Albemarle County Planning Commission
FINAL June 23, 2020

The Albemarle County Planning Commission held a public hearing on Tuesday, June 23, 2020 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Tim Keller; Rick Randolph; Corey Clayborne; Daniel Bailey; and Jennie More.

Members absent: Luis Carrazana, UVA representative.

Other officials present were Bill Fritz; David Benish; Andy Herrick, County Attorney's Office; Mariah Gleason; Tori Kanellopolous; Cameron Langille; Francis MacCall; Amelia McCulley; Bart Svoboda; Vivian Groeschel; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins called the regular electronic meeting to order at 6:00 p.m. and established a quorum. He said this meeting was held pursuant to and in compliance with Ordinance No. 20-A(6), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

The Commissioners electronically present that evening were: Mr. Bivins, Ms. Firehock, Mr. Randolph, Mr. Keller, Mr. Bailey, Ms. More, Mr. Carrazana, and Mr. Clayborne (who arrived at 6:05 p.m. due to technical difficulties).

Mr. Bivins said the public could access and participate in this electronic meeting by following the links available at www.albemarle.org/calendar, or by calling 877-853-5257.

Consent Agenda

There was no consent agenda.

Public Hearing Items

R.A. Yancey Lumber Corporation Special Exception

Mr. Bill Fritz presented the staff report. He said Yancey Lumber is located just north of I-64 and just east of the 250/I-64 interchange, south of 250 and west of Crozet. He presented an aerial photograph showing the general location.

Mr. Fritz said what was under review that evening was a Special Exception for review by the Planning Commission, at the request of the Board of Supervisors, and that the Commission would be making a recommendation to the Board on the Special Exception. He said they would discuss reductions in setbacks for buildings, machinery, parking, and wood storage; modification in operating hours; and an increase in permitted sound levels.

Mr. Fritz presented an aerial photo of the site that showed buildings numbered for existing structures, and the proposed sorter/stacker structure. He said it also shows the areas currently used for parking and wood storage. He said all the numbers are included in one of the Commission's attachment, and if the Commission would like to refer to buildings by numbers, they could do it that way. He said at the end, actions can be taken by individual buildings, if the Commission likes.

Mr. Fritz said the buildings in green are those that existed prior to 1980, which is an important date as this is the date that the current Zoning Ordinance was enacted, and the supplemental regulations went into place. He indicated to structures that predate 1980 and noted that for that reason, they comply with setbacks.

Mr. Fritz said the buildings in red are buildings with a setback issue and that fail to meet one or more setbacks. He said the buildings in blue meet the setbacks, and the building in orange is the proposed sorter/stacker. He said it is important to note that the buildings in red and blue do not have building permits and therefore, do not comply with the requirements for building permits. He said they do not have Certificates of Occupancy. He said this was not something that was before the Commission or Board, but something that the applicant will need to do separately, so the Commission would not be discussing this as it is something that has to be done.

Mr. Fritz said the slide presented shows the features that do not meet the required industrial setbacks. He said those setbacks are 100 feet from property lines, or 10 feet from the right of way. He said parking setbacks are 30 feet from property lines, or 10 feet from the right of way.

Mr. Fritz said the portion of the mill building highlighted on the slide is about 95 feet from the property line. He said the pole shed is about 98 feet from the property line. He said when the stem loader was constructed, it was constructed within the right of way. He said the applicant has purchased additional right of way from VDOT so that it is now outside of the right of way, and is about 5 feet from the right of way. He said the proposed sorter/stacker is 35 feet from the property line.

Mr. Fritz said that at the time these buildings were constructed (which does not include the sorter/stacker, as it is proposed), the only way to reduce setback was by the issuance of a variance. He said while it is impossible to know how the Board of Zoning Appeals would have acted, the bar for approval of a variance was, and is, very high. He said therefore, it is reasonable to assume that it is unlikely that a variance would have been granted for a reduction in setback because redesign was possible. He said the redesigned structures would have met setbacks and allowed for reasonable use of the property.

Mr. Fritz said the owner did not apply for variances for the construction of any of the highlighted structures. He said the owner has, however, twice applied for variances -- once for an addition to the office (adjacent to Route 250), and once for the construction of a rotary crane. He said both of those variances were approved. He said the office improvements were actually constructed, but the crane was not.

Mr. Fritz said variances are no longer needed to reduce setbacks. He said the ordinance has been amended. He said a reduction may be approved by a Special Exception granted by the Board. He said 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 that that would occur if they had met the setbacks. He said the sorter/stacker is 35 feet from the

property line. He said this is a 65% reduction in setback and, in staff's opinion, will result in visual and sound impacts on the adjacent property, inconsistent with the purpose of setbacks. He said 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.

Mr. Fritz said the parking is approximately 0 feet from the property line to the east, and 0 feet from the right of way. He said staff has reviewed aerial photos going back to at least 1980 and, in fact, beyond that. He said the reduction in setbacks for parking are supported due to those areas having been used prior to the adoption of the regulations. He said they may very well be nonconforming, and the applicant has not requested that, but it appears that way. He said the ARB also supports the reduction in parking.

Mr. Fritz said the ordinance prohibits the storage of lumber, logs, and so forth within 100 feet of any lot line. He said the purple areas on the map presented show where storage is occurring (within 100 feet). He said staff has reviewed the historical photos of the area, and they believe that these areas have generally been used for storage prior to 1980 and therefore, staff is able to recommend approval of the Special Exceptions for the storage areas.

Mr. Fritz presented a photo, noting it was also in the staff report. He said the black line is the property line, and the red line is the 100-foot setback. He said the purple is a reduction in storage areas, and the orange is reduction in setbacks for structures.

Mr. Fritz said structures and machinery that do not meet the 600-foot setback from residential structures are highlighted on the slide. He said he would be talking a lot about the 100-foot setback and the 600-foot setback. He said the 100-foot setback is a setback from the property line. He said the 600-foot setback is a setback from dwellings on adjacent properties.

Mr. Fritz said the applicant has also provided a map showing setbacks, which is at a larger scale and is included as an attachment. He said it was the same information, but displayed differently.

Mr. Fritz said the 600-foot setback is based on the location of residences on adjacent property. He said all of the residences existed prior to the construction of the highlighted buildings. He said with the exception of the sorter/stacker, the highlighted buildings are over 500 feet from adjacent residences. He said the sorter/stacker is approximately 350 feet from a residence. He said the setbacks of the ordinance are intended to minimize machinery impacts on the abutting properties. He said all of the machinery in the highlighted buildings was installed without permits or approvals. He said construction of the sorter/stacker started, but has ceased.

Mr. Fritz said for the existing machinery, staff can support a reduction in setback, but only if noise regulations of the ordinance are complied with. He said the sorter/stacker reduction is a 40% reduction in the required 600-foot setback, and a 65% reduction in the required 100-foot setback. He said these reductions are too significant for staff to support. He said staff's opinion is that significant reduction is not consistent with the intent of the ordinance.

Mr. Fritz said the applicant has submitted a diagram showing the proposed noise impacts, which are also included in the Commission's packet. He said the applicant is requesting that noise levels in excess of the ordinance requirements be permitted in specific locations. He said staff's opinion is that the Board has adopted sound regulations to protect abutting property owners from impacts. He said granting a Special Exception to allow increased noise does not achieve the same level of protection as compliance with the ordinance. He said many of the sources of noise are

generated from machinery installed without approvals and without compliance with setbacks. He said staff has supported a modification of those setbacks, but only if the noise limits of the ordinance remain in place.

Mr. Fritz said the applicant has also requested a modification of the operational hours. He said machinery may be operated between 7:00 a.m. and 7:00 p.m., with loading and unloading of wood products occurring between 7:00 a.m. and 12:00 a.m. (midnight). He said the owner is requesting machinery operating hours be modified from 6:00 a.m. to 7:00 p.m. instead of 7:00 a.m. to 7:00 p.m. He noted that the staff report, and the initial Attachment J the Commission received incorrectly says that it would be 6:00 a.m. to 11:00 p.m., and this is not what the applicant requested. He said the applicant requested 6:00 a.m. to 7:00 p.m. He apologized for making a cut and paste error there.

Mr. Fritz said the owner is requesting that loading and unloading be permitted between 6:00 a.m. and 11:00 p.m., except for kiln operations, which will be permitted 24 hours a day. He said the owner has stated that the hours are historical. He said staff has no reason to dispute the owner's assertion, but they cannot verify them independently. He said the operations associated with the kiln, however, cannot be historical because the kiln was constructed in the 1990s without approval and does not meet setback requirements. He said further, staff cannot support a 24-hour-per-day activity. He said abutting property owners should have an extended period of time where the mill does not generate impacts.

Mr. Fritz said staff is recommending approval of a reduction in setbacks for existing structures; a reduction in setbacks for parking and storage; and a modification of hours of operation, except for the hours associated with the kiln.

Mr. Fritz said staff is recommending denial of the following: reduction in setbacks for the proposed sorter/stacker; the modification of noise standards; and the modification of hours for operations associated with the kiln.

Mr. Bivins thanked Mr. Fritz for the way in which he facilitated the Commission's understanding of this matter.

Ms. Firehock said she was curious about the noise issues for the kiln, as this was the one the applicant wanted to operate 24 hours a day. She said she did not know if this was something for Mr. Fritz to answer, or the applicant, and if this would cause a noise violation if the kiln were going.

Mr. Fritz replied that staff does not have any expertise in noise standards and sound. He said they have not gone into that level of detail, but are simply saying that the noise standards of the ordinance should be complied with, and that it doesn't matter what the source of the noise might be. He said if the applicant believes that some of this noise is nonconforming because it is happening from equipment that preexisted the 1980 regulations, they can pursue that with the Zoning Administrator. He said what staff is saying is that the source should comply with the noise ordinance, whatever the source might be.

Ms. Firehock said this partly answered her question, and that she would wait to hear what the applicant has to say about the kiln.

Mr. Bailey asked Mr. Fritz to again show a map of the kiln labeled 12A. He asked if the current location of the building was more than 600 feet from any of the adjacent dwellings.

Mr. Fritz replied that it is one of the buildings that is within 600 feet. He said he did not remember the exact distance, but that it was around 550 feet.

Mr. Bailey said it was much closer than, for example, the proposed sorter location that is 350 feet from the adjacent properties.

Mr. Fritz agreed that the sorter is much closer. He said the sorter is much closer. He said the [inaudible] is located to the north.

Mr. Bailey said he knew there was a new sorter, but wanted to know if Building 27 was being used for sorting today, and if the sound measurements that were taken are representative of the activities of sorting on that area, or if this was a totally new use and that those sounds levels are not representative of sorting in that area.

Mr. Fritz replied that there is no building where 27 is shown. He said this is a proposed building. He said what is in that area now is a retaining wall and a concrete floor. He said they have constructed part of the sorter/stacker, and they are using the sorter portion of it. He said that some of the sound measurements that were taken was while the sorter was operating, but it did not have the building surrounding it that would obviously provide some mitigation of the sound.

Mr. Bailey asked if the Noise Point 1 and 2, which was on that property line within the 35 feet, may be representative of some sorting activity, currently.

Mr. Fritz said that it could be.

Ms. More said she wanted to run through this carefully and make sure that as far as mitigation, one of the things she has been able to determine are the planting strip that would offer some screening along 250 for the parking area.

Ms. More said she was pulling from Attachment A1, and there is a paragraph that talks about the proposed sorter/stacker, and that the company has proposed to enclose the equipment in two buildings. She said she understood this, but wanted to clarify that while this would substantially reduce the existing sound, the company writes further that they will install sound-absorbing materials inside the sorter/stacker building to further reduce sound levels if further noise mitigation levels are required to comply with the noise level proposals contained in the enclosed exhibits, and that the company would implement such measures until compliance is achieved. She said "compliance" means the levels that they are requesting, which is above those which are allowed. She asked if this was correct.

Mr. Fritz replied that this is correct and is what the applicant is requesting. He said when he said that they had to get building permits, part of the process of getting the building permits and ultimately getting the Certificates of Occupancy for all the different buildings is a Certified Engineer's report. He said this report documents the type of equipment that will be installed and the impact because the ordinance has standards that a Certified Engineer's report has to include. He said the applicant will need to get that information as part of the building permit process, prior to getting Certificate of Occupancy, and that the purpose is to try to make sure that the equipment that goes in meets the requirements for sound and other impacts.

Mr. Fritz said to assume, for example, that the Certified Engineer report is completely wrong, and that the site is actually louder than indicated in the report. He said it does not mean that the applicant is then allowed to exceed the noise requirements. He said they would still have to meet the noise requirements, and if they have to go back and modify the equipment or the building, that is what they would have to do. He said the ordinance already has a provision to cause that to happen.

Ms. More said for the purposes of what the Commission was being offered tonight, “compliance” would mean, if the Special Exception were given, the sound level that the applicant is requesting.

Mr. Fritz replied that compliance would be required at whatever level is established. He said if the Board of Supervisors does not grant the Special Exception for noise, the applicant will have to meet the standards that are in the ordinance. He said if the Board grants the Special Exception, the applicant will have to meet the standards of the modified noise standard that the Board approves. He said whatever gets approved is what they will have to comply with.

Ms. More said to be clear, as far as mitigation, these were the two elements that she found that have been offered by the applicant.

