

**Albemarle County Planning Commission
DRAFT Minutes December 7, 2021**

The Albemarle County Planning Commission held a public hearing on Tuesday, December 7, 2021 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Rick Randolph; Daniel Bailey; Karen Firehock; Jennie More; Tim Keller; and Luis Carrazana.

Members absent: Corey Clayborne.

Other officials present were Mariah Gleason, Senior Planner, Community Development Department; Cameron Langille, Principal Planner, Community Development Department; Bill Fritz, Development Process Manager, Community Development Department; Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins called the meeting to order. He said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said opportunities for the public to access and participate in the electronic meeting will be posted at www.albemarle.org/community/county-calendar when available. He asked Ms. Shaffer to call the meeting to order and establish a quorum.

Ms. Shaffer called the roll and established a quorum.

Consent Agenda

Mr. Bivins asked if anything should be pulled from the consent agenda for further review.

Mr. Randolph moved to approve the consent agenda, seconded By Mr. Keller.

Mr. Herrick clarified that the motion was to approve the consent agenda.

Mr. Bivins confirmed that was what they were doing.

The motion passed 6-0.

Other Matters Not Listed on the Agenda from the Public

Ms. Shaffer said there was no one signed up.

Public Hearing

SP20190009 S.L Williamson Replacement Asphalt Plan

Mr. Cameron Langille introduced himself as a principal planner with the Albemarle County Department of Community Development and said he would be giving a staff presentation on SP2019-00009. He said that the special use permit subject property is identified in the County tax records as Tax Map Parcel 88-18, located approximately one mile east of the intersection of Red Hill Road and Route 29 or Seminole Trail. He said the property is owned by Martin Marietta Materials, Inc. and measures 579 total acres. He continued that in the image presented on the slide, the total parcel was outlined in yellow, and the special use permit acreage was only 4.4 acres. He said that area had a red rectangle around it on the map, and that encompassed the area where the special use permit was proposed. He said this parcel was located Rural Area 4 of the comprehensive plan and was commonly known as the Red Hill Quarry.

Mr. Langille pointed out Red Hill Quarry in the center of the property where they could see that grading had occurred, noting that mining activity was currently happening there. He said the southwest corner of the property highlighted in red was the area where S.L. Williamson currently leased 4.4 acres and operated an asphalt-mixing plant. He said that surrounding uses adjacent to this parcel included rural area, single family homes, and agricultural farmland; on the north and northwest side of the parcel, there were undeveloped parcels that featured heavy vegetation.

Mr. Langille showed an image of the zoning of the subject property and the surrounding land and said that all properties in this area, including the subject parcel, had a zoning district of RA. He said the subject property was also located within two other zoning overlay districts. He stated that the first was the dashed blue line on the slide, located on the subject property and some adjacent parcels, which represented the flood hazard overlay district. He stated that the blacked dashed lines seen on the subject property represented the natural resources extraction overlay district.

Mr. Langille showed an aerial image of the property and stated that it focused on the area with the special use permit, noting the southwest corner of the parcel where S.L. Williamson had their lease permit to operate the asphalt-mixing plant. He showed a 3D image where they could see the equipment and the accessway that led into the site, providing more context as to where the quarry activities occur in the central portion of the property.

Mr. Langille said the SP2019-0009 proposal was requesting approval for a special use permit for the asphalt-mixing plant to operate on the subject property. He said in the natural-resources extraction overlay district, operation of an asphalt-mixing plant required a special use permit and was not permitted by right. He said that S.L. Williamson was requesting this permit because they wanted to replace the existing operation with more modernized equipment. He said the current asphalt-mixing plant was reaching its operational lifetime, and they needed to put in new equipment to continue their business there. He said the replacement plant was going to operate in the same location as the existing plant, and there were some associated improvements such as vehicular travel ways, stormwater management, and other supporting structures that allowed the asphalt to be mixed through that operation. He said as was noted in the staff report, there were two special exception requests that went along with the special use permit. He continued that one was a critical slopes waiver, and the applicant was asking for the waiver of the approval to put structures and equipment over approximately 1,200 square feet of critical steep slopes. He said there was also a waiver for a building site area and dimensions for requirement for a zoning ordinance.

