



**Prince Edward County Planning Commission
Meeting Minutes
January 21, 2020
7:00 pm**

Members Present: John Prengaman, Chair
Donald Gilliam
Robert "Bobby" Jones
Clifford Jack Leatherwood
Teresa Sandlin
John "Jack" W. Peery, Jr., Vice Chairman
Mark Jenkins
Preston L. Hunt
Whitfield M. Paige
Cannon Watson

Staff Present: Wade Bartlett, County Administrator

Chairman Prengaman called the January 21, 2020 organizational meeting to order at 7:00 p.m.

Election of Chairman

Chairman Prengaman called for nominations for the position of Chairman. Commissioner Jones nominated Commissioner Prengaman, seconded by Commissioner Hunt. Chairman Prengaman called for any additional nominations. There being none, he closed nominations. The motion carried:

Aye: Donald Gilliam
Preston Hunt
Mark Jenkins
Robert M. Jones
Clifford Jack Leatherwood
Whitfield M. Paige
John "Jack" W. Peery, Jr.
Teresa Sandlin
Cannon Watson
Nay: (None)
Abstain: John Prengaman

Election of Vice-Chairman

Chairman Prengaman called for nominations for the position of Vice-Chairman. Commissioner Sandlin nominated Commissioner Peery, seconded by Commissioner Gilliam. Chairman Prengaman called for further nominations; there being none, he called for the vote for Commissioner Peery as Vice-Chairman. The motion carried:

Aye: Donald Gilliam
Preston Hunt
Mark Jenkins
Robert M. Jones
Clifford Jack Leatherwood
Whitfield M. Paige
John Prengaman
Teresa Sandlin
Cannon Watson
Nay: (None)
Abstain: John "Jack" W. Peery, Jr.

Set Day, Time and Place of Regular Meetings

Chairman Prengaman called for suggestions regarding the regular meeting schedule.

Commissioner Peery made a motion, seconded by Commissioner Jones, to hold the regular Planning Commission meetings on the third Tuesday of the month at 7:00 p.m. in the Board of Supervisors room of the Courthouse; the motion carried:

Aye:	Donald Gilliam	Nay:	(None)
	Preston Hunt		
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John "Jack" W. Peery, Jr.		
	John Prengaman		
	Teresa Sandlin		
	Cannon Watson		

Adoption of Bylaws

Chairman Prengaman called for suggestions regarding the Bylaws.

Commissioner Gilliam made a motion, seconded by Commissioner Watkins, to adopt the Bylaws as presented; the motion carried:

Aye:	Donald Gilliam	Nay:	(None)
	Preston Hunt		
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John "Jack" W. Peery, Jr.		
	John Prengaman		
	Teresa Sandlin		
	Cannon Watson		

**Bylaws Of
Prince Edward County Planning Commission**

- 1) Meetings shall be held on a monthly basis, normally on the third Tuesday of the month at 7:00 P.M. in the Board of Supervisor's room. The schedule may be altered at any regularly scheduled meeting. Meetings may be cancelled due to lack of business, but the Commission shall meet at least every two months.
- 2) Additional meetings may be held at any time upon the call of the chairman, or by a majority of the members of the commission, or upon request of the Board of Supervisors following at least twenty-four hours' notice to each member of the commission.

- 3) The commission at its regular meeting in January of each year shall elect a chairman and vice-chairman. The recording secretary shall be the Director of Planning and Community Development or a designated alternate, who shall make an audiotape of the proceedings of each meeting and prepare minutes for the permanent records of the commission.
- 4) The duties and powers of the officers of the planning commission shall be as follows:
 - A. Chairman
 - Preside at all meetings of the commission.
 - Call special meetings of the commission in accordance with the bylaws.
 - Sign documents of the commission.
 - See that all actions of the commission are properly taken.
 - B. Vice-Chairman

During the absence, disability, or disqualification of the chairman, the vice-chairman shall exercise or perform all duties and be subject to all the responsibilities of the chairman.
 - C. Recording Secretary
 - Prepare an audiotape of the proceedings of each meeting of the commission.
 - Prepare minutes from the audiotape of each meeting in detail sufficient to include the tenor of public comments and the commission's reasoning underlying each decision or recommendation.
 - Circulate a copy of the minutes to each member of the commission before the next meeting.
 - Prepare the agenda for all commission meetings.
 - Be custodian of commission records.
 - Inform the commission of correspondence relating to business of the commission and attend to such correspondence.
 - Handle funds allocated to the commission in accordance with its directives, state law, and county ordinances.
 - Sign official documents of the commission.
- 5) All maps, plats, site plans, and other materials submitted to the commission shall be filed in the office of the Director of Planning and Community Development and maintained for public access until the project to which they relate has been completed or vacated. Minutes of the commission's meetings shall be permanently filed in the office of the planner and maintained for public access.
- 6) Matters referred to the commission by the Board of Supervisors shall be placed on the calendar for consideration and possible action at the first meeting of the commission after the referral and appropriate public notification.
- 7) A majority of the members of the commission shall constitute a quorum for the transaction of business, but no quorum shall be required for informational meetings at which no action is to be taken.
- 8) Reconsideration of any decision of the commission may be taken when the interested party for such reconsideration makes a showing satisfactory to the chairman that, without fault or deliberate omission on his own part, essential facts were not presented to the chairman.
- 9) Roberts Rules of Order for Committees shall govern the commission's proceedings in all cases not specifically ordered by these bylaws.
- 10) Order of consideration of agenda items in a public hearing:

- Director of Planning and Community Development or other staff member presents report including summary of all comments (written, electronic and verbal) received from interested parties and makes a recommendation.
 - Commission members may question the staff member on the presentation.
 - Proponent(s) of the agenda item make presentations as appropriate.
 - Opponent(s) of the agenda item make presentations as appropriate.
 - Applicant make rebuttal of objections not previously covered.
 - Commission members may question applicant, proponents, or opponents or may offer comments on the agenda item.
 - Commission may opt to gather additional information about the matter and take action at a future meeting, or vote on recommendation, whether approving or denying request, to Board of Supervisors.
- 11) Any member of the commission who has any personal or financial interest in any matter before the commission shall declare the nature of that interest and shall if the interest constitutes a legal conflict of interest by Virginia law recuse him/herself from the deliberations on that matter, including lobbying other members, participating in the discussions, or voting on the matter. In cases where the interests do not raise to the level of legal conflict of interest by Virginia law, a member may voluntarily recuse him/herself in the interest of avoiding the appearance of conflict. All commission members shall be sensitive to the importance of impartiality and shall endeavor to always avoid any actual or appearance of conflict of interest.
- 12) Each member of the commission who has knowledge that he/she will be unable to attend a scheduled meeting of the commission shall notify the County Administrator's office at the earliest opportunity. The Director of Planning and Community Development shall notify the chairman if projected absences will produce a lack of quorum. Members who are absent from three consecutive meetings, or who are absent from more than half of the commission's meetings during a calendar year, will be referred to the Prince Edward County Board of Supervisors for possible replacement.
- 13) The vice-chairman shall succeed the chairman if he vacates his office before his term is completed. A new vice-chairman shall be elected at the next regular meeting.
- 14) These bylaws may be recommended for amendment at any meeting having a quorum present by a majority vote, provided that notice of such proposed amendment has been given to each member in writing at least two weeks prior to its consideration. If recommended for approval, proposed amendments must then be adopted by the Board of Supervisors before becoming effective.
- 15) Planning Commission members are strongly encouraged to attend a Virginia Certified Planning Commissioner's Training Program within two years of their appointment to the Planning Commission. This certification course will provide a basic foundation of planning law, history, and technical expertise needed by planning commissioners to maximize their competency and ability to render legally defensible decisions and recommendations. Costs associated with the program will normally be paid by Prince Edward County.

