachment M – Diagram of proposed Sorter/Stacker sound barrier
Attachment N – Additional noise information
Attachment O – Yancey Lumber Screening Exhibit

R.A. Yancey Lumber Corporation Special Exception Request



Legend

(Note: Some items on map may not appear in legend)

Parcel Info

- Parcels

GIS-Web
Geographic Data Services
www.albemarle.org/gis
(434) 296-5832

Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.
Map elements may scale larger than GIS data measured in the map or as provided on the data download page due to the projection used. Map Projection: WGS84 Web Mercator (Auxiliary Sphere) (EPSG 3857)

March 15, 2020

R.A. Yancey Lumber Corporation Special Exception Request



Legend

(Note: Some items on map may not appear in legend)

Parcel Info

- Parcels



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March 15, 2020

January 26, 2018
Revised January 28, 2020

R. A. Yancey Lumber Corporation: Special Exception Request

I. Introduction

R. A. Yancey Lumber Corporation (the "Company") is the owner of two parcels of land identified as tax map parcels 55-112 and 55-111B (the "Property"). Members of the Yancey family have operated a sawmill and lumber yard business on the Property continuously since 1949 (the "Mill"). The Mill employs approximately 70 workers. The Property contains 35.74 acres and is zoned Heavy Industry.

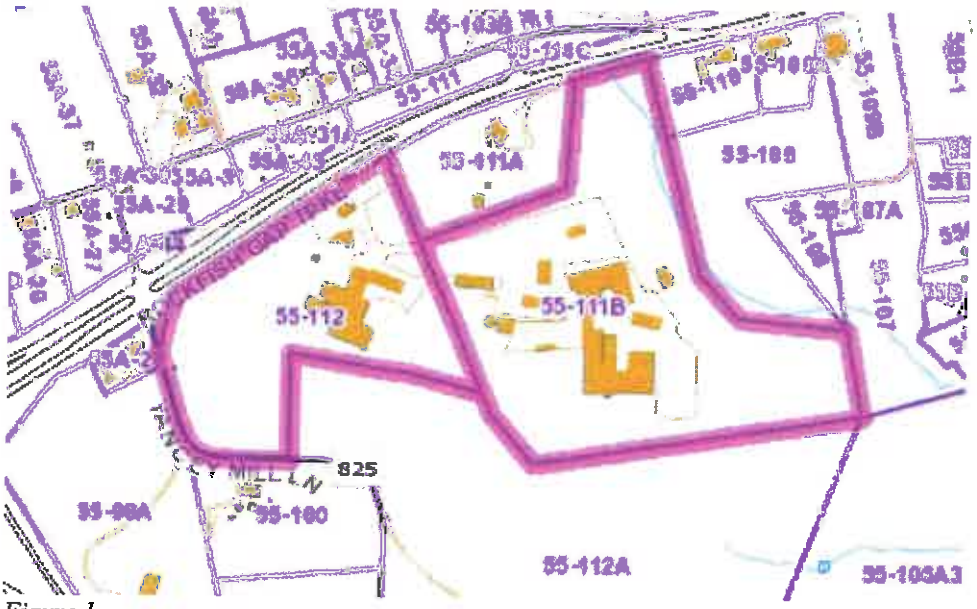


Figure 1

The Mill has expanded over time with the growth of its customer base. It periodically invests in the business with the addition or replacement of large pieces of equipment with more modern, safe and efficient equipment to remain competitive within its industry, to better serve its customers, and to implement safer and more productive manufacturing practices.

Over the years, changes to the County's zoning regulations have imposed setback requirements that now affect most of the Property. The impact of these zoning regulations serves to hamstring just about any change to the Mill without relief. Compliance with all the currently applicable regulations without relief in the form of special exceptions will arguably leave the Company without room to operate on a sustainable basis – much less to operate safely.

The Company was unaware of these regulations when it invested in a new major, multi-million-dollar piece of equipment in the summer of 2017 known as a "Sorter-Stacker." As part of the Mill's core operation, freshly cut lumber of various sizes (2x4s, 4x4s, 6x6s, 2x10s, among others) emerges from the Mill in a continuous stream at a relatively rapid pace. The sorter component of the new Sorter-Stacker equipment sorts lumber from the continuous stream into various sizes using bins based on size of the lumber. The stacker component then stacks, separates, and bands lumber of the same type for drying. The Mill is one of the last of its size that does not have a Sorter-Stacker, as the industry has become increasingly mechanized, making it nearly impossible for the Mill to remain competitive within its industry without it.

Management of the Mill became aware of setback requirements upon the completion of a current survey by Timmons Group in late 2017. Following the advice of counsel, Management has stopped assembly of the Sorter-Stacker and is hereby seeking, through the special exception application process, for relief from certain regulations as described herein, so it may continue to continue operations, while also assuring the survival of the Mill, along with the jobs and tax revenue associated with its continued successful operation.

On behalf of the Company, we request special exceptions to several Sections of the County Zoning Ordinance, as outlined in more detail below. We would be happy to discuss the application in more detail at a meeting with the County staff at any time.

II. Special Exception Requests

Section 4.20 - SETBACKS AND STEPBACKS IN HEAVY INDUSTRY DISTRICTS

Properties zoned Heavy Industry (HI) in the County are subject to the setback regulations provided in the "General Regulations" section of the County Zoning Ordinance

Figure 2 below depicts the zoning classifications of the Property and properties adjacent to it.



Figure 2

Section 4.20(b) requires a minimum setback of 10 feet for structures from U.S. Route 250 (Rockfish Gap Turnpike). In addition, because the Property is nearly surrounded by rural area ("RA") and Village Residential districts as shown in Figure 2 (except for the property zoned Highway Commercial as shown in red), Section 4.20(b) therefore also prohibits (i) any structure from being located closer than 100 feet from abutting properties and (ii) any off-street parking space from being located closer than 30 feet from the district boundaries. Because the Property is surrounded by properties with different zoning classifications, the district boundary is the same as the Property boundary lines where it is adjacent to RA land.

There are several existing Mill structures that impede upon the above described setbacks, including the new Sorter-Stacker. In addition, some of the impediments would be considered legally nonconforming, as the Mill was established long before the adoption of Section 4.20(b) in 2015, or other setbacks that were in effect prior to 2015. However, we request a comprehensive special exception, which would provide relief from the three provisions of Section 4.20(b) outlined above regardless of the status of the nonconformity and not specific to

any single impediment. Specific details related to each request are shown on the enclosed Exhibit package entitled R.A. Yancey Lumber Corporation Special Exception Requests" prepared by FPW Architects, dated January 28, 2020 (the "Exhibit").

Specific requests:

1. **Minimum Front Setback: (Section 4.20(b))**

   Existing Setback: 10 feet from the right-of-way

   Proposed Modification: Reduce setback from 10 feet to 0 feet

   We hereby request that this setback be reduced from 10 feet to 0 feet along U.S. Route 250, to accommodate the Stem Loader structure that is located with this setback.

2. **Minimum Side and Rear Setbacks: (Section 4.20(b))**

   Minimum Side and Rear Setback: In the HI district, if the abutting lot is zoned residential, rural areas, or the Monticello Historic district: (i) no portion of any structure, excluding signs, shall be located closer than 100 feet from the district boundary…

   Existing Setback: 100 feet from Residential or Rural Area Zoning District

   Proposed Modification: Reduce setback from 100 feet to 35 feet, and from 100 feet to 50 feet in areas shown on the Exhibit.

   We request this modification to accommodate several structures that have been in place for many decades, and also the new Sorter-Stacker.

3. **Off-Street Parking Setback: (Section 4.20(b))**

   Minimum Side and Rear Setback: In the HI district, if the abutting lot is zoned residential, rural areas, or the Monticello Historic district: … (ii) no portion of any off-street parking space shall be located closer than 30 feet from the district boundary.

   Existing Setback: 30 feet from Zoning District Boundary for off-street parking

   Proposed Reduction: Reduce setback from 30 feet to 0 feet in the areas shown on the Exhibit.

   We request this modification to accommodate the existing location of employee parking, which has been in place for many decades. The Company is not proposing to move any parking area any closer to any lot line, but to maintain the existing, historic location and condition.

Section 5.1.15 SUPPLEMENTAL REGULATIONS APPLICABLE TO SAWMILL, TEMPORARY OR PERMANENT, PLANING MILLS AND WOOD YARDS

In addition to the "General Regulations" of Section 4.20(b) discussed above, the Property is also subject to Supplementary Regulations specific to Sawmills, Planing Mills, and Wood Yards contained in Section 5.1.15 of the County Zoning Ordinance.

Sections 5.1.15(a) and (b) require the following:

> *(a) No structure and no storage of lumber, logs, chips or timber shall be located closer than one hundred (100) feet to any lot line.*
>
> *(b) No saw, planer, chipper, conveyor, chute or other similar machinery shall be located closer than six hundred (600) feet from any dwelling on any lot other than the lot on which the sawmill, planning mill or wood yard is located.*
>
> *(c) No machinery used for sawing, planing, chipping or other wood processing shall operate between 7:00 p.m. and 7:00 a.m. No wood or wood products shall be loaded or unloaded between 12:00 midnight and 7:00 a.m.*
>
> *(d) All timbering and milling operations, including reforestation/restoration and the disposal of snags, sawdust and other debris, shall be conducted in accordance with Title 10.1 of the Virginia Code and the regulations of the Virginia Department of Forestry.*

Similar to Special Exception Requests 1, 2, and 3, there are several existing Mill structures that impede upon the sawmill-specific setbacks, including the proposed new Sorter-Stacker. The depicts the current non-conformities under these Supplemental Regulations. Some of these impediments would also be considered legally nonconforming, as many of the Mill's components existed prior to the adoption of Section 5.1.15 in 1980. We hereby request a comprehensive special exception to Sections 5.1.15(a), (b), (c), and (d) as detailed herein.

4. **Sawmill Specific Setback from Property Boundaries: (Section 5.1.15(a))**

   (a) No structure and no storage of lumber, logs, chips or timber shall be located closer than one hundred (100) feet to any lot line.

   Existing Setback: 100 feet from any lot line (applies to structures and storage of lumber, logs, chips and timber).

   Proposed Reduction: Reduce setback from 100 feet to 0 feet along Route 250, and from 100 feet to 35 feet in areas shown on the Exhibit.

5. **Sawmill Specific Machinery Setback from Dwellings: (Section 5.1.15(b)**

   (b) No saw, planer, chipper, conveyor, chute or other similar machinery shall be located closer than six hundred (600) feet from any dwelling on any lot other than the lot on which the sawmill, planning mill or wood yard is located.

Existing Setback: 600 feet from any off-site dwelling (applies to saws, planers, chippers, conveyors, chutes, or other similar machinery).

Proposed Modification: Waive the 600-foot setback from any off-site dwelling and replace with a setback of 100 feet from property line in area shown on the Exhibit, to 0 feet in area shown on Exhibit along Route 250, to 35 feet in area shown on the Exhibit, and to a variable width distance adjacent to tax map parcel 55-111A as shown on the Exhibit. All distances measured from the property line instead of from off-site dwellings.

The Zoning Ordinance provides that any requirement of Section 5 may be modified or waived by the special exception process. The specific criteria for when the Planning Commission may grant such modifications or waivers is as follows: "upon a finding that [enforcing] such requirement would not forward the purposes of this chapter or otherwise serve the public health, safety, or welfare, or that a modified regulation would satisfy the purposes of this chapter to at least an equivalent degree as the specified requirement."

The purposes of "Chapter 18 - Zoning" of the County code is "to promote the public health, safety, convenience, and welfare..." The code continues, "...to these ends, this chapter is intended to ...(G) Encourage economic development activities that provide desirable employment and enlarge the tax base..."

The Supplementary Regulations of Section 5.1.15 were adopted in 1980, when the Mill and most, if not all of the closest residences were already in existence, thereby causing the Mill, a business that had been in continuous operation for over 30 years, to become legally non-conforming. This imposition of legal nonconforming status by the amended Ordinance makes it very difficult for the Mill to expand and adapt to the market by installing modern and safer equipment and technology without further violating the supplemental regulations. The location of new equipment is heavily influenced by the fixed location of the original Mill Building, which was constructed in 1949.

For example, due to the location of the original Mill building and the irregular shape of the Property, the Sorter-Stacker could only be installed in the proposed location. Neither that location, nor any other location on the Property, would enable the Sorter-Stacker to comply with the setback regulations outlined herein. Installation of modern equipment of this kind is consistent with industry standards and is required to assure that the Mill remains competitive and technologically current. In fact, few mills of this size lack this kind of equipment. The equipment the Mill currently uses for the same task was constructed in 1978. This old equipment needs to be replaced for the Mill to remain technologically current and competitive within the industry. The current sorting process is physically demanding work conducted outside, in all but the worst weather. The proposed sorter will be enclosed within a building when completed and will alleviate the need to manually stack heavy lumber and thus lessen the occurrence of workplace injuries. Enclosing the machinery is also expected to reduce the overall noise level emanating from the Mill as well. Moreover, the Sorter-Stacker is a multi-million-dollar investment, generating large amounts of local tax revenue.

Granting a special exception for Section 5.1.15 will help ensure the continued successful operation of the Mill, the continued (and increased) generation of local tax revenue, and increased safety at one of the County's largest industrial operations. By contrast, enforcement of the County's applicable setback requirements would likely impair the ability of the Mill to

compete within its industry to such an extent that the business would eventually be unable to continue. Closure of the Mill, which has been a continuous, family-run operation for over 71 years, would be contrary to the Zoning Ordinance's stated purpose in subsection (G) to "encourage economic development activities that provide desirable employment and enlarge the tax base." Therefore, modification of these setback regulations by granting these special exceptions will satisfy the purposes of the Zoning Ordinance to a greater extent than strict enforcement.

In addition, the 600-foot setback requirement from nearby residences, per subsection (b) of Section 5.1.15, places control over the Mill's compliance with the County Zoning Ordinance in the hands of third parties and outside of the Company's control. For instance, the area surrounding the Mill had been comprised of many residences on small parcels close to the Mill for many years prior to the adoption of the Supplemental Regulations in 1980, making it impossible for the Mill to have ever complied with this large setback. In addition, many of the adjacent residential properties could easily construct new, additional dwellings closer to the Mill's property line, or to expand existing dwellings closer to the Mill's property line, thereby expanding the required 600-foot buffer further onto the Property. The requirements of this regulation would then impossibly require the Mill to incur the exorbitant expense of rearranging the Mill based on these newly constructed residences to achieve compliance with the buffer – an unreasonable, impractical, and entirely impossible requirement. For these reasons, and further given the irregular shape of the Property and the functional and operational needs of the Mill, we believe the regulations of Section 5.1.15(b) impose unreasonable restrictions and setbacks on the Mill.

To avoid these unreasonable restrictions and ensure the continued successful and safe operation of the Mill, and in furtherance of the public health, safety, welfare and other purposes of the Zoning Ordinance, we contend that granting comprehensive special exceptions to Section 4.20(b) and Sections 5.1.15(a) and (b) is reasonable, necessary and appropriate under the circumstances.

The Mill has already invested millions of dollars to keep pace with the industry and enhance the safety of its workers by beginning assembly of the Sorter-Stacker. Upon learning that the assembly of the Sorter-Stacker may violate the setback regulations, the Company's Management halted further work on the new equipment, and took steps to begin to bring the Mill into compliance and to request comprehensive Special Exceptions. The decision was made to halt further assembly on the Sorter-Stacker despite the substantial impacts to the Mill. Among other impacts, the contractor assembling the equipment has since redeployed its employees to other projects, while the Company continues to pay interest financing on the equipment loan without the benefit of the improved efficiencies that the Sorter-Stacker would provide. Despite these impacts, the Company recognizes and appreciates the importance of addressing these issues and working to come into compliance. We believe the special exception process will enable the Mill and the County to work together to ensure the best resolution for all interested parties.

NOISE AND VIBRATION:

In connection with these special exception requests, the Company engaged the services of Bill Yoder, a Senior Staff Scientist at Acentech, who regularly serves as a sound consultant to local businesses. For more information on the background for each of these requested modifications, please see the two enclosed reports from Acentech dated October 28, 2019, and January 24, 2020.

6. **Noise Regulations : (Section 4.18.04)**

Existing Regulation: Maximum dBA allowed in Rural Area or Residential "receiving zones:"

Daytime: 60 dBA.

Proposed Modification: In the area shown in green on the Exhibit, replace limit with the following: the typical or median 5-minute source sound level shall not exceed 77 dBA after removal of ambient sound level; in the area shown in pink adjacent to tax map parcel 55-111A, the typical or median 5-minute source sound level shall not exceed 70 dBA after removal of ambient sound level; in the area shown in dark blue on the exhibit, increase maximum to 66 dBA, in the area shown in light blue on the Exhibit, increase maximum to 72 dBA.

Nighttime: 55 dBA.

Proposed Modification: Increase maximum to 65 dBA along Route 250 and adjacent to TMP 55-111A, increase maximum to 59 dBA along all other boundaries.

As noted, please refer to the two Acentech reports for details on these proposed modifications, as well as the Exhibit. The Company is not proposing to increase noise levels over and above existing, historic conditions, but only to legally accommodate these historic conditions.

7. **Vibration Regulations: (Section 4.14.2)**

Existing regulations establish maximum peak velocity for continuous and impulsive vibration at Residential zoning district boundaries

Existing Continuous Limit: 0.00 inches per second

Proposed Modification: Increase limit from 0.00 to 0.15 inches per second

As discussed in the Acentech memo of October, 2019, there is no way to prove there are no continuous source of 0.00 in residential areas, because of the presence of ambient noise. Thus, it is impossible to measure 0.00 inches per section. Instead, we propose to replace this impossible performance standard with the performance standard for rural/non-residential Existing Continuous Limit, which is 0.15 inches per second. This is a far more reasonable limit, for it is still half of the threshold of vibration for the most sensitive human.

Existing Impulsive Limit: 0.006 inches per second

Proposed Modification: At point #17, the typical impulsive PPV shall not exceed 0.01 inches per second.

This request will only apply at point #17, where the Stem Loader is located adjacent to Route 250, and has been since at least 1992. The Company is not proposing to increase vibration levels at this location, but only to accommodate historic conditions and continue its operations.

For the reasons stated herein and in the Acentech reports, enforcement of the existing regulations regarding noise and vibration would not forward the purposes of this chapter or otherwise serve the public health, safety, or welfare. In addition, the proposed modified regulation would satisfy the purposes of this chapter to at least an equivalent degree as the specified requirement, since the company is not proposing to increase noise or vibration levels above historic conditions that have existed for many decades.

7. Hours of Operation: (Section 5.1.15(c) and (d))

As noted above, the Supplemental Regulations contained in Section 5.1.15 were adopted in 1980, 30 years after the Mill began operations. Nevertheless, the Company seeks modification to these regulations to enable it to continue operating as it has since at least 1960.

Section 5.1.15(c):

Existing Regulation: No machinery used for sawing, planning, chipping or other wood processing shall operate between 7:00 pm and 7:00 am.

Proposed Modification: Restrictions in place between 7:00 pm and 6:00 am.

As has been the practice since 1960, the Company turns on its equipment at 6:00 am to warm up so that it may begin work promptly at 6:30 am. The Company requests this modest modification to enable these hours of operation to continue. No expansion of these existing hours of operation are proposed.

Section 5.1.15(d):

Existing Regulation: No wood or wood products shall be loaded or unloaded between midnight and 7:00 am.

Proposed Modification: Restrictions in place from 11:00 pm to 6:00 am, except as part of the wood drying process at the kilns.

Likewise, since 1960 the company has started loading logs at 6:00 am when the logging trucks start to arrive. The Company requests this modest modification to enable these hours of operation to continue. No expansion of these existing hours of operation are proposed.

For the reasons stated herein, enforcement of the existing regulations contained in Section 5.1.15(c) and (d) regarding hours of operation would not forward the purposes of this chapter or otherwise serve the public health, safety, or welfare, since the Company has been operating during the requested business hours for 60 years. In addition, the proposed modified regulation would satisfy the purposes of this chapter to at least an equivalent degree as the specified requirement, especially the proposed modification to Section 5.1.15(d), which proposes to stop the loading and unloading one hour earlier than the existing regulation.

Sec. 4.20 - Setbacks and stepbacks in conventional commercial and industrial districts.

Setbacks and stepbacks shall be provided as follows:

a. *Conventional commercial districts*. The following shall apply within the C-1, CO, and HC districts:

Setbacks	
Front-Minimum	10 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way; for off-street parking or loading spaces, 10 feet from any public street right-of-way
Front-Maximum	30 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way, provided that this maximum setback shall not apply to any structure existing on June 3, 2015 and to any structure depicted on an approved final site plan that is valid on June 3, 2015 as having a front setback greater than 30 feet; none, on any lot, including a corner lot, abutting a principal arterial highway or interstate
Side and Rear-Minimum	If the abutting lot is zoned residential, rural areas, or the Monticello Historic district: (i) no portion of any structure, excluding signs, shall be located closer than 50 feet from the district boundary; and (ii) no off-street parking or loading space shall be located closer than 20 feet to the district boundary. If the abutting lot is zoned commercial or industrial, any primary structure shall be constructed and separated in accordance with the current edition of the Building Code.
Side and Rear-Maximum	None
Stepbacks	
Front	For each story that begins above 40 feet in height or for each story above the third story, whichever is less, the minimum stepback shall be 15 feet
Side and Rear	None

1. The maximum front setback shall be increased to the depth necessary to avoid existing utilities, significant existing vegetation, steep slopes, perennial and intermittent streams, stream buffers, public spaces and public plazas shown as such on an approved site plan or subdivision plat, to satisfy a condition of a certificate of appropriateness, and in circumstances where there are multiple buildings on the same lot and prevailing development patterns. On any parcel with multiple main buildings, at least one main building shall meet the maximum setback.
2. The maximum front setback may be increased by special exception to accommodate low

impact design, unique parking or circulation plans, or a unique target market design.

3. Any minimum setback may be reduced by special exception.
4. The minimum 15-foot stepback may be reduced by special exception.
5. Notwithstanding section 4.6.3, the front setbacks in the districts subject to this subsection shall be measured from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way.
6. On any site subject to proffered conditions accepted in conjunction with a zoning map amendment establishing minimum or maximum setbacks or stepbacks, the proffered setbacks or stepbacks shall apply.

b. *Conventional industrial districts* . The following shall apply within the LI and HI districts:

Setbacks	
Front-Minimum	10 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way; for off-street parking or loading spaces, 10 feet from any public street right-of-way
Front-Maximum	None
Side and Rear-Minimum	In the LI district, if the abutting lot is zoned residential, rural areas, or the Monticello Historic district: (i) no portion of any structure, excluding signs, shall be located closer than 50 feet from the district boundary; and (ii) no portion of any off-street parking space shall be located closer than 30 feet from the district boundary. In the HI district, if the abutting lot is zoned residential, rural areas, or the Monticello Historic district: (i) no portion of any structure, excluding signs, shall be located closer than 100 feet from the district boundary; and (ii) no portion of any off-street parking space shall be located closer than 30 feet from the district boundary. If the abutting lot is zoned commercial or industrial, any primary structure shall be constructed and separated in accordance with the current edition of the Building Code.
Side and Rear-Maximum	None
Stepbacks	
Front	For each story that begins above 40 feet in height or for each story above the third story, whichever is less, the minimum stepback shall be 15 feet
Side and Rear	None

1. Any maximum front setback may be increased by special exception.
2. Any minimum setback may be reduced by special exception.
3. The minimum 15-foot stepback may be reduced by special exception.
4. Notwithstanding section 4.6.3, the front setbacks in the districts subject to this subsection shall be measured from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way.
5. On any site subject to proffered conditions accepted in conjunction with a zoning map amendment establishing minimum or maximum setbacks or stepbacks, the proffered setbacks or stepbacks shall apply.

Figures

Figures 1 through 6 are for illustration purposes only. If there is a conflict or inconsistency between a regulation in section 4.20 to which a Figure pertains and the Figure itself, the regulation is controlling. In addition, Figures 1 through 6 merely illustrate specific requirements and do not show all applicable requirements of the applicable district regulations.

Figure 1

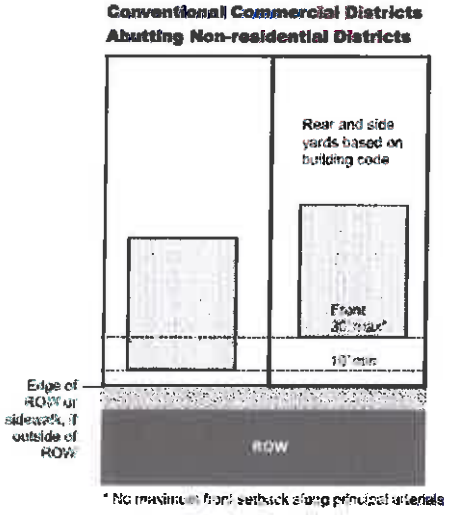
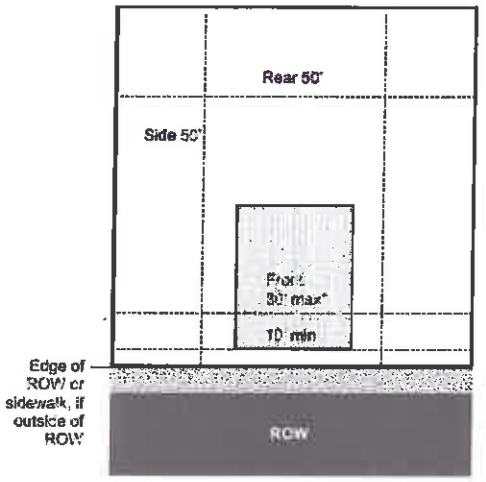


Figure 2

Conventional Commercial Districts
Abutting Residential or Rural Areas Districts



* No maximum front setback along principal arterials

Figure 3

Conventional Industrial Districts
Abutting Non-residential Districts

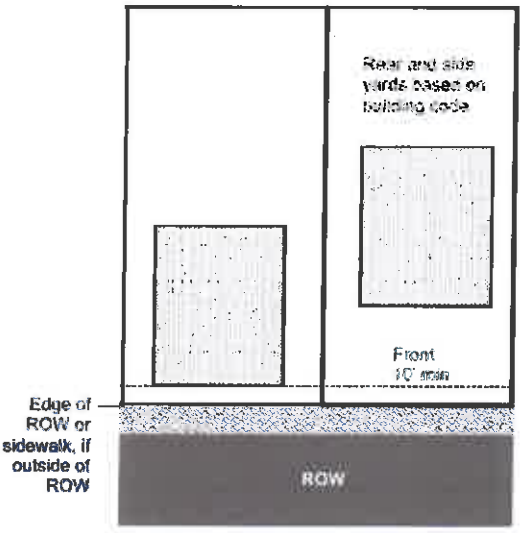


Figure 4

Conventional Industrial Districts
Abutting Residential or Rural Areas Districts

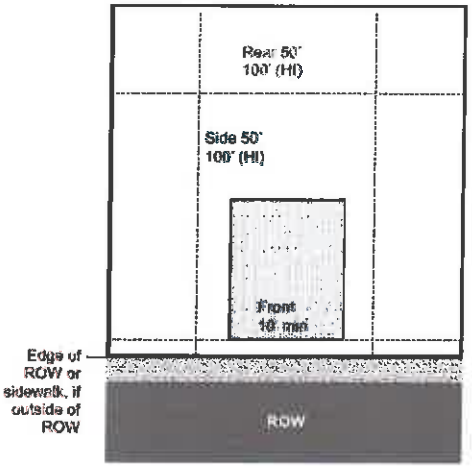


Figure 5

Conventional Commercial Districts, Front Stepback (side view)

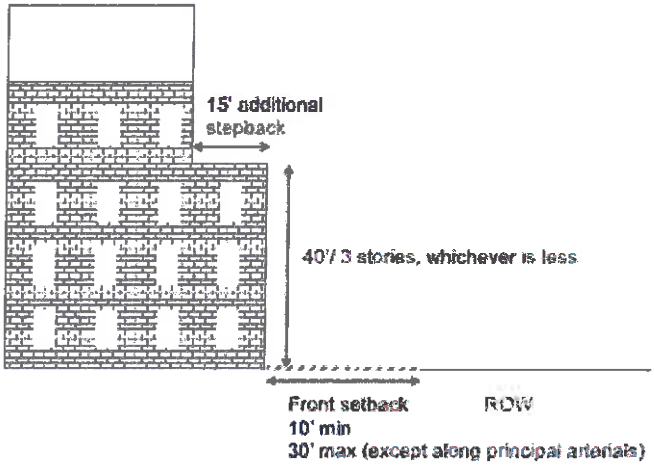
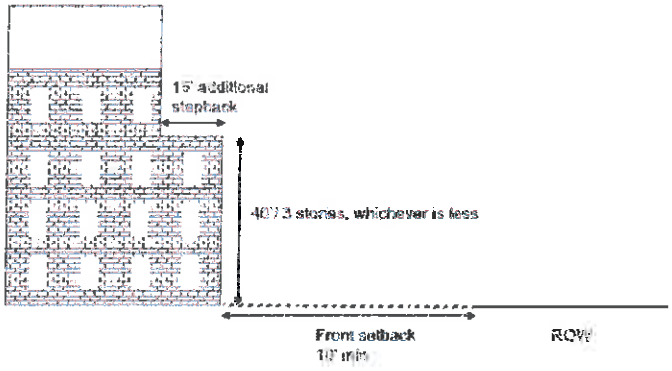


Figure 6

Conventional Industrial Districts, Front Stepback (side view)



(Ord. 15-18(4) , 6-3-15; Ord. 16-18(1) , 3-2-16; Ord. 17-18(4) , 8-9-17)

State Law reference— Va. Code § 15.2-2280 .

Sec. 5.1.15 - Sawmill, temporary or permanent, planing mills and wood yards.

Each temporary or permanent sawmill, planning mill and wood yard shall be subject to the following:

a. No structure and no storage of lumber, logs, chips or timber shall be located closer than 100 feet to any lot line. Trees and vegetation within the 100 foot setback shall be maintained as a buffer to abutting properties and uses, provided that during the last three months of operation the trees may be removed.

b. No saw, planer, chipper, conveyor, chute or other similar machinery shall be located closer than 600 feet from any dwelling on any lot other than the lot on which the sawmill, planing mill or wood yard is located.

c. No machinery used for sawing, planing, chipping or other wood processing shall operate between 7:00 p.m. and 7:00 a.m. No wood or wood products shall be loaded or unloaded between 12:00 midnight and 7:00 a.m.

d. All timbering and milling operations, including reforestation/restoration and the disposal of snags, sawdust and other debris, shall be conducted in accordance with Title 10.1 of the Virginia Code and the regulations of the Virginia Department of Forestry.

(§ 5.1.15, 12-10-80; Ord. 01-18(6), 10-3-01; Ord. 13-18(1), 4-3-13)

Sec. 4.18 - Noise.

The board of supervisors hereby finds and declares that noise is a serious hazard to the public health, safety, welfare, and quality of life, and that the inhabitants of the county and adjoining localities have a right to and should be free from an environment of noise. Therefore, it is the policy of the county to regulate noise as provided in this section 4.18.

(Ord. 00-18(3), 6-14-00)

State Law reference— Va. Code § 15.2-2280.

Sec. 4.18.01 - Applicability.

This section 4.18 shall apply to sound produced by any use authorized by this chapter, including any use that is expressly authorized by a proffer, special use permit, special use permit condition, or a standard in a code of development, except as otherwise provided in section 4.18.05, regardless of whether the property in the receiving zone is within or without Albemarle County.

(Ord. 00-18(3), 6-14-00; Ord. 13-18(4), 9-4-13)

State Law reference— Va. Code § 15.2-2280.

Sec. 4.18.02 - (Repealed 6-5-19)

Sec. 4.18.03 - Procedure for measuring sound.

Each sound meter reading shall be conducted as provided herein:

A. *Instrument of measurement*. Each sound measurement shall be taken only from a sound level meter.

B. *Calibration of sound level meter*. An acoustic calibrator authorized by the manufacturer of the sound level meter shall properly calibrate the sound level meter used for each sound measurement. The calibration shall have been performed within 12 months prior to the date of such reading. The user of the sound level meter shall also have calibrated the sound level meter within one hour prior to taking such sound measurements.

C. *Weather conditions*. A windscreen shall be used on the sound level meter when sound measurements are being taken. No outdoor sound measurements shall be taken during rain or during weather conditions in which wind sound is distinguishable from, and is louder to the ear than, the sound source being tested.

D. *Scale*. Each sound measurement shall be expressed in units of the sound level (dBA), in accordance with American National Standards Institute specifications for sound level meters. Each measurement shall be made using the A-weighted scale with fast response, following the manufacturer's instructions and measuring the equivalent sound level. Impulse sounds shall be measured as the maximum reading and not the equivalent sound level.

E. *Place of sound measurement*. Each sound measurement shall be taken no closer to the sound source than the property lines of the receiving zone properties or the property line along which a street fronts. If

the property line of a receiving zone property is not readily determinable, the sound measurement shall be taken from any point inside the nearest receiving zone property, or within an occupied structure located on receiving zone property. If the property line abutting a street is not readily determinable, the sound measurement shall be taken from the edge of the pavement which is closest to the source of the sound. Each sound measurement taken of a sound source within a multifamily structure, such as an apartment building, townhouse development and the like, may be made: (i) within the interior of another residential unit in the same structure or the same development; or (ii) from common areas.

F. *Orientation of microphone*. To the extent that it is practical to do so, the microphone of the sound level meter shall be positioned four to five feet above the ground or floor. The orientation recommended by the manufacturer of the sound level meter shall supersede the foregoing orientation if the manufacturer's recommendation conflicts therewith.

G. *Duration of measurement*. Each sound measurement shall be taken over a period of five continuous minutes, unless the sound being measured is an impulse sound. If the sound being measured is an impulse sound, each sound measurement shall be taken during the "impulse" or emission of that sound. The zoning administrator shall determine whether a sound is an impulse sound for purposes of determining the duration of the sound measurement.

H. *Ambient sound measurement*. The ambient sound shall be measured for each sound measurement as follows:

1. The ambient sound level shall be averaged over a period of time comparable to that for the measurement of the particular sound source being measured.
2. In order to obtain the ambient sound level, the sound source being measured shall be eliminated by the source ceasing its sound-producing activity and the ambient sound level shall be obtained from the same location as that for measuring the source sound level. If the sound from the sound source cannot be eliminated, the ambient sound level shall be measured from an alternative location whose ambient sound level is not affected by the sound source in accordance with the following procedure:
    a. The alternative location should be as close as feasible as that for measuring the source sound level, but located so that the sound from the source has as little effect as possible on the ambient sound level measurement. Even if the source sound is audible or is sufficient to raise the sound level above that which would be measured were it inaudible at the alternative location, the reading is sufficient for the purpose of this procedure.
    b. The alternative location chosen must be such that structures in the vicinity are similar in size and distribution, and the local topography is similar in character to the location for the source sound level measurement.
    c. Traffic conditions at the time the ambient sound level is measured must be similar to those at the location for the sound source measurement.

I. *Determining source sound level*. Except for new equipment for which the owner provides manufacturer's specifications related to sound levels accepted by the zoning administrator, the sound level from a sound source shall be determined by correcting the total sound level for ambient sound in accordance with the following procedure:

1. Subtract the maximum measured ambient sound level from the minimum measured total sound

level.

2. In Row A below, find the sound level difference determined under paragraph (1) and its corresponding correction factor in Row B.

Row A Sound Level Difference (Decibels)	0.5	1	2	3	4	5	6	7	8	9	10
Row B Correction Factor (Decibels)	9.6	7	4	3	1.8	1.6	1.2	1.0	0.75	0.6	0.5

3. Subtract the value obtained from Row B under paragraph (2) from the minimum measured total sound level to determine the source sound level.
4. If the difference between the total sound level and the ambient sound level is greater than 10 dBA, no correction is necessary to determine the source sound level.

