

Department of Planning & Community Development



A meeting of the Franklin County Planning Commission was held on July 13, 2021, in the Board of Supervisors meeting room located in the Franklin County Government Center.

THOSE PRESENT:

Sherrie Mitchell- Snow Creek District
Debbie Crawford- Union Hall District
David Clements- Rocky Mount District
C.W. Doss, Jr.- Blue Ridge District
James Colby- Gills Creek District
Angie McGhee – Boone District

THOSE ABSENT:

David Pendleton

OTHERS PRESENT:

Steve Sandy – County Administrator
Lisa Cooper, Principal Planner
Chris Dadak, County Attorney
Timothy Mack – Senior Planner
Mindy Goldsmith – Clerk
Tina Franklin - Clerk

The meeting was called to order by Chairwoman Mitchell at 6:00 p.m. The first order of business was the election of officers for Chair and Vice-Chair, which is completed annually, in July. Ms. Crawford motioned that Ms. Mitchell remain Chair. Ms. Mitchell accepted the nomination. Nominations closed for Chair. Second by Mr. Doss. No discussion.

VOTE:

AYES: Doss, Colby, Crawford, Mitchell, McGhee, Clements
NAYES: None
ABSENT: Pendleton
ABSTAIN: None

Mr. Clements nominated Ms. Crawford for Vice-Chair. Second by Mr. Doss.

VOTE:

AYES: Doss, Colby, Crawford, Mitchell, McGhee, Clements
NAYES: None
ABSENT: Pendleton
ABSTAIN: None

The June 2021 minutes were approved. Chairwoman Mitchell asked the Planning Commission if there were any comments or corrections to the minutes as written; there were none. Chairwoman Mitchell announced the minutes would stand as written.

Chairwoman Mitchell introduced the next item on the agenda and asked for the staff report.

APPLICATION for REZONING –

Applicant Jay Schott and SML Partners, LLC, Owner, request to rezone, with possible proffers, an approximate 195 acres of property currently in three parcels from A-1, Agricultural, to RPD, Residential Planned Development. Mr. Mack presented the staff report and an overview of the property.

Ms. Mitchell inquired if commissioners had questions about this petition. After discussion the chairwoman called for a vote. The Chairwoman requested to hear remarks from the applicant.

The applicant stated he did not have a prepared statement but could answer all questions. With each lot, green space will be designated per the application. The Homeowners Association will be required to manage and ensure that green space is maintained, and the development meets all other requirements. He stated it was yet to be determined which roads would be state owned and which would be privately owned.

Ms. Mitchell opened the meeting for public comment. Mr. Allen Boothe presented remarks to the Commissioners regarding road maintenance and the Boone District prior to allowing this request. Mr. Boothe stated he felt the board should make fire and rescue services a priority in the Boone District prior to hearing rezoning applications. Public comment period was then closed.

There was no further discussion of the application. Ms. McGhee requested if VDOT had additional comments. Mr. Mack stated all VDOT comments were in the staff report. Ms. Crawford stated this developer has done an excellent job and this application would be an asset to the county.

Ms. Crawford found that such rezoning would not be a detriment and adjacent property would not be harmed and made a motion to recommend approval of the application. Second by Ms. McGhee. The board APPROVED the application, which will be heard by the Board of Supervisors at the August meeting.

AYES: Doss, Colby, Crawford, Mitchell, McGhee, Clements
NAYS: None
ABSENT: Pendleton
ABSTAIN: None

Chairwoman Mitchell announced the next item on the agenda and asked for the staff report.

APPLICATION for SPECIAL USE PERMIT –

Application of Billy Martin, applicant and owner, requesting a special use permit, with possible conditions, to allow for the Short-Term Tourist Rental of a dwelling on an approximate 1-acre parcel currently zoned A-1.

Mr. Mack presented the staff report, including recommendation and conditions. Ms. Mitchell asked the Commissioners if they had any questions. Mr. Colby requested clarification regarding the septic drain field for the cabin. He stated the department of health report made it sound like there were two structures on the property, however there are not. This property would have to obtain approval from the department of health with an approved septic system.

Ms. Mitchell asked if the applicant was present. The applicant was not present. At this time Ms. Mitchell opened the meeting for public comment. There were no public comments, therefore the public comment period was closed. The planning commission discussed the petition. Mr. Colby motioned to table the petition and motioned to delay action until all necessary materials and information are submitted to the commission. Necessary materials include an approved septic system, or clarification from the applicant and the department of health as to whether this property is on city water and sewer, or a septic system is needed. Second by Ms. Crawford. Motion to table the petition was approved.

