

# Department of Planning & Community Development



Franklin County Planning Commission  
Agenda  
January 10, 2023

- I. Call to Order
- II. Roll Call
- III. Consent Agenda
  - a. Approval of Minutes from December 13, 2022 Meeting
- IV. Public Hearing
  1. **APPLICATION for AMENDMENT TO FRANKLIN COUNTY COMPREHENSIVE PLAN** to amend Chapter, 11, Goals, Objectives, and Strategies of the 2007 Franklin County Comprehensive Plan pertaining to renewable energy. The purpose of the amendment is to amend strategy 36.0a to have no more than 1,500 cumulative acres occupied by utility scale solar projects throughout the County (Case # A-01-23-0001).
    - a. Staff Presentation (Lisa Cooper)
    - b. Citizen Comment
  2. **PETITION of the FRANKLIN COUNTY BOARD OF SUPERVISORS** to amend Chapter 25 “Zoning”; Article II, Division 4, Supplementary Regulations, Section 25-147, Solar Generation Facility, Utility-Scale, items (a) and (b)(5) Performance Standards item (c) Setbacks. The purposes of these amendments are to allow for the cumulative developed acreage of solar facilities not to exceed 1,500 acres of above ground solar infrastructure and a setback of 300 feet required from above ground solar infrastructure to any adjacent off-site residential structure (Case # A-01-23-0002).
    - a. Staff Presentation (Lisa Cooper)
    - b. Citizen Comment
- V. Citizen Comment
- VI. Work Session
  - a. Short Term Rentals
  - b. Union Hall Village Plan
- VII. Adjourn

\*\*\* The Planning Commission’s next site visits are tentatively scheduled for February 1, 2023

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A meeting of the Franklin County Planning Commission was held on Tuesday, December 13, 2022, in the Board of Supervisors room located at the Franklin County Government Center.

## **THOSE PRESENT:**

Sherrie Mitchell- Chair, Snow Creek District  
Debbie Crawford- Vice Chair, Union Hall District  
David Clements- Rocky Mount District  
David Pendleton- Blackwater District  
Angie McGhee- Boone District  
Cheryl Ege- Gills Creek District

## **OTHERS PRESENT:**

Lisa Cooper- Director, Planning  
Megan Fenner – Clerk  
Chris Dadak - County Attorney

## **THOSE ABSENT:**

C.W. Doss, Jr.- Blue Ridge District

The meeting was called to order by Chairwoman Sherrie Mitchell at 6:07 p.m.

The first order of business was the approval of the minutes from the November 10, 2022, meeting. Chairwoman Mitchell asked if there were any changes or corrections to the minutes. Hearing none, and seeing none, Chairwoman Mitchell stated the minutes will stand as written.

Chairwoman Mitchell introduced the next item on the agenda and asked for the staff report.

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**APPLICATION for REZONE** - Application of Amy Seipp, Accupoint Surveying & Design, Applicant, and Easter Creek Partners, Owners, requesting to rezone, with possible proffers, an approximate 16.22 acres; 4.5 acres from B-2, General Business, to PCD, Planned Commercial Development and 11.72 acres from PCD, Planned Commercial Development to PCD, Planned Commercial Development to amend existing concept plan. The properties are located at 71 Parkcrest Drive and 113 Parkcrest Drive in the Gills Creek Election District of Franklin County and further identified by real estate records as Tax Map/Parcel # 0300000103 and 0300000103I. The properties are located in the Westlake-Hales Ford Designated Growth Area and has a future land use designation of Commercial Mixed Use (Case # REZO-11-22-17493).

Director Lisa Cooper presented the staff report.

