



**BOARD OF SUPERVISORS
LEGISLATIVE COMMITTEE
Tuesday, March 7, 2023 - 5:00 PM**

**Board Meeting Room
39 Bank Street, SE,
Chatham, Virginia 24531**

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. AGENDA ITEMS TO BE ADDED**
- 4. APPROVAL OF AGENDA**
- 5. OLD BUSINESS**
 - a. Solar Ordinance Revisions Review (Staff Contact: Emily Ragsdale)
 - b. Temporary Residential Occupancy of Campers Ordinance Review (Staff Contact: Emily Ragsdale)
- 6. NEW BUSINESS**
 - a. BOS' Planning Commission Member Voting Status Change Discussion (Staff Contact: William Ingram, Emily Ragsdale)
- 7. MATTERS FROM COMMITTEE MEMBERS (IF ANY)**
- 8. ADJOURNMENT**

PITTSYLVANIA

COUNTY, VIRGINIA

BOARD OF SUPERVISORS EXECUTIVE SUMMARY

Action Item

Agenda Title:	Solar Ordinance Revisions Review		
Staff Contact(s):	Emily Ragsdale		
Agenda Date:	March 7, 2023	Item Number:	5.a.
Attachment(s):	1. Proposed Solar Revisions		
Reviewed By:	VH		

SUMMARY:

In 2021, Pittsylvania County Code ("PCC") § 35-141 (C), Utility Scale Solar Energy Facility, was amended to increase regulations for Utility Scale Solar Energy Facilities. Specifically, said PCC section was revised to increase buffering requirements and provide additional controls to ensure all conditions and regulations are met prior to producing power, while reducing the required distance between approved projects to allow the County to capitalize on the ability to enter into Siting Agreements as allowed by the Virginia Code. In October 2022, the Board instructed County Community Development Staff to propose further amendments to PCC § 35- 141 to further restrict the development of Utility Scale Solar Energy Facilities. On January 3, 2022, the Planning Commission recommended, by an 8-0 vote, with no opposition, that the proposed amendments be adopted. On February 9, 2023, the Legislative Committee ("LC") met and requested additional revisions be made. For the LC's review and consideration, said proposed PCC revisions are attached.

FINANCIAL IMPACT AND FUNDING SOURCE:

Not applicable.

RECOMMENDATION:

County Staff recommends the LC recommend the full Board adopt, following the conducting of the legally required Public Hearing at its March Business Meeting, the attached revisions to PCC § 35-141 as presented.

MOTION:

"I make a Motion to recommend the attached revisions be forwarded to the full

Board, and following the conducting of the legally required Public Hearing at its March Business Meeting, the attached revisions to PCC § 35-141 be approved as presented.”

PROPOSED AMENDMENTS TO PCC § 35-141(C), UTILITY SCALE SOLAR ENERGY FACILITY, AND PCC § 35-141(D), PERMITTING REQUIREMENTS FOR LARGE SCALE AND UTILITY SCALE SOLAR ENERGY FACILITIES

SEC. 35-141(C). UTILITY SCALE SOLAR ENERGY FACILITY

1. Utility-Scale Solar Energy Facilities shall not be located less than ~~one~~ five (5) miles from any other Utility Scale Solar Energy Facility.
- ~~1.2.~~ No more than two percent (2%) of the total acreage within a single zoning district shall be approved for use as a Utility Scale Solar Energy Facility.
- ~~2.3.~~ No rezoning or Special Use Permit Application for a Utility Scale Solar Energy Facility shall be initiated until the Applicant has first initiated negotiations with the County for a Siting Agreement as authorized by the Code of Virginia.

Utility Scale Solar Energy Facilities shall be exempt from Sec. 35-141(C). Items 1. and 2. if the proposed project has entered into a Power Purchase Agreement (“PPA”), or similar agreement, with a tenant company located within the defined boundaries of the Southern Virginia Megasite at Berry Hill which also has an approved local performance agreement with the Board of Supervisors.

