



Minutes
Essex County Planning Commission
Regular Meeting
January 6, 2026 at 7:00 P.M.

A regular meeting of the Essex County Planning Commission was held on January 6, 2026, at the Essex County School Board Office, Tappahannock, Virginia.

Present:

David Jones – Chairman
Angelo Stevens, Jr – Vice Chairman
Bobbie Todd
Stephen Walters
Lou Spencer

Absent:

Wright Andrews

Also present:

Brian Barnes – Director of Building & Zoning
Kelly McKnight – Building and Zoning Office Manager
Tim Smith

CALL TO ORDER

Chairman David Jones called the Essex County Planning Commission meeting to order at 7:00 PM.

ROLL CALL

Chairman Jones asked Ms. McKnight to call the roll. A quorum was met.

MEETING AGENDA

Chairman Jones asked if any changes needed to be made to the agenda? Commissioner Lou Spencer made a motion that the agenda be accepted as presented. Commissioner Bobbie Todd seconded. AYES: 5 NAYES: 0 ABSENT: 1

APPROVAL OF MINUTES

Chairman Jones asked if there were any additions or corrections that needed to be made to the November 3, 2025, minutes? None made. Commissioner Spencer made a motion that we adopt and approve the minutes of the November 3, 2025 meeting as presented. Seconded by Commissioner Todd. AYES: 5 NAYES: 0 ABSENT: 1

PUBLIC COMMENT

No comments made

PUBLIC HEARING

1. A public hearing for the consideration of ordinance amendment to the **Essex County Zoning Ordinance**, Article VI, Division 7, Section 36.400, *Broadcasting or Communication Tower*, increasing the tower height limit currently at 125' to a maximum height of 200' or higher height if approved by Conditional Use Permit (Section 36.400(d)) a text amendment allowing the positioning of a tower between the primary structure and the street if approved by the Board of Supervisors in Conditional Use Permit process (Section 36.400(f)(3)) and a text amendment to amend the bond language requiring Board of Supervisors and county attorney approval (Section 36.400 (p)).

Mr. Brian Barnes noted a change on page 1 (d) which said the maximum height of any Broadcasting and Communication Tower shall be made a condition of the Conditional Use Permit. No facility shall be greater than 125 feet 200 feet, or higher height approved by the Board of Supervisors in Conditional Use permit process.

Commissioner Spencer said that it should read that no facility is greater than 200 feet. If a higher height then it be approved by the Board of Supervisors.

Mr. Barnes then went to page 2 (f) 3 which says Towers shall not be located between the principle structure and a public street, unless approved by the Board of Supervisors in Conditional Use Permit process. Mr. Barnes said that has not changed since the last meeting.

Mr. Barnes then said the biggest change is that we strengthen the bond language.

A bond, whose amount shall be approved by the Zoning Administrator Board of Supervisors and the county attorney shall be required to assure the removal of an abandoned telecommunications facility. All towers and associated facilities shall be removed within six months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. In the event that a tower is not removed within six months of the cessation of operations at a site, the tower and associated facilities may be removed by the County, utilizing the bond and any remaining costs of removal assessed against the owner of the tower or the landowner. The estimated cost of removal and restoration shall be guaranteed by the deposit of funds in an amount equal to the estimated cost in an escrow account at a federally insured financial institution approved by the County.

(1.) The applicant shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of any Broadcasting or Communication Tower facility.

(2.) The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the County. The County shall consent to the release of the escrow funds upon on the owner's or occupant's compliance with the approved decommissioning plan. The County may approve the partial release of escrow funds as portions of the approved decommissioning plan are performed.

(3.) The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.

(4.) The owner or occupant shall recalculate the estimated cost of decommissioning every five years. If the recalculated estimated cost of removal exceeds the original estimated cost of removal by ten percent (10%), the owner or occupant shall deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost of removal is less than ninety percent (90%) of the original estimated cost of removal, then the County may approve reducing the amount of the escrow account to the recalculated estimate of removal cost.

(5.) The County may approve alternative methods to secure the availability of funds to pay for the decommissioning of a Broadcasting or Communication Tower facility, such as a performance bond, letter of credit, or other security approved by the County.

(6.) If the owner or operator of the facility fails to remove the installation in accordance with the requirements of this permit or within the proposed date of decommissioning, the County may collect the surety and the County or hired third party may enter the property to physically remove the installation.

Mr. Barnes said that the language that is highlighted and added was borrowed from the utility solar language for bonding.