Mr. Fritz said this was correct, and that the Commission would not need to address those as they would be taken care of with the Certificate of Appropriateness, which Building 27 requires with the ARB. He said this is when the screening would be taken care of adjacent to Route 250. He said all the mitigation and anything else for the building permit would be taken care of with the building permits. He said this is why there was no reference to that in the report.

Ms. More said she wanted to know that those two things were what the applicant would be offering that would be taken care of later.

Mr. Fritz said yes.

Mr. Keller said this was obviously a very complicated set of pieces that Mr. Fritz has had to unpack. He said for the public, he wondered if Mr. Fritz could take them through the process briefly from the pre-zoning time and what would have been allowed, to the series of changes on the site that should have led to a variance or Special Exception, up to the present.

Mr. Fritz said staff did not do much research on what the zoning was prior to 1980, as this has little bearing on the matter. He said part of it was zoned Manufacturing, and there is some confusion about how one of the other parcels were zoned (which may have been zoned Conservation, though staff was not sure). He said on December 10, 1980, the Board of Supervisors adopted the Zoning Ordinance that they are currently working under. He said this ordinance also included a comprehensive rezoning of the entire County. He said these properties were zoned Heavy Industry at that time. He said when the ordinance was put into place, the 100-foot setback regulations and supplemental regulations were also put in place at that time. He said the supplemental regulations have not changed since 1980.

Mr. Fritz said the setback regulations have changed since 1980. He said in 1980, the setbacks were 100 feet from the property line, and were 150 feet from Route 250. He said the only way to modify those was to get a variance. He said the ordinance has been amended to reduce the setback from Route 250 from 150 feet to 10 feet, and the ordinance has also been amended to

allow reduction in setbacks to be done by Special Exception as opposed to being done by a variance. He asked if this answered Mr. Keller's questions.

Mr. Keller replied yes.

Mr. Clayborne said his question was a follow-up to Mr. Keller's. He said he was trying to understand the sequence of development in that area. He said what he has taken away is that there is evidence from the 1980s or perhaps even earlier that this facility was established, and perhaps the parking was there. He said around there, dwellings were developed at some point, and perhaps in the 1990s, the facility was expanded. He said he was trying to understand when houses were constructed in relation to the expansion of the plant.

Mr. Fritz replied that all of the houses that are within 600 feet of the property were in existence prior to 1980, but he did not know when they were constructed. He said one house had a minor addition added to it, though he did not remember the year. He said for purposes of setback, it has no bearing on the matter. He said he had shown a previous slide, showing in green the structures that were in existence prior to 1980, with the blue and red buildings being structures built after 1980.

Mr. Fritz said the areas of storage have changed somewhat over time. He said to the southeast, there is actually less storage than there was in 1980. He said he could find and present the photograph from 1980 if this is something the Commission wanted to see.

Mr. Clayborne said Mr. Fritz answered his question, which was essentially that the plant has been expanded since those residences were there.

Mr. Fritz said yes. He said looking at Attachment K, this is where the photograph was taken from. He said (2) of Attachment A is a building schedule, which includes dates built for the various structures.

Ms. Firehock said her question has to do with some of the piles of logs that are waiting to be processed. She said she knew that the County's purview is primarily the buildings, lack of building permits, setbacks, and the like, but that there is also a lot of logs piled up right against the property line on Route 250, leaning against some trees that appear to be dying. She said she did not know if this was due to the logs, or from some earlier frost. She said her point is that the material is stacked very high right on the property line, and she did not know if this was something that the County also gets involved with. She said this was not for tonight's hearing, but in general, she found this concerning.

Mr. Fritz said he had no comment to offer, but that staff would look into it.

Mr. Bivins opened the public hearing and invited the applicant to speak.

Ms. Valerie Long, attorney with Williams Mullen, said she was representing the applicant (R.A. Yancey Lumber Company). She said she had representatives of the company there with her that evening in the same room, including Ms. Sarah Yancey May; Mr. Patrick May (Vice President); and Mr. Bill Yoder (Acentech) who is a sound scientist and has been assisting with a variety of issues associated with the property and company over the last few years. She said Mr. Yoder is an expert on the noise issues, so any technical questions that she is not able to answer could be answered by him.

Ms. Long said the company was found 71 years ago in 1949 by R.A. Dick Yancey. She said it has grown to be a medium-sized family-owned sawmill. She said it competes with much larger sawmills in the Carolinas and frankly, the level of international competition that has resulted over the past few years as a result of consolidations and mergers within the industry has been particularly challenging for a family-owned business.

Ms. Long said it is a green company, with 100% renewable raw materials. She said it sells and uses all of their by-products. She said they have 0% waste of their materials. She said they employ 75 or more full-time employees at an average wage of nearly $50,000 per year. She said it is under management by the third generation of the family, and they have been embarking on a renewal plan to position the company for long-term success, which is being led by Mr. May.

Ms. Long presented some historical photos. She said the company started as a portable sawmill that Mr. Yancey placed on the property in 1949. She said he had started in the timber and sawmill business, and was hauling logs down the side of a mountain with mules. She said Mr. Yancey put up the portable sawmill in the middle of the family's property in 1949. She said at the time, it was in the middle, and no setbacks existed.

Ms. Long presented a picture from 2010, noting how the site has grown and evolved in that time. She presented an image that Mr. Fritz had shown.

Ms. Long said she believes the zoning history of the property is quite significant. She said from 1949 to 1969, there was no zoning on the property, and that there was not zoning anywhere in the County. She said in 1969, it was zoned Manufacturing. She said in 1980, it was rezoned with the comprehensive County-wide Zoning Ordinance to Heavy Industrial. She said this is also when the supplemental regulations were put in place.

Ms. Long said from the company's perspective, the underlying zoning did not effectively change. She said Manufacturing to Heavy Industrial sawmill is still a by-right use. She said the addition of the supplemental regulations at that time were significant, but because this mill already existed, it was the family's understanding and knowledge at the time not to worry about it because the business already existed, and that the setbacks did not apply to them.

Ms. Long said she knew that things could be confusing with the differences between the various regulations that apply, so she has set them out in her presentation. She said on the left side of her slide were the setbacks that apply because the property is zoned Heavy Industry. She said there is front yard, rear, side yard setbacks and parking setbacks. She said she would refer to those as the "Heavy Industry regulations."

Ms. Long said at the same time, overlapping on top of the Heavy Industry regulations, are the supplemental regulations that were put in place in 1980 that were specific to sawmills and have limits on how close one can stack logs and lumber (100 feet from the property line), a restriction that certain sawmill equipment has to be 600 feet from off-site residences, and limits on hours of operation.

Ms. Long said that as Mr. Fritz indicated, many of the residences already existed when the mill started, and in 1980, the mill had expanded significantly from the time it was founded in 1949. She said the mill itself was already closer than 600 feet to these residences, so they did not comply with the regulations the day they were imposed. She said this because a legal, yet

nonconforming, use in 1980. She said although the company did not understand that nuance, they were advised that their use exists, that they were still zoned as a by-right use, and that these new regulations apply to new sawmills that are starting with a blank slate.

Ms. Long said at the same time, the nonconforming uses, structures, and provisions of the Zoning Ordinance were also put into place. She said Albemarle's are very stringent, and essentially say that if one is a nonconforming use, one cannot expand at all without coming into compliance with the regulations. She said the day after the ordinance was adopted in 1980, they could not have ever complied, particularly with the 600-foot setback for the existing equipment. She said a single addition to equipment, or a single addition to certain buildings, was not allowed without the issuance of a variance which, as Mr. Fritz noted, is a very high standard.

Ms. Long said in terms of noise and vibration, a key point the applicant asks the Commission to understand is that the company is not asking to increase sound levels over the historic levels. She clarified that by "historic," she was not necessarily saying they were 1980 levels, but that she was saying that the company is not asking to increase sound levels over their current or relatively recent levels. She said vibration is probably not worth talking about, for the reasons that Mr. Fritz stated in the staff report, but that it is the applicant's position and contention that the company complies with all relevant, applicable vibration standards, regardless.

Ms. Long said the applicant is asking that the setbacks be modified to allow the equipment and buildings that are there today, and the proposed sorter/stacker, to remain in place because the sorter/stacker is critical to the survival of the business and its efficiency.

Ms. Long presented an exhibit the applicant created to try to highlight the limitations on the use of the property and the limited area of the property that is actually usable for any type of future expansion or development. She said the area in lime green on the exhibit is effectively the only area of the property that is not subject to any of the setback regulations. She said in fact, it is even smaller than this, as the 100-foot setback is not reflected. She indicated to an area, explaining that those are biofilters, swales, and steep areas, which are constrained areas of the land and could not be used, either. She said she wanted to highlight just how limiting the regulations are. She said they were this stringent the day the ordinance was adopted in 1980, and the business had been there for 40 years at that time.

Ms. Long said the key element is the sorter/stacker equipment. She presented images of the old stacker that was acquired in 1975. She said the state of this equipment was easily seen, and that it was being held together with duct tape. She said as soon as the new stacker was completed, it went into operation. She clarified that Mr. Fritz had stated that the new sorter is in operation but, in fact, it is the opposite. She said the new sorter is not in operation. She said this is the piece of equipment that is closest to the adjacent property line. She said this is not in operation and is only half constructed. She said it is the new stacker that is in operation, which is just about on the 100-foot setback line.

Ms. Long presented a picture of the new stacker, noting it was installed in 2017. She said it was a significant improvement in technology, efficiency, and safety for the company, which were the primary reasons for it replacing the old version.

Ms. Long said if the Special Exceptions are approved, the sorter and stacker will both be enclosed within buildings. She said there will need to be a gap between the two buildings to comply with building code regulations. She said the applicant did not want there to be any concern about noise

emitting from the gap between the two buildings, so the company has proposed to construct a sound barrier wall across the gap, as displayed in the image.

Ms. Long presented an image to give an idea of the purpose of the sorter/stacker. She said a log comes into the mill and ultimately, is processed into varieties of shapes. She said the sorter is to sort the logs and timber as they come out of the mill, into various stacks based on their shape.

Ms. Long said the company has implemented a number of mitigation measures over the past 2.5 years since it identified the problem. She said the first thing they did was began working with VDOT to acquire land. She said they actually repurchased land that they had to sell to VDOT back when Route 250 was widened in the 1970s. She said by working with VDOT, they were able to acquire that land, and the stem loader is therefore entirely within the property lines.

Ms. Long said she wanted to highlight that all of the applicant's requests have been very narrowly tailored to only ask for relief in the very precise and limited areas where compliance has not yet been met. She indicated to a slide, noting it was for the stem loader for the Heavy Industrial front setback. She indicated to the Heavy Industrial side and rear setbacks. She said they have always included the scale house as well, which is a very small structure next to the logging scale. She indicated to the off-street parking setback in a location.

Ms. Long said she would move into the supplemental regulations that apply to sawmills. She said the areas in pink on the slide are areas where historically, logs and lumber have already been stored, even though they are closer than 100 feet to the property line. She said the areas in orange are structures that are also encroaching into the 100-foot setback area.

Mr. Bivins informed Ms. Long that she had hit the 10-minute presentation limit.

Ms. Long asked Mr. Bivins if she could have two more minutes.

Mr. Bivins said he would allow this.

Ms. Long presented an exhibit showing the extent of the 600-foot setback on equipment from residences. She said in terms of noise regulations, the applicant has studied the noise from a variety of applications and is prepared to discuss, in detail, the proposals they have. She said the key is that they are not asking to increase noise or sound levels above what has been historically the case over the last several decades.

Ms. Long presented a slide with a picture of how the sound barrier wall would function to particularly address concerns from the adjacent landowners there. She said they could talk more about the hours of operation and the kiln process afterwards, and that she would be happy to address Ms. Firehock's question at the appropriate time.

Ms. Long said the applicant has a number of mitigation measures they have proposed. She said she would speak to the issues during her rebuttal, and noted that there are a number of mitigation measures that have already been implemented, with several being specific to the stacker itself, and an additional list of ones that are proposed.

Mr. Randolph said the staff report, on page 7, under setbacks, in the second paragraph down, says, "No Building permits were submitted for these structures prior to their construction." He asked if Ms. Long, as a land use attorney very familiar with County regulations, help him

understand why this applicant did not submit building permits for these structures.

Ms. Long replied that equipment generally does not require a building permit. She said if one wants to enclose equipment in a building, that does require a building permit. She said the company's management at the time understood and knew that equipment did not require a building permit, but the building itself would. She said they have been working with the Building Official and other representatives from the County, along with their project architect, to identify all those measures that would be necessary in order to secure a building permit. She said they have essentially applied for one, but it is on hold pending this outcome.

Ms. Long said many of the structures are mostly equipment and are sheds. She said the company did not understand about building permits for those structures because they were essentially sheds covering equipment. She said the equipment does not require a building permit.

Ms. Long said Mr. Randolph's point was a good one, and that she and the company appreciated it. She said the history of attention to such detail and awareness of such issues has not been anywhere near as strong as it is now. She said there is a new generation of company management that has been empowered and is now in place, working very hard to bring all the buildings up to compliance. She said they have been working with Mr. Dellinger to essentially go back and retroactively upgrade all of the buildings in order to meet the building permit standards, so they are going through this process now.