Approval of Minutes: November 19, 2019

Commissioner Watson made a motion, seconded by Commissioner Jones, to approve the meeting minutes from November 19, 2019 as presented; the motion carried:

Aye:	Donald Gilliam	Nay:	(None)
	Preston Hunt		
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John “Jack” W. Peery, Jr.		
	John Prengaman		
	Teresa Sandlin		
	Cannon Watson		

In Re: Public Hearing – Amendment to Zoning Ordinance

Chairman Prengaman announced this was the date and time scheduled for a Public Hearing on an amendment to the Prince Edward County Zoning Ordinance to allow Construction Camps in the A-1, Agricultural Conservation District by Special Use Permit. Notice of this hearing was advertised according to law in the Wednesday, January 8, 2020 and Wednesday, January 15, 2020 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Wade Bartlett, County Administrator, stated this amendment would add “Construction Camps” to Section 2-100.3.B.5 of the Zoning Ordinance and add a Special Use Permit process for “Construction Camps” in the A-1, Agricultural Conservation District, to allow temporary housing (i.e., recreational vehicles) for employees and/or labor drawn to the area by large construction projects. Mr. Bartlett said Construction Camps are meant to minimize the strain on local resources, limit social impacts on the community and allow control and order to be imposed on the occupants. He said campgrounds have been allowed in the A-1 District since 2007.

Commissioner Watson asked for clarification on the difference between the construction camp and a campground. Mr. Bartlett said the difference is usually the length of time that people can stay. He said campers can stay a maximum of 30 days; construction camps do not have that restriction and people can stay for the duration of the construction job. Mr. Bartlett said all other regulations are the same as a campground. He gave an example of special septic systems are required for a camp having over 24 sites.

Chairman Prengaman said construction camps have been previously approved but not in the A-1 zoning district. Mr. Bartlett said that was correct; he said A-1 is the largest area designation in the county.

Commissioner Hunt asked what effect it would have on the water system. Mr. Bartlett said wells would have to be drilled, according to the number of campsites.

Chairman Prengaman opened the public hearing.

Steven Samaras, Lockett District, asked if there are two projects, he is interested in the one at Rice. He said a campground has a limit of a 30-day stay, his concern is once it is done being a construction camp, or if the pipeline project falls through and the project is abandoned, what becomes of the campground. Chairman Prengaman said a regular campground has a different designation, this would be a construction camp. Mr. Bartlett said the Special Use Permit goes with the land but the landowner could request a different use. Chairman Prengaman stated that once the construction camp use would be finished, the owner could come back to the Planning Commission for the campground use which would require another permit.

Brian Lokker, Lockett District, asked where he could find the updated Zoning Ordinance. He stated the one currently available on the website is from 2007 and asked how to access the amendments since that time. He then stated no

information regarding the hearings was on the web site and asked for the definition of a construction camp. Mr. Bartlett said the County is in the process of updating the web site and should be done by this summer. He said the Zoning Ordinance amendments should be on it then.

Eric Hodges, Lockett District, expressed concerns regarding safety and the increased violence that could come with the camp; he asked what kind of safety measures will be in place. Chairman Pregaman stated designations were placed on previous camps regarding security including a timeframe on how often police would be traveling through the area. He said other sites have stipulated that an attendee had to be on site. He said these can also be added as stipulations to the special use permits.

Jim Pohl, Lockett District, asked about the occupancy on each camp site; he then asked about the property setbacks. He expressed his concern regarding the number of people potentially occupying two acres, condensed into a minimum amount of space. He said this location is very close to the Trail, questioned the state easement, and also expressed concern about leaching from the septic because it is higher than the creek below.

Chairman Pregaman clarified this public hearing is for the amendment to the Zoning Ordinance to add the definition and allow for a Construction Camp to be permitted by Special Use Permit in the A-1 Zoning District, and not for a specific location or property.

Mr. Samaras stated that this amendment being county-wide, perhaps a stipulation would be to limit the number of people, adding concerns regarding traffic and density. He said the Trail takes in a lot of property in the A-1 district.

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

Commissioner Watson stated the amendment appears to be a natural add-on with just a slight adjustment from the definition of campground. He said each project would be scrutinized. He stated this just gives the ability to grant in a zone that seems well-suited to that use.

Chairman Pregaman said stipulations can be added to individual proposed projects, and forward recommendations to the Board of Supervisors.

Commissioner Jones said the Ordinance never had a need to include this type of use before. Commissioner Jones then made a motion, seconded by Commissioner Watson, to approve for recommendation to the Board of Supervisors to add the definition for Construction Camp to A-1 Zoning District by Special Use Permit; the motion carried:

Aye:	Donald Gilliam	Nay:	(None)
	Preston Hunt		
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John "Jack" W. Peery, Jr.		
	John Pregaman		
	Teresa Sandlin		
	Cannon Watson		

In Re: Public Hearing – Request for Rezoning – Blackstone Building Group

Chairman Pregaman announced this was the date and time scheduled for a Public Hearing on a request by Blackstone Building Group, LLC, to rezone Tax Map Parcels 23-A-40, 23-A-40A and 23-A-23 from R-2, General Residential to R-3, Medium Density Residential. Notice of this hearing was advertised according to law in the Wednesday, January 8, 2020 and Wednesday, January 15, 2020 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Commissioner Sandlin recused herself from this public hearing.

Mr. Bartlett stated the County has received a request from Blackstone Building Group to rezone Tax Map Parcels 23-A-23, 23-A-40, and 23-A-40A from R-2, General Residential to R-3, Medium Density Residential. The total area requested to be rezoned is approximately 126.53 acres and lies south of Third Street.

Mr. Bartlett said the reason for the rezoning request is because the Blackstone Building Group would like to develop the land in question as a mixed-use development that would include single family lots, townhomes, duplexes, and multi-family units. He said multi-family units are not allowed in an R-2 zone but are allowed in an R-3 zone. A Preliminary Development Layout displaying the proposed development has been provided.

Mr. Bartlett emphasized that the development has not been approved and is still in the development stage; he said no detailed site plan has been submitted or approved. He said there has been one telephone call regarding this from a neighbor that did not want his own property rezoned.

Commissioner Jones said that if the rezoning is passed, the developer would still have to come before the Planning Commission with a site plan. Mr. Bartlett said that is correct; the developer didn't want to proceed until this issue could be addressed.

Commissioner Jones then asked if the developer has gone before Town Council and asked if the County approved it but the Town [of Farmville] did not, would that kill the project. Mr. Bartlett said the majority of the property is in the county, and recommended a voluntary boundary adjustment to take the 120+/- acres into the Town, because of the entrance to the property and as it is within the Town's water and sewer service area. He said some of the property is wetlands and cannot be developed. Discussion followed.

Chairman Pregaman stated this public hearing is only looking at the rezoning request. He then opened the public hearing.

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

Chairman Pregaman said there is potential for development for the County or Town, more homes and people, with a possible impact on businesses in the area. There are a lot of hoops for developer to meet.

