

**Albemarle County Planning Commission
FINAL Minutes October 13, 2020**

The Albemarle County Planning Commission held a public hearing on Tuesday, October 13, 2020 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Tim Keller; Rick Randolph; Daniel Bailey; Jennie More; Corey Clayborne (arrived at 6:03 p.m.); and Luis Carrazana, UVA representative.

Members absent: none.

Other officials present were Charles Rapp, Director of Planning; Rebecca Ragsdale; Jodie Filardo; Amelia McCulley; Bart Svoboda; Frances MacCall; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Rapp said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(14), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said opportunities for the public to access and participate in the electronic meeting will be posted at www.albemarle.org when available.

Mr. Rapp noted that all Commission members were electronically present.

Mr. Bivins asked Mr. Rapp to call the order to establish a quorum. All Commissioners noted their presence, with the exception of Mr. Clayborne (who arrived later in the meeting).

Consent Agenda

There was no consent agenda.

Work Session

ZTA20200003 Recycling and Materials Recovery Facilities in Industrial Zoning Districts

Ms. Rebecca Ragsdale, Principal Planner with the Zoning Division, said she was joined by Mr. Bart Svoboda, Zoning Administrator.

Ms. Ragsdale said she would introduce the Planning Commission to the Zoning Text Amendment, as it had originated with the Board of Supervisors, and hold a work session to walk the Commissioners through the items the Board asked them to review to see if there were any needed changes. She said the ZTA is specific to outdoor storage and outdoor activities at recycling uses in the Industrial Districts.

Ms. Ragsdale said the purpose of the work session is to provide background, where things stand with the existing Industrial District regulations, provide information on the acreage and characteristics of where these industrial properties are located in the County and pause for clarification on that, then walk through the questions in the staff report and allow for the Commission's input as to whether or not they agree with staff's conclusions. She said there would then be an opportunity for any public comment at the end.

Ms. Ragsdale said as far as the timeline that brought them to this point, they backed up to April 2013, when some Commissioners may recall that they comprehensively looked at the Industrial Zoning Districts. She said some of the regulations they would be discussing that evening were part of that comprehensive update. She said that update included the specific supplemental regulations that they would be discussing that evening (in Section 5.1.51 and 5.1.52).

Ms. Ragsdale said they did process a special exception specific to a recycling use. She said this was a special exception that had a set of waivers and modifications that was before the Board and at the same time that this went in May of 2019, work had begun with the Climate Action Plan, which has since been adopted.

Ms. Ragsdale said the Board put the item on staff's work plan in March 2020 and then adopted the resolution of intent that staff provided the Commission a copy of in June 2020, which laid out the very specific tasks at hand.

Ms. Ragsdale said the Climate Action Plan was adopted the week prior, which includes an entire array of strategies and goals. She said this ZTA is not counter to that plan and is in line with expanding some flexibility. She said it addresses diverting materials from landfills.

Ms. Ragsdale said staff looked at this with a number of different lenses in mind, including the Comprehensive Plan recommendations where staff attached the goals and chapters, they thought were applicable in terms of resource protection and growth management policies. She said the reason why they have all the regulations that they do for industrial properties is that they are the most intense, and they have the most concerns about them in terms of neighbor impacts and resource impacts (e.g. natural resources, the Entrance Corridor, the Rural Area).

Ms. Ragsdale said there are only 105 acres of Heavy Industrial land in the County, and some of those properties are contiguous such as at Northside Drive near the North Fork Research Park, in Yancey Mills, in Downtown Crozet at the former Barnes Lumber property, and in the Music Today area. She said in terms of where these are located, some are in the Rural Areas of the Comprehensive Plan, and a high percentage of these properties are along Entrance Corridors with residential abutting them.

Ms. Ragsdale said Light Industrial land in the County is more difficult to show on one map. She said there are about 1,018 acres of this land (which is all based on GIS acreage) that is scattered throughout the County. She said some of it is located in the Rural Areas (such as in the Earlysville Industrial Park) and some in Hunters Way. She said there is some land adjacent to the City with the Broadway area. She said she wanted the Commissioners to know that this was something staff considered when determining any changes to the industrial districts.

