

Department of Planning & Community Development



A meeting of the Franklin County Planning Commission was held on October 12, 2021, in the Board of Supervisors meeting room located in the Franklin County Government Center.

THOSE PRESENT:

Sherrie Mitchell- Snow Creek District
Debbie Crawford- Union Hall District
David Clements- Rocky Mount District
C.W. Doss, Jr.- Blue Ridge District
James Colby- Gills Creek District
David Pendleton – Blackwater District

THOSE ABSENT:

Angie McGhee – Boone District

OTHERS PRESENT:

Chris Dadak, County Attorney
Matthew Schmidt – Assistant to Mr. Dadak
Carrie Spencer, Director of Development and Planning
Timothy Mack – Senior Planner
Lisa Cooper – Principal Planner
Mindy Goldsmith – Clerk

The meeting was called to order by Chairwoman Mitchell at 6:00 p.m. The first order of business was approval of the September 14, 2021 minutes. Ms. Mitchell asked if there were any changes, edits or deletions. Hearing none, the minutes will stand as written. The minutes from September 14, 2021 were approved.

Chairwoman Mitchell introduced the next item on the agenda.

OLD BUSINESS:

UNION HALL VILLAGE PLAN UPDATE: Ms. Spencer introduced Lisa Cooper, who updated the commissioners. The project will last for twelve months. If the Board of Supervisors approves the village plan, it will be adopted as another community growth area. Lisa presented the project timeline. Lisa hopes to present some draft documents by the end of 2021 or early 2022. In the early spring, we may have draft zoning recommendations. We are also meeting with the consultants once a month. Lisa reported that 111 people attended the community meeting. We held an open house with exhibits. The Western Virginia Water Authority was present as well. Lisa thanked staff and Ms. Crawford, who helped get the word out. Lisa presented some of the exhibits that were at the community meeting. 55 citizens completed the survey while in attendance at the community meeting. The survey is available online, along with the meeting exhibits. The survey is open online until October 31st. Lisa plans to send a mass email about the survey to a list of citizens she has gathered from the 2013-2014 community meeting and plan, and emails gathered October 5th. Citizens presented several issues during the community meeting, such as broadband, daily retail needs, and maintaining the charm of the village. Citizens requested a pedestrian friendly village as well. Lisa presented some survey question results. Over 50% have lived there longer than ten years. The majority travel through the main intersection at Kemp Ford Road. The most frequently requested needs were grocery and retail facilities. 32.7% expressed concern over loss of scenic beauty. 52% requested small and large farms not visible from the road. 63% said Union Hall would not feel the same if not surrounded by farmland. Parks, trails and recreation areas were requested at a rate of 51%. A need for community facilities rated 91% -

library, school, trash collection. Ms. Crawford thanked the staff for their work and suggested we may need to move to a larger facility the next time we hold a community meeting. She also stated that many citizens from Penhook and Glade Hill attended as well. Ms. Crawford asked when census data would be available. Ms. Cooper reported the county population dropped by 1600 in population. Ms. Crawford has received a request for another meeting for HOA presidents. Ms. Spencer reported that the more detailed census data is what is needed, and we are unsure when we'll receive the information. Ms. Mitchell asked how long the survey is available online and if we are capturing demographics in the survey. We are not capturing demographics and the survey is available until October 31st. Ms. Crawford reported that the post office routes have grown to 1.5 rural routes versus 1 rural route in 2014. Lisa reiterated that many citizens talked about the need for broadband. Ms. Crawford stated it would be nice to learn the number of children now living in the Union Hall district.

SOLAR ORDINANCE: Ms. Spencer presented recent revisions made to the draft ordinance. Comments from the Board of Supervisors and Solsmart were gathered. She stated the Board of Supervisors was very pleased by the amount of information Solsmart was able to provide. Ms. Spencer has also received additional comments from planning commissioners. We have added acreage caps. Solar Farms allowed in any district would be 60 acres, and 1500 acres in total across the county. A more robust decommissioning language was added. Ms. Spencer reported she received a comment today about mitigating impact and her suggestion is to add language to the ordinance which asks the applicant to describe how they will mitigate the impact. Ms. Mitchell reported she saw a lawsuit in Charlotte County about a 2100-acre site., an 800-megawatt project with a footprint of 32 square miles. Ms. Spencer reported that a siting agreement addresses how the facility will be taxed and how the facility/developer will help to mitigate other community impacts such as broadband. A siting agreement could require a developer to provide a community development "pack", such as funds. Siting agreements will be negotiated on a case-by-case basis. Ms. Spencer reviewed the changes to the ordinance since the previous meeting. The options this evening is to approve the ordinance via email, after changes, for a public hearing in November, to meet again to discuss before holding a public hearing, or accept the agreement "as is" and recommend a hearing. If, at a public hearing, a citizen expresses a concern not addressed in the ordinance, the public hearing can be continued to the next meeting to allow the planning commission to address the concern and make any revisions to the ordinance. Ms. Spencer stated the final document will have page numbers. Ms. Spencer explained that depending on the area, the setback distance could be longer than 150 feet on a case-by-case basis. Ms. Mitchell pointed out that we have the language in the ordinance to allow for larger setbacks. Mr. Pendleton reported that he felt we were setting a "minimum standard" in the ordinance that states the minimum setback must be 150 feet, and this may be an issue in the future if we do not change the language. Ms. Crawford stated with a setback of 300 feet, there is an opportunity to see the structure past the setback because of the long distance of the setback. The buffer and the setback would be considered as part of the entire project area. Ms. Spencer suggested changing the vegetative buffer to thirty feet instead of fifteen. Ms. Spencer also stated we would require a landscaping plan which we would review and either approve or request additional vegetation or setback. The discussion is whether to require a 300-foot setback and 30-foot vegetation. Ms. Crawford feels 300 feet is too deep. Ms. Spencer suggested that we add a sentence that exceptions could be made to the setback and vegetative buffer. Mr. Colby requested that the trees in the vegetative buffer should be at least six feet tall instead of three feet. There was also a request to add language regarding the vegetative buffer surrounding the entire structure. Ms. Spencer reiterated that when the site plan is submitted, that is the time to consider the type and height of vegetation. Language can be added to allow the evaluation of the landscaping in the vegetative buffer during the permit process. The commissioners agreed.

