

Special Use Permit. By definition it allows the use of land for the storage of harvested timber and/or sawing of the timber into lumber products.

Mr. Fowler said staff suggests that the Planning Commission add a classification of “Custom Manufacturing” as a use allowed by Special Use Permit in the following zoning district:

A1, Agricultural Conservation District

Applicants would have to meet the current development standards outlined in the ordinance and comply with any additional building codes or other state agency requirements.

Chairman Townsend stated the current zoning ordinance provides a definition of Custom Manufacturing as “Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures involving the use of hand tools, or the use of mechanical equipment commonly associated with residential or commercial uses.”

Mr. Fowler stated this allows every use meeting this definition to be brought before the Planning Commission through Special Use Permit applications.

Chairman Townsend opened the public hearing.

Jeannette Tarlton, Prospect District, expressed her opposition to the zoning amendment. She said it would not be consistent with agriculture and damage roads, and affect the nature of the residences. She expressed concern about the size of trucks on her road and the number of employees entering and leaving the proposed site.

Chairman Townsend stated this public hearing is regarding the zoning amendment and the right for anyone in the county to have this opportunity, not the specific case which would follow this public hearing on the amendment.

Ms. Tarlton stated the ordinance is broad enough as it exists and this ordinance is being changed for this one case. She said there is no need to change [the ordinance].

William Shular, Prospect District, stated for fifty-five years, the neighborhood has been quiet farmland and it should stay that way. He asked if this change would affect the taxes and the tax rates. He stated he opposes the amendment.

Commissioner Jones said this zoning ordinance amendment would not change the tax rate, but would allow the special use permit application to be used county-wide. He said it is not unusual for the County to look back and amend the Zoning Ordinance as the County grows. He said the applicant would have to get approval on a case by case basis.

Commissioner Watson said the Planning Commission makes a recommendation to the Board of Supervisors, who then makes the final decision.

Chairman Townsend explained some of the history, stating the Planning Commission decided to allow certain activities in certain districts, and from time to time, people come up with different things that they wish to do in the districts, and this gives the Planning Commission the opportunity to decide whether that activity should be added to the Zoning Ordinance as an allowed use. He said the Planning Commission cannot think of every thing that may need to be in the ordinance, so amendments are made to the ordinance.

There being no one further wishing to speak, Chairman Townsend closed the public hearing.

Commissioner Jones said that if sawmills, woodyards and auto repair are permitted in the A1 district, something of this nature would not be that much different from what is already allowed.

Commissioner Watson said that if the Planning Commission does not want to change anything, it eliminates all possibility for the County.

Commissioner Jones said there is a manufacturer on a major highway which had to get a special use permit also. He said it would not be a problem as it would be by special use permit.

Commissioner Prengaman said that giving the opportunity for someone to apply for a special use permit for a business venture; it is a positive for the economy to listen to these applications.

Commissioner Jones made a motion, seconded by Commissioner Hunt, to approve for recommendation to the Board of Supervisors the zoning amendment to allow custom manufacturing in the A1, Agricultural Conservation zoning district by special use permit; the motion carried:

Aye:	Donald Gilliam	Nay:	(None)
	Preston L. Hunt		
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Chris Mason		
	John "Jack" W. Peery, Jr.		
	John Prengaman		
	John Townsend, III		
	Cannon Watson		

In Re: Public Hearing – Special Use Permit, Abner King

Chairman Townsend announced this was the date and time scheduled for a Public Hearing to receive citizen input prior to considering a request for a Special Use Permit by Abner King to operate a Custom Manufacturing Facility located at 653 Plum Creek Road on property identified as Tax Map Parcel 008-A-20; this is an A1, Agricultural Conservation District. Notice of this hearing was advertised according to law in the Friday, December 8, 2017 and Friday, December 15, 2017 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Fowler said the County has received a special use permit application from Abner King to permit a Custom Manufacturing operation within an existing building located at 653 Plum Creek Road on Tax Map Parcel 008-A-20, owned by Abner and Rebecca King. The property is zoned A1, Agricultural Conservation, and pending Board of Supervisors approval, this zoning classification permits Custom Manufacturing by Special Use Permit.

