

Department of Planning & Community Development



A meeting of the Franklin County Planning Commission was held on January 11, 2022, 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

Cheryl Ege- Gills Creek District
David Pendleton – Blackwater District
Angie McGhee – Boone District

THOSE ABSENT: None

OTHERS PRESENT:

Chris Dadak, County Attorney
Carrie Spencer, Director of Planning and
Development – via Zoom

Steve Sandy, Assistant County Administrator
Timothy Mack – Senior Planner
Lisa Cooper – Principal Planner

DRAFT

Mindy Goldsmith – Clerk

The meeting was called to order by Chairwoman Mitchell at 6:05 p.m. Mrs. Mitchell asked if there were any changes, edits or deletions to the December 14, 2021 minutes. Hearing none, the minutes will stand as written.

Chairwoman Mitchell introduced the next item on the agenda.

NEW BUSINESS:

- A.) REZO-12-21-17127 – Rescheduled to February 8, 2022 – Mrs. Mitchell reported that this item has been rescheduled to February for public hearing. The date for the rescheduled hearing is February 8, 2022, and Board of Supervisors will meet February 15, 2022.
- B.) Solar Ordinance – Mrs. Mitchell introduced the solar ordinance. The purpose of the amendments are to allow for utility-scale and small-scale solar facilities. Mr. Mack presented the solar ordinance information to the commissioners. In January 2021 the Board of Supervisors directed the Planning Commission to develop a solar ordinance for the county. Several issues were identified and addressed. Staff concludes that the ordinance addresses the concerns for both small scale and utility scale solar facilities. Mr. Mack asked the commissioners if they had any questions. Mrs. Mitchell stated quite a bit of time was spent working on the ordinance. Mr. Doss commented that the public who had already made comments this evening about concerns were addressed by the commissioners in the ordinance was written. Hearing no further questions, Mrs. Mitchell opened the public hearing. Mrs. Becky Campbell, who works in the solar industry, addressed the commissioners. She respectfully requested that we strike the final sentence in a particular section of the ordinance because it would prohibit companies from competing in the county. She feels that Cadmium Telluride is a safe technology. She stated they've never had an issue with Cadmium Telluride. She requested the ability to submit literature to the commissioners. Mr. Skyler Zunk addressed the commissioners and presented a letter, with concerns over the proposed ordinance. Mr. Zunk represents the Land Liberty Coalition. He stated that solar farms are a phenomenal tax opportunity. He stated the ordinance makes solar unworkable in Franklin County. He further stated the ordinance robs the county of the technology. The county cannot tax 5 megawatts or less. He stated a five-mile restriction produces a polka-dotted community and robs county citizens of their property rights. The ordinance bans the predominant American made panel in the United States. He urges that we delay vote. Mrs. Janet Ross addressed the commissioners. She expressed concerns about decommissioning. She feels there should be recycling language in the ordinance. She feels we need to ensure the solar panels do not leach into land and water. Mr. Sammy Robertson addressed the commissioners. He is against the ordinance. He doesn't feel the companies will decommission appropriately. Carl Dalton addressed the commissioners as well. He also stated he was against the solar ordinance. Mr. Farrar stated he appreciates that all the issues have been addressed in the ordinance and he feels the designated growth areas should be excluded. He feels the ordinance gives wiggle room to allow solar farms close to designated growth areas and he feels those areas should be rezoned versus allowing the wiggle room. Mr. Daniel Ban, representing Sun Tribe Development based in Charlottesville, VA, addressed the commissioners and presented a letter with concerns over the proposed ordinance. He feels the ordinance strikes the right balance in most areas, but the 60-acre cap will discourage developers and AEP will not purchase small projects. In addition, anything under five megawatts will not be subject to a siting agreement and most projects under 60 acres will be under 5 megawatts and the county will miss tax revenue. He also feels the five-mile gap eliminates their ability to group around high transmission lines. Pittsylvania had to reverse the section in their ordinance that designated five miles between solar facilities to one mile. The total acreage gap leaves a lot of landowners out of the ability to participate in a solar project. He feels the pollinator provision looks like it requires it

