

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 MAY 13, 2020 AT 7:00 P.M.

PRESENT ELECTRONICALLY: LEE MCLAUGHLIN, JR – CHAIR, MELISSA HENNIS-VICE-CHAIR, DAVID WHITMORE, ROBERT LUCAS, AND KIMBERLY HINES

ABSENT: NONE

SECRETARY: CHRIS SLAYDON (PRESENT ON SITE)

STAFF: BRANDY FLINT (PRESENT ELECTRONICALLY) AND SAM CRICKENBERGER (PRESENT ON SITE)

COUNTY ATTORNEY: VICKIE HUFFMAN (PRESENT ON SITE)

OTHERS PRESENT ON SITE: RUSS ORRISON

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Mr. McLaughlin called the meeting at 7:03 p.m. with a verbal roll call of the Planning Commission members who were present on the webinar as follows:

Mr. Lucas – Present Ms. Hennis – Present Ms. Hines – Present
Mr. Whitmore – Present Mr. McLaughlin – Present

Mr. McLaughlin then advised that this meeting is being held by electronic means pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on April 6, 2020, due to the threats posed by the COVID-19 pandemic to the health, safety, and welfare of the public, and in accordance with the recommendations, guidelines, and requirements of federal, state and local authorities. Commission members will be participating remotely. Staff will be presenting as normal in the Board of Supervisors meeting room at 150 S. Main Street, Lexington and while the room will be open to the public, no more than 10 persons, including staff, will be allowed into the room at one time, as per the Board’s COVID-19 meeting policy. We will hold citizen comment near the beginning of the meeting. Also, the Public Hearing that was scheduled for the Humphries Application has been canceled. The application has been withdrawn. He indicated that we will do our best to take citizen comments remotely. There are two options for citizens to offer comment remotely: 1) Join the Rockbridge County Planning Commission Zoom webinar. The link is available on the County website to copy into the address line on your browser. Or 2) Join by telephone. By dialing into one of the following numbers, which are listed on the County Website. US: +1 (301) 715 8592 +1 (312) 626 6799 or 1 (929) 205 6099. The Webinar ID is 970 4020 6248, and the password: 210986.

Mr. McLaughlin informed the public that there are technical issues with the Rockbridge County Planning Commission YouTube Channel. He asked that all citizens log on to the webinar at this time. He then 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 dropbox located at the front entrance to the County Administration building and Via email. He then advised that comments would be taken in the following order: First will be the names and magisterial district of citizens that have submitted Comments received via email, letter, or dropbox will be read aloud and made part of

the minutes of this meeting. The Planning Commission Members have received all comments that have been submitted. The second will be in-person participants if any: The moderator will ask if there are any participants present to comment. If there are, they will be invited to approach the podium and address the Commission. The third will be Zoom participants as follows:

- a. Participants who do not have a microphone on their computer can click on the Q & A button and submit their comments via typing. The moderator will read the comment aloud during public comment. When typing a comment, please begin with your name and magisterial district.
- b. Participants with a microphone on their computer can click on “Raise Hand” button. The moderator will unmute participants one at a time to receive verbal comments.
- c. For Phone Participants: Citizens participating by phone will also be allowed to speak. The moderator and Commission can only see your phone number on our screen, if you would like to make a citizen comment via phone line, please push *9 (star +9) now. By pressing star + 9, the moderator will see that you have “raised your hand” and will go down the list of numbers and unmute each line, one at a time. Prior to unmuting a line, the moderator will announce the last three (3) numbers of your phone number. You will then hear a recording indicating your phone is now unmuted. At that point you can indicate whether or not you wish to comment. If stating yes, you will be asked to state your name and magisterial district for the record.

Mr. McLaughlin concluded that citizen comments would follow the same rules as normal, which includes stating your name, and magisterial district and comments will be limited to three minutes. He then moved on to the second agenda item, which was Citizen Comments. He noted that the Commission is interested in hearing comments and that staff has done their best to make public comment possible during this challenging time. He asked that speakers refrain from reiterating comments that have been previously stated and submitted to the Commission. He then asked Mr. Slaydon if anyone physically present wanted to speak. Mr. Slaydon indicated that there was no one physically present to speak. Mr. McLaughlin noted the agenda items for site plan review do not include a public hearing. Furthermore, the Commission will not be accepting public comments during the site plan review. With no one physically present to speak, based on the meeting policy reviewed at the beginning of the meeting, Mr. McLaughlin stated that numerous emailed comments related to the agenda item concerning site plan review for the ACP Laydown yard had been received. Staff will now read aloud the names and magisterial district of citizens that have submitted comments received via email, letter, or drobox. Again, the Planning Commission members have received the comments, and the comments will be made part of the minutes of this meeting.