Commissioner Watson made a motion, seconded by Commissioner Peery, to approve for recommendation to the Board of Supervisors to allow the rezoning of Tax Map Parcels 23-A-23, 23-A-40, and 23-A-40A from R-2, General Residential to R-3, Medium Density Residential; the motion carried:

Aye:	Donald Gilliam	Nay:	(None)	Abstain:	Teresa Sandlin
	Preston Hunt				
	Mark Jenkins				
	Robert M. Jones				
	Clifford Jack Leatherwood				
	Whitfield M. Paige				
	John "Jack" W. Peery, Jr.				
	John Pregaman				
	Cannon Watson				

In Re: Public Hearing – Special Use Permit – Illuminated Sign

Chairman Pregaman announced this was the date and time scheduled for a Public Hearing on a request by the Piedmont Regional Jail for a Special Use Permit to erect a lighted sign on Tax Map Parcel 12-A-2A. This is an A-2, Agricultural Residential District. Notice of this hearing was advertised according to law in the Wednesday, January

8, 2020 and Wednesday, January 15, 2020 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Bartlett stated the County has received a Special Use Permit Application from the Piedmont Regional Jail for the installation and operation of an illuminated sign on Tax Map Parcel 12-A-2A, owned by the Piedmont Regional Jail Authority. This property is located in an A-2, Agricultural Residential District. The property is surrounded on three sides by either land owned by the Jail, the Juvenile Detention Center of the County of Prince Edward. The state probation office is located diagonally across from the property and a residential property is located across the street, Industrial Park Road, from the sign.

Mr. Bartlett said the proposed light is ground-mounted and will shine upward onto the sign and is facing away from any structure and will be shining into a wooded area owned by Prince Edward County. The sign is 8-feet wide and the masonry columns are 6-feet in height. The placement of the lighting fixture will cause any light to shine away from any existing structure.

Mr. Bartlett stated County staff has no concerns regarding the request and believes it will have little to no negative impact on the surrounding properties. He said no comments from the public were received.

Chairman Prengaman opened the public hearing.

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

Commissioner Jenkins made a motion, seconded by Commissioner Sandlin, to approve for recommendation to the Board of Supervisors the request from the Piedmont Regional Jail for a Special Use Permit to erect a lighted sign on Tax Map Parcel 12-A-2A; the motion carried:

Aye:	Donald Gilliam	Nay:	(None)
	Preston Hunt		
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John "Jack" W. Peery, Jr.		
	John Prengaman		
	Teresa Sandlin		
	Cannon Watson		

In Re: Public Hearing – Special Use Permit – Construction Camp - Ellington

Chairman Prengaman announced this was the date and time scheduled for a Public Hearing on a request by Mr. and Mrs. Ellington for a Special Use Permit to operate a Construction Camp on property identified as Tax Map Parcel 40-A-23 located adjacent to Highway 460; this is an A-1 Agricultural Conservation District. Notice of this hearing was advertised according to law in the Wednesday, January 8, 2020 and Wednesday, January 15, 2020 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Bartlett stated the County has received a Special Use Permit application from Mr. and Mrs. Q. Anthony Ellington to construct and operate a Construction Camp on Tax Map Parcel 40-A-23. This parcel is located Southwest of the intersection of Highway 460 and Pisgah Church Road (SR 735). In addition to requesting the use of the property as a Construction Camp for the duration of the building of the Atlantic Coast Pipeline (ACP), the Ellingtons are requesting to be allowed to continue to use the site as a campground following the completion of the ACP. Mr. Bartlett said campgrounds are an allowed use in the A-1 zone by Special Use Permit. Construction Camps would be allowed by Special Use Permit if the Board of Supervisors approve an amendment to the Zoning Ordinance allowing Construction Camps as an allowed use by Special Use Permit in the A-1, Agricultural Conservation District.

Mr. Bartlett said the request includes a site plan detailing the construction of up to 25 camp sites on the property, an office/bathhouse and a dumpster pad to hold waste. He said the entrance would be off of Pisgah Church Road. The sites would be graveled and a storm water plan must be submitted and approved prior to a final site plan approval. He stated water would be provided from wells and sewage would be handled by an on-site sewage system which must be approved by the Virginia Department of Health. The entrance permit must be approved by the Virginia Department of Transportation.

Mr. Bartlett stated the site currently contains a natural buffer along its borders. The latest traffic data shows an annual average daily traffic volume of 100 vehicles on Pisgah Church Road at the intersection with US 460. From 2013-2019, VDOT data shows there was one accident at the intersection of Pisgah Church Road and US 460. There were an additional three accidents in the near vicinity. All three of those were single vehicle accidents; two occurred when a vehicle struck a deer and the other was a single vehicle having a head-on collision with an object other than another vehicle.

Mr. Bartlett said staff recommends the following conditions be imposed if the Planning Commission approves the Special Use Permit:

1. Site Plan and Erosion & Sediment Control and Stormwater approvals be obtained prior to construction
2. VDOT Approval for the Site entrance
3. Approval from the Department of Health for both water and septic systems
4. Existing Natural buffer along the property lines not be disturbed or removed
5. Lighting be glare-shielded to prevent light from extending beyond the property
6. Facilities be provided for trash
7. Quiet hours are maintained from 10:00 p.m. until 6:00 a.m.
8. Site be free of litter and debris at all times

Chairman Pregelman said it appears the Planning Commission is looking at a dual special use permit which would transfer from a construction camp to a campground.

Andy Ellington stated his property is located along the Rails To Trails; he said he has been in negotiations with Atlantic Coast Pipeline as they are in need of housing space if the pipeline is ever approved. He said when he first bought the property, his desire was to open a campground due to the area not having enough hotels for the people coming for the historical attractions. He said his intent is to request that after the construction camp is done and the pipeline is built, he would like to maintain a campground with the access to Rails To Trails. He said this would be an economic boost for the area and would be monitored strictly, as most campgrounds are, with quiet times; he said it will be well-maintained throughout its operation.

Mr. Ellington said the plans for the Atlantic Coast Pipeline were drawn in 2017; they have met many of the hurdles they never thought would arise. He said the ACP anxiously awaits the decision from the Supreme Court early this year, anticipate construction to begin early next year, and is seeking these campgrounds to house their construction workers because there is no housing or hotel space in Prince Edward County.

Mr. Bartlett asked if the Ellingtons have contacted a representative from High Bridge Trail State Park. Mr. Ellington said that they have; he said he requested access to enter the Rails To Trails from the campground, and was advised that this can be done with an application permit process. He added that they welcomed this.

Commissioner Sandlin asked Mr. Ellington to elaborate on the planned security. Mr. Ellington stated security is their utmost concern as there are a lot of people against the pipeline and they (ACP) have to protect their workers and the community.

Commissioner Jones asked what type of security is planned for after the construction camp would become a campground. Mr. Ellington said by then he would like the Sheriff's office to come through [the campground], and he would monitor the site himself.

Commissioner Peery asked if Mr. Ellington plans to have an office onsite. Mr. Ellington said he would for the campground.

Chairman Prengaman opened the public hearing.

Steven Samaras, Lockett District, said he understands that the Ellingtons would like to handle both at the same time, because of the sewer, wells, and electric, but his concerns are that if it becomes a campground and if it doesn't succeed, what happens to the property at that time. He said he is concerned that people will use it as permanent residences. He said sites with a 30-day stay limit as a campground would eliminate that possibility. He said he is also concerned that there would not be an attendant, and is happy that the pipeline camp would be monitored, and when it becomes a public campground, it would be in Ellingtons' interest to keep people from pulling in off Route 460 and camping for free.

Larry Clements, Lockett District, expressed his concern about the property bordering the majority of this project. He stated four generations of his family have lived and enjoyed the privacy and quiet, and that his house is on the back of his property and has enjoyed that privacy for over 60 years. He stated he has nothing against his neighbors, but is concerned about what will happen to the quiet that they have had. He requested that, in addition to the natural buffer, a privacy fence be installed on the property line.