Easter Creek Partners, LLC has purchased the old Grand Piano retail building/property and the vacant property behind the Grand Piano building that a cell tower was recently constructed, and the properties are located in the Westlake area of the County. The properties are further identified as tax map number 0300000103I/71 Parkcrest Drive with 4.50 acres and tax map number 0300000103/113 Parkcrest Drive with 11.72 acres for a project area of 16.22 acres. The property at 71 Parkcrest Drive is currently zoned B-2, General Business with a request to rezoned to PCD; Planned Commercial Development and 113 Parkcrest Drive is currently rezoned PCD; Planned Commercial Development with a request to rezone to PCD; Planned Commercial Development to amend an existing concept plan proffered as single-family development approved by the Board of Supervisor in October of 2018. The property owner will be vacating the boundary line between the two (2) properties. The rezoning will allow both properties to be zoned PCD to house the new Rock Outdoors, which is boat dealership and outdoor retailer, and this location will have boat service department. The following proposed site features are shared on the conceptual plan:

### **Main Building (40,454 square feet)**

- Showroom Space
- Display Areas
- Covered Customer Service Drop Off Area

### **Accessory Building (10,000 square feet)**

- Parts Retail
- Manager's Office
- Breakroom with Bathroom

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- Two (2) Drive Thru Lanes
- Internal Crane
- Eight (8) Bays
- Exterior Canopies
- Separate Service Entrance
- Rotating Inventory Boat Storage Area

The proposed business requires 130 parking spaces, and the applicant is requesting a deviation to allow 83 parking spaces instead of the required 130. The properties will be served by Western Virginia Water Authority for public water and septic system for the sewer. In addition, there will be a new stormwater facility located on the property.

As stated, the property is located at the corner of Route 122 (Booker T. Washington Highway) and private road (Parkcrest Drive), which will be brought into VDOT's secondary street system when the road qualifies for acceptance into the system. There is a small portion of Parkcrest Drive which will not be taken into the state secondary system and is identified on the conceptual plan. In addition, the property owner will adhere to all conditions associated with the tower site especially the maintenance of a tree buffer requirement identified on the conceptual plan.

In conjunction with this rezoning request, the applicant is applying for a special use permit to allow outdoor displays on business property.

Chairwoman Mitchell asked if there were any questions for staff.

Ms. Cheryl Ege asked how the number of parking spaces required for a business is calculated. Director Lisa Cooper explained that the number of required parking spaces is defined by the Westlake Overlay District and the square footage of a building. This is specified in the Franklin County Ordinance, and available for direct reference.

Ms. Debbie Crawford asked if there are any stipulations on land use, or distance requirements for the land where the cell tower is located. Director Lisa Cooper advised that the applicants must uphold the previous approved concept plan for the cell tower, and the agreement with Booker T Washington National Monument, but there are no other stipulations or requirements. Ms. Crawford also asked who owns the tower. The applicant advised that the tower is leased. Director Cooper

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stated there is nothing in the zoning ordinance about who can access the tower but explained there is an area on the map that must be maintained.

Chairwoman Sherrie Mitchell asked staff what the blue area is on the zoning map. Director Lisa Cooper stated that the area in blue is Civic Open Space. Director Cooper stated that civic open space is for something owned by the county, or a civic group. This area specifically is also a mass drainfield, so it would be hard to develop something on the property. Chairwoman Mitchell requested to look at the parking areas again. Director Cooper explained which area of the lot would be for public parking, and which would be restricted for the purpose of the repair shop.

Chairwoman Mitchell advised they would now hear from the applicant.

Mr. Zachary Lee addressed the Planning Commission. Mr. Lee advised Rock Outdoors is a well-established business with several locations in North Carolina. Mr. Lee advised that Rock Outdoors is a high quality, multigenerational business. Rock Outdoors tries to separate themselves from the competition by allowing customers to sit in the vehicles they sell, and service the products they sell. Mr. Lee stated that a local service center recently closed, so their proposed service center would fill that lost service. Mr. Lee stated that they will keep customers outside of the maintenance area for security and safety reasons. There will be a customer service drop off area. Mr. Lee stated they left an unobstructed entrance for the maintenance of the cell tower, and the cell tower itself has security measures to prevent trespassing.

Chairwoman asked if there were any questions for the applicant from the Planning Commission.