Ms. Ragsdale said in 2013, when they finalized the comprehensive update to the industrial districts and went to table formatting of what is allowed in Light Industrial and Heavy Industrial, they did consider recycling uses at that time. She said at that time, Light Industrial was even more restrictive than it is currently, and so they added some uses by special use permit to that district as a way of providing for more uses and flexibility. She said this did include recycling uses such as recycling collection and processing. She said collection is by right in the Light Industrial and Heavy Industrial districts, but processing-type activities are by special use permit in Light Industrial and are by right in Heavy Industrial.

Ms. Ragsdale said staff added some definitions that are helpful to clarify the distinction between

collection and processing, and thought this was important to point out as they talk through what might be appropriate in flexibility with setbacks or buffers, or what may be allowed by right and not need a special exception.

Ms. Ragsdale said the task for staff and what they were asked to do with the resolution of intent was to look specifically at the supplemental regulations that are found in Section 5 of the ordinance – specifically, Section 5.1.51 (Outdoor Activities) and Section 5.1.52 (Outdoor Storage). She said these were added in 2013.

Ms. Ragsdale said for outdoor activities in industrial districts, it is basically saying that everything needs to happen within an enclosed building, which includes recycling uses. She said no outdoor activity (including internal access roads) shall be located closer than 100 feet to a residential or agricultural district. She said there are also hours of operation in terms of those outdoor activities, with curfews between 7:00 p.m. and 7:00 a.m.

Ms. Ragsdale said in terms of storage, there are some very specific standards in Section 5.1.52 that specify that screening be limited to a solid wall or fence between 7 feet and 10 feet in height. She said a solid entrance and gate would be required, and no storage would be stacked higher than the screening fence provided. She said there is also a 50-foot minimum setback for storage to a residential or agricultural district.

Ms. Ragsdale said Section 5.1.52(e) refers specifically to storage at recycling collection points and processing centers, and that outdoor storage of those materials shall be prohibited.

Before moving onto the questions, Ms. Ragsdale asked if this made sense to the Commissioners, or if they had any questions pertaining to the background and existing regulations. She added that the regulations in Section 5 are in addition to the other setbacks and buffers that apply to any industrial property.

Ms. More said she was curious not so much about smaller-scale recycling but that in staff's report, there is mention of concrete and asphalt, and she wondered about trucking in and out of the sites. She said she assumes this is something that is a consideration, although the Commission may not be asked about it.

Ms. Ragsdale replied that trucks, traffic, and access is addressed at the site plan level for these sites. She said in order for any of these uses to be established, they would need a site plan review. She said they want to make use of Heavy Industrial in the Development Areas, but they do have some in the Rural Areas. She said there are no additional regulations at this time that address truck traffic, as this is covered by the processes in place for site plans. She noted that this was for Heavy Industrial districts.

Ms. Ragsdale said that because it is by special use permit in the Light Industrial districts, there is a broader scope of review. She said they have not had any of these come forward as a special permit since the 2013 regulations were adopted.

Ms. More said she just wanted to clarify this because they were talking about impacts on neighboring properties, and so she wanted to understand there was a process of making sure that the roads that access a particular site that might be considered a place for this would be taken into consideration, along with the traffic that might be associated with that.

Ms. More said she needed some clarification from Ms. Ragsdale on another question. She referred to Attachment C, Section 5.1.52, noting that it talks about the internal access road being included in the activity that needs to be outside of the 100-foot area of a residential or agricultural district. She said in bullet (d), it talks about storage located within 50 feet, and that she was trying to imagine how materials would be stored outside of the 50 feet, but within the 100 feet. She said there was mention of how, with access roads, materials might move about on the property and other roads.

Ms. Ragsdale asked Ms. More if she wanted clarification on what they would consider to be an internal access road that would be subject to the 100-foot setback and be considered as part of an outdoor activity versus storage. She said Mr. Svoboda may be able to help clarify this, as they had had some discussion about this before because some of the outdoor storage activities may lead to outdoor activities. She said for internal access roads, for some sites, they may have paths where they have those access roads around the storage areas. She asked Mr. Svoboda if he could think of anything that would clarify that.