(Ord. 00-18(3), 6-14-00)

State Law reference— Va. Code § 15.2-2280 .

Sec. 4.18.04 - Maximum sound levels.

Except as provided in section 4.18.05, it shall be unlawful for any person to operate or cause to be operated, any source such that the sound originating from that source causes a sound level that exceeds the sound levels in the receiving zone, measured pursuant to section 4.18.03, as set forth below:

Receiving Zone	Time Period	Noise Level (dBA)
Rural Areas and Residential	Daytime Nighttime	60 55
Public Space or Institutional	Daytime Nighttime	60 55
Commercial	Daytime Nighttime	65 65
Industrial	Daytime Nighttime	70 70

(Ord. 00-18(3), 6-14-00)

State Law reference— Va. Code § 15.2-2280 .

Sec. 4.18.05 - Exempt sounds.

The following sounds shall not be subject to this section 4.18:

A. *Agricultural activities.* Sound produced by an agricultural activity.
B. *Animals* . Sound produced by animals including, but not limited to, barking dogs; provided that this sound is otherwise subject to the animal noise regulations in chapter 4 of the Code.

C. B *ells or chimes from place of religious worship.* Sound produced by bells, chimes or other similar instruments or devices from a place of religious worship.

D. *Construction, demolition and/or maintenance activities* . Sound produced by construction, demolition and/or maintenance activities; provided that this sound is otherwise subject to the noise regulations in chapter 7 of the Code.

E. *Emergency operations* . Sound produced in the performance of emergency operations including, but not limited to, audible signal devices which are employed as warning or alarm signals in case of fire, collision or imminent danger or sound produced by power generators during power outages and other emergency situations.

F. *Firearms* . Sound produced by the lawful discharge of a firearm; provided that this exemption shall not apply to a firearm discharged at a gun club, shooting range, shooting preserve, or target, trap or skeet range.

G. *Home appliances* . Sound produced by the normal use of home appliances such as generators, air conditioners, heat pumps, vacuum cleaners, washing machines, dryers and dishwashers, provided that the appliances are in good repair.

H. *Outdoor amplified music or outdoor public address systems* . Sound produced by an outdoor amplified music system or outdoor public address system; provided that sound from outdoor amplified music at a farm winery is otherwise subject to the farm winery regulations in section 18-5.1.25(e), sound produced in conjunction with an outdoor music festival authorized by special use permit under this chapter shall be subject to the noise regulations in this chapter, and sound produced by an outdoor amplified music system or outdoor public address system, including any system used in conjunction with an agricultural activity, is subject to the noise regulations in chapter 7 of the Code.

I. *Parades, fireworks and similar events* . Sound produced by parades, fireworks, and other similar events which are officially sanctioned, if required; provided that the exemption for fireworks shall apply only to fireworks displays duly issued a permit pursuant to chapter 6 of the Code.

J. *Person's voice.* Sound produced by a person's voice.

K. *Place of public entertainment* . Sound produced by a radio, tape player, television receiver, musical instrument, electronic sound amplification equipment, phonograph, compact disc player, MP3 player, or other similar device intended primarily for the production or reproduction of sound (hereinafter, collectively and singularly a "device") at a place of public entertainment; provided that this sound is otherwise subject to the noise regulations in chapter 7 of the Code.

L. *Protected expression* . Sound produced by any lawful activity which constitutes protected expression pursuant to the First Amendment of the United States Constitution, but not amplified expression.

M. *Public facilities and public uses* . Sounds produced by the operation of a public facility or public use including, but not limited to, any sound which would not be an exempt sound if it was produced by the operation of a non-public facility or non-public use.

N. *School athletic contests or practices, and other school activities; private schools* . Sound produced by private school athletic contests or practices, and other private school activities, but only if conditions are not imposed which regulate the generation of sound including, but not limited to, conditions regulating the hours of the activity and the amplification of sound.

O. *Silvicultural activities* . Sound produced during lawfully permitted bona fide silvicultural activities

including, but not limited to, logging activities; provided that this sound is otherwise subject to the noise regulations in chapter 7 of the Code.

P. *Solid waste collection* . Sound produced by the collection of solid waste; provided that this sound is otherwise subject to the noise regulations in chapter 7 of the Code.

Q. *Telephones.* Normal sound produced by landline and wireless telephones.

R. *Transportation* . Transient sound produced by transportation including, but not limited to, public and private airports (except as otherwise regulated), aircraft, railroads and other means of public transit, and sound produced by motor vehicles and motorcycles.

S. *Warning devices* . Sound produced by a horn or warning device of a vehicle when used as a warning device, including back-up alarms for trucks and other equipment.

T. *Yard maintenance activities* . Sound produced by routine yard maintenance activities including, but not limited to, mowing, trimming, clipping, leaf blowing and snow blowing; provided that this sound is otherwise subject to the noise regulations in chapter 7 of the Code.

(Ord. 00-18(3), 6-14-00; Ord. 13-18(4) , 9-4-13)

State Law reference— Va. Code § 15.2-2280 .

Sec. 4.18.06 - Existing sound sources.

Each existing sound source existing on the effective date of this section 4.18 shall be regulated as follows:

A. Each existing sound source that complies with the maximum sound levels established in section 4.18.04 shall comply with all requirements of this section 4.18 rather than an applicable prior regulation.

B. Each existing sound source that does not comply with the maximum sound levels established in section 4.18.04 shall not increase its sound level. Such a sound source shall comply with such sound levels whenever a building, structure, equipment or machinery thereof is expanded, enlarged, extended or replaced, unless a modification, waiver or variation is granted as provided in section 4.18.07.

(Ord. 00-18(3), 6-14-00)

State Law reference— Va. Code § 15.2-2280 .

Sec. 4.18.07 - Modification or waiver.

Any standard of section 4.18.04 may be modified or waived in an individual case, as provided herein:

a. The commission may modify or waive the standard set forth in section 4.18.04 in a particular case upon finding that strict application of the standard would cause undue hardship and not forward the purposes of this chapter or otherwise serve the public health, safety or welfare, or that alternatives proposed by the owner would satisfy the purposes of this section 4.18 at least to an equivalent degree.

b. The commission may impose conditions on the modification or waiver that it deems appropriate to further the purposes of this chapter.

c. Prior to considering a request to modify or waive, five days' written notice shall be provided to the owner, owner's agent or occupant of each abutting lot or parcel and each parcel immediately across the street or road from the lot or parcel which is the subject of the request. The written notice shall identify the

nature of the request and the date and time the commission will consider the request.

d. The board of supervisors shall consider a modification or waiver of any standard of section 4.18.04 only as follows:

1. The denial of a modification or waiver, or the approval of a modification or waiver with conditions objectionable to the developer may be appealed to the board of supervisors as an appeal of a denial of the plat, as provided in section 14-226 of the Code, or the site plan, as provided in sections 32.4.2.7 or 32.4.3.9, to which the modification or waiver pertains. A modification or waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors.
2. In considering a modification or waiver, the board may grant or deny the modification or waiver based upon the finding set forth in subsection (A), amend any condition imposed by the commission, and impose any conditions it deems necessary for the reasons set forth in subsection (B).

(Ord. 00-18(3); Ord. 01-18(4), 5-9-01)

State Law reference— Va. Code § 15.2-2280 .

COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902-4596

Phone (434) 296-5832 **Fax (434) 972-4126**

September 19, 2018

Valerie Long
Williams Mullen
321 East Main St., Suite 400
Charlottesville, VA 22902

RE: ARB-2018-112: Yancey Mill Sorter-Stacker Building

Dear Ms. Long,

The Albemarle County Architectural Review Board, at its meeting on September 17, 2018, reviewed the above-noted request for a Certificate of Appropriateness for a building permit. The Board approved the request by a vote of 2 to 1. You may consider this letter your Certificate of Appropriateness.

This approval is specifically conditioned on the following:

1. Execution of the design indicated on the final approved plans, attachments, materials, samples, and other submittal items presented. Note that the ARB indicated that because the landscape strip in the proposed location would be ineffective, it was not required as a condition of the building permit for the sorter-stacker.

Please note the following:

1. Any changes in the approved design will require a new application and additional review.
2. Certificates of Appropriateness are valid for the same period that the corresponding site plan is valid. If there is no site plan required for the proposed work, the Certificate of Appropriateness is valid for 3 years. Applicants requesting an extension of the period of validity must do so in writing. The letter must be received by the Director of Planning prior to the expiration date.

If you have any questions concerning this action, please feel free to contact me.

Sincerely,

Margaret Maliszewski

Margaret Maliszewski
Chief of Planning/Resource Management

cc: R A Yancey Lumber Corp., P O Box 115, Crozet VA 22932
File

COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902-4596
(434) 296 - 5823
Fax (434) 972 - 4012

ARB ACTION MEMO

Date: September 17, 2018
Time: 1:00 PM
Meeting Room: Room 241, Second Floor

Members:
Frank Stoner: Present
Frank Hancock: Absent
Bruce Wardell, Chair: Absent
Stan Binsted, Vice Chair: Present
Dade Van Der Werf: Present

Staff:
Margaret Maliszewski
Sharon Taylor
Bill Fritz

CALL TO ORDER

Mr. Binsted called the meeting to order at 1:03 p.m. and established a quorum.

DISCLOSURES

Mr. Binsted invited disclosures. Hearing none, the meeting moved to the next item.

PUBLIC COMMENT

Mr. Binsted invited public comment. Hearing none, the meeting proceeded.

REGULAR REVIEW ITEMS

a. **ARB-2018-112: Yancey Mill Sorter-Stacker Building** - Review of a Building Permit; Advisory review for Special Exception requests (TM/Parcels 05500000011200, 055000000111B0)

Proposal: To construct a sorter-stacker building, and to establish some landscape screening, with requests for reductions in various building and equipment setbacks. (See Attachment A for more information.)

Location: 6317 Rockfish Gap Turnpike.

Regarding the Special Exception requests:

Motion: Mr. Stoner moved to forward the following recommendations on the special exception requests for **ARB-2018-112: Yancey Mill Sorter-Stacker Building** to the Agent for the Site Review Committee, requesting that they be forwarded to the Board of Supervisors:

1. The ARB can support the exception for #1, #2 for the stem loader only, #3, #4, and #5 for the stem loader only, #6 and #7.
2. The ARB recommends screening, either fencing or landscaping, to provide separation and buffer between the right-of-way and the parking.

Mr. Van Der Werf seconded the motion.

The motion carried by a vote of 3:0. (Hancock and Wardell absent)

Regarding the building permit:

Motion: Mr. Stoner moved to approve the proposal for **ARB-2018-112: Yancey Mill Sorter-Stacker Building**, eliminating the conditions listed in the staff report.

Mr. Binsted seconded the motion.

The motion carried by a vote of 2:1. (Van Der Werf voted no; Hancock and Wardell absent)

Note that the ARB indicated that the landscape strip in the proposed location would be ineffective and was, therefore, not required as a condition of the building permit for the sorter-stacker.

OTHER BUSINESS

ARB-2018-53: Brookhill Block 3 Ice Rink

It was the consensus of the ARB that the final site plan for Brookhill, Block 3, Ice Rink did not require further ARB or staff review.

Next ARB Meeting: **Monday,** October 1, 2018

ADJOURNMENT

The meeting was adjourned at 2:10 p.m. to the next ARB meeting on Monday, October 1, 2018 in Room 241, Second Floor, County Office Building at 1:00 p.m.

SPECIAL EXCEPTIONS REQUESTED

Analysis of these special exception requests is included in the "Analysis" table of the staff report.

1. A reduction in the required building setback to allow the installation of new equipment. The required setback from the property line is 100 feet. The applicant is proposing construction approximately 35 feet from the property line. The applicant has requested a comprehensive special exception for setback to a property line. (Reference Chapter 18, Section 4.20(b) of the Code of Albemarle)
2. A reduction in the required front building setback to allow existing equipment to remain. The required setback from the property line is 10 feet. The applicant has placed equipment zero (0) from the property line. This equipment encroaches 5.86 feet into the right-of-way for Route 250. (Reference Chapter 18, Section 4.20(b) of the Code of Albemarle)
3. A reduction in the required parking setback for existing parking from 30 feet to zero (0) feet. (Reference Chapter 18, Section 4.20(b) of the Code of Albemarle)
4. A reduction in the required separation of new equipment from the property line. The required setback from the property line is 100 feet. The applicant is proposing construction of new equipment approximately 35 feet from the property line. The applicant has requested a comprehensive special exception for setback to any lot line. (Reference Chapter 18, Section 5.1.15(a) of the Code of Albemarle)
5. A reduction in the required separation of existing equipment from the property line. The required setback from the property line is 100 feet. The applicant has placed equipment zero (0) from the property line. This equipment encroaches 5.86 feet into the right-of-way for Route 250. The applicant has requested a comprehensive special exception for setback to any lot line. (Reference Chapter 18, Section 5.1.15(a) of the Code of Albemarle)
6. A reduction in the required separation of new equipment from a dwelling. The required setback from the dwelling is 600 feet. The applicant is proposing construction of new equipment approximately 35 feet from the property line. The applicant has requested a comprehensive special exception for setback to a dwelling. (Reference Chapter 18, Section 5.1.15(b) of the Code of Albemarle)
7. A reduction in the required separation of existing equipment from a dwelling. The required setback from the dwelling is 600 feet. The applicant has requested a comprehensive special exception for setback to a dwelling.. (Reference Chapter 18, Section 5.1.15(b) of the Code of Albemarle)

ACENTECH

2150 Wise Street #4875
Charlottesville, VA 22905
434 218 0759
acentech.com

January 24, 2020

Donnie Rose
President
R. A. Yancey Lumber Corporation
6317 Rockfish Gap Turnpike
Crozet, VA 22932

Subject Noise & Vibration Survey, Yancey Lumber Mill, Crozet, VA
Loudest Locations Variability Review
Acentech Project No. 630191

Dear Mr. Rose:

In advance of the resubmission of the mill's special exception request to the county, your team has decided to take a closer look at locations where we previously measured the highest sound levels. The goal was to limit the scale of the sound level exceptions to better align with the typical sound levels due to the mill. This may help to avoid adding a large buffer to the request to account for variability.

The previous sound study included measurements at 19 locations at or near the mill's property boundary, as detailed in Appendix A1 (map) and A2 (imagery). Due to the highest levels occurring at NV1 and NV17, those locations were the subject of additional review. On January 24, 2020, measurements were conducted over a period of about four hours at both NV1 and NV17. As in our previous report, measurements were made in accordance with the Albemarle County noise ordinance, which requires measurement of the A-weighted equivalent continuous (energy average) sound level over a 5-minute period. Since these measurements were made over four hours, we can use this greater number of 5-minute periods to characterize the typical sound level at these two locations and show the outliers.

The following table shows the condensed dataset measured at each location on each measurement date. Note that ambient levels are not measurable at NV1 because of proximity to ongoing mill based noise sources. However, because the mill has a partial shutdown during lunch, ambient levels are measureable at NV17 during that period when road traffic is dominant.

Location	January 24, 2020, Four Hours of Measurements			2019 Single Meas.	2018 Single Meas.
	Highest 5-Min LAeq	**Typical 5-Min LAeq**	Lowest 5-Min LAeq	Single 5-Min LAeq	Single 5-Min LAeq
NV1	Mill: 75 dBA	**Mill: 70 dBA**	Mill: 65 dBA	Mill: 69 dBA	Mill: 68 dBA
NV17	Total: 80 dBA Ambient: 77 dBA Mill: 77 dBA	**Total: 79 dBA** **Ambient: 74 dBA** **Mill: 77 dBA**	Total: 73 dBA Ambient: 73 dBA Mill: < 63 dBA	Total: 77 dBA Ambient: 74 dBA Mill: 73 dBA	Total: 80 dBA Ambient: 74 dBA Mill: 79 dBA

For areas where there is significant ambient noise, the county's noise ordinance allows you to report source sound levels (the mill) by taking the *lowest* 5-minute total sound level (mill + ambient) and removing the *highest* 5-minute ambient sound level. This will result in a reported sound level that is, in my opinion, too conservative at less than 63 dBA at NV17. We suggest that you instead use the typical (median) total sound levels and typical ambient sound levels where applicable; this will give you a more characteristic source sound level of 77 dBA at NV17 and is shown in bold in the table above.

If you plan to use these typical sound levels in your special exception request, we suggest adding language that specifies the process used to determine compliance. Something to the effect of "the typical or median 5-minute source sound level shall not exceed 77 dBA after removal of the ambient sound level."

I hope this provides you with the information you need at this time. If you have any questions, please contact me at 434-218-0759.

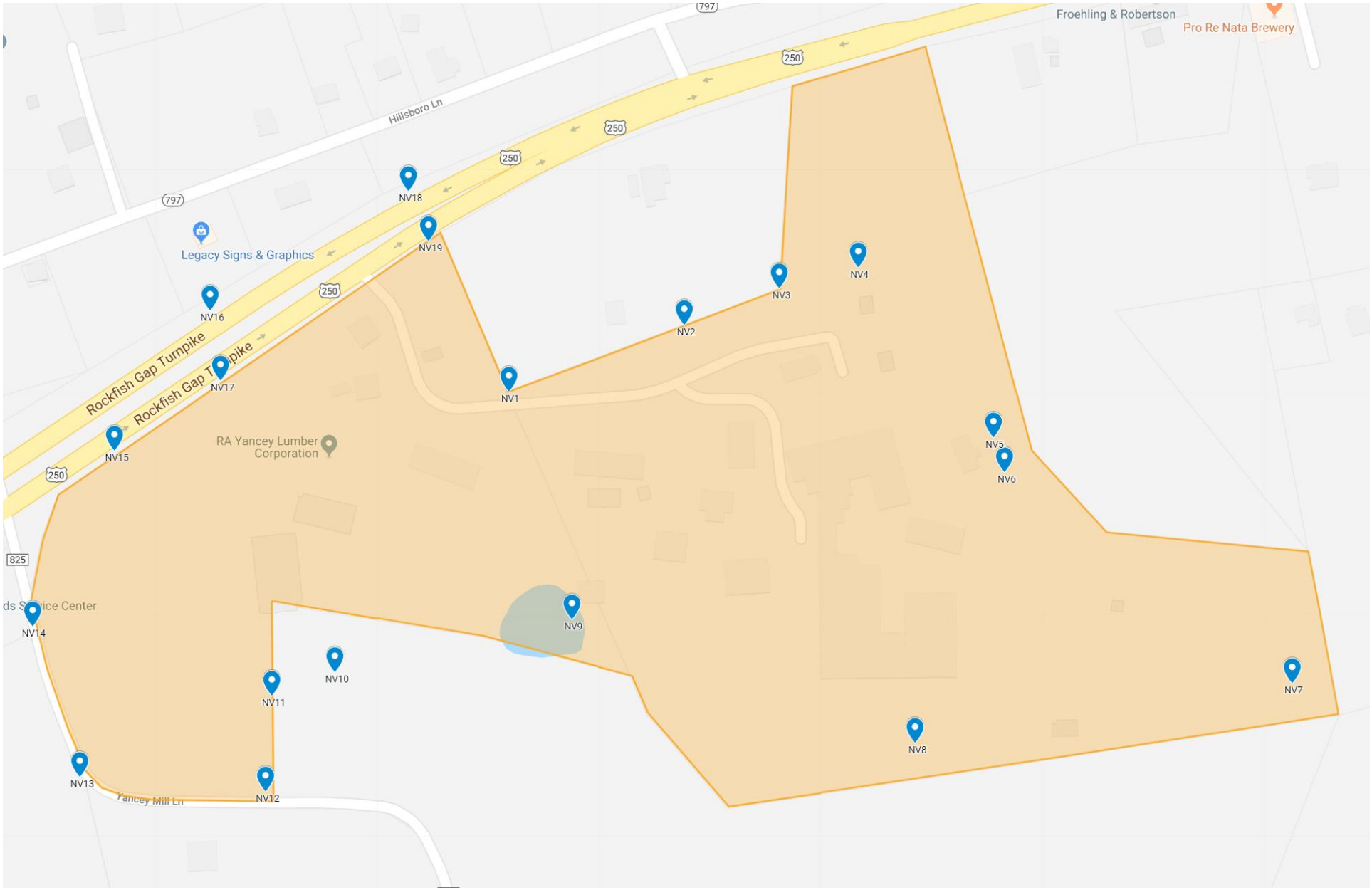
Sincerely,

Acentech Incorporated

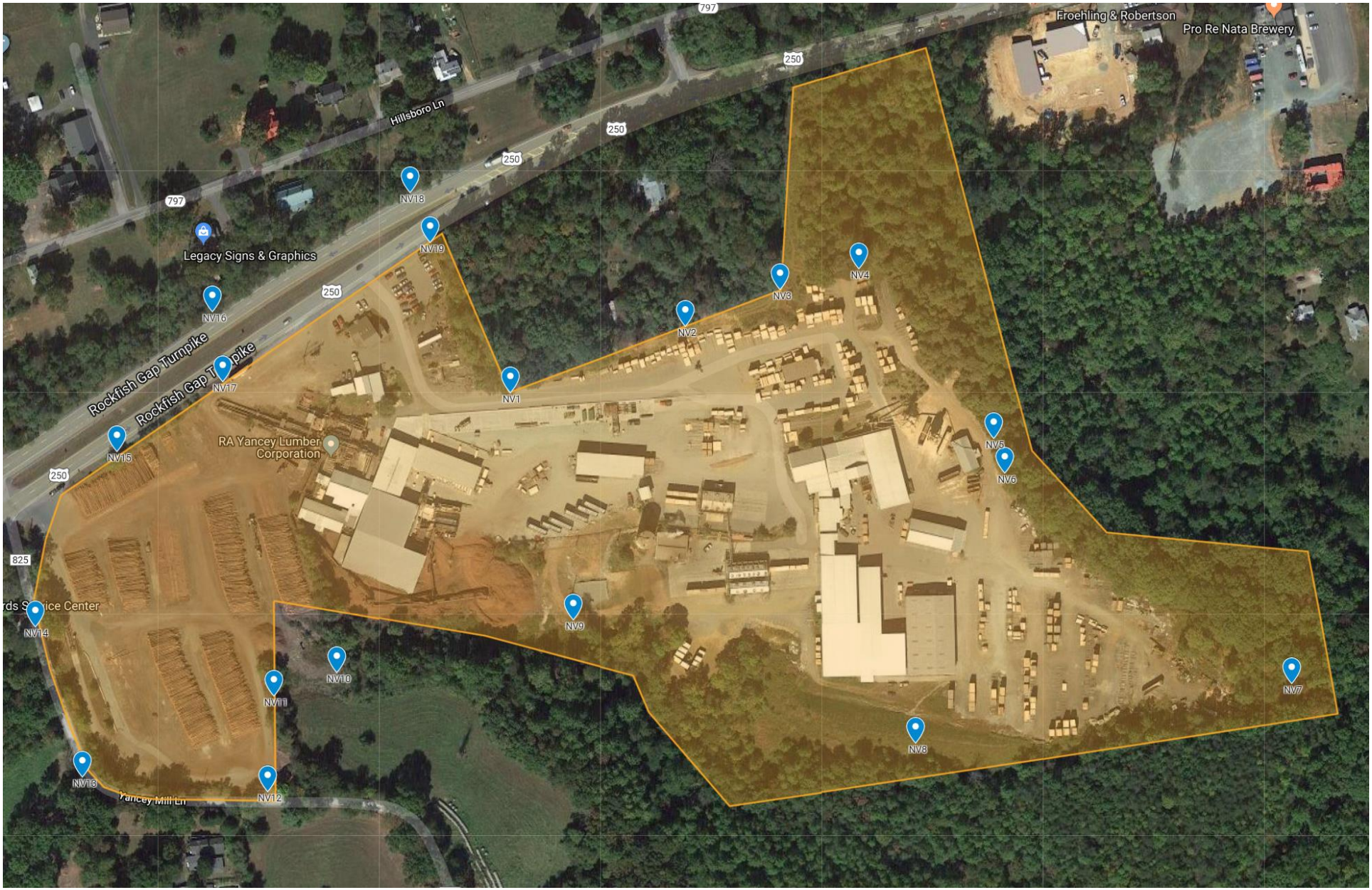


Bill Yoder
Senior Staff Scientist

Appendix A1: Map of Measurement Locations



Appendix A2: Imagery of Measurement Locations



ACENTECH

2150 Wise Street #4875
Charlottesville, VA 22905
434 218 0759
acentech.com

October 28, 2019

Donnie Rose
President
R. A. Yancey Lumber Corporation
6317 Rockfish Gap Turnpike
Crozet, VA 22932

Subject Noise & Vibration Survey, Yancey Lumber Mill, Crozet, VA
Acentech Project No. 630191 – 2019 Update, v1.1

Dear Mr. Rose:

You are interested in assessing the mill's compliance with the county's noise ordinance. To that end, you have contracted us to perform a noise survey of the property for reporting to the county. For reference, Appendix C includes a brief glossary of terms and some additional information you may find helpful.

On Wednesday May 10, 2018 we met with representatives from Albemarle County to discuss the noise survey. During this discussion, the county indicated that you would also need to measure for compliance with the vibration standard also outlined in the county code. On Monday May 21 and Wednesday May 23, 2018, we measured noise and vibration at various points near the Yancey Lumber Corporation's property boundary to get a snapshot of the sound and vibration levels due to typical operations.

In the intervening year since this report was originally issued, the mill has refurbished the dust-fired boiler and brought it back online; this boiler was not operational at the time of the initial survey. Additionally, you have taken action to reduce noise levels of the boiler's induction fan, as well as some other equipment around the property. Nighttime sound levels were not measured or reported in the original report, but as the boiler runs continuously, nighttime sound levels are now included. On October 2, 2019 we repeated the noise survey measurements during daytime and nighttime operations. Note that vibration measurements were not repeated, or updated, as there were no apparent changes to major sources of vibration near the property boundaries.

This report summarizes the measurement results of our surveys.

MEASUREMENT METHODOLOGY

Sound

The Albemarle County code includes regulations for noise in chapter 18, section 4.18. This section outlines the necessary equipment, measurement procedure, and performance standard.

All sound measurements were made using an ANSI Type 1 compliant Sound Level Meters. The most recent sound measurements had laboratory calibration last dates of Nov 5, 2018 and June 4, 2019, both within their calibration period. Field calibration was performed at the start of each measurement day. In accordance with the county ordinance, sound level measurements were made at a height of 56" from the ground with a

duration of five minutes at each location to calculate the equivalent continuous sound level (L_{eq}). You may think of the L_{eq} as the energy-average sound level during the measurement period.

The daytime performance standard for sound levels is defined in the county code as 65 dBA for commercial receiving zone boundaries and 60 dBA for all rural, residential, and public receiving zone boundaries. The nighttime performance standard is defined as 65 dBA for commercial and 55 dBA for all other (rural etc.) receiving zone boundaries. Industrial receiving zones, of which there are none at your location, have a standard of 70 dBA for daytime and nighttime.

Vibration

The Albemarle County code includes regulations for vibration in chapter 18, section 4.14.2. This section defines the performance standards for vibration and the type of measurement needed for comparison to that standard.

Measurements were made using three seismic accelerometers mounted tri-axially (three perpendicular directions, one vertical and two horizontal). Laboratory calibrations of the three sensors were last performed in July and August of 2017, which was within their calibration period at the time of the measurements. Measurements were made on a solid and compacted surface to ensure valid readings. The recorded acceleration signals were processed to calculate a vector sum of the vibration waveform, and then time integrated to change acceleration into velocity, and converted into the vector summed Peak Particle Velocity (PPV) levels calculated for each location, per the county code.

The performance standard at residential district boundaries is .006 in/sec PPV for impulsive vibration (less than 100 events per minute) and .00 in/sec PPV for continuous vibration. Note that the continuous vibration level of .00 in/sec is the same as zero, or no allowable vibrations; we expect that this is not the intent of the code and it is incorrectly written.

The performance standard at all other boundaries including rural boundaries, which represent the majority of the boundary, is .030 in/sec PPV for impulsive vibration (less than 100 events per minute) and .015 in/sec PPV for continuous vibration.

Measurement Locations

The sound and vibration measurements were conducted at 19 locations at or near the property boundary, including two locations across the Rockfish Gap Turnpike (RT 250) as suggested by the county representatives.

The measurement locations are detailed in Appendix A1 and Appendix A2. The appendices show the same measurement locations, with A1 having a map background and A2 having satellite imagery, both pulled from Google Maps. Best efforts were made to measure at the property line, but some locations were inaccessible. In those cases, the measurements were done at a location closer to the sound and vibration sources of your site.

MEASUREMENT RESULTS

Due to ongoing activity during business hours at the mill, we were unable to measure ambient sound levels at most locations. However, at many of those locations, we observed the dominant source of sound to be due to mill activity and the measured sound levels are likely to be representative. The locations where we were able to measure ambient sound levels without intrusion from the mill, the ambient sound levels were typically dominant. The weather during all measurements was sunny, with no precipitation, and no noticeable wind.

Sound Levels – Daytime

The daytime measurement results are shown in the table in Appendix B1 and reported as A-weighted overall levels, where L_{eq} is the five-minute equivalent continuous sound level as per the county code. Ambient sound levels were only measurable during a 30-minute shutdown at noon and only near the Route 250 where activity and equipment that remains on during the shutdown is inaudible.

For the measurement locations away from Route 250 (NV1 – NV14) we were unable to make ambient measurements due to site activity. However, site activity generally dominated the sound levels at those locations and the measurements are representative of the source. At these locations, mill operations, forklifts, log loader, and onsite truck activity generally dominated the sound levels, but specific notes for each measurement location are in the table.

For measurement locations near the road (NV15 – NV19) we were able to measure ambient sound levels near Route 250 and verify that road noise is indeed dominant, with energy averaged ambient sound levels around 74 dBA without mill operation. The ambient sound levels fluctuate due to the amount of traffic on Route 250, so they may be higher or lower for any given five-minute period. Note that NV15, NV18, and NV19 likely have source sound levels below the 60 dBA criterion, while NV16 and NV17 may have levels above the 60 dBA due to proximity of the debarking activity.

The measured sound levels exceeded the daytime criterion defined by the county (60 dBA) at NV1, NV5, NV9, NV10, and NV15 – NV19. However, after adjusting for ambient, we expect that sound levels due to mill operation only exceeded the 60 dBA at NV1, NV5, NV9, NV10, NV16, and NV17.

Sound Levels - Nighttime

The nighttime measurement results are shown in the table in Appendix B2 and reported as A-weighted overall levels. Again, L_{eq} is the five-minute equivalent continuous sound level as per county code. Ambient sound levels were not measurable because the limited nighttime operations at the mill are continuous.

The measured sound levels exceeded the nighttime criterion defined by the county (55 dBA) at NV2, NV9, and NV15 – NV19. NV2 sound levels were dominated by boiler fan noise, while NV9 sound levels were dominated by boiler operations; so these locations need little-to-no ambient correction and do exceed the county's nighttime noise ordinance of 55 dBA. However, we expect that sound levels due to mill operations at NV15 – NV19 would have been in compliance with the ordinance after considering the much higher ambient sound levels of Route 250.

Vibration

The measurement results are shown in the table in Appendix B3 and reported as Peak Particle Velocity (PPV) levels in units of inches per second. This table shows the maximum PPV, typical PPV, and the continuous PPV during the 5-minute measurement period for each location. For the purposes of reporting the measured vibrations we have defined Max PPV as the highest level, typical PPV as the median level (50^{th} percentile), and continuous PPV as a lower level that is always present (1^{st} percentile – the level exceeded 99% of the time, basically the minimum measured level for short duration measurements). Vibration levels are not included for NV8 and NV10 locations because the ground was too soft for an accurate measurement.

For non-residential boundaries, all vibration measurements (NV1 – NV14, a mix of rural and highway commercial) were within the continuous and impulsive criteria defined by the county.

For residential boundaries, the continuous vibration criterion was exceeded at all relevant locations (NV15 – NV19), because the county's criterion is effectively zero. The typical impulsive levels exceeded the residential impulsive criterion only at NV17, while the maximum impulsive levels exceeded the criterion at all

five locations. NV17 vibrations were highest due to the debarking equipment operation, but note that contributions due to traffic were similar to that of NV15 and NV19.

To put these vibration levels into perspective we can reference the ANSI standard for human exposure to vibration[1]. The standard defines the threshold of perception in humans to be roughly equal to the impulsive criterion defined in the county code for residential boundaries at 0.006 in/sec PPV. Comparing the reported levels with the ANSI reference, the continuous and typical impulsive vibration levels generally fall well below the threshold of perception for vibration. Note also that there are no sensitive receivers at the measurement locations and that we would expect additional reductions as vibrations propagate over larger distances to human receivers.

For reference at residential boundaries, this ANSI standard also defines a site-multiplying factor to apply for different types of use and times of day. Between the hours of 7AM to 10PM for residential receivers it recommends a site multiplying factor between 1.4 and 4, meaning the suggested limit would move from 0.006 in/sec to between 0.0084 in/sec and 0.024 in/sec, which are greater than all measured levels, with the exception of maximum levels at NV17, which is at the RT 250.

NEW EQUIPMENT SOUND LEVELS

A new sorting and stacking building is being constructed near NV1 and NV2. We understand that construction of the building has already begun with roughly half of the sorting equipment in place and the stacking equipment already operational. We also understand that this equipment will have a final construction similar to the existing sorting and stacking building on the Southeast side of your site. Because we cannot easily predict the noise due to this future equipment, we are instead relying on sound and vibration radiated from the existing sorting and stacking building to estimate the sound level at NV1 and NV2 once the new building is complete.

Using sound levels measured at the multiple distances from the existing building, we estimate the new building would produce sound levels of 66 dBA at NV1 and 60 dBA at NV2. The resulting change in sound level would be about 2 dBA higher at both NV1 and NV2, as shown in Table 3.

Table 3: Estimated Sound Level after Sorter and Stacker building is complete

Measurement Location	Current Sound Level L_{eq} (dBA)	Estimated Sound Level of New Building, L_{eq} (dBA)	Estimated Total Sound Level, L_{eq} (dBA)
NV1 (~30' to New Bldg.)	69	66	71
NV2 (~120' to New Bldg.)	61	60	63

The typical vibration level at the same distance from the building would be 0.0045 in/s at NV1 and 0.0014 in/s at NV2. We do not expect a significant change in typical PPV vibration levels because the typical levels are so similar to current typical levels, as shown in Table 4.

Table 4: Estimated Typical PPV Vibration Level after Sorter and Stacker building is complete

Measurement Location	Current Typical PPV (in/sec)	Estimated Typical PPV of New Building (in/sec)	Estimated Typical PPV (in/sec)
NV1 (~30' to New Bldg.)	0.0045	0.0045	0.0045
NV2 (~120' to New Bldg.)	0.002	0.0004	0.002

[1] ANSI S2.71-1983 (r2006), Guide to Evaluation of Human Exposure to Vibration in Buildings.

FOLLOW-UP WORK

New Building Verification

We previously planned to verify the sound levels of the new building once it is complete. In our initial meeting with the county, they did not believe it would be necessary. Should it become necessary, we are available to complete that task as previously outlined.

Mitigation Recommendations

Because some of the sound and vibration levels do not comply with the county code, they may require additional information, investigation, or mitigation. We are available to respond to requests from you or the county as additional services.

I hope this provides you with the information you need at this time. If you have any questions, please contact me at 434-218-0759.