Ms. Long acknowledged that this was not the right order to go through, but it is a way to go through and identify any areas where improvements can be made to those buildings, and that employee safety and fire safety measures have been implemented on a broad scale to address those concerns and bring those buildings up to compliance as if they had been granted a building permit at the time.

Mr. Randolph said looking at a kiln operation, which does have equipment within it, the equipment is necessary to get the wood into the kiln and dried as a result of generating heat within the building, then extracted. He said yet, when the kiln was constructed in 1990, there were no permits requested there also. He said he understood Ms. Long's first point but, on the other hand, they see in the case of the kiln where there actually was equipment within that would have definitely qualified for an application to the County. He said that application wasn't provided. He said this is now "water over the dam."

Ms. Long said she appreciated this statement. She said the people from Yancey Lumber Company have advised her that the entire kiln structure itself is the equipment. She said it is not equipment within a building, as one might think, and that she had thought this as well. She said the entire kiln is the equipment. She said the company pays personal property taxes on that entire structure as equipment. She said the applicant does not believe this required a building permit. She noted she was not the person who was handling all the specifics of the building permit applications process. She said at the time, because it was equipment, it was simply installed on site and not "built."

Mr. Randolph said this was good to know. He said where the thinking of the County was in 1990 and how it was assessed in terms of taxes, he did not know.

Mr. Randolph said he was struck with the Yancey Lumber Company Special Exemption request (Attachment B). He said at the bottom of page 1, the paragraph begins with, "The company was

unaware of these regulations when it invested in a new major, multimillion-dollar piece of equipment in the summer of 2017." He said they were therefore not looking back at 1990. He said they were not looking at ancient history on the site.

Mr. Randolph asked Ms. Long to help him understand why the company was not aware of County regulations when, as they know from Mr. Fritz's covering the planning and zoning history, a variance was applied for in 1988 on the front setback for the office building. He said a variance was approved in February 2003 for the construction of a rotary crane, which was not built. He said a site plan was denied for Yancey Lumber's log crane in 2004. He said it was not that long ago (a little over a decade) since this company had had interaction with the County in a formal way. He asked Ms. Long to help him understand why they would have proceeded to build the sorter/stacker without applying for a permit to the County.

Ms. Long said she could appreciate Mr. Randolph's questions and could work through them one by one. She said the first was the expansion of the office building, which is located fairly close to Route 250. She said this was an expansion of a building, so they applied for a building permit for that building.

Mr. Randolph said he did not mean to cut off Ms. Long, but that he thought she was misunderstanding his question. He said his question wasn't to challenge why they applied. He said his point was that they had gone ahead and applied for a variance and therefore, they understood the process with the County, in terms of land use, what they needed to do. He said he was establishing that they did this twice, back in 2004, and also applied for a site plan. He said then, they get to 2017, and are putting up a sorter/stacker without doing an application to the County.

Mr. Randolph said this was the point he was raising, and not to question the justification of the previous applications for variances. He said he understands that. He said what he was pointing out is that there was a cultural understanding within the organization of how to do this with the County. He said he was struck by the fact that in 2017, they launched forward without any consultation with the County and started putting up a building on this Heavy Industrial site.

Ms. Long said she understood Mr. Randolph's question and was trying to understand the questions on each one to answer his question. She said the company did not know, for instance, that they needed a setback for the building expansion, but they knew they needed a building permit. She said as part of applying for the building permit, the County Zoning staff at the time identified the fact that they also needed a setback, so they helped them with that process. She said that was for a building.

Ms. Long said with the crane, it was a 100-foot-tall proposed crane, and they did know to ask that that seemed taller than anything that was around, and if it was consistent with height regulations. She said they worked very closely with the Zoning Administrator at the time on that variance process. She said she had gone back and researched all those materials.

Ms. Long said the applicant was not aware that there was any application of the supplemental regulations at the time. She said she reviewed the BZA staff report for that application from 2003, and that there is zero reference to the supplemental regulations in that staff report. She said the wood stacks that were part of the crane request were subject to those supplemental regulations, but there was no reference to it. She said arguably, the crane itself was subject to the 600-foot setback, but there was no reference to it. She said they went through that process and was not

aware that there was any application of those supplemental regulations to things going forward after 1980.

Ms. Long said she asked the very same questions, for what it was worth. She said she was used to usually working with real estate developers and other landowners who are generally familiar with zoning projects and the need to ask those questions and conduct that due diligence. She said this is a company that is not a real estate developer. She said they didn't know, and the County was very helpful to them at the time. She said the reality is that they did not understand or know that these supplemental regulations applied to the sorter and stacker buildings. She said had they realized; they absolutely would have applied for them.

Ms. Long said where they are today is absolutely the very last place that the company wants to be. She said they absolutely understand the magnitude of the requests before the Commission that evening. She said it would have been substantially easier if they were making this request in early 2017, before construction of any sort started. She said she was prepared to get into more details as to why the company chose the particular location for the sorter/stacker, but had they had an inkling that anything was necessary, they would have gone through that process. She said it was equipment, and their understanding that equipment did not require a building permit.

Ms. Long said had they thought to ask (and that yes, they should have asked), then the County staff would have likely identified the host of other regulations the applicant was subject to and would have to come forward with a Special Exception request to comply, before doing anything. She said unfortunately, that process did not happen, and unfortunately, a general contractor often catches that issue when there are landowners who are not developers and are not part of the building permit application process. She said unfortunately, that did not happen either, and it was somewhat of a perfect storm.

Ms. Long said the applicant is there today and understands the magnitude, and didn't know what they didn't know. She said they know now and have new, younger leadership in place that is working to bring the entire site into compliance as much as possible to avoid anything like this, going forward.

Mr. Randolph said he was glad that there is new leadership there, as clearly, the business needs that leadership. He said the market, as Ms. Long correctly identified, is now international in nature. He said previously, it might have been regional and specifically in the southern region.

Mr. Randolph said what concerns him here is, permeating this Special Exception request, a tone. He said that tone was also reinforced by a number of letters the Commission received, all of which had remarkable parallels in terms of the argument that was made -- not about the specifics of the application in 90% of the cases of the letters, but in terms of not letting the company not be successful because the survival of the mill is at stake, as well as the jobs and tax revenue associated with it.

Mr. Randolph said it troubles him, as a Planning Commissioner, that is what is laid before them (and what will be laid before the Board of Supervisors) is the argument of, "You give us what we want, and if we don't, then you (government) are the bad guy. You're the fall guy. We failed because of government." He said yet, from where he sits, the regulations have been very clearly identified and well-known within the County. He asked if the Commission is being asked to basically choose between the survival of a company, or compliance with reasonable County regulations. He said he did not think that is really the issue here, and that this is a false dichotomy

that is being presented in the report.

Mr. Randolph said this troubles him because while there may be new leadership there, they are essentially making an argument that it is the County's fault, or the residents' fault. He said he sees a lot of responsibility for the company where they did not (as Ms. Long admitted) follow through in good faith as a company in trying to meet the requirements that were well established for the County. He said he hoped they would not see more of that going forward here, as he finds it troubling. He said the Commission's job is to "call them as they see them," but no one there is trying to argue that these County regulations should be followed and thereby, the jobs and survival of the company will be placed at risk.

Ms. Long asked if she could address this comment.

Mr. Bivins directed the discussion to move on, as Ms. Long may later be able to do a summation on a series of matters.

Ms. More thanked Mr. Randolph for covering everything that she had wanted to say. She said she also appreciated the way in which Mr. Randolph closed his comments, as she feels very much the same way. She said Mr. Randolph touched on almost all her points, but while she knew they were not there to talk about the necessary building permits, Ms. Long had said there was some misunderstanding on behalf of the company that they did not need building permits for equipment or sheds, and yet, they see in 1991 that a building permit application was submitted for a storage building. She said she did not know how big that building was, but that the application had been voided, with no information available.

Ms. More said then, on September 16 of 1991, a building permit was issued for portable equipment for asphalt, and that this equipment no longer exists on the property. She said this would say to her that, to get a building permit for a portable equipment for asphalt, there is knowledge there that there is a need to get the proper permits for machinery, equipment, small storage, or large storage buildings.

Ms. More said she wanted to bring this up, as she felt like this was another part of this that she had trouble reconciling with this notion that there was a complete misunderstanding on the part of the ownership throughout the years. She said she did not want to ask that as a question, but Ms. Long could come back to this later, unless she wanted to give a quick response. She said Mr. Randolph had covered almost everything she had wanted to, and she just wanted to point out the two occurrences where building permits were issued, with even one being for equipment.

Ms. Firehock said as Ms. Long had offered to answer her question about the kiln, as one of the requests was to run it 24 hours a day, she knows what a kiln is and understands it, but wants Ms. Long to comment on why the applicant wants to run it 24 hours a day, and whether there would be a noise that emits from the kiln. She said she did not know how well the kiln was enclosed, and that this was part of the request to exceed the County's sound levels.

Ms. Firehock said another question she had was at the bottom of the bulleted list in the PowerPoint that Ms. Long presented, the applicant has asked to start operations at 6:00 a.m., and in the bullet, it says, "Delayed until fencing and planting can be installed." She said she did not see any particular details about the fencing and planting that would be installed, and didn't seem to her that the request was conditioned upon that happening. She asked if Ms. Long could elaborate on that.

Ms. Long said the answer to the question as to whether the kiln runs 24 hours a day, the answer is yes. She said certain sizes of wood take longer to dry than others. She said the 6x6 lumber takes three solid days to dry. She said not using the kiln 24-7 is a problem for that to occur.

Ms. Long said the reason they asked for this is that when they went through the hours of operation, they wanted to be as transparent as possible and bring the business up to compliance as much as possible, and identify all issues that might exist. She said the request for the 6:00 a.m. start is based on historical schedules, noting that they have been loading and unloading wood starting at 6:00 a.m. since the 1960s.

Ms. Long said they even debated on whether or not to even mention the kiln. She said she did not know whether loading wood into and out of the kiln actually counts as loading and unloading. She said she did not think that was what was intended by the ordinance. She said she thinks it was intended to apply more to the large log trucks coming early in the morning, dropping off logs, and unloading and loading stacks of lumber after it has been processed. She said the act of loading the wood into the kiln and taking it out is essentially putting it on a conveyor belt and sliding it in, then sliding it out when it is dry.

Ms. Long said they were not sure if that constituted loading or unloading, but in trying to be transparent, they asked for that exception. She said perhaps the Zoning Administrator would determine that that actually doesn't comply, but that is the background. She said it does not make noise. She said they have never had any issues with the specific aspect of loading or unloading the kiln, but it does have to occur 24-7. She said the representatives from the company were there and could explain more specifics.

Ms. Long said in terms of the fencing and planting, there is a residence that is closest to the wood yard. She presented a slide showing the wood yard. She indicated to the Maynard residence, and to a gap in the fence line that is deteriorated and needs to be extended. She said when the trucks come in the morning (typically at 6:00 a.m.), in the winter when it is dark, and because of the gap in the fence and the sparse plantings there, and as Mr. Maynard explained to the applicant, the lights from the trucks shine directly into Mr. Maynard's bedroom, which is very disruptive to him and his wife. She said he asked if there was something that could be done.

Ms. Long said the company offered to extend the fence all the way along to make it look nicer and to close the gap in the fence, and also offered to add supplemental plantings along the fence line to provide a visual screen or barrier and minimize or mitigate the lighting from those trucks in the morning. She said the applicant is not able to do that right now, but if this is approved, they will do that.

Ms. Long said in the meantime, however, the company voluntarily adjusted their operating hours and told all their logging truck drivers not to unload logs until 7:00 a.m. She said it is a temporary measure from when it started 2-3 months ago, and once this is approved, they will then be able to free up their company resources, construction loans, and other things that are on hold and will have the resources to install the plantings and improve/extend the fence.

Mr. Bivins opened the public comment portion of the hearing.

Ms. Long asked Mr. Bivins if she could have a chance to address two questions, which was a combination question from Mr. Randolph and Ms. More.

Mr. Bivins asked if Ms. Long was going to do this now and not during her rebuttal, after she has heard from other people.

Ms. Long said it was up to Mr. Bivins.

Mr. Bivins said it was Ms. Long's call.

Ms. Long said she would be brief. She said both Ms. More and Mr. Randolph both essentially expressed skepticism, confusion, and perplexity as to how the company could have known that sometimes, they needed a permit and other times, they didn't, and how they could have not applied for building permits and checked the zoning on this. She said that this was a very fair and reasonable question, and was the same question she had. She said unfortunately, they didn't know what they didn't know, and didn't realize that these issues were there.

Ms. Long said they were making a $5 million investment in this business to help the long-term survival of the company. She said had they had an inkling that it was required, it would have been very easy to meet with the County, and that she knows staff would have helped them through it. She said it would have been a complicated application, as it is now, but would have been much easier to be before the Commission, asking permission for setback waivers, than it would be later.

Ms. Long said as soon as her firm learned about the issue and researched the regulations and setbacks, they told the company that they had to stop construction on the sorter. She said it was about halfway through. She said it was an agonizing decision, but that the applicant understood. She said it has been sitting there unconstructed for the last 2.5 years. She said she wanted to reiterate that they wouldn't have done this had they realized it was necessary. She said it was such a large structure and not as if they were going to try to hide it from anyone, nor were they trying to. She said she would defer any further comments until after the public comments.

