

Franklin County Planning Commission
Solar Workshop Meeting Minutes
June 29, 2021

Call To Order at 5:04 PM

Present:

C.W. Dawes
Jim Colby
Timothy Mack
Carrie Spencer
Lisa Cooper
Debbie Crawford
David Pendleton
Chris Dadak - by phone
Sherrie Hutchins - Chair
Angie McGee

Review of Draft Solar Ordinance and Packet Materials

Sherrie opened the meeting at 5:04 PM. We are here to work on a draft of the ordinance for solar utility. This is not a public hearing. As a reminder, we are here to have frank discussions regarding certain issues and create an ordinance for a county.

Carrie stated there is a company called Energix that has expressed interest in developing here. There has been media focus and quite a bit of public interest, but we are not discussing Energix at this time.

Jim has provided a list for discussion. Jim stated that the latest draft, June 25th, contains great progress. Jim expressed appreciation to the staff for all of the work completed to this point.

Sherrie asked for a line-by-line discussion of the proposed ordinance.

Title and Definitions:

Carrie defined the intent of “agricultural” in the ordinance. Agricultural is on a larger scale. Chris stated the ordinance follows statutory language. There are different statutory statements for homes versus larger facilities. Per Chris, we use statutory language when we can. Carrie stated we can confirm that the ordinance follows statutory language. Chris also stated one of the biggest differences between small and large is whether the electricity goes to the grid. Carrie suggested we table this item for further research. Item tabled.

Carrie reported that she had a discussion with UVA today. UVA helps with solar ordinances and can help explain the statute. They also help with public concerns and comments. Carrie suggested we engage their assistance and reported that we will send our ordinance to them for review.

Project Narrative:

Use “proposed” operator instead of “if known at the time”.

Jim stated he felt we did not need #7. Sherrie stated that #7 was needed because it defines what is needed in the concept plan. Carrie reported that the concept plan shows the location, and the landscaping and screening plan defines what is on the concept plan.

Sherrie requested that we look at Item #4. Turn-out location was questioned. Carrie defined that this is an industry standard. Sherrie also questioned the section regarding cemetery access and parking. Carrie stated this may have to do with easements. Turn-out was also clarified. Chris stated that the statute probably discusses cemeteries.

#9: This section further defines what is required in the concept plan. Jim recommended striking “based on publicly available data”. The work group agreed.

Under Section D, paragraph two. This should read “subsection one” instead of “subsection a”.

Section B, #11: Identification of any parcels immediate or adjacent to agricultural districts. Does this refer to an agricultural zoning district? Yes, per Chris. Carrie suggested further study of this section as it may come from statutory language. Carrie will follow up with Chris. Agricultural zoning or districts of significance, if we created them. Sherrie stated she prefers the idea of adjacent zoning and the concept plan should probably include the zoning of adjacent properties. Carrie proposed “zoning and use” of adjacent properties. The work group agreed to this verbiage change.

Sherrie asked if somewhere in the process, could we ask for existing and proposed transmission line information. Should the concept plan identify this information? Chris stated that section B-2 or B-3 could have verbiage inserted.

Sherrie asked if water and sewer utility information should be in the concept plan. The concern is who goes to the expense of making a connection to these utilities. There are rules and regulations regarding the hook up to utilities. Part of the project would have to include information on expense and hook-up to public utilities. Carrie proposed adding the verbiage that the concept plan must be reviewed by the county’s development review team.

Jim asked if we should add verbiage regarding training first responders for fire or hazmat response at a solar facility. The law allows us to negotiate citing agreements with these facilities. Per Chris, a draft of the citing agreement should be provided before the zoning approval.

Carrie suggested that we consider third party review of solar requests. The work group agreed that we should have a third party review all applications.

Remove “department of game and fisheries”.

The work group approves the section requiring a community meeting.

Sherrie asked about the wildlife corridor and if there is a section requiring this assessment. Jim feels additional language is needed in the section about wildlife. Jim will send Tim draft language in the next two days. Carrie stated a more robust paragraph will be drafted and sent to the work group.

Carrie stated that mitigating measures verbiage is in the ordinance.