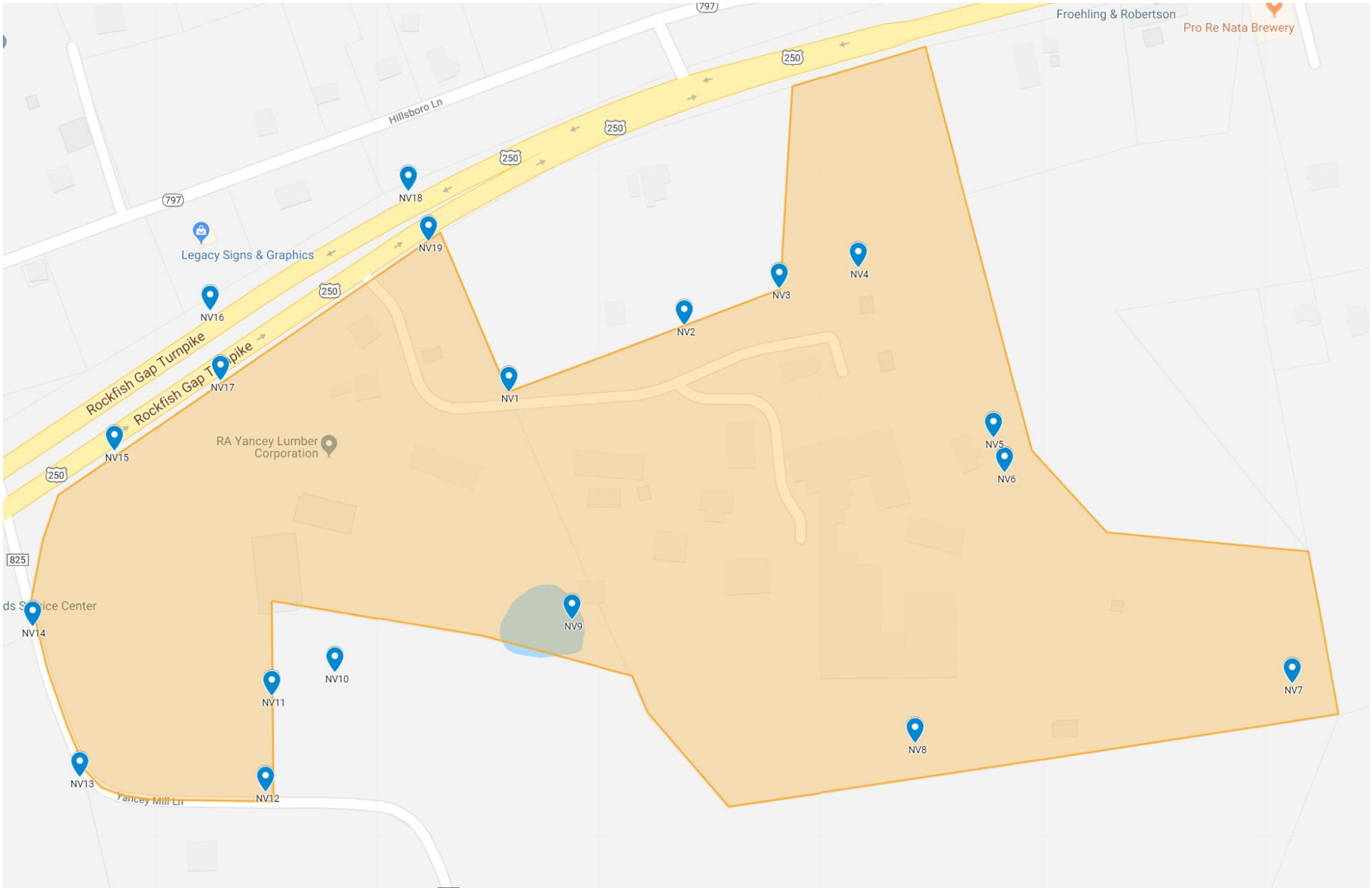
Sincerely,

Acentech Incorporated

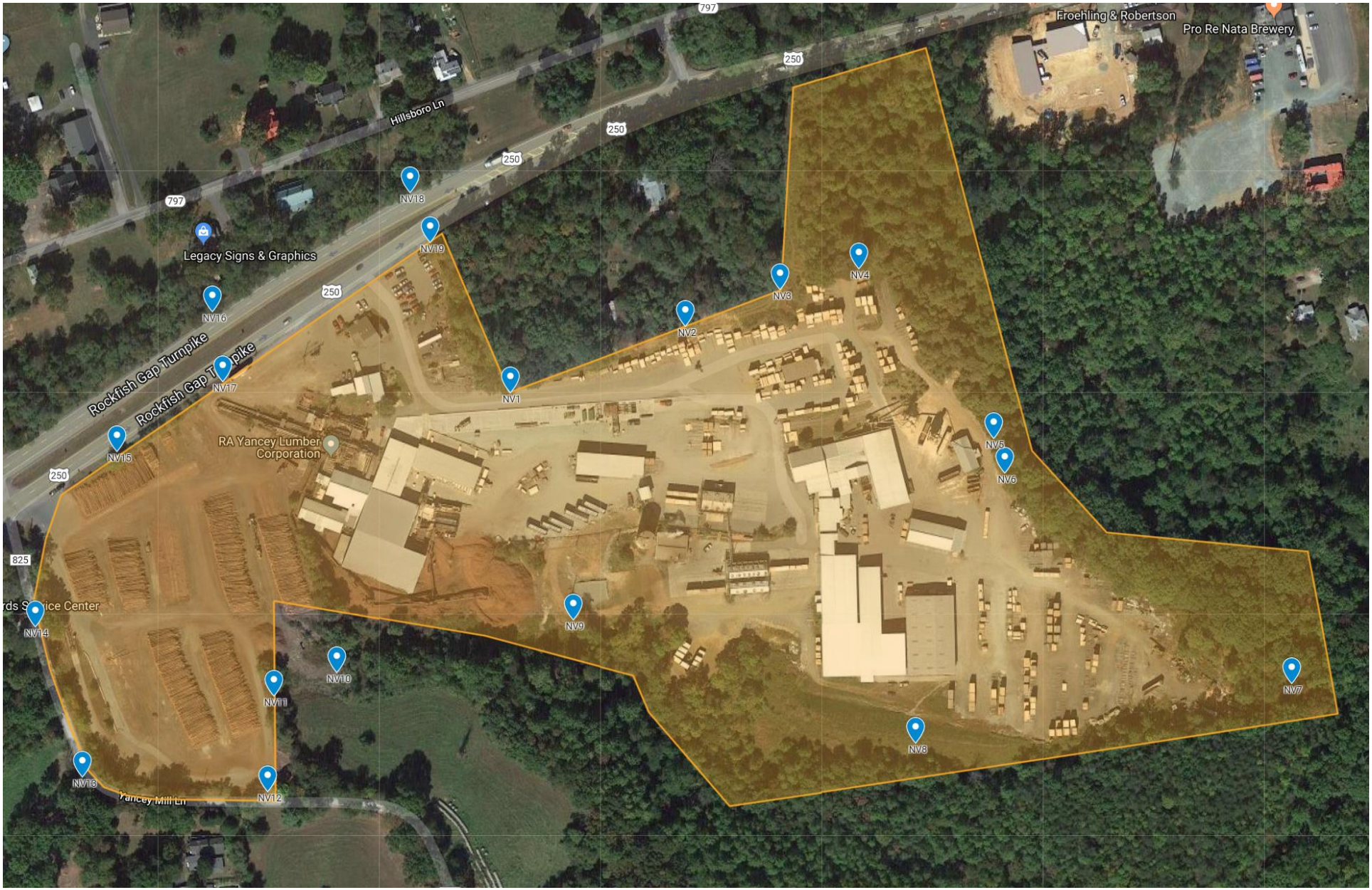


Bill Yoder
Senior Staff Scientist

Appendix A1: Map of Measurement Locations



Appendix A2: Imagery of Measurement Locations



Appendix B1: Daytime Sound Level Measurement Results, 2018 & 2019

Measured Daytime Sound Levels Around the Property Boundary					
Measurement Location	2018 Measured L_{eq} (dBA)	2019 Measured L_{eq} (dBA)	2019 w/o Amb. L_{eq} (dBA)	Conditions	Notes for 2019 measurements (Sources given in order of dominance)
NV1	68.2	68.8	--	A, B	Forklifts, mill building
NV2	59.4	61.5	--	A, B	Mill building
NV3	58.6	57.5	--	A, B	Forklifts, truck, mill building
NV4	56.5	54.0	--	A, C	Forklifts, Rt. 250
NV5	61.7	62.1	--	A, B	Dust drop motor, forklifts
NV6	59.8	66.8	--	A, B	Forklifts, trucks
NV7	45.8	48.5	--	A, C	Forklifts, I-64
NV8	54.7	53.9	--	A, B	Forklifts, motor noise
NV9	64.8	64.1	--	A, B	Boiler fan, chipper, dust feed
NV10	69.6	63.4	--	A, B	Mill building
NV11	59.5	57.9	--	A, B	Debarker, mill building
NV12	61.9	56.5	--	A, B	Mill building
NV13	55.9	54.0	--	A, C	Truck at mill, I-64
NV14	64.5	59.3	--	A, B	Log loader, truck at mill
NV15	70.2	74.1	< 64	D, E	Rt. 250 dominates, debarking quieter and intermittent
NV16	70.4	72.1	< 62	D, E	Rt. 250 dominates, debarking is intermittent
NV17	80.5	76.6	< 73	D, E	Rt. 250 dominates, debarking is intermittent
NV18	71.2	73.8	< 64	D, E	Rt. 250 dominates, debarking quieter and intermittent
NV19	71.8	71.7	< 62	D, E	Rt. 250 dominates, debarking quieter and intermittent

A - Ambient was unmeasurable, the mill never shut down or activity never stopped.
B - Measured level was observed to be due to the mill, not strongly impacted by ambient.
C - Measured level was observed to be due to the mill and ambient.
D - Measured level was observed to be due to ambient, not strongly impacted by the mill.
E - Applying ambient corrections following the ordinance's correction table.

Appendix B2: Nighttime Sound Level Measurement Results, 2019

Nighttime Sound Levels Around the Property Boundary				
Measurement Location	2019 Measured L_{eq} (dBA)	2019 w/o Amb. L_{eq} (dBA)	Conditions	Notes for 2019 measurements (Sources given in order of dominance)
NV1	51.9	--	A, C	Rt. 250 and boiler fan equally dominant.
NV2	56.0	--	A, B	Boiler fan, bugs
NV3	52.6	--	A, B	Boiler fan, bugs
NV4	47.0	--	A, D	Rt. 250, bugs
NV5	47.4	--	A, D	I-64, bugs
NV6	50.9	--	A, C	Boiler fan, I-64, bugs
NV7	50.3	--	A, D	I-64, bugs.
NV8	51.3	--	A, C	I-64, boiler fan, bugs.
NV9	61.5	--	A, B	Boiler fan, scroll motor? at the mill building
NV10	49.9	--	A, B	Boiler fan, mill building, bugs
NV11	50.9	--	A, B	Mill building, I-64, bugs
NV12	52.1	--	A, C	I-64, bugs, boiler fan
NV13	52.0	--	A, D	I-64, bugs
NV14	51.8	--	A, C	Rt. 250, I-64, bugs, boiler fan
NV15	63.6	< 54	A, D, E	Rt. 250, I-64, bugs
NV16	70.0	< 60	A, D, E	Rt. 250, I-64, bugs
NV17	65.2	< 55	A, D, E	Rt. 250, I-64, bugs
NV18	66.3	< 56	A, D, E	Rt. 250, I-64, bugs
NV19	65.7	< 56	A, D, E	Rt. 250, I-64, bugs

A - Ambient was unmeasurable, the mill never shut down or activity never stopped.
B - Measured level was observed to be due to the mill, not strongly impacted by ambient.
C - Measured level was observed to be due to the mill and ambient.
D - Measured level was observed to be due to ambient, not strongly impacted by the mill.
E - Applying maximum 10dB correction allowed by the ordinance's correction table since mill is not dominant.

Appendix B3: Daytime Vibration Measurement Results, 2018

Measured Tri-axial Peak Particle Velocity (PPV) Vibration Levels Around the Property Boundary				
Location	Max Impulsive PPV (in/sec)	Typical Impulsive PPV (in/sec)	Continuous PPV (in/sec)	Notes
Non-Residential Boundaries	Criterion .030 in/sec		Criterion .015 in/sec	
NV1	0.0077	0.0045	0.0023	Max PPV was due to forklift activity.
NV2	0.0063	0.0020	0.0016	Max PPV was due to forklift activity.
NV3	0.0070	0.0047	0.0036	Max PPV was due to forklift activity.
NV4	0.0041	0.0024	0.0020	No visible activity.
NV5, NV6	0.0084	0.0056	0.0044	Forklift and truck activity.
NV7	0.0021	0.0011	0.0006	No visible activity.
NV8	--	--	--	Ground was too soft for an accurate measurement
NV9	0.0037	0.0022	0.0012	Boom lift active at boiler.
NV10	--	--	--	Ground was too soft for an accurate measurement.
NV11	0.0025	0.0015	0.0008	Log loader activity, idling trucks at weigh station.
NV12	0.0030	0.0013	0.0009	Log loader activity, idling trucks at weigh station.
NV13	0.0037	0.0022	0.0014	Log loader activity, idling trucks at weigh station.
NV14	0.0054	0.0004	0.0003	Log loader activity, idling trucks, traffic pass-by.
Residential Boundaries	Criterion .006 in/sec		Criterion .00 in/sec	
NV15	0.0157	0.0039	0.0019	Max PPV was due to traffic pass-by.
NV16	0.0108	0.0050	0.0030	Max PPV was due to traffic pass-by.
NV17	0.0308	0.0099	0.0053	PPV primarily due to debarking equipment.
NV18	0.0070	0.0038	0.0018	Max PPV was due to traffic pass-by.
NV19	0.0217	0.0030	0.0016	Max PPV was due to traffic pass-by.

APPENDIX C – GLOSSARY & LAY TERMS

C1. GLOSSARY OF TERMINOLOGY

We understand that acoustic terminology may confusing. The following is a brief glossary of some acoustical terms used in this report that you may find useful.

Accelerometer
A vibration sensor that directly measures the acceleration (rate of change of velocity) of a surface.

Ambient Sounds
The sounds due to environmental, traffic, or other nearby sources that are unrelated to the source(s) being measured.

dB = decibels, dBA = decibels, A-weighted
Decibels (abbreviated dB) are used to measure the relative loudness of sound, based on a logarithmic scale. For reference, normal human speech is in the range of 65 decibels, painful rock music or aircraft noise may be as loud as 130 decibels. A-weighting filters the sound in a way that is similar to human hearing, and hence dBA levels are often referenced in various acoustical standards. Note that a 10dB increase in sound is associated with a perceived doubling in sound level.

Hz = Hertz, frequency
The frequency of a sound or vibration in cycles per second. Low frequency is associated with bass and are low pitch, while higher frequencies are high pitched.

Leq
The equivalent continuous sound level, or energy-average sound level, over a defined measurement period. Note that the sound level may be higher or lower during the measurement period.

Receiver
The location or person(s) receiving the sound or vibration. In this case, the county's ordinances requires that measurements be made at the receiving property boundaries.

Sound Level Meter
A device used to measure the sound level at a given location. Often these are required to meet a specific class/type 0, 1, or 2 to indicate a minimum performance of the meter, where 0=Lab, 1=Precision, 2=Industrial.

Source
The equipment or operations being measured for compliance with the county's ordinances. In this case, the source is the lumber mill and related activity.

C2. SOUND IN LAY TERMS

The magnitude, or loudness, of sound waves (pressure oscillations) is described quantitatively by the terms sound pressure level, sound level, or simply noise level. The magnitude of a sound is measured in decibels, abbreviated as dB. Decibels are used to quantify sound pressure levels just as degrees are used to quantify temperature and inches are used to quantify distance. The faintest sound level that can be heard by a young healthy ear is about 0 dB, a moderate sound level is about 50 dB, and a loud sound level is about 100 dB.

Sound level meters are usually equipped with electronic filters or weighting circuits, for the purpose of simulating the frequency response characteristics of the human ear. The A-weighting filter included with essentially all sound level meters is most commonly employed for this purpose because the measured sound level data correlate well with subjective response to sounds. Sound levels measured using the A-weighting filter are designated by dBA.

The frequency of a sound is analogous to its tonal quality or pitch. The unit for frequency is hertz, abbreviated Hz (formerly cycles per second or cps). Thus, if a sound wave oscillates 500 times per second, its frequency is 500 Hz. The normal frequency range of human hearing extends from a low frequency of about 20 to 50 Hz (a rumbling sound) up to a high frequency of about 10,000 to 15,000 Hz (a hissing sound) or even higher for some people. People have different hearing sensitivity to different frequencies and generally hear best in the mid-frequency region that is common to human speech, about 500 to 4000 Hz.

An increase or decrease of the sound level by 1 or 2 dB is generally not noticeable. Whereas a change of the ambient sound level by 5 or 6 dB is generally noticeable and a change in the sound level by 10 dB is generally considered to represent a doubling or halving of the perceived sound.

C3. VIBRATION IN LAY TERMS

Vibration in buildings is often reported in terms of Vibration Velocity, where velocity represents the rate that vibration waves change. The level of vibration velocity is typically reported in micro-inches per second (µin/s) or inches per second (in/s). Unlike sound levels reported using the dB scale, vibration reported in terms of linear units (µin/s or in/s) is simpler to understand when levels change. A doubling of vibration velocity level corresponds to an actual doubling of the vibration.

As with sound, the frequency of a vibration is analogous to its tonal quality or pitch. Thus, if a vibration wave oscillates 10 times per second, its frequency is 10 Hz. People have different sensitivity to vibration, though a level of .004 inches per second, root-mean-squared (RMS) is considered a conservative threshold of perception.

In some situations, where you may be concerned about damage, vibration is calculated from the peak of the actual vibration waveform, this is known as Peak Particle Velocity (PPV). PPV is typically the metric used during large construction or mining activities that may include blasting, or where vibration may be strong enough to cause structural damage to a building or other object (such as artwork). The relationship between root-mean-squared (RMS) vibration velocity and peak particle velocity is difficult to define for various reasons, but peak particle velocity is always at least 1.4x higher than RMS vibration velocity.

Direct Dial: 434.951.5709
vlong@williamsmullen.com

March 12, 2020

VIA EMAIL: bfritz@albemarle.org

Mr. Bill Fritz
Director of Special Projects
Albemarle County
Department of Community Development

Re: R.A. Yancey Lumber Corporation – Special Exception Requests

Dear Bill:

In connection with the pending application for Special Exceptions on behalf of our client R.A. Yancey Lumber Corporation (the "Company"), I enclose updated exhibits dated March 12, 2020 for inclusion in the package with the staff report for the Planning Commission. As we have discussed, based on feedback from the community generally, from meetings with neighbors adjacent to the Mill, and from you and others in the Community Development Department, we have substantially modified our requests to be far more narrowly tailored; to only request relief in the specific areas where needed, and to only request relief to the extent of any non-conformity.

In general, the Company's request is to allow the historic and current conditions at the Mill to continue, with the buildings and structures in their current locations, and to permit the completion and use of the proposed sorter/stacker in its current location. With regard to noise levels, the Company is not proposing to increase sound levels above current levels, but merely to allow the Mill to continue operating at the same levels as it has for many years. The updated exhibits now break out the measured noise levels at specific locations to more clearly demonstrate the Company's commitment to not increasing sound levels over current levels.

Regarding the proposed sorter/stacker, if the special exceptions are approved, the sound levels from the Mill as a whole would not increase, even with the addition of the sorter/stacker. Please note that this is a change from the Company's original proposal. The Company has proposed to enclose the equipment in two buildings (one for the new sorter, a separate one for the new stacker), which will substantially reduce the existing sound levels. In addition, the Company will install sound absorbing materials inside the sorter/stacker buildings to further reduce sound levels. If further noise mitigation levels are required to comply with the noise level proposals contained in the enclosed exhibits, the Company will implement such measures until compliance is achieved and demonstrated.

Regarding the vibration regulations, we now understand that there is not a mechanism in the County's ordinance to modify these regulations as requested. I have nevertheless included page 13 in our package of exhibits for information, and to demonstrate that the Company substantially complies with the vibration regulations. The only exception is with regard to the area along Route 250 on the far side of Route 250 from the Mill. The Ordinance establishes limits for continuous vibration, and the limits are different adjacent to Residential zoning district

lots than adjacent to other Non-Residential boundaries. The continuous vibration limit adjacent to Residential zoning districts applies on the far side of Route 250 from the Mill because those parcels are zoned Village Residential. As Bill Yoder of Acentech (sound scientist) noted in his report dated October 28, 2019 (previously submitted), the ordinance standard for continuous vibration criteria is effectively zero (0.000 inches per second). Mr. Yoder has advised the staff and the Company that it is effectively impossible to demonstrate compliance with this Residential standard, as it is not possible to measure 0.000 inches per second of vibration. By comparison, the Non-Residential standard is 0.15 inches per second, which is a reasonable limit, and is still half of the threshold of vibration for the most sensitive human. As demonstrated in Mr. Yoder's report, at points 16 and 18 (on the far side of Route 250 from the Mill) the measured continuous vibration levels were 0.0030 and 0.0018 inches per second, respectively. These measurements are well within the Non-Residential standard of 0.15 inches per second that applies at all other boundaries of the Mill. As such, we contend that it would be more reasonable to apply the Non-Residential limit to points 16 and 18 on the far side of Route 250 where the illogical Residential limit applies. This is particularly appropriate given that vehicular and truck traffic along Route 250 contributes to any continuous vibration measurements that are recorded adjacent to Route 250. In fact, with the impossible Residential standard of 0.00 inches per second, even when the Mill is not operating (such as during the thirty-minute lunch break), a single truck driving by would create a continuous vibration in excess of 0.00 inches per second, technically causing the Mill to be out of compliance. Given that unreasonable reality, we contend it is reasonable to apply the Non-Residential standard at points 16 and 18.

The Company complies with the Non-Residential continuous vibration limit of 0.15 inches per second at all locations where it applies, which is along the entire perimeter of the Mill property.

The vibration ordinance also has performance standards for *impulsive* vibrations from the Mill. The Company complies with the applicable impulsive vibration standards in all locations.

Regarding hours of operation, the Company is not proposing to modify its hours of operation, but merely to continue its operations as it has since at least 1960, well before the applicable regulations were put into effect in 1980. The Company is merely requesting that the regulations reflect the historical operations and procedures, as described on page 14 of the exhibits.

Again, I sincerely appreciate your assistance with this request over the many months we have been working with you on these issues. I ask that you please include these updated exhibits and this letter with the staff report to the Planning Commission, so the Commissioners and the public will have the benefit of the current proposal, which we believe is more clear and a more reasonable and appropriate request.

The approval of these Special Exception requests, and the location of the sorter/stacker will enable the Company to continue to operate at this location, by enabling it to remain competitive within its industry, to better serve its customers; and to implement safer and more productive manufacturing practices. In addition to allowing the Mill to survive at this location, it will also

support the jobs and tax revenue associated with its continued operation. We appreciate the Planning Commission and Board of Supervisors thoughtful consideration of these requests.

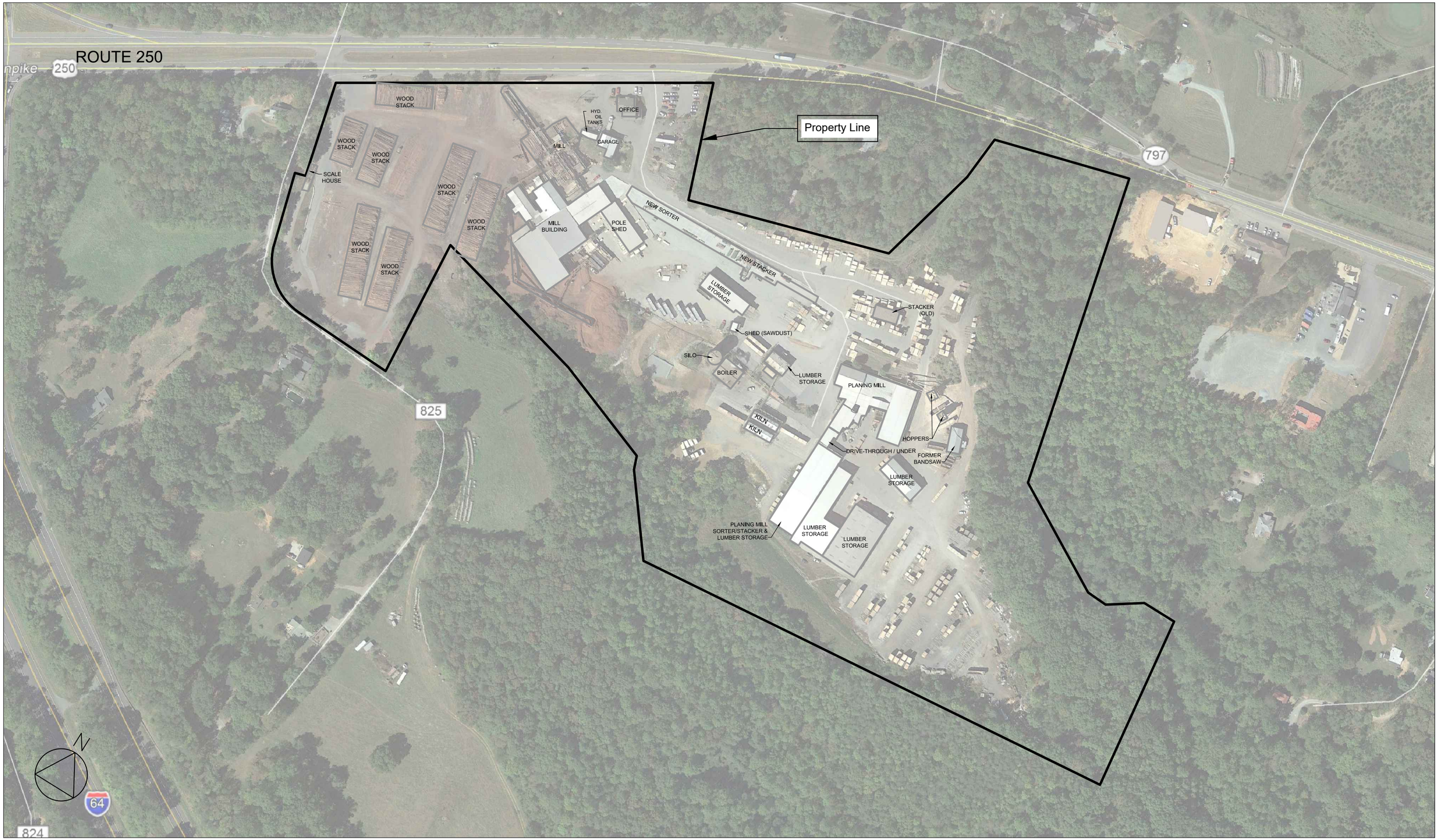
Sincerely,

Valerie W. Long

Valerie W. Long

cc: R. A. Yancey Lumber Company Management

42137163_1

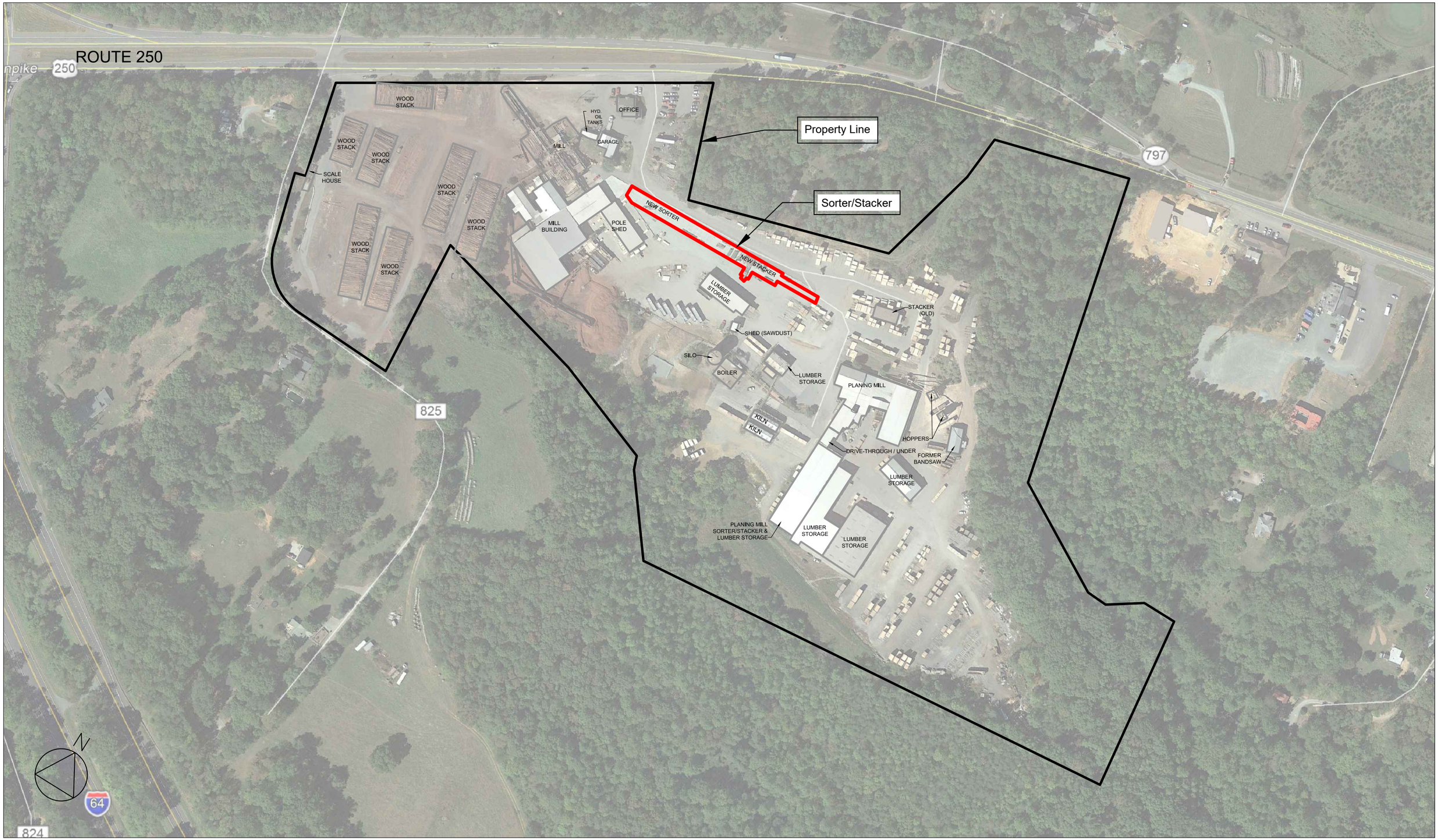


R.A. YANCEY LUMBER CORPORATION

Special Exception Requests

March 12, 2020
*Revised March 26, 2020 (Building Labels)

FPW ARCHITECTS

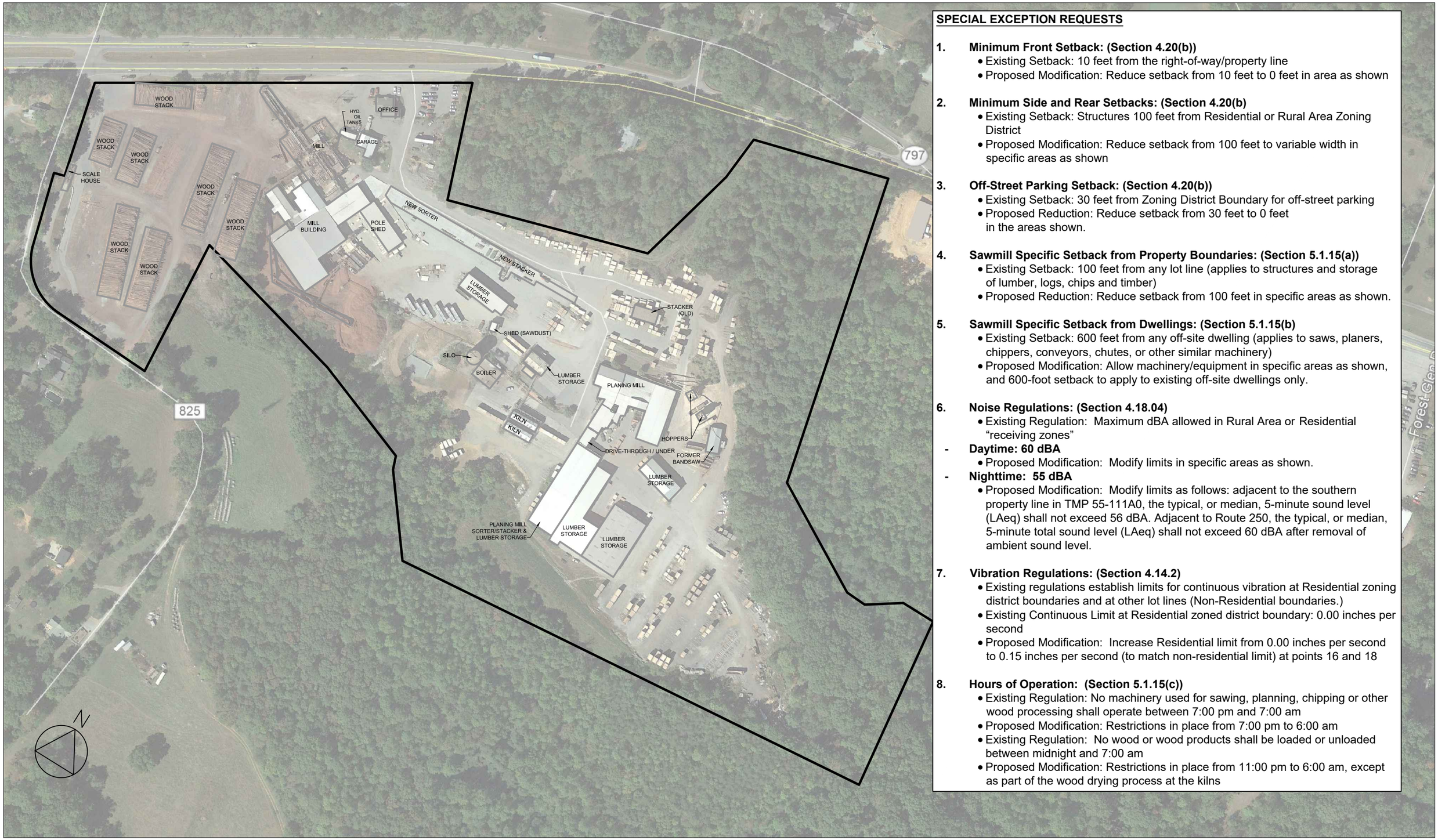


R.A. YANCEY LUMBER CORPORATION

Sorter / Stacker Equipment

March 12, 2020
*Revised March 26, 2020 (Building Labels)

FPW ARCHITECTS



SPECIAL EXCEPTION REQUESTS

1. **Minimum Front Setback: (Section 4.20(b))**
   - Existing Setback: 10 feet from the right-of-way/property line
   - Proposed Modification: Reduce setback from 10 feet to 0 feet in area as shown

2. **Minimum Side and Rear Setbacks: (Section 4.20(b)**
   - Existing Setback: Structures 100 feet from Residential or Rural Area Zoning District
   - Proposed Modification: Reduce setback from 100 feet to variable width in specific areas as shown

3. **Off-Street Parking Setback: (Section 4.20(b))**
   - Existing Setback: 30 feet from Zoning District Boundary for off-street parking
   - Proposed Reduction: Reduce setback from 30 feet to 0 feet in the areas shown.

4. **Sawmill Specific Setback from Property Boundaries: (Section 5.1.15(a))**
   - Existing Setback: 100 feet from any lot line (applies to structures and storage of lumber, logs, chips and timber)
   - Proposed Reduction: Reduce setback from 100 feet in specific areas as shown.

5. **Sawmill Specific Setback from Dwellings: (Section 5.1.15(b)**
   - Existing Setback: 600 feet from any off-site dwelling (applies to saws, planers, chippers, conveyors, chutes, or other similar machinery)
   - Proposed Modification: Allow machinery/equipment in specific areas as shown, and 600-foot setback to apply to existing off-site dwellings only.