Mr. David Swales (6259 Rockfish Gap Turnpike, Crozet) said his property abuts the applicant's and is probably the one that is most affected by the sorter/stacker that the mill is requesting a Special Exemption on.

Mr. Swales said he has lived there with his wife and three children for the last 24 years and, to be perfectly honest, has noticed a significant increase in the noise where it has become unbearable to spend time out in their yard. He said now, with the construction of the sorter/stacker literally 35 feet from his property line, it is very distressing.

Mr. Swales said he attended the meeting with the BZA when they were hearing the violations by the mill, and became more distressed when the counsel for the mill postured the position that mill was versus the Swales. He said it is not a Swales-only issue, but a community issue. He said with the continual breach of the rules and regulations by the mill, they are denying the residents a voice. He said things get built and appear overnight, and the residents (including he and his family) have not had the right to appeal that because they have never been informed through application or permit.

Mr. Swales said since this matter started, he has learned more about the lumber mill than what the Yanceys are leading the County to believe their lack of knowledge is. He said the Zoning Ordinance that was instituted in 1980 was very clear that no equipment that has conveyor or saw can be within 600 feet of a residential dwelling. He said the mill has continued to not apply for

permits, which they know are going to be rebutted or rejected.

Mr. Swales said he thinks it is now time for the County to take a stance and deny the Special Exemption because again, it is yet another bully approach that the company does not have to abide by the rules, but others do. He said if he were to put an addition on his house, he would get a permit, and the company should be treated the same. He said all he was asking was to be fair, and if the community should have to do something, the company should have to do it, too.

Ms. Lisa Swales (6259 Rockfish Gap Turnpike) said her house is affected by the proposed changes. She thanked everyone for their time and consideration, and would especially like to thank Mr. Fritz and all his staff, who worked very hard on the thorough staff report. She said that the Swales are neither anti-Yancey Lumber, nor anti-business, but they believe that all should operate according to the letter of the law and abide by Albemarle County zoning regulations and all County Codes.

Ms. Swales asked everyone to consider what their house or home means to them emotionally, financially, and as their place of refuge. She asked them to put themselves into the Swales' shoes, or into the shoes of those living on Hillsboro Lane or Yancey Mills Lane. She asked why residents' ability and right to enjoy their properties be compromised by actions and decisions taken by the mill, especially when many of them did not have County approval.

Ms. Swales said a larger context is that Yancey Lumber is in a residential community that predated the lumber mill. She said it is not an unreasonable expectation that it adhere to regulations passed in 1980, which were designed to protect everyone. She said this is even more important now, given the increasing population in the area.

Ms. Swales said they have lived in their house for 24 years and did not have a problem with the noise until a couple years ago, when Yancey Lumber altered their setback area and buffer zone and relocated and installed a new stacker closer to her property line. She said the noise is such that they can no longer enjoy or even use their backyard when the stacker is running. She said over the years, they have spent most of their time in their backyard with kids, dogs, and other pets. She said all of this was prior to the installation of the new stacker.

Ms. Swales said it was noisy before, but not intolerable as it is now. She said the change was with the addition of the new stacker, and closer to her property line. She said when running, they can even hear the wood crashing and banging from all living spaces inside their house, with doors and windows shut. She said they now have a view of the sorter/stacker from their garden and yard.

Ms. Swales said she does not think the County should approve a reduction in the setbacks zone or increase the daytime or nighttime noise allowances. She said the noise has been well over the allowed limits since the installation of the stacker and since the clearing of the setback area. She said this is 2020, and there is enough technology that the mill should be able to run their equipment within the allotted limits instead of seeking to increase them to accommodate changes.

Ms. Swales said that while they are house closest to the mill, it also affects all the people around them.

Mr. Glen Worrell (F&W Forestry Services, Charlottesville; 404 8th Street NE in Downtown Charlottesville) said he works for a forestry consulting firm that manages property for landowners

in Albemarle County and surrounding areas. He said he also serves as Vice President of the Virginia Tree Farm Foundation and currently serves on the Governor's Board of Forestry.

Mr. Worrell said he wanted to focus his comments on the importance of forest management in Albemarle County's Comprehensive Plan. He said on the introduction page outlined in the County plan, it outlines the protection of the elements of defined Rural Areas, including agricultural and forest resources, land preservation, land conservation, water supply resources, natural resources, scenic resources, and historical and archaeological resources. He said he would focus on a few of those things.

Mr. Worrell said that according to the Forest Inventory Analysis (FIE data), Albemarle County contains 495,000 acres of land and of that, 282,000 acres is in forest land. He said of the 282,000 acres of forest land, 45,000 acres are loblolly pine, which is a species that Yancey Lumber purchases and saws. He said Yancey is a critical mill for Albemarle County landowners. He said in counties within a 50-mile radius, there are over 400,000 acres of pine. He said this is a critical mill for not only the County, but the surrounding areas.

Mr. Worrell said he wanted to speak about the marked history for pine stumpage prices. He said stumpage price is the value a landowner gets for the wood when he sells timber to mills or buyers. He said pine saw timber stumpage prices have not rebounded since the recession of 2008 and 2010. He said actually, if adjusting current prices for inflation, landowners today receive less money for their pine saw timber than they would have in 1950.

Mr. Worrell said he has been working in the area for 26 years and over his career, he has seen significant changes in the sawmill industry and throughout the State of Virginia. He said he was only aware of one greenfield mill being built in Virginia. He said most of the mills running today were pine mills that were established many years ago. He said they started out as small mills and continue to grow and expand as technology allows them to do so.

Mr. Worrell said currently in this area, there are two mid-sized mills (with Yancey being one) that procure wood from these areas. He said Yancey is a critical mill to provide resources for landowners. He said if landowners do not have an opportunity to continue to sell their wood, there is the potential to consider conversion of their property to other uses. He said some might convert it to ag use, others to solar farms, and many landowners will do parcellation where they will sell off property into smaller parcels.

Mr. Mark McKinney (5353 Park Road, Crozet) said sawmills are a vital and key component to the forest products industry. He said much like auto manufacturing and auto repair shops, there cannot be one without the other. He said they cannot discuss the impact to the sawmill without also addressing the impact to the forest industry as a whole and equally, to the Central Virginia region. He said the Commission's decision will have greater implications than just this sawmill.

Mr. McKinney asked the Commission to recommend approval of the Special Exemptions, as it is in the best interest for forest resource management, the environment, the economy of the County, and also to over 200 families in the Central Virginia region who directly benefit from Yancey Lumber.

Mr. McKinney said the sawmill annually produces 40 million board feet of lumber, which equates to enough lumber to build 2,500 homes at the size of 2,000 square feet each. He said they should be proud that a local and family-owned sawmill can meet the many challenges to produce that

amount of lumber.

Mr. McKinney said to regulate the sawmill to the point of closure is wrong. He said he hoped they could all agree on that. He said Yancey Lumber must invest in new and modern equipment. He said sawmills that fail to modernize and invest in trained labor, software, and highly specialized machinery do cease to exist, over the long-term.

Mr. McKinney said it is unfortunate that abutting residents are raising complaints about a heavy industrial use that long predates their arrival when the company has attempted to work to minimize any impacts from their operation. He said likewise, it would be even more unfortunate for the County to simultaneously collect substantial taxes from that heavy industrial use while now debating unduly burdensome restrictions that could drive this business to its demise.

Mr. McKinney said Yancey Lumber continues to demonstrate that it is willing to work with the community to improve its operations for the benefit of the community, and have mitigated the impacts of the noise and other setback issues such that they have earned the setback reductions. He asked that administrative actions by the County not become the sole reason for shutting down the sawmill. He asked the County to help them by enhancing their ability to remain competitive in both domestic and international markets.

Mr. McKinney said he would leave the Commission with four points from Governor Northam regarding the importance of the forest products industry that correlate directly to the Special Exemptions being requested today. He said first, Virginia's forest industry is evidence of the world-class workforce. He said secondly, wood product companies continue to deepen their roots in Virginia. He said third, having a robust forest product industry in Virginia is crucial for strong rural economies. He said lastly, forest products industry expansion brings new jobs and economic vitality to rural communities.

Mr. Ron Jenkins (Executive Director, Virginia Loggers Association) said he is a part of a trade association representing small family-owned logging businesses, mills, and other businesses related to the forest products industry. He said VLA supports the R.A. Yancey Lumber Mills Special Exception request, and asks that the Planning Commission approves tonight and forwards to the Board of Supervisors for their approval.

Mr. Jenkins said the mill started with humble beginnings in 1949, but now serves a larger and wider market of loggers, supplies, other business, and people in Central Virginia. He said a VLA board member, who is probably one of the largest logging firms nearby in Fluvanna County, recently told him that if there were no other round wood outlets if Yancey closed, that his business would be hurt and may even have to close. He said it is very unusual to hear such a statement.

Mr. Jenkins said there are many smaller family-owned logging businesses who harvest on lands of private forest landowners and haul the unrefined trees to Yancey Lumber Mill. He said without Yancey, the lives of many families would be disrupted, and in a bad way. He said he recently tried to survey some of the logging companies that serve, and are served by, Yancey Lumber and make a livelihood because of them. He said they are as far away as Spotsylvania, Orange, over in the Valley, Fluvanna, Goochland, and many other counties he hasn't mentioned. He said he is very worried about that, and is talking on behalf of them, as well as R.A. Yancey.

Mr. Jenkins said many of these logging businesses may be forced to close their business if Yancey cannot stay open in the future. He said landowners will also be impacted, as has been

discussed. He said the new facility is key to their continuing to exist as a legitimate sawmill. He said VLA supports their efforts because they understand the critical needs to add technology and modern engineering to improve efficiency, safety, and remaining competitive. He said they support R.A. Yancey Lumber Mill and its efforts to modernize its facility, maintain an important presence in Central Virginia, and remain a source for many Virginia businesses for a very long time.

Mr. Tom Goeke (6254 Hillsboro Lane, Yancey Mills) said he has lived there for over 20 years. He said his house was built in 1903, and that he had put an addition on as recently as 2016, with permits.

Mr. Goeke said he does not understand how Yancey Lumber consistently can operate with complete disregard for County Code and regulation, and disregard for adjacent property owners and neighbors. He said it operates under a "seek forgiveness, not permission" concept.

Mr. Goeke said he feels the County Zoning, Planning, and Board of Supervisors are charged to hold businesses accountable to follow County Code and regulations. He said he is counting on them to do that, especially when it impacts community quality of life, property rights, and health and safety, which this issue does.

Mr. Goeke said the Planning staff has done an outstanding job with the complexity of these issues, with the assessment and report. He said his residence, which is directly across the street from Yancy Lumber, fully support the staff recommendations provided the noise regulation be held within the current code, and a timeline is defined to fix it. He said the most pressing issue is noise. He asked if they were listening, and asked them to fix it.

Mr. Goeke said he is appalled that Yancey Lumber and those who speak on behalf of them present this as an issue that people have an issue against the lumber mills, and that this is not the case at all. He said the only thing residents want is for Yancey Lumber to abide by County Code and regulation. He said noise is the most significant issue. He said to anyone that speaks who doesn't live near it, he welcomes them to come sit on his front porch from the requested 6:00 a.m. to 7:00 p.m. and experience it for themselves.

Mr. Goeke said he hopes they will find a resolution that is in line with code and regulations, and enables both the business and neighbors to coexist.

Ms. Lillian Mezey (7153 Hampstead Drive, Crozet) thanked the County for the thorough staff report and for holding the public hearing. She said as a resident of Crozet, she urges denial of the Yancey Mill Special Exemption request, especially with regard to the increase in the daytime and nighttime noise levels. She said she also opposes the 6:00 a.m. start time.

Ms. Mezey said Yancey is requesting permission for substantially higher sound levels than allowed by the ordinance. She said the mill continues to minimize the impact on neighbors. She said just because they are already out of compliance does not make this okay. She said noise pollution is a health hazard and is growing, even as other types of pollution may be declining.

Ms. Mezey said as a physician, she knows that the adverse physical and mental impacts of noise pollution (including industrial environmental noise pollution) are well established. She said these include insomnia, fatigue, increases in stress, difficulty concentrating, cardiovascular disease (including increases in blood pressure and heart rate), headaches, and ringing in the ears. She

said hearing is very sensitive, and including to background noise that they are not even consciously aware of.

Ms. Mezey said that as Crozet grows, they must act to protect the health and quality of life of current residents. She said she therefore strongly opposes Yancey's request for permission to exceed County sound limits. She said these reasonable regulations are in place to protect the health and welfare of its residents.

Mr. Terry Maynard (334 Yancey Mill Lane, Crozet 22932) thanked the County for holding the meeting and said the staff report was amazing. He said even though the community has been involved for the last 6-7 months and meeting together to see what they can do together to make things better, he still learned things from the staff report.

Mr. Maynard said the community is not against the mill. He said this is not a community versus the mill matter. He said there are regulations set forth by the County to keep the quality of life of the residents of the neighborhood intact. He said just because a business is historic in nature does not remove the requirement to be a responsible business owner and understand what to do before making a $5 million investment.

Mr. Maynard said he completely understands now that Mr. May has a basket case that he has to work through, and is doing a great job trying to get through it. He said he has talked to Mr. May many times and that he is doing the best he can, but it does not negate the fact that they cannot fix the location of it without the Special Exemption and that it is going to affect the quality of life of the surrounding community.

