

Patrick County Planning Commission Meeting

Minutes of April 16, 2019

Present: Mike Helms, Chairman; Marbin Anderson, Owen Caldwell and Sandra Belcher members of the Planning Commission, Rickie Fulcher, Board of Supervisors.

Also Present: Teresa McCormick, Secretary to the Planning Commission; Alan Black, County Attorney; Jason Brown, Patrick County Building Inspector; Randall Collins, Patrick County Building Inspector.

Absent: Brandon Simmons

Call to Order:

Mike Helms, Chairman called the meeting to order.

Approval of the Agenda and Minutes:

A motion was made by Mike Helms to approve the agenda as presented and to approve the March 21, 2019 minutes; also the March 21, 2019 Public Hearing as presented; seconded by Rickie Fulcher and carried unanimously by all voting members present.

Old Business:

Jason Brown, County Building Official addressed stipulations regarding the Verizon's cell tower, located at the Woolwine site. Jason Brown stated the signed lease agreements have been completed. Jason Brown also stated the foundation and erosion and sediment will be completed once final approval from the Board of Supervisors. Jason Brown has made a recommendation to move forward with the Patrick County Board of Supervisors for a public hearing that's scheduled for May 13, 2019.

Jason Brown stated Alan Black, County Attorney was contacted by Attorney Lori Swheller, with Williams & Mullen; representing Cellco Partnership d/b/a Verizon. He noted the Patrick County Communication Tower Ordinance, should be revised due to the changes in General Assembly that was approved at the April 18, 2018 session.

Jason Brown reviewed the changes with the Planning Commission as follows:

Patrick County Communication Tower Ordinance states:

**Process for approval of Communication Towers:**

g. The owner of the tower shall provide Patrick County antenna space on the tower, at no cost to the County, at a minimum of 150 feet above ground level, or lower with the approval and consent of the Patrick County designated agent, for the accommodation of Emergency Services and other County communications needs. **(8)**

j. The owner of the tower shall supply the County with a radio frequency propagation made by the individual carriers **(2)**

p. Any permit issued hereunder shall expire if the tower is not constructed or has no service provider located thereon within 180 days from approval of the permit. The Planning Commission may grant an extension of up to 180 day. **(10)**

Section 15.2-2316.4:2 – Definitions – General Assembly Changes as of April 18, 2018

**8** – Condition or require the approval of an application solely on the basis of the applicant's agreement to allow any wireless facilities provided or operated, in whole or in part, by a locality or by any other entity, to be placed at or co-located with applicant's project;

**2** – Require an applicant to provide proprietary, confidential, or other business information to justify the need for the project, including propagation maps and telecommunications traffic studies, or information reviewed by a federal agency as part of the approval process for the same structure an wireless facility, provided that a locality may require an applicant to provide a copy of any approval granted by a federal agency, including conditions imposed by that agency;

**10** – Limit the duration of the approval of an application, except a locality may require that construction of the approved project shall commence within two years of final approval and be diligently pursued to completion

Alan Black stated the Planning Commission cannot enforce anything that contradicts the state statute Section 15.2-2316.3 - General Assembly changes as of April 18, 2018. Alan Black stated the state changes basically nullifies a portion of the County Communication Tower Ordinance.

Jason Brown noted that Carroll County Building Inspection office has begun to work on a new Communication Tower Ordinance. Alan Black stated Carroll County will be holding workshop classes regarding the ordinance and has ask for Jason Brown to attend.

Jason Brown will present a revised Communication Tower Ordinance after completion of the classes.

New Business:

Jason Brown reviewed with the Planning Commission changes needing to be addressed in the Patrick County Mobile Home Ordinance adopted in 1999.

1. Date Pre-July 1976 needs to be changed to Pre-June 15, 1976
2. Article 1 – Authorization
3. Article 2 – Purpose – revised
4. Article 3 - Definitions - #2 and #11, #'s 12, 13 and 14-added additional information
5. Article 4 – Pre-June 15, 1976 Mobile Homes – Manufactured homes that were built before June 15, 1976 and do not contain the HUD label shall not be brought into the county or relocated within the county.
6. Article 5 - Permits — Fees - \$50.00 changed to \$250.00  
(2) - Patrick County Permits: A,B and C – adding additional information
7. Article 6 - Construction
8. Article 7 - Operation Permit Required — pertaining to new mobile home parks
9. Article 8 - Rules & Regulations Governing Design, Construction and Operation **For New Park Construction-** revisions, added #19 Abandoned Parks and #20 Change of Ownership/Address
10. Article 9 - Existing Manufactured Home Parks – revised
11. Article 10 – Variances
12. Article 11 – Appeals – revised
13. Article 11 –Effective Date - revised
14. Article 12 – Penalty

Marbin Anderson stated any mobile home past 1976 is null and void to be brought into the County. Jason Brown stated in this ordinance, a mobile home before 1976 is not allowed to be brought or relocated in the County for the purposes of a dwelling. The reasoning for prior 1976, anyone could build and relocate a mobile home without inspections. Jason Brown stated June 15, 1976 Housing Urban and Development (H.U.D) placed regulations on the mobile home manufactures or anyone that was going to build one they had to have third party inspections such as; wind load, snow loads, insulation zones had to be in compliance.

Owen Caldwell asked someone wanting to bring a pre-1976 mobile to be set on their own property will they be able to do so? Jason Brown stated an individual will not be able to bring into the County and set up a pre-1976 mobile home.

Mike Helms stated referencing to a pre- June 15, 1976 trailer in a mobile home park are grandfathered in the park, but can't be relocated to a different location. Jason Brown stated the home owner living in the mobile home can move and relocate.

Jason Brown, will ask Darren Walton and/or Jeff Turner from the Health Department to attend the May 21, 2019 meeting to explain the changes with the water and sewer disposal permits.

Adjourn:

Mike Helms motion to adjourn the meeting. Sandra Belcher made a motion to close the meeting; seconded by Marbin Anderson and carried unanimously by all voting members present. The next Planning Commission meeting will be May 21, 2019.

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Mike Helms, Chairman