

February 1, 2022
Regular Meeting

**Pittsylvania County Planning Commission
Regular Meeting
February 1, 2022**

VIRGINIA: The Regular Meeting of the Pittsylvania County Planning Commission was held on February 1, 2022, in the Board Meeting Room, 39 Bank Street, SE, Chatham, Virginia. Chairman - Westover District H.F. Haymore, called the meeting to order at 7:00 PM. The following members were present:

Attendee Name	Title	Status	Arrived
H.F. Haymore	Chairman - Westover District	Present	6:32 PM
Nathan Harker	Vice Chairman - Staunton River District	Present	6:32 PM
Colette Henderson	Member - Banister District	Absent	6:34 PM
Janet Mease	Member - Callands-Gretna District	Present	6:33 PM
Brian K. Horne	Member - Dan River District	Present	6:37 PM
Gary Oakes	Member - Tunstall District	Present	6:32 PM
Richard Waters	Member - Chatham-Blairs District	Present	6:34 PM
Darrell Dalton	Board of Supervisors Rep	Present	6:37 PM

HEARING OF CITIZENS

APPROVAL OF AGENDA

A motion was made by Mr. Harker, seconded by Mr. Oakes, and by a seven (7) to zero (0) vote, the agenda as approved as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Nathan Harker, Vice Chairman - Staunton River District
SECONDER:	Gary Oakes, Member - Tunstall District
AYES:	Haymore, Harker, Mease, Horne, Oakes, Waters, Dalton
ABSENT:	Henderson

APPROVAL OF MINUTES

1. PC Minutes 01_04_2022

A motion was made by Mrs. Mease, seconded by Mr. Waters, and by a seven (7) to zero (0) vote, the minutes were approved as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Janet Mease, Member - Callands-Gretna District
SECONDER:	Richard Waters, Member - Chatham-Blairs District
AYES:	Haymore, Harker, Mease, Horne, Oakes, Waters, Dalton
ABSENT:	Henderson

CHAIRMAN'S REPORT

There was no Chairman's Report.

PUBLIC HEARING

1. Public Hearing: Case R-22-004 John David & Audrey Moss; Rezoning from R-1, Residential Suburban Subdivision District, to A-1, Agricultural District (Haymore)

Mr. Haymore opened the public hearing at 7:04 p.m. Mrs. Ragsdale, Director of Community Development, reported that John David and Audrey Moss petitioned to rezone 34.25 acres, generally located off State Road 311/Berry Hill Road, in the Westover Election District from R-1, Residential Suburban Subdivision District to A-1, Agricultural District, to use for agricultural purposes. Audrey Moss was present to represent the petition. There was no opposition to the petition. Mr. Haymore closed the public hearing at 7:06 p.m. Mrs. Moss stated that she will install a driveway and will be planting crops and wants to get into compliance with the zoning ordinance. A motion was made by Mr. Horne, seconded by Mr. Harker to recommend the Board of Supervisors grant the rezoning request. Motion passed by a seven (7) to zero (0) vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brian K. Horne, Member - Dan River District
SECONDER:	Nathan Harker, Vice Chairman - Staunton River District
AYES:	Haymore, Harker, Mease, Horne, Oakes, Waters, Dalton
ABSENT:	Henderson

2. Public Hearing: Case R-22-005 Miriam Sanchez-Maldonador & Alexis Ocasio-Diaz; Rezoning from R-1, Residential Suburban Subdivision District, to A-1, Agricultural District (Harker)

Mr. Haymore opened the public hearing at 7:07 p.m. Mrs. Ragsdale, Director of Community Development, reported that Miriam Sanchez-Maldonador and Alexis Ocasio-Diaz petitioned to rezone 1.95 acres, generally located at 5460 Renan Road, in the Staunton River Election District from R-1, Residential Suburban Subdivision District to A-1, Agricultural District, to allow for a second dwelling. Miriam Sanchez-Maldonador and Alexis Ocasio-Diaz were present to represent the petition. There was no opposition to the petition. Mr. Haymore closed the public hearing at 7:09 p.m. A motion was made by Mr. Harker, seconded by Mr. Waters to recommend the Board of Supervisors grant the rezoning request. Motion passed by a seven (7) to zero (0) vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nathan Harker, Vice Chairman - Staunton River District
SECONDER:	Richard Waters, Member - Chatham-Blairs District
AYES:	Haymore, Harker, Mease, Horne, Oakes, Waters, Dalton
ABSENT:	Henderson