Mr. Maynard said he finds it appalling that there are people talking about how much of an impact the mill makes for the community for jobs and the lumber industry, including quoting the Governor. He said that while he was glad people have done their research on that, he would invite them to come have a barbecue at his house during operations to let him know how much of that they will value with the quality of life of living there.

Mr. Maynard said Mr. May will put up a fence to help mitigate some of that sound, but as he has told him before, the log truck drivers are cowboys who will do what they do, and that Mr. May does not have control over them because they are not his employees. He said he has watched driver urinate right next to the side of his property in view. He said he has a 7-year-old daughter, and if his daughter is outside in the yard and sees this, this is not appropriate, and is not something residents should have to worry about when they are outside playing or having friends over.

Mr. Maynard said the regulations are established to maintain the health and safety of the community. He asked the Commission to uphold them.

Mr. Steve Blaine said he represents Mr. and Ms. David Swales, who spoke earlier and articulated well the impacts this proposal will have on them and the other neighbors. He said he wanted to touch on the standard that the Planning Commission has to apply here, as described in the staff report, which is whether the modified requirement achieves the same purpose of the ordinance in an equal degree. He said in other words, the question is to if it achieves the same objective. He said if putting the applicant's application in its best light, it fails to meet that standard, clearly.

Mr. Blaine said to adjust the noise level requirements, for example, it cannot possibly achieve the same or equal standard. He said they have arrived at those noise levels as a community. He said

he was involved when the regulations were being adopted and knows there was a lot of debate, but that they arrived at something that was acceptable to the community. He said to say now that making an accommodation for this meets the same objective simply fails.

Mr. Blaine said similarly, with the hours of operation, they do not meet the objective of the ordinance by changing the hours of operation because by definition, those have been determined to be the standard.

Mr. Blaine said it has been made clear that the argument that the mill was not aware of these ordinances is not persuasive. He said they are told that management made a $5 million investment without conducting what is basic due diligence. He said these are heavily regulated industries, and manufacturing has to deal with OSHA and air compliance. He said he is involved with publicly traded companies, and if management said they made a $5 million investment without doing that due diligence, that would be the last thing they did for the company.

Mr. Blaine said in closing, he thinks that if one applies the standard that has been laid out in the staff report, the application fails.

Mr. Patrick May thanked everyone who commented on both sides of the argument. He said he wanted to go over a few points. He said he heard the comment about applying for the paving permit, and that this was the company trying to help out the community and the State by allowing a paving company to sit on their property while they were allowing the State to repave I-64. He said it actually did not have anything to do with Yancey's business at all. He said they have never been in that business, and that he does not believe they actually applied for that. He said it may have been S.L. Williams.

Mr. May said he appreciated Mr. Maynard's comments, and as he had emailed to him, Yancey does not allow that kind of conduct on their property (even from their vendors) and actually sent out a letter immediately to every logger they work with telling them that if any representative of their companies takes actions like that, they will be removed from the loggers they purchase from. He said they have facilities (restrooms) across their property that are frequently maintained so that they can have a healthy environment not only for their business, but for their neighbors.

Mr. May said with regard to health and safety, this piece of equipment is really for health and safety more than anything else, and for efficiency. He said it is not just so that they can continue to exist, cut wood, be a productive member of the community, and help landowners with the values of their properties, but it is also for the safety of their employees because it keeps them from getting hurt and allows it to be a tech-based job where someone can use an iPad instead of manual labor. He said as they all know, the world has changed a lot over 71 years.

Mr. May said he wishes he had been running the company earlier because he would have made sure they did go through appropriate channels. He said unfortunately, they are now in the worst possible position where they hope they can survive. He said he is asking for the Commission's approval for the Special Exceptions they are requesting.

Mr. May said they do not believe they will be impacting their neighbors more because if they put buildings around these pieces of equipment, they believe they will lower the decibel level. He said they have talked with their sound engineer, and he has confirmed that a wall with sound attenuation material will reduce the tones that emit from the stacker. He said that is the most offending tone, according to the Swales. He said if they can eliminate that, they believe they can

make the situation better. He said as far as the overall sound of the mill, they are a quieter mill now that they have been. He said they used to have a planer by the road that was astronomically louder than what they have now.

Mr. Neil Williamson said he is the President of the Free Enterprise Forum, a privately funded public policy organization focused on Charlottesville and the surrounding localities. He said they have no position on this particular application. He said he felt the need, however, to provide some public policy context to the decisions before the Commission.

Mr. Williamson said in 1979, there as a clear decision with the Comprehensive Plan and the following 1980 zoning. He said the vision of this decision was to build on the concept of a clear line between Rural Area uses and Development zones. He said this vision was vigorously supported by the Board of Supervisors until roughly 2005. He said tonight, they hear from those living in the Development Areas and nearby opposing what are "normal rural uses" and questioning the adjacency to the growing Development Areas.

Mr. Williamson said they must ask if this is the time to rethink this philosophy, and if Albemarle should consider creating an expanded transition area between the Development Areas and the Rural Areas.

Mr. Williamson thanked the Commission for its very public discussion of the balance of issues this application presents.

Mr. Bivins informed Ms. Long had five minutes in which to respond.

Ms. Long said she would run through her points quickly. She said one is a clarification that a portion of the sorter equipment that is closest to the Swales property (that is 35 feet) is not operational. She said it is not making any sound. She said the stacker, which is the equipment that the Swales referenced, is operational and is located much further away from their property. She said it straddles the 100-foot setback line. She said they know this is the primary thing that is bothering the Swales, as they have indicated.

Ms. Long said she also wanted to respond to Mr. Randolph's comments and to the extent that Ms. More echoed them. She said she wanted to be clear that the company has never implied or stated that this situation is, in any way, the County's fault, nor has it implied that it is the neighbors' fault. She said they fully acknowledge that it is a result of oversight on their part over the years in not having the right awareness of the regulations at the time. She said it was a very different time, and when the regulations were adopted in 1980, the company was already in existence. She said the company could not have complied with those regulations.

Ms. Long acknowledged that the company should have done better over the last 40 years. She said they have been doing much better in the last 2.5 years since they have been learning about all of this. She said they have demonstrated commitment to making things better, improving the property wherever they can. She said they have committed to a number of additional mitigation measures, most particularly enclosing both the sorter and the stacker within a building. She said they have also offered to install sound attenuation material inside both buildings, and to construct a sound barrier wall across the gap.

Ms. Long said Mr. May has also already implemented a number of measures on the stacker in the last year to reduce its noise as much as possible. She said they have slowed it down, installed

some bracing material and other metal equipment to reduce noise and vibrations that are causing disruption, and modified the way it is loaded so that it does not make as much noise.

Ms. Long said the reality is that if the Special Exceptions are approved, they will be able to obtain a building permit. She said they have applied for a building permit for the sorter and the stacker. She said they won't be able to obtain those building permits unless and until the Special Exceptions are approved and then, they will be able to enclose the equipment in the buildings and add all the other mitigation measures she mentioned.

Ms. Long said they are confident that they can comply with the noise levels that they have proposed. She said they are slightly above what is currently allowed, but they were implemented in 1980 after the mill had been in existence for 40 years.

Ms. Long said she understands Mr. Randolph's comment and that they do not mean to turn this into an issue of the County versus the company. She said this is not the case at all. She said they are, nevertheless, trying to help he and his colleagues trying to understand the unfortunate realities of the situation. She said as Mr. May said, their business cannot continue without efficiencies. She said it is a competitive commodity market. She said this is equipment that they actually wanted to put in place before the recession. She said they had saved funds to do so. She said the recession depleted all of their savings, and they finally saved up money to install this and got going on it before they realized what was happening.

Ms. Long said the applicant immediately took steps as soon as they were made aware of the regulations, and her firm advised them to halt construction on the sorter, which they did.

Ms. Long said with regard to the criteria, she was glad that Mr. Blaine raised it because she wanted to as well. She said the criteria for granting the waiver for the noise ordinance is that strict enforcement of the ordinance would cause undue hardship and not otherwise for the purposes of the Zoning Ordinance or for the public health, safety, and welfare. She said the only specific reference in the Zoning Ordinance that was cited in the staff report that is relevant to this is about preventing overcrowding of the land. She said they have attempted to mitigate the overcrowding impacts, and that the adjacent property is at a 30 to 35-foot higher elevation and is looking down at all this equipment. She said it is not blocking the air, obstructing light or air, contributing to traffic congestion, or population density issues.

Ms. Long said the impacts, if there are any, are from the noise. She said they acknowledge that, which is why they have proposed these significant mitigation measures to reduce the noise levels. She said they believe they will go back to the levels that the Swales indicated when they purchased the property and enjoyed it for 20 or so years until 2017, when the sorter construction began.

Ms. Long said similarly, as part of the criteria, another option of finding is that the alternatives proposed by the owner would satisfy the purposes of the noise ordinance at least to an equivalent degree.

Mr. Bivins informed Ms. Long that her rebuttal time had ended. He closed the public hearing and brought the matter back to the Commission.

Mr. Randolph asked Mr. Fritz if there has been any clarification on the kiln as to what the heating source would be. He said a 24-hour-per-day kiln operation, in many cases, is not solar (which he

did not hear any mention of solar or commitment in terms of a green agenda to try to reduce pollution on site, use of natural gas, etc.). He asked if there has been any identification as to what the heating source will be to get the ethylene glycol up to temperature to have it then moved into the kiln facility to dry the wood.

Mr. Fritz replied he did not know what the heating source is.

Ms. Long said the applicant could address this.

Mr. Bivins said to make this very quick, in one minute.

Ms. Long clarified that the kiln is existing.

Mr. May said it has existed since 1992. He said it is a wood-fired broiler, so they use the sawdust that is a by-product from sawing in a wood-fired broil where they produce steam, which actually dries the wood.

Mr. Bailey said he was trying to reconcile a quandary in the sense that one of the proposals put forth was that the site was just out of space, and this was where things had to go if they were going to comply. He said what he was trying to figure out was that there were adjacent parcels that were possibly owned by the Yanceys. He said it may be out of the purview of the Commission, but he was trying to figure out if they potentially owned more land than the green areas that they possibly transferred in the mid-2000s. He said he was trying to reconcile how much of this is about being out of space, and how much they may have painted themselves into a corner on the site they have.

Mr. Fritz said staff always looks at the ownership of adjacent properties, and it is in a different corporation's name. He said staff treats that as a separate property owner. He said the adjacent property is zoned Rural. He said sawmills and lumberyards are permitted in the Rural Districts by Special Use Permit, and then they would be subject to the same supplemental regulations as they would be by right in the Heavy Industrial District. He said if they owned the adjacent property and it was zoned Rural, they would have an opportunity apply for Special Use Permits, but that this was not how staff analyzed it. He said staff analyzed it for the property they own and is subject to this request.

Mr. Keller said following up on Mr. Bailey's question, he remembered a portion of the staff report that was pure conjecture on Mr. Fritz's part where he said that if, indeed, there had been requests for variances or Special Exceptions in the past, before some of the structures were built, there would have been more room to locate various facilities as they got closer to this time period that would have been in compliance. He asked Mr. Fritz if he could expand on that.

Mr. Fritz said what he was saying is that if variances had been applied for, there would have been the ability to review those and determine what the workflow was going to be, and where buildings would have been done. He said workflow right now, as the applicant has stated, is that the wood is coming in from the stem loader from Route 250, runs through the mill, and pops out on that side of the property. He said if variances had been done, they do not know if it would have been the other way around, if it would have been longer, or different.

Mr. Fritz said what he was trying to say was that the fact that the machinery is where it is, and then saying that this is the only place they could build, staff is not agreeing with that as they are

not agreeing that the existing buildings and machinery were permitted. He said they are retroactively permitting those.

Mr. Keller asked Mr. Fritz if he was saying that with working with Albemarle County staff in the past, there may have been an opportunity for there to actually be more building footprints that could have answered some of the issues they are confronted with today.

Mr. Fritz replied he is saying that they do not know what it would have looked like. He said it may have looked very different, and that they would have looked at all the options.

Ms. Firehock said she had a question for Mr. Fritz, as well as other comments to make later. She asked Mr. Fritz if he could state his opinion on whether it is within the Planning Commission's purview to alter the requirements for sound decibels. She said in other words, Mr. Fritz noted earlier that the County is not a sound expert and did not employ sound experts for this application. She said they have the applicant's report. She said she was curious overall about this separate noise ordinance and whether it is within the purview of the Commission to give exceptions to that particular ordinance.

Mr. Fritz said Ms. Firehock may be referring to the noise ordinance that is outside the Zoning Ordinance, which is different. He said it is really a nuisance ordinance, and is outside the Zoning Ordinance, which is not under review. He said what is under review are the noise regulations that are specifically contained in Section 4 of the Zoning Ordinance, which is Chapter 18 of the Code of Albemarle. He said the noise provisions Ms. Firehock is referring to are in a different chapter altogether.

Mr. Fritz said the answer to the question is that yes, it is absolutely within the board's authority to grant a modification from the noise standards contained within the Zoning Ordinance. He said what staff is saying is that they do not have any technical expertise to tell the Commission that an increase of a certain number of decibels has a certain impact. He said what staff's thinking is is that the Board of Supervisors has adopted a reasonable ordinance and that going above that number is not equal to complying to the ordinance. He said therefore, staff is recommending denial.

