

Department of Planning & Community Development



A meeting of the Franklin County Planning Commission was held on Tuesday, January 10, 2023, 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

C.W. Doss- Blue Ridge District

OTHERS PRESENT:

Lisa Cooper- Director, Planning

Stephanie Mathena- Principal Planner Steve

Sandy- Assistant County Administrator

Chris Dadak - County Attorney

Megan Fenner - Clerk

THOSE ABSENT:

None

The meeting was called to order by Chairwoman Sherrie Mitchell at 6:03 p.m.

To begin the meeting, Chairwoman Sherrie Mitchell stated there would be an announcement from staff. Director Lisa Cooper introduced Stephanie Mathena, who has taken over the Principal Planner position for the Planning & Community Development office.

The first order of business was the approval of the minutes from the December 13, 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.

Department of Planning & Community Development



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).

Assistant County Administrator, Mr. Steve Sandy, presented the staff report.

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 proposed amendment is to Chapter, 11, Goals, Objectives, and Strategies of the 2007 Franklin County Comprehensive Plan is as follows:

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.

During his presentation, Mr. Sandy mentioned that a company may purchase 200 acres of land, but only 100 acres is covered by a solar facility. Mr. Sandy proposed that only the portion of land covered by a solar facility be counted towards the 1500 cumulative acres. Mr. Sandy stated that if the amendment is approved, then currently we have 50 cumulative acres with utility scale solar projects.

Ms. Debbie Crawford asked how large Rockingham County is and what was their cumulative

Department of Planning & Community Development



acreage proposed. Mr. Steve Sandy stated that Rockingham County was larger than Franklin County on both counts, and their cumulative acres to be occupied by utility scale solar projects was 1800. Mr. Sandy stated that the 1500 acres was calculated based on the size of Franklin County.

Mr. David Pendleton asked how many acres were purchased for the current solar company to build 50 acres of solar facilities. Mr. Steve Sandy stated that 150 acres were purchased, but only 50 acres were used to build the facility. Mr. Pendleton was concerned that so much land was being purchased, but only a fraction of the property was used. Mr. Sandy stated that this was due to the topography and streams running through the site.

Mr. Steve Sandy stated there were only four (4) companies that are currently looking at building solar projects in Franklin County. Mr. Sandy stated even if all four (4) were approved, the total acreage covered by solar facilities would only equal 500 acres.

Ms. Sherrie Mitchell commented she thinks the reason they are considering this amendment is for the future, and for the comprehensive plan. Ms. Mitchell asked Mr. Steve Sandy why they would interpret the language as to only include the acres that had solar panels sitting on them instead of the whole parcel. Mr. Sandy stated that the Commissioners could interpret it either way, but currently Rockingham County only considers acreage with solar panels counting towards their cumulative. Ms. Mitchell asked if future leadership could interpret the language differently. Mr. Sandy said it was possible, but the proposed zoning ordinance specifically states acreage with solar infrastructure. Ms. Mitchell was concerned that the zoning ordinance only applies to the zoned areas of the county. Mr. Sandy suggested adding clarifying language to prevent numerous interpretations. Mr. Chris Dadak agreed that the language could be changed. Mr. Dadak recommended either keeping the language as is or adding clarifying language. Ms. Mitchell was concerned if it wasn't stated in the comprehensive plan, then it wouldn't apply to nonzoned areas. Ms. Lisa Cooper added in the recent Willow siting agreement, the company agreed to uphold the restrictions listed in the zoning ordinance. Ms. Cooper suggested that moving forward, they would like to do the same on upcoming siting agreements in nonzoned areas.

Ms. Cheryl Ege asked Mr. Steve Sandy if there was anything in the ordinance that would discourage placement of solar facilities on prime agricultural properties. Mr. Steve Sandy advised he didn't recall anything in the ordinance, but there was language in the comprehensive plan that referred to prime agriculture soil and land. Ms. Ege commented that although the Commission was considering only the acreage covered by solar utilities, the amount of total land purchased for the project is significant. Ms. Ege was concerned for the agriculturally rich soil that could potentially be scraped away for these projects. Mr. David Pendleton added that purchasing that much land and only utilizing a portion of it seems very inefficient.

Ms. Debbie Crawford asked if the same interpretation applied in the previous hearing where the Planning Commission recommended the 1500 cumulative acre restriction. Mr. Steve Sandy advised that he believed so, but he wasn't sure that was discussed in depth. The Commissioners

Department of Planning & Community Development



discussed among themselves what they had in mind in the prior hearing.