Sherrie asked if our ordinance could require the applicant to provide information on the type of materials which compose the solar panels. Chris stated that it may be difficult to derive language that is specific, but not too specific. This request could be beyond the scope of the ordinance but could be provided at the community meeting. Chris suggested a focus on materials or components should probably occur at the community meeting. Carrie suggested that we consult UVA about the language from The American National Standards Institute for this portion of the ordinance.

Sherrie believes that we may need to work on the comprehensive plan along with the ordinance. Carrie will report to the board that the comprehensive plan is a compelling need and we would prefer to work on it.

Section 25-148. The question is about where the solar panels are located. If they are located on a structure, the applicant must comply with the ordinance. If the panels are not on a structure, the application must meet the set-back requirements.

Section 25-149: Jim requested that the minimal distance be increased to 300 feet, however the PAS report states 100 feet. (Madison County requires 300 feet.) The work group agrees that the minimum setback should be changed to 300 feet.

The group requested that the fence height be changed to 8 feet instead of 6 feet. The fence must be installed within the buffer with an anti-climbing device. Carrie stated they would look for an industry standard for the type of security fence.

Vegetative buffers: Jim asked about a double row of evergreens, native plants, replace any dead or dying trees in the buffer. Carrie would like the applicant to submit a maintenance plan of the buffer including mowing, watering, etc. There is a statement "the buffer will be maintained for the length of the facility". We also have the requirement for a landscape plan that meets the ordinance.

Jim requested that the entire section of considerations be improved. Jim requested that we ask why each item was a consideration and how we would use the considerations to evaluate a proposal. Requirements should only be waived if site considerations make the request unreasonable. Jim feels that in each case the applicant can ask for a waiver, which sets the board up for a lot of work. Sherrie stated that she felt the possibility of a waiver undoes all of the previous language in the ordinance. There are fifteen criteria the BOS can use to waive requirements. Carrie suggested that the applicant must show or "prove" why the provision should be waived. Chris suggested we delete the waiver language and make a general statement that the board will evaluate waivers on an individual basis. Chris stated that the considerations are just a guidance and it's not unusual to have language allowing you to waive certain requirements. Carrie asked Chris to help us with the language in this section. Carrie stated that we would re-write the section and send it to Chris for review and input.

Carrie asked Chris if the citing agreement needs to be referenced in the ordinance. Chris stated it could be included. Chris suggested we reference the citing agreement in the paragraph after concept plan and follow the statutory language.

We will consult UVA (Sol-Smart) about the citing agreement in conjunction with the concept plan.

Carrie will work on re-writing Section A - development plan.

Decommissioning: Sherrie asked about re-vegetation of ground cover. Carrie explained this section's purpose is to require the solar utility to return the location to its previous condition as much as possible. In order to meet this requirement, we would have to require details at the beginning of the process outlining the condition of the land cover prior to the project. In the beginning the applicant must identify the land cover at the beginning of the project and restore as much as reasonable at the end. (Return it to its natural or prior state.)

Sherrie asked about disposal and recycling of refuse at the end of the project. Who is responsible and who pays for it? We can ask Sol-Smart (UVA) about end-of-life items and what they have recommended to communities. (Ceases generating electrical activity after 12 months.)

The group asked Chris about financial concerns and if bonds are reliable. Chris stated we should not remove the statutory language that allows for a variety of financial guarantees. Perhaps tighten the language, if possible. Chris recommends that we not change the ordinance to cash security because the statutory language will not allow it.

Sherrie asked about infrastructure at decommissioning such as roads, septic tanks, etc. (Sunset provision.) We are unable to predict what will occur in 35 years, so if something changes, the applicant must get a new special permit. Enforcement of removal and decommissioning should be referred to Sol-Smart (UVA).

Sherrie inquired about solar panel replacement. What is in our ordinance for this item? This question will be referred to UVA as well.

The work group reviewed the table at the end of the ordinance.

Carrie stated that we are considering a site study to determine where solar farms are appropriate and where they are not.

Jim asked if Mindy would send a reminder to members about the site visits and try to estimate the time involved.

The meeting was adjourned at 8 PM.