Mr. Svoboda said that the internal access road will act more like a private driveway or the main entrance into an area. He said the Northside location was likely the best example of what an internal access road looks like. He said it is not necessarily the aisleway used to move the materials around. He said when looking at outdoor storage, this is specific to recyclable materials versus outdoor storage, which may include equipment or loaders not being used. He said this is different than the outdoor material and that as Ms. Ragsdale leads the Commission through the discussion, they will talk about specifics in the difference in materials.

Ms. More said this was helpful. She said she just wanted to make sure that these were not in conflict with each other. She said she had imagined that the equipment may be stored there but since it was listed as a separate bullet, she just wanted clarification.

Mr. Keller asked staff if they could share with the Commission what the EPA best practices are on the storage facility and when this would be used and not used. He said he was thinking about when he travels north, and he sees a major planing down of the asphalt and concrete on Route 66. He said when VDOT is doing a large pile, he assumes that they are renting land to put that pile down. He said if work is happening on Route 29 North, for instance, and there is a facility there, this might be a place for temporary storage. He asked whether or not the County has a proviso for that and if they could make a distinction between this and what would need to be in the enclosed facility.

Mr. Svoboda said material that is part of a project is going to be covered under the applicant's site plan or road plans. He said they will have a staging area and many times, there is topsoil that is staged. He said the large mountain of soil they clear gets strawed and grass and sits for a year. He said it is then suddenly gone when they spread it out to do the finished grade. He said thus, the temporary storage of materials is covered under the primary plan.

Mr. Svoboda said the facilities pertaining to the ZTA are something completely different. He said this is about taking the milled asphalt or broken-up concrete and reprocessing it or making it into smaller pieces or stones so that it can be used on a driveway, for instance, or on a long gravel road or along a parking lot. He said this is about the permanent. He said the temporary construction yards are part of those projects, and they have their own regulations under E and S and stormwater for inert material that has to be stabilized (surrounded by a fence).

Mr. Svoboda said contaminated material is a different matter and has a chain of custody that has to be treated in a different way, reported to DEQ, and treated in whatever matter the contaminant calls for. He asked Mr. Keller if this information helped.

Mr. Keller replied that it did. He asked Mr. Svoboda, before proceeding to Question 1, what the EPA best practices are for what the enclosed facility is and what the purpose is. He asked if it is to keep the particulate matter inside when it is being ground, for instance, and if there is equipment that is processing what is going out in the atmosphere.

Mr. Svoboda replied that he could not answer this specifically because it will be based on the material itself, depending on what they have in it and what particulates they may or may not need, as well as the handler that scrubs to a certain micron. He said if they are crushing stone outside, it is likely that they will not need anything, but they may need water to help keep the dust down. He said it is a decent variable, depending on what the material is. He said without knowing the specifics of each one, he did not know the details of the EPA regulations until something like this would come in. He said it would be in their bailiwick to set those standards.

Ms. Firehock said she was still hung up on (e) on the slide: "The outdoor storage of recyclable materials at a recycling collection or recycling processing center is prohibited." She said she was recently at the Ivy Materials Center doing her recycling and that essentially, those bins sit outside all the time. She said periodically, a truck comes by to empty them. She said to her, the material is being stored outside in the bin, and so she was trying to understand what it meant by, "No outdoor storage."

Ms. Ragsdale clarified that the language applied to uses in industrial districts. She said there are other recycling or collection activities that may be deemed public uses, and that this is something they will work through as they talk more about recycling uses. She said the Climate Action Plan is suggesting that the County have more collection stations.

Ms. Ragsdale said staff anticipated the Commission may ask about the recycling collection centers, such as Ivy or McIntire, and if the recyclables in the containers are considered to be "outdoor storage." She said staff has concluded that this is not actually the outdoor storage that would be subject to those regulations, and that they were talking about piles of material that are not within a container or building.

Ms. Firehock suggested that this be clarified when they get to the final ordinance. She said she didn't mean to derail the presentation.

Ms. Ragsdale assured that this was why she paused in the presentation, so that there could be a foundation before jumping into the detailed questions.

Mr. Bivins said there was the matter of transfer stations that support a transfer function as opposed to a manufacturing function, or the function of converting things into another product. He said as he understood the ZTA, it pertains to a firm that may be in the business of converting materials into something else for another use as opposed to a transfer station where materials are being collected. He said while the materials may be moved from a transfer station to a business that processes them, any kind of reworking of the materials is not taking place at Ivy or the other stations.