Ms. Cheryl Ege questioned if the applicant applied for a special use permit to allow for outdoor displays because there would be vehicles stored outdoors for maintenance. The applicant stated outdoor displays would not include the service center. Outdoor displays would be temporary displays used during promotional events, commonly kayaks and boats.

Ms. Debbie Crawford asked the applicant to show where the outdoor displays

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would be. Mr. Zachary Lee stated the displays would be along the main entry way to the building, against the large windows of the building, and near the entrances. Director Lisa Cooper was able to pull up the renderings submitted by the applicant to show the Planning Commission. The applicant explained the renderings to the Planning Commission.

Chairwoman Mitchell stated they would now open the floor to citizen comment. There were no citizens signed up to speak. Chairwoman Mitchell asked if there was anyone else in the audience who wished to comment. There were none. Chairwoman Mitchell closed the period for public comment. Chairwoman Mitchell stated the Planning Commission would now enter discussions.

Ms. Debbie Crawford stated she was happy that someone had purchased the building to use, and that it would no longer sit vacant. Ms. Cheryl Ege agreed with Ms. Crawford's statements.

Ms. Cheryl Ege motioned that the proposed rezone will not be of substantial detriment to adjacent property, that the character of the surrounding area will not be changed thereby, and that such rezoning will be in harmony with the purpose and intent of the County Code, the uses permitted by right in the zoning district, and with the public health, safety, and general welfare to the community. Ms. Ege moved to recommend approval of the request to rezone the approximate 16.22 acres of property from B-2, General Business, to PCD, Planned Commercial District and from PCD, Planned Commercial Development to PCD, Planned Commercial Development with the suggested proffer.

Mr. David Pendleton seconded the motion.

The motion to approve was approved, 6-0-1-0; voting on the motion was as follows with the following conditions:

- AYES: Ege, McGhee, Clements, Pendleton, Crawford, Mitchell
- NAYES: None
- ABSENT: Doss
- ABSTAIN: None

Chairwoman Mitchell announced the next item on the agenda.

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**APPLICATION for SPECIAL USE PERMIT** – Application of Amy Seipp, Accupoint Surveying & Design, Applicant, and Easter Creek Partners, Owners, requesting special use permit, with possible conditions, an approximate 16.22 acres; 4.5 acres from B-2, General Business and 11.72 acres from PCD, Planned Commercial Development. The properties are located at 71 Parkcrest Drive and 113 Parkcrest Drive in the Gills Creek Election District of Franklin County and further identified by real estate records as Tax Map/Parcel # 0300000103 and 0300000103I. The purpose of this special use permit is to allow for outdoor displays on business property. The properties are located in the Westlake – Hales Ford Designated Growth Area and has a future land use designation of Commercial Mixed Use (Case # SPEC-11-22-17494).

Director Lisa Cooper presented the staff report.

Easter Creek Partners, LLC has purchased the old Grand Piano retail building/property and the vacant property behind the Grand Piano building that a cell tower was recently constructed, and the properties are located in the Westlake area of the County. The properties are further identified as tax map number 0300000103I/71 Parkcrest Drive with 4.50 acres and tax map number 0300000103/113 Parkcrest Drive with 11.72 acres for a project area of 16.22 acres. The special use permit for outdoor displays on business is for both properties. Rock Outdoors, which is a boat dealership and outdoor retailer with a boat service department will need places to display product for sell. The property owner will be vacating the boundary line between the two (2) properties. The following proposed site features are shared on the conceptual plan:

### **Main Building (40,454 square feet)**

- Showroom Space
- Display Areas
- Covered Customer Service Drop Off Area

### **Accessory Building (10,000 square feet)**

- Parts Retail
- Manager's Office
- Breakroom with Bathroom
- Two (2) Drive Thru Lanes
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- Exterior Canopies
- Separate Service Entrance

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- Rotating Inventory Boat Storage Area

The proposed business requires 130 parking spaces, and the applicant is requesting a deviation to allow 83 parking spaces instead of the required 130. The properties will be served by Western Virginia Water Authority for public water and septic system for sewer. In addition, there will be a new stormwater facility located on the property.