Brian Lokker, Lockett District, said the request overlaps with two separate proposals. He asked how the conditions placed on the construction camp would carry over to the campground. He said the narrative statement presented shows nothing as to how additional conditions would be addressed, such as noise, odor, dust or fumes, or how the proposed use is compatible with the adjacent properties, adding that it is not compatible and would depend on how the neighbors' concerns are addressed. He then questioned the duration of construction camp and then the changes for the campground.

Chairman Prengaman said the construction camp would be designated as such for as long as the construction camp is needed and construction is going on. He said when the pipeline is completed, the workers would move on to the next site where they would be working.

Mr. Lokker said the request should be split into two separate requests. He asked if they would bring in campers or singlewides.

Chairman Prengaman said usually they are campers or trailers; people travel with the construction crews. He said they typically use larger campers or five-wheelers as these are the workers' homes.

Mr. Lokker asked about noise restrictions. Chairman Prengaman said quiet time would be stipulated from 10:00 p.m. to 6:00 a.m., seven days a week.

Mr. Lokker then asked about the lighting and security since the property borders four residences. Chairman Prengaman said the glazed shielded lighting would be set down and inward, not to go beyond the perimeter of the site, and is a normal condition set into the special use permit.

Mr. Lokker then said it appears this project violates the ordinance minimum 35-foot setback. He asked about a review of the conditions and how this will work for the community. He then stated the agenda and information regarding the project was not online for review.

Lori Pohl, Lockett District, expressed her concerns regarding the number of people living on each of the 25 proposed lots, on less than five acres. She said she is also concerned about the cars and traffic in the area, and said it must be limited. She said it is "horrifying enough to lose your property values and to lose the land around you that you're living at. Been there now for thirty years and I am frustrated by the constant barrage that we've had on the little town of Rice. Not that sure why it would be okay to do this to us and sure it would not go through in Farmville."

Jim Pohl, Lockett District, asked in talking about the occupancy of the trailers, who owns the trailers, how many people would be in each one of them, and stated they could have 100 people on less than four acres. He asked if there would be electric or propane hookups.

Mr. Ellington said the electric hookups will be 50-amp service.

Mr. Pohl then expressed his concern about the location of the sewer and the possible leaching into the creek below. He then asked with this amount of underground wire and plumbing, someone needs to keep an eye on it. He asked about the easement from the Trail, and said the plan butts up against the Trail and it is marked where he himself cannot go in relation to the Trail.

Mr. Ellington said there will be three wells; the septic tank will be located in front of the office with a pumping station to pump it back. Mr. Bartlett asked if there would be preliminary treatment in the front tank; Mr. Ellington said it would.

Mr. Pohl asked how long the construction camp would be active, how many miles of pipeline are in the county, and who will pay for the occupancy.

Chairman Prengaman said it hasn't been established when the pipeline will begin construction, and no stipulation of a start and end time has been established.

Mr. Bartlett said there are not many miles of pipeline in Prince Edward County, and goes through the northeastern corner of Prince Edward County. He said the construction workers usually pay occupancy.

Chairman Prengaman stated camps will be competing for the occupancy of the workers, and there are positives for the County such as increased revenue at gas stations, restaurants, retail, and if they bring their families, in the schools.

Mr. Bartlett said he is not concerned about the capacity of the schools; he said when he started in 2007, there were 2,500 students and now that number is down to 2,000. He said the campsites would have gravel, or impervious surfaces; the plans will have to take that into account and they would have to build stormwater ponds and Erosion and Sediment Control as if it was an asphalt area to take care of the runoff.

Mr. Pohl asked where the stormwater pond would be located. Mr. Bartlett said that would be up to the engineer and the County would have to get it approved by a second engineer for the site and Stormwater Plan. Mr. Bartlett said not all sites have to have stormwater ponds; some may have basins or a level-spreader, and it depends on calculations by engineers. Discussion followed.

Eric Hodges, Lockett District, stated he is in opposition to the camps and said there is space somewhere more appropriate in the County than the residential area being proposed. He questioned the viability of a campground along Route 460.

Mr. Bartlett said it is against the law for the Planning Commission to issue or deny a permit for anything based on viability; he said that is not the Planning Commission or Board of Supervisors' decision.

Commissioner Watson said if the applicant wants to do the project, that is his risk. Discussion followed.

Chairman Prengaman said the County has approved camps, some on the edge of town in which no activity has occurred. He said it is up to the individuals where to stay.

Mr. Ellington said he is a lifelong resident of Rice and when he first purchased the property it was overgrown. He cleared the lot for the beauty of the Rice community and maintains it regularly. He said his heart is in Rice and he desires to have something that will add to the community. He said he would rather see a campground than a hotel or Family Dollar. He said that Rice will continue to grow. He said this is the first step of many for this [project] coming to fruition. He said as a developer, he will not do anything else until he gets support of the Planning Commission and the Board [of Supervisors] before exhausting any more money into this project.

Commissioner Jones asked if he would consider putting a privacy fence on the property line. Mr. Ellington said he would, and had been asked if he would leave the buffer when he first cleared the lot. He said he did so and discussion followed regarding the type of privacy fence.

Commissioner Jones said a fence would be a permanent barrier to keep people wandering onto private property from the campground. Mr. Ellington asked if a woven wire fence would be acceptable; discussion followed.

Mr. Bartlett asked if Dominion has been in touch regarding transportation of the workers from the camp to the work site. He said they do not want individual cars because there is no parking available for the cars. Mr. Ellington said that is up to them but stated they want to limit as much traffic around the construction area because they are concerned for their protection while on the construction sites from people that are protesting the project.

Chairman Prengaman said the County does not deal with Dominion or any other company in relation to the camp and is only involved in considering a Special Use Permit.

Commissioner Peery asked how many people are expected. Mr. Ellington said that according to Maxey & Associates, and assuming two employees at the office and 25 RV sites, and using traffic rates for a mobile home park, the average traffic is 133 vpd, with the computed hourly volume for the entrance would be 16 vehicles per hour and in the afternoon, worst case, 9 vph entering and 7 vph exiting the site. He said Pisgah Church Road has a average daily trip count of 100 vpd, with a peak hour of 12 vehicles per hour in one direction. Route 460 has an annual average daily trip count of 14,000 vpd and a peak hour of 679 vph in one direction. He said a moderate volume entrance would be required on the camp.

Commissioner Jones said he learned that they would have a bus service for the campers because they do not have enough places to park the cars; he said many already have busses.

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

Commissioner Jones said with the stipulations that staff has, restricting the use of tent camping during the construction camp phase, a woven wire fence on the property line and natural buffer, and add spruce to block the view.

Chairman Prengaman said he feels they need to separate the construction camp use and a campground use would allow a transition between the two; he suggested they only look at the construction camp during this public hearing, delete the campground and readdress that as a separate Special Use Permit. Discussion followed.

Commissioner Peery recommended a six-foot high fence.

Chairman Prengaman said the six-foot privacy fence, woven wire and the tree buffer, and no tent-camping would be stipulations. He said it would have to be approved by VDOT for the entrance and approved by the Health Department, the site has to be reviewed by an engineer once the requestor has their proposal in place, otherwise no construction can occur.

Commissioner Watson stated the Planning Commission gathers the information and makes recommendations to the Board of Supervisors.

Chairman Prengaman stated the Board will approve or deny the request at the following meeting. Discussion followed.