Mr. Crickenberger read the following list of names and if provided their addresses and magisterial districts.

- 1) Molly Petty - Rockbridge Baths
- 2) Marc McKissick - Walkers Creek District
- 3) hippyvi@yahoo.com - no address provided
- 4) Marc Koslen - Bath County
- 5) Dan Crawford – Roanoke - Chair of the Roanoke Group of the Sierra Club
- 6) Joan and Dick Wendt - Brattons Run
- 7) Virginia B. Cooke - Rockbridge Baths

- 8) Betsy Solomon – Waynesboro
- 9) Lida Higginson - Augusta County
- 10) Abbie Cutter - Middlebrook
- 11) Barbara Tafuni - no address provided
- 12) George M. Neall III - Fulks Run
- 13) Sarah F. Donnelly - Albemarle County
- 14) William H. Dent, Jr. - Rockingham County
- 15) Marsha Heatwole - Rockbridge County
- 16) Kay Leigh Ferguson - no address provided
- 17) Christina Harrison - Staunton
- 18) Bob Shippee - Henrico County
- 19) Debbie Naeter - no address provided
- 20) Ellen Brock - Walkers Creek
- 21) Becci Harmon - Augusta County
- 22) Glen Patterson - no address provided
- 23) Mary Jacobs - no address provided
- 24) Robert Whitescarver - Augusta County
- 25) Carol Turrentine - Middlebrook
- 26) William Cranor - Staunton
- 27) Melody Tennant - Dutch Hollow
- 28) Lisa Connors - Mount Atlas Road
- 29) Robert M. Williams - Middlebrook
- 30) Robert Fener - Amherst
- 31) Joseph Abbate - Buckingham
- 32) Joseph Hoffman - Goshen
- 33) Philip Lorenzana - Goshen
- 34) Deborah Kushner - Staunton
- 35) Jeanne T Hoffman - Swoop
- 36) John Cowden - Bath County landowner
- 37) Debbie Pollard - Lexington
- 38) John Pancake - Rockbridge Baths
- 39) Gordon Ball - Rockbridge County
- 40) Sylvia Jeans - no address provided
- 41) Dave Pruett - Harrisonburg
- 42) Jonathan Kern - Middlebrook
- 43) Wistie and Nat Jobe - Rockbridge Baths
- 44) Scott D. Ballin - no address provided
- 45) Sarah Barrash Wilson - Thornhill Road
- 46) Maxine McConnell - no address provided
- 47) Paul and Nancy Hahn - Rockbridge County
- 48) Rene Hasey - Kerrs Creek
- 49) Louise Ward - Lexington
- 50) John Ekin - Rockbridge Baths
- 51) Charlene Jarrett - no address provided

- 52) Nancy Sorrells - Greenville
- 53) Alicia Jahsmann - Rockbridge Baths
- 54) Joseph Hoffman - Goshen
- 55) Jill Averitt - Nellysford
- 56) Jim and Carol Phemister - Kerrs Creek
- 57) Anne McClung – Kerrs Creek
- 58) Ann Olson - Kerrs Creek
- 59) Michael James-Deramo - no address provided
- 60) Robert Philip Hyre - Collierstown
- 61) Katie McNeil - Union Run
- 62) Frances Richardson - Wesley Chapel Road
- 63) Jackson Darby- no address provided
- 64) Dr. Jacob Artz - no address provided
- 65) Sandy Greene - Mt. Sidney
- 66) Schuyler Conklin - Rockbridge Baths
- 67) Mr. Samir Bhatnagar - no address provided
- 68) Andrew Tonnacliff - no address provided
- 69) Sarah A. Nunneley - South River
- 70) Marcia Crosbie - Buffalo District
- 71) Karlina Dudley Young - no address provided
- 72) Jan Painter - Staunton
- 73) Gregg Amonette - Rockbridge Baths
- 74) Fran Fevrier - Dutch Hollow
- 75) Wayne F. Nolde - Mount Sidney
- 76) Ann Turnicky - no address provided
- 77) Mike and Lucy Wilkins -Buffalo District
- 78) Rachel Johnson - no address provided
- 79) Chance Famuliner - no address provided
- 80) Elisabeth Daystar - Lexington
- 81) Bridget Kelley-Dearing - no address provided
- 82) Gretchen Sukow - no address provided
- 83) Patrick Rhodes - no address provided
- 84) Kaye Moomaw - no address provided
- 85) Ian Hoke - no address provided
- 86) Tom Albert - Maryland
- 87) Timothy Keefer - Walkers Creek
- 88) Colquitt Meacham and David Brockway - Kerrs Creek District
- 89) Eleanor Amidon - Afton
- 90) Sharon Kirk - Forge Road
- 91) Matt Delfert - Rockbridge Baths
- 92) Allie Rosenbluth - Medford, OR
- 93) Dineen O'Rourke - OR
- 94) Rick Rappaport - no address provided
- 95) Katy Eymann - no address provided