3. Public Hearing: Case R-22-006 Horace Guill; Rezoning from A-1, Agricultural District, to R-1, Residential Suburban Subdivision District (Henderson)

Mr. Haymore opened the public hearing at 7:09 p.m. Mrs. Ragsdale, Director of Community Development, reported that Horace Guill petitioned to rezone 0.997 acres, generally located on State Road 64/Riceville Road, in the Banister Election District from A-1, Agricultural District, to R-1, Residential Suburban Subdivision District, to allow for adjustment of property lines. Mr. Guill

was present to represent the petition. There was no opposition to the petition. Mr. Haymore closed the public hearing at 7:10 p.m. A motion was made by Mrs. Mease, seconded by Mr. Harker to recommend the Board of Supervisors grant the rezoning request. Motion passed by a seven (7) to zero (0) vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Janet Mease, Member - Callands-Gretna District
SECONDER:	Nathan Harker, Vice Chairman - Staunton River District
AYES:	Haymore, Harker, Mease, Horne, Oakes, Waters, Dalton
ABSENT:	Henderson

4. Case S-22-003 Firefly Solar LLC; Special Use Permit for a Utility Scale Solar Energy Facility (Horne)

Mr. Haymore opened the public hearing at 7:12 p.m. Mrs. Ragsdale, Director of Community Development, reported that Firefly Energy LLC, petitioned for a Special Use Permit, on 3,791.95 acres (19 parcels of land) located off State Road 58/South Boston Highway, State Road 713/Rocksprings Road, State Road 7128/White Ridge Road, State Road 62/Milton Highway, State Road 899/Cardwell Lane, State Road 656/Kerns Church Road, and State Road 970/Pounds Road, in the Dan River Election District. Jayce Walker, Development Manager with Firefly Energy LLC, was present to represent the petition. Mr. Walker stated that Recurrent Energy has over 50 projects in 5 states that remain in operation. He stated that Firefly will be a 150-megawatt project and that they are submitting the Special Use Permit application in accordance with Section 35-141 of the Zoning Code, governed by Sections C, D, E, & F. Mr. Walker stated that they are confident they meet the requirements of the Code. He stated that this facility is not located within 1 mile of another Utility-Scale Solar Energy Facility and meets the requirements of Section 35-141(D). The site plan submitted shows that they meet the 150- and 200-foot setbacks that are required along property lines. He stated that they have also conducted glare analysis and a decommissioning plan which puts them in accordance with section 35-141(E), have met the five (5) requirements of section 35-141(F). Mr. Walker presented before and after renderings of the properties, showing what they will look like in the future with vegetative buffers. Mr. Walker requested that Condition 2 be amended to exempt pole mounted electric lines from the 15-foot height requirement, along with the collection yard and substation and Condition 18 be revised to provide solar photovoltaic training in lieu of battery storage facilities since this project does not have a battery storage component. He stated that a siting agreement is in place with the Board of Supervisors, requiring payments in the amount of 2.25 million dollars prior to the project becoming operational, and additional \$12.2 million dollars over 35 years of operation for the project. During the construction period of 12-15 months, the project will offer 355 construction jobs and during the operation period of 30-35 years, 4 full-time jobs will be provided. In closing, he thanked the Board for their consideration. Mr. Haymore opened the floor for discussion with residents that had signed up to speak. First to speak was Mr. John Walters. He stated that he has been a resident of Cardwell Lane for 33 1/2 years and has truly loved the quiet lifestyle for many years. He fears that this lifestyle will be changing with the construction and decommissioning of this solar project. He stated that he feels that this project is for profit only, absolutely no advantage from this project for the residents of Cardwell Lane. He does not anticipate the electricity being sold to the City of Danville; the only advantage will be an increase in taxes. Pat Bass spoke next, stating that she is also a resident of Cardwell Lane. Her biggest concern is how this will affect property values. She is in