As stated, the property is located at the corner of Route 122 (Booker T. Washington Highway) and private road (Parkcrest Drive), which will be brought into VDOT's secondary street system when the road qualifies for acceptance into the system. There is a small portion of Parkcrest Drive which will not be taken into the state secondary system and is depicted on the conceptual plan. In addition, the property owner will adhere to all conditions associated with the tower site especially the maintenance of a tree buffer requirement identified on the conceptual plan and the Memorandum of Agreement/The Westlake Communications Tower/TCNS #220780.

Chairwoman Mitchell asked if there were any questions for staff. There were none. Chairwoman Mitchell advised they would now hear from the applicant.

Mr. Zachary Lee advised Rock Outdoors usually keeps it's displays inside to prevent weather damage. The applicant stated that any outdoor displays will be covered to prevent damage to the interior and keep the vehicles clean. The applicant stated that a public sewer has been in discussion and adding an easement for service, but nothing has been submitted or approved.

Chairwoman Mitchell opened the floor to citizen comment. Chairwoman Mitchell asked if there was anyone in the audience who wished to speak regarding this application. There were none. Chairman Mitchell stated they would now close the period for public comment. Chairwoman Mitchell stated the Planning Commission would enter discussions.

Ms. Cheryl Ege stated that she felt this is an appropriate use for the property, and shares Ms. Debbie Crawford's feelings that someone is going to be using the building.

Ms. Cheryl Ege motioned that the use will not be of substantial detriment to adjacent properties, that the character of the zoning district will not be changed



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thereby, and that such use will be in harmony with the uses permitted by-right in the zoning district, and with the public health, safety, and general welfare to the community. Ms. Cheryl Ege moved to recommend approval of the applicant's request for a Special Use Permit to allow for outdoor displays on business property in accordance with Sections 25-366 and 25-392 of the Zoning Ordinance, with the four (4) conditions as recommended in the staff report.

Mr. David Pendleton seconded the motion.

The motion to approve was approved, 6-0-1-0; voting on the motion was as follows with the following conditions:

- AYES: McGhee, Pendleton, Clements, Ege, Crawford, Mitchell
- NAYES: None
- ABSENT: Doss
- ABSTAIN: None

Chairwoman Mitchell announced the next item on the agenda.

**APPLICATION for SPECIAL USE PERMIT** – Application of Atanacio Garcia Gonzalez, Owner & Applicant, requesting a special use permit, with possible conditions, on an approximate 5 acres of property, zoned A-1, Agricultural District. The property is located on Bonbrook Mill Road at the intersection of Bonbrook Road and State Route 635 in the Boone Election District of Franklin County and further identified as Tax Map/Parcel # 0360005000. The purpose of this special use permit is to allow for a storage yard. This property has a future land use designation of Agriculture Forestry/Rural Residential (Case # SPEC-010-22-17457).

Director Lisa Cooper presented the staff report.

Planning Commission held a public hearing on Tuesday, November 10, 2022. There were six (6) residents that spoke against the request and one (1) resident that spoke for the request. Planning Commissioners received a number of letters and emails opposed to the special use permit and one letter in favor of the special use permit.

Commissioner Crawford made a motion to table the request until the Boone Commissioner could be available for the vote and the concept plan could be

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updated. Commissioner Pendleton seconded the motion. The motion passed six (6) in favor and one (1) absent to table the special use permit until the next Planning Commission on Tuesday, December 13, 2022.

Staff received a new concept plan that is legible and shows the reduction of the parking area to 90' x 80' instead of 110' x 80' and the driveway 491' instead of 550'. Staff received a compliant that work was still continuing on the site last week. Mr. Raney, Development Review Specialist, II, went out to the site last week. He found that the site was basically unchanged for the original site visit. It did not appear that additional land disturbance had been done. The remnants of the falling house were unchanged. There might have been additional concrete forms on site. Mrs. Gonzalez advised that a pile of dirt was removed from the site by a family member.