- 96) Natalie Ranker - North Bend, OR
- 97) Dylan Plummer - no address provided
- 98) Lenny Dee - no address provided

Mr. Crickenberger noted that most of the emails and correspondences were in opposition to approving the site plan for the ACP laydown yard. He indicated that a couple were in support of it, including the Town of Goshen's Mayor. While a couple expressed support of the project, the vast majority of comments received expressed objection and concerns on the proposed project. Concerns that have been raised include:

- 1) Timing of the project – Why now?
- 2) Erosion and sediment control measures
- 3) Flooding concerns
- 4) Traffic associated with the project
- 5) Coating material used on some of the pipes
- 6) Temporary or Permanent
- 7) Lack of public comments period
- 8) Concerns with COVID -19
- 9) Some have asked that we set conditions with the project
- 10) Atlantic Coast Pipeline is missing 8 key permits.
- 11) risks of pipeline safety and the lack of necessity of constructing this pipeline

Mr. Crickenberger advised that staff's goal is to discuss and obtain answers to these concerns and questions during the site plan review.

Mr. McLaughlin stated that comments were now welcome from the public by electronic means. It is important to note that this is a live, recorded, meeting, and all comments will be taken under consideration by the Commission. He stated that citizens participating by phone would also be allowed to speak. The moderator and Commission can only see your phone number on our screen, so the moderator will go down the list of numbers and unmute each line, one at a time. Prior to unmuting a line, the moderator will announce the last three (3) numbers of your phone number. You will then hear a recording indicating your phone is now unmuted. At that point, you can indicate whether or not you wish to comment. If stating yes, you will be asked to state your name and magisterial district for the record.

Mr. Slaydon un-muted the phone call-ins. The first call in was from Bill Limper, 40102 B Garfield Road, Smithsburg, Virginia. He noted that he used to own property in Bath County for over eleven years. Mr. Limper stated that Rockbridge County is a beautiful place with beautiful air and water quality. He indicated that he is concerned about this laydown yard for two main reasons; one being public health and two being the degrading of the coating that will be used on the pipes. He stated that this piping could sit out for years, and the powdery coating on the outside of the pipe degrades and ends up in the air. Mr. Limper informed the Commission that the Material Data Sheets that are required to be published by the company that makes the coating indicated that there are numerous carcinogenic materials in the coating material. The coating can and will become airborne. He advised that there are several states including North Carolina and Virginia that have expressed their concerns about the risks of the coating material. He stated that a FERC report from Dominion was done, but it did not include silica, which is part of the coating material. He reiterated that it is an airborne carcinogen and should have been included in the testing. He concluded that he worried about the citizens in the Town of Goshen, the environment,

sediment issues, oil spills into the river since this site is near the Maury River and Bratton's Run, and pollution in general.

The second call-in was John Pancake, a Goshen Pass resident in Kerrs Creek Magisterial District. He stated that if pollutants get in the stream, his house will be the first one impacted. Pollution of the river and traffic are his biggest concerns. He asked why this is moving forward when the pipeline project is stalled. He advised that he is a water checker and checks the water quality above the site and below the site. He noted that he is worried about runoff since there are chemicals associated with the pipe that will cause issues. He concluded by thanking the Commission for allowing him to speak.

The next call-in was from Reese Bull from Mount Solon area in Augusta County. He stated that he has read the agenda several times and believes the ACP application is incomplete. The agenda indicated that a recommendation from the Commission would include a waiver of site plan requirements. He noted that those requirements are highlighted in the package, and it was not clear what items were being waived and why.

Mr. Slaydon responded that the list was in the package with items that are requested to be waived identified in red.