SEC. 35-141(D). PERMITTING REQUIREMENTS FOR LARGE SCALE AND UTILITY SCALE SOLAR ENERGY FACILITIES

In addition to the requirements of Article V, Division 4 (Site Development Plans) and, where applicable, Article V, Division 3 (Special Use Permits) of Chapter 35, Pittsylvania County Zoning Ordinance, the following documents, and information must be provided for review and approval of large- and utility-scale solar energy facilities:

1. A narrative identifying the applicant, owner, and operator, and describing the proposed solar energy project, including: an overview of the project and its location, approximate rated capacity of the solar energy project, the approximate number, representative types and expected footprint of solar equipment to be constructed, and a description of ancillary facilities, if applicable.
2. Project site development and landscape plans demonstrating that the solar project minimizes impacts on the visual character of an existing public right-of-way (ROW) or historic properties listed on the Virginia Landmarks Register, or the National Register of Historic Places.
3. A site plan meeting the requirements of Chapter 35, Article V, Division 4 Pittsylvania County Code, including the following additional information and details:
 - a) Property lines and setbacks as set out below, unless required setbacks are increased by the Board of Zoning Appeals as a condition of approval for a Special Use Permit.

- All aspects and components associated with a solar energy facility shall be no less than one hundred fifty (150) feet from any property line. No setbacks are required between the property lines of parcels that are adjacent to each other and within the project area of a single project.
 - The project area shall be no less than two hundred (200) feet from the property line of any residential use located outside of the project area.
- b) Existing and proposed buildings and structures, including preliminary location(s) of the proposed solar equipment.
 - c) Existing and proposed access roads, drives, turnout locations, and parking; however, this requirement shall not exceed VDOT requirements for other types of projects in the underlying zoning district.
 - d) Location of substations, electrical cabling from the solar systems to the substations, ancillary equipment, buildings, and structures (including those within any applicable setbacks).
 - e) Fencing, or other methods of ensuring public safety, in accordance with Section 35-121.
 - f) Buffering as required based on the visual impacts of the project or as required by the Board of Zoning Appeals as a condition of approval for a Special Use Permit. Required buffers shall be placed or preserved between any required fencing and adjoining properties and/or adjacent rights-of-way. Buffering or vegetative screening shall 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.
 - g) Additional information may be required, as determined by the Community Development Director, 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 solar energy project from potentially sensitive locations as deemed necessary by the Community Development Director to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal. Landscape renderings or simulations shall be sealed by a registered landscape architect.

4. Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.

5. Document that the panels are located and installed so that the sum of the glare is directed away from an adjoining property or public rights of way.

6. The applicant shall provide proof of adequate liability insurance for a large and utility- scale solar facility prior to issuance of a zoning or building permit.
7. Power cannot be sold until a final inspection has been conducted to determine if all requirements of this Ordinance, the Special Use Permit, and any Siting Agreement have been met, or a schedule of completion, with appropriate surety as requested, has been approved by the Community Development Director.
8. The facility operator shall provide the name and contact information of a person with authority over the facility who can provide access for any requested inspections.
9. The facility shall be opened upon three (3) days' notice for compliance inspections.
10. Prior to generation of power, a Fire Suppression Plan shall be approved by the Public Safety Director.
11. All inspections required under the Uniform Statewide Building Code shall be conducted by a third-party inspector in accordance with the Virginia Construction Code and the County's Third-party Inspection Policy. All associated inspection costs shall be borne by the facility operator.
- 12.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 throughout the viewshed surrounding the project.

Sec. 35-141(E) Decommissioning Requirements for Large and Utility Scale Solar Energy Facilities

The owner or operator of a large or utility scale solar energy facility shall completely decommission a facility within 12 months if the facility ceases to generate electricity for a continuous period of 12 months This period may be extended by the Board of Zoning Appeals if the owner or operator provides evidence that the failure to generate electricity is due to circumstances beyond their control and the facility has not been abandoned. Decommissioning shall include the removal of all solar collectors, cabling, electrical components, fencing and any other associated equipment, facilities, and structures to a depth of at least 36 inches and stabilization of the site, returning the property to a condition that is conducive to its prior use. A decommissioning plan shall be submitted, which shall include the following: (1) the anticipated life of the project; (2) the estimated decommissioning cost in current dollars, not including a salvage or recyclable material value used to offset the decommissioning cost, provided in an itemized format by a Virginia Licensed Professional Engineer (PE); (3) how said estimate was determined; and (4) the manner in which the project will be decommissioned. As allowed by Section 35-714 of the Pittsylvania County Zoning Ordinance, the Board of Zoning Appeals shall require a bond with surety or other approved security to ensure compliance with conditions imposed in a Special Use Permit. The plan shall acknowledge that if at any time the project is declared to be an unsafe structure by the Pittsylvania County Building Code Official, the terms of the "unsafe structure" code shall apply.