6. **Noise Regulations: (Section 4.18.04)**
   - Existing Regulation: Maximum dBA allowed in Rural Area or Residential "receiving zones"
   - **Daytime: 60 dBA**
     - Proposed Modification: Modify limits in specific areas as shown.
   - **Nighttime: 55 dBA**
     - Proposed Modification: Modify limits as follows: adjacent to the southern property line in TMP 55-111A0, the typical, or median, 5-minute sound level (LAeq) shall not exceed 56 dBA. Adjacent to Route 250, the typical, or median, 5-minute total sound level (LAeq) shall not exceed 60 dBA after removal of ambient sound level.

7. **Vibration Regulations: (Section 4.14.2)**
   - Existing regulations establish limits for continuous vibration at Residential zoning district boundaries and at other lot lines (Non-Residential boundaries.)
   - Existing Continuous Limit at Residential zoned district boundary: 0.00 inches per second
   - Proposed Modification: Increase Residential limit from 0.00 inches per second to 0.15 inches per second (to match non-residential limit) at points 16 and 18

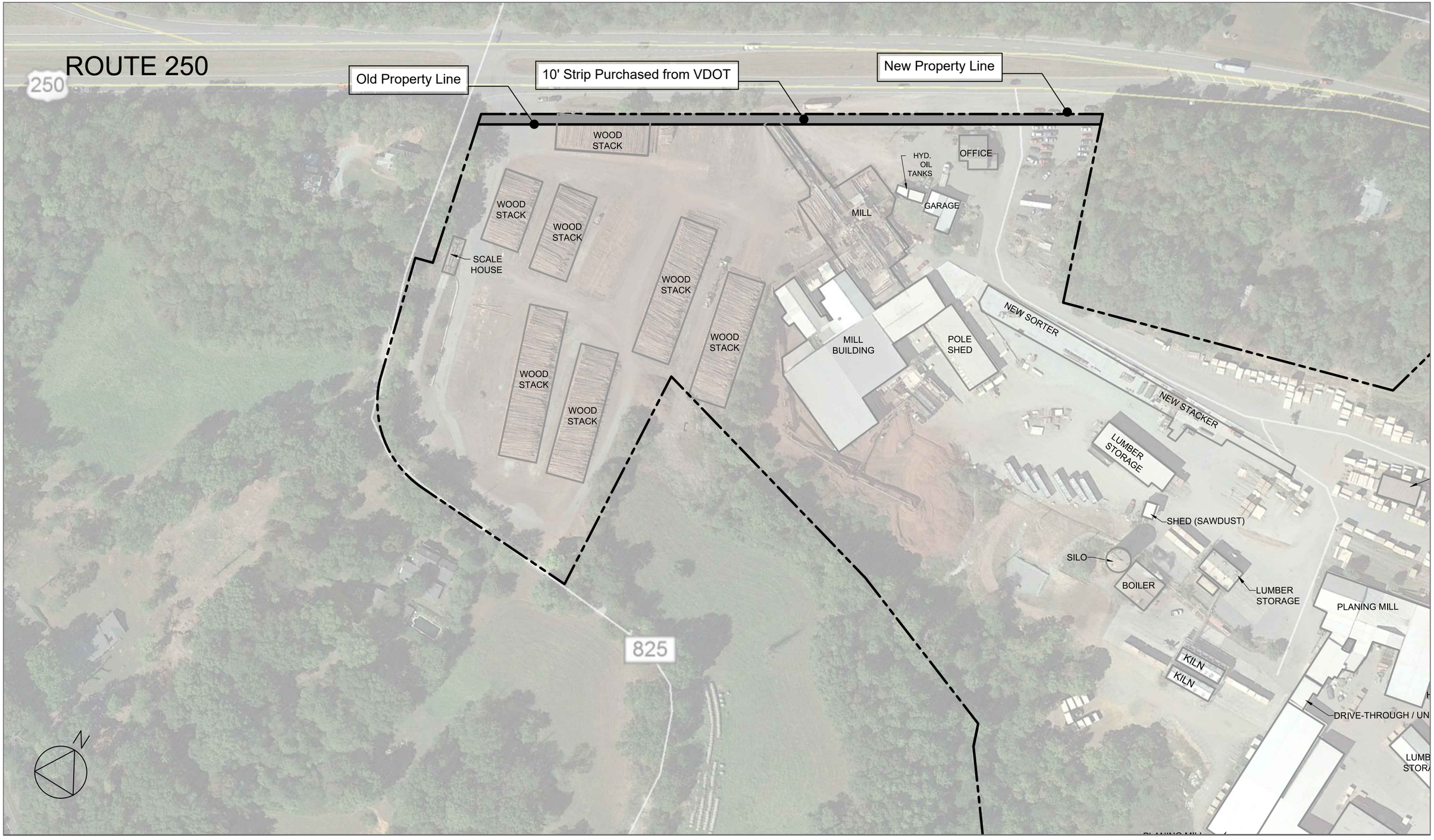
8. **Hours of Operation: (Section 5.1.15(c))**
   - Existing Regulation: No machinery used for sawing, planning, chipping or other wood processing shall operate between 7:00 pm and 7:00 am
   - Proposed Modification: Restrictions in place from 7:00 pm to 6:00 am
   - Existing Regulation: No wood or wood products shall be loaded or unloaded between midnight and 7:00 am
   - Proposed Modification: Restrictions in place from 11:00 pm to 6:00 am, except as part of the wood drying process at the kilns

R.A. YANCEY LUMBER CORPORATION

Special Exception Requests

March 12, 2020
*Revised March 26, 2020 (Building Labels)

FPW ARCHITECTS

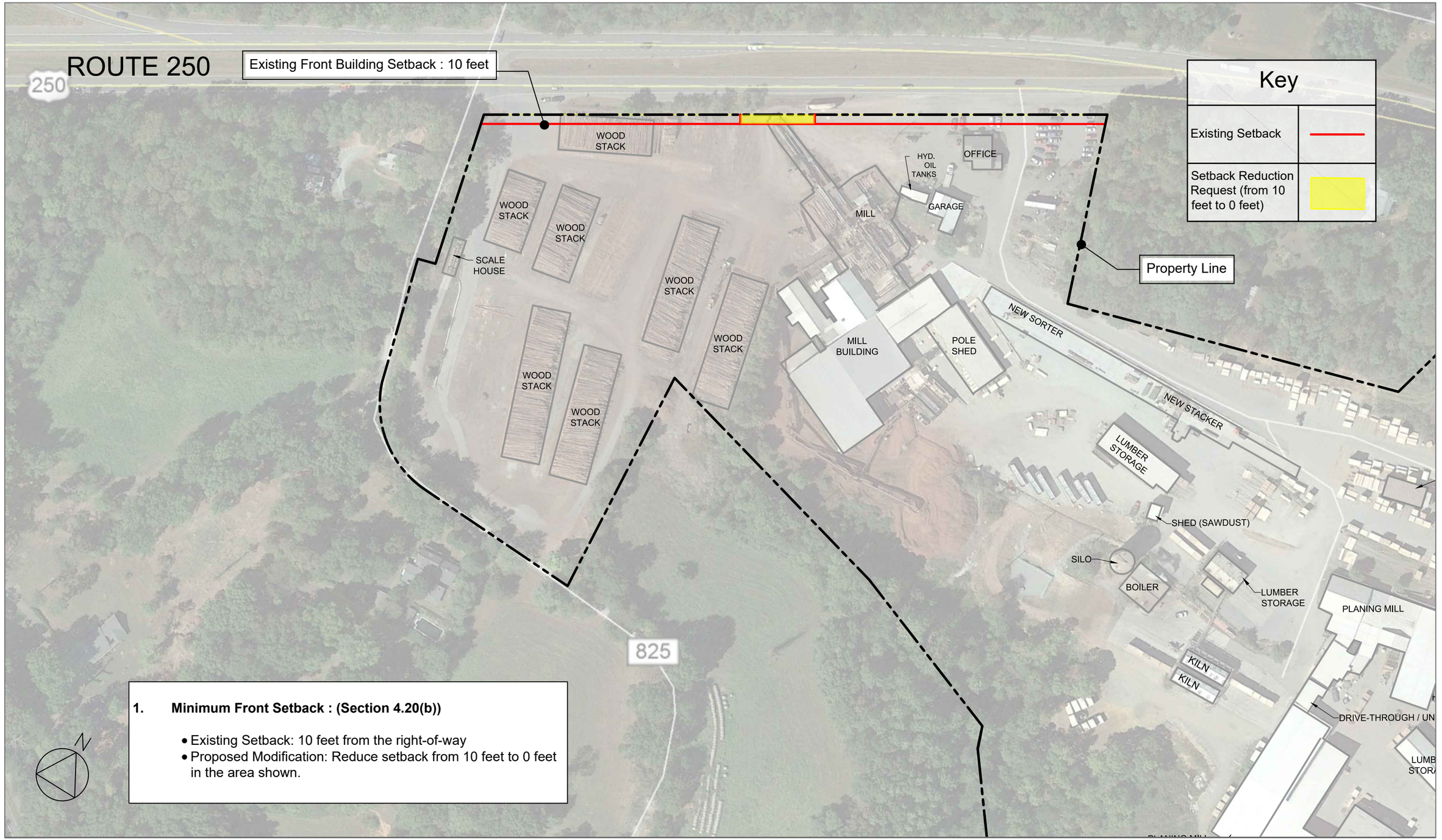


R.A. YANCEY LUMBER CORPORATION

New Property Line Along Route 250

March 12, 2020
*Revised March 26, 2020 (Building Labels)

FPW ARCHITECTS

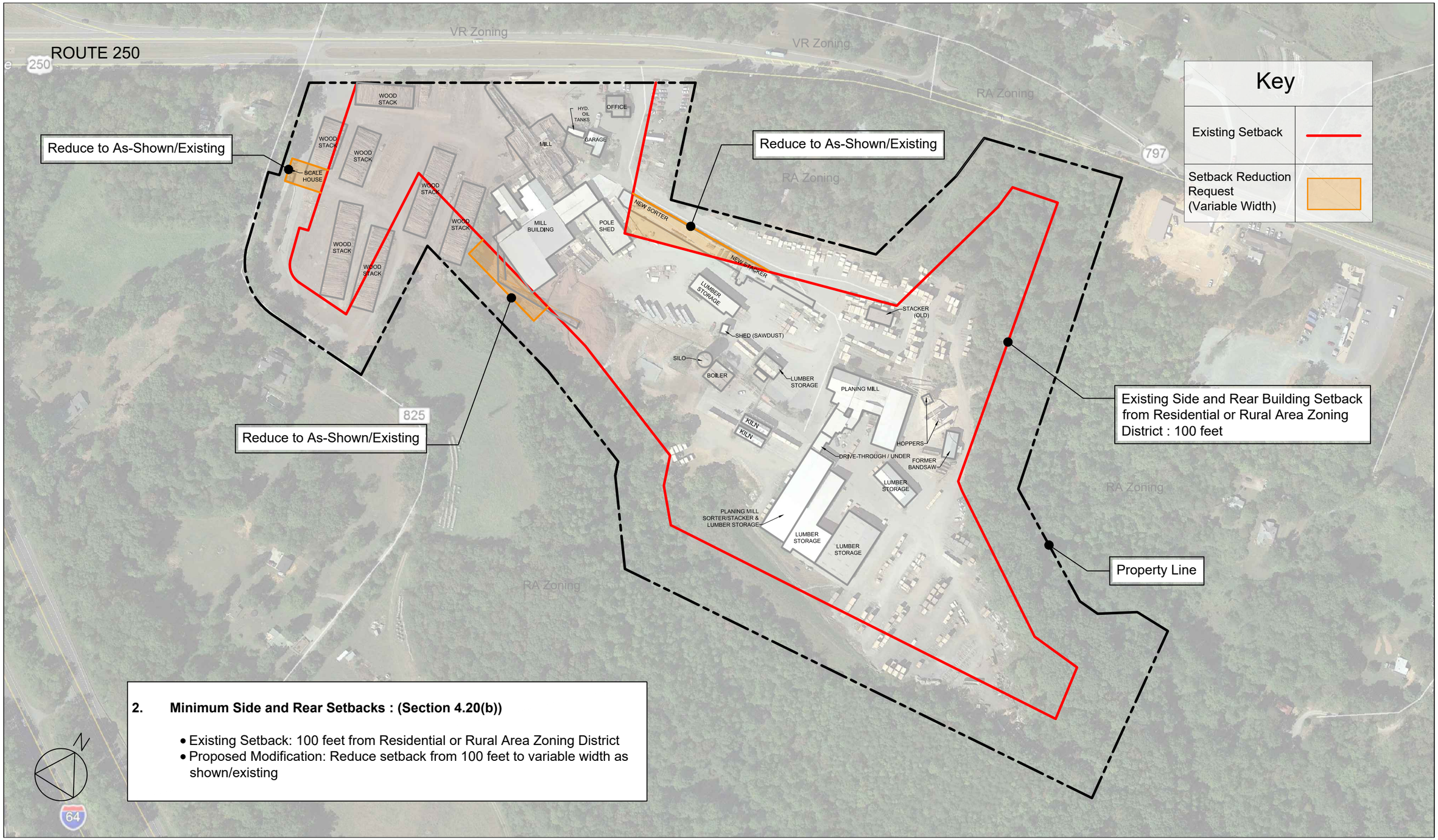


R.A. YANCEY LUMBER CORPORATION

1 - Minimum Front Setback

March 12, 2020
*Revised March 26, 2020 (Building Labels)

FPW ARCHITECTS



2. Minimum Side and Rear Setbacks : (Section 4.20(b))

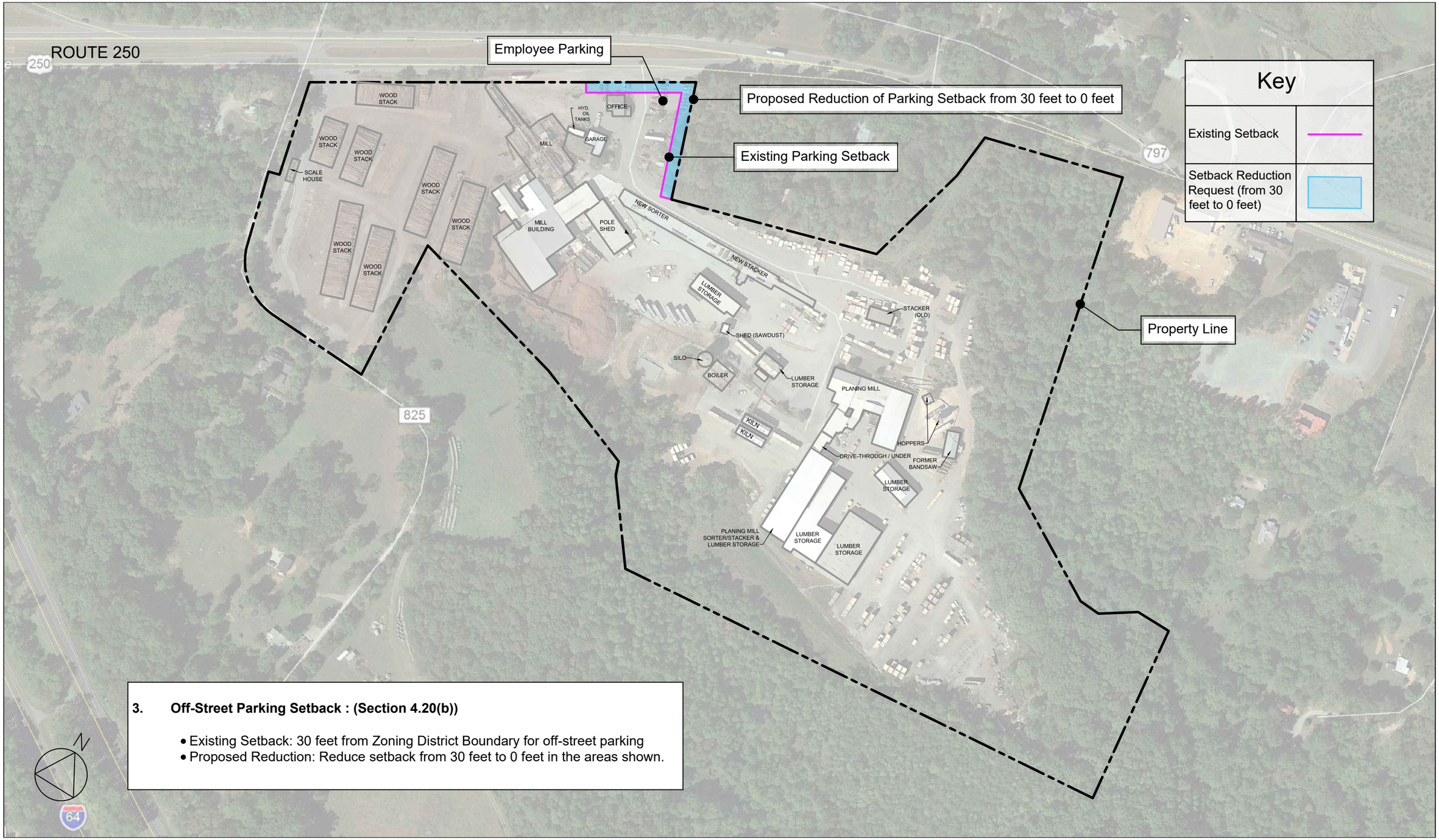
- Existing Setback: 100 feet from Residential or Rural Area Zoning District
- Proposed Modification: Reduce setback from 100 feet to variable width as shown/existing

R.A. YANCEY LUMBER CORPORATION

2 - Minimum Side and Rear Building Setback in Heavy Industrial Zoning District

March 12, 2020
*Revised March 26, 2020 (Building Labels)

FPW ARCHITECTS



3. Off-Street Parking Setback : (Section 4.20(b))

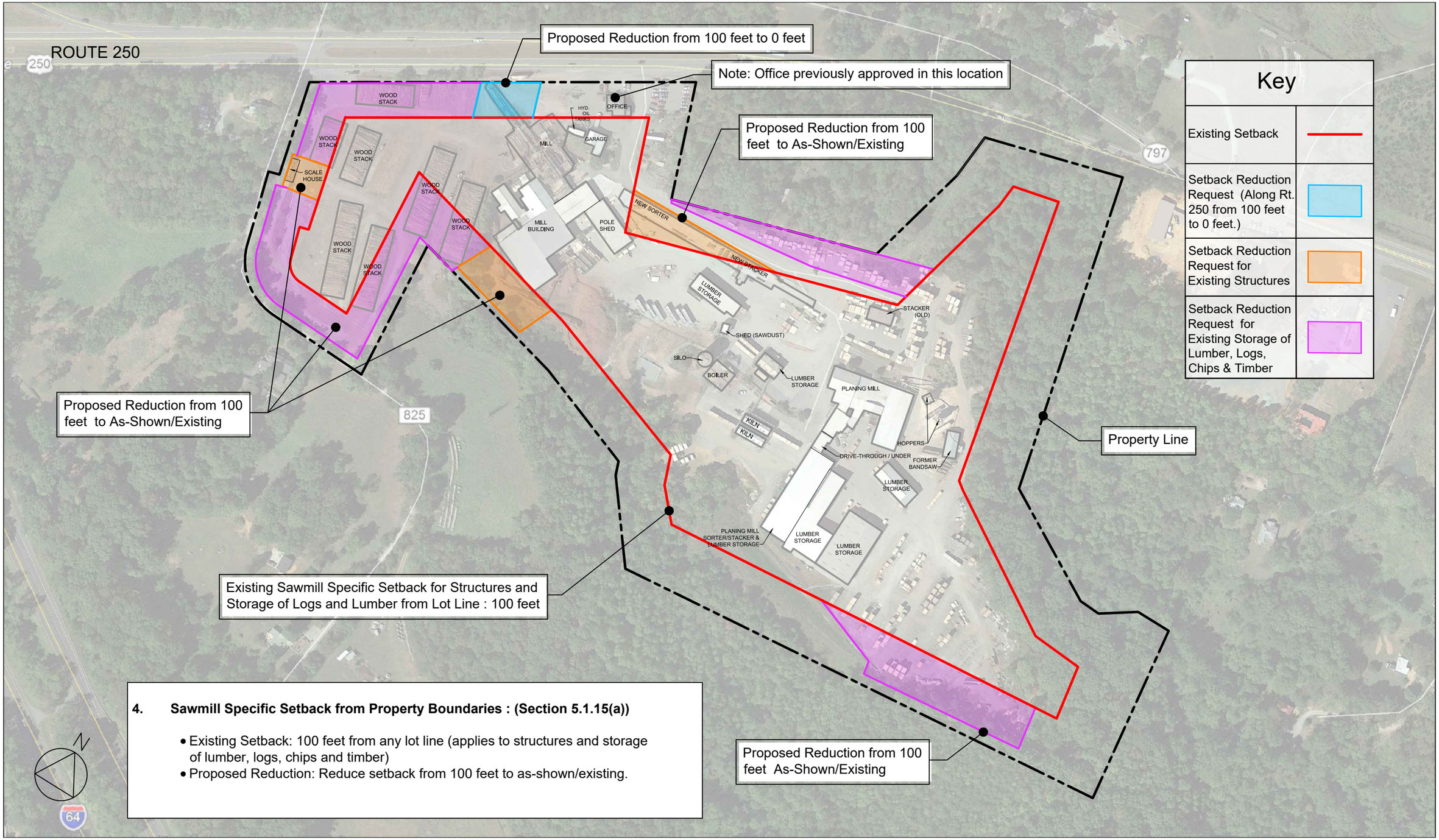
- Existing Setback: 30 feet from Zoning District Boundary for off-street parking
- Proposed Reduction: Reduce setback from 30 feet to 0 feet in the areas shown.

R.A. YANCEY LUMBER CORPORATION

3 - Off-Street Parking Setback

March 12, 2020
*Revised March 26, 2020 (Building Labels)

FPW ARCHITECTS



4. Sawmill Specific Setback from Property Boundaries : (Section 5.1.15(a))

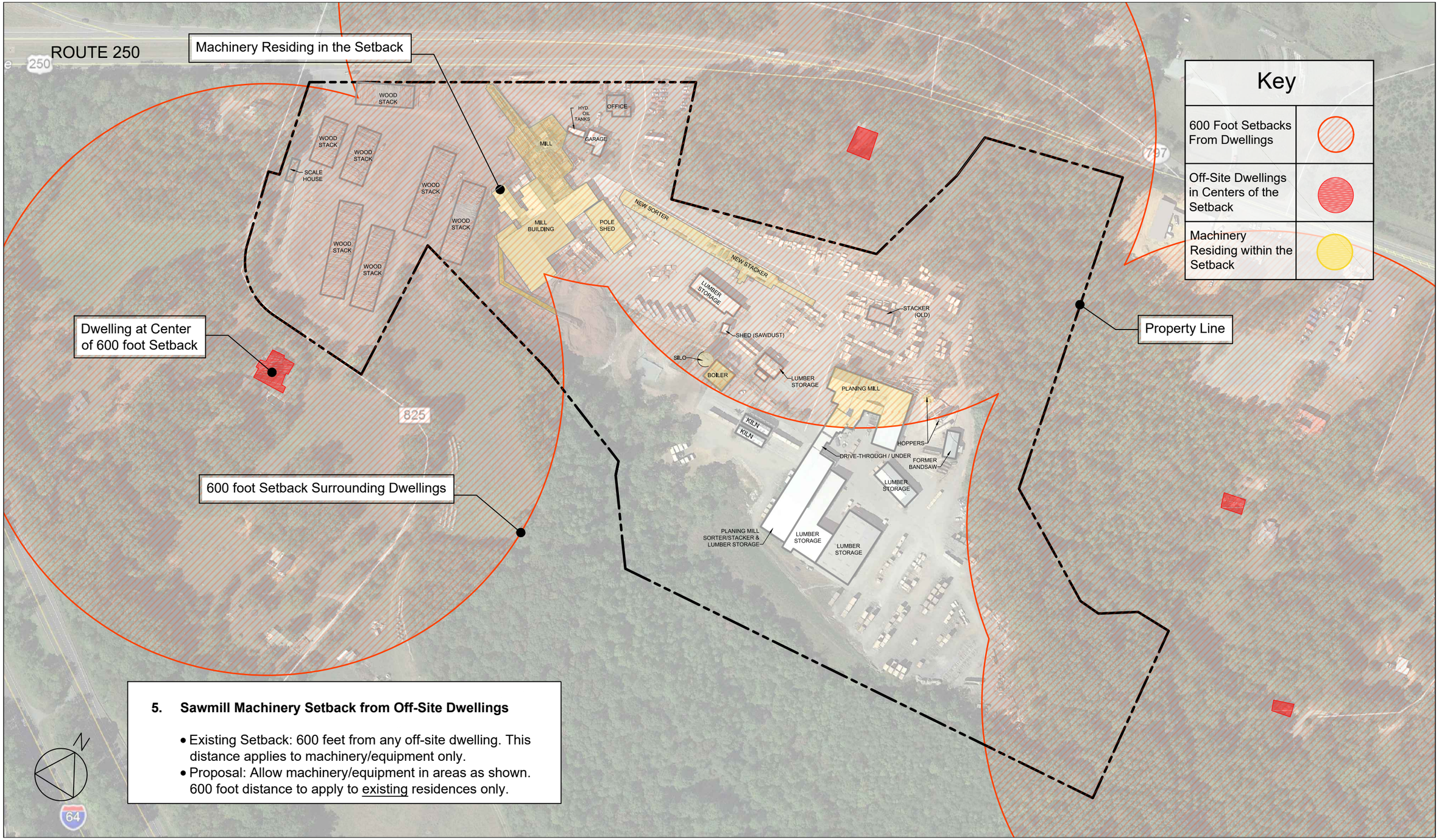
- Existing Setback: 100 feet from any lot line (applies to structures and storage of lumber, logs, chips and timber)
- Proposed Reduction: Reduce setback from 100 feet to as-shown/existing.

R.A. YANCEY LUMBER CORPORATION

4 - Sawmill Specific Setback from Lot Line

March 12, 2020
*Revised March 26, 2020 (Building Labels)

FPW ARCHITECTS



5. Sawmill Machinery Setback from Off-Site Dwellings

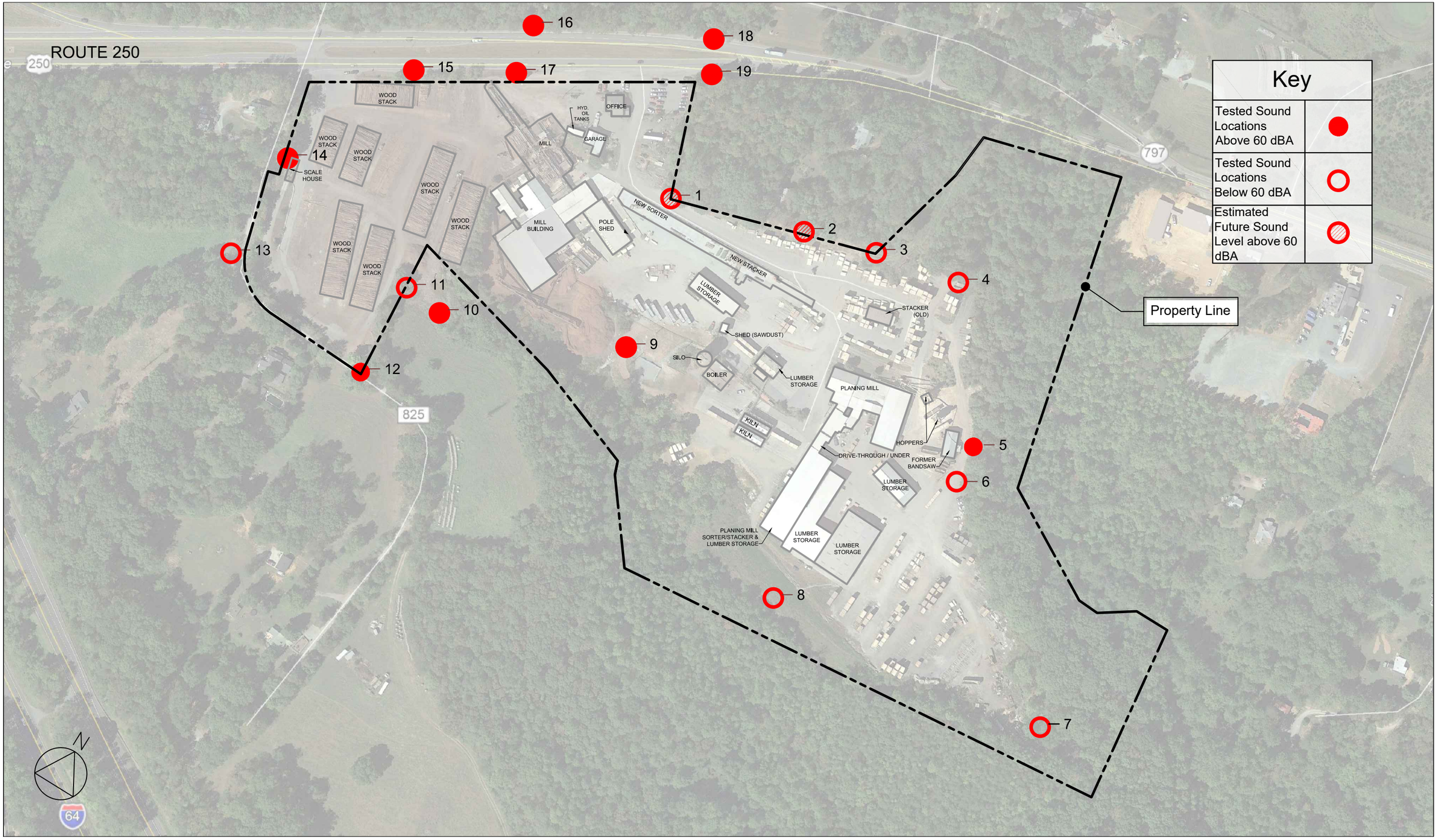
- Existing Setback: 600 feet from any off-site dwelling. This distance applies to machinery/equipment only.
- Proposal: Allow machinery/equipment in areas as shown. 600 foot distance to apply to existing residences only.

R.A. YANCEY LUMBER CORPORATION

5 - Sawmill Machinery Setback from Off-Site Dwellings (Existing Setback)

March 12, 2020
*Revised March 26, 2020 (Building Labels)

FPW ARCHITECTS

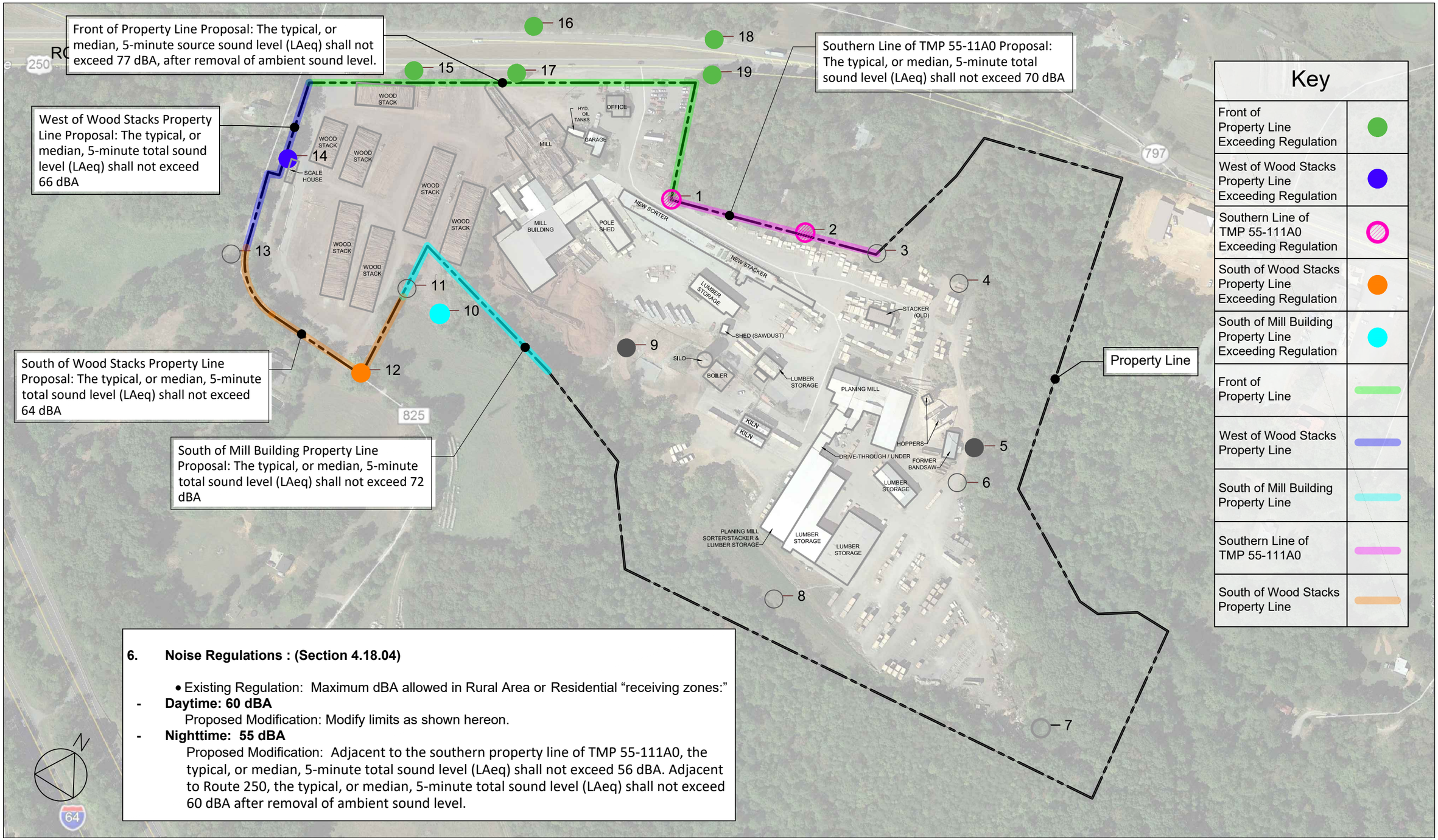


R.A. YANCEY LUMBER CORPORATION

6 - Noise Regulations

March 12, 2020
*Revised March 26, 2020 (Building Labels)

FPW ARCHITECTS



6. Noise Regulations : (Section 4.18.04)

- Existing Regulation: Maximum dBA allowed in Rural Area or Residential "receiving zones:"

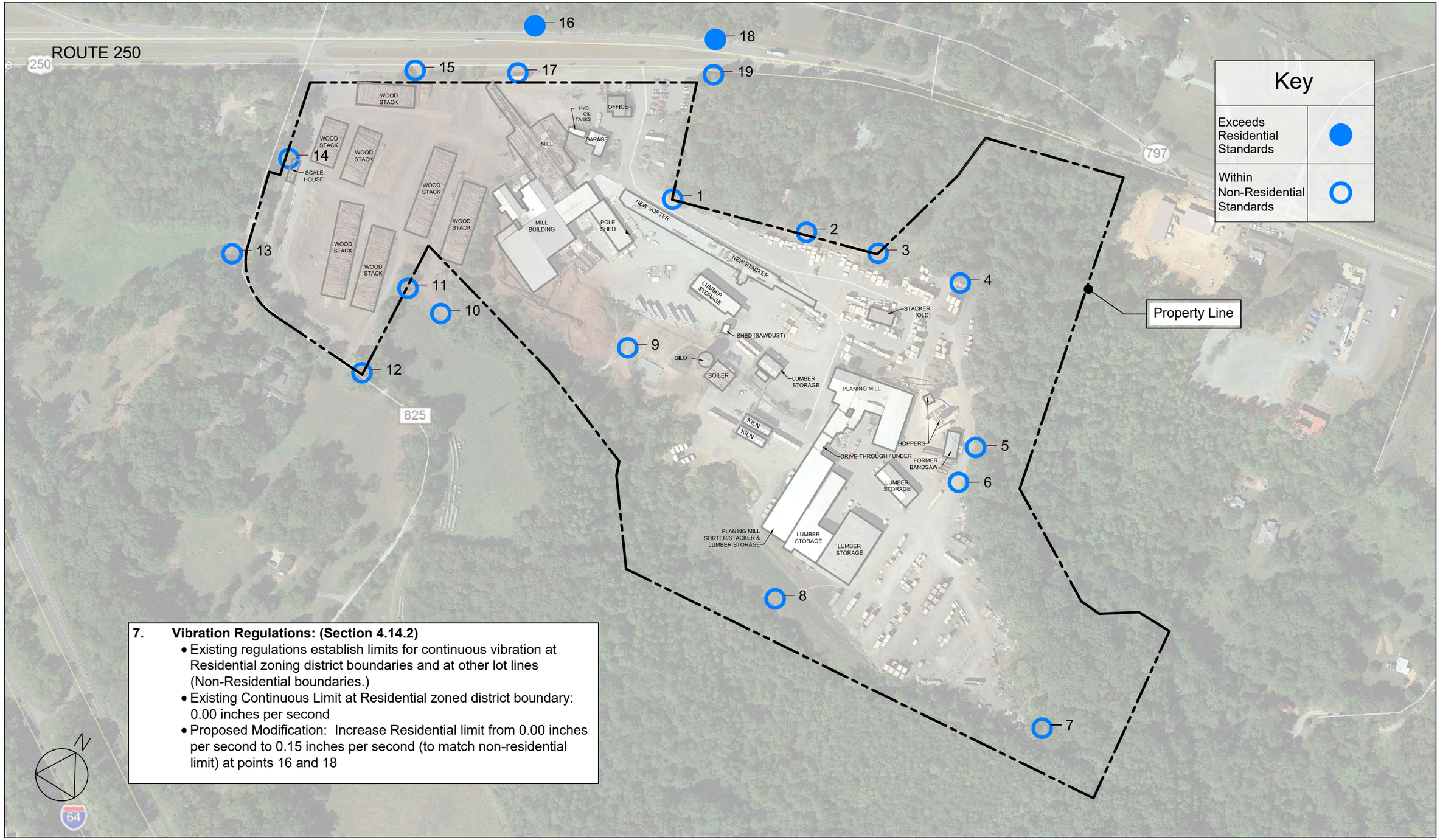
- **Daytime: 60 dBA**
  Proposed Modification: Modify limits as shown hereon.
- **Nighttime: 55 dBA**
  Proposed Modification: Adjacent to the southern property line of TMP 55-111A0, the typical, or median, 5-minute total sound level (LAeq) shall not exceed 56 dBA. Adjacent to Route 250, the typical, or median, 5-minute total sound level (LAeq) shall not exceed 60 dBA after removal of ambient sound level.