Mr. Langille referenced an image from Attachment 4 of the staff report, which was a special use permit concept plan. He said this showed what their proposed replacement plant would look like and all of its associated structures and hardware. He pointed out that he had enlarged the central area where most of the asphalt mixing would occur, and also shown was the replacement plant, which was what was called a drum-mixing plant. He said it was different from the batch-type plant that currently operated on this parcel, and the applicant would give more details on how the asphalt was mixed. He said what was also shown on the slide was the different conveyor belts and storage silos that supported the actual asphalt-mixing operation. He said the arrows represented the accessways that went in and served this site, where vehicles would travel to obtain and receive supplies for operations.

Mr. Langille stated that with the critical slopes waiver, there were some critical slopes on this property, but all of them had been created primarily through manmade activities. He said that a lot of the areas that showed up on the County's GIS system as critical slopes had actually been created by placing land extraction activities that resulted in new slopes being created. He said there were only a few improvements associated with the asphalt replacement plan that would be located in critical slopes—six storage bins and one silo. He said that County staff had reviewed this along with the County engineer, and the findings specified in the zoning ordinance were to allow approval of the waiver request. He said this was an action for the Board of Supervisors, and there was no action needed by the Planning Commission, but he wanted to mention it because it was in the staff report.

Mr. Langille said that the other special exception that was proposed related to the County's definition of a building site. He said that any development in the rural area needed to have a building site that met certain dimensions and area requirements; specifically, it needed to be 30,000 square feet in total area and should be a rectangle where no boundary of that rectangle exceeded a 5:1 dimension ratio. He said in this case, the building site measured 48,000 square feet, so there was no problem there, but the lease area that S.L. Williamson had from Martin Marietta was an irregular shape. He said he believed the average width of the special use permit area was about 34 feet, but the total length was 784 feet, so it really exceeded the 5:1 rectangular dimension ratio. He said that they also looked at this with the County engineer, the Virginia Department of Health, and Planning staff, and they found that the waiver request met all the findings specified in the zoning ordinance. He said if it were not granted, it would require S.L. Williamson to possibly relocate some of the structures and other materials they would be installing onsite, and that may encroach into their water protection ordinance with stream buffers, flood plain, and work areas with critical steep slopes elsewhere on this property.

Mr. Langille said that as noted in the staff report, there were four favorable factors with this request. He said the proposal was consistent with the purpose and intent of the natural resources zoning overlay district, and they found that this proposed use would not create substantial detriment to adjacent properties. He stated that the proposed use was consistent with the character of the nearby area and was consistent with many of the recommendations, strategies, and objectives of the natural resources and economic development chapters of the County's comprehensive plan. He said that one favorable that he identified was that this use was slightly more intense than what was typically recommended by the rural area chapter of the comprehensive plan.

Mr. Langille stated that some ideas of other uses that were called for in the rural areas were low-density single-family detached residences, meaning 0.5 dwelling units per acre. He said the rural area chapter also called for some non-residential uses in the rural areas, but specifically, that was agricultural activities, farmland, or forestry. He said this was more intense than that, but

considering it was just upgrading an existing plant that had been in operation for about 60 years, they found that unfavorable factor did not outweigh the favorable factors of this request.

Mr. Langille stated that staff was recommending approval of the special use permit, with five conditions intended to establish performance standards necessary to keep this plant operating and not create a substantial detriment to adjacent parcels. He said they also believed these would protect the public's health, safety, and welfare. He said that the conditions seen there were similar to those applied at the asphalt-mixing plant that S.L Williamson operated at the Luckstone Quarry in the Shadwell area of the County, which was where they got the idea that they should be consistent. He said the conditions were tweaked slightly to fit the hours and operation for this specific site.