Mr. C.W. Doss added that if a company only uses a portion of the parcel in the initial construction of a solar facility, they may expand in the future.

Ms. Sherrie Mitchell was concerned about land remaining unused, and then wasted.

Chairwoman Sherrie Mitchell stated they would now open the floor up to citizen comment. With no citizens signed up to speak, Chairwoman Mitchell asked if there was anyone in the audience who wished to speak on the proposed amendment.

Mr. Randy Hodges stated they live in the Gills Creek area of Route 122. Mr. Randy Hodges stated he understood that there are restrictions in the zoned areas of the county, and the Planning Commission seems to have a handle on those areas. Mr. Hodges was concerned this discussion was moving towards the nonzoned areas and questioned if the County has the right to put in restrictions in the nonzoned areas of the county. Ms. Lisa Cooper explained the mentioned siting agreement is a negotiation between the solar company and the County, even though the site is in a nonzoned area. Ms. Cooper advised that siting agreements may differ in requirements. Ms. Cooper also explained the differences between a siting agreement and a conformance review, stating most people prefer the siting agreement since there is room for negotiation.

Mr. Steve Sandy commented that the mechanism in nonzoned areas is the comprehensive plan or a siting agreement. Mr. Sandy added that if no agreement can be reached, then the process moves to reviewing the project for substantial conformance with the county's comprehensive plan. The policies discussed tonight will be what is used to review future projects. If a siting agreement is reached, then there is no need for a conformance review. Further discussion continued regarding the pros and cons of siting agreements, comprehensive plans, and what developers usually choose to do.

Commissioners entered further discussions on interpretation of acreage that should be counted towards the cumulative acreage defined in the amendment. Ms. Sherrie Mitchell believed that when they were discussing the limit initially, she considered all land purchased/rented to be counted towards the limit. Ms. Angie McGhee asked if developers could potentially purchase/lease a portion of land, to which Mr. Steve Sandy and Ms. Lisa Cooper advised it was possible. Discussion also included wetlands that were unusable, required vegetative screening, and impacts to prime farmland, and the previous governor's goals for solar. Ms. Cheryl Ege also brought up reasoning for setbacks of current solar projects, including protection of the Pigg River which is stocked with trout, and the nearby residential area.

Ms. Cheryl Ege motioned 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 a total of 1500 cumulative acres to be occupied by utility solar infrastructure to mean the entirety of acreage leased throughout the County. **This amendment will serve the public health, safety, and**

Department of Planning & Community Development



general welfare of the County.

Mr. David Pendleton seconded the motion.

The motion to approve was approved, 5-2-0-0; voting on the motion was as follows:

AYES: Pendleton, Clements, McGhee, Ege, Mitchell

NAYES: Doss, Crawford

ABSENT: None

ABSTAIN: None

Chairwoman Mitchell announced the next item on the agenda.

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).

Assistant County Administrator, Mr. Steve Sandy, presented the staff report.

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)

Department of Planning & Community Development



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.

Ms. Cheryl Ege asked if the Commission was considering fencing as part of the solar facility and to be regulated by setbacks in this amendment. Mr. Steve Sandy answered no. Ms. Ege asked if the vegetative buffer is located outside of the fence, to which Mr. Sandy answered yes.

Mr. C.W. Doss pointed out the wording of Section 25-147 part a stated “in the zoned areas of Franklin County.” Mr. Steve Sandy stated to be consistent, they should use the same language as the Comprehensive Plan.

Chairwoman Sherrie Mitchell stated they would now open the floor up to citizen comment. With no citizens signed up to speak, Chairwoman Mitchell asked if there was anyone in the audience who wished to speak on the proposed amendment. Hearing none, and seeing none, the period for citizen comment was closed.

Department of Planning & Community Development



Ms. Sherrie Mitchell stated that she has spent some time with Ms. Whitt who has been in the news opposing solar farms and has seen how close her home is to the solar facilities, and how Ms. Whitt is surrounded by solar farms. Ms. Mitchell stated that is what she is based her justification of the 300-foot set back, as that was very hard to look at.

Ms. Cheryl Ege agreed with Ms. Sherrie's Mitchell's feeling of wanting to prevent the previous mentioned situation. Ms. Ege mentioned contiguous solar, and stated they previously tried to include that in the ordinance to someone's home from being surrounded by solar. Ms. Ege stated that mandating the 300 feet set back is very important and would like to keep that in the ordinance.