R.A. YANCEY LUMBER CORPORATION

6 - Noise Regulations

March 12, 2020
*Revised March 26, 2020 (Building Labels)

FPW ARCHITECTS



7. Vibration Regulations: (Section 4.14.2)

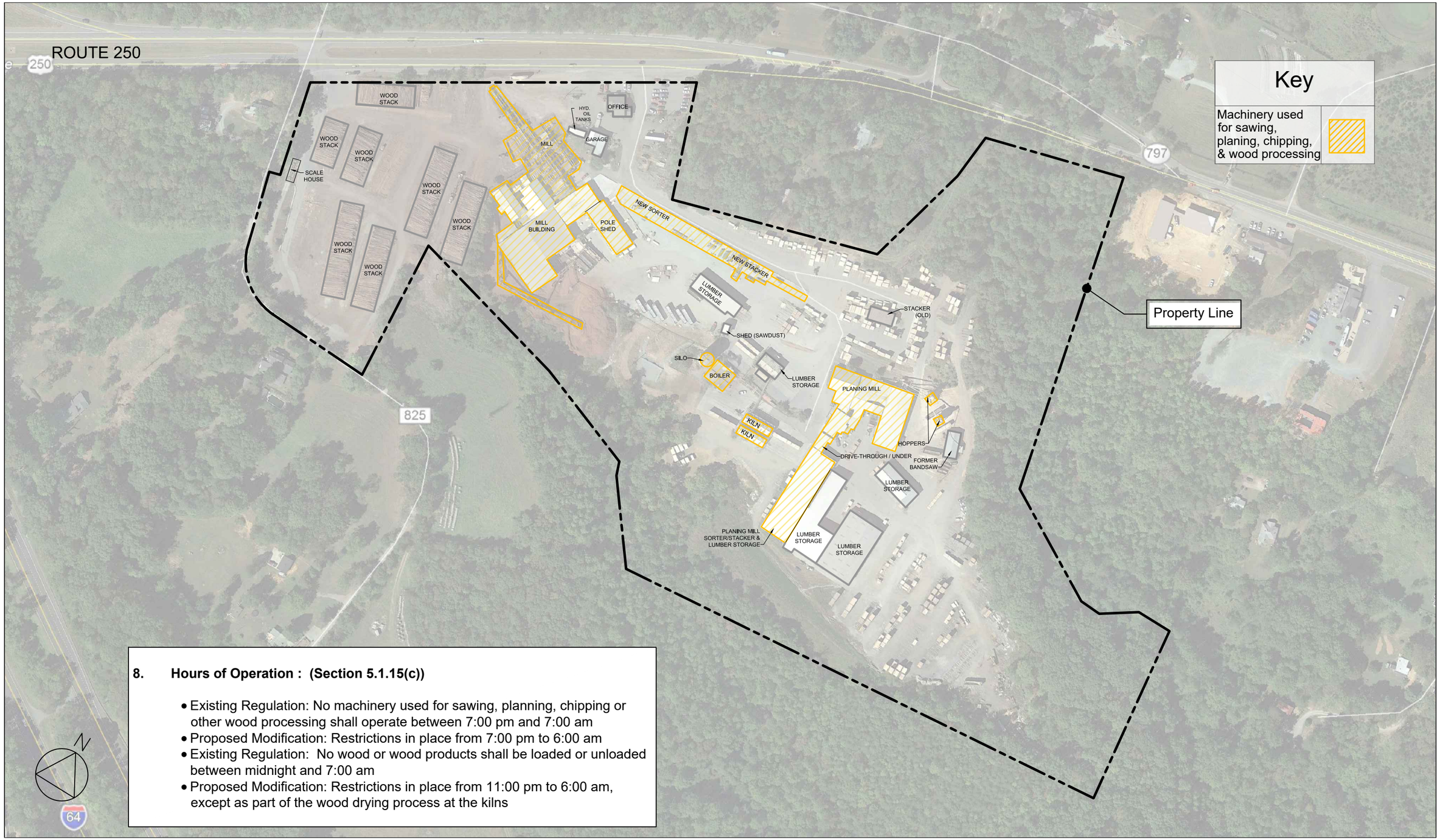
- Existing regulations establish limits for continuous vibration at Residential zoning district boundaries and at other lot lines (Non-Residential boundaries.)
- Existing Continuous Limit at Residential zoned district boundary: 0.00 inches per second
- Proposed Modification: Increase Residential limit from 0.00 inches per second to 0.15 inches per second (to match non-residential limit) at points 16 and 18

R.A. YANCEY LUMBER CORPORATION

7 - Vibration Regulations

March 12, 2020
*Revised March 26, 2020 (Building Labels)

FPW ARCHITECTS



8. Hours of Operation : (Section 5.1.15(c))

- Existing Regulation: No machinery used for sawing, planning, chipping or other wood processing shall operate between 7:00 pm and 7:00 am
- Proposed Modification: Restrictions in place from 7:00 pm to 6:00 am
- Existing Regulation: No wood or wood products shall be loaded or unloaded between midnight and 7:00 am
- Proposed Modification: Restrictions in place from 11:00 pm to 6:00 am, except as part of the wood drying process at the kilns

R.A. YANCEY LUMBER CORPORATION

8 - Hours of Operation

March 12, 2020
*Revised March 26, 2020 (Building Labels)

FPW ARCHITECTS

RECORD DESCRIPTION :

PARCEL ONE

ALL THAT CERTAIN TRACT OR PARCEL OF LAND, CONTAINING 23.24 ACRES, MORE OR LESS, SITUATED ON THE SOUTH SIDE OF U.S. ROUTE NO. 250, ABOUT THIRTEEN MILES FROM CHARLOTTESVILLE, IN THE SAMUEL MILER MAGISTERIAL DISTRICT OF ALBEMARLE COUNTY, VIRGINIA, AS SHOWN ON A PLAT OF WILLIAM S. ROUDABUSH, JR., DATED MARCH, 1964, ATTACHED TO AND RECORDED WITH DEED IN DEED BOOK 398, PAGE 581 (PLAT ON PAGE 584) REFERENCE TO WHICH IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF THE PROPERTY.

BEING THE SAME REAL ESTATE CONVEYED TO R.A. YANCEY LUMBER CORPORATION, BY DEED FROM SIMCO, INC., A VIRGINIA CORPORATION, DATED APRIL 30, 1964 AND RECORDED JUNE 30, 1964 IN THE CLERK 'S OFFICE OF THE CIRCUIT COURT OF ALBEMARLE COUNTY, VIRGINIA, IN DEED BOOK 398, PAGE 585.

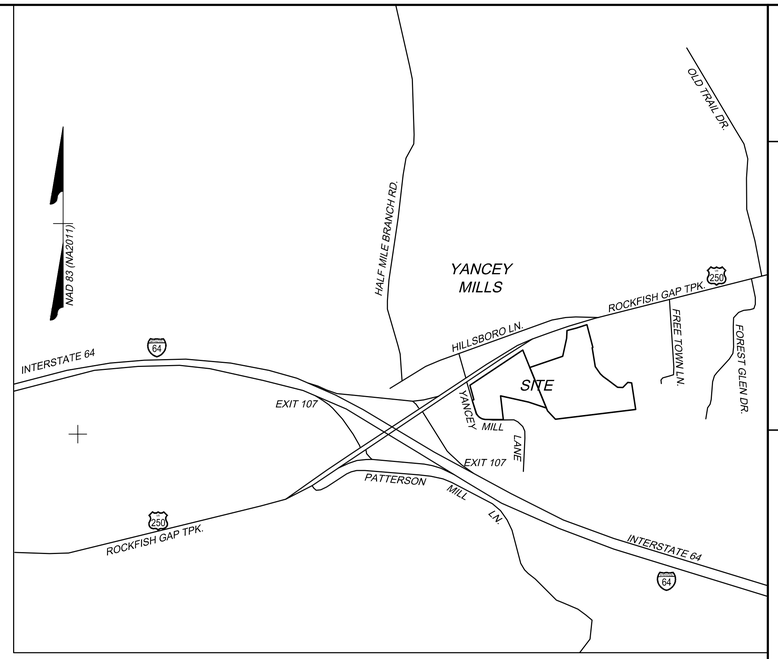
PARCEL TWO

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE VILLAGE OF HILLSBORO IN ALBEMARLE COUNTY, VIRGINIA, CONTAINING
12.5 ACRES, MORE OR LESS, BEING BOUNDED ON THE NORTH BY JEFFERSON HIGHWAY # 250, ON THE EAST BY D.C. WADE AND ON THE SOUTH AND WEST BY F.W. YANCEY AND STATE HIGHWAY #684, AS SHOWN ON PLAT OF T.W. SAUNDERS, SURVEYOR, OF NELSON COUNTY, DATED APRIL 23, 1951, RECORDED WITH DEED IN DEED BOOK 296, PAGE 192, REFERENCE TO WHICH IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF THE PROPERTY.

BEING A PART (PARCEL 14) OF THE SAME REAL ESTATE CONVEYED TO R.A. YANCEY LUMBER CORPORATION BY DEED FROM R.A. YANCEY, ALSO KNOWN AS RICHARD A. YANCEY AND AS R.A. YANCEY, JR., AND ANNA B. YANCEY, HIS WIFE, DATED JANUARY 1, 1960 AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ALBEMARLE COUNTY, VIRGINIA IN DEED BOOK 357, PAGE 289.

ALSO DESCRIBED AS:

BEGINNING AT AN IRON ROD SET ON THE SOUTH LINE OF U.S. ROUTE 250, ROCKFISH GAP TURNPIKE, AT ITS INTERSECTION WITH THE EAST LINE OF YANCEY MILL LANE AND LABELED AS P.O.B;
THENCE, ALONG THE SOUTH LINE OF U.S. ROUTE 250, N56° 22' 11"E 887.00' TO AN IRON ROD FOUND AND BEING A CORNER WITH DAVID R. SWALES AND LISA SEVERSON-SWALES;
THENCE, LEAVING THE SOUTH LINE OF U.S.ROUTE 250, ALONG THE LINE OF SWALES, S21° 53' 49"E 260.92' TO AN IRON PIPE FOUND;
THENCE, CONTINUING ALONG THE LINE OF SWALES THE FOLLOWING COURSES,
N71° 16' 43"E 487.00' TO AN IRON ROD FOUND;
N12° 05' 07"E 256.68' TO AN IRON ROD FOUND;
N2° 50' 15"E 109.37' TO A VDOT MONUMENT FOUND (BROKEN) ON THE SOUTH LINE OF U.S. ROUTE 250;
THENCE, ALONG THE SOUTH LINE OF U.S. ROUTE 250 THE FOLLOWING COURSES,
N75° 47' 40"E 139.97' TO AN IRON ROD SET;
N71° 51' 02"E 149.28' TO A VDOT MONUMENT FOUND AND A CORNER WITH OF FROEHLING & ROBERTSON, INC.;
THENCE, LEAVING THE SOUTH LINE OF U.S. ROUTE 250, ALONG THE LINE OF FROEHLING & ROBERTSON, INC. AND 6135 ROCKFISH GAP, LLC, S14° 49' 43"E 328.80' TO AN IRON ROD SET;
THENCE, CONTINUING ALONG THE LINE OF 6135 ROCKFISH GAP, THE FOLLOWING COURSES,
S74° 31' 34"W 9.96' TO AN IRON ROD FOUND;
S9° 09' 42"E 268.87' TO AN IRON ROD FOUND;
S34° 57' 54"E 123.04' TO AN 18" WHITE OAK WITH WIRE FENCE;
S45° 49' 41"E 54.19' TO AN IRON ROD SET;
S54° 19' 45"E 81.00' TO AN IRON ROD FOUND;
S53° 08' 10"E 170.57' TO AN IRON ROD FOUND;
S87° 01' 49"E 73.24' TO AN 18" WHITE OAK (DEAD) WITH WIRE FENCE;
N44° 05' 22"E 100.45' TO AN IRON ROD FOUND, AND BEING A CORNER WITH ERICA L. HASKINS AND JASON K. CRUTCHFIELD;
THENCE, ALONG THE LINE OF HASKINS AND CRUTCHFIELD, THE FOLLOWING COURSES,
S82° 10' 44"E 53.93' TO AN IRON ROD FOUND;
S8° 47' 45"E 376.10' TO AN IRON PIPE FOUND, AND BEING A CORNER WITH ANTHONY ROBERT ASAI AND YANCEY MILLS HOLDINGS, LLC;
THENCE, ALONG THE LINE OF YANCEY MILLS HOLDINGS, THE FOLLOWING COURSES,
S83° 05' 51"W 1130.51' TO AN IRON ROD FOUND;
N43° 42' 34"W 159.92' TOA 24" PINE (CHOPPED) WITH WIRE FENCE;
N22° 06' 11"W 43.36' TO AN IRON ROD FOUND;
N71° 20' 41"W 263.00' TO AN IRON ROD FOUND;
N77° 34' 51"W 399.00' TO AN IRON ROD SET;
S6° 25' 01"E 333.00' TO THE CENTERLINE OF YANCEY MILL LANE, PASSING THROUGH AN IRON ROD FOUND 14.85' FROM THE CENTERLINE OF SAID ROAD;
THENCE, ALONG THE CENTERLINE OF YANCEY MILL LANE, THE FOLLOWING COURSES,
N89° 33' 25"W 241.80' TO A POINT;
ALONG A CURVE TO THE RIGHT WITH A LENGTH OF 183.22', A RADIUS OF 147.10', A
DELTA OF 71°21'50", A TANGENT OF 105.63' AND A CHORD OF N53° 52' 29"W 171.61' TO A POINT;
N18° 11' 34"W 175.62' TO A POINT;
THENCE, LEAVING THE CENTERLINE OF YANCEY MILL LANE, N72° 18' 31"E 25.97' TO AN IRON ROD SET ON THE EAST LINE OF YANCEY MILL LANE;
THENCE, ALONG THE EAST LINE OF YANCEY MILL LANE, N15° 23' 39"W 209.02' TO THE TRUE AND ACTUAL POINT OF BEGINNING AND CONTAINING 1,548,476 SQ. FT., 35,548 ACRES.



VICINITY MAP - 1" = 1000'

SCHEDULE B EXCEPTIONS FROM COVERAGE

GENERAL EXCEPTIONS:

1. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS. **-NOT A SURVEY MATTER**
2. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. **-INCIDENTAL TO SURVEY SHOWN HEREON**
3. EASEMENTS OR CLAIMS OF EASEMENTS NOT SHOWN BY THE PUBLIC RECORDS. **-NOT A SURVEY MATTER**
4. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW, AND NOT SHOWN BY THE PUBLIC RECORDS. **-NOT A SURVEY MATTER**
5. TAX OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS. **-NOT A SURVEY MATTER**

SPECIAL EXCEPTIONS:

1. REAL ESTATE TAXES FOR THE SECOND HALF OF THE YEAR 2017 AND SUBSEQUENT YEARS. **-NOT A SURVEY MATTER**
2. THE EXACT ACREAGE OR SQUARE FOOTAGE OF THE LAND DESCRIBED IN SCHEDULE A HEREOF IS NOT INSURED.
3. TITLE TO THAT PORTION OF THE PREMISES LYING WITHIN THE BOUNDS OF ANY PUBLIC ROAD. **-AFFECTS AS SHOWN**
4. EASEMENT TO LONG DISTANCE TELEPHONE COMPANY OF VIRGINIA DATED AUGUST 3, 1900 AND RECORDED DECEMBER 1, 1900 IN DEED BOOK 119, PAGE 42. **-MAY AFFECT, NOT PLOTTABLE**
5. EASEMENT TO CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA DATED JULY 18, 1929 AND RECORDED JUNE 19, 1930 IN DEED BOOK 209, PAGE 64. **-AFFECTS AS SHOWN**
6. MATTERS AS SHOWN ON PLAT OF SURVEY DATED APRIL 23, 1951, MADE BY T.W. SAUNDERS, S.N.C., AND RECORDED JULY 6, 1951 IN DEED BOOK 296, PAGE 192, AS FOLLOWS: **-AFFECTS AS SHOWN**
   (a) PUBLIC ROAD CROSSING WESTERN AND SOUTHWESTERN PORTION OF PROPERTY.
7. EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY DATED OCTOBER 13, 1949 AND RECORDED MARCH 16, 1950 IN DEED BOOK 288, PAGE 91. **-AFFECTS AS SHOWN**
8. EASEMENT TO VIRGIINIA TELEPHONE & TELEGRAPH COMPANY DATED JULY 23, 1951 AND RECORDED OCTOBER 17, 1951 IN DEED BOOK 297, PAGE 369. **-AFFECTS, NOT PLOTTABLE**
9. EASEMENT TO VIRGINIA TELEPHONE & TELEGRAPH COMPANY DATED DECEMBER 30, 1952 AND RECORDED JANUARY 15, 1953 IN DEED BOOK 303, PAGE 476. **-AFFECTS, NOT PLOTTABLE**
10. MATTERS AFFECTING 23.24 ACRES AS SHOWN ON PLAT OF SURVEY DATED MARCH 1964, MADE BY WILLIAM S. ROUDABUSH, JR., AND RECORDED JUNE 30, 1964 IN DEED BOOK 398, AT PAGE 581, AS FOLLOWS: **-AFFECTS AS SHOWN**
    A) TEL. CABLE EXTENDING INTO PARCEL ON THE EAST AND WEST, CROSSING PREMISES
11. EASEMENT TO VIRGINIA TELEPHONE & TELEGRAPH COMPANY DATED MAY 2, 1966 AND RECORDED MAY 25, 1966 IN DEED BOOK 418, PAGE 58. **-DOES NOT AFFECT**
12. EASEMENT TO CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA DATED DECEMBER 5, 1967 AND RECORDED JANUARY 3, 1968 IN DEED BOOK 438, PAGE 374. **-AFFECTS AS SHOWN**
13. EASEMENT TO CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA DATED MARCH 15, 1968 AND RECORDED MAY 8, 1968 IN DEED BOOK 443, PAGE 18. **-AFFECTS AS SHOWN**
14. EASEMENT TO VIRGINIA TELEPHONE & TELEGRAPH COMPANY DATED APRIL 16, 1971 AND RECORDED MAY 20, 1971 IN DEED BOOK 487, PAGE 546. **-AFFECTS AS SHOWN**
15. EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY DATED SEPTEMBER 30, 1980 AND RECORDED NOVEMBER 26, 1980 IN DEED BOOK 705, PAGE 422. **-AFFECTS AS SHOWN**
16. EASEMENT TO CLIFTON FORGE-WAYNESBORO TELEPHONE COMPANY DATED JUNE 8, 1992 AND RECORDED JUNE 12, 1992 IN DEED BOOK 1231, PAGE 436. **-AFFECTS AS SHOWN**
17. EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY DATED OCTOBER 15, 1998 AND RECORDED NOVEMBER 2, 1998 IN DEED BOOK 1758, PAGE 174. **-AFFECTS AS SHOWN**
18. EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY DATED JUNE 11, 2003 AND RECORDED JULY 18, 2003 IN DEED BOOK 2523, PAGE 289. **-AFFECTS AS SHOWN**
19. EASEMENT TO CENTRAL VIRGINIA ELECTRIC COOPERATIVE DATED OCTOBER 28, 2004 AND RECORDED JANUARY 21, 2005 IN DEED BOOK 2907, PAGE 271. **-AFFECTS AS SHOWN**

SURVEY NOTES:

1. PROPERTY & ZONING INFORMATION:

(SUBJECT) TMP 55-112:

OWNER:	R. A. YANCEY LUMBER CORPORATION
REFERENCE:	DEED BOOK 357 PAGE 289
PARCEL ID NUMBER:	05500-00-00-11200
PROPERTY ADDRESS:	6317 ROCKFISH GAP TURNPIKE CROZET, VA 22932
AREA:	12.299 ACRES
ZONING:	HEAVY INDUSTRY

(SUBJECT) TMP 55-111B:

OWNER:	R. A. YANCEY LUMBER CORPORATION
REFERENCE:	DEED BOOK 398 PAGE 585
PARCEL ID NUMBER:	05500-00-00-111B0
PROPERTY ADDRESS:	6317 ROCKFISH GAP TURNPIKE CROZET, VA 22932
AREA:	23.249 ACRES
ZONING:	HEAVY INDUSTRY

2. DIMENSIONAL ZONING REGULATIONS (PER ALBEMARLE COUNTY CODE)
   SETBACKS :
   FRONTAGE:
   -10' MINIMUM - 30' MAXIMUM
   SIDE AND REAR:
   -IF ABUTTING LOT IS ZONED RESIDENTIAL, RURAL AREAS, OR THE MONTICELLO HISTORIC DISTRICT- 100'
   -IF THE ABUTTING LOT IS ZONED COMMERCIAL OR INDUSTRIAL- NONE PER BUILDING CODE
3. THE SURVEY SHOWN HEREON IS BASED ON FIELD SURVEY BY TIMMONS GROUP COMPLETED ON AUGUST 2, 2017
4. HORIZONTAL DATUM IS BASED ON NAD83, VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.
5. BASED ON FEMA FLOOD INSURANCE RATE MAP (FIRM), MAP NO.51003C0237D, PANEL 237 OF 575 EFFECTIVE DATE FEBRUARY 4 2005 AND MAP NO.51003C0240D, PANEL 240 OF 575 EFFECTIVE DATE FEBRUARY 4 2005 THE PROPERTY SHOWN LIES IN UNSHADED ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
6. THIS PLAT WAS PREPARED WITH THE BENEFIT OF A TITLE REPORT, COMMITMENT NUMBER: 7317000075 FROM CHICAGO TITLE INSURANCE COMPANY, EFFECTIVE JUNE 23, 2017, 8:00 A.M. SEE SCHEDULE B ITEMS, THIS SHEET.
7. THE LANDS SURVEYED ARE THE SAME AS DESCRIBED IN THE REFERENCED TITLE REPORT.
8. NO EVIDENCE OF CEMETERY OR BURIAL GROUNDS OBSERVED IN THE PROCESS OF CONDUCTING THE SURVEY FIELD-WORK.
9. ON THE DATE OF THE SURVEY, THERE WAS NO VISUAL EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL.
10. SITE UNDER CONSTRUCTION AT TIME OF SURVEY.
11. TABLE "A" ITEMS:
    a: ITEM 16: EARTH MOVING AND CONSTRUCTION ONGOING FOR CONCRETE WALLS AS INDICATED ON PLAT.
    b: ITEM 17: NO CHANGES IN STREET RIGHT OF WAY LINES INDICATED FROM EVIDENCE OBTAINED
    c: ITEM 18: NO DELINEATED WETLANDS ON SITE.
    d: ITEM 19: NO OFFSITE APPURTENANT EASEMENTS NOTED.

ALTA/NSPS SURVEYOR'S CERTIFICATION

TO: GCP TIMBER HOLDINGS, LLC, CHICAGO TITLE INSURANCE COMPANY, BELL CAPITAL FINANCE & BELL BANK, THEIR SUCCESSORS AND ASSIGNS:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEM 1, 2, 3, 4, 6(a) , 7(a), 7(b)(1), 7(c), 8, 9, 13, 14, 16, 17, 18, 19 AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 2, 2017. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE COMMONWEALTH OF VIRGINIA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

DATE: _____ SIGNATURE

COMMONWEALTH OF VIRGINIA
PAUL N. HUBER
Lic. No.2379
8-2-17
LAND SURVEYOR

'ALTA/NSPS LAND TITLE SURVEY'

OF 35.548 ACRES
FRONTING ROCKFISH GAP TURNPIKE
TAX MAP PARCELS 55-111B AND 55-112
IN THE
WHITE HALL MAGISTERIAL DISTRICT,
ALBEMARLE COUNTY, VIRGINIA

Date: AUGUST 2, 2017	Scale: 1"=50'
Sheet1 of 4	J.N.: 40036
Drawn by: PN Huber	Checked by: JCM
Revised:	

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TIMMONS GROUP

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LINE TABLE		
LINE	BEARING	LENGTH
L1	S74°31'34"W	9.96'
L2	S82°10'44"E	53.93'
L3	N22°06'11"W	43.36'
L4	N72°18'31"E	25.97'

ROCKFISH GAP TURNPIKE
VARIABLE WIDTH PUBLIC RIGHT OF WAY
250

EXCEPTION #12
CHESAPEAKE AND POTOMAC TELEPHONE POLE EASEMENT
D.B. 438 PG. 374

P.O.B.
IRS
N56°22'11"E 889.25'
ENC. 5.07'
6' CHAINLINK FENCE
ROLLING FENCE GATE
6' CHAINLINK FENCE
CONC. WALK
IRF
BILLBOARD

TMP: 55A-28
LEONARD A. BOLYARD AND CHARLOTTE M. BOLYARD
D.B. 1818 PG. 333
ZONED: RURAL AREA

YANCY MILL LANE
VARIABLE WIDTH PUBLIC RIGHT OF WAY
N15°27'38"W 228.02'

ASPH.
10' MIN. SETBACK
30' MAX. SETBACK
EXCEPTION #15
C/L VIRGINIA ELECTRIC & POWER CO. EASEMENT
D.B. 705 PG. 422
OFFICE (WOOD SIDING) HT: 19.7'
6' CHAINLINK FENCE
FENCE GATE
TANK -HYD. OIL
TANK -HYD. OIL
CONC.
1' (W) CONC. WALL
TRANSFORMER ON CONC. PAD
GARAGE ALUM. SIDING HT: 19.7'
POLE SHED COVERING FUEL TANKS
TANKS - DIESEL FUEL
MACHINERY ON CONC. PAD
GRAVEL
S21°53'49"E 260.92'
MATCH LINE SHEET 3

EXCEPTION #13
CHESAPEAKE AND POTOMAC TELEPHONE ANCHOR GUY EASEMENT
D.B. 443 PG. 18

GRAVEL
TMP: 55-112
535,727 SQ. FT.
12.299 ACRES
SETBACK LINE - 100'
SCALE HOUSE
IRS
L4
EXCEPTION #3 & #6
PREMISES LYING WITHIN THE BOUNDS OF A PUBLIC ROAD
BLOCK WALL
CONC.
3' DOOR
GRAVEL
ASPH.
UGP
EXCEPTION #17
15' & 30' VIRGINIA POWER EASEMENT
D.B. 1758 PG. 174
IPF

TMP: 55-98A
RAY II, LLC
D.B. 3660 PG. 329
ZONED: RURAL AREA
N18°11'34"W 175.62'
1' (W) CONC. WALL
BLDG. HT: 32.5'
BLDG. HT: 28.8'
BLDG. HT: 37.4'
ATTACHED SHED
MILL BUILDING ALUM. SIDING
SETBACK LINE - 100'
1' (W) CONC. WALL
POLE SHED
CONC.
GRAVEL
CONC. WALLS UNDER CONST.
TMP: 55-111A
DAVID R. SWALES AND LISA SEVERSON-SWALES
D.B. 1553 PG. 122
ZONED: RURAL AREA
N71°16'43"E 487.00'
IR

EXCEPTION #19
C/L 40' CENTRAL VIRGINIA ELECTRIC COOPERATIVE EASEMENT
D.B. 2907 PG. 271
GRAVEL
SETBACK LINE - 100'
EG
MACHINERY ON CONC. PAD
CONC.
1' (W) CONC. WALL
GRAVEL
ASPH.
SETBACK LINE - 100'

EXCEPTION #14
VIRGINIA TELEPHONE & TELEGRAPH EASEMENT RUNS ALONG ROAD
D.B. 487 PG. 546
R=147.10'
L=183.22'
T=105.63'
Δ=71°21'50"
CB=N53°52'29"W
C=171.61'
EXCEPTION #16
15' CLIFTON FORGE - WAYNESBORO TELEPHONE COMPANY EASEMENT
D.B. 1231 PG. 436
GRAVEL
IRS
S5°28'01"E 329.00'
NAD 83 (NAD2011)
OVERHEAD CONVEYOR
N77°34'51"W 386.00'
OVERHEAD PIPE
EXCEPTION #5
C/L 10' CHESAPEAKE AND POTOMAC TELEPHONE COMPANY EASEMENT
D.B. 209 PG. 64
N22°12'57"W 612.97'
TAX PARCEL LINE
EG
GRAVEL
SHED ALUM. SIDING HT: 21.8'
SETBACK LINE - 100'
1' (W) TIMBER WALL
ASPH.
CONC.
MA CO

12' BOARD FENCE
EXCEPTION #7
C/L VIRGINIA ELECTRIC AND POWER COMPANY EASEMENT
D.B. 288 PG. 91
EXCEPTION #3 & #6
PREMISES LYING WITHIN THE BOUNDS OF A PUBLIC ROAD
N69°33'25"W 241.80'
TMP: 55-100
IRENE M. WOODWARD
D.B. 1683 PG. 524
ZONED: RURAL AREA
ASPH.
IRF 14.85' FROM C/L ROAD
TMP: 55-112A
YANCEY MILLS HOLDINGS LLC
D.B. 3640 PG. 673
ZONED: RURAL AREA
SILO HT: 69.4'
6"X6" TIMBER WALL
SHED ALUM. SIDING HT: 26.1'
SHED
CONC.
8" (W
SHED ALUM. SIDIN
BMP POND
TOP OF POND
STORM RISER PIPE
GRAVEL
OVERHEAD PIPES
3' WIDE METAL STAIRS
IRF
N77°20'41"W 283.00'
BLDG. HT: 26.0'
MATCH LINE SHEET 4
C/L CREEK
24" PINE (CHOPPED) WITH WIRE FENCE
L3
N43°42'24"W

SCALE 1"=50'
0 50' 100'

LEGEND
- LIGHT POLE
- UTILITY POE
- ELECTRIC METER
- GUY WIRE
- STORM WATER GRATE
- STORM WATER MANHOLE
- ROOF DRAIN
- BOLLARD
- SIGN
- SPIGOT
- WELL
- SANITARY SEWER MANHOLE
- AIR CONDITIONING UNIT
- CLEANOUT
- ELECTRIC BOX
- TELEPHONE PEDESTAL
- ASPH. ASPHALT PAVING
- CONC. CONCRETE
- OHP OVERHEAD POWER LINE
- OHT OVERHEAD COMMUNICATIONS LINE
- EDGE OF PAVEMENT
- EDGE OF GRAVEL
- TREE LINE
- RIP RAP
- MONUMENTS FOUND AS NOTED
- MONUMENTS SET AS NOTED

'ALTA/NSPS LAND TITLE SURVEY'

OF 35.548 ACRES
FRONTING ROCKFISH GAP TURNPIKE
TAX MAP PARCELS 55-111B AND 55-112
IN THE
WHITE HALL MAGISTERIAL DISTRICT,
ALBEMARLE COUNTY, VIRGINIA

COMMONWEALTH OF VIRGINIA
PAUL N. HUBER
Lic. No.2379
8-2-17
LAND SURVEYOR

Date: AUGUST 2, 2017	Scale: 1"=50'
Sheet2 of 4	J.N.: 40036
Drawn by: PN Huber	Checked by: JCM
Revised:	

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ROCKFISH GAP TURNPIKE
VARIABLE WIDTH PUBLIC RIGHT OF WAY
250

LINE TABLE		
LINE	BEARING	LENGTH
L1	S74°31'34"W	9.96'
L2	S82°10'44"E	53.93'
L3	N22°06'11"W	43.36'
L4	N72°18'31"E	25.97'

ENC. 5.07'
N56°22'11"E 889.25'
6' CHAINLINK FENCE
6' CHAINLINK ROLLING FENCE GATE
6' CHAINLINK FENCE
CONC. WALK
IRF
BILLBOARD
10' MIN. SETBACK
30' MAX. SETBACK
EXCEPTION #15
C/L VIRGINIA ELECTRIC & POWER CO. EASEMENT
D.B. 705 PG. 422
OFFICE WOOD SIDING HT: 19.7'
ASPH.
TANK -HYD. OIL
TANK -HYD. OIL
CONC.
1' (W) CONC. WALL
TANKS - DIESEL FUEL
MACHINERY ON CONC. PAD
TRANSFORMER ON CONC. PAD
GARAGE ALUM SIDING HT: 19.7'
POLE SHED COVERING FUEL TANKS
FENCE GATE
GRAVEL
S21°53'48"E 260.92'
MATCH LINE SHEET 2
EXCEPTION #17
15' & 30' VIRGINIA POWER EASEMENT
D.B. 1758 PG. 174
TMP: 55-111A
DAVID R. SWALES AND LISA SEVERSON-SWALES
D.B. 1553 PG. 122
ZONED: RURAL AREA
CONC.
3' DOOR
GRAVEL
ASPH.
IPF
SETBACK LINE - 100'
1' (W) CONC. WALL
BLDG. HT: 32.5'
BLDG. HT: 28.8'
BLDG. HT: 37.4'
ATTACHED SHED
MILL BUILDING ALUM. SIDING
EG
CONC.
POLE SHED
GRAVEL
CONC. WALLS UNDER CONST.
N71°16'43"E 487.00'
ASPH.
GRAVEL
IRF
POLE WITH WITH 3 TRANSFORMERS
MACHINERY ON CONC. PAD
MACH. SHED ALUM. SIDING HT: 17.6'
EXCEPTION #5
15' VIRGINIA ELECTRIC AND POWER COMPANY EASEMENT
D.B. 2523 PG.289
TMP: 55-111B
1,012,750 SQ. FT
23.249 ACRES
OVERHEAD CONVEYOR
OVERHEAD PIPE
SHED ALUM. SIDING HT: 21.8'
SHED ALUM. SIDING HT: 21.6'
N22°12'57"W 612.97'
TAX PARCEL LINE
GRAVEL
ASPH.
CONC.
1' (W) TIMBER WALL
EXCEPTION #5
C/L 10' CHESAPEAKE AND POTOMAC TELEPHONE COMPANY EASEMENT
D.B. 209 PG. 64
SILO HT: 69.4'
6"XG" TIMBER WALL
SHED ALUM. SIDING HT: 27.6'
SHED ALUM. SIDING HT: 28.1'
SHED
3' WIDE METAL STAIRS
8" (W) CONC. WALL
SHED ALUM. SIDING
TRANSFORMER ON CONC. PAD
OVERHEAD PIPES
HOPPERS
SHED ALUM. SIDING HT: 19.2'
BLDG. HT: 24.5'
BLDG. HT: 25.2'
BLDG. HT: 23.9'
ASPH. DRIVE THROUGH
SHED ALUM. SIDING
SHED ALUM. SIDING HT: 26.9'
BLDG. HT: 26.6'
EXCEPTION #5 & #1
C/L 10' CHESAPEAKE POTOMAC TELEPHONE COMPANY EASEMENT
D.B. 209 PG. 64
D.B. 398 PG. 581
TMP: 55-112A
YANCEY MILLS HOLDINGS LLC
D.B. 3640 PG. 673
ZONED: RURAL AREA
N77°34'51"W 389.00'
SETBACK LINE - 100'
IRF
TOP OF POND
BMP POND
STORM RISER PIPE
N77°30'41"W 263.00'
MATCH LINE SHEET 4
C/L CREEK
24" PINE (CHOPPED) WITH WIRE FENCE
N43°42'34"W 159.92'
OHP
OHT
OHO
UGP
EG
X