Ms. Firehock said she had a question about the expiration of the plant's use when the quarry was no longer in operation. She said she completely understood that the source material for this business was in the quarry, so it did not make much sense to permit it beyond the life of the quarry—but the clause “no longer in operation” gave her a little pause. Ms. Firehock said she wondered about a scenario where there were some financial difficulties that occurred at the quarry, and they stopped operating it for a year. She asked if this would cause the special use permit to be void, even though someone else bought the quarry and reopened it. She asked because they had seen this in the County, where a use went dormant, and it was not that the material was gone, but that the issues resided with the owners. She said she worried that they would unnecessarily close it, even though the quarry was still viable.

Mr. Langille explained that the reason they had thought of this condition was specifically because this property was only located in the natural resources extraction overlay district due to the mining activities being permitted by right. He said if the quarry ceased to exist, the County would probably take an action to remove it from the natural resources extraction overlay district, and the special use permit would no longer be viable. He said if there were ideas for alterations to the conditions that would address that, he would be amenable to discussing them as well.

Ms. Firehock said she understood that they still needed to hear from the applicant, but perhaps they could put stipulations such as, should the quarry cease to operate for a period longer than three years, or something like that, to allow for heirships, wills, and bankruptcy to come and go—rather than only saying when it ceased to operate.

Mr. Herrick said that they could have a recommendation similar to what was in the non-conforming section of the zoning ordinance to read something like, “This special use permit would expire if the adjacent quarry use was discontinued for more than two years.” He said that would be more consistent with the non-conforming uses section of the zoning ordinance.

Ms. Firehock said that was what she had in mind.

Mr. Bivins asked to hear from the applicant.

Ms. Blair Williamson introduced herself and said she would discuss their corporate replacement project at the Red Hill asphalt plant. She said she was fortunate to be leading the local family business that employed about 125 people as a third-generation heavy highway contractor, primarily in the 40 miles around Charlottesville. She said their Red Hill facility was the most important plant to them, and their plant located in this quarry was the oldest quarry in the Martin Marietta Corporation, opened in 1939 to mine ballast rock for the adjacent railway. She said this quarry produced an excellent non-polishing granite aggregate that was the main ingredient in

plant-mixed asphalt, making up 95% of the volume of a ton of asphalt “mix.” She said they were lucky in Charlottesville to have very high-quality stone for highway work, as opposed to the valley, where most of the aggregate was limestone and not suitable for highway work, interstates, and primaries.

Ms. Williamson said their current asphalt plant was installed in 1961, prior to zoning regulations, and had operated continuously since that time. She said they had enjoyed a quiet relationship with their neighbors, and to her knowledge never had a negative incident with any adjacent property owners. She said that the plant was now tired and had served them longer than they could have hoped, so it was time to replace it. She said that plant technology had changed substantially in 60 years, and they had the opportunity to replace it with the most current features. She said this included changing their fuel source from recycled fuel oil to liquid natural gas, which would allow them to burn the cleanest fuel available and cut their carbon footprint in half. She said the new plant would be considerably quieter than the existing one and would result in a significant reduction in dust. She said they were currently operating within DEQ air and stormwater permits, but they were excited to be able to build a plant that would lessen their environmental impact. She said because they were not contemplating changing any of the delivery of raw materials to the plant, there would not be an increase in traffic.

Ms. Williamson said the plant would also have a truck-forward operation, so backup alarms on trucks would be at a minimum. She said at present, every dump truck that was loaded was required to back under the plant, and as trucks had gotten larger over the years, they could no longer maneuver around the tight site as they were originally designed to do 60 years ago. She said the adjacent quarry had the longest life ahead of it than any of the other quarries in the area, with a minimum of 100 plus years of supply in its future. She said that although the site was challenging from a layout standpoint of being long and skinny, it was crucial to the future success of their company, as this was one of the only sites available in the County for their operation. She said it was imperative that their ability to operate this site for the purpose of asphalt production not be tied to the businesses of another company for which they had no control. She said she respectfully requested that they remove the requirement that their use be predicated by the operation of the quarry.