Ms. Ragsdale said this was a good way to frame it.

Ms. Ragsdale presented the discussion questions for the Commission on the screen. She said the first question was, "Should we amend Section 5.1.51(a) to allow processing of recyclable materials outside a completely enclosed building?" She said related to Section 5.1.51(b) was the question, "Should we reduce setbacks at all for outdoor activities to agricultural and residential property lines for recycling facilities?"

Mr. Bivins asked if the Commission would look at items (a) and (b) together.

Ms. Ragsdale replied yes. She said she would take Section 5.1.51 and the questions associated with that, then move onto Section 5.1.52 and the remaining questions associated with that one.

Ms. Firehock said she was trying to think of all the different kinds of materials and the noise associated with trucks moving large pads of things back and forth. She said one of the things that seemed to perhaps be difficult to put in a completely enclosed building would be the recycling of asphalt and concrete. She said the large chunks of material may be difficult to take inside the building and work on it there without constructing a very large building.

Ms. Firehock said she was concerned that to say that all materials must absolutely be processed or sorted inside the building would perhaps make some of the construction debris difficult to handle. She said she was trying to think about being responsible in terms of all the development happening in the County to the degree that they can process as much as possible within their boundaries that they have generated, which would be an equitable thing to do. She asked for thoughts on the practicality of processing all the construction material completely inside.

Ms. Ragsdale said this was one of the reasons the Board approved the special exception that is specific to inert materials. She said this was one of the realities and reasons why they supported this not having to be in a completely enclosed building. She said the ability to ask for a special exception and have that processed within 90 days is still available, and so staff thought this was something that should still remain on a case-by-case basis. She said it was the same situation with Question 2 in terms of the setback reduction.

Ms. Firehock asked if it would be evident within the final ordinance that this is allowed by special exception.

Ms. Ragsdale replied that anything in Section 5 can be waived or modified through the special exception process. She said this has to be acted on by the Board of Supervisors. She noted there were parts of Section 5 where staff was narrower in saying that only certain provisions can be waived or modified. She said in this case, however, it is an option that remains and is something that can happen concurrently with the site plan. She said the ordinance requires that they process special exceptions within 90 days of a complete application.

Ms. Ragsdale said the staff recommendation was that they not change anything at this point related to those, but add that they not act on a special exception until they have provided notice to abutting property owners. She said this is something they have added for some of the special exceptions such as homestays. She said when the fill and waste amendment was approved, it was added for that type of use if any special exceptions were granted. She said they can ask for neighbor input or provide that notice as part of the process.

Ms. Firehock said she assumed this would also apply to the access road within 100 feet of a rural

designated land. She said there are certainly large parcels where the proximity to a rural parcel would not bother the landowner or cows. She said there are many remote edges of the rural landscape that are not going to necessarily be impacted by that. She said she would assume that for all of those things, someone could point out the specifics of the site and request an exception.

Ms. Ragsdale replied yes. She said this is what staff believes is appropriate to do at this point in time. She said they can still look at it on a case-by-case basis. She said they can see what is happening next door, and as Ms. Firehock said, there are many different types of properties and activities on the adjoining properties, with other factors and variables to consider. She said staff wanted to remain consistent with recycling processing in the same manner they have for all the other types of industrial activities.

Mr. Keller said he thinks that what Ms. Firehock and Ms. Ragsdale were collectively saying makes a lot of sense. He encouraged Ms. Ragsdale that in her presentation to the Supervisors, she uses Mr. Svoboda's argument about not necessarily knowing what the standards need to be until they know what the product is that is being processed. He said in his mind, this is the best argument for the special exception because if they take the special exception away and are thinking of one thing that makes sense, they may not catch something else and not be in compliance with the kinds of standards they hope to strive for with their other efforts.

Mr. Keller said he was inclined to be positive about all three bullets in Section 5.1.51 (a, b, and c) as recommended by staff.

Ms. More said she agreed with what staff recommended.

Mr. Carrazana said he did not have a comment.

Mr. Randolph said he was happy with what staff recommended for (a) and (b).

Mr. Bailey and Mr. Clayborne said they were happy with staff's recommendations as well.