After further review of the site and surrounding area staff's recommendation to the Planning Commission is to deny the request for the special use permit for a storage yard. The storage yard would be substantial detriment to adjacent properties consisting of single-family dwellings in a rural setting and a subdivision (Bonbrook Meadows) across the street from the property on Bonbrook Road. This type of storage yard should be located in a B-2; General Business, M-1; Limited Industry, or PCD; Planned Commercial Development if a special use permit is approved by the Board of Supervisors and M-2; Heavy Industry storage yard is a permitted use.

Director Lisa Cooper further explained her reason for changing her recommendation from approval to denial. Director Cooper welcomed questions from the Planning Commission, and they may also ask questions of the applicants. Director Cooper stated she does not like to change her recommendation, and this is something that does not happen often. Director Cooper also stated that she prepared suggested conditions for the Planning Commission if they decided to recommend approval.

Chairwoman Mitchell asked the commission if they have any questions for staff.

Ms. Angie McGhee asked how the other businesses are zoned near the property. Director Lisa Cooper showed the commission the zoning map of the area and went to the GIS parcel viewer to display the proposed property and the surrounding area. Director Cooper showed the commissioners the surrounding area is mostly A-1, Agricultural, and pointed out some home businesses. Director Cooper also pointed

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out an area used as a dairy farm. There is a parcel zoned B-2, General Business located nearby on Bonbrook Mill Road. There is also a parcel located on Taylors Road which is zoned R-1, Residential. Director Cooper showed the commission the aerial view of the area, as of the date of the last documentation.

Mr. David Pendleton commented on the number of other properties in the area that are used commercially and began listing some that he knew of.

Ms. Angie McGhee asked if all the forms and equipment will be stored inside the building. Director Lisa Cooper stated that was her understanding, but she would let the applicant speak to that.

Chairwoman Mitchell advised that they would now hear from the applicant.

Ms. Angie McGhee asked the applicant if all forms and equipment would be stored inside of the storage building. Mr. Atanacio Garcia Gonzalez stated that whatever forms and equipment are not currently on a job site, will be stored inside of the building.

Ms. Debbie Crawford asked if the applicant had a timeline for tearing down the building and putting up the proposed storage building. Ms. Brandi Ferguson stated that they have received a demolition permit. Mr. Atanacio Garcia Gonzalez stated it would take two weeks to tear down the building and then six to eight weeks to order and construct the new building. Ms. Debbie Crawford asked the applicants if they had anywhere to store the forms in the meantime. Ms. Ferguson stated that they have been working on moving the forms back to their residence, after being verbally told to do so by Director Lisa Cooper. Director Cooper advised that staff is in the process of sending the applicants a formal letter stating that they need to remove their equipment until the special use permit is granted by the Board of Supervisors.

Chairwoman Mitchell stated that the period of public comment occurred at the November 10, 2022, meeting, and there would be no additional comments heard at tonight's meeting. Chairwoman Mitchell asked if any of the commissioners had questions for the applicant.

Ms. Angie McGhee asked Mr. Chris Dadak if the Planning Commission can table the

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application and require the applicant to finish tearing down the existing house on the property and dispose of it prior to the next public hearing. Mr. Chris Dadak stated the Planning Commission could table the application, but they would risk running out of time to make a decision. Mr. Dadak explained after 90 days from the date of application, if Planning Commission does not make a decision, it automatically goes to the Board of Supervisors as a recommendation of approval. Mr. Dadak advised that he didn't think the Planning Commission could table the application to mandate the applicant finish tearing down the home and dispose of it properly.

The Planning Commission continued discussion of possible motions and actions they could take. Ms. Cheryl Ege stated that staff has not made their recommendation based on the condition of the lot or the abandoned house, but rather the detriment that would occur to the surrounding community. Ms. Ege stated that the existing business, such as the dairy farm and the welding shop, are not detrimental to the community. Ms. Ege continued to state the number of forms, noises of loading and unloading, and heavy traffic are examples of the detriment to the surrounding area.

