

August 8, 2022  
Regular Meeting

**Pittsylvania County Board of Zoning Appeals  
Regular Meeting  
August 8, 2022**

**VIRGINIA:** The Regular Meeting of the Pittsylvania County Board of Zoning Appeals was held on August 8, 2022, in the Board Meeting Room, 39 Bank Street, SE, Chatham, Virginia. Chairman R. Allan Easley, called the meeting to order at 6:05 PM. The following members were present:

Attendee Name	Title	Status	Arrived
R. Allan Easley	Chairman	Present	5:36 PM
Ronald E. Merricks	Vice-Chairman	Present	5:33 PM
Ryland Brumfield	Board Member	Present	5:33 PM
Joseph A. Craddock	Board Member	Present	5:34 PM
Ann Deering	Board Member	Present	5:35 PM
Hershel Stone	Board Member	Present	5:37 PM
Carroll Yeaman	Board Member	Absent	

**APPROVAL OF AGENDA**

Upon motion of Mr. Merricks, seconded by Mr. Stone, and by a unanimous vote, the agenda was approved as presented.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ronald E. Merricks, Vice-Chairman
<b>SECONDER:</b>	Hershel Stone, Board Member
<b>AYES:</b>	Easley, Merricks, Brumfield, Craddock, Deering, Stone
<b>ABSENT:</b>	Yeaman

**APPROVAL OF MINUTES**

1. BZA Minutes 07 11 2022

Upon motion of Mrs. Deering, seconded by Mr. Craddock, and by a unanimous vote, the minutes were approved as presented.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Ann Deering, Board Member
<b>SECONDER:</b>	Joseph A. Craddock, Board Member
<b>AYES:</b>	Easley, Merricks, Brumfield, Craddock, Deering, Stone
<b>ABSENT:</b>	Yeaman

**OLD BUSINESS**

There was no old business.

## NEW BUSINESS

Mrs. Ragsdale stated there would be four Special Use Permit cases next month. Also, there will be a Zoning Ordinance public input meeting for the zoning ordinance rewrite on August 18, 2022, at 6 p.m. at the Community Center in Chatham.

## CHAIRMAN'S REPORT

There was no Chairman's Report.

## PUBLIC HEARING

1. Public Hearing: Case S-22-014 Joshua and Amy Jennings; Special Use Permit for an Indoor Gun Range

The zoning precepts were ready by Mr. Easley to open the public hearing at 6:11 p.m. Mrs. Ragsdale, Director of Community Development, reported that Joshua and Amy Jennings petitioned for a Special Use Permit for an Indoor Gun Range on 9.83 acres, located on State Road 58/Martinsville Hwy in the Tunstall Election District. Joshua Jennings represented the petition. There was no opposition to the petition. Mr. Easley closed the public hearing at 6:14 p.m. The Board discussed the petition as the Committee of the Whole. Whereas, Joshua and Amy Jennings has petitioned the Board of Zoning Appeals for a Special Use Permit for an Indoor Gun Range. A motion was made by Mr. Brumfield, seconded by Mr. Merricks, that the Board of Zoning Appeals grant the Special Use Permit with Conditions recommended by staff.

1. All shooting lanes must be contained within an enclosed structure.
2. Lanes must be constructed to contain bullets within its walls, ceiling, and floor and must be properly vented.
3. The facility must meet Department of Energy standards and Uniform Statewide Building Code requirements where applicable.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Ryland Brumfield, Board Member
<b>SECONDER:</b>	Ronald E. Merricks, Vice-Chairman
<b>AYES:</b>	Easley, Merricks, Brumfield, Craddock, Deering, Stone
<b>ABSENT:</b>	Yeaman

2. Public Hearing: Case S-22-015 Bradley Boswell; Special Use Permit for a Double-wide Mobile Home

Mr. Easley opened the public hearing at 6:18 p.m. Mrs. Ragsdale, Director of Community Development, reported that Bradley Boswell petitioned for a Special Use Permit for a double-wide mobile home on 1.0 acre, located on Highway 40/E Gretna Road in the Callands-Gretna Election District. Bradley Boswell represented the petition. There was no opposition to the petition. Mr. Easley closed the public hearing at 6:20 p.m. The Board discussed the petition as the Committee of the Whole. Whereas Bradley Boswell has petitioned the Board of Zoning Appeals for a Special Use Permit for a double-wide mobile home. A motion was made by Mr. Brumfield, seconded by Mr. Stone, that the Board of Zoning Appeals grant the Special Use Permit.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Ryland Brumfield, Board Member
<b>SECONDER:</b>	Hershel Stone, Board Member
<b>AYES:</b>	Easley, Merricks, Brumfield, Craddock, Deering, Stone
<b>ABSENT:</b>	Yeaman