Mr. Fowler said the property is approximately 55 acres; no exterior improvements are planned and the location has ample parking on site. Mr. King will be custom manufacturing storage sheds/buildings for a third-party vendor and operate within an existing 2,400 square foot building and may employ up to six people. Mr. Fowler said Mr. King estimates one shed will be completed every day and will be taken offsite on a pickup truck and a flatbed trailer. He said this will be run by members of the Amish community and there will be a single vehicle. There is limited storage onsite and there would be two low-noise generators on-site.

Mr. Fowler said VDOT has been to the site and has no concerns for the traffic; a commercial entrance will need to be constructed.

Mr. Fowler said there have been few comments and calls; a few are in support of the operation, and a few are opposed. He said concern regarding future expansion was expressed but Mr. King would have to re-approach the Commission if they desire an expansion.

Commissioner Jones asked if they will work in the pre-existing building located on the lot. Mr. Fowler said yes, and showed the Commission an aerial view of the lot.

Commissioner Mason questioned the legality of holding the hearing prior to the Board of Supervisors approving the amendment, and said the County Attorney should be contacted to make sure the action is proper. Mr. Fowler stated

the process is the same as is typically done by the County, with the recommendation for the amendment and the Special Use Permit application being forwarded to the Board of Supervisors at the same time.

Commissioner Peery questioned the number of sheds being produced and the number of employees. Mr. Fowler stated it is conceptual right now, and there will be two or three employees, plus himself, and it would not be a large-scale operation. He said if they wish to expand the operation, they would have to come before the Planning Commission. Mr. Fowler said they set the hours to Monday through Friday, from 8:00 a.m. to 5:00 p.m. with no weekend work.

Commissioner Mason said that to be clear, the work is to be done within an enclosed structure; he asked if the work would be done inside.

Mr. Fowler said it is; he added there shouldn't be much supply, which would be stored behind the shed. He said a buffer could be required, if the Planning Commission desired.

Commissioner Hunt questioned if the building has been approved for this use. Mr. Fowler said the County Building Inspector has approved its use.

Commission Peery questioned the report from VDOT; Mr. Fowler said VDOT has no concerns regarding the property.

Commissioner Mason questioned any planned lights; Mr. Fowler stated they do not, as it is not a night operation.

Chairman Townsend opened the public hearing.

Tim Boehmer, speaking on behalf of Mr. Abner King, said Mr. King is moving to Virginia from Pennsylvania and was unable to attend the meeting. He said Mr. King is one of the first to relocate to Prince Edward County. Mr. Boehmer said this is a small, family-owned operation, building hand-crafted sheds. He said there is no concern for lighting as the Amish do not use electric lights; he added there may be two vehicles per day, and two to three sheds per trip. Mr. Boehmer said VDOT was in touch and described the proposed changes needed to the entrance.

Chairman Townsend asked about lighting. Mr. Boehmer said the lights would be provided by generators which would also power hydraulic equipment such as saws. They also are permitted use of solar panels to charge the battery pack; that is in keeping with their laws. Mr. Boehmer said there will be two to three employees plus Mr. King.

William Shular, Prospect District, stated his concerns regarding traffic on the dirt road. He said the farmers use tractors and any other trucks may block the road. He stated the residents cannot get VDOT to maintain the road. Mr. Shular also expressed concern about the safety issues as there are children and dogs in the area. He then stated that the construction would cause too much noise, and they could not work inside in the warmer months as it would be too hot. He stated there are woods behind the shed where Mr. King wants to store the supplies and finished sheds. He said it will be a nuisance.

