

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY PLANNING COMMISSION HELD ELECTRONICALLY AND, IN THE COUNTY, ADMINISTRATIVE OFFICE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA FEBRUARY 10, 2021 AT 7:00 PM.

PRESENT: LEE MCLAUGHLIN, JR., MELISSA HENNIS,
KIMBERLY HINES, AND DAVID
WHITMORE
PRESENT ELECTRONICALLY: ROBERT LUCAS
ABSENT:
SECRETARY: CHRIS SLAYDON
ONLINE STAFF: BRANDY FLINT
COUNTY ATTORNEY: VICKIE HUFFMAN
OTHERS PRESENT: RUSS ORRISON
PRESENT ONLINE: MIKE KEYSER, STEVE HART, BRET GRIEVES

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Mr. McLaughlin called the meeting at 7:02 pm with a roll call of the Planning Commission members present as follows: Mr. Lucas – Present (online); Ms. Hennis – Present; Ms. Hines – Present; Mr. Whitmore – Present; Mr. McLaughlin – Present.

Mr. McLaughlin then advised that the meeting is being held by electronic means pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on September 28, 2020, and then read the procedures for the meeting.

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The second agenda item was Citizens Comments.

Mr. McLaughlin stated that the meeting would proceed with Citizen Comments. He indicated that, in addition to participating by Zoom or telephone, written Citizens Comments had been solicited for receipt via email, U.S. Mail, and the drop box located at the County Administration Building.

At 7:04 pm, Mr. McLaughlin asked Mr. Slaydon if anyone physically present wanted to speak.

Mr. Slaydon indicated no one was physically present to speak, there was no one on the Zoom meeting that wished to speak, and no citizen comments were emailed or called in before the meeting. Mr. McLaughlin closed the citizen comment period at 7:05 pm.

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The third agenda item was the review of the January 13, 2021 meeting minutes.

Upon a motion by Ms. Hennis, seconded by Mr. Whitmore, the Commission voted unanimously to approve the minutes with minor corrections.

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The fourth agenda item was the Board of Supervisors report.

Mr. Slaydon advised that the Board, at their January 25th meeting, approved the following applications per the recommendations of the Commission: Douglas and Jo Anna Harris amended special exception permit for their kennel operation, Rockbridge Farmers' Cooperative, Inc., amended special exception permit to add additional propane storage tanks, the special exception permit for David Rabern to develop a private noncommercial landing strip, and the application for JBLN Investments, LLC to amend their existing proffers as per the recommendations of the Planning Commission.

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Mr. McLaughlin advised that the Commission will use the same process for public hearings as citizen comments.

The fifth agenda item was a public hearing for BARC Electric Cooperative Application for a temporary Special Exception Permit for a Lay Down Yard (Public Utility) in the Agricultural and General Uses (A-2) Zoning District as follows:

Notice is hereby given per Section 15.2-2204 of the Code of Virginia and Section 802.03, 04 and 05 of the County of Rockbridge Land Development Regulations that a public hearing will be held by the Rockbridge County Planning Commission on Wednesday, February 10, 2021, at or after 7:00 p.m. in the Board of Supervisors Meeting Room in the County Administrative Offices, 150 South Main Street, Lexington, Virginia 24450, followed by a public hearing by the Board of Supervisors on Monday, February 22, 2021, at or after 6:00 p.m. at the same location to consider the following application: BARC Electric Cooperative, 1972 Big Spring Drive, Lexington, Virginia 24450, applying for a temporary special exception permit in order to continue to utilize the property as a temporary laydown yard for equipment and material storage for the BARC Connects broadband/fiber project. The property is located in the Agricultural and General Uses (A-2) Zoning District and per section 603.03 9 of the County of Rockbridge Land Development Regulations, Public Utilities are a use by special exception. The property is located on the northside of the intersection of Big Spring Road (Route 631) and West Midland Trail (Route 60) and is identified as 1972 Big Spring Drive, Lexington, Virginia 24450. The property is further identified as tax map number 47-A-50 (15.24 acres per tax records). The property is located in the Kerrs Creek Magisterial District.