3. Public Hearing: Case S-22-016 Pittsylvania CSG LLC; Special Use Permit for a Utility Scale Solar Energy Facility

Mr. Easley opened the public hearing at 6:21 p.m. Mrs. Ragsdale, Director of Community Development, reported that Pittsylvania CSG, LLC/Jane Ellis Holdings, LLC, has petitioned for a Special Use Permit for a utility scale solar facility on 52.01 acres, located on State Road 724 /Mill Creek Road in the Banister Election District. Kieran Siero represented the petition and presented a PowerPoint presentation. Mr. Easley asked how the Community Solar program works. Mr. Siero stated that it will work with community groups to offer subscriptions that normally offer a ten (10) percent savings on electric bills. There was no opposition to the petition. Mr. Easley closed the public hearing at 6:42 p.m. The Board discussed the petition as the Committee of the Whole. Whereas, Pittsylvania CSG, LLC/Jane Ellis Holdings, LLC, has petitioned the Board of Zoning Appeals for a Special Use Permit for a utility scale solar facility. A motion was made by Mr. Merricks, seconded by Mr. Stone, that the Board of Zoning Appeals grant the Special Use Permit with conditions recommended by staff with the addition of condition number 20:

1. **Site Development Plan; Location.** All solar panels and other above-ground equipment will be located within the “Project Area” shown on the Conceptual Site Plan included with the SUP application. All Site Plan requirements of Section 35-141 must be met before permits are issued.
2. **Height.** Except for the collection yard and substation or otherwise as required by applicable building code, the maximum height of the solar panels and other above-ground equipment will be 15 feet.
3. **Setbacks.** Except for fencing and any pole mounted electronic lines, consistent with the County ordinance, all above-ground equipment shall meet the setback requirements set forth in Section 35-141 (D). No setbacks are required between the parcels lines of parcels that are part of a single Project. No setbacks are required between the parcels lines of parcels that are part of a single Project.
4. **Fencing.** Fencing for the Project will be standard chain-link and at least 6 feet high. The Applicant shall maintain the fence for the life of the Project.
5. **Landscaping.** Applicant will comply with Section 35-121 Fencing - Screening. At the perimeter locations, the setback will include a minimum 100-foot-wide landscaped area comprised of any existing vegetation supplemented as needed with a staggered row of planted trees and large shrubs. All rows of planted vegetation shall be evergreen plantings

of varieties native or adaptable to the region, with one (1) row consisting of a variety expected to reach a minimum height of twenty-five (25) feet and the remaining rows of varieties designed to reach at least fifteen (15) feet in height at maturity. All evergreens shall be a minimum of six (6) feet in height at time of planting. Existing vegetation shall be maintained and supplemented with new plantings as needed to maintain required screening. Prior to construction and site plan approval, a landscaping maintenance plan will be submitted to the Zoning Administrator for approval, which shall provide for the posting of a bond or other surety in an amount sufficient to ensure that the plantings are successfully established, and the landscaping is maintained or replaced during the life of the Project. Landscape renderings or simulations shall be sealed by a registered landscape architect.

- 6. Construction Management and Mitigation.** Prior to construction, the Applicant shall prepare and submit to the Zoning Administrator a construction management plan to address traffic control methods, site access, fencing, lighting, mitigation of construction operations, and hours of construction activity.
- 7. Viewshed Protection.** A Viewshed Protection Plan shall be submitted to and approved by the Director of Community Development prior to the issuance of permits, identifying appropriate measures that will be taken to protect the viewshed surrounding the project during construction.
- 8. Road Repairs.** All public and private roads must remain open during construction. Any damage to roads caused by construction will be promptly repaired to preconstruction conditions and/or VDOT standards where deemed necessary.
- 9. Erosion and Sediment Control.** Prior to construction, an approved erosion and sediment control plan will be implemented for the entire Project, and an erosion and sediment control bond will be provided.
- 10. Stormwater Management.** Prior to construction, a Virginia Stormwater Management Program Permit from the Virginia DEQ will be obtained for the Project, including an approved Stormwater Pollution Prevention Plan.
- 11. Operational Noise and Electrical Interference.** The Project will comply with all applicable County requirements for noise and shall not generate or create electrical interruptions or interference with existing electrical or electronic uses.
- 12. Operational Light.** Fixed lighting at the perimeter of the Project will be limited to gates and will be shielded/downward facing to minimize light spillage and shall be motion-activated.
- 13. Compliance.** The project shall be designed, constructed, and tested to meet all applicable local, state, and federal standards.
- 14. Decommissioning.** In accordance with Section 35-141(E), the applicant shall completely decommission the facility within 12 months, if the facility ceases to generate electricity for a continuous period of 12 months, including all solar collectors, cabling, electrical components, fencing and any other associated equipment, facilities, and structures. Prior

to construction and approval of the entire site plan, a decommissioning plan will be submitted to the Zoning Administrator, which shall provide for the posting of a bond or other surety acceptable to the County in the amount of the decommissioning costs, not including salvage value, for the Project.