David Emert, Prospect District, listed his concerns and those from members of the community, stating the building is too close to the road according to the ordinance, and asked how Mr. King will be insured. He stated road issues, such as the two bridges, would not be sufficient as supplies would need to be brought in and sheds would be taken out. Mr. Emert said if they expand their operation, there would have to be larger trucks and more truck traffic.

Chairman Townsend questioned the concern regarding insurance. Mr. Emert said that in Virginia, the Amish have certain allowances with liability and workers compensation; questions have been raised that since they will have a manufacturing facility, are they going to be self-insured to protect themselves.

Commissioner Prengaman questioned the building being too close to the road; Mr. Emert said from what he understands, it is a code violation. Mr. Fowler said it is an accessory structure, therefore there are no setback requirements; he said it is within the limits of the ordinance. Further discussion followed.

Jeannette Tarlton stated the entrance from Harris Creek Road to Plum Creek Road is a washboard; she said VDOT comes to scrape and put down gravel once a year, and the trucks will make the road worse. She said there is a bad curve on the road and the bottom often floods; there are five children at the neighbor's house. She added the barn is

very close to the road, and there would be sanitation issues with no electricity, no outhouse and no running water. Ms. Tarlton said this is a farming community and there would be noise from the generators every day. She said they welcome them, but she is not looking forward to a business or industry in the farming areas.

George Welch, Buffalo District, asked if the Planning Commission makes a recommendation that must be approved by the Board of Supervisors, and if the Zoning Ordinance does not include this as a use as the Board of Supervisors has not yet acted on it. Chairman Townsend said he is correct.

Mr. Boehmer responded to the issues, stating safety is always a concern and they have children too. The vehicle to be used is a truck and trailer that were purchased with the property, they were parked in the barn and the lot is large enough. He said the storage will be in the big pole barn, with a loft that runs the length of the building, and there is space behind the building. He said it has proper ventilation and would be more difficult to warm in the winter than cool in the summer. Mr. Boehmer said the vehicles that would cross the bridges are well under the weight restrictions imposed on the bridges; the sheds do not weigh 14-16 tons. He added a commercial entrance is required by VDOT and they are working to assure safety and access to the property without blocking the road. He said the truck and trailer have been used on the road for many years with no issue. Mr. Boehmer said that Mr. Abner King is one of the first Amish to come to the area from Pennsylvania and is looking forward to utilizing his farm as agriculture but also to utilize his craftsmanship to help the community grow and contribute to the community.

Chairman Townsend he said they have heard about the plans for lighting and the road, and questioned the plans for facilities for sanitation. Mr. Boehmer said he was unsure; they could have a porta-potty or go to the house as it is just down the road.

Commissioner Peery asked about the insurance; Chairman Townsend said he didn't think insurance is within the scope of the Planning Commission.

Mr. Boehmer said the lights will be gas lanterns or battery powered lights, and will be low intensity; they do not use electricity and machinery and will be operating according to their culture. The generators will not run 24 hours a day; the generator is a small four-stroke Honda generator.

Commissioner Mason said the noise factor in this situation, the generator may be the issue even with the work being done inside; if they would use electricity, there wouldn't be the noise issue. He said he is not asking them to go outside their customs, but it would alleviate the noise issue. Discussion followed.

Commissioner Leatherwood asked if the entire property is 55 acres. Mr. Boehmer said it is; the Kings have cattle and do farming.

There being no one further wishing to speak, Chairman Townsend closed the public hearing.

Commissioner Jones said he would feel more comfortable if the building was not where it is, and the noise from the nail gun and generator could cause issues.

Chairman Townsend said it would be better if the building would be on another part of the property; he said the road is in bad shape.

Commissioner Mason said the Special Use Permit would have to set many parameters; he said there are so many questions regarding the generators, types of vehicles, sanitation and noise that could be answered if Mr. King was in attendance.

Commissioner Leatherwood asked if Mr. King does this [manufacturing] currently. Mr. Boehmer said he does not think so.