Mr. Fritz said the more appropriate way to address this would be through a Zoning Text Amendment and change the regulations in Section 4.

Mr. Bivins said he understands that even though they may be in a Heavy Industrial area with a sawmill supplement, and though one may ask why it is not a certain decibel as opposed to a residential decibel, he would like Mr. Fritz to talk about how the County determines the standard for decibels.

Mr. Fritz replied that it is based on the receiving zone, or what the zoning is of the receiving property.

Mr. Bivins asked if, in this particular case, the receiving property is not Heavy Industrial, but is Rural.

Mr. Fritz said it is Rural.

Mr. Bivins said this is why they are looking at the highest standards.

Mr. Fritz confirmed this.

Mr. Clayborne said it may be more of a question for counsel, as he had not had many cases or hearings of Special Exceptions, but that he wanted to know if the applicant had made proffers on their application when requesting a Special Exception.

Mr. Andy Herrick (County Attorney's Office) said this would have to be associated with a zoning or rezoning application or a Zoning Map Amendment. He said in this case, the applicant has chosen to seek Special Exceptions to the existing regulations, so the notion of solving this with proffers isn't before the Commission, and the applicant is not seeking a rezoning or Zoning Map Amendment. He said the standards for Heavy Industry are already outlined in the Zoning Ordinance, and this is the applicant's way of trying to seek exceptions from the regulations laid out in the Zoning Ordinance.

Mr. Bivins noted that Ms. More no longer appeared to be in the meeting.

Mr. Fritz said that Ms. More had commented there was a severe thunderstorm in Crozet and so, she may have lost her connection.

Mr. Bivins said Ms. More was trying to get back in. He said as this is her district, he wanted to see if they could get her back into the meeting. He asked Ms. Groeschel if he could see Ms. More.

Ms. Groeschel replied that she did not see Ms. More calling in.

Mr. Bivins asked Ms. Groeschel if she could send the call-in number to Ms. More.

Mr. Herrick asked Mr. Bivins if he would like to take a brief recess while they try to reconnect Ms. More.

At 8:07 p.m., Mr. Bivins announced a 10-minute recess.

At 8:17 p.m., Mr. Bivins called the meeting back to order.

Ms. More said she had a couple things she jotted down as they have been listening, and that first, Ms. Long touched on the subject, and that based on public comment and on some of the things she knows from comments received via email or the general feeling from the Crozet community, she wanted to touch on these things. She said she thinks Ms. Long addressed the idea of the Swales versus the mill, which is not what is happening here.

Ms. More said the other idea they have in Crozet sometimes, not specific to this topic (though there may have been some emails that touched on this), is that they have experienced a lot of growth, and sometimes, there is "old Crozet" against "new Crozet," and that this is also not what is happening here. She said there was not one particular owner versus an owner, or the old school of thought versus the new school of thought. She said in her opinion, what they have here is a history of choices that were made by the mill versus the mill itself and its desire to operate and expand. She said they were trying to come into compliance where historically, they have not been.

Ms. More said in response to public comment, she wanted to acknowledge that this is an important business for the Crozet area. She said she also understands it is an industry that reaches far beyond the community. She said as far as the historic nature of the business in the Crozet area,

she is also very familiar with that. She said she is the fourth generation of her family to live in the area, so she grew up with the mill and have family members who grew up with the mill. She said she understands that and hears it a lot from people, including in the comments that evening and in emails. She said although this was notable, this was not what the Commission is being asked to deal with that evening to the extent that the historic nature of the property does have the issue of the 1980 date.

Ms. More thanked Mr. Fritz for his report. She said when dealing with the issue of property that was in operation before there were certain issues, Mr. Fritz has outlined that in an expert way in the staff report that satisfies the issue of where there is something very old that is trying to grow into something new, and deal with changes. She said she feels that in the different exceptions that Mr. Fritz has walked the Commission through, he has done an amazing job at splitting out those things that predate the exceptions being requested from others that are Special Exceptions that may have been considered by the mill and where existing conditions were not in compliance with the ordinance.

Ms. More said she wanted to allow for other Commissioners to speak, but that she would like to say that based on staff's findings and the report they have, she would like the opportunity to make a motion. She said she fully supports all the recommendations made in staff's report. She said she had come into this process back when it was brought to the community through the CAC meeting with a deep and sincere hope that there would be some way to get to a place where perhaps not everyone is 100% happy, but where property owners can enjoy their properties and have reasonable use of their properties while the mill can continue to operate.

Ms. More said she feels that when she looks through what is being offered to the Commission, there is still work to be done about mitigation. She said she was not the expert on this and would not make suggestions on that, but can only react to what has been brought to her. She said what has been brought to her are 19 Special Exceptions, 13 of which they would be approving and 6 for denial.

Ms. More said her comments would be that if this moves on, she believes there is still an opportunity here for the applicant to explore mitigation. She commented to the applicant that she does believe that opportunity is there. She said she knew that some of those alternatives can be expensive, and moving forward, she would hope that the applicant could bring some of that to the Board.

Ms. More reminded everyone that it is important that if the applicant explores exceptions and is going to approach different exceptions in different areas with different types of mitigation, that there is care taken to ensure that each of the adjacent property owners is dealt with in a manner that is equal and fair and considers the protection of all those properties, and not just one effort that would only benefit one adjacent property. She said they should approach anything like this in a consistent matter. She said there is not anything like that, as far as she could see.

Ms. More said she wanted to let others say what they had to say, but that she was prepared to move forward with what staff has recommended for the Commission.

Mr. Clayborne said Ms. More's comments were well said. He said there is a reason for the ordinance and regulations that are in place. He said he had a hard time accepting the notion about how the applicant got there and not knowing about building permits. He said he understands that this is in the past, but it is a key reason why they were having the conversation that evening.

Mr. Clayborne said one thing that had not been touched on is what is fair to the neighbors. He said they have a right to enjoy their quality of life with their real estate investment. He agreed with Ms. More that hopefully, the applicant could get that worked out and that there is room for improvement.

Mr. Clayborne said not one resident spoke in favor of this, so he thinks that is an alarm. He said for that reason, he is in full support of staff's recommendations as outlined.

Mr. Randolph said he was also very much inclined to support the staff recommendations. He said what Mr. Fritz and staff have provided and outlined demonstrates the County's willingness to be flexible on some of the setback distances applicable here. He said at the same time, they demonstrate with steel resolve not to waive the hours of operation, the noise regulations, and to deny the reduction in setback for the incomplete sorter/stacker building.

Mr. Randolph said he wanted to say that he has a concern about a 24-hour-per-day kiln operation. He said he has watched several videos on kiln operations, and that they involve forklifts that have to take the wood and put it on the rails, which then gets moved into the kiln. He said after the wood is dried out and gets down to 68% moisture, the forklift has to operate and remove the wood and put it in a position where it can be put on a truck or moved into the stacker building. He said there will be noise, and that he is concerned that the kiln operation can become a new sources of noise nuisances for the surrounding property owners. He said he hoped there could be further discussion.

Mr. Randolph said that he did not want to go through point by point, as Mr. Fritz has done an excellent job in summarizing the staff recommendation. He said as he has indicated, he is enthusiastic in supporting what staff has recommended here, just wanting further illumination on the kiln operation.

Ms. Firehock said she had a quick philosophical statement to make, and then some comments. She said she is sympathetic to the applicant in many senses, but in particular, where they have discussed in their application the imposition of the setbacks from dwelling units when they have had that property in their family for quite a long time and understandably, they occupied a much smaller footprint when they first began. She said over time, they have grown, and it is very difficult when there is a parcel where there isn't much room to expand. She said while they have expanded, it is not a huge amount of land.

Ms. Firehock said while the houses were there a long time, suddenly, the rules that they have to play by at the mill have changed on them after they have operated. She said Mr. Fritz said that they are welcome to come in and seek variances, and there were many buildings put up without seeking the proper County inspections to get building permits. She said she finds this troubling, and understands Ms. Long's explanation of the question of equipment versus buildings, adding that this was all fuzzy to her.

Ms. Firehock said what is difficult with their request to change the standards for noise is that their claim is that they are making the same amount of noise they always have. She said the Commission received quite a lot of citizen comments stating that there were various periods were noise has been much louder. She said people talked about the fact that in the last few years, they have not been able to enjoy their backyards. She said she does not have a noise study for every year that the mill has been in existence to be able to agree or disagree with those comments, but

it doesn't seem to her that everyone is incorrect if they are saying that the noise has increased. She said this definitely troubles her.

Ms. Firehock said there was also one particular comment not heard that night, but submitted earlier about the piece of equipment that separates the bark from the logs, and that this had gone on for several weeks before finally being rectified.

Ms. Firehock said she understands that the mill has been there a long time, and is very sympathetic. She said in terms of the particulars of the request, she is also in general agreement with the staff report. She noted that she is not in agreement on the applicant's request to have a zero-foot setback from Route 250. She said this is setting a dangerous and unsightly situation.

Ms. Firehock said she would disagree somewhat about the question about the kiln operating. She said wood has to be cured for a certain period of time, and different types of wood need different amounts of time for that to occur. She said it cannot just be turned on and off, as this is not how it works. She said she thinks that if the applicant can meet the County's noise standards and still operate the kiln, 24 hours a day would be fine.

Ms. Firehock said she does believe that the applicant has to find a way to mitigate their plant to become in agreement with the noise standards. She said while she understands this is very difficult, she does not understand how the Planning Commission could find a justified reason why it promoted the health, safety, and welfare of the community to vary from that.

Mr. Keller said he thinks his fellow Commissioners have summarized this very well, beginning with Ms. More. He said it is important that they do not go down the rabbit hole on the sound. He said they have gone around several times in terms of wineries and tourism operations and the sound offsite. He said the Commission's counsel has pointed out to them many times that there are a noise ordinance and standards. He said they need to be met, and that this is most likely the type of mitigation, as Ms. More said, that could be discussed between staff and the applicant before going to the Board of Supervisors.

Mr. Bailey said he also agrees with his fellow Commissioners, and the recommendations put forth by staff. He said he appreciated the hard work in this very complex manner that Mr. Fritz put in in laying out the report in a way where the Commission can track through time to try to understand and be fair.

Mr. Bailey said as a small business owner himself, he does have a certain amount of empathy for the mill and the multigenerational aspect of it. He said it is hard to run a business and be successful. He said he was very impressed by the commitment to green, the modernization, and work that the mill is doing. He said he is proud to have the mill in Albemarle County. He said it is a great business and asset they want to keep there.

Mr. Bailey said he does hope they can find a way forward so that the mill can run a practicable business, but as has been aptly said, there are standards. He said a lack of knowing is a hard concept to accept, as Mr. Clayborne said, because as a business owner and founder of a company, it is his job for his employees to make sure he knows the risks and understands those before he makes large investments. He said he is in general support of the recommendation laid forth by the staff.

Mr. Bivins asked Mr. Randolph if he had a particular question for Mr. Fritz about the kiln.

Mr. Randolph replied no. He said he wanted to make sure that in the record, there is an opportunity to state a concern about the noise that potentially can be generated by the kiln. He said he did not look for the Commission to be imposing standards, and is well aware of the implications of getting into noise as an issue. He said one on hand, they are addressing a problem, and he did not want to see the Commission be unconsciously creating another problem for the community, going forward.

Ms. More said she was looking into that, and that she didn't know if they had it in the staff report to the extent that Mr. Randolph wanted, or to address Ms. Firehock's point, but it does say that staff recommends denial of the Special Exception for the provisions of loading/unloading associated with the kiln to be permitted 24 hours a day. She said the report says that staff's opinion is that requiring an extended period where activity does not occur on site does serve public health, safety, and welfare. She said the report says that staff is not able to support allowing 24-hour-per-day loading and unloading.

Ms. More said to Ms. Firehock's point, she was not sure if what was pointed out about the reality of what it takes to get the kiln running, the different types of wood, and the impact it could have on the mill is something to highlight for the Board of Supervisors at the suggestion Ms. Firehock was perhaps getting at they wouldn't take on tonight, that if there is some mitigation, perhaps there is some way to work through that. She said they did not have that with them that evening to know, however.

Ms. Firehock said this was well stated.

Ms. More said this is a major change for how they are operating now, and is one that is worth giving the Board's attention to, and for the applicant to think about that as they move forward to the Board about creative ways to address that without impacting those around them. She said this may be one of the most important ones but certainly, they are all important.

Mr. Bivins said they had done what the Commissioners wanted to do as far as noting and lifting up the one element forward, depending on how they vote, for the Board of Supervisors to take into consideration. He said he thinks they also signaled to the applicant that if this is something that they want to delve into, they have an opportunity now to think creatively and move forward with that.

Mr. Bivins said it appears that the Commission is again reaching a moment where they are rubbing up against each other. He said there are various zones in the County, and they are trying to figure out how those zones create good neighbors. He said in this particular case, some of those neighbors' structures have been there since the end of the 1800s and beginning of the 1900s. He said they have been there for a while on the road that used to take people over from the river to the Valley, with a lot of commerce on that road. He said this is a new level of commerce. He asked how the County, as a place that considers itself both a rural place and a place that is attractive to what the new future will be, will do that and how the Zoning Ordinance will allow them to do that without always being uncomfortable sitting next to each other.