Ms. Debbie Crawford advised that she sees no change from November's meeting to the tonight's meeting. Ms. Crawford disagreed with staff's change of recommendation. Ms. Crawford stated that the land use and landscape has remained unchanged. Chairwoman Sherrie Mitchell added that the concept plan has been updated since November's meeting. Ms. Cheryl Ege stated when staff made their initial recommendation, they were looking at outdated aerial imaging of the area when the lot was heavily wooded. Ms. Ege stated this lot has been timbered, and the wooded buffer no longer exists. Ms. Crawford referred to their site visit, when Director Lisa Cooper stated that the suggested 75-foot buffer would no longer be possible. Director Cooper stated that the 75-foot buffer could exist on one side of the property, but the building's planned location would have to be moved. Director Cooper went over her suggested conditions to the Planning Commission, if they wanted approval. Director Cooper also went over what has changed in the concept plan since November's meeting.

Ms. Angie McGhee motioned that such use will be of substantial detriment to adjacent properties, that the character of the zoning district will be changed thereby, and that such use will not be in harmony with the purpose and intent of the uses permitted by right in the zoning district, and with the public health, safety, and

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general welfare to the community. Therefore, I move to recommend denial of applicant's request for a special use permit for a storage yard.

Mr. David Clements seconded the motion.

The motion to approve was approved, 4-2-1-0; voting on the motion was as follows with the following conditions:

AYES: McGhee, Ege, Clements, Mitchell  
NAYES: Pendleton, Crawford  
ABSENT: Doss  
ABSTAIN: None

Chairwoman Mitchell advised they would now open the floor to any citizen who wished to address the Planning Commission on any planning related issue. There were none.

Meeting adjourned at 7:33 pm

**MEMORANDUM**  
**Case # A-01-23-0001**



**To:** Franklin County Planning Commission  
**From:** Lisa Cooper, Planning Director  
**Date:** December 30, 2022  
**Re:** Comprehensive Plan Amendment for Solar Facilities  
Amendment to Chapter, 11, Public Utilities/Goals, Objectives, and Strategies of the 2007 Franklin County Comprehensive Plan

**APPLICATION for AMENDMENT TO FRANKLIN COUNTY COMPREHENSIVE PLAN** to amend Chapter, 11, Goals, Objectives, and Strategies of the 2007 Franklin County Comprehensive Plan pertaining to renewable energy. The purpose of the amendment is to amend strategy 36.0a to have no more than 1,500 cumulative acres occupied by utility scale solar projects throughout the County (Case # A-01-23-0001).

**RECOMMENDATION:**

*Staff recommends that the Planning Commission recommend approval of the amendment to Chapter 11, Public Utilities/Goals, Objectives, and Strategies of the Comprehensive Plan to amend strategy 36.0a -no more than 1,500 cumulative acres occupied by utility scale solar projects throughout the County.*



On July 19, 2022, the Board adopted amendments to Chapter 25, Zoning, of the Franklin County Code to regulate solar development activities in the zoned portions of the County. These regulations include requirements for setbacks, landscaping, decommissioning and many other requirements to limit potential impacts to neighboring properties. On November 22, 2022, the Board also approved the County's first solar siting agreement with Willow Solar for a 12 MW solar facility in the non-zoned portion of the County (Blue Ridge Election District).

During the siting agreement negotiation process the Board identified two areas of additional regulation for consideration with the utility scale solar projects requests. The additional regulations were identified as follows:

1. Insert a requirement that Utility-Scale Solar Generation Facilities shall not have a total cumulative acreage of more than 1,500 acres in the zoned areas of Franklin County.
2. Insert a requirement that no above ground solar infrastructure (i.e., structures, building, inverter, or solar panels) associated with a Utility-Scale Solar Generation Facility shall be located within three hundred feet (300') from an off-site residential structure.

At the December afternoon session of the Board of Supervisors; the Board referred their requests to the Planning Commission to hold a public hearing and make a recommendation on the amendments.

The following is the proposed amendment to the Comprehensive Plan: (see highlighted portion)

**Objective:**

**36.0** To promote the use of residential, commercial, and utility scale renewable energy in the way of solar generator facilities and wind turbines while minimizing the impact of such facilities on Franklin County's view shed and the County's natural, agricultural, scenic, tourism, and cultural resources.