real estate, and she feels that this will decrease value on surrounding residential properties. She stated that residents were under the impression that there would be a 300-foot buffer between the solar panels and the road, she has a drawing that shows 150 feet, so she recommends 300 feet since it is a residential area. She also stated that lots of residents have questions, and she felt that Firefly Energy LLC should answer them. Tenika Valentine was next to speak, stating that she is concerned about any hazards and said it will be different having something like this in the community. Next to speak was Jerry Fitzgerald. He boards horses on 10 acres on Highway 58. He was concerned about what will happen if the horses escape the fencing and wanted to know if the area will be fenced in so the horses will not be harmed. He was also concerned about growing his garden if there is battery storage close by. Next to speak was Denise Sheffield. She stated that her home had recently been purchased from the Anderson's who are leasing property to Firefly LLC. She stated they did not know any of this was going on until they received a letter the previous Thursday and saw the properties posted on January 28th. She stated that they were extremely blind-sided and found that their home will be completely encompassed. Ms. Sheffield said that this was their dream and their life savings, she invited the Board members to come out and see their property. She stated that the mock-up that she found on-line does not do it justice that it is literally out her back door. She stated that they purchased this home for the community, was very excited and extremely happy up until last Thursday. She asked that the Board reject the application if possible, or at least defer to allow for time for her to gather questions in such short notice since they were blind-sided and in a complete tailspin. Mr. Sheffield then spoke and said this property was purchased so they could retire there for the rest of their life for the atmosphere and the aesthetics, but they will be looking out of their windows seeing solar panels, completely around their house, no more wildlife or livestock. Next to speak was Francis Pauling. She stated that she attended the meeting held on January 11th at Ringgold Fire Department. She said that she made no sense of that meeting and now she is at the Planning Commission hoping to get answers. Next to speak was William Powell. He stated that he is proud to see these people coming in and this industry will help with our tax base. He stated that real estate owners in the County are taking a beating to keep the County going and this will help. Mr. Haymore called Jayce Walker back to answer questions. Mr. Walker thanked everyone that spoke and offered feedback and concerns. He stated that these facilities are simple in nature and are a pretty substantial capital investment, but there is not a lot of long-term job creation like a manufacturing facility. Mr. Walker said that the primary benefit of these projects is to provide tax revenue for the County. All environmental studies such as reviewing threatened and endangered species will be reviewed and approved by the U. S. Fish and Wildlife Service, and the Virginia Fish and Wildlife Service. Firefly is aware that the northern long-eared bat habitats are on the property in question, so they have to be careful about removing any timber on the property and that it has to happen during certain months where those bats are not present and will be very careful to not disturb wildlife habitats. Mr. Walker also stated that they have conducted a third-party study on property values that is in the permit application. It looked at several similar projects and did a before and after study of the property values and there is no material impact to the property values after the implementation of such a facility as this. Regarding setbacks, Mr. Walker stated that he would like to speak to some of the folks that commented after this meeting to better understand their concerns and see what they can do to accommodate those concerns. He stated that while water quality was mentioned, the deepest they go into the soil is for piles that support the racking systems and dig to about 8 feet in depth, they will not be going into aquifers or anything like that. In regard to water, one of Firefly's primary considerations is stormwater. They are entirely responsible for making sure that any water that is

used on site for construction flows in a way that does not impact local surroundings, so they have to have drainage basins, silt fences. Mr. Walker stated that they manage stormwater very carefully through a permit that they apply for from the state. He stated that they hope to apply for that permit around June. Mr. Walker also addressed environmental concerns of the panels themselves. He stated that they are fully enclosed tempered glass, which is similar to a windshield, so if a panel does break, it does not shatter like a glass would. It is tempered so it will stay in one piece. He also stated that the panels are fully sealed from the time they arrive to the facility to the time that they are disposed of through the decommissioning plan and that there is no battery energy storage for this project, it is only photovoltaic technology that they are utilizing. He apologized that some folks feel that they were not made aware of this project until recently, stating that they did send out letters on December 23rd and 24th to all neighbors of the project, inviting them to the community meeting on January 11th. He stated that they had about 30 attendees for a 2-hour session, answered questions and heard concerns at that time to start working with folks who might have concerns regarding the project. Mr. Horne asked if they are aware of the 19 conditions set forth by this office that they must abide by. Mr. Walker stated they were. Mr. Horne stated that the first project in the county was in the Dan River District, and that he was sorry to say that this Commission and office failed at that project miserably. Mr. Horne stated that he felt that individuals' concerns were not met at the town hall meeting and recommended that Firefly sit down on an individual basis and iron out the differences. He stated that this 3,700-acre project is of overwhelming magnitude in size to this Commission, and while he doesn't know if his fellow commissioners agreed with him or not, he would like to see more town hall meetings to answer concerns of the citizens. Mr. Horne also stated that thinks each property owner should be visited personally to look at their individual needs or necessities or concerns. Mr. Horne suggested to the Chairman to make a motion to continue the application process to a later time to allow Firefly Energy LLC to address more concerns of those affected people in the area. Mr. Walker stated that he wanted to mention that the project design is more in the realm of 1,300 - 1,500 acres. He stated that while they have large parcels, the actual facility is going to be consolidated to about half that size. Mr. Waters stated he would like to hear a little background on Recurrent Energy, projects that have been done, successes, failures that they've experienced. Mr. Walker stated that Recurrent has been in business for over 15 years. California was their first market, and they have 40 projects that are currently operating today. He stated that this will be the first project to go into construction in Virginia. Mr. Walker also stated they are also overseeing the Blue Ridge Solar project that was permitted in mid-2020 that is being worked on in this county. Mr. Waters also stated that he wanted to know the timeline of a project this size. Mr. Walker stated that Firefly Energy LLC's intention is to start construction early 2023. He said that Construction will take between 12 - 15 months depending on weather and would be completed during the second quarter of 2024 and will become operational. He stated that the project will operate 30 - 35 years. Mr. Waters asked if they had any idea of how many residences will be affected by this project. Mr. Walker stated that 80 letters were sent out to neighbors of the project to invite them to the town hall meeting, but he is not certain how many properties have residences on them. Mr. Dalton wanted to know if acreage could be moved within the property to get away from these citizens. Mr. Walker said that was a great question and he had it in his notes to see what flexibility they have. He stated the discrepancy in acreage with the 3,700 and the 1,500 acres that he mentioned is because they have some properties that are only going to be utilized for a collection line to run through the property to connect areas of solar panels to one another. He said that could be 300 acres they are seeking to be permitted, but that will only be utilized for a collection line that looks similar to the electrical line in your