The Planning Commission had a discussion concerning a bond that would be required for tower developers in a structure that is abandoned. It was also discussed that a penalty would be imposed if the owner or occupant does not decommission every five years. Commissioner Spencer brought up 3 percent per year for a total of 15 percent in five years penalty. All agreed that language needs to be added to the ordinance.

Chairman David Jones opened this part of the hearing for public hearing. Commissioner Todd made a motion to open the hearing for the public. Commissioner Spencer seconded the motion. AYES: 5 NAYES: 0 ABSENT: 1

No one commented. Chairman Jones asked for someone to make a motion to close the public input portion. Commissioner Todd made a motion to come out of the public hearing. Seconded by Commissioner Spencer. AYES: 5 NAYES: 0 ABSENT: 1

Chairman Jones said that he would entertain a motion to table this until next month. Commissioner Todd made a motion to table this until next month. Vice Chairman Angelo Stevens seconded. AYES: 5 NAYES: 0 ABSENT: 1

2. Edit and Update to Section Six of the **Essex County Comprehensive Plan, Transportation**, as required by § 15.2-2230, Code of Virginia. Consideration of a recommendation for approval and adoption of the edits into the Essex County Comprehensive Plan, which is found within the static text document together with the interpretive tool, *Story Map, Transportation*, featuring maps and links intended to take the reader into further resources for informational purposes.

Mr. Barnes came forward and said this is chapter 6 the transportation chapter. This is the section that had to go to VDOT for approval and that did occur. Mr. Barnes said you can now approve it, modify it, or table it, whatever you prefer.

Mr. Tim Smith came forward and said that VDOT commented on a few items, and we asked them for some clarification, and they provided those updates and the changes that have been made in the document.

Chairman Jones asked for a motion to open it up to public hearing. Commissioner Todd made a motion to open up to public hearing. Commissioner Spencer seconded the motion. AYES: 5 NAYES: 0 ABSENT: 1

No one from the public commented.

Commissioner Spencer made a motion to come out of the public comment portion of the hearing. Seconded by Commissioner Todd. AYES: 5 NAYES: 0 ABSENT: 1

Commissioner Todd had a comment about Howerton's Road near Watts that was talked about being congested. She was wondering if that was addressed in the transportation section?

Mr. Barnes said that is the most dangerous intersection in the county. He said that Tim has been dealing with VDOT and the smart scale process. He said that April is the smart scale deadline so between now and April, Tim, Carlos and Mr. Barnes will be working hard on that. Mr. Barnes said that at the last smart-scale application process we did put in for some work there.

Mr. Smith said that on the first go around they did not put in for that because they are waiting on the 360 study and are still waiting on that, but he intends on putting that on this smart scale. Mr. Smith said to answer Commissioner Todd's question it is in the comp plan.

Vice Chairman Angelo Stevens said what about the road by M & L at the Northern end of the county? He said that you can't see the cars coming because of the tree line.

Mr. Barnes said that we have not used that as a smart scale area yet.

Mr. Smith said that when he talked to VDOT they said that it is private ownership.

Vice Chairman Stevens said that is not the correct area. What he is talking about is further down and on the other side of the road.

Mr. Smith said then we have not addressed that issue yet.

Mr. Barnes said that when we do a smart-scale application the town and the county have to do that together because the town is below the threshold where VDOT is going to give them their application. Mr. Barnes said that we start our smart-scale applications throughout the county. We don't put them all in one district because that is not fair. Mr. Barnes it may be wise to come back next month with some language on that Dunbrook intersection.

Commissioner Todd made a motion to table this until next month for public hearing. Seconded by Commissioner Spencer. AYES: 5 NAYES: 0 ABSENT: 1

PUBLIC MEETING

a. Review and discussion of possible edits to the Essex County Comprehensive Plan

The next section to be reviewed is the economic development. Mr. Barnes said that he will get the EDA the economic development section ahead of time to read it.

b. Continuing review of recommendation for Essex County Industrial Park Infrastructure

Mr. Barnes had no report on the Industrial Park.

c. Review of possible upcoming ordinance updates and edits

Mr. Barnes passed out a case from the BZA which is something good for best practice management. It had attached the application and what happened in the case. It gives them an idea of what the BZA is doing.

Mr. Barnes said that there is an ordinance amendment required by the state that will come to you all soon, which is the new Bay Act Ordinance.

OLD BUSINESS

None

NEW BUSINESS

None

ADJOURN

Vice Chairman Stevens made a motion to adjourn the meeting, Seconded by Commissioner Todd. AYES : 5 NAYES: 0 ABSENT: 1 Meeting adjourned at 8:20 PM.

David Jones – Chairman

*This meeting has been recorded and is available for more in-depth details.