**Strategies:**

**36.0a** Avoiding impact of solar facilities and wind turbines on available farmland, including prime farmland and farmland of statewide significance. To help minimize the impact, the County desires to have no more than 1500 cumulative acres occupied by utility scale solar projects throughout the County.

**36.0b** Solar facilities should be screened from all public rights-of-way and all adjacent properties.

**36.0c** Solar facilities should not visually impact scenic and cultural resources, including the view shed from residential areas and event venue spaces.



**36.0d** Promote sustainable building design and management practices to serve current and future generations.

**36.0e** Assist local businesses to lower financial and regulatory risks and improve their economic, community, and environmental sustainability.

**36.0f** Promote Agrivoltaics (APV) for farmers to still use the area of their land where solar facilities are located.

**36.0g** Solar facilities should not be located within Designated Growth Areas (DGA).

**36.0h** Proposed project shall be evaluated for compliance with the most recently adopted Solar Energy Facility Siting Policy document to assist the County in making substantial accord determination under Section 15.2-2232 of the Code of Virginia. This policy shall serve as guidance for County staff, the Planning Commission, and the Board of Supervisors to evaluate whether the proposal is in substantial accord with the Comprehensive Plan.





**SUGGESTED MOTIONS:**

1) **(RECOMMEND)** I find that the proposed amendment to Chapter 11, Public Utilities/Goals, Objectives, and Strategies of the Comprehensive Plan to amend strategy 36.0a -no more than 1,500 cumulative acres occupied by utility scale solar projects throughout the County serves public necessity, convenience, general welfare, and good zoning practice. Therefore, I move to recommend approval.

**OR**

2) **(DENY)** I find that the proposed do amendment to Chapter 11, Public Utilities/Goals, Objectives, and Strategies of the Comprehensive Plan does not serve public necessity, convenience, general welfare, and good zoning practice. Therefore, I move to recommend denial.

**OR**

3) **(DELAY ACTION)** I find that the proposed amendment to Chapter 11, Public Utilities/Goals, Objectives, and Strategies of the Comprehensive Plan do not sufficiently serve public necessity, convenience, general welfare, and good zoning practice. Therefore, I moved to delay action until further information is submitted.

**MEMORANDUM**  
**Case # A-01-23-0002**



**To:** Franklin County Planning Commission  
**From:** Lisa Cooper, Planning Director  
**Date:** December 30, 2022  
**Re:** Amendment to Zoning Ordinance for Solar Facilities  
Amendment to Chapter 25, Article II, Division 4, Section 25-147, supplementary regulations items a and b(5) Performance Standards item (c) Setbacks

PETITION of the FRANKLIN COUNTY BOARD OF SUPERVISORS to amend Chapter 25 “Zoning”; Article II, Division 4, Supplementary Regulations, Section 25-147, Solar Generation Facility, Utility-Scale, items (a) and (b)(5) Performance Standards item (c) Setbacks. The purposes of these amendments are to allow for the cumulative developed acreage of solar facilities not to exceed 1,500 acres of above ground solar infrastructure and a setback of 300 feet required from above ground solar infrastructure to any adjacent off-site residential structure (Case # A-01-23-0002).

**RECOMMENDATION:**

*Staff recommends that the Planning Commission recommend approval of the amendment to Chapter 25, Zoning, Article II Division 4, Supplementary Regulations Section 25-147, Solar Generation Facility, Utility-Scale, items (a) and (b)(5) Performance Standards item (c) setbacks to allow for the cumulative developed acreage of utility-scale solar facilities not to exceed 1,500 acres of above ground solar infrastructure and a setback of 300 feet required from above ground solar infrastructure to any adjacent off-site residential structure.*



On July 19, 2022, the Board adopted amendments to Chapter 25, Zoning, of the Franklin County Code to regulate solar development activities in the zoned portions of the County. These regulations include requirements for setbacks, landscaping, decommissioning and many other requirements to limit potential impacts to neighboring properties. On November 22, 2022, the Board also approved the County’s first solar siting agreement with Willow Solar for a 12 MW solar facility in the non-zoned portion of the County (Blue Ridge Election District).