VDOT MONUMENT FOUND (BROKEN)
ROCKFISH GAP TURNPIKE
VARIABLE WIDTH PUBLIC RIGHT OF WAY
250
N75°47'40"E 139.97'
N71°51'02"E 149.28'
IRS
WIRE FENCE (DOWN)
10' MIN. SETBACK
30' MAX. SETBACK
VDOT MONUMENT FOUND
IRF
N12°05'07"E 256.68'
N12°59'15"E 109.37'
SETBACK LINE - 100'
S14°49'45"E 328.80'
TMP: 55-110
FROEHLING & ROBERTSON, INC.
D.B. 1124 PG. 313
ZONED: HIGHWAY COMMERCIAL
C/L CREEK
WIRE FENCE (DOWN)
IRF
IRS
L1
IRF
S50°09'42"E 288.87'
NAD 83 (MA2011)
TMP: 55-109
6135 ROCKFISH GAP, LLC
D.B. 4710 PG. 89
ZONED: RURAL AREA
SCALE 1"=50'
0 50' 100'
IRF
MATCH LINE SHEET 4

COMMONWEALTH OF VIRGINIA
PAUL N. HUBER
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8-2-17
LAND SURVEYOR

LEGEND
- LIGHT POLE
- UTILITY POE
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- GUY WIRE
- STORM WATER GRATE
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- ROOF DRAIN
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- SPIGOT
- WELL
- SANITARY SEWER MANHOLE
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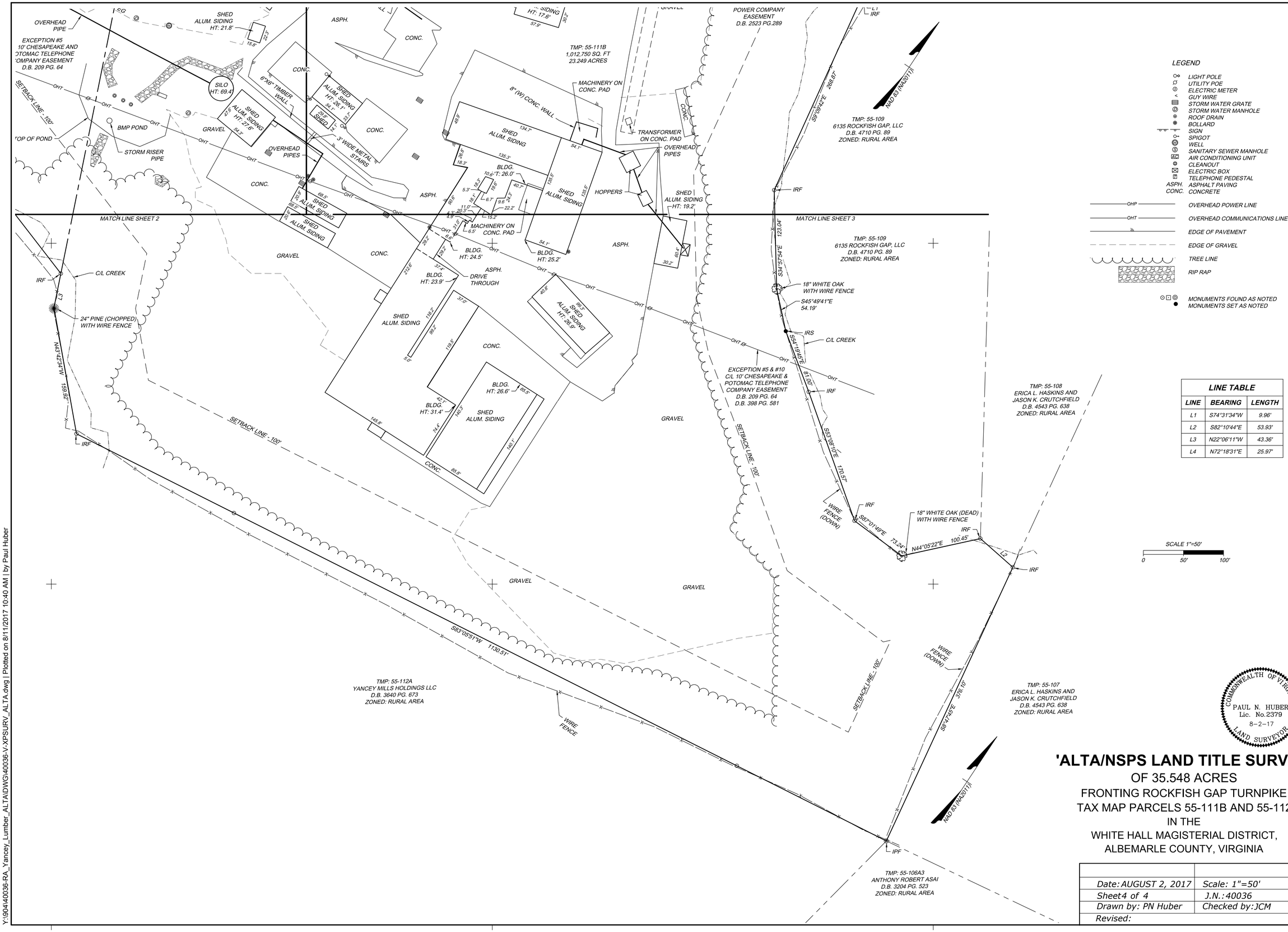
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LEGEND

- LIGHT POLE
- UTILITY POE
- ELECTRIC METER
- GUY WIRE
- STORM WATER GRATE
- STORM WATER MANHOLE
- ROOF DRAIN
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ATTACHMENT J

Staff recommendations

1. Staff recommends **approval** of a special exception from the provisions of Chapter 18, Section 4.20b to reduce the 100 foot setback for the Mill Building (building 7b) and Pole Shed (building 8).

2. Staff recommends **approval** of a special exception from the provisions of Chapter 18, Section 4.20b to reduce the 10 foot setback for the Stem Loader.

3. Staff recommends **approval** of a special exception from the provisions of Chapter 18, Section 4.20b to reduce the 30 foot setback for parking adjacent to Rural Areas property.

4. Staff recommends **denial** of a special exception from the provisions of Chapter 18, Section 4.20b to reduce the 100 foot setback for the proposed Sorter/Stacker (building 27) to 35 feet.

5. Staff recommends **approval** of a special exception from the provisions of Chapter 18, Section 5.1.15a to reduce setback for the storage of lumber, logs, chips or timber to zero (0) feet.

6. Staff recommends **denial** of a special exception from the provisions of Chapter 18, Section 5.1.15a to reduce the 100 foot setback for the proposed Sorter/Stacker (building 27) to 35 feet.

7. Staff recommends **denial** of a special exception from the provisions of Chapter 18, Section 5.1.15b to allow the location of the proposed Sorter/Stacker (building 27) approximately 350 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.

8. Staff recommends **approval** of a special exception from the provisions of Chapter 18, Section 5.1.15b to allow the location of the Pole Shed (building 8) approximately 540 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.

9. Staff recommends **approval** of a special exception from the provisions of Chapter 18, Section 5.1.15b to allow the location of the Silo (building 10) approximately 570 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.

10. Staff recommends **approval** of a special exception from the provisions of Chapter 18, Section 5.1.15b to allow the location of the Boiler (building 11) approximately 570 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.

11. Staff recommends **approval** of a special exception from the provisions of Chapter 18, Section 5.1.15b to allow the location of the Kiln (building 12A) approximately 515 feet from the dwelling located to the north on Tax Map 55, Parcel 111A.

12. Staff recommends **approval** of a special exception from the provisions of Chapter 18, Section 5.1.15b to allow the location of the Planer (buildings 18, 22 and 23) approximately 550 feet from the dwelling located to the north on Tax Map 55, Parcel

111A.

13. Staff recommends **approval** of a special exception from the provisions of Chapter 18, Section 5.1.15b to allow the location of the Mill Building (building 7a and 7b) approximately 520 feet from the dwelling located to the south on Tax Map 55, Parcel 100.

14. Staff recommends **approval** of a special exception from the provisions of Chapter 18, Section 5.1.15b to allow the location of the Stem Loader (adjacent to Rockfish Gap Turnpike) approximately 500 feet from the dwelling located to the west on Tax Map 55A, Parcel 28.

15. Staff recommends **approval** of a special exception from the provisions of Chapter 18, Section 5.1.15c that operation of machinery used for sawing, planing, chipping or other wood processing be permitted from 6:00 am to 7:00 pm.

16. Staff recommends **approval** of a special exception from the provisions of Chapter 18, Section 5.1.15c that the loading or unloading of wood products be permitted from 6:00 am to 11:00 pm.

17. Staff recommends **denial** of a special exception from the provisions of Chapter 18, Section 5.1.15c that the loading and unloading associated with the kiln be permitted 24 hours a day.

18. Staff recommends **denial** of a special exception from the provisions of Chapter 18, Section 4.18.04 to increase daytime noise limits.

19. Staff recommends **denial** of a special exception from the provisions of Chapter 18, Section 4.18.04 to increase nighttime noise levels limits.


797
250
825
01
02A
02B
03A
03B
04
05
06
07A
07B
08
09A
09B
10
11
12A
2B
3A
3B
14
15
16
17
18
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24
25
26
27
28

BUILDING SCHEDULE

KEY	BUILDING	DATE BUILT	CODE YEAR IN EFFECT	USE	AREA (sf)	HEIGHT (ft.)	NOTES
01	Office Building	1989	1987	Administration	2,094	19.7	Previously permitted and CO issued
02A	Garage (original)	1978	1975	Vehicle Maintenance	746		
02B	Garage (addition)	1988	1987	Vehicle Maintenance	1,051	12.5	metal building frame; wood roof trusses; metal skin
03A	Hyd. Oil Tanks (original)	1977	1975	Diesel, Motor/Hydraulic Oil Storage	400	15	heavy timber columns, wood beams, wood roof joists, metal roofing
03B	Hyd. Oil Tanks (addition)	1996	1993	Diesel, Motor/Hydraulic Oil Storage	200	15	steel columns, wood beams, wood roof joists, metal roofing
04	Mill Building Addition	pre 1980		Saw Mill	5,203	37.4	heavy timber frame; wood roof trusses; metal skin; concrete slab/footings
05	Mill Building Addition	pre 1980		Saw Mill	4,050	32.5	heavy timber frame; wood roof trusses; metal skin; concrete slab/footings
06	Mill Building	pre 1980		Saw Mill	3,762	28.8	heavy timber frame; wood roof trusses; metal skin; concrete slab/footings
07A	Mill Building Addition	pre 1990		Saw Mill	7,342	25.5	pre-engineered metal building (frame and skin); concrete slab
07B	Mill Building Addition	pre 1990		Saw Mill	9,226	25.5	pre-engineered metal building (frame and skin); concrete slab
08	Shed	1996	1996	Conveyor	4,876	17	steel frame; steel roof joists; metal roof & skin
09A	Lumber Storage	1991	1996	Storage	4,441	24	steel frame; steel roof joists; metal roof & skin
09B	Shed	2013	2012	Sawdust Hopper/Feeder	352	21.8	steel frame; wood roof joists; metal roof & skin
10	Silo	1992	1990	Sawdust Storage	768	69.4	cast-in-place concrete floor, walls and roof
11	Boiler	1992	1990	Boiler/Heat Source for Kilns	2,585	27.6	pre-engineered metal building (frame and skin); concrete slab
12A	Kiln	1992	1990	Lumber Drying	1,823	26.1	pre-engineered metal building (frame and skin); concrete slab
12B	Shed	1992	1990	Kiln Control Room	420	29.8	metal frame; metal roof & walls; concrete slab
13A	Kiln	2015	2012	Lumber Drying	1,432	25	metal frame; metal roof & walls; concrete slab
13B	Kiln	1997	1996	Lumber Drying	1,411	25	metal frame; metal roof & walls; concrete slab
14	Shed	1997	1996	Lumber Stacking & Banding	10,880	23.9	metal frame; metal roof & walls; concrete slab
15	Shed	1998	1996	Lumber Storage	13,050	29.9	metal frame; metal roof & walls; concrete slab
16	Shed	2003	2003	Lumber Storage	11,979	26.9	pre-engineered metal building (frame and skin); concrete slab
17	Drive Through/Under	1997	1996	Conveyor	1,323	25.5	metal frame and skin (No occupiable space)
18	Planer Mill (addition)	1997	1996	Conveyor	2,125	24.6	metal frame and skin, wood floor joists and floor
19	Planer Mill (addition)	1979	1978	Planing Mill	1,134	26	steel frame
20	Planer Mill (original)	1976	1975	Planing Mill	3,065	18	steel frame; wood roof joists; metal roof & skin
21	Planer Mill (original)	1976	1975	Planing Mill	3,687	24.5	steel frame; steel roof joists; metal roof & skin
22	Planer Mill (addition)	2005	2003	Planing Mill	7,331	22.4	steel frame; steel roof joists; metal roof & skin
23	Planer Mill (addition)	1981	1978	Conveyor	2,042	26	steel and heavy timber frame; metal roof; open sides
24	Shed	1989	1987	Lumber Storage	4,051	26.9	steel columns and beams; wood roof trusses, metal roof and skin
25	Shed (former bandsaw)	1982	1981	(former) Bandsaw	1,824	19.2	wood columns; wood roof trusses; steel roof & skin
26	Stacker (old)	1975	1975	Lumber Stacker	1,749	17.6	steel frame; steel roof joists; metal roof & skin
27	Sorter/Stacker (new)	(in progress)	2012	Lumber Storter/Stacker	13,700	33.9	pre-engineered metal building (frame and skin); concrete slab
28	Scale House	1980s		Truck Weighing	100	11.5	wood frame with wood siding and asphalt shingle roof
-							

Bill Fritz

From: Rob Langdon <rob.langdon@gmail.com>
Sent: Wednesday, December 11, 2019 8:04 AM
To: Bill Fritz
Subject: Re: Yancey Mill

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Good Morning, Bill,

With regards to the setback adjustment proposal at Yancey Lumber, it would be my prayer that the new setback boundaries **ONLY** be applied to the buildings that currently don't meet the current setback requirements, and **NOT** be applied to the entirety of the Yancey property.

Thanks,
Rob

On Nov 21, 2019, at 5:38 PM, Bill Fritz <BFRITZ@albemarle.org> wrote:

I have not gotten the presentation yet. I will add you to the distribution list. Attached is the information I currently have.

William D. Fritz, AICP
Development Process Manager/Ombudsman
434-296-5823 ext 3242

From: Rob Langdon <rob.langdon@gmail.com>
Sent: Thursday, November 21, 2019 4:56 PM
To: Bill Fritz <BFRITZ@albemarle.org>
Subject: Yancey Mill

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Greetings Bill,

I spoke with you at the meeting the other night and you were going to try to get a copy of the presentation maps, etc. I was wondering if you were successful in your endeavors, an if so, how I can get copies.

Also, would you please add me to your Yancey Mill happenings email list?

Thanks,
Rob Langdon
<Applicant submittal aerial photo with setbacks.pdf><Applicant submittal information.pdf><Application.pdf><ARB Plan 9-17-18.pdf><Building evaluation report.pdf><community

February 23, 2020

Re: oppose R.A. Yancy Lumber Corporation special exemption requests for noise and vibration

Dear Planning Commission,

I am writing to ask you to deny R.A. Yancy Lumber Corporation's special exemption requests to the Albemarle County zoning ordinances, specifically in regards to allowable noise and vibration levels. The sound study completed by Acentech demonstrated that the R.A. Yancy Lumber Corporation is out of compliance with county ordinances by exceeding the allowable sound levels at multiple locations both during the day and at night. I have reviewed the materials they submitted; while Yancy Corporation seems to minimize the impact of their request, they are actually requesting very significant exceptions to the regulations, by as much as 28% over what is allowed by ordinance (from 60dBA to 77dBA in the daytime).

I am strongly opposed to their proposal. As Crozet continues to grow dramatically, noise pollution does as well, in an additive way. The County zoning ordinances are in place for good reasons: to protect residents' physical and mental health and wellness. There is a large body of well-established scientific evidence for the multiple adverse health effects of noise pollution, from stress and anxiety to high blood pressure and heart disease.

Multiple residential areas exist in close proximity to the Yancy Mill, and more are being built as I write this. It is important for Albemarle County to continue to protect the welfare of its residents by holding companies to its very reasonable regulations. In addition, I worry that granting an exception to one entity will set an unfortunate and dangerous precedent for others.

Thank you for your consideration of my opposition.

Sincerely,

Lillian Mezey, M.D.

7153 Hampstead Drive

Crozet VA 22932

lmezey@comcast.net

(434) 996-7273

Bill Fritz

From: Epstein, Howard E (hee2b) <hee2b@virginia.edu>
Sent: Monday, February 24, 2020 1:13 PM
To: Bill Fritz
Subject: Re: Yancey Lumber Special Exception Request

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.
Bill,

Here is my letter to the Planning Commission:

Planning Commission Members,

I am writing to support the denial of the Special Exceptions requested by Yancey Lumber. I live in Old Trail, and we have already had issues here with noise from the Yancey Mill that seriously affected residents in this community. I commend the Yancey operation for addressing that issue and reducing nighttime noise levels. However, I have read all of the documentation that was available to me, and I'm aware that Yancey is already out of compliance with noise (and I believe setback) criteria. I see no reason why Yancey should be allowed to increase noise levels above levels that are already non-compliant. Given the recent situation here, this is most certainly likely to cause issues with local residents. It is unfortunate for Yancey that they are in the middle of a residential growth area, but that's the way the County has planned it, and it is unfair (and unhealthy) for residents to have to suffer the consequences of commercial noise pollution. I have no real personal experience with vibration; a while one report indicates that the proposed vibration levels are half those experienced by the most sensitive human, I can imagine how debilitating it would be to experience any continuous vibration at all. So, for the sake of the local residents, and for all County residents, please do not set a precedent by permitting Yancey to exceed (and in some cases, further exceed), the levels of compliance for noise, vibration, and set back. Thank you for considering this.

Sincerely,

Howard Epstein
Crozet, Virginia

From: Bill Fritz <BFRITZ@albemarle.org>
Sent: Tuesday, February 18, 2020 4:34 PM
To: Sylvia Castellettio <sylviacastellettio@gmail.com>; Susannah Hornsby <sbhornsby@gmail.com>; Steve Blaine (sblaine@woodsrogers.com) <sblaine@woodsrogers.com>; Sandra Haussman <hauschott@aol.com>; Rob Langdon <rob.langdon@gmail.com>; Pashmi Ghei <rashmi1016@gmail.com>; Paula Welch <praiz3@yahoo.com>; Mary Steele <marysteele11@comcast.net>; Marsh Pattie <jmpattie@yahoo.com>; Valerie Long <vlong@williamsmullen.com>; Lisa Swales <swales5@embarqmail.com>; Lillian Mezey <lmezey@comcast.net>; Leslie Lepage <lepage.leslie@gmail.com>; Karen Singh <karenesingh@hotmail.com>; Jamie Howard <howjhow@aol.com>; Erica Haskins <ericacroz@aol.com>; Epstein, Howard E (hee2b) <hee2b@virginia.edu>; Doug Lowe <doug@sagebuildconsulting.com>; Dennis Hogberg <txstatebobcats@icloud.com>; David Swales <dswales@affinitymanagement.com>; Damon DeVito <ddevito@affinitymanagement.com>; Chris Tyree <chris@christyree.com>; Ash Singh <ash_armuk@yahoo.com>; Andrew Green <greendrew@gmail.com>; Alice Faintich <alice@faintich.net>; Allison Wrabel

Bill Fritz

From: Maynard, Terry (tm7sv) <tm7sv@virginia.edu>
Sent: Thursday, February 27, 2020 4:17 PM
To: Bill Fritz
Subject: Yancey Mill Exemptions
Attachments: A Good Neighbor.docx

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Please see attached documentation for consideration. Also can you please include me in all future correspondence about the special exemptions.

R/
Terry Maynard

Terry Maynard
Senior Maintenance Supervisor
Facilities Management - Housing

E tm7sv@virginia.edu
P 434.297.6704
M 434.365-0722
www.fm.virginia.edu

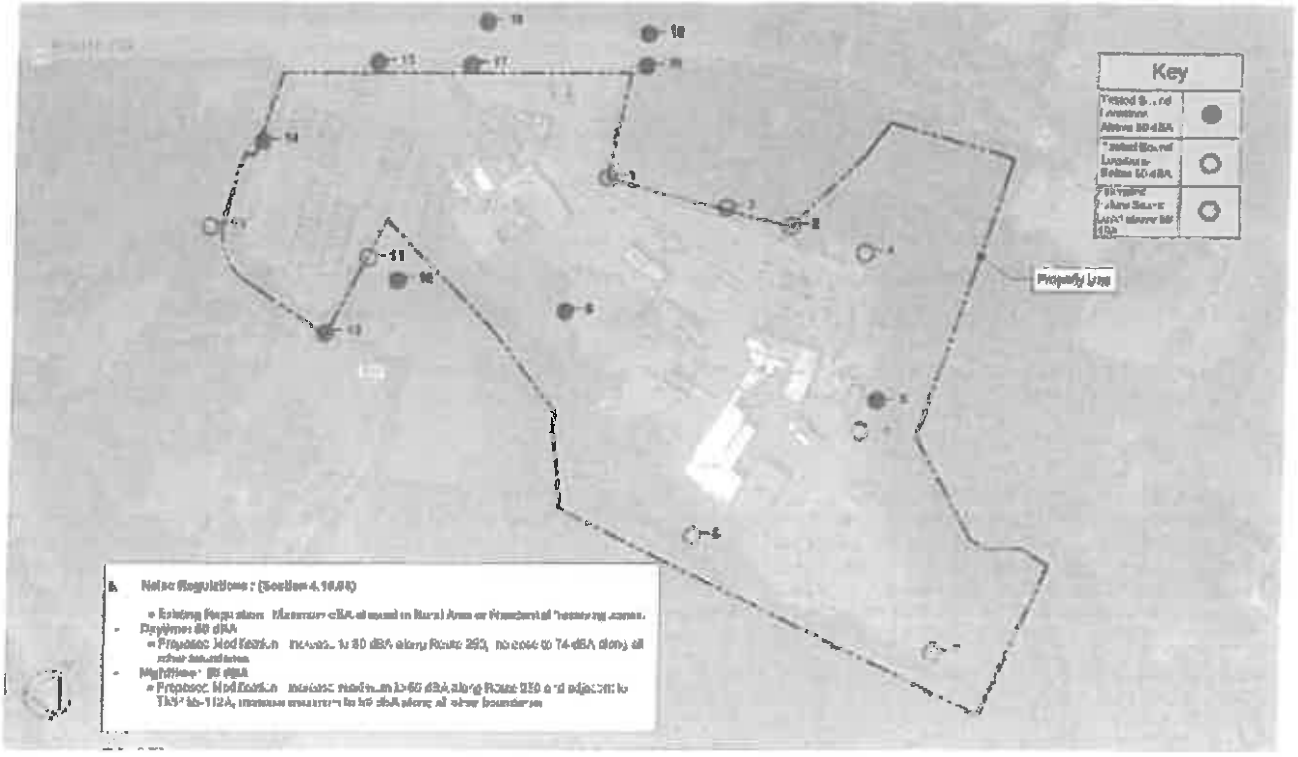
UNIVERSITY of VIRGINIA

A Good Neighbor.

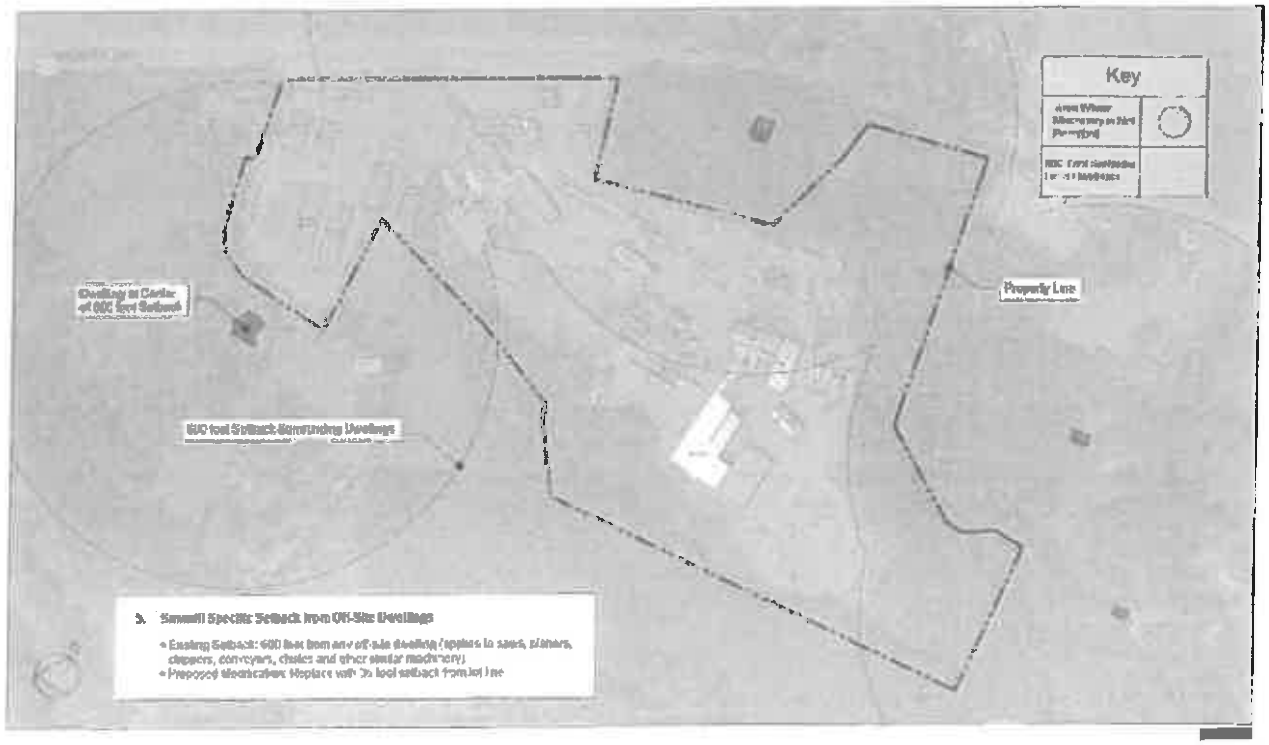
While we haven't lived long in the quaint village of Yancey Mills my wife's family has lived here for decades. Even though we were stationed all over the country, we have always found comfort knowing that when we retired from the Navy, our home would be in Crozet. So just under two years ago that is what we did, our family, the 8 of us, (Mom, Dad, Four Kids and 2 pets) made the transition from Jacksonville, Florida to my wife's grandmothers' home on Yancey Mill Lane. From the beginning its been an amazing journey. Transition from the city life to that of a quieter life. We spend hours upon hours outside playing football, basketball and now baseball; in addition to, hanging out by the fire pit and playing with the dogs.

I'm a good neighbor, I'm a Servant Leader, I've helped my small community by freely offering my skills at web development, SEO and Marketing. I've designed new graphic's for budding business and mentored local business owners in branding practices. Also, my oldest two children and I volunteer 3 to 6 hours a week at a local food pantry.

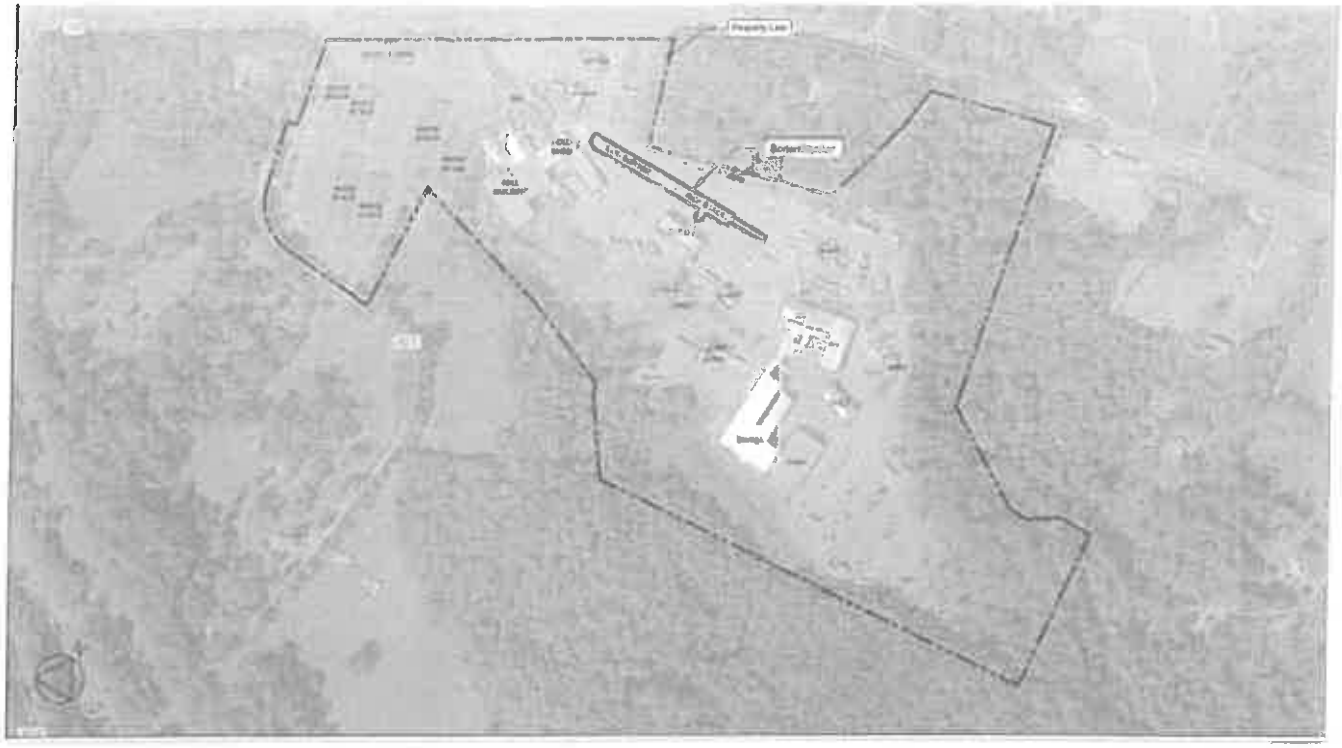
I passionately feel that being a good neighbor is essential to our community, while growing quickly, remains strong and people friendly. Here is where my problem arises, The Mill that we moved next too wants to remove some of the requirements that allow my children to play safely outside. They want to be exempt from regulations that in place that keep my children from having to wear ear plugs or headphones while they are playing outside. I have hearing loss in the conversational range that I earned while serving our wonderful country throughout my 23 years of Naval Service. I knew what the risk were when I enlisted; however, my children should not be subjected to possibly damaging noise because the Mill would like to be exempt from the regulation that keeps them safe.



I understand that as a business we must evolve in order to remain competitive and the Mill is not exempt from this requirement to remain thriving. However, the Mill must also understand and follow all regulations and ordnances that are in affect while they are in business. Not knowing or not understanding the requirement does not prevent if being required. The second Issue for me as a Good Neighbor is the reduction of setback and the complete annulment of the heavy equipment setback requirement. Currently there is a Sorter Stacker positioned 35 feet from the property line of a fellow Neighbor and 300 feet from his home. ***County Code Sec. 5.1.15 Sawmill, temporary or permanent,*** specifically states that ***No saw, planer, chipper, conveyor, chute or other like machinery shall be located closer than six hundred (600) feet to any dwelling on other property in the area.*** Furthermore, it also states that ***No structure and no storage of lumber, logs, chips or timber shall be located closer than one hundred (100) feet to any lot line.*** Now the Mill installed a Sorter Stacker without regard to the regulation and now wants a special exemption to circumvent a code violation that would require that the equipment be pushed back to the 600-foot requirement. Stating that moving it would have catastrophic financial repercussions for the Mill. If that was true and it very well may be, why wouldn't they just request a special exemption for that one piece of gear? Instead they are requesting the setbacks changed for the entire property, places that they haven't built on yet nor do they have public plans too.



The Mill has been here a long time, they have been fined by OSHA a few times over the years, so they are not uneducated in following regulations. To be clear I am not suggesting that every building in the red circles be moved; the regulation went into effect in 1980, anything established prior to that date would automatically be grandfathered in and not required to be changed. Ultimately, the construction that has been completed within the last few years is what I am concerned with.



I support all businesses and want the Mill to be successful; they are, under normal conditions a relatively good neighbor to live by. They provide nearly 100 jobs for the local community, but it appears in this instance they jumped forward before looking at where they should be landing. In no way do I want the Mill to shut down, in the 20 years I have been visiting the area, they have always been an iconic reminder of the industrial greatness in the area. However, I do feel that they have a community requirement to put the health and safety of the Community above the bottom line. They should not be allowed to infringe on the community's rights as property owners nor the Public's safety because they made a mistake in planning. As someone who is not unfamiliar with large projects and project management in general, a project as large as this sorter stacker would be, they should have set aside a conformance budget to meet the regulatory requirements.

As a good neighbor I can't and won't idly stand by while multiple neighbors are forced to make compromises on their safety, health and property utilization because a corporation can't/didn't do the research required prior to breaking ground on a multi-million-dollar project.

If you feel as I do, please sign our petition to stop Yancey Mill from receiving these exemptions from the board of supervisors. Please follow this link: http://chng.it/g8vbSz8cN8

You can also, send the board of supervisors an email expressing your concern with these changes going on in our community by emailing them here: bos@albemarle.org

From one Good neighbor to another, Thank you for your time and consideration.