Chairman Prengaman said the Planning Commission is amending the application slightly and considering only the construction camp and not for the campground. He said the eight stipulations that are routine and two additional stipulations are as follows:

1. Site Plan and Erosion & Sediment Control and Stormwater approvals be obtained prior to construction
2. VDOT Approval for the Site entrance
3. Approval from the Department of Health for both water and septic systems
4. Existing Natural buffer along the property lines not be disturbed or removed
5. Lighting be glare-shielded to prevent light from extending beyond the property
6. Facilities be provided for trash
7. Quiet hours are maintained from 10:00 until 6:00 a.m.
8. Site be free of litter and debris at all times

9. Fence, six-foot high, wire or woven fence
10. Tents restricted from the construction camp

Commissioner Jones made a motion, seconded by Commissioner Hunt, to approve for recommendation to the Board of Supervisors, the Special Use Permit application for a construction camp for the duration of construction of the Atlantic Coast Pipeline, with the ten stipulations as follows:

1. Site Plan and Erosion & Sediment Control and Stormwater approvals be obtained prior to construction
2. VDOT Approval for the Site entrance
3. Approval from the Department of Health for both water and septic systems
4. Existing Natural buffer along the property lines not be disturbed or removed
5. Lighting be glare-shielded to prevent light from extending beyond the property
6. Facilities be provided for trash
7. Quiet hours are maintained from 10:00 until 6:00 a.m.
8. Site be free of litter and debris at all times
9. Fence, six-foot high, wire or woven fence
10. Tents restricted from the construction camp

The motion carried:

Aye:	Donald Gilliam	Nay:	(None)
	Preston Hunt		
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John “Jack” W. Peery, Jr.		
	John Pregelman		
	Teresa Sandlin		
	Cannon Watson		

In Re: Amendment to the County’s Zoning Ordinance, Alternative Energy Sources

Mr. Bartlett said that at the October 15, 2019 meeting of the Planning Commission, the Commission was presented a draft zoning ordinance amendment establishing a section to provide for and regulate the siting, installation, operation and decommissioning of alternative energy sources in Prince Edward County.

Mr. Bartlett said Mr. Davis Plunkett of Holocene Clean Energy has reviewed the draft ordinance and stated, “We had the chance to review the draft you provided, it seems like a great framework and one I feel sure we can work within.”

The existing state-mandated exemption for Machinery & Tool Tax are:

100% exemption for:

- 20 MW or less (interconnection request filed on or before December 31, 2018)
- 20 MW or less that serve public or private colleges, and
- 5 MW or less (interconnection request filed on or after January 1, 2019)

80% exemption for:

- Projects greater than 20 MW (interconnection request filed before July 1, 2018)
- Greater than 20 MW and less than 150 MW (interconnection request filed after July 1, 2018)

Local Option for 150 MW and above

Exemption for 20-150 MW sunsets January 1, 2024

Projects greater than 25 MW are taxed at the Real Estate rate which is much less than M&T

Utility Scale solar projects have been the subject of considerable debate in regards to the state mandated tax exemption for these projects. There was also discussion concerning the impact on local land-use and decommissioning. A Bill has been submitted by Senator Lynwood Lewis who represents primarily Accomack and Northampton Counties. This bill (SB800) would change the sunset date of the state-mandated 80% tax exemption from Machinery and Tool Tax (M&T) for utility-scale solar projects greater than 20 megawatts (MW) from 2024 to 2021. This proposed change would allow counties to decide by local ordinance to determine at their discretion lower M&T rate for projects greater than 20 MW in generating capacity. But the Bill doesn't change the existing 100% exemption for projects of less than 5 MW but the solar industry is pushing hard to maintain the existing exemptions and are trying to become exempt from local land-use regulations. We will have to wait to see what, if any, bills impacting solar facilities are actually passed.

Mr. Bartlett said that after additional research, he provided to the Commission a study of the Health and Safety impacts of Utility-Scale solar photovoltaic systems or solar farms. He said that while this study by the Clean Energy Technology Center of North Carolina State University focuses on Utility-Scale systems the same solar panels are used in smaller solar farms and the conclusions can be inferred to smaller solar farms. The summary of the report is that the negative health and safety impact of solar generation facilities were negligible and that their benefits more than outweigh the impacts.

Commissioner Peery asked for clarification on the ordinance including the size limit of 1,000 acres.

Mr. Bartlett said Fauquier County, a much larger county, has a two-page ordinance and allow 1,500 acres. He said it requires solar panels have a UL listing with anti-reflective coating, to re-estimate the cost of the decommission every five years and that the surety increases if that had a recalculation that would increase the decommissioning cost by more than 10%. He added the limit of 1,000 acres with a density of no more than 2.5% of land within a five-mile radius for solar farms.

Commissioner Jones made a motion, seconded by Commissioner Peery, to approve the amendment to the Zoning Ordinance regarding Alternative Energy Generation Facility; the motion carried:

Aye:	Donald Gilliam	Nay:	(None)
	Preston Hunt		
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John "Jack" W. Peery, Jr.		
	John Prengaman		
	Teresa Sandlin		
	Cannon Watson		

ARTICLE V.II. ALTERNATIVE ENERGY FACILITIES

Sec. 53-153 – Purpose and intent.

'The intent of this ordinance is to provide for and regulate the siting, installation, operation and decommissioning of alternative energy, or "green energy," sources in Prince Edward County in a manner that promotes safe, effective and efficient use of such facilities while protecting the safety and welfare of the community. The intent is to encourage alternative energy sources while limiting negative impacts on natural resources, including pollinator and wildlife habitats, and existing agricultural, forestal, residential, commercial, industrial, historical and recreational uses of property or the future development of property in the County. This ordinance is to provide

guidance on how “green energy” may be implemented/utilized in this community. This article does not supersede or nullify any provision of local, state, or federal law that applies to alternative energy generation facilities.

Sec. 53-154 – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant. The person or entity who submits an application to the county for a zoning permit or special use permit, as the case may be, to site, develop, construct, install, and operate an alternative generation facility under this article.

Facility owner. The person or entity that owns all or a portion of the alternative energy facility, whether or not it owns the site on which the facility is located.

Integrated PV. Photovoltaics incorporated into building materials, such as shingles.

Large scale energy facility. An alternative energy facility that has a maximum power of not more than 999 kW. Large energy systems are generally used to reduce onsite consumption of utility power for commercial and industrial applications.

Operator. The person or entity responsible for the overall operation and management of the solar energy facility, if different than the facility owner.

Photovoltaic or PV. Materials and devices that absorb sunlight and convert it directly into electricity.

Previously disturbed. Any area of a site that has undergone mechanical land-forming, construction, or demolition activities within the past 50 years.

Project area. The area within a site used for the construction and operation of the energy facility.

Rated capacity. The maximum capacity of a solar energy facility based on the sum total of each photovoltaic system’s nameplate capacity or wind generation turbine.

Residential scale energy facility. A facility that (1) utilizes generation equipment that is mounted on or over a building, grassy area or other previously disturbed area, and (2) has a rated capacity of 10kw or less.

Site. The property containing an energy facility.

Site owner. The person or entity that owns all or a portion of the site, if different than the facility owner.

Small scale energy facility. An energy facility that: (1) has a project area of one acre or less; (2) has a rated capacity of 200 kw or less; (3) is mounted on or over a building, parking lot, or other previously disturbed area; (4) is normally used to reduce onsite consumption of energy for small scale operations such as small agricultural or commercial operations.

Utility scale energy facility. An energy facility which has a rated capacity of one megawatt (1 MW) or greater. Utility Scale Energy Systems are generally used to provide electricity to a utility provider.

Sec. 53-155 – Applicability; permitting.