Sec. 35-141(F) General Requirements for Large and Utility Scale Solar Energy Facilities

1. The height of roof mounted large and utility-scale solar energy facilities shall not exceed the maximum height of other structures as permitted in the zoning district, and the maximum height of ground mounted facilities shall be 15 feet, as measured from the grade or base of the facility to its highest point,
2. Warning signage shall be placed on solar equipment and facilities to the extent appropriate. Solar equipment shall not be used for the display of advertising, except for reasonable identification of the photovoltaic equipment manufacturer or operator of the solar energy facility. All signs, flags, streamers, or similar items, both temporary and permanent, are prohibited on solar equipment except as follows: (a) manufacturer's or installer's identification; (b) warning signs and placards; (c) signs that may be required by a federal agency; and (d) signs that provide a 24-hour emergency contact phone number and warn of any danger. Educational signs providing information about the project and the benefits of renewable energy may be allowed as provided in Article II, Division 3 of the Pittsylvania County Zoning Ordinance.
3. All large and utility scale solar energy facilities shall utilize components which have a UL listing or equivalent and fully comply with all applicable building and electrical codes, and shall not generate or create electrical interruptions or interference with existing electrical or electronic uses.
4. All large and utility scale solar energy facilities shall comply with all applicable state and federal permitting and regulatory requirements.
5. All large and utility scale solar energy facilities must comply with the Pittsylvania County Noise Ordinance, but the requirements shall be no more stringent than for other development in the underlying zoning district.



BOARD OF SUPERVISORS

EXECUTIVE SUMMARY

Information Only

Agenda Title:	Temporary Residential Occupancy of Campers Ordinance Review		
Staff Contact(s):	Emily Ragsdale		
Agenda Date:	March 7, 2023	Item Number:	5.b.
Attachment(s):	1. Temporary Camping Revisions		
Reviewed By:	VH		

SUMMARY:

To ensure that the County's Zoning Ordinance promotes the general welfare of County citizens, County Community Development Staff was instructed to draft proposed Ordinance revisions to potentially allow recreational vehicles to be used as temporary dwellings in specific situations that result in the primary dwelling being rendered uninhabitable by the County Code Official, if certain conditions are met. The Legislative Committee met on February 9, 2023, and requested additional revisions. For the Legislative Committee's review and consideration, attached are proposed additions/revisions to Pittsylvania County Code ("PCC") § 35-87, TEMPORARY CAMPING.

FINANCIAL IMPACT AND FUNDING SOURCE:

Not applicable.

RECOMMENDATION:

County Staff recommends the LC recommend to the full Board to authorize it to advertise the legally required Public Hearing to potentially amend PCC § 35-87, Temporary Camping, at the Board's April Business Meeting.

MOTION:

"I make a Motion to recommend the full Board authorize County Staff to advertise the legally required Public Hearing to potentially amend PCC § 35-87, Temporary Camping, at the Board's April Business Meeting."

SEC. 35-86. PARKING AND STORAGE OF CERTAIN VEHICLES

Major recreational equipment as defined for purposes of these regulations includes travel trailers, pickup campers, motorized dwellings, tent trailers, boats and boat trailers, house boats and the like, and cases or boxes used for transposing such recreational equipment, whether occupied by such equipment or not.

No major recreational equipment shall be used for living, sleeping or other occupancy when parked or stored on a residential lot or in any other location not approved for such use.

No buses or renovated buses shall be used for living, sleeping or other occupancy when parked or stored on a residential lot or in any other location not approved for such use.

