

Minutes
Essex County Planning Commission
Special Called Meeting
January 18, 2022
4:00 P.M.

A special called meeting of the Essex County Planning Commission was held on January 18, 2022, at the School Board meeting room, 109 Cross Street, Tappahannock, Virginia and virtually.

Present:

Trent Taliaferro
Cheryl Evans - virtually
Jean Segar – virtually
Benjamin Scott Mundie – virtually
Angelo Stevens – virtually (joined late)

Absent:

David Jones – Chairman
Dr. G. R. Quarles – Vice Chairman

Also present:

Bart Nuckols –Temporary Zoning Administrator, Berkley Group - virtually
Kelly McKnight – Planning and Zoning Office Manager (Secretary to the Commission)

CALL TO ORDER

Commissioner Taliaferro called the meeting to order at 4:00p.m. Since the Chairman and Vice Chairman were not in attendance, Commissioner Taliaferro asked for a nomination to elect a temporary Chairman to chair this meeting only. Commissioner Evans nominated Commissioner Taliaferro to the temporary Chairman position. Commissioner Mundie seconded the motion.

AYES: 5 NAYES: 0 ABSENT: 2

MEETING AGENDA

Acting Chairman Taliaferro added a previously tabled Section 36.320 discussion to Old Business and Commissioner Evans added a presentation by Brian Hoffmann of the Friends of the Rappahannock before Old Business.

APPROVAL OF MINUTES

December 29, 2021 Special Meeting Minutes

Commissioner Evans wanted to add the following words to the end of the sentence of Section 36.404 (d)(5): “to adjoining property owners.” The sentence would now read: “The applicant

shall provide to Essex County and adjoining property owners, a summary of any input received from members of the public at the meeting and the developer shall provide an action plan with the concerns raised, to adjoining property owners”.

Commissioner Segar made a motion to approve the December 29, 2021 meeting minutes with the addition and Commissioner Mundie seconded the motion. AYES: 5 NAYES: 0 ABSENT: 2

PUBLIC COMMENTS

Acting Chairman Taliaferro opened the Public Comments session and as no one came forward to speak, closed the session.

PUBLIC HEARING

None.

FRIENDS OF THE RAPPAHANNOCK PRESENTATION

Brian Hoffmann of the Friends of the Rappahannock joined the meeting virtually. He explained that the Friends of the Rappahannock is an environmental, non-profit organization. Its primary goals are to protect the Rappahannock river for recreational activities of all types. He said the major pollutants to the river are storm water run-off and land use pollution. He has seen a number of applications for utility scale solar projects. There is a 100 foot buffer around all waterways and marshes, called the Resource Protection Area, already set up under the Chesapeake Bay Act. He said there are also a number of Conservation Easements in Essex County. He presented the Commission with a map showing the RPA. Commissioner Mundie asked Mr. Hoffman if he could create a map showing a one mile setback from the Rappahannock river only. Mr. Hoffman indicated he could and would provide that to the Planning Commission. Commissioner Evans asked why one mile and Commissioner Mundie replied that those river properties create valuable revenue to the County by ecotourism and he didn't want a solar facility to detract from that.

OLD BUSINESS

Zoning Ordinance Review

Acting Chairman Taliaferro started the Zoning Ordinance review with the previously tabled Section 36.320 - Agriculture - Intensive. He started the discussion with a suggestion to amend the definition of Agriculture - Intensive which is located in Section 36.746 – Definitions. He recommended striking the last sentence which reads “The operations of the use may generate dust, noise, odors, pollutants, or visual impacts that could adversely affect adjacent properties.” Commissioner Evans pointed out that it is important and common practice to state the effect and impact of expected nuisances within the definition. Acting Chairman Taliaferro made a motion to strike the sentence. Commissioner Mundie seconded the motion. AYES: 4 NAYES: 1 – Evans ABSENT: 2. The motion carried.

Secondly, Acting Chairman Taliaferro wanted to amend the first sentence of the definition for Agriculture – Intensive to read as follows: “Agriculture – Intensive means the commercial, covered confinement, keeping of animals, with litter/manure storage, excluding pastureland having at least 90% of the total area with vegetative cover.” Commissioner Evans asked Mr. Nuckols if the original wording of the definition followed State Code. Mr. Nuckols said he did not know and would have to consult the Berkley Group for an answer. Commissioner Evans said the Acting Chairman was trying to lower the setback from residential property lines and suggested leaving the definition the same for the time being and defer the request for change to the Berkley Group.

Acting Chairman Taliaferro made a motion to change sentence one of the definition for Agriculture – Intensive as he set forth. Commissioner Mundie seconded the motion. Acting Chairman Taliaferro asked the Commissioners if there was any further discussion and a lengthy discussion ensued. Acting Chairman Taliaferro said there was a motion on the floor which was properly seconded and called for a roll call vote:

Evans: Nay
Mundie: Aye
Segar: undecided
Taliaferro: Aye

Commissioner Evans took exception to Commissioner Segar’s vote and stated that Article 7-5 of the Planning Commission By-Laws only allows an abstention if there is a conflict of interest. Commissioner Segar stated that she did not have a conflict of interest. Commissioner Stevens then spoke up since his name was not called for the vote. Acting Chairman Taliaferro was not aware that Commissioner Stevens had joined the meeting and asked for his vote which was Aye. The motion carried.

Acting Chairman Taliaferro then asked the Commissioners to go to the previously tabled Section 36.360, now that the definition has been amended. He suggested that all the minimum setbacks be changed to 400 feet for the subsections (a) through (g) with the exception of 200 feet for subsection (b) as it relates to secondary highways or other right-of-ways for passage. It was the consensus of the Commissioners present to concur with those changes.

NEW BUSINESS

None.

NEXT MEETING

The next meeting will be the regular Planning Commission meeting held on February 1, 2022 at 7:00 p.m. in person at 109 Cross St. Tappahannock as well as virtually.

ADJOURN

Commissioner Mundie made a motion to adjourn the meeting of January 18, 2022 and Commissioner Segar seconded the motion. AYES: 5, NAYES: 0, ABSENT: 2

DRAFT