neighborhood. Walker stated that when setbacks, wetlands and floodplains, and habitats are accounted for, they quickly start to lose acreage. He also stated that if setbacks of 150- 200 feet are not satisfactory they can certainly investigate that. Mr. Haymore asked if the collection lines are above ground or below ground. Mr. Walker said they are above ground. Mrs. Mease said that if there is anything that can be worked out with these people, it would certainly be appreciated. She agreed with Mr. Horne that more meetings are needed one-on-one if they have the time. Mr. Oakes said now is the time to get these problems ironed out before anything else goes on. He stated that this project is pretty spread out and they will have to deal with DEQ and the Army Corps of Engineers. He also mentioned that is a lot of water in that area that will need to be worked around. Mrs. Mease asked about the maintenance program after the panels are in place and if there would be someone there full time to keep check on the site. Mr. Walker said that would be in place with the operations and maintenance agreement that must be in place for every project. Mr. Haymore stated the board received letters of opposition from citizens that were unable to attend the meeting (Ludlow and Blanche Quesenberry, Sarah Brown, Melinda Williams-Gray and Hilda Valentine). Mr. Waters asked Mr. Walker if this case is delayed if his company had time set aside to meet with each of these citizens or how would that work. Mr. Walker said they would make it a priority. Mr. Haymore closed the public hearing at 7:56 p.m. Vaden Hunt stated if the case is delayed, the state and local code says that if an application is not acted on within 60 days, it is deemed approved and it will move on the Board of Zoning Appeals, so this case will need to be heard at the next meeting. Mr. Horne stated that he just wants to give these people ample time to get their concerns addressed. Mr. Horne said he is not comfortable voting yay or nay and he would like to make a motion that they continue this for another month until these folks can have their concerns addressed one-on-one. Mrs. Mease asked if this would give Mr. Walker enough time to have the meetings by next month before she seconded the motion. Mrs. Ragsdale stated Firefly has the option to withdraw their application to give them time, but if the application is not withdrawn and the Planning Commission does not recommend either approval or denial, it moves on to BZA regardless with a recommendation of approval so that it does not hold the process up. Mrs. Mease seconded the motion. Motion passed by a seven (7) to zero (0) vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brian K. Horne, Member - Dan River District
SECONDER:	Janet Mease, Member - Callands-Gretna District
AYES:	Haymore, Harker, Mease, Horne, Oakes, Waters, Dalton
ABSENT:	Henderson

OLD BUSINESS

There was no old business.

NEW BUSINESS

Mrs. Ragsdale stated there will be 5 rezoning cases plus the Planning Commission will hear the Firefly Energy, LLC case again.

ADJOURNMENT

The meeting adjourned at 8:00 pm.

Mr. H.F. Haymore, Jr-Chairman

Robin S. Vaughan-Clerk