Mr. Bivins said as the Commissions thinks about its work plan, it might be interesting to have a non-project discussion about how Albemarle will be the county that is both a beautiful place to visit but also a place that invites founders and new investment to be there in a way in which those two pieces can exist together.

Mr. Bivins said he was also in support of the staff's recommendations as set forth with the appropriate approvals and denials.

Mr. Bivins said he is becoming quite concerned as to how zones can coexist and move into the next generation of what Albemarle County is to be as both a rural place and a place that invites businesses and investment to do what is needed, which is to create futures for the community and those who come after.

Mr. Bivins asked if a Commissioner was ready to make a motion.

Ms. More said she would like to make the motion.

Mr. Herrick said if the Commission's consensus is to adopt staff's recommendation, he believed that Mr. Fritz had some suggested motions. He asked Mr. Fritz if he would like to explain the motions.

Mr. Fritz said he would explain. He said Motion #1 and #2 are the same that are in the staff report. He said they are simply referencing the recommendation that all the existing equipment be allowed to remain, and that structures and machinery be allowed to remain in areas of activity, which ties it to a survey in the staff report so that they know where everything is.

Mr. Fritz said the second one is that the applicant needs to obtain their Certificates of Occupancy for the existing structures by January 1, 2021, or cease the use of that structure. He said this was in the staff report.

Mr. Fritz thanked Mr. Herrick for making some excellent suggestions. He said instead of having the Commission make 19 separate motions, they lumped them together. He said there are two that deal with noise (Items 18 and 19), and that staff is recommending denial of those. He said there are two options under (4) that they have Option A, which is if the Commission does recommend denial of the noise, they would make the motion that is in A. He said if the Commission wants to support a reduction in noise, they will make the motion in B. He said it was 1-3 and either 4A or 4B.

Mr. Herrick added that all the request numbers listed are reference to Attachment J of the staff report, so all of the recommendations are outlined in further detail in Attachment J. He said the numbering of the motions depends on the numbering in Attachment J.

Mr. Bivins asked if he heard a motion for Item 1.

Ms. More moved to recommend approval that structures and machinery will be permitted as shown on the 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.

Mr. Keller seconded the motion, which carried unanimously (7:0).

Ms. More moved to recommend that the owner must obtain a Certificate of Occupancy for all existing structures by January 1, 2021; and 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.

Mr. Keller seconded the motion, which carried unanimously (7:0).

Ms. More moved to recommend denial of Exception Requests 18-19 of the R.A. Yancey Lumber Corporation for the reasons stated in staff's report.

Mr. Keller seconded the motion, which carried unanimously (7:0).

Ms. More moved to recommend approval of Exception Requests 1-3, 5, and 8-16 of the R.A. Yancey Lumber Corporation, and denial of the Exception Requests 4, 6, 7, and 17, all for the reasons stated in staff's report.

Mr. Keller seconded the motion.

Mr. Bailey said he wanted a clarification. He said in Appendix J, some of the approval language has time associated with it, and he think it was clarified, but it was a point of conversation about whether they would be able to load at 6:00 a.m. to 7:00 p.m., and how in Appendix J, it says 6:00 a.m. to 11:00 p.m. on Requests 15 and 16.

Mr. Fritz said it should say 6:00 a.m. to 7:00 p.m., and that this has been corrected in the packet.

Mr. Bailey asked if the current start time is 6:00 a.m. or 7:00 a.m.

Mr. Fritz said it is currently 7:00 a.m., which is permitted by the ordinance.

Ms. More pointed out that Attachment J had been updated.

Mr. Bailey said he had still been using the old link from the agenda.

Ms. Firehock said she may be looking at the old Attachment J, but in the motion that was just made included approving #5, which was a zero-lot line setback for the storage of lumber and logs. She asked if this was correct.

Mr. Fritz said this was correct, which ties back to Condition #1 (to the areas shown on the survey).

The motion carried by a vote of 6:1. (Ms. Firehock dissented, stating that her reason was that she cannot support a zero-lot line setback for the storage of the lumber and logs.)

Mr. Bivins said to Ms. Long that she heard how the Commission is recommending to the Board, and also hopefully heard some helpful issues that perhaps she and her client can have a conversation with staff about before they make their presentation to the Board. He thanked them for their time.

Ms. Long said they appreciated the Commission's time and consideration of these requests.

CCP201900004 Albemarle County High School Center II

Mr. David Benish said this is a compliance with the Comprehensive Plan review for a High School Center II. He said this is a proposal to construct a 60,000-square-foot high school center that will serve up to 400 students in grades 10-12. He said these students will come from the three base

high schools located in the County.

Mr. Benish said the center is located on 133 Galaxie Farm Road, which is a property just south of the Monticello Fire Rescue station and the Albemarle Healthcare Center off of Founders Lane and Mill Creek Drive.

Mr. Benish said this is one of three parcels that was purchased by the County in the late 1990s, and transferred in 2000 to the County, which was purchased for the purpose of addressing future capital projects, and public service and facility needs.

Mr. Benish said the purpose of the compliance review, which is required by State Code, is to require that public facilities that are not specifically identified in a Comprehensive Plan be reviewed for compliance with the Comprehensive Plan by the Planning Commission. He said the Commission reviews the general character, location, and extent of the facility that it is in substantial accord with the guidance from the Comprehensive Plan. He said the Commission's action refer to the Board of Supervisors. He said the Board does not need to take action, however.

Mr. Benish said the Commission is focused in on reviewing the general character, location, and extent. He said this process is not intended for the board to make a decision on whether the facility should be constructed.

Mr. Benish noted that hours of operation are 8:45 a.m. to 3:25 p.m. He said while there are some after-hour activities that could occur at the site, this high school does not function with many after-school programs, as those programs are at the base high schools.

Mr. Benish said road access is at Founders Place, which is off of Mill Creek Drive. He said access to the site will be from a combination of school buses from the three schools, parent drop-off, cars driven by students, and walking and biking.

Mr. Benish said the site design has accommodated a space for a recommended road connection from Mill Creek Drive to Route 20, and the design work today has provided space for that future roadway.

Mr. Benish presented a map showing the location of the facility. He indicated on the map to the school property, healthcare center, the fire station, Monticello High School, and Tandem Friends private school.

Mr. Benish presented an aerial view of the property, noting it was mostly wooded.

Mr. Benish presented the concept plan for the facility, noting that the applicant would speak more to this. He pointed out that the Commission had recently been involved in the approval of the Galaxie Farm development, which is immediately adjacent to the plan. He said the plan shows how this is related to it and how that future road might connect to the road within Galaxie Farm and, ultimately, to Route 20.

Mr. Benish said the Southern and Western Neighborhood Master Plan recommends this area for institutional uses. He said civic uses, such as schools, are considered primary uses within this land use designation. He said the area is also noted as a Center location. He said civic and school uses are seen as an appropriate use within a designated Center.

Mr. Benish said the Master Plan does state that a collaborative community process is needed before the County decides on the uses of the properties. He said that collaborative process was tentatively scheduled to be undertaken as part of the Comprehensive Plan update (likely within the next 2-3 years, within the Comprehensive Plan update). He said this was a pre-COVID-19 schedule and that the schedule is now influx as they work through the current situation.

Mr. Benish said regarding the specifics of the recommendations in the Master Plan, the proposed center and school use is consistent with the Institutional land use designation called for in this area. He said it is consistent with the uses expected in Centers. He said from a historical perspective, this property has always been assumed to be a potential school site within the Center, which was part of purpose of the purchase of the property.

Mr. Benish said the center is sited on a relatively small portion of the total amount of properties owned by the properties (about 10-12 of 36 acres owned by the County, and about 46 areas in the general Center area that are undeveloped). He said staff feels that the approval of this site would not impede their ability to conduct effective and useful collaborative community planning for that Center area, in the future.

Mr. Benish said the site will accommodate future road location, and space is being made available for that. He said sidewalk and trail facilities are being planned to the site and to adjacent areas.

Mr. Benish said the factors favorable include that the proposal is consistent with the County's Growth Management Policy and Community Facilities Objectives, as well as with the Neighborhood Model Principles that are applicable for public facilities. He said it is consistent with the Institutional land use designation described in the Master Plan. He said it is complementary and consistent with the uses anticipated in a Mill Creek Center designation. He said staff feels approval of this use on this site does not foreclose on a usable planning for that Center in the future.

Mr. Benish said the factor unfavorable is that the collaborative process called for in the Master Plan has not yet had a chance to be completed.

Mr. Benish noted that this facility does address capacity needs in those high schools, and that addressing high school capacity is a very high priority of the County and School Board.

Mr. Benish said staff recommends that the Commission find the location, character, and extent of this facility to be in substantial accord with the Comprehensive Plan.

Ms. More said with regard to the unfavorable factor, she read about the engagement that happened at the CAC, and that there was another meeting that was not highly attended. She said she knew that Mr. Benish had to mention this as an unfavorable factor, but wanted to know how concerned staff is that the collaborative community process hasn't occurred. She asked if this was due to a lack of interest, or to the current situation with COVID-19 and how they are able to engage.

Mr. Benish replied that the applicant made a strong effort in trying to begin that engagement process with the community meeting and engaging with the CAC. He said the community meeting was in early March. He said he did not know whether the COVID-19 situation was such that it may have kept people away. He said he could say (although Mr. Randolph may disagree) that the CAC was positive about the concept and did not express any particular concern about the

lack of a planning process here.

Mr. Benish said the recommendation relates to a larger area than a single property. He said staff's consensus is that there is a general acceptance that school facilities were expected in this area and that the properties are not being compromised in a way that they cannot continue down a path of doing good planning for that Center area in the future.

Mr. Benish said staff has not heard many negative comments about the facility being located in this area.

Ms. More said she wanted to touch on this point because she thinks, in many ways, they hope they pride themselves on engagement, and especially a collaborative engagement with community. She said perhaps Mr. Randolph would have something to say about this, but she hates the idea of moving down the road and then having members of the community not feel as if they were able to provide input.

Mr. Benish pointed out that it was an effort in staff's work program to try to plan for undertaking a Small Area Planning and collaborative process that they hope they will be able to get to within the next two years. He said it may be more like 2-3 years now, and that they will have to see where they are coming out of COVID-19. He said it is staff's intent to try to undertake some process out there in the near future.

Mr. Bivins asked Mr. Randolph if he wanted to comment at this point.

Mr. Randolph said he would wait until after public comment.

Mr. Bivins opened the public hearing and invited the applicant to speak.

Ms. Lindsay Snoddy (Deputy Director, Building Services) represented the applicant and presented. She said she wanted to touch on why they were going towards this high school center model.

Ms. Snoddy said ACPS studied its high schools as a 4,000-student high school network versus three distinct and separate comprehensive high schools, looking at the different opportunities they can offer to all students. She said the School Board voted to pursue a village or center model to alleviate capacity issues and to modernize the existing high schools.

Ms. Snoddy said the first pilot with the center model was Center I, which has been operating for about two years. She said this is in the old Comdial building on Route 29, close to Albemarle High School, with about 150 students who will be enrolled in that program.

Ms. Snoddy said the high school center and modernization criteria include that it is accessible to all, it is student-designed, interdisciplinary, community-oriented, fostering life and career citizen success for students, mentored, authentic, and transparent. She said a big part of what drew them to the site are the partnership opportunities.

Ms. Snoddy said they looked a long time for properties for High School Center II, for over 1.5 years. She said they use a giant matrix with all the criteria, and were looking at about 14-15 properties. She said they looked at lot size, partnership access, public utility access, ease of zoning, and proximity to public bus routes. She said travel time from the comprehensive high

schools was a major consideration, as they wanted it to be as equitable as possible. She said while this site is much closer to Monticello, this site ranked higher than the others.

Ms. Snoddy said they also considered the timeline for the site development and center identity. She said they were sensitive to not simply doing an expansion on Albemarle High School with a center attached to the school. She said they wanted to have a center identity as a different place and not attached to one of the existing high schools.

Ms. Snoddy said the criterion of ease of acquisition of the property ranked very highly. She said they also considered customization and traffic impacts.

Ms. Snoddy said on March 3, as Mr. Benish mentioned, they held a community input meeting. She said they invited many neighboring property owners on a large radius, and that there were about 150 invitations sent out. She said they gathered input and support using a poster method, and had architects and UVA graduate students at different posters gathering feedback from the community members that chose to attend. She said they gathered input on outdoor learning spaces, partnership programming, sustainability, different project precedents that were similar to this, and ideas for future development in the area and on the County-owned parcels adjacent to this parcel.

Ms. Snoddy presented a graphic showing the conceptual design for High School Center II. She said it is two stories and about 60,000 square feet in size. She pointed out surrounding properties, such as the Galaxie Farm development, and the roadway where room has been left in the center design for the roadway to be built in the future.

Ms. Snoddy presented a view from the school entry drive from Founders Place. She said this is where the road would potentially be extended in the future. She said to the right is the health and rehab center, and to the left is the future High School Center II entrance. She said there is sidewalk connectivity and bike lane connectivity. She indicated on the plan to a retaining wall, explaining it would be the focal point when driving up to the school, with the school's signage. She said the grade will remain close to the existing grade. She said they are trying to put a focus on what this looks like when driving into it even though, in theory, there is a temporary structure there.