Chairman Townsend said he does not like going against economic development; he asked if Mr. King might find another location. Mr. Fowler stated there is another large barn on the property, but he is unsure if Mr. King is willing to use that building for this project. He asked the Commissioners if they would like to table the issue until he can contact Mr. King.

Commissioner Jones said he could start with two generators and expanding the business would increase the noise. He said the location is a detriment.

Commissioner Jones made a motion, seconded by Commissioner Prengaman, to table the Special Use Permit application until some of the issues can be addressed and more answers from the applicant are received; the motion carried:

Aye:	Donald Gilliam	Nay:	John Townsend, III
	Preston L. Hunt		
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Chris Mason		
	John "Jack" W. Peery, Jr.		
	John Prengaman		
	Cannon Watson		

Mr. Fowler said he will contact Mr. King regarding a detailed narrative and a site plan.

In Re: Public Hearing: Special Use Permit, Turning Point Energy

Chairman Townsend announced this was the date and time scheduled for a Public Hearing to receive citizen input prior to considering a request for a Special Use Permit by Turning Point Energy to allow the construction of a Solar Electrical Generation Facility located on Good Hope Road and Llama Road on properties identified as Tax Map Parcels 044-A-83 and 043-A-36; this is an A1, Agricultural Conservation District. Notice of this hearing was advertised according to law in the Friday, December 8, 2017 and Friday, December 15, 2017 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Fowler stated the County has received a special use permit application to permit the operation of a Solar Electrical Generation Facility as a major utility, located on Good Hope Road on Tax Map Parcels 044-A-83, owned by Linda Chaplain and Tax Map Parcel 043-A-35, owned by Frances Mary Reeve. The properties total approximately 236.98 acres. The proposed facility will utilize approximately 137.29 acres and be buffered by a 20' undisturbed perimeter buffer.

Mr. Fowler said the applicant stated that the proposed facility will be a passive development that will not be seen nor heard and will not impact adjacent properties. The facility will not generate noise, light, dust, odor, fumes, or vibrations. Water quality will be addressed according to Virginia Stormwater Management Permit requirements and be accessed via a single driveway on Good Hope Road and not generate a significant amount of traffic. He added the property is presently zoned A1, Agricultural Conservation, and this zoning classification permits a Major Utility by Special Use Permit.

Mr. Fowler said he received four calls and inquiries; some oppose the land use and others approve.

Chairman Townsend asked if this will cover 137 acres and will use an easement. Mr. Fowler said part of the land is currently being used for cattle; there are no major environmental concerns. Mr. Fowler added the County does planning review and enforcement.

Commissioner Jones asked if they are planning to use that amount of acreage, was only 20' available to be used as buffer. He suggested asking if they would provide more than a 20' buffer.

Mr. Fowler said Appomattox has one and they are waiting to see what conditions are set on it. He said one condition involves decommissioning, and a bond is required to cover the cost. He added the materials will be recycled.

Buckingham County has a solar facility and has no issues currently. That one is nearing completion; there is no noise. Discussion followed on the operation and procedure in Buckingham and Appomattox, and regarding the site plan.

Mr. Fowler added there will be construction traffic but very little traffic during operation.

Commissioner Pregelman said traffic will be due to mainly inspection but after it is built, it runs on its own.

Chairman Townsend opened the public hearing.

Adam Beale, Vice-President of Development with Turning Point Energy, said collectively they have developed and installed, constructed, and operated over one gigawatt of solar energy systems around the United States, in excess of fifteen states. He said this is the second operation in Virginia and a third is in process. He said this will be a 15-megawatt system which is a clean, quiet, renewable resource which generates no emissions. There will be some construction phase traffic, for approximately four months, but after that, there would only be two to three operations and maintenance vehicles per month as they check on the panels and respond to issues as these are remotely monitored systems. He said there will be significantly less traffic than a residential development.

