

# WILLIAMS MULLEN

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March 12, 2020

**VIA EMAIL:** [bfritz@albemarle.org](mailto:bfritz@albemarle.org)

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

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

Dear Bill:

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

  
Valerie W. Long

cc: R. A. Yancey Lumber Company Management

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