The requirements set forth in this article shall govern the siting, development, construction, installation, operation, and decommissioning of alternative energy facilities in the county. A special use permit is required for

each such facility proposed to be constructed, installed, or operated in the county except for residential scaled facility. A zoning permit is required for each residential scale energy facility proposed to be constructed, installed, or operated in the county. Use regulations for specific zoning classifications will state if alternative energy facilities are permitted in a particular zoning district as a matter of right or require a special use permit.

Sec. 53-156 – Applications, procedures and requirements for residential and small-scale energy facilities.

For proposed residential and small-scale energy facilities, the applicant shall submit a project narrative and site plan that comply with subsections (a) and (b) in Section 53-157. The signage, noise, and lighting requirements in Section 53-156 shall apply to all residential and small-scale energy facilities. The fencing requirement and the height restriction in Section 53-156 shall apply to all ground-mounted residential and small-scale energy facilities. The setback, vegetative buffering, and pollinator habitats requirements in Section 53-158 shall apply to all residential and small-scale energy facilities in the A-1 district. Small scale energy facilities are required to have a decommissioning plan and security that comply with Subsection (d) of Section 53-157. The zoning administrator may require additional information from the applicant to determine whether the facility meets these requirements and qualifies as a matter of right as a small-scale energy facility.

Sec. 53-157 – Applications and procedures for large and utility scale energy facilities.

In addition to materials required for a special use permit application, applications for large and utility scale energy facilities shall, unless otherwise provided herein, include the following information:

- a) *Project narrative.* A narrative identifying the applicant, facility owner, site owner, and operator, if known at the time of the application, and describing the proposed energy facility, including an overview of the project and its location; the size of the site and the project area; the current use of the site; the estimated time for construction and proposed date for commencement of operations; the planned maximum-rated capacity of the facility; the approximate number, representative types and expected footprint of the equipment to be constructed, including without limitation photovoltaic panels; any ancillary facilities, if applicable; and how and where the electricity generated at the facility will be transmitted, including the location of the proposed electric grid interconnection.
- b) *Site plan.* The site plan shall include the following information:
 - 1) Property lines, minimum required setback lines under this article, and any proposed setback lines that exceed the minimum requirements in which the project is proposed.
 - 2) Existing and proposed buildings and structures, including preliminary location(s) of the proposed equipment.
 - 3) Existing and proposed access roads, permanent entrances, temporary construction entrances, drives, turnout locations, and parking, including written confirmation from the Virginia Department of Transportation (“VDOT”) that all entrances satisfy applicable VDOT requirements; provided, however, these requirements shall not exceed VDOT requirements for other types of projects in the underlying zoning district.
 - 4) Proposed locations and maximum heights of substations, electrical cabling from the generation systems to the substations, panels, ancillary equipment and facilities, buildings, and structures (including those within any applicable setbacks).
 - 5) Fencing as required under this article and other methods of ensuring public safety.
 - 6) Solar panels shall have a UL listing and shall be designed with an anti-reflective coating, individual arrays/panels shall be designed and installed in order to prevent glare toward buildings on adjacent properties and vehicular traffic.
 - 7) Areas where the vegetative buffering required in this article will be installed and maintained and areas where pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers required in this article will be installed and maintained.
 - 8) Existing wetlands, woodlands and areas containing substantial woods or vegetation.
 - 9) Identification of recently cultivated lands and predominant soil types (based on publicly available

data) of those lands.

10) Additional information may be required, as determined by the zoning administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed energy project from potentially sensitive locations as deemed necessary by the zoning administrator to assess the visual impact of the project, aerial image or map of the site, and additional information that may be necessary for a technical review of the proposal. The planning commission or board of supervisors may require other relevant information deemed to be necessary to evaluate the application.

- c) *Documentation of right to use property for the proposed facility.* Documentation shall include proof of control over the proposed site or possession of the right to use the proposed site in the manner requested. The applicant may redact sensitive financial or confidential information.
- d) *Decommissioning plan; security.*
 - 1) The applicant shall provide a detailed decommissioning plan that provides procedures and requirements for removal of all parts of the energy generation facility and its various structures at the end of the useful life of the facility or if it is deemed abandoned pursuant to Section 53-160. The plan shall include the anticipated life of the facility, the estimated overall cost of decommissioning the facility in current dollars, the methodology for determining such estimate, and the manner in which the project will be decommissioned. The decommissioning plan and the estimated decommissioning cost will be updated upon the request of the zoning administrator, provided the update shall be no more frequently than once every five years and no less frequently than once every ten years.
 - 2) Prior to operation, the applicant must provide security in the amount of the estimated cost of the decommissioning. Options for security include a cash escrow, a performance surety bond, a certified check, an irrevocable letter of credit, or other security acceptable to the county in an amount equal to the estimated decommissioning cost developed and updated in accordance with the decommissioning plan acceptable to the county. The security must remain valid until the decommissioning obligations have been met. The security may be adjusted up or down by the county if the estimated cost of decommissioning the facility changes. The security must be renewed or replaced if necessary, to account for any changes in the total estimated overall decommissioning cost in accordance with the periodic updated estimates required by the decommissioning plan. At a minimum, the decommissioning cost estimate shall be recalculated every five (5) years and the surety increased when the recalculated estimate exceeds the guarantee by 10%. Obtaining and maintaining the requisite security will be a mandatory condition of the special use permit. The security shall be in favor of the county and shall be obtained and delivered to the county before any construction commences.
 - 3) The decommissioning plan, cost estimates, and all updates of those plans and estimates shall be sealed by a professional engineer.
- e) *Liability insurance.* The applicant shall propose a reasonable amount of liability insurance that the applicant deems adequate to cover operations at the large and utility scale energy facility prior to the issuance of a building permit. Obtaining and maintaining the requisite liability insurance will be a mandatory condition of the special use permit.
- f) *Landscaping and screening plan.* The applicant must submit a landscaping and screening plan that addresses the vegetative buffering required in this article, including the use of existing and newly installed vegetation to screen the facility. The plan also must address the use of pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs and wildflowers in the project area and in the setbacks and vegetative buffering as required in this article.
- g) *Erosion and sediment control plan.* An erosion and sediment control plan must be approved prior to any land disturbing activity.
- h) *Stormwater management plan.* A stormwater management plan must be approved by prior to any land disturbing activity exceeding one acre.

