

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 AUGUST 12, 2020 AT 7:00 PM.

PRESENT ELECTRONICALLY: LEE MCLAUGHLIN, JR., KIMBERLY HINESMELISSA HENNIS, DAVID WHITMORE, AND ROBERT LUCAS

ABSENT:

SECRETARY: CHRIS SLAYDON

STAFF: BRANDY FLINT

COUNTY ATTORNEY: VICKIE HUFFMAN

OTHERS PRESENT: RUSS ORRISON, WENDY ORRISON, KAITLYN PERKINS, SAMMY VEST

PRESENT ONLINE: AUDRA UPCHURCH

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Mr. McLaughlin called the meeting at 7:01 pm with a verbal roll call of the Planning Commission members present as follows:

Mr. Lucas – Present (online); Ms. Hennis – Present (in person); Ms. Hines – Present (in person); Mr. Whitmore – Present (online); Mr. McLaughlin – Present (online)

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 May 26, 2020. He noted that there were two options for citizens to offer comments remotely. One is on the Zoom website/app or by telephone per agenda instructions. He noted the meeting would be available live on YouTube with a link on the County website.

Mr. McLaughlin stated that the meeting would proceed with Citizen Comments. Mr. Slaydon indicated no one was physically present to speak, there was no one on the Zoom meeting that wished to speak, and no comments were emailed or called in before the meeting. With no additional comments, he closed the citizen comment period at 7:07 pm.

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

Upon a motion by Ms. Hennis, seconded by Ms. Hines, 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 of Supervisors Report has been updated to include a report for all the boards and commissions covered under the Community Development Office. He noted that at the July 27, 2020 meeting, the Board approved the application for Hevener's Cars and Trucks (Hevener/Lemon) per the Commission's recommendation. The Board also

approved a request for vacating a portion of a paper alleyway in the Natural Bridge Station area (Block 63 -Lots 21 through 26) and approved a request for vacating a 10' drainage and utility easement in the Riverbend Subdivision (Lot 22). Mr. Slaydon advised that the TCO did not meet in August, and the BZA did not meet in July; therefore, he had nothing to report.

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Mr. McLaughlin advised that the same public hearing process used for citizen comments will be used for the public hearing process.

Before the fifth agenda item, Mr. Whitmore stated: "I hereby abstain from all matters, discussions, or voting related to the Application for a Special Exception Permit by the Orrison Family, and my disclosure statement required under the Conflict of Interest Act is on file with the Secretary of the Planning Commission."

The fifth agenda item was the continued public hearing for James River Depot (Orrison Campground) to obtain a Special Exception Permit to operate a campground in the Agricultural and General Uses (A-2) 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, August 12, 2020, 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, August 24, 2020, at or after 6:00 p.m. at the same location to consider the following application: Wendy Orrison, 495 This Way, Natural Bridge Station, Virginia, applying for a special exception permit to develop a campground in the Agricultural and General Uses District (A-2) per Section 603.03-15 of the County of Rockbridge Land Development Regulations. The properties owned by Russell and Laura Orrison, Charles and Karen Orrison, and Michael and Wendy Orrison are located on the southside of Gilmores Mill Road (Route 708) along the James River approximately .73 miles east of its intersection with Shafer Lane (Route 608) in the Natural Bridge Magisterial District and further identified as Tax Maps 113-11-1, 113-11-2, and 113-11-3.

Mr. Slaydon reviewed the zoning of the property and the surrounding properties. He also showed the location of the Orrison properties and the flood zone determinations on those properties. Mr. Slaydon reviewed the concerns that have been expressed. The concerns include safety concerns on the railroad crossing and the access to the parcels associated with a commercial operation. Mr. Slaydon stated that while both include the railroad crossing itself, the civil issues and the safety concerns are separate. Safety concerns with the railroad that have been discussed include the single-lane access across the railroad and the grade going up to the railroad, the grade going down from the railroad, and the ability, or in some cases, the lack of ability to see the other side of the tracks. Other concerns that have been expressed include trespassing and people camping on an adjacent property, the open access, and the lack of

oversight of the campers.