- 15. Start of construction.** The SUP will expire unless construction of the entire Project is commenced within 3 years of the date of issuance of the SUP.
- 16. Survival.** So long as the Project is operated in conformance with these conditions, the SUP shall continue for the life of the Project.
- 17. Comply with all DEQ regulations regarding nonpoint source pollutants.** Chemical sprays used in weed control shall comply with DEQ regulations.
- 18. Fire and Rescue Training.** The applicant shall provide annual training to the local fire department regarding battery storage.
- 19. Ordinance Compliance.** The project shall remain in compliance with all other applicable requirements of the Pittsylvania County Code § 35-141(D), § 35-141(E), and § 35-141(F) not specifically stated in the conditions of this Special Use Permit.
- 20.** The Applicant, and if different than the Applicant, the facility owner and/or operator, shall provide annual cash payments in accordance with the provisions of Virginia Code § 58.1-2636. The amount of such annual cash payment shall be equal to \$1,400 per megawatt as measured in alternating current (AC) generation capacity of the nameplate capacity of the facility based on the interconnecting utility, with a 2% annual compounding escalator beginning on July 1, 2026. The Applicant and the county acknowledge and agree that the county may identify in future budget years qualifying public improvements that may be funded by the annual cash payments to be provided by the facility owner and/or operator.

The first payment will be due on or before the date that is 90 days following the commencement of commercial operation of the community solar facility. Subsequent payments will be due on each anniversary of the commercial operation date until the earlier of (i) the 35th anniversary of the commercial operation date, with a final payment being made on such anniversary, or (ii) the commencement of decommissioning the community solar facility. The Applicant, facility owner and/or operator shall provide written notice to the Director of Community Development within ten (10) business days of when the community solar facility commences commercial operation. The payment by the Applicant, facility owner, and/or operator of all annual cash payments shall be a condition of this permit. The permit holder and/or owner shall be jointly and severally responsible for the payment of all annual cash payments required by this condition.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Ronald E. Merricks, Vice-Chairman
<b>SECONDER:</b>	Hershel Stone, Board Member
<b>AYES:</b>	Easley, Merricks, Brumfield, Craddock, Deering, Stone
<b>ABSENT:</b>	Yeaman

4. Public Hearing: Case S-22-017 Dry Fork Solar 1, LLC; Special Use Permit for a Utility Scale Solar Energy Facility

Mr. Easley opened the public hearing at 6:56 p.m. Mrs. Ragsdale, Director of Community Development, reported that Dry Fork Solar 1, LLC, has petitioned for a Special Use Permit for a utility scale solar facility on 47.36 acres, located on Highway 29 in the Chatham-Blairs Election District. Claire Habel and Andrew Cavanaugh represented the petition and presented a PowerPoint presentation. Ms. Habel stated that the name has recently changed to New Leaf Energy. Mr. Craddock asked about the 200-Megawatt cap, if that is for the entire State of Virginia. Ms. Habel stated that there was. There was a letter of opposition to the petition presented to the Board from Fred Curl suggesting another location be found for this project. Mr. Easley stated that the location was well hidden, and it was in a commercial area. Mr. Stone said it was in a good location. Mr. Easley closed the public hearing at 7:17 p.m. The Board discussed the petition as the Committee of the Whole. Whereas, Dry Fork Solar 1, LLC, has petitioned the Board of Zoning Appeals for a Special Use Permit for a utility scale solar facility. A motion was made by Mr. Craddock, seconded by Mrs. Deering, that the Board of Zoning Appeals grant the Special Use Permit with conditions recommended by staff:

1. **Site Development Plan; Location.** All solar panels and other above-ground equipment will be located within the “Project Area” shown on the Conceptual Site Plan included with the SUP application. All Site Plan requirements of Section 35-141 must be met before permits are issued.
2. **Height.** Except for the collection yard and substation or otherwise as required by applicable building code, the maximum height of the solar panels and other above-ground equipment will be 15 feet.
3. **Setbacks.** Except for fencing and any pole mounted electronic lines, consistent with the County ordinance, all above-ground equipment shall meet the setback requirements set forth in Section 35-141 (D). No setbacks are required between the parcels lines of parcels that are part of a single Project. No setbacks are required between the parcels lines of parcels that are part of a single Project.
4. **Fencing.** Fencing for the Project will be standard chain-link and at least 6 feet high. The Applicant shall maintain the fence for the life of the Project.
5. **Landscaping.** Applicant will comply with Section 35-121 Fencing - Screening. At the perimeter locations, the setback will include a minimum 100-foot-wide landscaped area

comprised of any existing vegetation supplemented as needed with a staggered row of planted trees and large shrubs. All rows of planted vegetation shall be evergreen plantings of varieties native or adaptable to the region, with one (1) row consisting of a variety expected to reach a minimum height of twenty-five (25) feet and the remaining rows of varieties designed to reach at least fifteen (15) feet in height at maturity. All evergreens shall be a minimum of six (6) feet in height at time of planting. Existing vegetation shall be maintained and supplemented with new plantings as needed to maintain required screening. Prior to construction and site plan approval, a landscaping maintenance plan will be submitted to the Zoning Administrator for approval, which shall provide for the posting of a bond or other surety in an amount sufficient to ensure that the plantings are successfully established, and the landscaping is maintained or replaced during the life of the Project. Landscape renderings or simulations shall be sealed by a registered landscape architect.

- 6. Construction Management and Mitigation.** Prior to construction, the Applicant shall prepare and submit to the Zoning Administrator a construction management plan to address traffic control methods, site access, fencing, lighting, mitigation of construction operations, and hours of construction activity.
- 7. Viewshed Protection.** A Viewshed Protection Plan shall be submitted to and approved by the Director of Community Development prior to the issuance of permits, identifying appropriate measures that will be taken to protect the viewshed surrounding the project during construction.
- 8. Road Repairs.** All public and private roads must remain open during construction. Any damage to roads caused by construction will be promptly repaired to preconstruction conditions and/or VDOT standards where deemed necessary.
- 9. Erosion and Sediment Control.** Prior to construction, an approved erosion and sediment control plan will be implemented for the entire Project, and an erosion and sediment control bond will be provided.
- 10. Stormwater Management.** Prior to construction, a Virginia Stormwater Management Program Permit from the Virginia DEQ will be obtained for the Project, including an approved Stormwater Pollution Prevention Plan.
- 11. Operational Noise and Electrical Interference.** The Project will comply with all applicable County requirements for noise and shall not generate or create electrical interruptions or interference with existing electrical or electronic uses.
- 12. Operational Light.** Fixed lighting at the perimeter of the Project will be limited to gates and will be shielded/downward facing to minimize light spillage and shall be motion-activated.
- 13. Compliance.** The project shall be designed, constructed, and tested to meet all applicable local, state, and federal standards.
- 14. Decommissioning.** In accordance with Section 35-141(E), the applicant shall completely decommission the facility within 12 months, if the facility ceases to generate electricity for

a continuous period of 12 months, including all solar collectors, cabling, electrical components, fencing and any other associated equipment, facilities, and structures. Prior to construction and approval of the entire site plan, a decommissioning plan will be submitted to the Zoning Administrator, which shall provide for the posting of a bond or other surety acceptable to the County in the amount of the decommissioning costs, not including salvage value, for the Project.

- 15. Start of construction.** The SUP will expire unless construction of the entire Project is commenced within 3 years of the date of issuance of the SUP.
- 16. Survival.** So long as the Project is operated in conformance with these conditions, the SUP shall continue for the life of the Project.
- 17. Comply with all DEQ regulations regarding nonpoint source pollutants.** Chemical sprays used in weed control shall comply with DEQ regulations.
- 18. Fire and Rescue Training.** The applicant shall provide annual training to the local fire department regarding battery storage.
- 19. Ordinance Compliance.** The project shall remain in compliance with all other applicable requirements of the Pittsylvania County Code § 35-141(D), § 35-141(E), and § 35-141(F) not specifically stated in the conditions of this Special Use Permit.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Joseph A. Craddock, Board Member
<b>SECONDER:</b>	Ann Deering, Board Member
<b>AYES:</b>	Easley, Merricks, Brumfield, Craddock, Deering, Stone
<b>ABSENT:</b>	Yeaman

## ADJOURNMENT

The meeting was adjourned at 7:21 p.m.