Mr. Bivins asked if by "abutting," this includes being across the street.

Ms. Ragsdale replied yes.

Mr. Bivins asked if "abutting" did not just mean the next-door neighbors, but also included the properties looking out 360 degrees around the property.

Ms. Ragsdale replied yes.

Mr. Bivins said he was then also fine with staff's recommendations.

Ms. Ragsdale proceeded to Section 5.1.52. She said a few more changes were recommended for this section. She said the first question for this section was, "Should we amend the ordinance to allow more flexibility in the types of screening that is provided for outdoor storage?" She said staff believes this would be an appropriate amendment.

Ms. Ragsdale said another question was, "Should we reduce the required 50-foot setback?" She said staff did not recommend this.

Ms. Ragsdale said the final question was, "Should we amend the ordinance to allow outdoor storage of materials at a recycling processing facility, subject to certain performance standards?"

Ms. Ragsdale said before jumping into those questions, she wanted to clarify that in staff's recommendation, they did recommend outdoor storage for inert materials, and they now have a definition to work with based on what is described as "inert waste fill" from the fill and waste zoning text amendment. She said earlier, Mr. Svoboda provided clarification as to what type of facility this is.

Ms. Ragsdale said this would result in adding flexibility to screening in Section (a) and removing Section (b) because staff does not like repeating things that are already a requirement of an ordinance that would be covered during the site plan process.

Ms. Ragsdale said staff had suggested adding the allowance for inert materials to be stored outdoors and mimicking some outdoor storage supplemental regulations that are already in the ordinance for another use (sawmills and logs), which is where this came from. She said they are trying to make things more consistent with other parts of the ordinance where they have flexibility for screening, then adding the opportunity for inert materials to be stored outside of a building for the reasons and points stated earlier. She said if appropriate, staff suggested some additional setbacks for that.

Ms. Ragsdale asked about how to proceed with the questions.

Mr. Bivins suggested walking through the questions. He asked what the Commissioners thought about the questions regarding Sections 5.1.52(a) and (d).

Ms. Firehock said she recalled seeing in the materials that the Commission read about this that glass was not defined as an inert material, although she would call glass an inert material. She said this was a minor point, but perhaps something that should be fixed.

Ms. Ragsdale noted Ms. Firehock's point.

Mr. Keller and Mr. Carrazana said they were fine with the recommendations.

Ms. More said she agreed with the recommendations, and that she wanted to say to Ms. Ragsdale that the attachment that shows what setbacks are for other uses was helpful in what she is talking about in order to be consistent as well as to offer some perspective.

Mr. Bailey said he was fine with the language as well.

Mr. Clayborne asked if the language that was being proposed was not actually on the next slide, and if the question was whether or not he agreed with staff's recommendations for (a) and (d).

Mr. Bivins said this was correct.

Mr. Clayborne said he was fine with the recommendations.

Mr. Randolph asked Ms. Ragsdale if the screening is intended to have an impact on the visual impacts, or if it was intended to have an effect on any potential noise impacts. He said everything he saw in the language seemed to be more visually centric, and that there was no discussion of

potential noise. He said when one looks at a planting strip and existing vegetation, depending on the depth and nature of the vegetation, it varies in its effectiveness as a noise barrier, even though it may be visually effective at least for part of the season (unless annuals are planted there). He said if there are deciduous trees, there is a visual effect in the winter as well as a noise one.

Mr. Randolph asked if the screening was to have an impact on the visual or on the noise.

Ms. Ragsdale replied that it was primarily for visual purposes. She said she should have mentioned earlier in terms of the layers of regulations in the ordinance, that there is another layer called the Certified Engineer's Report that is required by Section 4. She said Section 4 includes the noise ordinance that properties have to comply with. She said during the Certified Engineer's Report process, staff receives a very detailed description to know exactly what materials and processes apply. She said this is reviewed by the County Engineer, who checks the DEQ or EPA regulations.

Ms. Ragsdale said noise is primarily covered in Section 4 and that by having the additional setbacks and buffers, it may offer some additional mitigation, but that they were primarily for visual screening.