for the entire site and the state does not require this provision. He encourages the commissioners to look at the state's process. Russell Sennel from Union Hall thanked the commissioners. He stated he has issues with the ordinance, but when looking at the ordinance from the county perspective, he feels we should protect property owner rights. He feels the property owners should be allowed to do what they want with their land. He disagrees with the 300-foot setback. He agrees with buffers but feels 300 feet is too large. He also thinks every project should be a special use permit and case-by-case basis. The five-mile requirement does not make sense. He feels that due to topography, the five-mile requirement is a long distance, and the 1500-acre cap paints the county into a corner. Let the farmers or landowners decide what they wish to do. Mrs. Mitchell closed the period of public comment. Mrs. Mitchell asked for feedback from the commissioners. She feels there is room to make changes and asked the commissioners how they felt about moving forward with a vote. Mrs. Crawford asked about special use permit requirements. Mr. Mack clarified where SUPs are required. Any project above 60 acres would require rezoning, but we still have a cap of 1500 acres. Mrs. Mitchell pointed out the chart at the end of the ordinance that lists where SUPs or rezoning are required. Mr. Doss stated there is a lot of acreage available in the county and is concerned about the 1500-acre cap. He also feels we need to address the five-mile distancing and rethink the distance. Mrs. Ege stated she is concerned about whether we will allow utility scale solar in a designated growth area. She feels we should not allow solar facilities in these areas and feels this section should be examined. She also expressed concern about the caps and perhaps we should think about industrial zones. She also stated she feels that the more solar facilities there are, the more we lose overall beauty in the county. She also feels we should look at the materials provided by Mrs. Campbell. She stated she is aware of a bill in the state legislature to reverse Governor Northam's mandated goals. Mrs. Crawford stated she is against the 300-foot setback. The solar ordinance consultants suggested a 150-foot setback. She thinks we have made an ordinance that won't allow solar in Franklin County. Mr. Pendleton stated that technology changes and 60 acres may produce more than 5 megawatts in the future. He also stated that solar panels come from all over the world and nobody is going to restrict the panels to only purchased in the United States. He feels we are creating an ordinance too quickly. He feels we need to be strict now so that companies do a better job for the county. Mrs. Crawford asked if we adopt the ordinance we have now, how difficult would it be to make changes in the future? Lisa Cooper the preference would be not to go back and change the ordinance. She does not want the commissioners to adopt something they are not comfortable with. Mrs. Spencer stated it is not uncommon to go back and revisit the ordinance for changes. Mrs. Crawford suggested we table the ordinance vote to allow the commissioners to study the documents they were given this evening. Mr. Pendleton feels we should push the ordinance forward to the Board of Supervisors. Mrs. Ege stated she feels that given the feedback this evening, there should be more time to examine the ordinance. Mrs. Mitchell stated there are options. One is to recommend approval, another option is to deny the ordinance proposed, and the third option is to delay action, finding that the proposed amendments do not serve good zoning practices. Mrs. Mitchell asked for a motion. Mrs. Spencer stated that the big question is whether the ordinance gives the commissioners enough criteria to review any case that comes before the commission. Mrs. Mitchell stated the ordinance does give them criteria. Mrs. Crawford stated that she prefers to delay the vote. Ms Crawford motioned to delay action until further information is submitted. Mrs. Mitchell asked for clarification. Mrs. Crawford stated in her motion that she feels they need to discuss the caps, the panels, and the designated growth areas and buffers and industrial areas. Second by Mrs. McGhee.

VOTE:

AYES: McGhee, Clements, Doss, Ege, Crawford

NAYES: Pendleton, Mitchell
ABSENT: 0
ABSTAIN: 0

Mrs. Spencer stated the commissioners have options for how to move forward. Mrs. Mitchell asked if the commissioners need to meet again to discuss the materials they receive between tonight and a scheduled work session. The additional discussion will be on the February agenda.