Ms. Williamson said she understood that the County would like them to minimize night work, and nothing would make them happier, but they did a considerable amount of VDOT and municipal work, and some of this work was mandated to be performed at night. She said the 90-day maximum night work limit that was contemplated by staff’s recommended conditions was sufficient to accommodate their needs. She said she was hopeful that they would allow them to replace their equipment with the latest and greatest technology and continue to serve the transportation needs of this community. She said that Valerie Long from Williams Mullen was representing them on this permit and would be presenting the project in more detail.

Ms. Valerie Long introduced herself and introduced members from their team there tonight, including Amy George with Roudabush, Gale & Associates, a civil engineering firm that had prepared the plans; and other representatives from S.L. Williamson, who could answer questions.

Ms. Long showed a slide with an exhibit from the manufacturer of the plant that S.L. Williamson would purchase, called “Aztec,” to the extent that it was helpful for the commissioners to see a better image of what an asphalt plant looked like. She said when they talked about a “plant,” that was referring to the equipment, and she noted the coal feed bends that Mr. Langille had referenced in his presentation, the control house, storage silos, and the drum mixer. She showed a different vantage point that had the drum and silos and said she hoped this provided a better

mental picture when they were discussing asphalt plants. She said the vast majority of this was equipment structures, and the only building was a small control house where the operators and the computers that ran the operation were located.

Ms. Long said they had conducted a noise study to assess the current levels emitted from the plant, and their sound consultant was able to make predictions about the noise levels using the specifications from the proposed plan. She said the summary was that the new plant was projected to have no greater noise levels and substantially lower levels at the adjacent boundaries. She said there were also some aerial images from about 18 months ago to demonstrate the disturbance that had already occurred at the site during the 60 years it had been in operation. She said for a vantage point, Red Hill Road was located off to the left of the screen, and the settling ponds could be seen with the stream just beyond them. She showed a different point where the trucks had to back up. She said at the new plant, there would be a truck-forward circulation model, as Ms. Williamson indicated, that would not only be much more efficient but would also substantially reduce the amount of backup alarm noises in use.

Ms. Long showed other aerial photos of the lot and said she would be happy to go back to them at any point. She presented a color version of their concept plan, with the new circulation pattern and layout of the equipment onsite. She stated that the small areas that were critical slopes proposed to be disturbed were actually piles of aggregate and were not natural slopes. She said unfortunately, the critical slope ordinance did not provide for any exemptions when they were talking about steep slopes of aggregate material, so they had to apply for an official critical slopes waiver.

Ms. Long stated that the area had been disturbed for over 60 years as part of the proposed replacement of the old plant with the new plant, and their consultants at Roudabush Gale worked closely with County engineer Frank Pohl to work out a planting mitigation plan. She noted that even though they were not increasing the amount of the disturbed area onsite or any disturbance into the buffer, a disturbance obviously had been there for 60 years—not only long before the zoning ordinance but long before the water protection ordinance was adopted in the late 1990s, so there was already disturbance of what was now the stream buffer area. She said they were not encroaching any further into that area, but because some of that area would be better improved with the new site, they worked out a planting mitigation plan, working with the County engineer, so all those areas (which were now largely unvegetated) would be planted as part of this project.

Ms. Long said the issue that Ms. Firehock raised was with condition number two, which tied the life of the special use permit to the adjacent quarry. She said the questions and concerns Ms. Firehock raised were the exact questions the applicant had been raising throughout this process, and they shared those concerns. She said S.L. Williamson was investing approximately \$6 million in this new facility, and they did not expect the quarry would close down, as indicated, as they forecast a very long life. She said in reality, it was probably not going to be a risk that they had to worry about, but it was a significant factor because the quarry could shut down for a variety of reasons. She said it was possible that if for some reason Martin Marietta were to close down, a new company could come in and take it over, but they just did not know that yet, and S.L. Williamson would not just be able to pick up its plant and move to a new location.