Mr. Bivins thanked Mr. Randolph for bringing up the decibels because he was concerned there had been no conversation about that. He said he did not see why this would be treated any differently than a sawmill. He said when he thinks broadly about the activities that take place at a sawmill, where raw material is converted into something else, it feels exactly like what they are talking about in this situation. He said here, they are taking glass, concrete, rocks, or things that get milled from the road that is being converted to a different material that will be used in another fashion.

Mr. Bivins said the idea of a 100-foot setback from an abutting property and that the place of activities would be 600 feet from any dwelling were things that he was trying to find, but that he could not since he was doing the analysis of this feeling like a different industry where in one, they are milling trees and in another, they are milling concrete, glass, or other materials. He said from his perspective, he does not see that they should be treated any differently.

Ms. Ragsdale asked if this took them through all the questions.

Mr. Bivins asked Ms. Ragsdale if she heard his comment.

Ms. Ragsdale replied yes.

Mr. Bivins said he did not see in the language the idea of putting the building someplace 600 feet from a boundary.

Ms. Ragsdale said she was going to ask for clarification about the 600 feet.

Mr. Svoboda said he could speak to this. He said when they are talking about sawmills (either temporary or permanent), the setbacks for the structures themselves are 100 feet. He said the equipment is different and is addressed in Section 5.1.15. He said if there is a planer or buzzsaw that is 8 feet tall and creating vibrations, and it is outside the building, the setback is 600 feet. He said if this equipment is put into a building, it is now muffled. He said looking at the picture Ms. Ragsdale presented about processing inside, this takes care of the sound and other things.

Mr. Svoboda said when staff went through a recent application regarding a lumberyard, they had the discussions about that. He said the special exception gave them the opportunity to ensure there were additional soundproofing measures to make sure that those yards (as any industrial yards) would have to meet the decibel rating that is already in the noise ordinance, which they are required to meet regardless.

Mr. Bivins asked if this addressed the hours of operation as well for the mill, so that they can start at 7:00 a.m. but only go until something like 4:00 p.m. He asked if there were distinct hours of operation.

Mr. Svoboda said under sawmills, without a special exception, the current ordinance states that no machinery or sawing shall operate between 7:00 p.m. and 7:00 a.m.

Mr. Bivins asked how this would be applied to the industry being discussed.

Mr. Svoboda replied that he believed those hours (7:00 p.m. to 7:00 a.m.) were already included under outdoor activities under Section 5.1.51(c). He said the short answer was that essentially, the 7:00 a.m. to 7:00 p.m. hours match.

Mr. Bivins said for him, the difference with what was being discussed and the mill application, particularly with the map shown for Heavy Industry, is that many of them are on Entrance Corridors. He said while he is not opposed to having mixed activities on Entrance Corridors, he is opposed to having something be a visual and sound blight on the Entrance Corridors. He said while colleagues think everything should be red brick, he thinks one should be able to drive by and not be offended by the smell or noise.

Mr. Bivins said where Mr. Randolph was being much more generous in saying that one could have certain trees, he himself thinks the fencing around it should be in keeping with an Entrance Corridor. He said the ARB has a whole other level of concern that he does not have, and so he trusts them with the visual work.

Mr. Bivins noted that he saw many people nodding, but that he did not hear any comments.

Mr. Svoboda said the previous application for recycling was actually reviewed by the ARB, and so they are part of the process to determine whether fencing, vegetation, or a combination thereof is appropriate.

Ms. More said based on Mr. Bivins' comments about the example with the sawmill and Mr. Svoboda's response about soundproofing to deal with the noise, she wanted to know if this is the same in this case when they are talking about what activity be placed indoors. She asked if there is something in the ordinance about soundproofing measures, pointing out that just because something is taking place indoors does not necessarily mean that it is not loud.

Mr. Svoboda clarified that it was not soundproofing and that it was more of a matter of water resistance. He said it was noise dampening and that it will not make it soundproof.

Mr. Svoboda said the noise ordinance in Section 4.18 has decibel ratings. He said the engineer's report will verify that those ratings will be met and that there is also a process for doing this on the zoning inspection end to make sure those levels are maintained. He said although it was part

of the discussion and requirement, essentially, it is already written into the ordinance that those noise levels have to meet those decibel ratings (for both daytime and nighttime) for those uses in industrial zoning districts.

Mr. Bivins said he knew Ms. Firehock and Mr. Keller were also concerned about lights, and the assumption was that when the place is not operational, there will not be overhead lights.

