

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.