Ms. Long stated that there was no zoning district in Albemarle that allowed an asphalt plant by right, and it was only allowed with a special zoning permit in two districts. She said one was heavy industrial, and the other was the natural resources overlay district. Ms. Long commented that she thought everyone could agree there was an extraordinarily low inventory of heavy industrial land

in the community, and even if they could find one that was available for sale at a reasonable price, S.L. Williamson would have to go through that entire process again. She pointed out that creating a completely new plant would be a controversial and unpredictable—in contrast to this facility that had been operating for six decades without issue, so they believed it was far more appropriate that the plant be allowed to stay there.

Ms. Long said they appreciated the suggestion of a two- or three-year period, but even that was very unnerving to the company because it was out of their control over whether a new company would come in or not, and there was nothing in the ordinance that said an asphalt plant had to be tied to a quarry. She stated that it said it was required by special use permit, but it did not say anything about regulations for being adjacent to an operating quarry. She said they respectfully asked that the Commission remove that condition, but all of the others they were comfortable and happy with.

Mr. Randolph said he thought any discussion about potential discussions with a time limitation was not appropriate for this body to entertain, and he felt it was a Supervisor issue if they wanted to have a discussion with the applicant about it. He said he did not feel it in any way was related to their decision about whether this was a special use permit or not.

Mr. Bivins said it would be helpful to consider the elimination of condition number two, to be able to reconcile in his mind how a use such as a very valuable asphalt plant could continue to be in a place that no longer had an extract overlay on it. He said there were just hypotheticals. He said if the operation went out of business 100 years from now, and the County said they would no longer have that overlay on the property, that would—by its sole action—put the existence of the plant in jeopardy. He asked how they would begin to reconcile that.

Ms. Long said that if for some reason the quarry were to close, the County would not remove the overlay district from it, it would leave it there in place, which would perhaps increase the likelihood that a new company would come along and purchase it or restart operations. Ms. Long said that as was stated, it was very high-quality material at the quarry, it was plentiful, and there were not many locations in the area that had more—so it would be short-sighted of the County to remove the overlay. She said they hoped it would stay and the plant could continue. She stated that it did not reflect the realities of this business and the efficiencies associated with having the asphalt plant on the same site as the quarry, which reduced transportation impacts and addressed a host of other issues.

Ms. Long said that it made sense, but in reality, there would be nowhere else for this plant to go. She pointed out that it would have to go outside the County, where there was more heavy industrial land and zoning restrictions were not as challenging as they were in Albemarle, resulting in even more trucking of materials and higher environmental impacts, as well as 30 high-paying jobs that would be lost. Ms. Long stated that for those reasons, it made sense to not require the condition and for the County to keep the overlay in place as long as there were materials remaining in the quarry, so they would not create the types of problems she had described.

Ms. Shaffer said there was no one signed up for public comment.

Mr. Bivins asked if Ms. Williamson would like to give some closing remarks. He said she did not have to, but this was the time to do so.

Ms. Williamson said she appreciated their consideration and respected the fact that it was the Board of Supervisor's purview to figure out the connection the quarry. She stated it was a major

purchase for their company, and if she said to their banks that they could potentially shut down if the company they were unaffiliated with closed, and they had no way to repay their loan, the bank may not give them the loan for the facility. She said that was a major barrier, and she knew it existed at their Shadwell plant, at the Luckstone plant on the other side of town, but luckily it had stayed in existence, and they had paid for it. She said they were only one of the users of this quarry, and it served incredible building and construction beyond them. She said even if the quarry were not operating, they would get aggregate from another source and make material there, because it was such an investment to build this plant, and it was not something that could be moved around, although there were few possible locations.

Ms. Firehock asked the applicant if there was any estimate on how long the quarry would last.

Mr. Bivins said he believed they were told it was around 100 years.

Ms. Williamson said it would be around after their lifetimes, and perhaps for several more lifetimes. She said if they had ever been to this quarry, there was still a mountain they were taking down, and the other quarries in town were pits. She said they half a lifetime before it would be considered to be made into a pit, and it was an incredible conserve of aggregate and an amazing resource for the area.