Ms. Ragsdale said this is covered by the lighting ordinance in terms of full cutoff. She said lighting plans are required as part of the site plan process. She said she did not find anything different in the language with regard to lighting.

Mr. Bivins said he was just making sure of this, since the Commission was only seeing one piece of this. He said to him, it felt like a sawmill, and so he wanted to be sure that everything they had talked about during the sawmill process was being addressed.

Ms. Ragsdale said she knew this would be fresh on the Commission's minds. She said there are some other layers in the ordinance that cover some of those matters. She said part of the work session was learning more about the ordinance and how everything works together (or, in some cases, may not be working together).

Mr. Bivins asked if the Commission then wanted to speak to Section (e).

Mr. Clayborne said he wanted to pose a question regarding a point in Section (a) that "storage areas must be fully screened." He said he understood the intent, but wanted to know if they understand how challenging the topography can be. He said he remembered sitting in on so many BAR cases for the City, and that mechanical units are supposed to be fully screened on the roof. He said there is always some vantage unit, however, where once it is built, there is an HVAC unit poking around the corner. He asked if it is possible to totally screen with the topography, and if there is a situation where 90% screening is good enough. He asked if this is fully enforceable.

Ms. Ragsdale replied that as part of the site plan process, staff gets site sections and looks at it from the 360-degree angle to the extent that they can get the information. She said if there is any doubt that it is not fully screened, and with the example where there is a small portion of equipment that is visible at the inert materials facility that they found acceptable through the special exceptions process, she may need to look back and clarify this when bringing this back for public hearing to make sure they are consistent with other sections of the ordinance.

Mr. Svoboda said staff can look at the language to make sure it matches up. He said essentially, the screening that would be approved on the site plan for a facility such as this is what staff would inspect to, and the owner would be responsible for maintaining it to those standards. He said "fully screened" would be vetted through the site plan process, and potentially with the ARB as well for any sites on the Entrance Corridor. He said staff can double-check the language.

Mr. Bivins said they talked about Section (a), and asked if anyone needed to say something about the setbacks. He said he was not seeing any hands raised.

Mr. Bivins asked the Commissioners if they needed to say anything about the outdoor storage of materials. As he did not hear any replies, he asked Ms. Schaffer if anyone from the public wanted to comment.

Ms. Schaffer replied no.

Mr. Bivins asked if there were any other items that anyone felt they wanted to share with Ms. Ragsdale and Mr. Svoboda. He asked Ms. Ragsdale if she had any other questions for the Commission.

Ms. Ragsdale replied no.

Mr. Bivins asked if there were any other comments to make. Hearing none, he thanked staff for their presentation. He added that he believed staff could see how the Commission is interested in bits and pieces that may be above, below, or the side of the matter. He said as Mr. Keller and Ms. Firehock mentioned, staff may want to give the Commission the auxiliary pieces when they bring it back before them.

Ms. Ragsdale said as far as next steps, the public hearing was tentatively scheduled for November 11, where they will clean up the language and have Mr. Andy Herrick involved. She said they would get the numbering straightened out and the necessary sections referenced. She said there was tentatively a public hearing with the Board in December.

Mr. Bivins said the Commission would look to the person who manages the calendar to make sure this all happens.

Committee Reports

Mr. Bailey said he attended a meeting with the Rio-29 Steering Committee that morning. He said it was very informative meeting, with a review the progress made on Form-Based Code that was led by Ms. Ms. Rachel Falkenstein, Michaela Accardi, and Ms. Leah Brumfield from staff. He said there was good engagement and included six members from the development community and the public. He said it was impressive to see the amount of progress and work on the 30-page document of standards.

Mr. Bailey said with regards to items for the Planning Commission to consider, some of the meeting highlights included how they will move from where they are today and how developers will choose between existing zoning and planning or the form-based standards that will be available to them, once adopted. He said the biggest point from the working group was how the County can help lead the way as opposed to being a passive participant in this transition plan, specifically in the Rio-29 area. He said this was the open question as they try to move to this new planning code. He offered to answer questions about the details and share his notes from the meeting.

Mr. Bivins asked Mr. Rapp if the Commission would be briefed on what Mr. Bailey just shared.