Ms. Hines read the following statement: "I hereby abstain from all matters, discussions, or voting related to BARC's application for a temporary special exception permit to continue to utilize the property as a temporary laydown yard for equipment and material storage for the BARC Connects broadband/fiber project, and my disclosure statement required under the Conflict-of-Interest Act is on file with the Secretary of the Planning Commission."

Mr. Slaydon advised that Mike Keyser, CEO of BARC, was in attendance electronically

for the meeting. Mr. Slaydon then reviewed the zoning of the area, a brief history of the solar field, and previous special exception permits for the laydown yard. He then reviewed the flood plain information on the property.

Mr. Keyser, with BARC, stated that the original vision of this project was for this facility to be the headquarters for BARC and the launchpad for the broadband project, which he feels has come to fruition. He indicated that there are 8,000 consumers in Rockbridge and Bath Counties now on BARC Connects. He advised that BARC will continue this project until all BARC customers, and also some non-BARC customers, are connected to the system. He noted that they have received many comments from people who are happy to have the BARC broadband service. He stated that they never intended to have the lay down yard for this duration and it is not intended to be there forever. He advised that they have a 2–3-year plan to wrap up the Rockbridge County project and hope that this will be the last request for an extension.

Mr. McLaughlin opened the public hearing at 7:18 pm.

Mr. Slaydon advised there was no one present in-person to speak. He reported that there were two citizens who joined electronically, via Zoom, that would like to make comments.

Mr. Steve Hart, Kerrs Creek District and adjoining land owner, thanked the Commission for their time. He stated that on two previous permit extension requests by BARC, he has asked; what the duration of the project will be, and how the area will be left at the end of the project. While Mr. Hart appreciates the need for the project, he feels there is a growing digital divide with broadband services going to some rural areas like Goshen, but with no clear schedule of progress or completion.

Mr. Brett Grieves indicated that he and his wife are six weeks into being new residents in Rockbridge County and are thankful to BARC for broadband service at their home. They are 100 yards from the location and request that BARC increase landscaping and beautification around the facility. Mr. Grieves stated the need to make an investment in screening and shrubbery that fits into the neighborhood due to the future longevity of the project possibly being 2-4 years.

Mr. Slaydon advised that emails were received and sent to the Planning Commission before the meeting. The only ones that came through the Public Hearing comment email were from Mr. Hart and Mr. Grieves; the others were sent to the Planning Commission Members without a request to be read aloud at the meeting.

With no further comments, Mr. McLaughlin closed the Public Hearing at 7:26 pm.

Ms. Hennis asked at what point does a temporary laydown yard become permanent and how that impacts those neighbors who do not benefit by having Broadband services. She wondered if a temporary permit could be extended again in this case.

Mr. Slaydon advised there is nothing that prevents them from making another application.

Ms. Hennis asked about the enforcement of conditions and how that is handled.

Mr. Slaydon advised that they are not out of compliance with the existing temporary special exception permit. He did note that the access road that was constructed does not match what was shown on the plan and the area labeled as grass in currently mud due to use and weather conditions.

Mr. McLaughlin asked how we get a better buffer.

Mr. Slaydon then reviewed the site plan that was previously approved. He noted that the Planning Commission could recommend that the applicant revisit the landscaping associated

with the laydown yard.

Mr. Lucas stated that the approved plan was not followed, and the landscaping was not done as the plan showed.

Mr. Slaydon reiterated that the access road does not match what was on the plan, and because of that, the landscaping does extend to the west as far as shown on the approved plans.

Mr. Lucas advised that it looks like trucks are turning around in the field in front of the gate, making it a mud pit. He stated that if they continue to use what was supposed to be a grassy field as a turnaround, then it needs to be paved, or gravel needs to be put down to deal with the mud. He stated the same about the yard.

Mr. Whitmore asked if this extension is for two or four years.

Mr. Slaydon advised this was a temporary permit for two years.

Mr. Whitmore stated that if BARC projects this to be a four-year project, we need to approve it for four years.