Mr. Beale said as compared to many developers that work around the country and bring their own crews to construct these facilities, Turning Point Energy generally work with contractors that hire locally; their latest project consisted of 85% local labor force. He said they also feel strongly about putting money into the community through philanthropic efforts.

Mr. John Frazier, Engineer for Turning Point Energy, stated work was done to contain the site to the two parcels containing 237 acres. He said there will be a single point of access with a VDOT approved commercial entrance. They will use an existing gravel road; the panels are ground-mounted at approximately eight feet from the ground at the highest point. Interspersed around that are some small inverters on concrete pads; these take the energy created by the system and transfer that into energy that can be put into the grid. A fence will surround the area for security purposes. The site is in conformance with the Comprehensive Plan; it is remaining agriculturally zoned and this use harvests the sun like adjacent properties harvest crops. He said it will be like a grass meadow, with low-maintenance grass blend planted.

Mr. Beale said it is typical to have mowing three to four times a year; a plant seed mixture is used that doesn't grow that high. He said any trees that would sprout up would have to be removed. He added pollinator blends are used to make it bee-friendly.

Commissioner Jones asked where the other solar plant is located; Mr. Frazier said it is near Danville and is a five to seven-megawatt generation site.

Commissioner Jones then asked if a solar farm has been assessed and if it will affect the assessed values of surrounding landowners. Mr. Bartlett, County Administrator, said the Commissioner of Revenue would need to be contacted but it would not affect the assessments of neighboring properties. He said this property is being leased from the owner and reassessment may be based on an income generation model.

Chairman Townsend asked about the financial impact on the community. Mr. Beale said agricultural exemption will go away, as they understand it. Instantly there will be a raise in the tax base. The properties themselves will generate significantly greater tax base than they have been. He said they hire locally and one to two full time jobs are created. He said there isn't a tremendous economic advantage except for the philanthropic efforts.

Mr. Bartlett stated a small electric generation facility is tax exempt by State Code. He said the supporting structures may be assessed; it will not increase the tax base greatly.

Commissioner Leatherwood asked about the fences. Mr. Beale said there will be six to eight-foot fences around the property, behind the vegetative buffer.

Commissioner Hunt questioned the effect on the environment. Mr. Beale said there has been an extensive study done on the site, and there is no threat to endangered species onsite. They are taking few trees down, and the system will

pay the carbon dioxide offsets back in three to four years; after that there will be a reduction in carbon dioxide. He said this operation is environmentally friendly, with no chemicals and all inert materials. He said there will be 145 acres of forest harvested.

Chairman Townsend asked about the process for decommissioning. Mr. Beale said the power is purchased under the terms of a long-term power purchase agreement generally for 25-35 years. The power purchase agreement was only invented about ten years ago for large scale renewable energy facilities. The panels degrade about ½ a percent annually, even at the end of twenty years the system will still be putting out 90% of the energy it did the day it was installed. He said there is a likelihood that the power purchase agreement will be re-upped at the end of the contract. If the plant is decommissioned, everything is removed in the reverse order of things being installed. He said typically, they install their own feeders for the connection, but the Dominion line runs adjacent and Dominion will allow use of the existing right of way to the point of interconnection, which is a substation to the northwest.

Guy Brochard, Pamplin, stated he is next to the adjoining property and he is not against solar energy, but has issues with the way this has been proposed and the small sign posted. He expressed concern regarding potential property tax issues, possible assessment changes to his property, the dirt road being damaged, property values, and said solar panels are not pretty.

Mr. Fowler said the sign was posted by the entrance to the property; he added the County goes beyond the State requirements for posting for these projects.

George Welsh, Buffalo District, stated he agreed with Mr. Brochard about the process, and expressed concern about the errors made in the process. He then asked if there will be a commercial entrance on Good Hope Road. He said that road is a dirt road and asked if VDOT plans to put down blacktop. He added with more traffic, there are people along the road with respiratory problems; VDOT periodically comes out to control the dust.