- i) *Virginia Cultural Resource Information System report.* A report by the Virginia Department of Historic Resources Virginia Cultural Resource Information System must be submitted to identify historical, architectural, archeological, or other cultural resources on or near the proposed facility.
- j) *Additional information.* If deemed relevant to the consideration of a special use permit application or the conditions to be included in any special use permit, the zoning administrator, planning commission or board of supervisors may require the applicant to submit any of the following information, either as part of the special use permit application or as a condition of any special use permit:
 - 1) As a condition of the special use permit, the applicant will be required to submit a construction plan, including a proposed construction schedule and hours of operation, before obtaining a building permit.
 - 2) The identification and location of any existing large or utility scale energy facilities and any known proposed large or utility scale energy facilities within a five-mile radius of the proposed site.
 - 3) A report of impact on adjacent property values prepared by a qualified third-party, such as a licensed real estate appraiser.
 - 4) An economic impact analysis prepared by a qualified third-party that reports any expected change in the value of the subject property, expected employment during the construction of the facility, any expected impact on the county's tax revenues, the estimated costs to the county associated with the facility in the form of additional services, and the information on any our economic benefits or burdens from the facility that may be requested by the zoning administrator.
 - 5) A copy of the cultural resources review conducted in conjunction with the state department of historic resources for the permit by rule process shall be submitted by the applicant prior to the issuance of a building permit. This report shall be in addition to the report required in subsection (j)(1) and shall further identify historical, architectural, archeological, or other cultural resources on or near the proposed facility.
 - 6) A report on the potential impacts on wildlife and wildlife habitats at the site and within a two- mile radius of the proposed facility using information provided by the state department of game and inland fisheries or a report prepared by a qualified third-party.
 - 7) A report on potential impacts on pollinators and pollinator habitats at the site, including but not necessarily limited to the submission of a completed site pollinator habitat assessment form as required by the zoning administrator.
 - 8) A glint and glare study that demonstrates either that the panels will be sited, designed, and installed to eliminate glint and glare effects on roadway users, nearby residences, commercial areas, and other sensitive viewing locations, or that the applicant will use all reasonably available mitigation techniques to reduce glint and glare to the lowest achievable levels. The study will assess and quantify potential glint and glare effects and address the potential health, safety, and visual impacts associated with glint and glare. Any such assessment must be conducted by qualified individuals using appropriate and commonly accepted software and procedures.
- k) *Review fees.* The county may retain qualified third-parties to review portions of a permit application that are outside the county's areas of expertise and do not have adequate state and federal review. Any out-of-pocket costs incurred by the county for such review by qualified third- parties shall be paid by applicant. The third-party reviewers and their estimated costs will be submitted to applicant for approval before the costs incurred. The county may, in the alternative, accept such review by qualified third-parties selected, retained and paid by the applicant.
- l) *Community meeting.* A public meeting shall be held prior to the public hearing with the planning commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed facility. The meeting shall adhere to the following:
 - 1) The applicant shall inform the zoning administrator and adjacent property owners in writing of the date, time and location of the meeting, at least seven but no more than 14 days, in advance of the meeting date;
 - 2) The date, time and location of the meeting shall be advertised in a newspaper of record in the county by the applicant, at least seven but no more than 14 days, in advance of the meeting date;
 - 3) The meeting shall be held within the county, at a location open to the general public with adequate

- parking and seating facilities that will accommodate persons with disabilities;
- 4) The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant and provide feedback; and
 - 5) The applicant shall provide to the zoning administrator with a summary of any input received from members of the public at the meeting.
- m) *Exemptions.* The zoning administrator may exempt applications for facilities smaller than four acres with a rated capacity equal to or less than two megawatt (MW) from some of the requirements of this section; provided, however, the zoning administrator may not exempt applications from any of the requirements concerning buffering and density.
- n) *Post-application documentation and approvals.* All documentation required to be submitted to and approvals required from the county after the issuance of the permit shall, unless otherwise stated in the conditions attached to the special use permit, be submitted or obtained no later than the date of any application for a building permit for the facility. The failure or refusal to submit required documentation or obtain required approvals following the issuance of a special use permit shall result in the suspension of the special use permit and the denial of the building permit.

Sec. 53-158 – Location, appearance, and operational requirements.

The following requirements apply to large and utility scale energy facilities:

- a) *Visual impacts.* The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the project minimizes impacts on viewsheds, including from residential areas and areas of scenic, historical, cultural, archaeological, and recreational significance. The facility shall utilize only panels that employ anti-glare technology, anti-reflective coatings, and other available mitigation techniques, all that meet or exceed industry standards, to reduce glint and glare. The applicant shall provide written certification from a qualified expert acceptable to the county that the facility's panels incorporate and utilize anti-glare technology and anti-reflective coatings and reduce glint and glare to levels that meet or exceed industry standards.
- b) *Signage.* All signage on the site shall comply with the county sign ordinance, as adopted and from time to time amended. Appropriate warning signage and a 911 address sign shall be posted in a clearly visible manner. Warning signage must identify the owner and include a 24-hour emergency contact phone number.
- c) *Noise.* Noise levels from the facility at the property line shall not exceed 50 dB.
- d) *Setbacks.* The project area shall be set back a distance of at least 75 feet from all public rights-of-way and main buildings on adjoining parcels, and a distance of at least 50 feet from adjacent property lines. Exceptions may be made for adjoining parcels that are owned by the applicant.

Increased setbacks up to 100 feet and additional buffering may be included in the conditions for a particular permit. Energy facilities also shall meet all setback requirements for primary structures for the zoning district in which the facility is located in addition to the requirements set forth above. Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas provided that such are generally perpendicular to the property line.

- e) *Fencing.* The project area shall be enclosed by security fencing not less than six feet in height and equipped with an appropriate anti-climbing device such as strands of barbed wire on top of the fence. The height and/or location of the fence may be altered in the conditions for a particular permit. Fencing must be installed on the interior of the vegetative buffer required in this section so that it is screened from the ground level view of adjacent property owners. The fencing shall be maintained at all time while the facility is in operation.

- f) *Vegetative buffer.* A vegetative buffer sufficient to mitigate the visual impact of the facility is required. The buffer shall consist of a landscaped strip at least 15 feet wide, shall be located within the setbacks required under subsection (d), and shall run around the entire perimeter of the property. The buffer shall consist of existing vegetation and, if deemed necessary for the issuance of a special use permit, an installed landscaped strip consisting of multiple rows of staggered trees and other vegetation. This buffer should be made up of plant materials at least three feet tall at the time of planting and that are reasonably expected to grow to a minimum height of eight feet within three years. The planning commission or board of supervisors may require increased setbacks and additional or taller vegetative buffering in situations where the height of structures or the topography affects the visual impact of the facility. Noninvasive plant species and pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs and wildflowers must be used in the vegetative buffer. Fencing must be installed on the interior of the buffer. A recommendation that the screening and/or buffer creation requirement be waived or altered may be made by the planning commission when the applicant proposes to use existing wetlands or woodlands, as long as the wetlands or woodlands are permanently protected for use as a buffer. Existing trees and vegetation may be maintained within such buffer areas except where dead, diseased or as necessary for development or to promote healthy growth, and such trees and vegetation may supplement or satisfy landscaping requirements as applicable. If existing trees and vegetation are disturbed, new plantings shall be provided for the buffer. The buffer shall be maintained for the life of the facility.
- g) *Pollinator habitats.* The project area will be seeded with appropriate pollinator-friendly native plants, shrubs, trees, grasses, forbs and wildflowers. The project area will be seeded promptly following completion of construction in such a manner as to reduce invasive weed growth and sediment in the project area. The owners and operator also are required to install pollinator-friendly native plants, shrubs, trees, grasses, forbs and wildflowers in the setbacks and vegetative buffering.
- h) *Height.* Ground-mounted solar energy generation facilities shall not exceed a height of 20 feet, which shall be measured from the highest natural grade below each solar panel. This limit shall not apply to utility poles and the interconnection to the overhead electric utility grid. Roof mounted systems shall not exceed the maximum height requirements for the applicable zoning district by more than four feet.
- i) *Lighting.* Lighting shall be limited to the minimum reasonably necessary for security purposes and shall be designed to minimize off-site effects. Lighting on the site shall comply with any dark skies ordinance the board of supervisors may adopt or, from time to time, amend.
- j) *Density; location.* Large and utility scale energy facilities shall not be located within one mile of an airport unless the applicant submits, as part of its application, written certification from the Federal Aviation Administration that the location of the facility poses no hazard for, and will not interfere with, airport operations. No large or utility scale generation facility shall be located within one mile of the villages of Rice, Green Bay, Prospect or the Towns of Farmville and Pamplin. In addition, no more than two and one-half percent of the land in a five-mile radius of the project area of any existing large or utility scale energy facility shall be approved for use as the project area for a new large or utility scale energy facility. In no case shall any energy facility exceed one thousand (1,000) acres. Projects consisting of multiple parcels shall be contiguous in order to be part of the same project.
- k) *Utility Connection.* No large or utility scale generation system shall be installed until evidence has been provided to the County that the owner has been approved by the appropriate electrical provider to interconnect.
- l) *Repair of facility.* Solar panels and equipment shall be repaired or replaced when in visible disrepair. Such repairs include the restoration of non-reflective finish per manufacturer specifications.
- m) *Entry and inspection.* The owners and/or operator will allow designated county officials access to the facility for inspection purposes, provided such inspectors will be subject to the owners' and/or operator's safety requirements and protocols while within the facility.