C.) Comprehensive Plan Amendment – Solar Ordinance – Lisa Cooper spoke to the commissioners about the amendment to the comprehensive plan for goals and strategies for public utilities. There is a state-wide goal of 100% carbon free energy by 2050, and 30% renewable energy by 3020. Mrs. Cooper outlined the objectives for the Utilities Section. She also discussed the strategies which included several objectives to meet the Governor’s goals. Strategies include encouraging utility-scale solar facilities and protecting existing businesses. Staff recommends the amendment be approved. Mrs. Ege asked about the promotion of wind technologies and if staff would develop a separate ordinance for wind. Mrs. Cooper informed Mrs. Ege that we wrote a wind ordinance two years ago. Mrs. Mitchell opened the meeting to citizen comment. Mr. Zunk spoke on behalf of the Land Liberty Coalition. Mr. Pete Kauffman stated he supports the supervisors and planning commission and supports the five provisions in the comprehensive plan. He also supports protection of the agricultural land and protection of waterways. In addition, he supports protection of historic resources. He expressed concern about technology changes and is concerned about setbacks and buffers. He also wants to be sure decommissioning is included. Mrs. Bonnie Law also addressed the planning commission. She expressed concern about tax and insurance ramifications. Steve Ferrar also spoke to the commissioners. Mrs. Mitchell reminded the planning commissioners that we are here to assure the goals and strategies meet the objectives of a fair and well-thought-out processes. She stated we have put time into the ordinance and the comprehensive plan and have discussed issues in past work sessions. Mrs. Crawford stated that she commends the county and commission for the work and the plan is the first step. Mrs. Mitchell stated she felt the plan should be updated first. Mrs. Ege stated that good points were brought up by the citizens and asked if they could we vote on the comprehensive plan after we’ve heard comments from the solar ordinance public hearing. Mrs. Mitchell stated the commissioners have discussed all of the topics that were brought up this evening by the citizens who spoke during the public hearing. Mrs. Mitchell explained the comprehensive plan process to Mrs. Ege. Mrs. Ege stated she thinks we are approving a “large picture” that would be governed by the solar ordinance. Mrs. Cooper provided education for Mrs. Ege regarding comprehensive plans. Mrs. Cooper explained that the comprehensive plan assists in guidance for zoned and non-zoned areas. Mrs. Cooper stated that the zoning ordinance regulates land use and decides where certain uses can be placed. In the non-zoned area, we do not regulate the land use. Mrs. Crawford motioned approval of the proposed amendment to the comprehensive plan. Second by Mr. Doss.

VOTE:
AYES: McGhee, Clements, Pendleton, Doss, Ege, Crawford, Mitchell
NAYES: 0
ABSENT: 0
ABSTAIN: 0

OLD BUSINESS:

A.) SPEC-03-21-16867 – Blue Ridge Towers – Mrs. Mitchell recused herself from this petition and Mrs. Crawford chaired this section of the meeting. Mr. Sandy presented an updated staff report. He stated this was a recap from the December meeting. The application dates back to January 2021. Mr. Sandy presented the history of the application. The property is zoned for planned commercial district. The proposed tower requires a special use permit. The initial public hearing was held in May 2021. The commission tabled the request to allow for the FCC review process and the national historic park service review process. There was an alternative site evaluation, which is included in the packet, then mitigation efforts to satisfy all parties. Mr. Sandy stated this is part of the broadband initiative using grant funding from the state. The county required that all broadband projects be completed by April 15, 2022. At this point, all of the towers must be built and in operation by April 15th. Last month the commissioners received a draft memorandum of agreement. The height of the structure has been reduced to 160 feet. The location has been moved further to the back of the property. There was also discussion about the type of tower. On January 5th the applicants submitted a new, updated mitigation proposal. Mr. Sandy has stated that the park service has comments to submit and then the final MOA will be circulated and signed. Mr. Sandy further explained the vegetative buffer areas. Mr. Sandy reported that the park service expressed a desire for additional mitigation strategies. The park service agrees with the height of the tower and the buffer area. The park service stated they would support the monopine structure as it will help hide microwave dishes. The park service asked for further mitigation measures as well. These include specific areas for tree planting and a desire to wait until the tower is built before the specific trees are planted. Mr. Sandy stated there is potential to work with the applicant and the park service to ensure the project is completed. There is also a desire to assure that single-family homes are built in the areas designated. Mr. Sandy reported that the original conditions have been revised to address all concerns. Mr. Sandy outlined the seven recommended conditions. There will be a process for the applicant to build the trees. One possibility would be a donation to the Friends of Booker T Washington from the applicant to plant the trees. It is anticipated that the park service will formulate their response back to the FCC and as part of the MOA process. Mr. Sandy also spoke with the applicant, Anthony Smith of Blue Ridge Towers, and stated he is fully supportive of the seven recommended conditions. Mr. Sandy feels all parties have reached a consensus and staff recommends we move forward with a vote to recommend the special use permit. The Board of Supervisors has a vote scheduled for January 18th. Mrs. Crawford asked a question regarding items in the packet versus the handout. Mr. Sandy explained that the six conditions are now modified to seven conditions. The items in the packet are slightly outdated due to changes that occurred today. There were no further questions for Mr. Sandy. Anthony Smith expressed his thanks for all of the hard work and is supportive of the seven conditions. He feels we have produced conditions that work for everyone. Mrs. Crawford stated it has been a long process. Mrs. Crawford asked if the commissioners had any discussion. Mrs. McGhee stated she is happy to see the project come together. Mrs. Crawford asked for a motion. Mrs. McGhee motioned to approve the special use permit and finds that the SUP will not be of substantial detriment and the proposed project will be in harmony with the district. Second by Mr. Doss. The motion carried.