Another concern of adjoining landowners is the parcel's open access and the campers' lack of oversight. Along with these concerns, Mr. Slaydon stated that the Commission had received several letters, including support on the campground. Letters of support include the need for additional campsites in the county, increased outdoor recreation opportunities, how hidden and isolated the parcels are safe river access, and positive economic impacts.

Mr. Slaydon stated that uses by special exceptions are uses by special exception because they have been determined to have the potential to have a larger impact on the area than the permitted uses in the zoning district. Special Exception conditions are crafted to attempt to address impacts from the special uses that are under review. He reviewed the following proposed conditions: 1) Substantial Compliance with concept plan prepared by Perkins and Orrison dated June 17, 2020. 2) Campground is limited to primitive tent camping only. No motor homes, tow-behind campers (such as pop-up campers, toy haulers, teardrop trailers, stand-up trailers, travel trailers, etc.) or R.V.'s permitted. 3) All users are required to be notified and acknowledge that the campground is within the 100-year special flood hazard area. Campground owner shall utilize the Alert Rockbridge notification system and will provide instructions upon check-in about accessing the Alert Rockbridge System. 4) Campground owners are responsible to ensure that the railroad crossing/stop signage is not obstructed. 5) Campground owners are responsible for installing and maintaining signage identifying eastern and western limits of the campground. 6) The campground will be addressed and install E911 signage. 7) Approval contingent on final VDOT and Health Department approvals, and any required CSX approvals.

Mr. Russ Orrison stated that the conditions that were read are acceptable. He said they addressed most of the concerns and noted the railroad crossing is a private and civil matter that will need to be discussed with the other property owner but should not part of the conditions. Mr. Orrison noted that this is a primitive campground with tents in the field used for farming. He pointed out that this is an excellent site on the river that has just been named part of the James River Water Trail. He said that there would be no RVs or trailers.

Mr. McLaughlin opened the continued public hearing at 7:22 pm.

Kaitlyn Perkins, currently a Wyoming resident who is the process of relocating back to her home in Rockbridge County, stated that her late father owns the adjoining parcel to the east and felt that it was a safe to put in and take out point on the river. She then stated that this was an excellent opportunity to enjoy this beautiful place.

Mr. Sammy Vest, a member of the LLC that owns the property to the west, stated his concerns are the trespassing issues, the gate not being monitored, his children have had to run people off their property. He noted the boundaries need to be marked clearly while still allowing the field to be used for hay. CSX and VDOT need to ensure that this added traffic will be allowed with the current entrance and its low visibility. Mr. Vest stated that it is the Orrison property, but the safety of his family, friends, and their adjoining property is also a concern.

Mr. Slaydon advised that there was one participant via Zoom.

Ms. Audra Upchurch stated that she is also a member of the LLC of the property to the west and reiterated Mr. Vest's concerns. She stated that the gate being open and trespassing on their property.

There was not anyone via telephone who wanted to speak.

Mr. McLaughlin closed the public hearing at 7:27 pm.

Mr. Slaydon stated that the railroad crossing is a civil issue with the landowners and CSX. The role of the Commission is not to address the civil issue but rather to address any safety concerns. He noted a lack of ability to see the other side of the tracks before crossing, and there is only one lane. There is already a low volume commercial entrance that was approved by VDOT years ago.

Ms. Wendy Orrison thanked all the Commissioners for coming out to the property. She noted that she met with Mr. Vest and thought that they had agreed on what would work to mitigate the trespassing. She said that the private grade crossing is not dangerous because the gravel slows you down. She indicated it is not as dangerous as it has been made out to be. She noted that she set up an alert with Nathan Ramsey for the Rockbridge Alert system to notify campers of emergencies. She concluded that she had tried to address all the issues and would like their support of this outdoor recreation in Rockbridge county.

Ms. Hennis stated that there were only two Commission members last month, and she would like to hear what the thoughts of the two members are.

Ms. Hines expressed her concerns about the trespassing. She suggested more signage, fencing, or something else to make it clear. She stated that you could clearly see the railroad crossing when entering the site and suggested a locked gate be added to address trespassing concerns. Ms. Hines said that her other concern was the adverse impact on the neighbor across the street.

