

**Albemarle County Planning Commission
Regular Meeting
FINAL Minutes October 25, 2022**

The Albemarle County Planning Commission held a public hearing on Tuesday, October 25, 2022, at 6:00 p.m.

Members attending were: Karen Firehock, Chair; Julian Bivins; Fred Missel; Luis Carrazana; and Lonnie Murray

Members absent: Corey Clayborne

Other officials present were: Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; Scott Clark; Kevin McCullum; Rebecca Ragsdale; Alberic Karina-Plun and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Firehock said opportunities for the public to access and participate in the hybrid meeting were posted on the County's website, on Planning Commission's homepage, and on the County Calendar when available. She said participation would include the opportunity to comment on those matters from which comments from the public would be received.

Ms. Shaffer called the roll.

Ms. Firehock established a quorum.

Other Matters Not Listed on the Agenda from the Public

There were none.

Consent Agenda

No items from the Consent Agenda were commented on nor pulled.

Mr. Bivins moved to adopt the Consent Agenda. Mr. Missel seconded the motion. The motion carried unanimously (5-0).

Public Hearings

SP202200006 Crown Orchard Farm Worker Housing

Mr. Scott Clark said the special use permit request was for a farm worker housing facility in the Covesville area. He noted that the site was located on US Route 29 South and was designated TMP 109-7A. He said that the site was located across the road from the existing Crown Orchard apple packing facility.

Mr. Clark said that the parcel was adjacent to the Batesville historic district. He explained that the historic district reflected the history of the growth of Covesville around fruit growing and packing industries and associated railroad improvements in the early 19th century.

Mr. Clark noted that there was an existing line of pine trees at the back of the site. He said that the new facility would be west of or behind the tree line relative to Route 29. He said that there was an entrance to the site on Route 29 along with a line of trees blocking the view of the interior of the property.

Mr. Clark explained that a Class B farm worker housing facility was proposed. He explained that the facility would host more than 10 people or have more than three structures. He said that 50 workers and one onsite manager would use two structures. He explained that the reason there would be two structures was because the ordinance was designed to ensure a farm worker housing facility did not shift into becoming a regular dwelling unit for non-farm use.

Mr. Clark explained that they required facilities to be separated in some manner. He said that the applicant chose to separate the facilities by locating the sleeping and bathing facilities in the larger dormitory structure and the kitchen and dining facilities in the other structure. He noted that workers for the facility would arrive and depart by vans and not by individual vehicles except for the onsite manager.

Mr. Clark said that the site would use the existing entrance. He said that the larger dormitory structure was about 130 feet long and the kitchen and dining area structure was about 40 feet long. He said the boundary of the property closest to the structure was adjacent to the Batesville historic district, so they worked with the applicant to increase screening. He noted that a thin tree line existed, but they added an additional 20 feet of screening. He said that the front wooded area would remain to screen the site from Route 29.

Mr. Clark said that a condition of approval required the use of muted, earth-tone colors on the structures to further reduce their visibility. He said that staff did not have any particular concerns with the consistency with the Comprehensive Plan. He said that harmony with the ordinance was assured through the review of the supplemental regulations for the use.

Mr. Clark noted that the parcel was large and within an agricultural area and historical district. He said that staff believed farmworker housing was consistent with the longstanding agricultural uses in the area. He said that there were two favorable factors—the facility would support agricultural uses in the RA, and there were no significant safety concerns with the entrance.

Mr. Clark noted that the site was directly adjacent to the Covesville historic district, however, between screening, setbacks, and color control, staff believed that the impacts would be minimized. He said that staff recommended approval with the conditions listed in the staff report.

Mr. Murray asked how septic would be handled on the site.

Mr. Clark explained that VDH and the regulatory bodies had strict controls for the standards for larger residential facilities. He said that such requirements were not within the County regulations because there was a higher-level state regulation. He explained that the applicant would have to go through a detailed VDH review to get appropriate wells and septic fields permitted for the higher level of occupancy on the site.

Ms. Firehock clarified the applicant would have to receive permission from the Virginia Department of Health before they could occupy the site.

Mr. Clark said that was correct.

Mr. Carrazana mentioned an object on the conceptual map that was south of the proposed buildings. He asked what that object was.

Mr. Clark explained that the object was the augmented screening area where an extra 20 feet of trees and shrubs would be added to screen the edge of the property.

Ms. Firehock clarified that the location was where more trees would be planted.

Mr. Carrazana asked where the property line was.

Mr. Clark noted on the map where the property line was. He noted that the property line was along the tree line.

Mr. Carrazana asked what the line north of the augmented buffer was.