The next call-in was Gretchen Sukow, Lexington resident and representative for 50 Ways Rockbridge's environmental committee. She read the following statement "We respectfully ask the Planning Commission to defer their review of the Goshen site plan until the public has a chance to see online materials now posted on the website that are indistinct and incomplete. We also request that your recommendation, occurring as it does during Covid-19 restrictions, be delayed until public participation in regular Planning Commission meetings resumes. In spite of valiant efforts on the part of county administration to design a system inclusive to all participants, it is the case that the rural nature of parts of the county works against reliable connection to discussions. Since the ACP project is stalled indefinitely, there is no reason to rush review. Better to answer all the questions and consider comments from concerned citizens before acting upon an issue of this gravity and public interest. Should the Commission choose to go forward, we urge county planners to attach to their May 13 review conditions that reflect citizen concerns about traffic, minimizing hours of operation, lights and noise, and, of major concern, not having pipe sitting and degrading at the Goshen site. Finally, because the ACP is currently not a viable project and because bringing large numbers of workers into the area during a pandemic is not a good idea, we ask that work not be allowed to begin on the contractor yard until threats from the coronavirus have disappeared and the ACP has its revoked permits restored and can move forward with its project. The Planning Commission has heard concerns from numerous individuals who do not want this Contractor Yard rubber-stamped, with few conditions or contingencies except for DEQ erosion and sedimentation. The public deserves to see a comprehensive road and traffic study, an assessment of potential health concerns at the site, and answers to the many questions submitted to you before the meeting."

There were several citizen comments that were typed into the comment section of the webinar. Those included the following:

Ms. Virginia Cooke asked how many dissenting emails and letters were received.

Mr. Slaydon responded that 99 names were read at the beginning of the meeting and about 95 of those were in opposition.

Mr. James Manly of Kerrs Creek asked for clarification from Mr. Crickenberger about

the comments from the Mayor of Goshen. He asked if he really stated that he welcomes traffic in the Goshen area.

Mr. Crickenberger responded that yes, the Mayor indicated he would welcome the traffic there because that traffic will lead to foot traffic for the businesses in the Goshen area.

Mr. Manly asked about how many years will this project be.

Mr. Crickenberger responded that he could not confirm the life span of the project.

Mr. Reese Bull stated that ACP is relying an existing levee on the property to protect the site from floods. He asked what is the age and condition of that levee? He stated that it appeared to be listed on a topo map dating back to 1969. He asked if the Commission can request an engineered study to be done on that levee.

Mr. Slaydon responded that a discussion on the engineered flood study would be held during the site plan review.

Mr. McLaughlin asked if there were any further comments. With no further comments he closed the citizen comment period at 7:34 p.m.

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The third agenda item was the review of the April 8, 2020 meeting minutes.

Upon a motion by Ms. Hennis, seconded by Mr. Lucas, the Commission voted unanimously to approve the minutes as presented.

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The fourth agenda item was the Board of Supervisors' Report.

Mr. Slaydon advised that the Board of Supervisors approved the rezoning application for Virginia Infrastructure off Flower Lane to rezone from R-1 to I-1 as per the recommendation of the Commission. He noted they also approved the Highfield subdivision vacation as recommended by the Commission as well. Mr. Slaydon concluded by letting the Commission know that the Board approved an event application for Mr. Steven Hart to have a community market on his farm in the Kerrs Creek District.

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Prior to the start of the next agenda items for site plan review, Planning Commission members felt it would be beneficial to have staff give a brief presentation, on the I-1 Zoning District and the review the site plan application process, timing, and how it differs from the special exception and/or rezoning processes. Mr. Crickenberger showed a presentation. He then reviewed permitted uses verses uses by special exception. The Rockbridge County Land Development Regulations (LDR) includes a list of permitted uses and uses by special exception in each of the Zoning Districts. He stated that Permitted uses per Section 1300.02 of the LDR's, the Planning Commission or the Tourism Corridor Overlay District (TCO) has been designated to approve or disapprove major site plans. Once a developer has complied with all existing ordinances, the function of approving a site plan becomes ministerial, and the plan must be approved. The final site plan must be acted on by the Planning Commission within 45 days of their receipt. For uses

by special exception, the Planning Commission has an advisory role to the governing body (the Board of Supervisors). The Planning Commission and the Board of Supervisors are required to hold a public hearing for special exception applications. Unlike site plan approval which is administrative, special exception approval is legislative. He noted that today's agenda has two site plan reviews one for Rock Holdings LLC and one for Atlantic Coast Pipeline, LLC. He stated that both projects are located in the General Industrial (I-1) Zoning District, and noted that there is approximately 1,700 acres of existing I-1 Zoning District in the County, which equates to .4% of the County. In comparison, the Agricultural (A-1, A-2, and the A-T) Zones add up to approximately 277,500 acres, and equates to 72.7 % of the County. Mr. Crickenberger then reviewed the I-1 zoning statement of intent which states the following: "The primary purpose of this District is to establish an area where the primary use of land is for industrial operations, which may create some nuisance, and which are not properly associated with, nor particularly compatible with residential, institutional, and commercial service establishments. The specific intent of this District is to:

- (1) Encourage the construction of and the continued use of land for industrial purposes.
- (2) Prohibit new residential and new commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation, or expansion of industrial type uses in the District.
- (3) Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
- (4) Encourage industrial parks."