Mr. McLaughlin stated that the plan is incomplete at this point, and he would like to see the signage indicating the property lines. He noted he could not visit the site, but he is concerned that anyone can come onto the property now, and that needs to be addressed in the plan now as well. He stated that the VDOT and 911 issues had been addressed. He said that there is a lot of positive going on with camping now, and it does provide a service, but the plan is not complete at this time because the concerns of the neighbors need to be addressed.

Mr. Lucas agreed with Mr. McLaughlin. He stated the landowner to the west and across the road will be impacted. He went down and looked at the crossing, but there are safety issues with that railroad crossing. He noted that people who cross railroads all the time are used to it, but someone who does not cross them might not know how to handle it. He stated that the lack of control and oversight of the campers could be problematic as well.

Mr. Hennis stated she was worried about the adverse impacts on the neighbors and the lack of oversight/ management on the premise during the camping activity. She noted a landowner had to call the police for an issue last week, which is concerning, and the concerns of the neighbors need to be addressed.

Mr. Lucas made a motion that the Planning Commission recommend to the Board of Supervisors that the Special Exception Permit for operation of a primitive campground in the Agricultural and General Uses District (A-2) per LDR Section 603.03-15, on three parcels of land located along the James River off of Gilmores Mill Road, and identified as Tax Map #113-11-1 owned by Charles R. and Karen O. Orrison, Tax Map #113-11-2 owned by Russell H. & Laura K. Orrison, and Tax Map #113-11-3 owned by Michael C. and Wendy C. Orrison, in the Natural Bridge Magisterial District, be denied. Ms. Hennis seconded the motion. The Commission vote was unanimous, with Mr. Whitmore abstaining.

Ms. Hines asked if the applicant could come back with modifications to the plan that would better address the concerns.

Mr. Slaydon noted that since the Planning Commission has recommended denial, the applicant has the right to move forward to the Board of Supervisors meeting, or withdraw the application and address concerns before reapplying.

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The sixth agenda item was a discussion on zoning text amendments.

Mr. Slaydon advised that he would like to start talking about zoning text amendments from here on. He noted that tonight he would like to talk about additional dwellings on a single lot. Mr. Slaydon stated that there had been issues in the past, permitting guest houses or garage apartments. He noted that Virginia Beach has a clear definition of guest houses, garage apartment, and accessory dwellings units. He noted garage apartments could have been an issue because they are, in most cases, considered an accessory structure.

Mr. McLaughlin asked if any of these are in our current definitions and requested that Mr. Slaydon provide details on what Virginia Beach language states.

Mr. Slaydon noted we do not have any of those defined. He then stated that he would work on a provide the additional details at the September meeting.

The next zoning text amendment that staff would like to discuss is golf courses in the General Residential (R-1) Zoning District. He stated that while Golf Courses are a use by Special Exception in the Agricultural and General Uses (A-2) District and Agricultural Transitional (A-T) District, these uses are not permitted in the R-1 Zoning District. Mr. Slaydon reported, while a portion of the Lexington Golf and Country Club (LGCC) is located in the City of Lexington, the majority of the golf course and all of the Country Club facilities are located in the County and are in the R-1 Zoning District. He stated that the current zoning is problematic for the LGCC.

Mr. Orrison noted that the Golf Course has some incredible plans they are working on to upgrade the course, and he urged that the regulations for the special exception. He asked that the language not be too restrictive.

The Commission instructed staff to work on draft language and present at the September Meeting.

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Mr. McLaughlin asked if there was any other business for the Commission. Mr. Slaydon advised that the Board of Supervisors had started to convene in person for meetings, and he asked that the Commission follow suit. He noted the safety features that have been put into place. He then discussed developing a policy for electronic meetings for the Commission. He then stated that the Electronic meeting policy is separate from the Continuity of Government Ordinance that the Commission is currently working under.

Mr. Lucas stated that he would be interested in exploring the policy for the Commission. Mr. Slaydon noted that the agenda item would be placed on the September agenda.

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With no further business to discuss, Mr. McLaughlin adjourned the meeting at 8:12 p.m.

Respectfully Submitted,

Christopher T. Slaydon
Secretary