Bill Fritz

From: Megan Nedostup
Sent: Monday, March 9, 2020 10:02 AM
To: Bill Fritz
Subject: FW: Yancey Lumber Mill Special Exception Applications

Megan Nedostup, AICP
(pronounced **nuh-DAHST-up**)
Principal Planner
Community Development Department
Planning Services
ph: 434.296.5832 ext. 3004

From: David Swales <dswales@affinitymanagement.com>
Sent: Friday, March 6, 2020 8:55 PM
To: Planning Commission <PlanningCommission@albemarle.org>
Subject: Yancey Lumber Mill Special Exception Applications

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Dear Albemarle County Planning Commission Members,

Please see my letter to Ann Mallek on Feb 19th below, I'm pleased to report that my wife and I were able to meet with Ann Mallek and Jennie More at our home on Fri Feb 28th, at that time we were able to discuss our thoughts and concerns as they relate to the Yancey Lumber Mill, but more importantly they were both able to tour our property to see the impact the Mills request to reduce the current setback from 600ft to 35ft will have on our property and were able to see from our property line the close proximity of the Mills new sorter/stacker would have on our property. Additionally, they were also able to experience the noise that we are subjected to daily in person, even though the stacking part of the Mills new equipment wasn't working at the time of their visit.

At this time, Lisa and I would both like to extend the same invitation to you all to meet with us at our home at your convenience so you'll be able to experience the current situation in person prior to your upcoming meeting on March 24th.

Please feel free to contact me directly so that we can schedule a convenient time to meet and tour our property.

Please feel free to contact me directly so that we can schedule a convenient time to meet and tour our property.

With kindest regards,

David Swales
c.434-906-4444

Earlier email sent to Ann Mallek on Feb 19, 2020.

Dear Ann,

I wanted to reach out to schedule a convenient time for my wife Lisa and me to meet with you to discuss Yancey Lumber Mill's Special Exceptions application to Albemarle County, that has been submitted to the Planning Commission and the Board of Supervisors, following their Notice of Violation from Lisa Green the county's Manager of Code Compliance on December 20th 2019. As you are probably aware, we have owned the house and property that abuts the Mill since 1996. Over the past 23 years, we have raised our 3 children in Albemarle County and all of them were educated at our local public schools. Our oldest son now attends UVA, our middle son is a freshman at JMU and our daughter is a junior at Western. Furthermore, we have located the main office of our business in Albemarle County and we employ over 150 staff locally. We are proud to consider ourselves established Albemarle residents and contributors to the local economy.

Due to the location of our house, we will obviously be the most impacted by the Mill's request to reduce the current setback regulations of 600ft (effective 1980) to 35ft on two sides of our property and 0ft on the west-side with the north side of our property facing on to route 250. As we all know, the lumber mill business is noisy and dirty so the existing setback regulations that were introduced back in 1980 of 600ft for mill machinery makes a lot of sense. It is perhaps even more relevant today as Crozet has been designated as a growth area. Yancey Mill's request that the County allow them to increase the current Noise Regulation maximum levels by 20%-28%, and the Vibration Regulations by 2,400%, as they are currently not in compliance with the County for both noise and vibration, is obviously a larger concern to the greater Crozet residential community. This is evident from the recent hum disturbance that carried noise beyond the Yancey Mills residents and into the Old Trail Community. Their final request to amend hours of operation from 7am to 12am, to 6am to 11pm is also interesting. We and our neighbors can attest that the Mill doesn't adhere to the current policy as there is already activity prior to 6am daily.

Please advise us of a convenient time that we can meet for coffee or lunch. We're happy to host at our house if that's more convenient and if you have no objections, our neighbor and dear friend, Bruce Kirtley would like to attend our meeting.

Lisa and I are truly looking forward to meeting with you.

With kindest regards,

David Swales
c. 434-906-4444

Bill Fritz

From:	Lisa Swales <swales5@embarqmail.com>
Sent:	Monday, March 9, 2020 10:35 AM
To:	Planning Commission
Cc:	Bill Fritz
Subject:	Yancey Lumber Special Exceptions

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Dear Members of the Albemarle County Planning Commission,

I strongly object to the special exceptions that Yancey Lumber Mill is seeking from Albemarle County. In 1996, My husband, David, and I bought our house, Five Oaks, on a 4.2 acre lot, knowing full well that Yancey Lumber Mill bordered our property on three sides. We hoped to start a family and I wanted land to garden. As our historic house, built in 1810, lacked central air-conditioning, we lived with our windows open and did not have a problem with the usual daily noise and vibration from the running of the mill.

My husband and I eventually had three children, all of whom attended Brownsville, Henley and Western. We have always lived in our backyard, gardening, raising chickens and bees and owning a succession of dogs and cats. The kids built forts, learned to ride bikes, and turned our field into a soccer field. They fondly recount playing soccer to Spanish music played by mill workers. The old stacker sat back from our property and we had a good buffer zone so while it was noisy, it was not cause for complaint.

Unfortunately, things changed dramatically around 2017 to 2018, I can't be more precise because it never occurred to me to police the mill. What I can say is that the Yancey Lumber reorganized its operations, and moved everything closer to our property. They excavated and cleared land, changing the buffer zone, and building a road right behind our property. They also installed a new stacker just beyond our barn. All of these changes worked to our detriment, increasing our noise to intolerable levels. Wanting to know how loud it was, I purchased a factory-calibrated sound meter and have routinely measured readings ranging from 65 up to over 70 decibels near my barn - not even on the property line. Obviously, we are no longer able to enjoy or even use our backyard during working hours.

We have loved and continue to love the residential community of Yancey Mills. Many of the houses on Hillsboro and Yancey Mill Lane predate Yancey Lumber, as Route 250 was Hillsboro Lane prior to the completion of Route 64. The pillars at the bottom of the original driveway to our house are still on Hillsboro Lane, near the Hogberg's house, the Green Teapot. The village of Hillsboro was a vibrant residential community with an inn, restaurant, and post office well before the establishment of the lumber mill. (Historic Architectural Survey of Albemarle County Villages, October 1995) I say this in an attempt to provide context for the fact that Yancey Mills is a residential community with a long history, and we would like for the mill to operate accordingly. Yancey Lumber affects the daily lives of all who live around it and it is not an unreasonable expectation for its owners and managers to be considerate neighbors.

I find it implausible that Yancey Lumber, as a long-time Albemarle business, could not have known that their new sorter/stacker would be subject to 1980 zoning codes before purchasing and installing it so close to our buffer zone/setback area, with the sorter now 35 feet from our property line. While it is understandable that equipment that existed in 1980 had been grandfathered in, anything subsequent to that date should have been and should be compliant with the 600 foot setback. In 2008, when Will Yancey sought approval for a light industrial park behind the lumber mill, the plan he submitted referenced the comprehensive rezoning in 1980 and the fact that the mill was zoned heavy industrial and that surrounding areas were zoned rural. Again, how

was Yancey Lumber "unaware" of these almost 40 year old regulations when it purchased and began the installation of new equipment, violating decades old regulations?

Also worrisome to home-owners, as any Special Exceptions granted to Yancey Lumber would convey to a new buyer, what assurances do we as residents have that the situation wouldn't get worse? The spin at the Crozet Library meeting in November was that the mill had been in operation since 1949, and the Yancey family had been long time Crozet community members, and yet they had a third-party buyer as recently as 2017. An intra-family lawsuit was just settled in January of 2019 by the Virginia Supreme Court (May v R. A. Yancey Lumber Corporation) regarding a family dispute over the sale. As it currently stands, even without the new sorter operational, the noise levels are not in compliance with county codes. As the plan is to increase business, how would a busier mill not generate more noise, vibration, dust, and traffic? Our quality of life has been compromised as has our right to enjoy our property. This also needs to be carefully considered within the context of a rapidly growing Crozet population, especially in light of the recent disruption caused by the Yancey Mill hum.

Thank you for your consideration,

Lisa Swales

WOODS ROGERS
ATTORNEYS AT LAW

STEVEN W. BLAINE
(434) 220-6831
sblaine@woodsrogers.com

March 10, 2020

Sent Via First Class Mail and E-mail

Mr. Julian Bivens
Chairman, Albemarle Planning Commission
401 McIntire Road
Second Floor
Charlottesville, Virginia 22902-4596

Re: R.A. Yancey Lumber Corporation Special Exception Requests

Dear Mr. Bivens and Fellow Members of the Planning Commission:

This firm represents Mr. and Mrs. David R. Swales who reside at 6259 Rockfish Gap Turnpike, Crozet, Virginia. The Swales are immediate and adjacent neighbors to the Yancey Lumber Mill. My clients, together with a number of other neighbors in the Crozet area object to the proposed Special Exception Requests by R. A. Yancey Lumber Corporation on policy grounds and due to the deleterious impacts that the Requests and further expansion of the Mill represent. My clients and others will present those views at the upcoming public hearings. The purpose of this letter is to outline various legal and procedural objections to the Requests that my clients also wish to make.

Albemarle County Zoning Ordinance ("Code") Sections 4.20 and 5.1.15 Regarding setbacks in Heavy Industrial Districts and for Saw Mills. Code Sections 4.20 and 5.1.15 violate Dillon's Rule in allowing by *special exception* waivers of minimum setback requirements when Virginia Code § 15.2-2201 defines *special exceptions* as special uses not permitted in a particular district and *variances* as reasonable deviations from provisions regulating the size or area of land *or the location of a building or structure*. The statutory process for seeking relief from a setback requirement is by variance or by a modification authorized in Va. Code Ann. § 15.2-2286(A)(4). Therefore the applicant's request for relief by the governing body is not permitted by statute. A Virginia Circuit Court so ruled on the application of a similar ordinance in *Blakeley, et al v. Board of Supervisors of Fairfax County, Virginia*, 2011 Va. Cir. LEXIS 62 (Fairfax County Apr. 12, 2011).

Virginia Code § 15.2-2286(A)(1) empowers the County to enact zoning ordinances for granting both special exceptions and variances. "A zoning ordinance may include, among other things, reasonable regulations and provisions ... [for variances or special exceptions, as defined in § 15.2-2201, to the general regulations in any district." Va. Code Ann. § 15.2-2286(A)(1). Section 15.2-2201 establishes the following definitions:

P.O. Box 2496, Charlottesville, VA 22902
123 East Main Street, 5th Floor, Charlottesville VA 22902
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> *"Special exception"* means a special use, that is a use not permitted in a particular district except by a special use permit granted under the provisions of this chapter and any zoning ordinances adopted herewith.
>
> *"Variance"* means, in the application of a zoning ordinance, a *reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure* when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done. It shall not include a change in use which change shall be accomplished by a rezoning or by a conditional zoning. § 15.2-2201 (emphasis added).

Virginia Code § 15.2-2201 plainly designates special exceptions as governing **land uses** and variations as governing **deviations** in lot sizes, area and locations for building or structures. The process for issuing variances is by application to the County Board of Zoning Appeals. Albemarle County Code Sections 4.20 and 5.1.15 bypass the statutorily defined process for variances by reclassifying a building or structure setback waiver as a special exception.

Virginia Code § 15.2-2309(2) grants the Board of Zoning Appeals ("BZA"), and not the local government, the power to authorize variances. Along with other restrictions on the BZA's authority, the Virginia Code mandates that the BZA shall not authorize a variance unless "the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application." Virginia Code § 15.2-2309(2).

Albemarle Code Sections 2.20 and 5.1.15 are inconsistent with this statutory scheme. By simply reclassifying the administrative action as a special exception, the County assumes the BZA's authority to grant setback restriction waivers as variances and, thus, bypasses the specific statutory and judicial requirements for granting a variance. This reclassification is at odds with the

statutory definitions outlining the scope of the County's authority. The building setback directly relates to the "size or area" of a parcel of land that may be improved. Reducing the setback, does not change the "use" of the land, only the area of the parcel to which that use may be put. [There is no issue in this application that the proposed use is not contemplated by the applicable, HI Zoning District]. A deviation in the amount of area that may be improved without a change in use falls squarely within the General Assembly's definition of a variance in § 15.2-2201. The County may not contravene legislative intent by simply ignoring the plain, unambiguous language of statutory definitions. Under the County's enabling authority, the deviation in the setback is defined as a variance. Thus, by proceeding to grant a waiver as a special exception, the County will be without a statutory grant of authority.

Distinguishing *Sinclair v. New Cingular Wireless PCS, LLC, et al.* The Virginia Supreme Court took up a challenge of the County's Critical Slope Waiver provision in *Sinclair v. New Cingular Wireless PCS, LLC, et al.* 283 Va. 567 (2012). As in this case, the *Sinclair* challenge involved the application of Virginia Code § 15.2-2201 and § 15.2-2286. The ultimate result in Sinclair however was not dependent on the definitions set forth in 15.2-2286, or whether the waiver was a *variance* or a *modification*, but rather whether the County could delegate the granting of such a waiver to its planning commission. The Supreme Court in *Sinclair* declined to expressly embark on an analysis of the waiver under the definitions of § 15.2-2201. By implication (and by 'process of elimination', reading footnote 6 of the *Sinclair* decision) commentators have concluded that the Supreme Court viewed the critical slope waiver as a type of special exception. The County's response to the decision understandably was to reserve for the Board of Supervisors such waivers as a form of special exception. But the County's approach to waivers (or modifications) specifically as it applies to **setbacks** takes this implication too far. An adjustment of a bulk type restriction like a setback – directly affecting the location of buildings or structures is clearly within the definition of a variance. *Sinclair* did not hinge on this analysis, and the Court certainly didn't rule on this particular application.

Code Section 4.18 Noise. The Applicant is also seeking various modifications to the ordinance governing noise. The information that the applicant has submitted demonstrates that the applicant is currently in violation of Code Section 4.18. The applicant's answer, rather than seeking ways to comply, is to ask for a modification under Code Section 4.18.07. Based upon the analysis above, it would appear that the correct statutory approach would be to seek a modification pursuant to Va. Code Ann. § 15.2-2286(A)(4). Va. Code Ann. § 15.2-2286(A)(4) express provides for the zoning administrator to consider such modifications and upon appeal, the BZA. Again, the County's approach is inconsistent with the statutes.

Even following Code Section 4.18.07, the modifications should be denied. The applicant's justification fails to demonstrate that the ordinance as stated would cause undue hardship and not forward the purposes of this chapter or otherwise serve the public health, safety or welfare, or that alternatives proposed by the owner would satisfy the purposes of the noise ordinance at least to an equivalent degree. There has been no offer by the applicant to undertake measures to mitigate the existing, non-compliant noise levels, let alone to propose alternatives that would satisfy the purposes of the noise ordinance at least to an equivalent degree.

Code Section 4.14.2 Vibration. The Applicant is also seeking a modification to the ordinance governing performance standards for vibration. The Code does not provide for any such modification. It would appear that the applicant is seeking some form of zoning text amendment which is a separate process from what is proposed.

Public Policy Implications. It's not difficult to imagine the negative public policy implications by the County's approach in these instances -- of calling a thing a special exception when by statute it should be processed as a variance, or a modification. Under this logic, any building regulation or standard could be relegated to whatever a particular Board deems it to be, rather than what was legislatively intended. Part of the effect of the statue is to remove certain determinations from the popularly-elected officials to at least the quasi-judicial officials of the BZA thus reducing the powers of special interests or the effects of pitting constituencies against one another.

For the foregoing reasons, our clients request that the Special Exception and Modification Requests of R.A. Yancey Lumber Corporation be rejected.

Respectfully,

Steven W. Blaine

BY: Email and First Class Mail
cc: Mrs. Ann Mallek.
Greg Kamptner, Esq.
Mr. Bill Fritz
Mr. and Mrs. David R. Swales
Valerie Long, Esq.

Bill Fritz

From: Damon DeVito <ddevito@affinitymanagement.com>
Sent: Wednesday, March 11, 2020 9:02 AM
To: Bill Fritz
Subject: FW: Yancey Mill

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Bill,

I am a concerned Greenwood resident approximately two miles from Yancey Mill. I am also a business owner in Crozet, and I drive past Yancey Mill daily.

Despite being very pro-business, I firmly oppose the setback and other variances Yancey Mill has requested. Following a history of disregarding regulations and a recent employee death, this seems to be a case where the rules need to be enforced.

Though an important and necessary business, the Mill is also a dirty and dangerous one. If they don't have enough land for setbacks and expansions they ought to find some more land or they ought to not expand. Expanding is a pursuit of increased revenue - which I'm not opposed to – but disregarding associated regulations pushes the expansion costs onto neighbors and other citizens via taxes and health (noise, injuries, traffic) while keeping the gains for Yancey.

For example if they cannot operate within healthy and prescribed noise and vibration levels they should be encourage to find quieter technology or purchase surrounding homes so as not to disturb residences with an industrial area. I don't want to have my employees' hearing and my company's health insurance negatively impacted because a private lumber company wanted to save a few dollars cutting corners like not buying land they needed for expansion.

I also am concerned about air quality and urge that it be tested now and regularly and published somewhere for residents to easily find. This is very near three excellent public schools, including one of the best high schools in the state. Those schools form the backbone for the western Albemarle residential patterns and contribute to this being a very crowded entrance corridor. Ingress/Egress at Old Trail is already a disaster so getting this right is even more important for both safety and to keep constituents behind their elected officials.

But of greatest concern is the issue of a seemingly willful disregard for County regulations by this business. Generally, I support reasonable give and take as master plans can require reasonableness. But it seems to me that the Mill's posture even in a period of contention from neighbors has been reluctant and reactive. This is a company that could be a good neighbor and seems to choose a more selfish path time and time again.

I'm firmly opposed to every exception requested by the Mill and encourage great care with any deviations. Further, because myself and others do not feel safe attending hearings or group gatherings with the Covid-19 outbreak still escalating, any deviation from existing regulations that would involve public input ought to be tabled until the outbreak is over.

I'd like for this letter to be shared with the Planning Commission, Board of Supervisors and anyone else relevant to the decision-making process on this matter.

Damon DeVito

To Whom It May Concern: 12 March 2020

My wife and I had the good fortune to move from California to the beautiful State of Virginia thirteen years ago and have vowed to never leave. For us, one of the most pleasant aspects of living in Virginia is the civility and consideration that flows from the hearts of our citizens to the actions of our communities. This is a legacy we can all be proud of and support.

We purchased our home in the Old Trail development as it was first getting started and watched this and other surrounding developments grow exponentially. With this rapid growth comes change and challenges that may not have been foreseen in the not too distant past.

We recently became aware that the lumber mill adjacent to us would like to expand their operation by installing more equipment on their existing setbacks which in turn has further potential to create more noise, traffic and health concerns that are already present. We respectfully ask the powers that be to take a long and careful look at any and all of the mitigating concerns and consequences of allowing further environmental impact by the mill.

Sincerely,

Ron Ganiats

Bill Fritz

From: Debbi Meslar-Little <debcnm1997@gmail.com>
Sent: Friday, March 13, 2020 4:37 PM
To: Bill Fritz
Subject: Yancey Mill

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Hi Bill and All,

I live at 6286 Hillsboro Ln, Crozet, VA 22932 and have been here for 22 years. The mill has always been a noisy neighbor but certainly an important one. I'm concerned that there has been additional equipment added without proper oversight, and that there is a request to increase both decibel level and vibration. As a homeowner within the 600ft radius of the newest piece of equipment, I would like to see the mill become a better neighbor by working to reduce the impact of it's growth on immediate neighbors. This may be in the form of true noise and vibration buffers along with a green barricade to help reduce dust, noise, along with headlight glare and running engines in the wee hours (trucks waiting to unload). I remain disappointed that Yancey Mill is trying to push items on the neighborhood that have not been properly assessed. Thank you.

Sincerely,
Debbi Meslar-Little

Bill Fritz

From:	Kristen Hardy <staigerhardy@hotmail.com>
Sent:	Friday, March 13, 2020 3:49 PM
To:	Planning Commission
Cc:	Bill Fritz; sarah@rayanceylumber.com
Subject:	RA Yancey Lumber

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To the Albemarle Planning Commission

Good Afternoon. I wanted to take the time to share with you my thoughts regarding R A Yancey Lumber Corporation and the family. This family has been a strong supporter of the Crozet community since 1949. They have employed thousands of people during this time and the way they have always conducted business and themselves within this community has always been genuine and sincere.

This family-run business was in Crozet long before the development started. They are 100% committed to this community and are upstanding members. This is clearly evident as they were forced to deal with the "noise" complaint from local members of the community as far away as Old Trail. Last time I checked, their mill was there and running for decades before Old Trail was developed. Shame on the citizen who moved in and didn't do their due diligence of their surroundings. Yet, the Yancey's went above and beyond and tried different methods to reduce this noise for their neighbors, at their expense, because they care about this community and continuing their long upstanding reputation. They are all extremely hard working, genuine, and caring people. To see how some members of the Crozet Community are treating this family is very disheartening and completely unfair. It is a sawmill. It is a very tough but also very important business to all of us. I have known this family for 15 plus years and they truly care about their image and reputation in this community and doing everything they possibly can to adhere to all regulations and be good upstanding neighbors to all.

Sincerely,
Ned and Kristen Hardy

Sent from my iPhone

Bill Fritz

From: Lucy Goeke <lucygoeke@gmail.com>
Sent: Friday, March 13, 2020 11:37 AM
To: Bill Fritz
Subject: Lumber mill

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Hello Mr. Fritz, we live directly across from the Lumbermill. We know the Lumbermill has it been An important part of our economy for years in Crozet. This does not give them the right to infringe on all of the homeowners that live in the neighborhood. Already the noise, dust, and dirt that the Lumbermill gives off is offensive. We do not need to make this worse. We have all invested our time money and citizenship in to Yancey Mills and the town of Crozet. 250 is considered a scenic bypass. Please do not destroy this. Please take the rights of the citizens and homeowners in the area seriously. Big business cannot always win.
Your sincerely Lucy Goeke 6254 Hillsboro ln Sent from my iPhone

Bill Fritz

From:	Paula Welch <praiz3@yahoo.com>
Sent:	Wednesday, March 18, 2020 11:59 PM
To:	Bill Fritz
Cc:	Lisa Swales
Subject:	Concerns regarding Yancey Lumber Special Exemption Request

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Dear Mr. Fritz,

As the owner of 6343 Hillsboro Lane, the house closest to the debarker equipment that is closest to rt. 250, it is only fair to inform you of the concerns shared by many residents. We lived in the aforementioned home for over 9 years (March, 2007 - December, 2016), and the noise from Yancey Lumber during operational hours was unbearable. We were unable to use our backyard or even enjoy our front patio unless the mill was closed. We could not hear each other. In addition, forklifts and logging trucks operated seven days a week, 24 hours a day often waking our family and guests. If Yancey Lumber's special exemptions are allowed and a "new piece of machinery" is installed, IN ADDITION to the noise of the existing machinery, cumulative noise will become a real health hazard. The stress of incessant noise carries an emotional impact as well. Tenants now occupy the residence and also have concerns that when their small children are in the backyard, they cannot hear them when they call. The only reason I did not complain at the time we lived on Hillsboro Lane is because I am a staunch supporter of free enterprise, and I also had the pleasure of teaching children of the Yancey family, and was quite fond of them, and respected their parents' dedication to their education.

However, I can no longer ignore the blatant disregard shown by Yancey Lumber for its residential neighbors. If residents were causing this much difficulty to a commercial business, residents would be held accountable. Below I have attached two articles from the Center for Disease Control and the American Speech and Hearing Association, regarding the dangers of noise levels on hearing. The most important aspect of this is the fact that Yancey OPENLY admits they are requesting a special exemption to allow the noise to be over 70dB in the receiving area, which is both, in closest proximity to residences, AND in addition to the noise already generated by heavy commercial traffic in the same area! The fact that they quote "daytime" noise (note - no mention of "intermittent" or "occasional" noise) could allow a SUSTAINED level which is also highly concerning because sustained noise absolutely causes hearing loss - not "may" cause, WILL cause!

In addition, nighttime levels of 65dB will absolutely be not only audible at bedtime, but also disturbing. In recent months Yancey has already had to face opposition from neighbors about noise/vibration at night - why do they think they can ignore concerns now? At this point they are in direct violation to county guidelines, yet have not been held responsible. I find it interesting to read nothing about vibration in these exemptions.

I am also curious about the fact that the second exception in the county letter, fourth point, which addresses hours of operation, as it clearly expects an exception to be made 24 HOURS A DAY for operation of the kiln! Does that operation also produce noise?? No mention is made.

And, none of this has even approached the financial impact of lowered housing value due to the dangerous noise levels!

Yancey owns sufficient acreage at the same location to be able both to relocate existing machinery as well as construct new machinery. Why are dozens of homeowners being expected to put up with increased noise, increased health hazards, and lowered home values when Yancey Lumber could simply be required to move their equipment into areas that would meet the existing restrictions? The owners/workers at Yancey Lumber are only there 5 days a week, for designated hours. Then, they go home to the PEACE AND QUIET of their homes to be with family, and rest. Homeowners near Yancey who moved there to enjoy having their children in recognized schools, the convenient location, the natural beauty of the area, and the simple "pursuit of happiness" are being denied this simplicity of peace and quiet.

Who will hold them accountable? Why has nothing been done to date - let alone the audacity of their asking for more? Why has big business been allowed to overshadow the simple needs of families? Answers are needed. Elections are never so far away for local residents to forget the actions of seated officials!

In concern and dedication to our neighborhood,
Paula W. Welch
M. Ed., Deaf Education
University of Virginia

https://www.cdc.gov/nceh/hearing_loss/what_noises_cause_hearing_loss.html

https://www.asha.org/public/hearing/loud-noise-dangers/

Bill Fritz

From:	John Moore <4moore@centurylink.net>
Sent:	Thursday, March 19, 2020 5:03 PM
To:	Bill Fritz
Cc:	Lisa Swales
Subject:	Yancey Mill special exemptions letter

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Board of Supervisors,

My name is Denise Moore and I am writing you on behalf of myself and my family that reside on Yancey Mill lane. I would like to express my concern about the Special Exemption request that Yancey Mill is applying for.

Although my husband and I have been a life long resident of Crozet, we purchased our home in 2012 with the full knowledge that the Mill was considering some changes and that we were purchasing a home sandwiched between interstate 64 and a lumber mill, but it was important to us to purchase a piece of history in our home town. We fully support the mill and their success but you can understand my concern when I realized that the exemptions included so many factors that would directly effect their neighbors and to be frank they already have been exercising some of these exemptions that they are currently asking for (hours of operation, land barrier for equipment).

We are asking you to please consider the neighbors of Yancey Mill when reviewing their request. Again we are proud of Yancey Mill's success but not at the expense of our families.

Thank you for your time,
Denise & John Moore

Bill Fritz

From: Marsh Pattie <jmpattie@yahoo.com>
Sent: Saturday, May 23, 2020 10:59 AM
To: Bill Fritz
Subject: Yancey Lumber Comments for Packet

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Bill,

Thanks for the opportunity to weigh in. I offer some comments below for inclusion in the packet.

Having been raised in a rural area of Virginia, I understand and sympathize with industries native to a community. Family owned and operated businesses face unique challenges when communities grow around them, as expectations change, and as laws/ordinances follow those changes. At the same time, those businesses must learn to adapt and thrive in their new environments while acting in good faith to preserve the character and wellbeing of their hometowns. Given the fact pattern associated with Yancey Lumber, I worry this isn't happening.

The trend with Yancey Lumber has been to forge ahead with developments and improvements without consideration of county ordinances or sensitivity to the impact on the residential community now surrounding them. The "act first, apologize later" approach has proven detrimental to the health and wellbeing of the community; it causes many of us to struggle with trusting them moving forward. We wonder if they are acting in good faith. I respectfully ask the county to hold them accountable for their missteps and not allow a free pass simply because work has already begun. To do otherwise sets a bad precedent for the future and rewards bad behavior (behavior either out of willful ignorance or mal-intent).

I was one of the many individuals adversely impacted by the now infamous "hum" that permeated across much of the Crozet area. The vibration caused me to lose sleep, have headaches, and struggle to remain in my own home. Like many of my neighbors, we endeavored for a time to determine the source of the noise/vibration. When engaging with Yancey Lumber, the company's initial response was that they had not changed anything and the sound could not be coming from their site. It was only later that they acknowledged they had made some changes to their equipment and the sound was indeed coming from their site. While they did eventually take steps to try and mitigate the impact to the community, it was only after considerable pressure, appeals to members of the Board of Supervisors, and referral to county noise ordinances. In other words, the lumber yard did not plan to do anything until finally forced to do so and with evidence-based community pressure bearing upon them. They knew from the beginning what they had done (and in violation of the county's ordinances) but tried to avoid responsibility for as long as they could do so.

Like my neighbors, I worry that this pattern will continue. With the appeal of their noise violation and request for special exceptions, there is the risk of overlooking what has already occurred. There is also the risk of creating a potentially untenable situation for local residents - particularly in an area designated for residential growth. There is a reason the county has noise/vibration ordinances - I experienced the importance of that reason when I lived with the "hum" for several weeks. The county should not grant their appeal nor approve their special exception requests. Instead, we should help them work within the boundaries of the law and in alignment with the needs of a growing residential community. The county wants Crozet to grow - much of it has been zoned for residential development. Granting Yancey Lumber's requests runs counter to the residential focus of the community and would likely result in pushing people away or creating a great deal of disruption, division, and litigation in the months and years ahead. We should try to pre-emptively address these concerns now - at the outset - to both support innovative ways to help Yancey Lumber's business thrive while honoring the residential nature of the surrounding communities the county has endeavored to create.

Many thanks,
Marsh Pattie
Old Trail Resident
On Friday, May 15, 2020, 01:15:34 PM EDT, Bill Fritz <bfritz@albemarle.org> wrote:

Sorry for a second email but I want to provide some additional information to help prevent confusion.

There are 3 hearing dates associated with this property.

June 2 – The Board of Zoning Appeals is scheduled to hear the appeal of the Notice of Violation

June 23rd – The Planning Commission is scheduled to hear the special exception request. This is an advisory meeting.

July 15th – The Board of Supervisors is scheduled to hear the special exception request.

The Board of Zoning Appeals does not review the special exception request. The appeal of the Notice of Violation is not reviewed by either the Planning Commission or Board of Supervisors.

I can provide information on the special exception.

Bart Svoboda can provide information on the Notice of Violation and the appeal process. He is the Zoning Administrator and I have copied him on this email.

I apologize for any confusion created.

William D. Fritz, AICP

Development Process Manager/Ombudsman

434-296-5823 ext 3242

From: Bill Fritz
Sent: Friday, May 15, 2020 1:02 PM
To: Alice Faintich <alice@faintich.net>; Allison Wrabel <awrabel@dailyprogress.com>; Andrew Green <greendrew@gmail.com>; Ash Singh <ash_armuk@yahoo.com>; Chris Tyree <chris@christyree.com>; Damon DeVito <ddevito@affinitymanagement.com>; David Swales <dswales@affinitymanagement.com>; Debbi Meslar-Little <debcnm1997@gmail.com>; Denise Moore <4moore@centurylink.net>; Dennis Hogberg <txstatebobcats@icloud.com>; Doug Lowe <doug@sagebuildconsulting.com>; Erica Haskins <ericacroz@aol.com>; Howard Epstein <hee2b@virginia.edu>; Jamie Howard <howjhow@aol.com>; Jessica Testo (jestos@comcast.net)

<jestos@comcast.net>; Karen Singh <karenesingh@hotmail.com>; Kristen Hardy <staigerhardy@hotmail.com>; Leslie Lepage <lepage.leslie@gmail.com>; Lillian Mezey <lmezey@comcast.net>; Lisa Martin (lisamartinbooks@gmail.com) <lisamartinbooks@gmail.com>; Lisa Swales <swales5@embarqmail.com>; Lucy Goeke <lucygoeke@gmail.com>; Marsh Pattie <jmpattie@yahoo.com>; Mary Steele <marysteele11@comcast.net>; Pashmi Ghei <rashmi1016@gmail.com>; Paula Welch <praiz3@yahoo.com>; Rob Langdon <rob.langdon@gmail.com>; Sandra Haussman <hauschott@aol.com>; Steve Blaine (sblaine@woodsrogers.com) <sblaine@woodsrogers.com>; Susannah Hornsby <sbhornsby@gmail.com>; Sylvia Castellettio <sylviacastellettio@gmail.com>; Terry Maynard <tm7sv@virginia.edu>; Valerie Long <vlong@williamsmullen.com>
Subject: Yancey Lumber

I wanted to let you know that this item is now scheduled for hearings on these dates:

Planning Commission – June 23rd

Board of Supervisors – July 15th

If you have already sent me comments I will include them in the packet that will be sent to the Planning Commission and Board of Supervisors.

If you want have not sent comments and would like to have them included in the packet please send them to me by June 12th so they can be copied and included in the packet. Comments received after that date will be sent to the Planning Commission and Board but they will not be included in the packet and will be sent separately.

When the staff report is available I will send you a link to access the report.

I will not be in the office until May 26th but I if you have questions I will respond to them as I return.

William D. Fritz, AICP

Development Process Manager/Ombudsman

434-296-5823 ext 3242

Speech for the Planning Commissioners:

Date: Mar 24th 2020

By: David Swales

As the Planning Commissioners are aware my wife and I have lived next door to the Mill since 1996 and raised our 3 children here, our home was originally built in 1810 so pre-dates the Mill operation by almost 140 years. My family and I strongly oppose all the Special Exception Requests that the Yancey Lumber Mill has submitted as they relate to setbacks, noise, vibration and hrs. of operation, on the bases that they don't firstly meet the current Albemarle County Zoning Ordinance, the Mill requests are only self-serving with no regard to their neighbors quality of home life.

While the Mill is under new leadership next generation, unfortunately the behavior has not changed with constant disregard to the rules and regulations. When a County introduced a new Zoning Ordinance in 1980 (40years ago) regarding Heavy Industrial Districts specific to Saw Mills, the excuse of "I didn't know" is hard to believe. Especially after Will Yancey made reference to the strict 1980 zoning ordinance that the Mill was subjected to, during his application for a light Industrial land use for the surplus land the Yancey Family owned behind the Mill. Again, to be told that the Mill were unaware of the 600ft setbacks seems hard to comprehend especially as Will's father was running the Mill at that time, plus attorney Valeria Long was representing the Yancey's at that time too.

Rules and regulations are in place for a reason, to simply ignore them or think if caught just ask for forgiveness is wrong. The zoning ordinance for saw mills has been in place for 40 years and for the Mill to continually expand their operation over that time within the set-back area needs to be addressed and STOPPED, in that time the Mill has had sufficient time to restructure their operation to be incompliance, but chose to continually expand within the 600ft setback creeping closer towards their neighbor rather than creating distance. The setback pertaining to saw mills the County recognized that this business is dirty and noisy so there needed to be distance between residential dwelling to coexist. Since moving to our home in 1996 the noise from the Mill has increased significantly as the operation moves closer and closer towards our property to the point we can't enjoy spending time outside any longer, the Mill has virtually cleared all the trees and brush up to our property line making the Mill more visible while removing our buffer zone.

Our initial meeting with the Mill Management/Counsel, one of our first questions was what's your Plan B if your application gets denied, after a short but obvious blank stare between lawyer and management the answer was we don't have one! How can a business purchase a multi-million-dollar piece of equipment prior to gaining approval, obviously their hope was no one would challenge their new equipment installation until the famous HUM occurred?

In wrapping up on my 3minutes, I would ask the Planning Commissioners to put themselves in the shoes of the neighboring residents and or the Swales Family and think how would you feel if this was the behavior of your neighbor.

Is it okay for your neighbor to ignore the 600ft setback and to start building 35ft from your property line.

Neighbor tells you that adding a new sorter/stacker 35ft from your property line won't increase current noise levels. While they are operating between 20-40% over the maximum noise levels. Maybe the question should be, why don't you look at ways to reduce sound rather than asking the County for an Exception.

Neighbor wants to increase the vibration level by over 2000%, again no attempt or effort to lower current vibration levels.

Neighbor wants to adjust hrs. of operation, from 7am to 6am, already activities starts daily between 5am and 6am depending upon daylight.

Please think long and hard about your decision and the negative impact these Special Exceptions will have on the local resident's quality of life that has already been negatively impacted, so I would urge you all to deny ALL the Mills Special Exception Requests.