Sec. 53-159 – Additional considerations for conditions.

To preserve and protect county view sheds and resources, to protect the health, safety and welfare of the community, and to otherwise advance the purpose and intent of this article, the following non-exhaustive list of additional criteria may be considered by the planning commission and the board of supervisors in addressing whether to recommend or grant a permit, and what conditions to impose on any permit for an energy generation facility:

- a) The topography of the site and the surrounding area.
- b) The proximity of the site to, observability from, and impact on urban and residential areas.
- c) The proximity of the site to other energy facilities and utility transmission lines.
- d) The proximity of the site, observability from and impact on areas of scenic significance and of historical, cultural and archaeological significance.
- e) The proximity of the site, observability from and impact on public rights of way to include all roads, recreational and state facilities.
- f) The preservation and protection of wildlife and pollinator habitats and corridors.
- g) The size of the site.
- h) The proposed use of available technology, coatings and other measures for mitigating adverse impacts of the facility.
- i) The preservation and protections of prime farmland and forestal land in the county, provided that:
 - 1. “Prime farmland” shall have the meaning assigned to it by the Natural Resource Conservation Service of the United States Department of Agriculture.
 - 2. If no more than ten percent of the site is prime farmland, this consideration will be waived.

The enumeration of these criteria shall not prohibit the planning commission or the board of supervisors from considering other factors deemed relevant to a specific special use permit applicant based on the details of the application. Nothing herein shall limit in any manner the nature and scope of reasonable conditions that may be recommended by the planning commission or imposed by the board of supervisors.

Sec. 53-160 – Unsafe or abandoned projects; decommissioning.

- a) If an energy facility has been determined to be unsafe by the County building official, the facility shall be required to be repaired by the facility owner, site owner, or operator to meet federal, state, and local safety standards, or to be removed by the owners or operator. The owners or operator must complete the repair or removal of the facility, as directed by the building official, within the time period allowed by the building official. If directed to do so by the building official, the owners or operator will remove the energy facility in compliance with the decommissioning plan established for the facility.
- b) If any energy generation facility is not operated for a continuous period of 12 months, the county may notify the facility owner by registered mail and provide 45 days for a response. In its response, the facility owner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the county deems the timetable for corrective action unreasonable, it may notify the facility owner, and the facility owner shall ensure removal of the facility in compliance with the decommissioning plan established for the facility.
- c) At such time as an energy facility is scheduled to be abandoned or cease operation, the facility owner shall ensure the zoning administrator is notified in writing.
- d) Within 365 days of the date of abandonment or non-operation, whether as declared by the county under subsection (b) or as scheduled by the owners or operator under subsection (c), the facility owner shall ensure the physical removal of the energy facility in compliance with the decommissioning plan established for such facility. This period may be extended at the request of the owners upon approval of the board of supervisors.
- e) When the facility owner, site owner, operator or other responsible parties decommission an energy facility,

he shall handle and dispose of the equipment and other facility components in conformance with federal, state and local requirements. All equipment both above and below ground must be removed as part of the decommissioning plan. This shall include but not be limited to above and below ground tanks, cables, fencing, debris, structures or equipment to include foundations and pads and the restoration of the land and related disturbed areas to a natural condition or other approved state.

- f) “Natural condition” shall mean the stabilization of soil to a depth of 3 feet and restoration of site vegetation and topography to pre-existing condition, provided that the exact method and final site restoration plan shall be subject to site plan review and approval giving, among other items, consideration to impact upon future site use, environmental and adjacent property impacts. The zoning administrator may approve a request by the landowner to allow internal paths, roads, travel ways, landscaping, pads or other items which will serve a future permitted site use to remain. Where applicable, if the zoning administrator determines the restoration plan significantly deviates from the description and conditions approved by the Board such plan shall require amendment of conditions through the zoning process.
- g) If the facility owner, site owner, or operator fails to remove or repair any unsafe abandoned or non-operating energy facility after written notice, the county may pursue legal action to have the facility removed at the expense of the facility owner, site owner or operator, each of whom shall be jointly and severally liable for the expense of removing or repairing the facility. The county may call upon the decommissioning security to remove the facility.

In Re: Holocene Clean Energy

Mr. Bartlett stated the County received a Special Use Permit application to permit the construction and operation of a solar generation facility, on Tax Map Parcels 69-4-B and 69-A-14, owned by Ana Sawyer and located in the vicinity of 1827 Piney Grove Road (SR606). He said the Planning Commission held a public hearing on August 20, 2019. During the Public Hearing, several citizens from the area were in attendance with concerns but only two spoke, asking questions but not voicing adamant opposition to the project. The Planning Commission tabled taking action until and amendment was made to the Zoning Ordinance placing controls and restrictions on solar generation facilities.

Mr. Bartlett said that due to waiting on the approval of the proposed amendment to the Zoning Ordinance, Holocene Clean Energy has not yet provided the following required information:

- Construction schedule
- Complete site plan containing information outlined in Section 53-157 of the proposed amendment
- Decommissioning or Landscaping plans
- Glint and glare study
- Community meeting

Mr. Bartlett added this is not the complete list of items that will be required. He recommended tabling the project until these items are received and reviewed.

Ms. Laura Merten, Holocene Energy, stated the proposed site is a 3MW AC, 4 MW DC site on approximately 18 acres, with about 15 acres inside a fence, off Piney Grove Road and near Southside Electric Cooperative’s Moran substation. She said that is within substantial accord with the County’s Comprehensive Plan, as it brings low impact development to the County and doesn’t require any services or affect population. She said 40 informational letters were mailed with a narrative and decommissioning plan; she said they would be happy to hold a community meeting. Some discussion followed.

Chairman Pregelman asked if the project starts on February 1, what is the timeline for the construction before it would actually go live.

Ms. Merten said the construction manager normally estimates about 22 weeks before it is complete; she said there is a mandatory deadline. She added that there are only two weeks during which trucks would be delivering equipment, and outside of that, there is usually just a person or two in a normal vehicle.

In Re: Review of Board of Supervisors Actions

Mr. Bartlett reported that the new Chair and Vice-Chair were selected during the January 14, 2020 Board of Supervisors organizational meeting; Jerry Townsend is Chair and David Emert is Vice-Chair for 2020.

Mr. Bartlett said an update was presented on the construction and renovation at the Courthouse; he said YakAttack and the Social Services construction is complete. He said currently, the construction on the main entrance at the side of the Courthouse is expected to be completed by March 1 [2020]. He said the interior will be done within 30 days of that; the parking lot will include a new traffic pattern.

Chairman Prengaman questioned the future use of the front courthouse doors. Mr. Bartlett said that will be between the Judge and the Sheriff but there has been nothing new regarding opening those doors because if they are, they would have to be manned for security with a metal detector. Mr. Bartlett said the new entrance will include an x-ray machine and metal detector, with a new ramp leading to the door.

Mr. Bartlett then said Sheriff Tony Epps began January 1, 2020.

In Re: Old Business

(None)

New Business

(None)

Chairman Prengaman adjourned the meeting at 8:53 p.m.

Next Meeting: February 18, 2020