SEC. 35-87. TEMPORARY CAMPING

A. Major recreational equipment as defined by Sec. 35-86 may be used for living, sleeping or other occupancy when such a use is in conjunction with an event held on property zoned for such an event and a Temporary Camping Permit has been issued by the Zoning Administrator. Fees for Temporary Camping Permits shall be set by the Board of Supervisors. Major recreational equipment shall be located on the same property as the event and may be permitted for a period that shall not exceed 24 hours prior to the start of the event and 24 hours after the conclusion of the event. A Temporary Camping Permit shall be issued by the Zoning Administrator prior to any event for a period not to exceed twenty-one (21) consecutive days or one hundred-eighty (180) days per calendar year. Prior to the issuance of a Temporary Camping Permit, the following shall be reviewed and approved by the Zoning Administrator:

- 1) Site plans shall be submitted to the Zoning Administrator identifying major recreational equipment parking locations, utility hookups and/or dump stations, bathhouses, and any other amenities that will be offered as an incidental use.
- 2) A plan for adequate sanitation facilities and garbage, trash, and sewage disposals shall be approved by the Zoning Administrator prior to a permit being issued. This plan shall meet the requirements of all state and local statutes, ordinances, and regulations.
- 3) A plan for adequate fire protection shall be reviewed and approved by the Director of Public Safety. This plan shall meet the requirements of all state and local statutes, ordinances, and regulations.

No such permit shall be issued for events held within residential zoning districts.

B. Notwithstanding other provisions of this Ordinance, one recreational vehicle, as defined in Sec. 35-86 may be used as a temporary residence in the event that the permanent dwelling on the property is damaged or destroyed by events beyond the control of the property owner and/or occupant, resulting in the structure being deemed uninhabitable by the Pittsylvania County Code Official, subject to the following conditions:

- 1) The recreational vehicle shall be located on the same lot on which the primary residence is/was located and meet all applicable setbacks;

- 2) Such temporary residential use shall be allowed for a period not to exceed six (6) months with an active building permit issued to make the necessary repairs to the permanent residential structure.
- 3) The recreational vehicle must be operable and have a current state inspection sticker and licenses or be marked as a rental unit from a rental agency, insurance company or governmental entity;
- 4) There shall be no delinquent personal property taxes owed on the recreational vehicle, and no delinquent property taxes on the subject property, and it shall be registered in Pittsylvania County unless it is marked as a rental unit from a rental agency, insurance company or governmental entity.
- 5) The recreational vehicle shall have available onboard electrical service, plumbing, and waste management facilities;
- 6) Proper building, well, and septic permits shall have been issued for the property;
- 7) The appropriate paperwork shall be completed, required inspections performed, and fee paid for a Safe, Adequate, and Proper (“SAP”) to be obtained from the Virginia Department of Health prior to any connections to the existing septic system being made; and
- 8) The recreational vehicle shall be hooked up to a permanent permitted water supply, a permanent permitted waste disposal system, and a permitted temporary electrical power source for the duration of the time it is used as a temporary residence.

This shall not apply to situations where the primary residence was substantially damaged or destroyed as a result of any criminal act or negligence within the control of the owner. Furthermore, this shall not apply to new construction or renovations that are not a direct result of damage beyond the property owner/occupant’s control.

SEC. 35-138. CAMPGROUNDS AND RECREATIONAL VEHICLE/CAMPER AREAS

1. Definitions

These developments should be established to provide locations for campgrounds or travel trailer parks which shall be used only by travel trailers, pick-up coaches, motor homes, recreational vans, camping trailers, and other vehicular accommodations all suitable for temporary habitation. Campground includes but is not limited to a travel camp, recreation camp, family campground, camping resort, recreational vehicle park and camping community. The definition does not include a summer camp for children, migrant labor camp, or park or subdivision for mobile homes as defined in the Code of Virginia and this Ordinance.

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COUNTY, VIRGINIA

BOARD OF SUPERVISORS EXECUTIVE SUMMARY

Information Only

Agenda Title:	BOS' Planning Commission Member Voting Status Change Discussion		
Staff Contact(s):	William Ingram, Emily Ragsdale		
Agenda Date:	March 7, 2023	Item Number:	6.a.
Attachment(s):	None		
Reviewed By:	VH		

Supervisor Ingram will facilitate discussion regarding potential changes to the Board's Bylaws regarding the Board's Planning Commission Member's voting status.