Mr. Bivins said he was surprised to see, and he had a bit of a conversation about whether or not there were statutes in the Commonwealth on how mines would be reclaimed, and whether they would be deep mines, or quarries—and just this past October, that entire piece of legislation was repealed. He said that was interesting to him to find out that their legislature just repealed an entire suite of legislation around that issue. He said he was supporting this issue and agreed with his fellow Commissioner that there was a piece of this that would be dealt with amongst the Board of Supervisors as to whether there would be a sunset clause.

Mr. Randolph commented that the language of condition two was very vague. He noted that it said the use of the asphalt plant authorized by this special use permit would expire when the adjacent quarry was no longer in operation. He asked if there was a union shutdown of the plant because of a union action, and the plant was not in operation, whether that then would mean that the special use permit expired. He said he hoped it was not a hair trigger. He said he thought the intention here was that the adjacent quarry's operations had been terminated, but even then, the language did not address the applicant's well-taken point that if the business was terminated, it may be an attractive asset for another company to own and operate. He said it could just be in suspended animation for a period of time, and this did not mean this applicant should be put into financial jeopardy because of that. He said it was something that the Board of Supervisors would have to do to distinguish those final sets of conditions. He said he was unhappy with the existing language and felt it was far too ambiguous.

Mr. Herrick said he had suggested language and shared it with Mr. Langille, who said he adjusted his slide. He said the language suggested earlier to Ms. Firehock had now been incorporated.

Mr. Bivins said they would wait until they got to that point then.

Ms. Firehock said that after hearing from the applicant as this pertained to their ability to get funding for constructing this expensive new processing plant, she had a lot of sympathy for that. She said she also understood the length of years for which the material would be available, and with her experience seeing situations where quarries opened and closed because of changes in ownership, she was in favor of entirely eliminating condition number two, and she did not believe

it was above their pay grade, as Mr. Randolph said, she thought it was their job to make recommendations to the Board of Supervisors, and they would do what they would with those recommendations.

Ms. Firehock said that from her perspective, it caused more harm than was intended, and the intent of staff recommending that was on the right track to make sure this plant was approved in this area because it was tied to the physical extraction of material at this location. She said though that it seemed that given the lifespan of this particular quarry, in more than 100 years, they would not be saving any unnecessary hardships. She said she could not quite articulate it, but she essentially thought condition number two was problematic enough, and while she understood the clauses, it was very complicated to transfer ownership of a quarry other than a nonconforming general store or something like that. She said she thought the simplest path would be to eliminate condition number two, and staff certainly could forward their recommendation to the Board.

Mr. Keller said he agreed with Ms. Firehock and disagreed with Mr. Randolph about not weighing in on certain things like this. He said he thought the Supervisors he had spoken with through the years felt it was helpful to hear what the Commission had to say and had every right to disagree and not go that route. He said he also supported Ms. Firehock's recommendation to remove that condition.

Mr. Bailey said at a high level, he was excited about the upgrade and equipment, knowing that the carbon footprint would be cut by going to a cleaner source. He said with respect to the limitation, these things were tied together. He said this use had been there, and the Department of Mines and Minerals had many defunct mine sites, especially in western Virginia, that were sitting there empty. He said once a choice was made to mine those materials, they were limiting its future potential value for that land to have other uses. He said there was some movement to put solar panels on them in western Virginia, and to try and find other uses for them, and the Nature Conservancy had done a lot of work across the central Appalachians to reclaim them for different uses, but they always faced challenges with the previous industrial use of the area.

Mr. Bailey said from that perspective, he was not making a strong recommendation but would caution them from making the asphalt plant move, and he did not know the cost of bringing in other aggregate material. He said it was a 60-year-old site that had already created a footprint, and to move it to another site did not make sense to him versus letting it continue to operate in the quarry. He added that the log for the Board to mull over on tying the future viability of this asphalt company to the operation of the quarry based on the environmental impacts that were already established for that use and continuation of operation of the asphalt plant at that location, as opposed to moving it to a different location. He said they would still have roads and need to pave them around Charlottesville and this area.

Ms. More asked if the applicant could talk about the hours of operation.