VOTE:

AYES:	McGhee, Clements, Pendleton, Doss, Ege, Crawford
NAYES:	0
ABSTAIN:	Mitchell
ABSENT:	0

B.) Union Hall Draft Comprehensive Plan – Mrs. Mitchell returned to resume chairing the meeting. The Union Hall Village Plan update was presented by the consultants, Todd Gordon, and Vlad Gavrilovic. Mr. Gordon reviewed the results of the community meeting and survey. Mr. Gavrilovic presented the Transect concept land use plan. Transect has been used across the country, which looks at four different transect zones. Vlad stated they had received great input from Mrs. Crawford and residents in Union Hall and further defined each of the four transect zones. The consultants made suggestions for each transect zone. Mr. Gavrilovic also explained the concept of a traditional village development. He stated they appreciate any feedback from the commissioners. Anthony Donald, from Michael Baker International, presented information regarding transportation in the village plan. The goal is to provide a set of recommendations that helps support development in the village. He presented ideas to add pedestrian walks. He also presented potential ideas for improvement in certain intersections. The improvements would allow for more sustainability. Mr. Donald stated the intersection improvements were to address existing safety concerns and projected traffic volumes. Mr. Gordon concluded with next steps in the process. He encouraged input from the commissioners via email. The next steps will include writing the comprehensive plan and to consider zoning recommendations. The consultants will also be present at the February meeting and will brief the board of supervisors as well. They will finalize recommendations as spring approaches, with the goal of leaving us with recommendations to adopt in the comprehensive plan. The final report must be finished by the end of May. Mr. Gordon asked if there were any questions. Mrs. Mitchell thanked the consultants. Mrs. Crawford also thanked the consultants. Mrs. Crawford reported there was a small community meeting, and they are working toward trying to convene a committee with volunteers. Mr. Cundiff has expressed his support. Mrs. Crawford feels this will be a twenty-year plan. Lisa asked that the commissioners look at the documents submitted and submit any questions or comments. She also asked commissioners to look at the transportation maps. Lisa asked if the feedback could be provided within the next week or two. Mrs. Crawford stated she feels the bike trail will not be safe unless the traffic is slowed considerably. Vlad stated that the concerns about traffic also relate to the idea of a small village where traffic must slow down. VDOT requires that bike and pedestrian considerations be provided.

PUBLIC COMMENT - Mrs. Mitchell asked if anyone from the public had comments they wished to present to the commissioners. There were no citizens who wished to make a comment.

Mrs. Mitchell asked if there was any new business on the agenda. Hearing none, the meeting was adjourned at 8:50 PM.

Mindy S. Goldsmith, Clerk
Franklin County Planning Commission

January 11, 2022
Date