During the siting agreement negotiation process the Board identified two areas of additional regulation for consideration with the utility scale solar projects requests. The additional regulations were identified as follows:

1. Insert a requirement that Utility-Scale Solar Generation Facilities shall not have a total cumulative acreage of more than 1,500 acres in the zoned areas of Franklin County.
2. Insert a requirement that no above ground solar infrastructure (i.e., structures, building, inverter, or solar panels) associated with a Utility-Scale Solar Generation Facility shall be located within three hundred feet (300’) from an off-site residential structure.

At the December afternoon session of the Board of Supervisors; the Board referred their requests to the Planning Commission to hold a public hearing and make a recommendation on the amendments.

The following is the proposed amendments to the Zoning Ordinance: (see highlighted portion)

Staff originally proposed a cumulative acreage limitation for utility scale solar based on research of the requirements adopted in Rockingham County, VA. The basic idea behind the cumulative maximum was that the County should only approve its “fair share” of solar to meet Virginia’s desired goal of renewable solar energy.

Rockingham County currently has a cumulative or aggregate acreage of 1800 acres.

The current Franklin County zoning ordinance requires a 150-foot setback from the solar facility to the property line or right of way. The Board has expressed the desire to add an additional setback requirement for above ground equipment (excluding exterior property fencing) of 300’ from existing off-site residential structures.

Rockingham County also has implemented this additional setback for above ground infrastructure which ranges from 200 to 250 feet to residential structures depending on size of the facility.

Section 25-147. Utility Scale Solar Generation Facility

- (a) Commencing on [adopted date], and continuing until amended by the Board of Supervisors Utility-Scale Solar Generation Facility may be allowed in



Franklin County by issuance of a Special Use Permit by the Board of Supervisors in the A-1, M-1, M-2, PCD, and RFP districts and according to the following acreage limitations:

- 1) The cumulative acreage for all Utility-Scale Solar Generation Facility located in the zoned areas of Franklin County shall be 1,500 acres.

(b) Application (5) Performance Standards

(c) Setbacks. The facility area shall be set back a distance of at least 300 feet from all public rights-of-way and main buildings on adjoining parcels, and 150 feet from adjacent side and rear property lines. A minimum setback of 300 feet is required from above ground solar infrastructure to any adjacent off-site residential structure. Exceptions to this distance may be made for adjoining parcels owned by the applicant. Increased setbacks over 150 feet or 300 feet, and additional buffering may be included in the conditions for a permit as required to reduce the visual impact of the facility. Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas if such are generally perpendicular to the property line or underground.



**SUGGESTED MOTIONS:**

1) **(RECOMMEND)** I find that the proposed amendment to Chapter 25, Zoning, Article II Division 4, Supplementary Regulations Section 25-147, Solar Generation Facility, Utility-Scale, items (a) and (b)(5) and Performance Standards item (c) setbacks to allow for the cumulative developed acreage of utility-scale solar facilities not to exceed 1,500 acres of above ground solar infrastructure and a setback of 300 feet required from above ground solar infrastructure to any adjacent off-site residential structure serve public necessity, convenience, general welfare, and good zoning practice. Therefore, I move to recommend approval.

**OR**

2) **(DENY)** I find that the proposed amendments to Chapter 25, Zoning, Article II, Division 4, Supplementary Regulations Section 25-147, Solar Generation Facility Utility Scale does not serve public necessity, convenience, general welfare, and good zoning practice. Therefore, I move to recommend denial.

**OR**

3) **(DELAY ACTION)** I find that the proposed amendments to Chapter 25, Zoning, Article II, Division 4, Supplementary Regulations Section 25-147, Solar Generation Facility Utility Scale does not sufficiently serve public necessity, convenience, general welfare, and good zoning practice. Therefore, I moved to delay action until further information is submitted.