AYES: Doss, Colby, Clements, Crawford, Mitchell, McGhee
NAYS: None
ABSENT: Pendleton
ABSTAIN: None

Chairwoman Mitchell announced the next item on the agenda and asked for the staff report.

APPLICATION for SPECIAL USE PERMIT –

Application of Jeff and Jennie Zdenek, Applicants, and J Cubed Holdings, LLC, Owner, requesting a special use permit, with possible conditions, to allow for an RV Campground and Tourist and Resort Facilities Development on an approximate 167 acres of property currently zoned A-1.

Mr. Mack presented the staff report and a revised concept plan, which was given to each board member. Ms. Mitchell asked if Commissioners had questions. Ms. Mitchell remarked that a previous resolution in 2019 contained some provisions that may be applicable to this applicant's request. Mr. Sandy stated he believes the tiny homes are treated as a recreational vehicle (RV) because they are on a chassis, therefore RV would be applicable unless the tiny homes become stationary.

Ms. Mitchell invited the applicant to speak and answer Commissioner questions. Mr. Jeff Zdenek addressed the Commissioners. He stated only some of the tiny homes will remain mobile, however the other tiny homes would be placed permanently. He remarked the plan would have a low environmental impact and feels it would be a great addition to the Union Hall district for recreation and for the community. Ms. Mitchell asked if Mr. Zdenek had met with adjacent neighbors. Mr. Sandy asked about the broad statement on the revised concept plan regarding future uses. The applicant stated they envision providing events for the community in the future.

Ms. Mitchell asked if there were public comments. Mr. Ben Harman addressed the Commissioners. Mrs. Karen Harman was present as well. Mr. Harman stated he had 625 feet of adjacent farm property, at the rear of the applicant's property. He stated he enjoyed his property for hunting and fishing and other recreation. He feels that the applicant has good intentions but is opposed to the application because he and his family hunt and are concerned about the noise of shotguns and rifles and is not sure that campers and hunters can co-exist. Mr. Harman feels there is a better location than the current applicant has requested.

Karen Harman rose to speak as well regarding the same above. She expressed concern about maintaining safety on the property regarding the pond and land for hunting. She is concerned about poachers and an increased risk of accidental firearm injuries. She is concerned her recreational land will serve as an enticement to the campers. She requested tall and formidable fencing to deter poachers and others. The fencing must block access to the creek because the creek provides access to the Hartman's land. She also requested the board consider a fine for trespassers on their land if the board would require a setback that states that hunting cannot occur within a certain distance of a dwelling. Mrs. Hartman also expressed concern regarding storm runoff.

Mr. Tom Vasham, an adjacent property owner, rose to speak to the commissioners regarding this application. He reported that he is in the process of repairing a home on the adjacent property. He reported that he feels, with the number of tiny homes and camp sites, there will be a large amount of vehicular traffic, which would stir up dust and other debris. He expressed concern about the old barn on the property and its proximity to his property line. He also requested a condition that the roads into this property be paved. He feels all vehicular travel ways should be paved. He expressed concern about the definition and conditions for primitive campgrounds and noise from events in the barn. He also stated he felt the current application could lead to a trailer park. He feels the land could have a better use.

Jennie Zdenek rose to address the public concerns. She feels their property aligns with the Union Hall plan, with low traffic and low environmental impact. She stated that she feels they will retain the beauty of the land, and the

tiny homes will not impact the land, or have as little impact as possible. Mrs. Zdenek feels the neighbor to the rear has self-serving concerns whereas her application would allow for lower rental rates for tourists versus the cost of renting at the lake. She stated they would require only one car per guest for a total of eleven cars per day. She stated that the primitive campground is part of the future vision and none of the primitive sites or tiny houses would be seen from the road. They plan to have quiet time beginning at 10 PM. She stated that a trailer park is not their vision. She addressed the hunting concern and stated she would expect to enjoy her woods without being shot, and feels the neighbor's concern is again, self-serving. She supports a formidable fence and they feel they have plenty of woods and walking trails and believe the setback would be naturally met.

The public comment period was closed. Ms. Crawford requested that the conditions be re-written to address the concern about the RV verbiage. She motioned that the board table this application until the conditions portion of the special-use permit can be re-written and clarified. She also stated she had several questions about the new concept plan that was presented at the meeting.