Mr. Clark responded that it was a setback. He said that it was 75 feet according to the farmworker housing regulations, and it was more than the standard required for regular residential facilities.

Mr. Bivins asked if the housing was single sex.

Mr. Clark said the applicant could speak to that question.

Mr. Bivins asked what the rationale was for requiring the building to use muted, earth-tone colors when it was located behind tree cover and far off the road. He said that he would not support the proposal with that condition.

Mr. Clark said that they received feedback from neighbors at the community meeting—people living across Route 29 and the former owner to the south in the historic district—expressing concern about the visibility of the new structures.

Ms. Firehock said that they perhaps were concerned about the winter when the structure could be seen through the trees.

Mr. Clark said that people requested as much visual control as could be supplied.

Mr. Bivins said it was not the County's role to dictate what color structures should be painted. He noted that when he drove through the area, he saw homes that offended his sensibility of color choices. He noted that it was neighbors requesting the screening.

Ms. Firehock clarified they requested the maximum screening potential including the color choice of the buildings.

Mr. Bivins mentioned that the plan stated that 14 worker vehicles could fit in the parking lot.

Mr. Clark responded that was not due to a request from the County but was a note offered by the applicant. He said that he doubted that there would be more than 14 vehicles present most of the time. He said that staff's main concern was to locate the parking behind the trees and behind the structure to minimize visibility.

Mr. Bivins asked why the County was invested in requiring workers to only enter and leave the property via shared worker vehicles.

Mr. Clark said the applicant had that in the description of the use, and it was how they had operated other facilities in the past. He said that the applicant planned to continue the practice and that they believed they had minimal traffic impacts. He said that because residents expressed concern about increased traffic, it was included as a condition to ensure the mode of operation would remain in place for the long term. He said that it was typical for seasonal farmworker housing in that part of the County.

Mr. Bivins noted that it was an operational decision by the owner. He questioned why the County was involved in a business operations decision. He mentioned that Potters Cidery should have vans or shuttles because of the traffic. He asked why the County was stipulating how the business should operate the vans.

Mr. Clark said from the planning perspective, if VDOT believed the proposal was safe, then that was all staff needed to know. He said that because the applicant describes the proposal in such a way and because the issue was of concern to neighbors, it was included in the proposal.

Ms. Firehock asked for the applicant to provide their presentation.

Mr. Huff Chiles said his family owned and operated Crown Orchard, and they had been in the fruit business for over 100 years in the County. He noted that agriculture was a big part of the County, and in the past, there were several local employees able to do the work. He said that currently, few locals wanted to participate in growing apples. He noted that there was a lot of work to be done by hand. He said that they had a tremendous need for the building to meet the needs of its workers.

Ms. Judy Chiles said at the public input hearing, there were questions as to why the Covesville location was selected. She explained that there were two main reasons. She said that the first reason was they currently operated farmworker housing in Covesville on a leased property. She stated that the lease would end soon, so they needed an alternate location to house their workers.

Ms. Chiles said that the Covesville location was optimal because it was across from the packing and storage facility and was close to several of the orchard locations. She said the housing would be same-sex and was currently all male. She said that they would take advantage of the H2A program under which they provided housing and transportation for the workers.

Ms. Chiles said without the workers or a place to house them, agriculture was kaput. She said that they had been in business for a long time, and there were three generations of the Chiles family working in the operations. She noted that they operated Chiles Peach Orchard and Carter Mountain Orchard as well. She said that they wanted to provide agritourism and educational opportunities.

Ms. Firehock noted that the main purpose for workers was to pick apples. She asked about the outdoor space that would be available at the housing facility and whether the applicant planned to provide any type of outdoor space or patio.

Mr. Chiles said that there was room on the parcel for such amenities. He said that they would have a grassy area to play sports. He noted that several of the workers liked to play soccer.

Mr. Murray said that he was less concerned about the color of the building and more concerned about the quality of life for the workers. He said that the applicant should do whatever was possible to improve the quality of life.

Mr. Chiles said that transportation was provided to the workers to take them into town twice a week. He said that they were able to get out some. He noted that most of the workers were at the farm for a specific amount of time, and they came to the farms to work.

Ms. Chiles explained that the facility would have washer and dryer units. She noted that many workers returned year after year, and many were long-term employees.

Mr. Carrazana said that he assumed the building would be only one story. He noted that there was a predominantly south-facing wall of the facility. He suggested that the applicant install some type of shade, such as through a porch or screen, to help with the energy use. He said that there were passive solar designs that could be used to save on energy costs. He said that a porch extending from the southern wall would provide shade and comfort for the workers.