Mr. Crickenberger concluded by providing examples of permitted uses and uses by special exception.

Mr. McLaughlin asked if ACP had applied for an industrial site in Augusta County would it be going through the same site plan process that Rockbridge uses.

Mr. Crickenberger responded that it would.

Mr. McLaughlin asked if this application was in the agricultural zone would it be allowed.

Mr. Crickenberger responded that this is neither a permitted use or a use by special exception in the agricultural zone and it would not be allowed.

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The fifth agenda item was the site plan review for Rocklawn Holdings LLC in the I-1 District.

Mr. Crickenberger gave a presentation to show the location of the proposed site. He advised this is a 34.00-acre site located in the General Industrial (I-1) Zoning District. This application is for a lumber yard/wood yard which is a permitted use per Section 607.02-10. The application was made on April 17, 2020 for this site and the project does not require a rezoning or a special exception permit.

Mr. Russ Orrison with Perkins and Orrison reviewed the site plan starting on page 3 of the plans. He thanked staff and the Commission for their time. He reviewed the location of the 34-acre site with the log yard. He stated the logs that come in are graded, sorted, stacked and then shipped out. He indicated that the site plan includes a large flat gravel area for sorting,

stacking, and shipping. He then reviewed sheet 2 of the plans and highlighted the existing conditions of the site. He noted that a stream delineation was done since there are jurisdictional waters on the site. That delineation determined that there will be no impact to those streams. Mr. Orrison stated there will be a single stormwater management facility. He noted that erosion and sediment plan was submitted, reviewed and approved. He noted there will be a temporary building set up onsite for a bathroom that will be on well and septic. He stated that this is a simple site plan which limited what outside approvals were needed.

Mr. McLaughlin asked what the buffer is from the streams in the area.

Mr. Orrison responded that the site is open since it was a crop field before. He noted the site has some trees, rock and existing vegetation, but mostly it is a fallow field. He advised that the yard area is far way from the streams therefore not impacting them.

Mr. Lucas asked about the side of the property near the Drawbond property. He noted it says existing vegetation will be used but the fence and vegetation has been removed by the new owner of the Drawbond property.

Mr. Orrison advised that Mr. Berkstresser bought the property and has since cleaned it up. He stated that he learned prior to the meeting that he did remove the fence and the buffer. He noted they will have to put an evergreen buffer in per the ordinance.

Mr. Lucas stated that he is familiar with this property and how it has been used in the past. He noted that this property lays well for a project like this. He asked if there will be any lighting on the site.

Mr. Orrison advised that there is no lighting plan included on the site at this time.

Mr. Crickenberger highlighted the items in Section 1300.06 of the Land Development Regulations that covers required information for major site plans. The following numbers of those requires are asked to be waived: 4, 6, 8-12, 15-30, 34-37, 40 and 41.

Mr. Lucas asked if lighting is needed what happens.

Mr. Crickenberger stated that any lighting requested would need to meet the requirements of the lighting ordinance. He noted that a revised site plan can be required.

Ms. Hines asked if the property changes hands or if a different proposed use of the site comes up then what would happen.

Mr. Crickenberger indicated if anything changed then it would have to be reviewed by the Commission.

Mr. Whitmore asked if there needs to be a revised site plan for the buffer since the previous one has been removed and one will now have to be installed.

Mr. Crickenberger stated that the existing site plan can be approved if the Commission's motion states that a required buffer be added per the ordinance.

Upon a motion by Mr. Whitmore, seconded by Mr. Lucas the Commission voted unanimously to approve the Rock Holdings, LLC, site plan in the I-1 district with waiver of the highlighted inapplicable requirements as listed below, and subject to final Erosion & Sediment Control and Stormwater Management plan approval.

- (4) A boundary survey of the tract or site plan limit, with an error of closure within the limit of one (1) in ten thousand (10,000), related to the true meridian, showing the location and type of boundary evidence and the area of the site and all adjacent property owners and tax parcel numbers.
- (6) Existing and proposed streets and easements, their names, numbers and

width, existing and proposed utilities of all types, water courses and their names.