Ms. McGhee agreed with Ms. Crawford. Ms. Mitchell stated that the property is zoned A-1, and there are some "by right" uses, however rezoning or other special use permits may be required. Mr. Colby clarified for the audience that the department of transportation and reviewed the application and made recommendations regarding turn lanes, site plan with entrance location, intersection with site plan, and spacing for intersection and other additional comments from the VDOT. Substantial care will take place as to how this will affect the property, which is unknown at this point. He agrees that tabling the application makes sense.

Ms. Crawford motioned the application be tabled to allow staff and the applicant time to revise and clarify additional conditions. Second by Mr. Colby. This applicant will be heard again on August 10th, 2021.

AYES: Doss, Colby Clements, Crawford, Mitchell, McGhee
NAYS: None
ABSENT: Pendleton
ABSTAIN: None

OLD BUSINESS:

Mr. Davis, from Idlewood Shores, presented a citizen comment request to rezone the Idlewood Shores development from A-1 to R-1. Idlewood Shores is a residential neighborhood and there is no agriculture. Walnut Run and other adjacent properties are zoned R-1 and Idlewood Shores is the only community left as A-1. He stated they have developed the community to meet R-1 requirements. There are paved roads, no barns or farm animals. He would like the board to consider and recommend a rezoning from A-1 to R-1 to reflect Idlewood Shores' current status. Several community members were present to demonstrate their support. Mr. Sandy reported that he believes the Commission can recommend the rezoning. A public hearing must be held before this rezone is submitted to the Board of Supervisors. Chris, the county attorney, reported that the Board of Commissioners can make a motion to initiate the rezoning.

Mr. Colby stated he feels this community requires a "correction" because the current zoning does not fit with what is truly built. He encouraged board support.

Mr. Davis reported the adjacent farmland is not owned by Idlewood Shores. Ms. Mitchell clarified that 100% community support is not required. Ms. Crawford noted that there are rights that come with A-1 that this development would give up if rezoned.

Mr. Colby motioned that the planning commission initiate a rezoning from A-1 to R-1. Second by Mr. Doss. Staff feels they can meet the deadline for August 10, 2021, public hearing before the Planning Commission.

Ms. Mitchell asked for any further public comment. Public comment concluded at 7:45 PM.

Blue Ridge Towers: Mr. Sandy gave an update about this application. In May the board tabled the application for FCC review. There is a potential for a memorandum of understanding between Blue Ridge Towers and adjacent Federal properties. Mr. Sandy invited representatives from Blue Ridge Towers to make comments or answer questions. The board was provided an Adverse Effect Resolution Pathway for review. Shawn, from Blue Ridge Towers, was invited to give an update. Representatives from the Booker T Washington Memorial Park were also present.

Shawn reported that they submitted the full report to the RCC to address all items in Section 106 and has provided everything to the FCC to coordinate the resolution of the visual adverse effect mitigation, which is National Environmental Policy. The board also reviewed the report from the geotechnical consultant. Because an adverse effect was found, a mitigation process must be followed. Blue Ridge Towers will submit a mitigation offer and all parties will review the proposal. Mr. Colby reported that he feels that success is achieved when principal parties communicate and coordinate and come to an understanding, by looking for the common ground. He feels this will allow the achievement of a final memorandum of understanding agreement.

Mr. Colby inquired about the memorandum of agreement, summary of alternative sites for the tower and if it had been submitted, and the mitigation plan. Shawn reported that he cannot write the mitigation plan until the FCC finishes its review. Mr. Colby repeated a request he made in May, which is a complete record of the site selection in the process. What criteria was used, who was involved, which sites were considered, ranking, and how this site was selected, and any other factors the applicant deemed relevant. He has not received any information per these requests and stated he cannot vote without that information. He requested that Shawn and Planning staff assist him. Shawn reported Mr. Colby's requested information is in the site selection report. Mr. Sandy stated he would provide the site selection report to all board members. Mr. Sandy stated that the FCC would be in contact with the park service.

Discussion of the Solar Ordinance:

Mr. Timothy Mack presented the solar draft ordinance to the Planning Commission stating that Mr. Sandy wanted us to move forward with continuing the discussion of the Solar Ordinance. Mr. Mack reported that we are consulting SolSmart regarding statutory language, the materials list, a citing agreement, and disposal of panels. Mr. Mack stated that after we get feedback from SolSmart, we can possibly place this item on the August agenda. Mr. Mack reported that he assumes we will have information from SolSmart by the end of the week. He stated this was an assumption, therefore we may have to place the ordinance on the September agenda., Ms. Mitchell reported that she felt SolSmart could address several of Mr. Colby's concerns.