Paul Foster, Buffalo District, said his property adjoins the proposed site and he owns the largest private solar system in the county. He said he went through the Board and got his permits; it is now generating almost 28kw and no one knows it's there. He said his only concern is a Bald Eagle that has been seen nearby and it is killing some of his chickens and ducks, which he's had to relocate to his other farm. He added he is concerned about the tax assessment portion of the project and if it would be the same as a house portion on an agricultural farm would be assessed.

Chairman Townsend asked about the power being generated; Mr. Foster said he uses it for his house and farm.

Commissioner Jones stated if an eagle is nesting in the area, they would have to leave that area untouched.

Bob McClenny, Pamplin, asked how the electricity will be conducted to the substation, and if there will be structures or poles installed, or more maintenance to be done in the 50' right of way that has been cleared. He said if more is being constructed, he should receive remuneration for any of that.

Craig Mohr, Prospect District, stated he is in support of the project, and said any traffic that may be on Llama Drive would be temporary. He said he can look out his window and once complete, he won't be able to see the site. He asked who will maintain the grass and trees in the buffer. He added the eagle has been seen in an area to the right of the creek.

Mr. Beale first addressed the questions raised regarding the property values. He said large scale solar energy systems are not new, they've been being installed on this scale and much, much larger than this around the United States for more than ten years. He said numerous studies have been conducted nationwide in all types of communities, and he has never seen a decrease in property values; if anything, there has been an increase in property values. He said there are no plans to use Llama Road at all; there will be one entrance and egress on Good Hope Road. There will be 35' of required setback. He said the site plan shows that almost all setbacks will remain 35' of all vegetative buffer and where it is decreased to 20' it will have vegetative buffer. He said there could be a level of visibility through the easements. Mr. Beale said in regards to the Bald Eagle, there have been extensive biological studies done on the site and there are zero incidences of threatened and endangered species, whether they be in the trees, wetlands, aquatic, plants or animals, or ground level plants and animals. He added they will be using the right of way that Dominion currently has and will be using what is there; new poles will be installed. He said the heights of the trees in the buffer

are estimated to be from 20' to 40' high, depending on species. There will be an eight-foot-high fence with barbed wire on top.

Mr. Frazier added that there will be 75' front, to 70' rear, and 35' side setbacks; the fence may encroach within that setback which is why they will provide a 20' buffer. He said Good Hope Road will have a commercial entrance and any and all improvements will comply with VDOT requirements.

There being no one further wishing to speak, Chairman Townsend closed the public hearing.

Commissioner Jones said he felt all points were covered, and made a motion, seconded by Commissioner Pregelman, to approve the Special Use Permit application to permit the operation of a Solar Electrical Generation Facility located on Good Hope Road on Tax Map Parcels 044-A-83, owned by Linda Chaplain and Tax Map Parcel 043-A-35, owned by Frances Mary Reeve, to include the restriction of the use of Llama Road and to include all points as stated in the record; the motion carried:

Aye:	Donald Gilliam	Nay:	John Townsend, III
	Preston L. Hunt		
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Chris Mason		
	John "Jack" W. Peery, Jr.		
	John Pregelman		
	Cannon Watson		

Chairman Townsend said this will be taken up at the January 9, 2018 Board of Supervisors meeting.

In Re: Old Business

(None)

New Business

Mr. Fowler said there will be a meeting in January to address two public hearings and he will be in touch with Mr. King for more information.

Commissioner Mason made a motion to adjourn the meeting at 9:01 p.m.; the motion carried:

Aye:	Donald Gilliam	Nay:	
	Preston L. Hunt		
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Chris Mason		
	John "Jack" W. Peery, Jr.		
	John Pregelman		
	John Townsend, III		
	Cannon Watson		

Next Meeting: January 16, 2018