- (8) Location, type, size and height of all fencing, screening and retaining walls.
- (9) All off-street parking and parking bays, loading spaces and walkways indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required in accordance with this Ordinance. All spaces shall have adequate space for moving and turning. Handicap parking spaces shall be in addition to parking requirements specified elsewhere in this Ordinance.
- (10) Number of floors, floor area, height and location of each building, and proposed general use for each building - if single-family attached or multi-family, the number, size and type of dwelling units shall be shown.
- (11) Front elevations shall be shown to scale.
- (12) Existing and proposed water and sanitary sewer facilities indicating all pipe sizes, types and grades and where connection is to be made to an existing or a proposed central water and sewer system.
- (15) Existing topography accurately shown with a maximum of two (2) foot contour intervals.
- (16) Proposed finished grading by contour with a maximum of two (2) foot contour intervals supplemented where necessary by spot elevations.
- (17) All horizontal dimensions shown on the site development plan shall be in feet and decimals of a foot to be closest to one hundredth (1/100) of a foot, and all bearings in degrees, minutes and seconds to the nearest ten (10) seconds.
- (19) Written and signed statements from the appropriate officials concerning the availability of gas, electricity, water and sewer to the project.
- (20) Site plans for the expansion of an existing use on the same lot or onto an adjacent lot will show all existing facilities as well as those proposed.
- (21) Right-of-way lines, centerlines, departing lot lines, lot numbers, subdivision limits, limits of construction, and building location.
- (22) Centerline curve data, including delta radius arc and cord and tangent.
- (23) Radius of all curb returns to face of curb. On streets where curb and gutter are not required, indicate radius to edge of bituminous treatment.
- (24) Street names and State route numbers on all existing streets in vicinity.
- (25) The edge of proposed street surface or the face of curb, as the case may be, for full length of all streets.
- (26) The width of rights-of-way and all easements, and the width of surface or distance between curb faces and relation to centerline. Easements and rights-of-way of all utilities shall be clearly defined for the purpose intended, and whether they are to be publicly or privately maintained.
- (27) When proposed streets intersect with or adjoin existing streets, both edges of existing pavement surface or curb and gutter must be indicated for a minimum of one hundred (100) feet or the length of connection,

- whichever is the greater distance.
- (28) Existing and proposed drainage easements and the direction of drainage flow in streets, storm sewer, valley gutters, streams and sub-drainage, etc.
 - (29) All water mains, sizes, valves, fire hydrant locations.
 - (30) All sanitary and storm sewers and appurtenances, identifying appurtenances by type and number; the station on the plan must conform to the station shown on the profile. Indicate the top and invert elevation of such structure.
 - (34) Type or class of concrete or treated metal drainage pipe to be installed and paved roadside ditches as required.
 - (35) The proper driveway entrance type, computed culvert size, and/or VDOT design designation and sight distance requirements.
 - (36) Typical street sections to be used on the site development plan.
 - (37) Symmetrical transition of pavement at intersection with existing street. Indicate road edge delineators.
 - (40) Wells on adjoining property and within five hundred (500) feet of the subject parcel's property lines shall be indicated when water on the subject parcel is to be provided by an on-site well.
 - (41) Lighting plan meeting the requirements of the outdoor lighting Ordinance.

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Ms. Hines stated that she abstains from all matters, discussions, or voting on the site plan review for the Atlantic Coast Pipeline contractor's yard, and my disclosure statement required under Virginia Code §2.2-3115(F) is on file with the Secretary to the Planning Commission.

The sixth agenda item was the site plan review for Atlantic Coast Pipeline in the I-1 District.

Mr. Crickenberger gave a brief presentation showing the location of the property, the zoning in the area, and provided the details on the property. He noted that there is a total of 144.65 acres between two parcels. One parcel is owned by North Fork Inc and includes 70.49 acres. The second one is owned by Carnival Enterprises LLC and consists of 74.16 acres. Both parcels are located in the General Industrial (I-1) Zoning District and the Agricultural Transitional (A-T) Zoning Districts. He advised that all development for the proposed ACP laydown yard is located within the I-1 Zoning District. Mr. Crickenberger advised that a contractor equipment storage yards are a Permitted Use per Section 607.02-11 and Welding or Machine Shops are a Permitted Use per section 607.02-3. He stated that this application is for site plan review and that it was made on March 20, 2020, but was deferred to this meeting. He concluded that the project does not require a rezoning or a special exception permit. He then asked Mr. Knight, with ACP's contracted engineering firm, to address questions that came up earlier in the meeting during the citizen comment period.

Mr. Chris Knight, with I3 Engineering, introduced his team and asked Mr. Arnott to review the project and address the questions asked.