Ms. Snoddy presented another view to give an idea of what it looks like coming from the Mill Creek Drive intersection. She indicated on the plan to the fire station and school. She said they are close to the end of schematics, indicating to where the signage is on the design.

Ms. Snoddy said with regard to traffic impacts, they would like to be at full occupancy on Day One. She said the full occupancy will be 400 students per day, which is important because it would not be the same 400 students per day each day. She said Group 1 would possibly come on Monday and Wednesday, and Group 2 coming on Tuesday and Thursday, with a different group potentially coming on Friday. She said they are therefore impacting over 800 students with Center II, and that these students will be coming from each comprehensive high school.

Ms. Snoddy said there are about 35 staff members. She said bus transportation will be provided from each base high school to the high school center. She said students would also be able to drive personal vehicles. She noted that because students are coming from the base high schools, the schedules for arrival and departure from Center II are staggered from Monticello and Cale.

Ms. Snoddy said this will not be the traditional high school with two football fields, a practice field, or a softball stadium. She said athletics and after-school activities will stay at the base high school. She said they will have outdoor learning opportunities, but it will not be the traditional school one is used to seeing.

Ms. Snoddy presented the estimated mode of travel and number of vehicles they expect. She said bus-wise, they are looking at 2-3 buses from Albemarle, 2 buses from Western, and 1 bus from Monticello. She said the estimated number of people riding buses is 160. She said there are drop-off and pick-up windows. She said for parent drop-off, they may have 30 vehicles. She said for cars, they are looking at 200 parking spaces onsite. She said they hope to have some walkers and bikers at this facility as well.

Ms. Snoddy said she wanted to touch on some aspects about how the building design relates to the Neighborhood Model design. She said they are bringing pedestrian orientation and connectivity into the design, which has been on the minds of the design team and architect. She said they are showing the sidewalks and how they tie into existing sidewalks. She said there are bike racks as one approaches the school.

Ms. Snoddy said she knew it was important for the future development that the design and placement of the building will not impede the future interconnected street plans. She said they carefully designed around this, and that it offers a connection in the future if the County wants to build the road.

Ms. Snoddy said the Center II design will incorporate outdoor learning spaces. She said there are interesting connections with the outdoors for many different learning spaces that they are excited about. She said it will be a large community gathering space as one enters into the building, with a large interior commons. She said the traditional sports fields will remain at the base high schools, but smaller-scale recreational opportunities are important in the design.

Ms. Snoddy said Center II will provide an interface between school, community, and professional organizations. She said about 16.7 acres remain on the other two County-owned lots that are adjacent to and near this parcel. She said they think this allows ample opportunities for future mixed-used developments on those adjacent parcels and hopefully some synergies with the Center II High School.

Ms. Snoddy said she wanted to focus on the partnerships they have in the works and different programs they are working for as a School Division, including a lot of work-based learning experiences.

Ms. Snoddy presented a graphic they created for the final sites they were considering with this project, with a proximity map to various points of interest and potential future partnerships. She indicated on the map to High School Center II, noting that it also shows all the potential partners they would like to align the students with for internships, externships, different work opportunities, and job shadowing. She said the proximity of a 2-mile radius, and also a 4-mile radius on the outer edge.

Ms. Snoddy offered to take questions. She said Mr. Jeff Prillaman was joining her from the instructional side, and that Mr. Matt Workman (Project Manager) could field questions as well.

Mr. Keller said it all seems interesting to him, as they have been following this new concept and

approach to high school expanded education in the County. He said in looking towards the future, it seems that the aspect of students driving and moving to the site is a 20th-century, and not a 21st-century, approach. He asked, for instance, why they would have students at Monticello High School have the ability to be able to drive to this facility, take parking spaces, and use gas. He asked about shuttles among all of the schools and not having young drivers on the roads.

Mr. Keller said he supposed he was old-fashioned, but in lots of ways, he has a lot in common with the younger generation that is interested in having less automobile miles spent. He said he thinks back to college days when only seniors in college could have cars at the university.

Mr. Keller encouraged the team to think about what the movement patterns will be and look at what the history has been. He said when they looked at Center I, there was a lot of discussion about how few parking spaces were really going to be needed. He said it would be interesting to do an assessment of what the actual student-driver ratio has been and what impact that has had on the parking there, for instance.

Ms. Snoddy said they are definitely looking at innovative transportation models. She said they are not there yet, but it is certainly something they love to look at. She said having students walk from Monticello will be a high priority for them. She said Mr. Benish noted in the report that a crosswalk might be tricky at Mill Creek, so they are looking at different options. She agreed that walking, biking, and minimizing the transportation time is a high priority.

Ms. Firehock said she is thinking about this as a school that can foster partnerships, internships, and experiences in the 21st century. She said she assumes they are talking about enhancing STEM education.

Ms. Firehock said one concern she has, looking at the site itself (and acknowledging that this is not a site design meeting), she thinks the use is appropriate in this location, and it is in conformance with the Comprehensive Plan, but that she wanted to challenge the team (as they get into site design) about the fact that the bike lane is not separated from the road in any way and to look to some other models for how bike lanes can be designed to be much safer. She said to Mr. Keller's point about trying to think about alternative transportation, it was stated that there could be 20 people biking there, and that she wants to make sure it is safe.

Ms. Firehock said in the image Ms. Snoddy showed, there is a person walking along, and a lot of shade being cast. She said yet, she is questioning where all the trees are that are casting that shade. She said she understood this was a rendering, but wanted to encourage the team (when they get to design) to think about how they can have trees along that area. She said if they want people to walk, a treed walkway makes people much more likely to walk (adding there is extensive research on this).

Ms. Firehock said since they are building a new building, there is the opportunity to innovate and create some designs that do not just look like a 20th-century institutional use. She asked if they could consider going up. She said she knows that budgets are tight, but perhaps they could build taller than wider. She said this use is taking up quite a lot of the site, and they are not leaving much room for open space. She said while Ms. Snoddy talked about outdoor educational opportunities and studies, she did not see many places on the site where that is possible.

Ms. Firehock said she was happy to talk with the team more about this. She said she has done a lot of work in outdoor education, and is an educator. She said she thinks this site could be so

much more, and a huge magnet and feather in the cap of Albemarle County if it was done as a truly green campus. She said she wanted to push this farther than what she was seeing in the rendering, and that she understood it is only a rendering and not a site plan. She said she wanted the team to embrace this idea. She said there are architectural firms in town that know a lot about green campus design and to keep this in mind. She said her thoughts would not affect her vote this evening, but that she wanted to push for these.

Ms. Snoddy said she would share this with the design team.

Hearing no comments from the public, Mr. Bivins closed the public hearing.

Mr. Randolph said he knew that members of the community would also echo the recommendations of Mr. Keller and Ms. Firehock about multimodal transportation and a more innovative design, encouraging the School Division to look at that. He said they recognize that part of the challenge will be financial, which would have been a problem to begin with. He said now, with COVID-19, this becomes even more of a challenge.

Mr. Randolph said there was a primary issue he wanted to talk about, which did not mean he wasn't going to support the project, but that he needed to say on behalf of the community. He said when the Galaxie Farm application first surfaced in 2018, the 5th and Avon CAC formally requested the Board of Supervisors to undertake a Small Area Plan for this area. He said a resolution was presented to the Board at that time. He said Galaxie Farm was subsequently approved by the Planning Commission and by the Board without there being a Small Area Plan. He said now, the Albemarle County School Board is requesting another major traffic-intensive use in this same area.

Mr. Randolph said it is unfortunate that at such time a Small Area Plan is developed for this area and for the remaining two County-owned properties to the east that considerable development will have already occurred without an overarching Small Area Plan, and without collaborative community involvement. He said this was just an observation.

Mr. Bivins asked to again see the slide that referenced modernization of all existing high schools. He said he will be supporting the proposal, as he is a big supporter of the center model, but he would say that when they do the next center (i.e. Center III), that the School Board look seriously at placing that on Lambs Lane campus (Albemarle High School, Grier, Jouett, and soon-to-be Boys and Girls Club and Ivy School).

Mr. Bivins said the reason he says this is because looking at one of the goals, which is modernization of existing high school places, with the proffered land for the County and School Board on Berkmar Drive Extended, it is time to remove the gas station, garage, bus depot, and building facility that sits on that campus for a whole host of criteria that were listed -- accessibility to all, student-designed, interdisciplinary, and community-oriented. He said none of the things he just mentioned would easily fall into that category with the site. He said parents at Western would never have a garage or gas station on their campus, and that he assumed the parents of Monticello would never stand for those things either. He mentioned a sewage issue as well.

Mr. Bivins said he is supporting the proposal because he is absolutely a fan of the high school center, and perhaps at some point, something can be done with CATEC to bring that in as a center, although he knew that could be for some time. He said he hopes that given the land the County has proffered to it (about 60 acres), they can move some of those industrial uses off that

campus and put Center III there. He said this would be helpful to the community.

Ms. Snoddy said the basins are being dealt with this summer, with the work starting in July.

Mr. Bivins said Ms. Snoddy didn't have to respond. He said he wanted to put in the record that Ms. Snoddy's organization and the County think seriously about Center III being in the Jouett area.

Mr. Randolph recommended approval of CCP201900004 Albemarle High School Center II, as proposed, finding it to be in substantial accord with the Comprehensive Plan for the reasons identified as favorable factors in the staff report.

Mr. Clayborne seconded the recommendation, which carried unanimously (7:0).

Mr. Bivins informed Ms. Snoddy that the Commission agrees that this is in keeping with not only the Comprehensive Plan, but with the nature of this particular part of the community. He asked if this goes to the Supervisors for information.

Mr. Herrick replied that this goes to the Board of Supervisors for information only.

Committee Reports

There were no committee reports.

Review of Board of Supervisors Meeting - June 17, 2020

Mr. Benish said there were two items that the Commission had reviewed previously.

Mr. Benish said SP202000003 H&H Car Care was approved unanimously as recommended by the Commission.

Mr. Benish said SP201900006 Boyd Tavern Market did not move forward because of a tie vote on approval and denial. He said there was a 3:3 vote for approval, and a 3:3 vote for denial. He said it does not move forward and is essentially denied.

Old Business/New Business

Mr. Benish said he would check in on whether there was any interest for the Rivanna River Corridor Study. He said he did get some feedback on the meetings that are coming up for that Steering Committee membership. He said there will be a meeting in July. He said the meetings are typically at the end of the workday. He said he did not get a specific time, but that Mr. Keller confirmed they are usually done at the 4:00 or 5:00 p.m. time. He said they are virtual meetings until further notice. He said they anticipate a July meeting, with the next possibly being in the September/October timeframe.

Mr. Benish said if a Commissioner is interested in participating in that Steering Committee, they can let him know, or ask the question next time.

Mr. Bivins encouraged the two newest Commissioners to have a discussion offline and let him and Mr. Benish know. He suggested perhaps looping in Mr. Keller.

Mr. Clayborne said looking at his schedule, it seems it is probably feasible for him to participate, since they are all working remotely. He said if that changes, he wants to make sure he can still commit. He said his travel schedule gets heavy. He said he would give it some thought and talk to Mr. Keller.

Mr. Bivins encouraged him to also talk with Mr. Bailey offline. He asked if it was okay to have three Commissioners meet.

Mr. Keller said they can meet in twosomes.

Mr. Clayborne said if Mr. Bailey wanted to participate, he would step out of the way.

Mr. Bailey expressed he was busy with extended family. He said he would be happy to have a conversation with Mr. Clayborne.

Items for Follow-Up

Mr. Keller said he thinks they have heard that all Commissioners were pleased with the work staff did under Mr. Fritz in dissecting the complicated stale use. He suggested that perhaps this is the model they need for the type of analysis that should occur whenever they will be faced with those commercial stale use-fraught applications in the future. He said with several of the ones they looked at recently, it would have been helpful to have this degree of past land use analysis and what really had happened on the land. He said this was a thought for Mr. Benish to pass onto Mr. Rapp.

Mr. Bivins said if they are going to have attachments like they are having, he would ask counsel to perhaps create an exhibit list. He said it is helpful to know what the exhibits are as they are moving through a document as opposed to figuring it out as they move through. He said this could even facilitate some of the complex issues even more.

Mr. Herrick asked if Mr. Bivins was familiar with the attachment list at the end of the staff report.

Mr. Bivins replied yes. He said that it would be easier to move through with an exhibit list, however, so that he knows what he is looking for behind it.

Mr. Randolph added that with a larger application like this, it is like a table of contents, and is very helpful to know where everything is.

Mr. Bivins said they would get a schedule, and that Breezy Hill is coming back to the Commission. He said if the Commissioners want hard copies of the staff report, they have to let Ms. Groeschel know. He said right now, they know that he and Mr. Randolph take hard copies, and Commissioners can only pick up hard copies on Fridays.

Mr. Keller asked when the new Planning Commission schedule was coming.

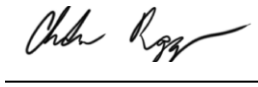
Mr. Benish said he would have to check with Mr. Rapp. He said the Commission would receive it before the beginning of the next month.

Mr. Bivins said they would not be meeting next week on June 30, and would meet the week after

that, on July 7.

Adjournment

At 9:40 p.m., the Commission adjourned to July 7, 2020, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



Charles Rapp, Director of Planning

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

Approved by Planning Commission
Date: 07/07/2020
Initials: CSS