Mr. Rapp replied that there was a point in the schedule where the code would come before the Planning Commission for work sessions. He said this was finally assembled to a point where it was ready to go back to the Steering Committee for feedback and to ensure the direction was correct. He said there will be multiple iterations with the Board, the Planning Commission, and the public to receive feedback.

Mr. Rapp said they were finally at a point where they could put together the initial draft, and that it was an exciting time.

Mr. Bailey said the tentative date for a Planning Commission work session was November 17.

Ms. More said she wanted to share with the group that she is the liaison for the Albemarle County Easement Authority, which is a role that Mr. Bruce Dotson had in the past. She said Mr. Dotson had stepped down from that role and at the beginning of the calendar year, the role was passed onto her. She said it was the will of the group that she applies and be a voting member, which she currently is, in addition to being there as a Commissioner.

Ms. More said she received a notice from the County that her term is expiring, and the chair encouraged her to reapply, which she has done. She said it occurred to bring this up to the group, as other Commissioners might have interest in this going into the next calendar year. She said after she applied, she realized this is something the Commission normally talks about as a group, and that she would very much like to continue working with that group. She said being a voting member has its advantages.

Mr. Bivins said they will look at the committee assignments for January.

Review of Board of Supervisors Meeting – October 7

Mr. Rapp said at the October 7 Board of Supervisors meeting, there was a work session held on the Housing Policy. He said the Board asked staff to proceed with scheduling a joint work session with the Planning Commission and Board, and so staff is looking into dates for this (possibly December).

Mr. Rapp said in looking at the schedule, they may need to revisit the December dates. He said he believed they would need a meeting date with nothing else on the agenda so that they can focus on the Housing Policy, and so they may need to shuffle some things around to create an open date for that joint work session. He said he would let the Commission know as soon as he coordinates this with the Clerk's Office to make sure everyone is available.

Mr. Rapp said at the Board meeting, there was also a public hearing for the Albemarle Business Campus Zoning Map Amendment that had come before the Commission. He said it was approved as recommended by the Planning Commission.

Mr. Bivins asked if there was a modification in the housing types where houses will be put on the part that is northwest. He asked if the applicant would leave some ability to put houses across the street where the commercial site is.

Mr. Rapp replied that there was plenty discussion on that, as well as the mixture of housing types, but that there was nothing modified in the proffers.

Ms. Firehock said she believed that on that particular development, the applicant did receive the exception for just having one housing type, whereas the Planning Commission had recommended two.

Old/New Business

Mr. Bivins said a couple weeks earlier, Mr. Hosea Mitchell, Chair of the City of Charlottesville Planning Commission, contacted him. He said Mr. Mitchell wanted to know if there was an

opportunity or a time that the two entities might sit down to talk.

Mr. Bivins said he had been unsure about whether or not the two entities do this, and that there was a meeting held between them on October 12, along with Ms. Missy Creasy and Mr. Rapp. He said apparently, the two Commissions did meet over the course of time, and what it looks like they may be talking about are the affordable housing policies. He said they would have had a work session and apparently, the Supervisors would have adopted it. He said he did not know the City's schedule but apparently, there is a lot of discussion happening at the City currently, and that they have also adopted it.

Mr. Bivins said if the Commissioners wished, the two Commissions could meet to discuss how they are approaching income-accessible housing between the two jurisdictions. He said there was an interesting conversation about what the urban core boundaries look like. He said when he looks at the County's urban core boundaries, he does not see where there is available land where there could be income-accessible housing projects between the two jurisdictions.

Mr. Bivins said when they know more, hopefully the Commission would be inclined to want to have a conversation together about this important issue.

Mr. Keller added that there is a City-County agreement of areas to work together on that he believed was still there. He said Mr. Bivins and Mr. Rapp may want to talk to Ms. Creasy about that as well and see whether they will want to revisit any of those, since the Rivanna River work is ongoing. He said this was one item and may not create a great deal of controversy, but there may be some merit in having a conversation.

Items for Follow-Up

There were no items.

Adjournment

At 7:07 p.m., the Commission adjourned to October 20, 2020, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



Charles Rapp, Director of Planning

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

Approved by Planning Commission
Date: 11/10/2020
Initials: CSS