Mike Arnott, Field Engineer for ACP, thanked the Commission and staff for their time. He stated that this application is for a proposed 26.9-acre contractor laydown yard in Goshen,

Virginia. He indicated this yard would support four of the ACP projects from Route 220 to the head of the Deerfield Valley. Construction and use of this yard are slated for July 2020 and projected to be complete by December 2021. This yard is a temporary facility. Once the construction is completed, the yard will be reverted to the conditions it was in before the laydown yard per FERC regulations. He noted this is a centralized location for workers and that they have an option agreement in place with both landowners. He then reviewed the site plan. All support staff would come to the site and work from there. He noted there would be an employee parking lot with office trailers for staff, and that this is a minor, temporary storage area. He advised there will be construction equipment, like bulldozers, and large over road trucks on site. Mr. Arnott stated that the fuel storage on location will be in a double-walled tank inside a double containment and that it would be outside of the 100-foot buffer required around wetlands. He noted that timber mats and other erosion and sediment control methods would be used, including fencing and rock aggregates. Mr. Arnott stated that a minor pipe supply would be on-site for small fabrication and welding jobs and that this is not a pipe storage yard. He noted that the pipe yard is located in Culpepper, VA. He indicated that the primary road routes around the yard will be used and that they have a surety bond with the State for being on public roads. They are responsible for any damages that they make. He advised that they will use the existing entrance and have obtained an entrance permit with VDOT. Traffic controls will meet VDOT regulations. He concluded that all activities during setup, use, and reversion would meet FERC and DEQ regulations.

Mr. Slaydon asked for clarification on the flood plain to answer questions brought up by citizens.

Mr. Arnott stated that they applied for a Letter of Map Amendment (LOMA). He asked Mr. Orrison to talk about the LOMA.

Mr. Orrison stated that the FEMA flood plain is a blunt instrument, and trying to determine actual flood plain boundaries happens all the time. They went through a detailed process with FEMA and their consultants before submitting a survey of the property. FEMA responded, requesting more information, which was provided before they approved the LOMA, which removed the site from the 100-year flood plain.

Mr. Crickenberger asked about the status of the erosion and sediment approvals, which have to go through DEQ instead of the County.

Mr. Arnott responded that a preliminary plan was submitted to DEQ. He then asked Ms. Stephanie Collins to discuss the status.

Ms. Collins stated that the erosion and sediment controls, along with the stormwater management plan, had been submitted to DEQ. She noted that DEQ responded and that ACP was currently working on the revisions.

Mr. McLaughlin asked why this yard is being proposed now with all the setbacks to the ACP project as a whole. He wondered if this will impact the yard going in.

Mr. Arnott responded that they are preparing now because it is something that is needed. They need to keep planning for supply chain, housing, and this process. Every step forward is a win.

Mr. McLaughlin asked if the yard is set up, and the pipeline is not approved then what happens.

Mr. Knight responded that they would move forward until they do have approval.

Mr. Lucas asked about the pipe that will be at the site, and the issues brought up.

Mr. Knight responded that it does have the fusion bond epoxy coating, and there will be some at the yard. He noted that letters are out from the coating manufacturer. They do not believe the coating degradation is water-soluble, so he did not feel that was an issue but that erosion and sediment control would be in place. He indicated they would have a minor amount of pipe at this yard, and none of it will be there until the project moves forward.

Mr. Lucas asked if traffic would be going through Goshen Pass on Route 39.

Mr. Knight responded that they would be using Route 39.

Mr. Crickenberger stated that there is a stretch of Route 39 that will go through the Town of Goshen, but not through the Pass. He asked Mr. Knight to confirm.

Mr. Knight responded that he was not familiar with the roads in the area and that they were pulling up the mapping to confirm. He then confirmed that what Mr. Crickenberger stated was correct.

Mr. Slaydon indicated that the application also reflected that.

Mr. Lucas asked how many people would be employed.

Mr. Knight responded that up to 700 people would be working on the pipeline, but not all of them will be on-site at one time. He indicated that no more than a couple hundred daily and that the laborers would be transported back and forth to the right-of-way location.

Mr. Lucas asked if there is ample buffering with the yard and the sensitive areas that the landowner s maintain with great pride in that area.

Mr. Crickenberger noted that there is a buffer between the site and Bratton's Run and that the yard is located in the internal part of the property, but he did not address the details of the buffering to the internal site.

Ms. Collins responded that erosion and sediment controls would line the site and buffer the stream and wetlands.

Mr. Lucas asked how ACP plans to protect its employees from COVID-19 and how they will protect the citizens of Rockbridge County.

Mr. Knight responded that they would adhere to all social distancing guidelines as set forth by the CDC and the State.

Mr. Slaydon stated that staff advised that there were 11 concerns raised by the emails at the beginning of the meeting. He noted that conditions could not be set on a site plan review but and that other questions had been addressed.

Ms. Hennis stated that she visited the site and that looking at it on paper is very scary, but the site is at least 30 feet above the river with a substation below it that has never flooded. She stated this is a by-right use in an industrial area. Ms. Hennis indicated that she has known the property owners for many years and that they have spent hundreds of thousands of dollars throughout the community over the years; most of it was cleaning up the area. She stated that she knew that they have turned the area into something beautiful, and she knew they would not let anything damage that. She encouraged everyone to go out and take a look at the site.