Ms. Hennis disagreed. She stated that this was supposed to be for two years, and now it has been four years. This pending application would make six-years, and residents have felt that it is not temporary.

Mr. Slaydon asked Mr. Keyser about the VDOT entrance and to review his conversation with Mr. Alvin Trout at VDOT. Mr. Slaydon stated the current entrance to the laydown yard was considered a temporary construction entrance with an expiration date of November 28, 2021. He then stated that he had discussed the timeframe with VDOT and they stated that BARC could request an extension and that VDOT would take the request under consideration.

Mr. Keyser stated that he talked with Mr. Alvin Trout at VDOT and that he stated that they could explore having the entrance permit coincide with the timing of the special exception permit.

Mr. Keyser noted that the current plan is a four-year plan to complete the BARC fiber project. The systemwide project serves five counties. Mr. Keyser informed the Commission that completion of the Rockbridge County portion of the project would be in the next two years and does not anticipate needing the extension any longer. He advised that they could connect more non-BARC customers when they received CARES funding, but it had to be in a specific timeframe. He stated that grant-funded opportunities could change the plan because they try to use any grant money available. Mr. Keyser advised that BARC's plan for the yard is still for community solar, but fiber has become more prevalent. He stated that he is comfortable with an extension for two years and does not anticipate needing another extension.

Mr. McLaughlin noted that BARC broadband had been a game-changer for him on Walker's Creek, and it is much appreciated, but he has to look out for the neighbors. He stated that he felt that the site needed additional buffering and have a plan in place to reduce the mud.

Ms. Hennis stated she wants to see a realistic time frame on the project and stated that she appreciates the work, but the condition of the site is not fair to the neighbors.

Mr. Whitmore asked what the distance was to the closest neighbor.

Mr. Slaydon advised from the laydown yard, it is approximately 380 feet from the fence to the nearest neighbor and 550 feet to the nearest neighbor across Route 60.

Ms. Hennis reiterated that the neighbors who contacted her today expressed concerns that BARC could do a better job of screening.

Mr. Lucas stated that BARC needed a place to lay down the material for at least two

years, and approving the yard for that timeframe makes sense. He advised that cleaning, improving, and screening the existing yard is critical.

Ms. Hennis stated that this project is serving five counties, and they are all benefitting from it, but she felt that the Rockbridge County residents are the ones paying for it.

Mr. McLaughlin asked Mr. Keyser if he could address some of the issues pointed out tonight and come back with some solutions.

Mr. Keyser stated that if the Commission intends to delay a month to allow BARC additional time to work with staff to develop a plan and discuss solutions, he is okay with that.

Mr. Slaydon advised the Commission they would need a motion to postpone the decision till the March 10th Commission meeting.

Upon a motion by Ms. Hennis, seconded by Mr. Whitmore, the Commission voted unanimously to set over any action for the BARC application till the March 10th meeting. Ms. Hines abstained from voting.

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The sixth agenda item was Whites Travel Center (Raphine Road) – Commercial Site plan Review - Building Addition.

Mr. Slaydon advised that this was a site plan review for a proposed building addition, change in car parking, and modifications to the traffic flow.

Mr. Russ Orison reviewed the proposed improvements.

Mr. Slaydon showed an aerial photo of the site and reviewed the traffic flow and what it will be like after the addition.

Mr. Lucas stated that the issue with the interchange is being addressed by VODT and the proposed improvements to the intersections will improve the flow. Mr. Lucas stated that he has discussed with staff the possibility of removing the truck parking in front of the diesel pumps and felt removal of the spaces could help elevate truck stacking. He stated that he felt that the proposed improvements under review would help the flow of traffic in the rear of the building and adds more retail space.

Upon a motion by Ms. Hennis, seconded by Ms. Hines, the Commission voted unanimously to approve the White's Travel Center site plan as presented.

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With no further business to discuss, on a unanimous vote with Ms. Hennis making the motion and a second by Ms. Hines, Mr. McLaughlin adjourned the meeting at 8:01 pm.

Respectfully Submitted,

Christopher T. Slaydon, Secretary