Ms. Cheryl Ege proposed that they count the 300-foot set back as starting at the fence on the outside of the solar facility, rather than the inverter as the ordinance currently states. Ms. Ege also pointing out that the mandated vegetative buffer starts out small. Mr. David Clements suggested the 300-foot set back start at the property line.

Ms. Sherrie Mitchell asked what the Board of Supervisors intended when they sent the suggestion to the Planning Commission. Mr. Steve Sandy stated that the setback is measured at the inverter of the solar facility. Ms. Chris Dadak advised to keep in mind that if the Planning Commission decides to start the setback at the property line, the developers cannot control the placement of the residential home on an adjoining property, which is why the setbacks are usually something the developer can control. Ms. Debbie Crawford asked if someone purchases a property next to the solar farm, what happens if they place their house next to the property line. Mr. Steve Sandy stated that would be the homeowner's decision and not something the developer can control. Ms. Cheryl Ege asked if they left the wording as is, would it be consistent with the previous amendment. Mr. Steve Sandy confirmed that the wording would be consistent.

Ms. Cheryl Ege motioned 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 leased acreage to be occupied by utility solar projects not to exceed 1,500 acres and a setback of 300 feet required from above ground solar infrastructure to any adjacent off-site residential structure. **These amendments to the zoning ordinance will serve the public health, safety, general welfare and good zoning practice for the community** .

Mr. Clements seconded the motion.

The motion to approve was approved, 5-2-0-0; voting on the motion was as follows:

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

Department of Planning & Community Development



Chairwoman Mitchell advised they would now open the floor to any citizen who wished to address the Planning Commission on any planning related issue. Hearing none, and seeing none, the period for citizen comment was closed.

Chairwoman Mitchell announced they would move onto the next item on their agenda.

Prior to starting the discussion on short-term rentals, Director Lisa Cooper announced several community meetings that are taking place in the county to be held by solar companies interested in developing in Franklin County.

Work Session: Short Term Rentals

Director Lisa Cooper introduced a benchmark created by Principal Planner Stephanie Mathena, which compared the short-term rental ordinances in several localities in Virginia and North Carolina. Director Cooper continued going over the documents available to the commissioners, and offered several strategies to go over the ordinance. Ms. Debbie Crawford and Ms. Angie McGhee wished to go over the ordinance line by line.

The Planning Commission discussed their meeting options for working on short-term rentals. Several commissioners requested a separate work session date to commit just to short-term rentals, but there were scheduling conflicts between commissioners. Ms. Cheryl Ege requested to start looking at the ordinance now, due to her having to call into the February Planning Commission Public Hearing.

Principal Planner Stephanie Mathena suggested that all commissioners submit comments and thoughts about the short-term rental ordinance, and she would put it all together for easy review before the session.

The short-term rental work session was scheduled to take place January 24th in the B-75 conference room of the Franklin County Government Center. Commissioners went over suggestions of information and documents that would assist them in reviewing the ordinance. Ms. Cheryl Ege mentioned she liked the benchmark created by Principal Planner Stephanie Mathena, and stated she wanted to look at places that have natural tourism like Smith Mountain Lake. Ms. Ege stated she wanted to protect established neighborhoods from short-term rentals that may become something of a party house.

Union Hall Village Plan: Update

Director Lisa Cooper stated that she didn't think herself, Mr. Steve Sandy, and Ms. Debbie Crawford liked how the plan came back. The GAP program has changed and is now more of a technical assistant program. Director Cooper stated that they are going to hire a consultant to take over the Union Hall Village Plan and make it similar to those done previously. Director Cooper stated once that is done, they will have public hearings.

Department of Planning & Community Development



Ms. Debbie Crawford stated that she wasn't a fan of the village plans. Ms. Crawford stated that she felt it gets people's hopes up. Ms. Crawford stated that the plan does not build buildings. Ms. Crawford stated the citizens she meets with want grocery stores, restaurants, and businesses in their area. Director Lisa Cooper stated that the village plan is a guide. Ms. Cooper stated that the village plan will help those businesses come to the area. Ms. Cooper discussed the transportation side of the village plan and how proper roadway improvements will bring the businesses that the citizens are calling for.

Meeting adjourned at 7:33 pm