Bill Fritz

From:	Dennis Hogberg <txstatebobcats@icloud.com>
Sent:	Monday, June 1, 2020 5:49 PM
To:	Ann Mallek; Board of Supervisors members
Cc:	Tom Goeke; Bill Fritz
Subject:	Yancey Lumber- Zoning Violation
Attachments:	LUMBER YARD.pdf

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Dear Albemarle County Board of Supervisors, especially Ann Mallek, my White Hall representative:

Below you will find a quick note regarding Yancey Lumber Company's request for a new zoning exception that I sent to the Board of Zoning earlier today. I also sent the attached PDF to Bill Fritz back in March. Please read both. The letter has a longer history of the problems and more of an explanation of our concerns about the lumber company.

Sincerely,
Dennis Hogberg

To Albemarle Co. Board of Zoning,

My name is Dennis Hogberg, my wife is Judith Belew Hogberg, and my mother-in-law is Mary Maupin Belew (owner of house). We live at 6337 Hillsboro Lane, which is right across Highway 250 from Yancey Lumber Company.

We are very concerned about the overbearing noise from the "debarker" machine at Yancey Lumber. The "debarker" machine was installed between 1998-2001. The noise level then increased significantly. There was also a marked increase in vibration (heard and felt). The continuous loud noise and dust coming across Rt. 250 from the lumber company is unacceptable, as is the fact that this equipment does not meet zoning regulations.

We are strongly opposed to Albemarle County allowing Yancey Lumber to continue to operate in violation of existing zoning codes and regulations. It is a flagrant safety and legal concern in our community, one that should be addressed accordingly.

Sincerely,

Dennis Hogberg
txstatebobcats@icloud.com

March 17, 2020

Letter to Albemarle County Planning Committee Regarding R.A. Yancey Lumber Corporation

My name is Dennis Hogberg, and my wife Judy Hogberg, my mother-in-law Mary M. Belew (the property owner), and I live directly across Route 250 from the office of R.A. Yancey Lumber Company. Our house is over 200 years old. My mother-in-law's parents purchased it in 1946, three years before the lumber yard was even established or built, when the only west-bound road was in front of the house (Rt. 250 had not yet been constructed), and it has been in the family ever since. My wife and I have personally lived at this location for 38 years, and my mother-in-law moved in with us in 2010. (Our address is 6337 Hillsboro Lane, Crozet, Va.) My wife and I provide daycare every week day for our two year-old grandson. We are both retired Registered Nurses. We are all very concerned about the health and well-being of ourselves and our family, and also the safety and quality of life in our neighborhood and the surrounding community.

We would like to comment on two major topics of concern that we believe are a problem with the operation of R. A. Yancey Lumber Corporation:

Noise:

Noise has always been a constant concern living across the highway from the lumber company. Both day and night we are bombarded with the sound of heavy equipment operating, backing up, and diesel engines idling for long periods of time. Our house is an old house built in the late 1700s - early 1800s, and it does not have air-conditioning. As temperatures increase in the spring, through the summer and early fall, we need to open our windows to get ventilation and cool the house; the noise level then becomes even more noticeable and intrusive. At night, if the windows are open on the back of the house that faces the lumber yard, it is impossible to sleep without fans running to block out noise.

The "debarking" machine was installed between 1998-2001. The noise level at that point increased significantly. There was also a marked increase in vibration (heard and felt). Painters and construction workers we have hired over the years have commented on the continuous "loud noise" coming across Rt. 250 from the lumber company. The "debarker" is very close to Rt. 250 and intrudes within the 600-foot radius that should protect residential property from a heavy industrial site. Two of the "Special Exception Requests" by the Lumber Company are to have the "decibel" and "vibration" levels raised. My family and neighbors think that these requests are ludicrous.

Dust/Safety:

Throughout the 38 years of living on Hillsboro Lane, my wife and I have battled a continuous problem of dust and a "black grit" that settles on our windowsills, roof, gutters, and on the side of the house that faces the lumber yard. Painters (from ELS Painting) who were hired in October 2019 to paint the roof that faces the lumber yard

reported to us and showed us how quickly this dust and grit resettles on surfaces after washing. These painters first scraped old paint off and then power washed the roof surfaces to prime the surfaces for the new coat of paint. They completed the painting of the base, "primer" coat of paint on a Friday afternoon. When they returned on the following Monday morning, they wiped off the roof surfaces to remove any moisture in preparation to apply the final coat of paint. The painters were astonished to see their white cloths turn black with the removal of what they thought was simply morning dew.

Less than one mile east of the lumberyard there are several businesses (one with outdoor seating, Pro Re Nata) and three public schools attended daily by over two thousand children and youth, as well as adult staff. Frequently the wind blows large clouds of sawdust and wood grit eastward towards these businesses and schools. In addition to the lumberyard dust and dirt polluting the air, the tractor trailers use a "turn-around" area in front of the Warren James auto body/repair shop that is *even closer* to the schools and businesses, and directly across from several residences. This "turn-around" area is unpaved, and clouds of dust can be seen blowing across and down Rt. 250 when these trucks turn around, impacting air quality for ALL in close proximity. In addition, this leads to a traffic and safety concern with tractor trailers pulling huge loads of lumber making u-turns on what has become a very busy stretch of road.

The town of Crozet is known for its natural beauty and family-friendly sense of community. While we realize that the R.A. Yancey Lumber Corporation is a long-standing business in our community, we do not understand how or why they should continue to be afforded special use permits or approval for operations that no longer meet zoning or safety requirements. The proximity to a major road, residential housing, other commercial businesses, and local schools makes the maintenance and regulation of such a facility that much more important. Please support the members of this community who share these fears and concerns by ensuring that the operation of the lumber yard is regulated in such a way to properly and completely guarantee our priorities of health, safety, and well-being.

Thank you for your time.

Respectfully,

Dennis Hogberg, RN, EMT
Judy Hogberg, and
Mary M. Belew

Bill Fritz

From: Jessica Tosto <jestos@comcast.net>
Sent: Wednesday, June 3, 2020 12:37 PM
To: Bill Fritz
Cc: Jessica Tosto; Lenny Tosto
Subject: Re: Yancey Lumber

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Hi Bill,

My name is Jessica Tosto, and I have lived in the heart of downtown Crozet for 36 years. I have owned and run my own business, which is by permit at our homesite, for the past 28 years. I am personally familiar with how business owners often must to jump thru innumerable hoops in order to legally run a business. It took me a long time to recover from the stress of obtaining my own business permit. At one point the obstacles to my endeavor appeared insurmountable. But I managed to follow all the rules and was able to establish my practice as a massage therapist. I am honored to note how my clients experience my business as an asset to the community. I have never received even the slightest complaint about the presence of my business in Crozet.

Regarding the Yancy Mills Lumber Yard, I have been disappointed in their business ethics and practices. A year or so ago, I called my husband outside during the nighttime onto our screen porch to listen to a new and disturbing sound. It was a constant hum that seemed to be coming from the direction of Old Trail. From our house, Old Trail lies on a straight line that would connect our house with the lumber yard. The lumber yard is about one and a half miles from our home, as the crow flies. We had no idea what generated the sound, but found it to be non-stop and quite offensive. Since it was nighttime, I could not imagine what was causing the sound. Construction noise occurs only during daylight hours. Shortly after that, I called Albemarle County to place a complaint about the sound. For the record, I have been subjected to a plethora of objectionable noises, ever since the developers hit Crozet. The development began some years after the sewer was put in, a project which began when my son was 4 years old, which means work on the sewer began 32 years ago. When I opened my practice 28 years ago, our homestead and consequently my office was a very quiet place. I always kept the window open while working, for fresh air and audibility of nature sounds. Some years after opening my practice, serious development began in Crozet, with all the accompanying unpleasantness that it brings to existing residents. I was fortunate that although developments such as Greyrock were being built down my road, the noise did not prevent me from being able to carry on my massage practice as normal. However, when Old Trail construction began, maybe ten years into my practice, I could no longer keep the window open while working because the constant humming, grinding, and beeping of heavy machinery was incompatible with running my business. I had to shut the windows in order to cut the noise down to an acceptable level. This was very disconcerting to me, to say the least. And this situation continued for probably 10 or 15 years! I did not keep track of the number of years to be honest, because it would have been to no avail other than to upset me. The point is, it took a lot of years to build Old Trail and the other adjacent developments. I did not like the fact that developers were making a lot of money at the expense of peace and quiet in my office, but there was nothing I could do about it. I just sucked it up, because sometimes that's what you have to do. I did not place a complaint anywhere. Furthermore, in more recent years, in my home and business, I had to deal with the extraordinary noise and dirt of improving Jarmans Gap Road on which I live. Often the disturbance from that construction was literally earth shattering! Again, I placed no complaints because in fact the road badly needed improving. My point, which I hope you are picking up on, is that I am not a complainer, even in the event of undergoing substantial negative impact from industry. I understand that some hardships must be endured by citizens for the good of the community. Also, please note that the above sited examples of noise production were all the result of legally performed operations.

Regarding Yancy Mills Lumber Yard, it is my understanding that they have committed many violations of their business permit. I believe that in the recent noise issue, the management behaved in bad faith by lying about equipment and pretending to be innocent. I believe that this behavior should not be rewarded by having the lumber yard excused from complying with regulations. If I received a parking ticket, I seriously doubt that ignorance of my violation would vindicate me. I hope that you will hold the lumber yard accountable to follow regulations. Just as I would expect legal consequences if I posted an oversized business sign or accepted more than the allowable number of clients per week, I expect Yancy Mills Lumber Yard to be forced to comply with the regulations that they were supposed to be following all along. In addition to the reality that ignorance is no defense for lawbreaking, I would find a claim of ignorance of the law on the part of the lumber yard to lack credibility. I, as a business owner, understand regulations that impact me, and believe that other business owners likely understand regulations that affect them and understand the need to comply with those regulations. None the less, sometimes businesses get away with noncompliance. Please do not let this happen.

Respectfully,
Jessica Tosto

Sent from my iPhone

On May 20, 2020, at 3:06 PM, Blaine, Steven <sblaine@woodsrogers.com> wrote:

Thank you Bill. On behalf of those interested and copied here, we request of Bart a copy of (or link to) the record to be transmitted to the BZA pursuant to Va. Code Sec. 15.2-2312 and any reports from Zoning that may be related. Thanks again.

Steven Blaine
Woods Rogers PLC
123 East Main Street, 5th Floor | Charlottesville, VA 22902
P (434) 220-6831 | F (434) 220-5687
sblaine@woodsrogers.com
A member of Interlaw, an International Association of Independent Law Firms

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Please consider the environment before printing this email

From: Bill Fritz <BFRITZ@albemarle.org>
Sent: Friday, May 15, 2020 1:15 PM
To: Alice Faintich <alice@faintich.net>; Allison Wrabel <awrabel@dailyprogress.com>; Andrew Green <greendrew@gmail.com>; Ash Singh <ash_armuk@yahoo.com>; Chris Tyree <chris@christyree.com>; Damon DeVito <ddevito@affinitymanagement.com>; David Swales <dswales@affinitymanagement.com>; Debbi Meslar-Little <debcnm1997@gmail.com>; Denise Moore <4moore@centurylink.net>; Dennis Hogberg <txstatebobcats@icloud.com>; Doug Lowe <doug@sagebuildconsulting.com>; Erica Haskins <ericacroz@aol.com>; Howard Epstein <hee2b@virginia.edu>; Jamie Howard <howjhow@aol.com>; Jessica Testo (jestos@comcast.net) <jestos@comcast.net>; Karen Singh <karenesingh@hotmail.com>; Kristen Hardy <staigerhardy@hotmail.com>; Leslie Lepage <lepage.leslie@gmail.com>; Lillian Mezey <lmezey@comcast.net>; Lisa Martin (lisamartinbooks@gmail.com) <lisamartinbooks@gmail.com>; Lisa Swales <swales5@embarqmail.com>; Lucy Goeke <lucygoeke@gmail.com>; Marsh Pattie

<jmpattie@yahoo.com>; Mary Steele <marysteele11@comcast.net>; Pashmi Ghei <rashmi1016@gmail.com>; Paula Welch <praiz3@yahoo.com>; Rob Langdon <rob.langdon@gmail.com>; Sandra Haussman <hauschott@aol.com>; Blaine, Steven <sblaine@woodsrogers.com>; Susannah Hornsby <sbhornsby@gmail.com>; Sylvia Castellettio <sylviacastellettio@gmail.com>; Terry Maynard <tm7sv@virginia.edu>; Valerie Long <vlong@williamsmullen.com>
Cc: Bart Svoboda <bsvoboda@albemarle.org>
Subject: FW: Yancey Lumber

****EXTERNAL EMAIL****

Sorry for a second email but I want to provide some additional information to help prevent confusion.

There are 3 hearing dates associated with this property.

June 2 – The Board of Zoning Appeals is scheduled to hear the appeal of the Notice of Violation

June 23rd – The Planning Commission is scheduled to hear the special exception request. This is an advisory meeting.

July 15th – The Board of Supervisors is scheduled to hear the special exception request.

The Board of Zoning Appeals does not review the special exception request. The appeal of the Notice of Violation is not reviewed by either the Planning Commission or Board of Supervisors.

I can provide information on the special exception.

Bart Svoboda can provide information on the Notice of Violation and the appeal process. He is the Zoning Administrator and I have copied him on this email.

I apologize for any confusion created.

William D. Fritz, AICP
Development Process Manager/Ombudsman
434-296-5823 ext 3242

From: Bill Fritz
Sent: Friday, May 15, 2020 1:02 PM
To: Alice Faintich <alice@faintich.net>; Allison Wrabel <awrabel@dailyprogress.com>; Andrew Green <greendrew@gmail.com>; Ash Singh <ash_armuk@yahoo.com>; Chris Tyree <chris@christyree.com>; Damon DeVito <ddevito@affinitymanagement.com>; David Swales <dswales@affinitymanagement.com>; Debbi Meslar-Little <debcnm1997@gmail.com>; Denise Moore <4moore@centurylink.net>; Dennis Hogberg <txstatebobcats@icloud.com>; Doug Lowe <doug@sagebuildconsulting.com>; Erica Haskins <ericacroz@aol.com>; Howard Epstein <hee2b@virginia.edu>; Jamie Howard <howjhow@aol.com>; Jessica Testo (jestos@comcast.net) <jestos@comcast.net>; Karen Singh <karenesingh@hotmail.com>; Kristen Hardy <staigerhardy@hotmail.com>; Leslie Lepage <lepage.leslie@gmail.com>; Lillian Mezey <lmezey@comcast.net>; Lisa Martin (lisamartinbooks@gmail.com) <lisamartinbooks@gmail.com>; Lisa Swales <swales5@embarqmail.com>; Lucy Goeke <lucygoeke@gmail.com>; Marsh Pattie <jmpattie@yahoo.com>; Mary Steele <marysteele11@comcast.net>; Pashmi Ghei <rashmi1016@gmail.com>; Paula Welch <praiz3@yahoo.com>; Rob Langdon <rob.langdon@gmail.com>; Sandra Haussman <hauschott@aol.com>; Steve Blaine

(sblaine@woodsrogers.com) <sblaine@woodsrogers.com>; Susannah Hornsby <sbhornsby@gmail.com>; Sylvia Castellettio <sylviacastellettio@gmail.com>; Terry Maynard <tm7sv@virginia.edu>; Valerie Long <vlong@williamsmullen.com>
Subject: Yancey Lumber

I wanted to let you know that this item is now scheduled for hearings on these dates:

Planning Commission – June 23rd

Board of Supervisors – July 15th

If you have already sent me comments I will include them in the packet that will be sent to the Planning Commission and Board of Supervisors.

If you want have not sent comments and would like to have them included in the packet please send them to me by June 12th so they can be copied and included in the packet. Comments received after that date will be sent to the Planning Commission and Board but they will not be included in the packet and will be sent separately.

When the staff report is available I will send you a link to access the report.

I will not be in the office until May 26th but I if you have questions I will respond to them as I return.

William D. Fritz, AICP
Development Process Manager/Ombudsman
434-296-5823 ext 3242

TAPSCOTT BROTHERS LOGGING, INC.
A Division of Tapscott Brothers

54 ROLLING ROAD SOUTH
SCOTTSVILLE, VIRGINIA 24590

TEL (434) 286-2075
FAX (434) 286-3083

June 10, 2020

County of Albemarle
Board of Supervisors

Ref: R.A. Yancey Lumber Corp

To Whom It May Concern:

As President and Vice President of Tapscott Bros. Logging, Inc., we are writing in support of R.A. Yancey Lumber Corp. We have been doing business with Yancey Lumber for over 30 + years and greatly depend on the operation of Yancey's mill. It would significantly impact our business without them.

It is our hope that you would take into consideration the many businesses and livelihoods this would affect by proposing the shut-down of Yancey Lumber. Please accept our appeal to keep Yancey Lumber Corp open and doing business for many years to come.

Respectfully,

Charles B. Tapscott
President

Troy H. Tapscott
Vice-President

/kg

From: Marc McKenney <marc.w.mckenney@gmail.com>
Sent: Friday, June 12, 2020 2:09 PM
To: Board of Supervisors members <bos@albemarle.org>; Planning Commission <PlanningCommission@albemarle.org>
Cc: Ann Mallek <amallek@albemarle.org>
Subject: Support of R A Yancey Lumber Sorter/Stacker

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Good Afternoon -

I have emailed a couple of times to our county leadership voicing my support for R. A. Yancey Lumber, and I am aware that they have an upcoming meeting regarding the Lumber Sorter / Stacker and their intent to seek an exemption of the 600 feet setback rule. I would like to once again, voice my support for this company, and respectfully request that the County approve the requests put forward by R. A Yancey Lumber Corp.

I would first like to note a few things:

1. The Lumber Yard has been in operation since 1949.
2. The County regulations have been put in place over the last 40 years.
3. The lumber industry is vital to not only the economy of Albemarle County and Virginia, but to this entire country.

I am the son of a Forester/Land Surveyor, and grew up in New Hampshire. My father still works to this day, not because he has to, but because he has a love for the forest industry and has honestly never worked a day in his life because he has had a career in which he loves. He often touts that his office view is the best that anyone could have ever asked for, as he often treks dozens of miles a week through the New England forest. As a child, I often went to work with my dad, which has also given me a deep appreciation of the forest/lumber industry, which is why I am writing this letter to you today.

First, I want to go on record that I commend R. A. Yancey Lumber on doing the right thing. They have listened to Crozet residents and have also gone forward to the County to get other areas of their operations within regulatory standards that were put into place long after they started this sawmill. I am aware that they are coming to you on June 23rd to discuss another topic and to seek an exemption to county imposed restrictions. Because they listened to citizens, they have spent additional funds to better their sawmill facility, adjust delivery and operating costs, where oftentimes in business we see corporations do the opposite.

I recognize that the County leadership has to balance not only business requests, but also the standard of life for county residents. As someone who holds a Masters in Public Administration, I recognize that this often places you all in a difficult position, because the County Administration cannot make everyone happy, we are often forced to and often do find a middle/common ground to the solution of a problem.

My understanding is that the sawmill is requesting the setback exemption in order to become more efficient, safer for the employees and to compete with modern day sawmills in the region. Our local sawmill is in between a rock and a hard place, and they want to do the right thing, by operating within County regulatory standards and also to remain in operation as it is their way of life, their passion, and all of their employees and their families are relying on this sawmill to remain in operation.

I ask that you all put yourself in the lumber yards shoes and you weigh your decision on granting the setback exemption.

- You can't buy adjoining property because of the massive growth that the County has allowed in Crozet and adjoining property isn't available for sale.
- You, as a business owner, don't want your business to go away, so you have to be competitive within the industry.
- You, as a business owner, have to invest in your company as equipment becomes dated, and cannot be repaired.
- The County has put restrictions in place, 30+ years after you started your business, which now impacts your ability to remain competitive in the industry and you see the survival of your company on the line, which impacts every employee and their family.

Those key bullet points are often the reality of many companies, especially in this industry. And the leadership of R. A. Yancey Lumber Corp. do not just have to worry about themselves, but also the 75-100 employees they have, and their families. It is those people who also rely on the success of R. A. Yancey Lumber, and the County Administration in doing the right thing to enable this business to remain in place and be competitive in the industry.

The growth of Crozet happened around the Lumber Yard and not the other way around, I'd like you to remember that when you make a decision. The growth of Crozet is because of not just this lumber yard, but because of the entire forest/sawmill industry. It is a beautiful site to see when I drive on route 250 to/from I64 and I see a yard full of timber at the sawmill ready to be processed and men and women working there. It is a beautiful site to see when trucks leave the sawmill with freshly cut wood, being delivered to other local businesses, because you know that the lumber is being used to build homes, fences, decks and many other items.

I would also like to note that no one seems to care when the train industry makes use of the railroad going through Crozet at 2am and releases the horn as required by law. You can hear this train from Old Trail, Westlake, Westhall and probably at the lumber yard. You can feel your home vibrate with the passing of each train regardless of the time. But again, this town was built around that railroad, not the other way around. I see R. A. Yancey Lumber Corp request for the setback exemption being no different than the noise, vibration and inconvenience from the Train going through town.

But I will say, when you think of Crozet, you think of the history that is here; The Blue Ridge Mountains, the Railroad going through town, the train depot and the sawmill just to name a few.

Thank you, and I look forward to attending the meeting on June 23rd.

V/r

Marc W. McKenney
Resident of Crozet, VA

From: Vernon Jones <vernonandpatsy@aol.com>
Sent: Sunday, June 14, 2020 6:27 PM
To: Planning Commission <PlanningCommission@albemarle.org>; Board of Supervisors members <bos@albemarle.org>
Cc: Vernon Jones <vernonandpatsy@aol.com>
Subject: Support of RA Yancey Lumber Company Request for Zoning Exceptions

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Dear Members of the Planning Commission and Albemarle Board of Supervisors,

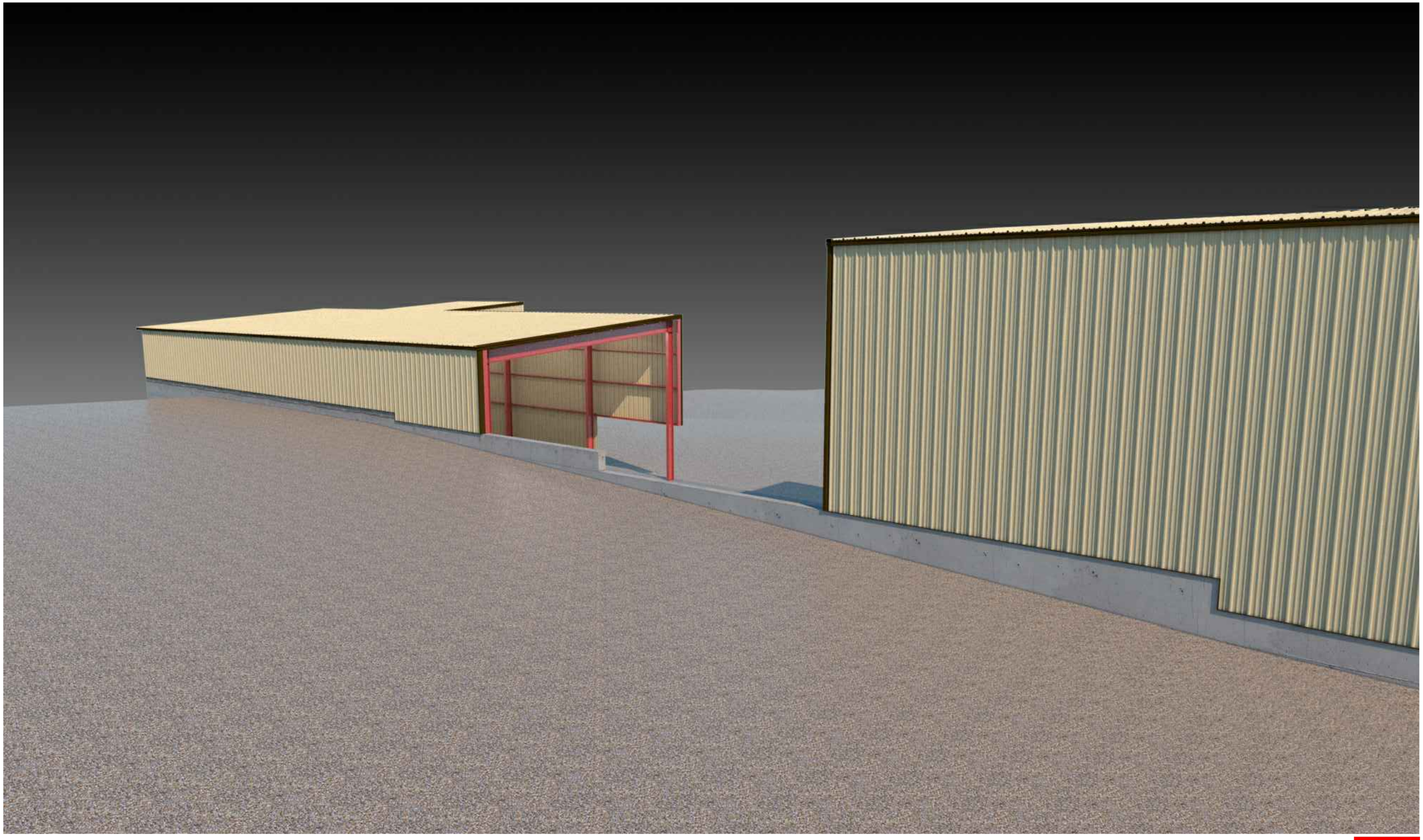
I have lived in Albemarle County and the Charlottesville area for 80 years and have known RA Yancey Lumber Co. for 60 years. I served on ADA and EDA committees for Albemarle Co. from 1996 until 2016.

During my service on those committees, RA Yancey Lumber was one of the types of business that we were trying to get to locate in Albemarle Co. because they employed 60-100 local people at decent salaries, purchased the wood for their production from Central Virginia landowners, and provided products needed in local agricultural operations. If any business should receive approval of variances to keep their business in Albemarle, it should be RA Yancey Lumber. The company has been a good employer and responsible commercial enterprise for many years.

If neighbors do not like this type of business, R A Yancey was here long before most of them located to the area, and they likely knew about R A Yancey's location and operations before they made the decision to move here.

In closing, RA Yancey Lumber Co. is a clean, renewable, agricultural business and should be supported in the continuation of that business through the approval of the zoning exceptions they are requesting.

Respectfully,
Vernon W. Jones, Jr.
Earlysville

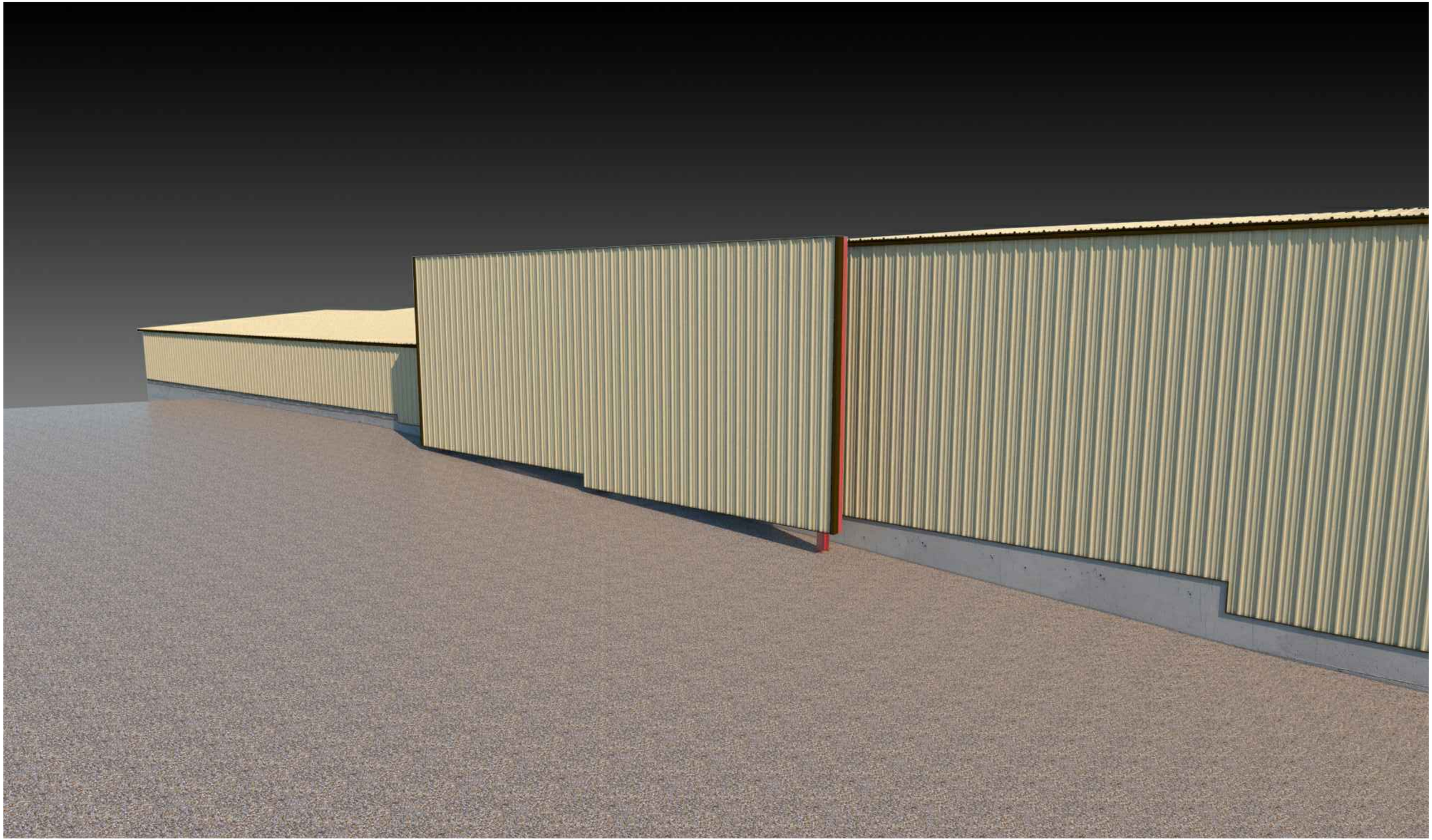


R.A. YANCEY LUMBER CORPORATION

Yancey Lumber Corporation Sorter/Stacker North Side

March 24, 2020

FPW ARCHITECTS



R.A. YANCEY LUMBER CORPORATION

Yancey Lumber Corporation Sorter/Stacker North Side

March 24, 2020

FPW ARCHITECTS

ACENTECH

2150 Wise Street #4875
Charlottesville, VA 22905
434 218 0759
acentech.com

March 31, 2020

Donnie Rose
President
R. A. Yancey Lumber Corporation
6317 Rockfish Gap Turnpike
Crozet, VA 22932

Subject Additional Discussions of Albemarle County Noise Ordinance & Exemption Requests
Acentech Project No. 630191

Dear Mr. Rose:

In advance of the resubmission of the mill's special exception request to the county, your team has asked me to outline the county's noise ordinance and the process/limits being proposed in the request. The goal of this letter is to help everyone understand why some of the language in the request is included.

NOISE ORDINANCE REFRESHER

The Albemarle County code includes regulations for noise in chapter 18, section 4.18. The code includes some definitions, outlines the necessary equipment and measurement procedure, and sets the associated sound level limits. I have generally outlined these in the following subsections.

Definitions of Interest

- Equivalent Sound Level (Leq) – The average sound level over a period of time.
- Sound Level Meter – Instrument used for making sound level measurements, must meet ANSI Type II.
- Acoustic Calibrator – Instrument that measures the accuracy of a sound level meter.
- **Source** Sound Level – The equivalent sound level of the source being measured.
- **Ambient** Sound Level – The sound derived from all sound associated with a given environment.
- **Total** Sound Level – The equivalent sound level of the source and ambient sound.

Measurement Procedure

The county code outlines the procedure to make the total sound level and ambient sound level measurements. In general, it is as follows:

- Field calibrate the Type II sound level meter using an acoustic calibrator with valid lab calibration.
- A windscreen must be used and weather conditions should be calm and not rainy.
- The sound level meter should be configured to have a 5-minute measurement interval with an A-weighting filter applied.
- The sound level meter should be positioned 4-5 feet above the ground at the property line ("any point inside the nearest receiving zone boundary").
- **Total** sound level shall be measured at this location.

- **Ambient** sound is measured while the source sound is not operating or the source sound has little impact.
- Calculate **Source** sound level by removing ambient from the total sound level, where applicable.

As you can see, to calculate the source sound level (the sound level of the mill), you first measure the total sound level, then measure the ambient sound level, then "correct" the total sound level to remove ambient, and you're left with the source sound level. Note that the county code process for removing ambient from the total sound level is as follows:

- Identify the **maximum** measured **ambient** sound level (if multiple 5-minute measurements were made).
- Identify the **minimum** measured **total** sound level (if multiple 5-minute measurements were made).
- Remove maximum ambient from minimum total sound level to determine **source** sound level.

Sound Level Limits

The **source** sound level limit set in the county code for rural and residential boundaries is 60 dBA during the day and 55 dBA at night.

Concerns

It may not be immediately apparent, but in some cases, the maximum measured ambient sound level may exceed the minimum measured total sound level. This is because the ambient sound may be controlled by transient noise sources, such as traffic passbys or other short duration noise that is unrelated to the source. As an example, refer to the January 24th measurements at the property boundary nearest the stem-loader at RT-250. Recall that consecutive 5-minute measurements were made over the course of 4 hours, including from 12:00 – 12:30PM when the mill is largely not operating and we can measure ambient sound. The following table shows the sound levels from these measurements that would be used following the county's procedure. When ambient sound levels are above total sound levels, the source level cannot be calculated since it would mean that the source is actually removing sound.

Maximum 5-Min **Ambient** Sound Level	Minimum 5-Min **Total** Sound Level	**Source** Sound Level
77 dBA	73 dBA	**Ambient > Total** Cannot Calculate Source Sound Level

Separately, note that we cannot measure ambient sound at all measurement locations since the mill is in continuous operation during the day. However, these locations are generally unaffected by ambient sound anyway, likely making the source sound level similar to the total sound level.

Suggested Changes to Procedure

We suggest that the procedure be updated slightly to be use typical 5-minute sound levels rather than the maximum and minimums outlined in the code. In this case, I am defining typical as the median of all the relevant 5-minute measurements. This change would help to avoid issues where the ambient sound level is higher than the total, as shown in the following table using the same dataset from January 24. In case there is any doubt, this is a stricter way of calculating the source sound level than the code requires.

Typical 5-Min **Ambient** Sound Level	Typical 5-Min **Total** Sound Level	**Source** Sound Level
74 dBA	79 dBA	77 dBA

We also suggest that other locations around your property, where ambient cannot accurately be measured, report the total sound level as the source sound level, since they are likely similar. If at some future date there is an increase in ambient sound, the procedure could be reassessed to require a plant shutdown for measurement of ambient sound.

EXCEPTIONS REQUEST

Our previous sound study, dated October 28, 2019, included measurements at 19 locations at or near the mill's property boundary. The supplemental study, dated January 24, 2020, made additional longer term measurements at two locations to better review the variability of sound levels at the two locations considered most impactful. I understand that you are using the sound levels found during these studies to guide the limits requested in your special exceptions request, and following the suggested changes to procedure outlined above.

I hope this provides you with the information you need at this time. If you have any questions, please contact me at 434-218-0759.

Sincerely,

Acentech Incorporated



Bill Yoder
Senior Staff Scientist

US-250 (ROCKFISH GAP TURNPIKE)

APPROX. LOCATION OF NEW RIGHT OF WAY LINE PER DEED BOOK 05242 PAGE 0651.

R6'

LANDSCAPED ISLAND

IRF

EDGE OF PROPOSED PAVEMENT.

BILLBOARD

6' CHAINLINK FENCE

CONC. WALK

OFFICE
WOOD SIDING
HT: 19.7'

6' CHAINLINK FENCE

ASPH.

OHP

6' CHAINLINK FENCE

713

712

YANCEY LUMBER YARD - SCREENING PLAN

June 2, 2020

SCALE 1"=20'

0 20' 40'

TIMMONS GROUP

YOUR VISION ACHIEVED THROUGH OURS.