Ms. Mitchell reported that the work group met two weeks ago and made great progress on the Solar Ordinance and asked where we were in the process to get the ordinance on the agenda.

Ms. Crawford requested a scale drawing that shows the 300-foot setback and what would be within the 300 feet setback. Ms. Mitchell stated she felt it would be the buffer area. Ms. Crawford stated the average buffer was 150 feet. Ms. Crawford feels that 300 feet is too large of a setback. She feels this would eliminate several plats of land that could be used for solar farms. Ms. Mitchell stated this may be something to ask the public at the public hearing when we reach this step. She would like this topic examined further. Mr. Colby stated he made his suggestions in writing.

Mr. Sandy stated that Mr. Colby's written observations about the decommissioning language was confusing for him because Mr. Colby had previously requested that we have decommissioning language. Mr. Colby reported that he was concerned about being able to predict decommissioning in 35 or more years. Ms. Mitchell reported that she feels we should try to plan for decommissioning if possible or set up a review period in a certain number of years. She feels we must try to lay a foundation. Mr. Sandy reported that decommissioning would address responsibility of

the upkeep and disposal of the solar panels, despite what may occur over 35-40 years. Chris reported that State statutory language requires decommissioning verbiage in the ordinance.

Mr. Sandy stated the board could either choose to move forward and place this on the August agenda for public hearing, or table this information until the August meeting when we have feedback from SolSmart. Mr. Colby reported that he would not be able to support the ordinance at this time. Ms. Mitchell reported that she felt the Board of Supervisors requested that we try to get an ordinance in place, however we could make a change to the comprehensive plan prior to the ordinance. She feels we should work on the comprehensive plan first and inform the Board of Supervisors that we would like to work on the plan first, prior to writing an ordinance. Ms. Crawford clarified that this would be an amendment to the comprehensive plan, not a rewrite of the current comprehensive plan.

Mr. Sandy suggested that we ask staff to report back on an amendment to the comprehensive plan. Mr. Mack reported that he would meet with Carrie this Thursday and provide an update.

A member of the Board of Supervisors addressed the board and stated the board would be most interested in a timeline or sequence of how the Board of Commissioners will complete a comprehensive plan amendment and then a possible ordinance. She stated the underlying sentiment is to "get it right". Mr. Sandy suggested that staff return with proposed amendment language to the comprehensive plan and recommendations from SolSmart at the August meeting. Ms. Mitchell asked if anybody felt we should take the ordinance to public hearing in August. No commissioners replied in favor of this option. Ms. Mitchell stated she would like to see the SolSmart comments and continue to work on the ordinance along with the comprehensive plan amendment. She recommended this all be brought to the August meeting. Mr. Sandy suggested we review this at the August meeting and if a workshop is needed after the August meeting, we would schedule one. This item will remain under Old Business on the August agenda. The commissioners agreed.

Update of Union Hall Village Plan:

Lisa Cooper provided an update to the board. Lisa reported that the 2014 village plan was reviewed again this year. The state has changed the grant name and has raised the grant to \$100,000. Lisa reported we were able to receive the grant money to hire a consultant to assist with the village plan. Lisa reported that we are now contracted with a consultant, and we will be able to create a plan such as the Westlake Plan and other recent plans. A kickoff meeting was held to discuss the plan outcomes and make Union Hall a designated growth area. Once per month she meets with the contracted consultants, and she expects we will hear from the consultants shortly. This plan will be presented to the public to solicit public comments and what they would like to see in the plan. She reported we will have transportation concerns and feels we can improve on the 2014 plan. She reported they are excited to work with the consultants and it will probably take about a year before the final plan is adopted by the Board of Supervisors.

Update for Short-Term Rentals:

Mr. Sandy reported that at the August meeting we will receive an update from Carrie regarding compliance with the ordinance after a period of one year. Mr. Sandy reminded the board that they wanted an update after one year to gather reports and evaluate what the board of Commissioners wish to do regarding any updates to safety rules, consideration of amendments, and so on. Carrie will also discuss some of the issues the department has run into during the previous year. Mr. Sandy reported that there may have been items we did not consider last year that have arisen as impediments during this past year. Carrie will also review items observed during inspections. The inspector, Bill Raney, is in training for certification in fire prevention and this gives him another level of training for short-term rental inspections. This item will also be on the August agenda.

Ms. Mitchell asked if there was any new business on the agenda. Hearing non, the meeting was adjourned at 8:45 PM.

Mindy S. Goldsmith, Clerk
Franklin County Planning Commission

July 13, 2021
Date