Mr. Lucas agreed with Ms. Hennis' statement about the property owners. He stated that he knew they would make sure that things are done right, and they will be watching over the site like everyone else. He then advised that more citizen comments were coming into the question and answer section of the webinar.

Mr. Crickenberger responded that the public comment period is over and that site plan

review is not a public hearing; therefore, the Commission was not required to have a dialog with citizens.

With no further discussion, upon a motion by Ms. Hennis, seconded by Mr. Whitmore, the Commission voted unanimously, with Ms. Hines abstaining, to approve the ACP, LLC, site plan in the I-1 district, with waiver of the highlighted inapplicable requirements as below, and subject to final Erosion & Sediment Control and Stormwater Management plan approval.

- (4) A boundary survey of the tract or site plan limit, with an error of closure within the limit of one (1) in ten thousand (10,000), related to the true meridian, showing the location and type of boundary evidence and the area of the site and all adjacent property owners and tax parcel numbers.
- (6) Existing and proposed streets and easements, their names, numbers and width, existing and proposed utilities of all types, water courses and their names.
- (8) Location, type, size and height of all fencing, screening and retaining walls.
- (9) All off-street parking and parking bays, loading spaces and walkways indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required in accordance with this Ordinance. All spaces shall have adequate space for moving and turning. Handicap parking spaces shall be in addition to parking requirements specified elsewhere in this Ordinance.
- (10) Number of floors, floor area, height and location of each building, and proposed general use for each building - if single-family attached or multi-family, the number, size and type of dwelling units shall be shown.
- (11) Front elevations shall be shown to scale.
- (12) Existing and proposed water and sanitary sewer facilities indicating all pipe sizes, types and grades and where connection is to be made to an existing or a proposed central water and sewer system.
- (15) Existing topography accurately shown with a maximum of two (2) foot contour intervals.
- (16) Proposed finished grading by contour with a maximum of two (2) foot contour intervals supplemented where necessary by spot elevations.
- (17) All horizontal dimensions shown on the site development plan shall be in feet and decimals of a foot to be closest to one hundredth (1/100) of a foot, and all bearings in degrees, minutes and seconds to the nearest ten (10) seconds.
- (18) A landscape design plan meeting the requirement of the landscape Ordinance.
- (19) Written and signed statements from the appropriate officials concerning the availability of gas, electricity, water and sewer to the project.
- (20) Site plans for the expansion of an existing use on the same lot or onto an adjacent lot will show all existing facilities as well as those proposed.
- (21) Right-of-way lines, centerlines, departing lot lines, lot numbers, subdivision limits, limits of construction, and building location.

- (22) Centerline curve data, including delta radius arc and cord and tangent.
- (23) Radius of all curb returns to face of curb. On streets where curb and gutter are not required, indicate radius to edge of bituminous treatment.
- (24) Street names and State route numbers on all existing streets in vicinity.
- (25) The edge of proposed street surface or the face of curb, as the case may be, for full length of all streets.
- (26) The width of rights-of-way and all easements, and the width of surface or distance between curb faces and relation to centerline. Easements and rights-of-way of all utilities shall be clearly defined for the purpose intended, and whether they are to be publicly or privately maintained.
- (27) When proposed streets intersect with or adjoin existing streets, both edges of existing pavement surface or curb and gutter must be indicated for a minimum of one hundred (100) feet or the length of connection, whichever is the greater distance.
- (28) Existing and proposed drainage easements and the direction of drainage flow in streets, storm sewer, valley gutters, streams and sub-drainage, etc.
- (29) All water mains, sizes, valves, fire hydrant locations.
- (30) All sanitary and storm sewers and appurtenances, identifying appurtenances by type and number; the station on the plan must conform to the station shown on the profile. Indicate the top and invert elevation of such structure.
- (34) Type or class of concrete or treated metal drainage pipe to be installed and paved roadside ditches as required.
- (35) The proper driveway entrance type, computed culvert size, and/or VDOT design designation and sight distance requirements.
- (36) Typical street sections to be used on the site development plan.
- (37) Symmetrical transition of pavement at intersection with existing street. Indicate road edge delineators.
- (40) Wells on adjoining property and within five hundred (500) feet of the subject parcel's property lines shall be indicated when water on the subject parcel is to be provided by an on-site well.
- (41) Lighting plan meeting the requirements of the outdoor lighting Ordinance.

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With no further business to discuss, the meeting adjourned with a unanimous vote after a motion by Mr. Lucas, and a second by Ms. Hennis.

Respectfully Submitted,

Christopher T. Slaydon
Secretary