Ms. Spencer reviewed further updates to the solar ordinance including assured maintenance of the facility and erosion control practices. There is a request to further define "experienced solar energy consultant". Ms. Spencer explained that the staff would hire the expert, not the developer. Mr. Colby reported that he likes the idea of adding

an experienced solar energy consultant to the design review team for solar projects. Ms. Spencer suggested “third party consultants” as the language. The purpose of the wording is that we will have a third-party consultant or “consultants” or “experts” that are under the umbrella of “expert”. Mr. Dadak stated that the further we narrow the definitions, the more issues we may have due to wording, and we may accidentally eliminate some of our options. He suggested keeping the language broad so that we don’t accidentally rule out items by being too specific. The better language may be “at the county’s sole discretion” instead of being too specific. He stated this gives the county more leeway. Mr. Dadak stated that we should not add assurity on top of what the state statute already requires, as this could be argued that we’re trying to get around the state statute. He stated that typically assurities are very inclusive. He stated he would need to see the language before he could advise whether to add language or not. Mr. Colby feels the assurity section needs further work. This section of the ordinance requires further staff and legal review. Ms. Mitchell asked about wording for when to add the buffer. She stated that she has learned that a lot of the complaints are coming from the construction phase. She asked if there was any method of mitigating the impact of construction. Mr. Dadak expressed concern about creating language in the ordinance. The construction issue may be a case-by-case concern. Mr. Dadak suggested we consult Solsmart. The county economic developer has reported that a lot of firms ask about solar before making the decision to locate in a county and may not locate in counties that are not solar friendly.

Mr. Colby asked about defining areas of impact and feels it is very important. He envisions a vicinity map showing an impact area. He listed items such as visual impact, water impact, environmental. Ms. Spencer asked if this was akin to an environmental impact analysis and would this type of analysis cover Mr. Colby’s concerns. Ms. Spencer reported that the ordinance has already addressed environmental impact. These issues are very broad and there is state language written that addresses how the project will impact the comprehensive plan. Mr. Colby offered to draft language and it will be submitted for staff and legal review.

Decommissioning: Ms. Spencer added language that needs legal review and feels the language is more robust. Mr. Colby asked about language regarding contiguous farms. This language needs to be added. Mr. Colby requested that we add language that prohibits solar applications in designated growth areas. Ms. Spencer reported that planning staff is mapping out where possible solar farms would be located and their vicinity to large electrical transmission lines. Mr. Colby stated he would not vote for the ordinance if we didn’t prohibit solar farms in designated growth areas. The concern is that farmers who wish to sell their land to a solar farm developer would not be allowed to do so in a designated growth area. Ms. Crawford expressed concern about telling individuals what they can and cannot do with their land.

Ms. Mitchell stated she feels we need to know where the transmission lines are located. She feels companies are likely to look at locations that are close to transmission lines, and it is possible these lines are within or near designated growth areas. This needs to be examined to determine whether this will be a large issue, or not. Ms. Cooper stated we also need to look at potential designated growth areas as this may impact where solar facilities are located. Ms. Mitchell also asked that the map of transmission lines also show the areas of the county that are zoned and not zoned.

Ms. Mitchell asked if we can further revise the ordinance and bring it to the next meeting. She also asked if the map would be possible. Ms. Spencer will inquire if the requested maps will be possible by November. Ms. Crawford moved that we continue the process to the November meeting. Second by Mr. Colby.

SHORT-TERM RENTALS: Ms. Spencer reported she had nothing new to share regarding short-term rentals and suggested we continue the discussion at the next meeting. There are no applications for the November meeting,

therefore we will continue the discussion of the solar ordinance at the November meeting and defer a discussion about short-term rentals until after the solar ordinance is complete.

Ms. Spencer has been reviewing the by-laws and the requirements of the by-laws. She suggested that we update the by-laws in the future. She requested that the planning commissioners advise the staff to update the by-laws since the previous update of 2016. The commissioners agreed. Mindy will email the most recent version of the by-laws and will email them to the county attorney as well. Ms. Spencer asked if the commissioners would like her to be ready to make some suggestions when a discussion of the by-laws begins. There was a short discussion about absences. Absences are in the state statute and Mr. Colby will send this to Ms. Spencer.

Ms. Mitchell asked if there was any new business on the agenda. Hearing none, the meeting was adjourned at 8:28 PM.

Mindy S. Goldsmith, Clerk
Franklin County Planning Commission

October 12, 2021
Date