Mr. Bivins noted that quality of life was a concern of his and that people had been displaced from their homes even if they immigrated for economic opportunities. He said that the goal was to provide the workers a space where they could rest and relax. He said that he was put off by the colors of the building and that they should be enlivened.

Mr. Bivins said it was the decision of the property owner how they move people to and from the property. He noted that the owners currently used the H2A program to bring workers to the farm, but it was not guaranteed that would be the only way people would come to work at the farm in the future. He said that he did not want another time like "The Grapes of Wrath," but there may be a time when people need to work for the farm, and they have their own vehicle. He said that it was not appropriate for the government to instruct the business on how to move staff off the property.

Mr. Chiles said that he agreed with Mr. Bivins' comments. He noted that was the way they had operated in the past. He said that when they met with the planner, those were the conditions they had discussed.

Mr. Bivins asked the applicant if they would be offended if the condition related to transportation to and from the site was removed.

Mr. Chiles responded that they would not. He stated that the building would also have solar power.

Ms. Firehock opened the hearing for public comment. She explained the rules for comments.

Mr. Sandy Tucker said he was a resident of Colesville. He said that he was not speaking in opposition to or in support of the proposal, but he was speaking for the Village of Colesville. He stated that he had lived in the village for 60 years and that he had seen few changes. He said that his house was directly across the road from the property. He said that from his house, he could see the solar panels and the logging operations, and now he would be able to see the housing facility.

Mr. Tucker said that the Commission should be aware of what could happen, but he did not know what that was. He noted that Covesville was a small community and he wanted to keep it that way. He said that he was not opposed to the project because he understood the business needs. He said if there was screening, then he may not be able to see the buildings. He noted that there was a neighboring property owner south of the proposed site. He said Covesville should not be turned into another Crozet.

Ms. Firehock noted that there were no more comments from the public. She closed the public hearing and brought the item back before the public hearing.

Ms. Firehock noted that the comments did not address the concerns about the muted colors because she was unsure whether the building would still be visible. She noted that some of the foliage would be off the trees in the winter. She asked if more information could be provided.

Mr. Clark said that as far as he knew, the building would not be visible from Route 29. He said that they had not done a GIS analysis, but he believed it was not visible. He said that it was possible if the pine trees were to die or burn down, then visibility would increase, but there would still be the deciduous trees along the highway.

Mr. Clark noted that a lot of the concern with the color of the building was not from Route 29 where the facility was nearly 800 feet away from the road, but from the adjacent historic district. He noted that they were trying to decrease visibility from the historic district and that they were to increase plantings and have setbacks of 75 feet. He said that the colors were an attempt to decrease the visibility.

Ms. Firehock said that the building seemed to be fairly well screened. She said that the nearest house appeared to be far.

Mr. Clark responded that the nearest house was in the historic district to the south and that it was about 350 feet away from the property line.

Mr. Carrazana echoed Mr. Bivins' comments that the conditions he had mentioned were not appropriate. He mentioned that earth tones could be Virginia clay red. He said that it was not appropriate for the County to impose a particular color. He said that he agreed with the point made regarding transportation. He said that if the applicant wanted to change the method of transportation, then they would have to undergo the same process again.

Ms. Firehock said that there seemed to be support for the application, but some Commissioners did not support the inclusion of conditions 4 and 6. She said she supported the exclusion.

Mr. Herrick noted that there was a discrepancy in the numbering of the conditions between the slide on the screen and the numbers of the conditions in the staff report. He said that condition 2 on the slide was included as part of condition 1 in the staff report. He said that if there was a motion to approve with certain conditions excluded, they should be clear as to which conditions were to be excluded.

Ms. Firehock clarified the conditions were three and five.

Mr. Herrick said that conditions three and five in the staff report had been the ones up for discussion, and those were conditions four and six on the slide.

Ms. Firehock said she would go with conditions three and five from the staff report.

Mr. Herrick said he believed that was preferable. He noted that Mr. Clark corrected the numbering on the slide.

Ms. Firehock moved the Commission to recommend approval of SP202200006 Crown Orchard Farm Worker Housing with conditions one, two, and four from the staff report. Mr. Bivins seconded the motion. The motion passed unanimously (5-0).

Ms. Firehock noted that it was important to provide safe, sanitary, and attractive housing for the migrant workers in the community. She said that there were no other options for migrant workers in the rural area, and it was a problem the County needed to address because of the need.

Adjournment

At 8:15 p.m., the Commission adjourned to November 22, 2022, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



Charles Rapp, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards; transcribed by Golden Transcription Services)

Approved	by	Planning
Commission		
Date: 11/22/2022		
Initials: CSS		