Mr. Bivins said his recollection was that they did not object to the hours of operation. He said some people put their thumbs up, so he said it probably was okay.

Mr. Randolph said he wanted to close with the thought about number two because he did not want them to belabor the issue here, because the ultimate decision would lie with the Board. He said he supported removing condition number two as well, as he did not think the language was clear, and if the Board wanted to put it in there and figure it out with the applicant, they could do that. He said he felt they had an excellent discussion here, and the application was better off without that condition.

Ms. Firehock said she would make a motion.

Mr. Bivins said there were three motions.

Mr. Herrick said there would need to be separate motions for the special exception request and the special use permits, and he was not sure which the Commission would like to take up first. He said it sounded as though most of the discussion had taken place around the special use permit. He said that the Commission was free to modify and include the deletion of condition number two if desired.

Mr. Bivins asked if they would still do two additional ones for each special exception. He asked if Mr. Herrick's preferences were to separate them out as well.

Mr. Herrick responded that the cleanest thing would be to motion for each special use permit, and then for each of the two exceptions.

Ms. Firehock asked for some clarity and said she was having laptop issues. She said this particular motion for the use did include the four conditions that were in the staff report, which went with the other one regarding special exceptions. She asked if that was correct.

Mr. Herrick said that was correct. He said the special exception recommendation by the staff did not include any conditions. He said it was the special use permit that included staff-recommended conditions.

Mr. Bivins said that if they were going to eliminate condition two, it would be on the special use permit, if that was what they wanted to do moving forward.

Mr. Herrick said that was correct, and he noted that the motion on the screen currently did not specify with the conditions recommended.

Ms. Firehock said she was going to reference them from the staff report in this motion. She said she just wanted to be clear.

Ms. Firehock moved to recommend approval of SP20190009 S.L. Williamson Replacement Asphalt Plant, including the conditions in the staff report numbers 1, 3, 4, and 5.

Mr. Keller seconded the motion.

Mr. Bivins asked if there was any discussion on what had just been moved. He said it was all of the conditions except for number two, which had been eliminated.

The motion passed 6-0.

Mr. Bivins asked to see the special exceptions.

Mr. Langille said he had no recommended motions other than for the Planning Commission to recommend approval of both of those special exceptions.

Mr. Herrick said the motion could be as simple as moving to recommend approval of requested special exception SE2021000036 for the first one.

Ms. Firehock moved that the Planning Commission recommend approval of special exception SE202100036.

Mr. Keller seconded the motion.

Mr. Bivins asked if there was further discussion. Hearing none, he asked for the vote to be called.

The motion passed 6-0.

Mr. Bivins asked if anyone would like to do a special exception for SE202100037.

Mr. Herrick said that would be for the Planning Commission to recommend approval for that special exception request.

Ms. Firehock moved that the Planning Commission recommend approval of special exception SE202100037.

Mr. Keller seconded the motion.

Mr. Bivins asked if there was any further discussion on this. Hearing none, he asked the vote to be called.

The motion passed 6-0.

Mr. Bivins said to Ms. Williamson that they moved forward their special use permit and the elimination of condition two, but he would recommend that she and her counsel address those before meeting with the Board of Supervisors.

Ms. Williamson said as a small business operating in this area, adjacent to Martin Marietta that was a good partner to them but a giant company they had no control over, she appreciated the County's sensitivity to that. She said they had operated for three generations and would like to continue, and this was the perfect place for them to do so.

Mr. Bivins said as she and her counsel knew, this was one step in the process.

Ms. Williamson said she knew that, but this was a good first step and she appreciated it.

CDD Deputy Director's Report

Mr. Rapp said they were supposed to have a hearing on Rio Point several weeks ago, and they ended up rescheduling it for later in December. He said they did have the meeting on December 1, and it was fairly light for Community Development. He said there was a public hearing for the agricultural and forestal districts, the three districts that came before this Commission, and those went forward as recommended.

Adjournment

The Planning Commission adjourned its meeting at 8:06 P.M.

Charles Rapp, Director of Planning

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

Approved by Planning Commission
Date
Initials: