

Building, Planning & Zoning
P.O. BOX 216
WARM SPRINGS, VIRGINIA
24484



PHONE: 540.839.7236
FAX: 540.839.7222

Bath County Planning Commission

Bath County Courthouse – Room 115 – 6:00 P.M.

June 24, 2019

MEMBERS PRESENT: Chairman John Loeffler, Monroe Farmer, Lynn Ellen Black, Cynthia Rudnick

MEMBERS ABSENT: Vice-Chair Jason Miller

PUBLIC IN ATTENDANCE: Mike Bollinger (press), Steve Young (Holocene Clean Energy, Solar Development Manager), Marty Plecker, Eddie Hicklin, Janice O’Farrell

STAFF PRESENT: Sherry Ryder

CALL TO ORDER:

Chairman Loeffler called the Bath County Planning Commission meeting to order at 6:00 p.m.

PUBLIC COMMENT—MATTERS UNRELATED TO THE AGENDA:

Marty Plecker asked if the County had a noise ordinance for industrial noise, and what would be a nuisance noise. He expressed his displeasure on the Speyside noise and doesn’t want a second shift to start.

Sherry Ryder: We do have a noise ordinance. It is under the County Code, but doesn’t specify industrial noise and we do have a nuisance under the noise ordinance. I do not have the Code book in front of me to read.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

Lynn Ellen Black asked if the noise issue be added to Old Business for more discussion.

Chairman Loeffler stated that it could be added to Old Business.

PUBLIC HEARING:

- Holocene Clean Energy, Lester and Karen Bowyer and Kool Dri, Inc. (Tax Map #s: 88-35 and 77-73) – Application for a Conditional Use Permit to erect a solar generation facility near the addresses of 33976 and 33640 Mountain Valley Road, Millboro, Virginia. The properties are zoned A-2 (Agricultural General) and FH-1 (Floodhazard) and comprises 65.90 and 7.60 acres, with a total leased area for the facility of 22.32 acres total. The property is located in the Millboro Magisterial District.

Sherry Ryder: Just for reference, A-2 is Agricultural General and FH-1 is Flood hazard (floodplain) district. As stated, this is for a solar generation facility. The public has copies that were handed out of the packet and plat for information. I have a map if anyone would like one.

Holocene is still working with FEMA. The representative can address that regarding a LOMA (Letter of Map Amendment) for that particular section of property. You have a preliminary drawing of the site plan that was enclosed, but the updated version is what I handed to you to help answer some of the question that were brought up the last time. Along with the vegetative buffer diagram he gave us and he can elaborate on the meeting held at Camp Mont Shenandoah for the adjacent and adjoining landowners for any questions that they had. I understand it was fairly well attended and they had positive feedback from everyone. You have the binder with the information that they handed out last month. Jason could not be here tonight, but he did speak with two of the adjoining landowners and they support the application. I have not had any opposition to this application. My opinion based on the foregoing is that the conditional use would be compatible and would not be a conflict to the Comprehensive Plan or Land Use Regulations. Property is not located within our designated growth area. You have photographs showing the highway view as well as he adjoining property owners. There are some places that they may put additional screening. You have the map showing where the floodplain is and it also on the updated map. You have his application. He was very kind to come last month to address questions before tonight's formal presentation and as he said, this will be put into the BARC substation plant. I will be glad to answer any questions you may have for me.

Mr. Young: I would like to start with the three questions that were asked last time, on the 20th. 1) How many solar panels will be at the site? – That is covered in the handout I gave. 2) Setbacks from road frontage. –That is also answered in the handout. Setbacks will be 35' at the property line road frontage and 10' setbacks for the sides and rear. 3) Vegetative buffer along the road frontage is covered in the second handout. – A roll of Nellie Steven Holly trees and then a row of Emerald Green Aborvitae trees will be planted. They will be planted off-set from each other, there will be 6 every 100' of each type. This will provide the buffer for the viewshed.

Lynn Ellen Black asked Mr. Young about maintenance and replacement of the trees.

Mr. Young: Maintenance is part of the least agreement with the property owner. After the meeting on the 20th, we had a meeting with the adjoining property owners and the adjacent neighbors close by. 26 land owners, looking at an area map were invited. We held it at Camp Mont Shenandoah's dining room. The project land owners were there and a half dozen others. We went through a similar presentation like the one you saw. We went through a slide show. Talked about solar, environmental protection, view shed and answered questions. We had a positive response speaking to the neighbors and they are in favor of it.

We started our site studies, three months ago. Environmental, surveys, floodplain and elevations. Since we met last, interconnect studies have begun, electrical systems studies. These studies take about a year so we still have about 7-9 months left.

Chairman Loeffler: I have a question. Can you explain how the decommission plan work?

Mr. Young: Our first thing is to the land owners and their lease. We are required to put the property back to its original state. We offered in the presentation to the County, if they wanted to see a decommission plan. We will have one done by an independent engineer. It didn't come up the last time, but we offer it to every county.

Chairman Loeffler: So, you don't have a plan yet?

Mr. Young: We haven't written a decommission plan.

Chairman Loeffler asked about the hazardous storage materials involving batteries.

Mr. Young: Not with the battery storage, we will be having solar. We didn't talk a lot about battery storage, but I can provide material on that.

Chairman Loeffler: Is the money held in escrow for the decommissioning, should something happen to policy and the company?

Mr. Young: Depends on how the County approaches it. You could approach it with our financial credit for the project. Each County has different approaches.

Chairman Loeffler: So, you have seen different Counties ask for money to be held in escrow before?

Mr. Young stated several have asked for a Decommission Bond.

Cynthia Rudnick asked about other hazard materials.

Mr. Young: There is no hazard material.

Chairman Loeffler: What is your length of time and renewals?

Mr. Young: A period of 20 years and a 10-year optional renewal period. The expected of life is 35 years. There is a lot of recommissioning on older sites going on.

Lynn Ellen Black asked how did it work with BARC, will it help the citizens?

Mr. Young: You would have to ask BARC about that. BARC will be taking the power from the site. Some of the benefits are; it's in the area, the power substation is right behind it, helps them with power quality, control.

Lynn Ellen Black stated she was still concern about it, maybe not benefitting anybody and being along one of the major roads into the County and the viewshed.

Mr. Young stated due to its size and location there should not be a problem with viewshed. They will work hard to stay within the Comprehensive Plan requirements.

Sherry Ryder: I may be out of line, but if you think about Dominion, all the power generated there is not even close to being local, but at least the power generated there is going to BARC electric is where Bath County folks gets their service from. They may save a few dollars and in doing so pass on savings because they won't be paying a middle guy for the electricity. It will be a wholesale and not a retail kind of thing.

Mr. Young stated according to the handout, the power from the solar would power 500 homes in the area. 100 homes per mega-watt generated.

Lynn Ellen Black: They didn't ask if this would lower their bills, at the meeting?

Mr. Young: No, not at the meeting.

Chairman Loeffler: What is the policy and relationship with BARC?

Mr. Young: This is our first project with them.

Chairman Loeffler: Is this their only project?

Mr. Young: They have some community solar, roof top at schools, they are on their website.

Chairman Loeffler: When the solar panels reach the end of their lives, what do you do with them?

Mr. Young: The panels are disposed of the brass submit is salvageable, and has value. The wiring, medal, steel, electric equipment is all recyclable and helps with decommission cost.

Lynn Ellen Black: Will there be maintenance of mowing?

Mr. Young: There will be sheep on this project. We use clover that doesn't grow high. Mow at times.

Cynthia Rudnick: People don't like living at power lines due to cancer. Will these panels give off anything?

Mr. Young stated that he had not been asked this before, but solar panels are a low voltage generation thing, like the average line going through the communities. It's not transmission voltage. He didn't think they would be a problem.

Chairman Loeffler asked about problems with heavy rain.

Mr. Young: The solar panels don't set on the ground and there is very little ground disturbance, so there should not be any problem.

Chairman Loeffler opened hearing for public comment.

Eddie Hicklin stated that he lives nearby and wanted to say, he had no problems with the project.

Janice O'Farrell asked how they dispose of the panels and was told the panels last about 35 years; they would go to the landfill.

Mr. Farmer: How much wind can they handle?

Mr. Young stated he would be working with Andy Seabolt, Building Official on the required wind load requirements. Designs will be given to him for approval.

Chairman Loeffler closed the public comment and asked if any more questions from the board.

Lynn Ellen Black asked for a maintenance and mulch agreement for a couple years, so shrubs can get established enough.

Mr. Farmer: I move we recommend to the Board of Zoning Appeals the Conditional Use Permit be granted to erect a solar generation facility near the addresses of 33976 and 33640 Mountain Valley Road, Millboro, Virginia with the conditions; to be mulched and maintained for a period no less than 3 years with the vegetative plan made with their application.

Lynn Ellen Black second the motion.

Vote: 4-0 Motion approved.

CHAIRMAN'S REPORT: None

STAFF REPORT

Sherry Ryder: Gave an overview of what was going on.

OLD BUSINESS:

- **Housing Needs Assessment and Analysis Study – update.**

Sherry Ryder: We had our housing committee meeting that is rolling into our next step. We selected four groups. We had interviews with three of the four chosen from the eight. It sounds like we have some good stuff coming up. They will start work in August, with community meetings. They will be asking the Planning Commission to help, as they do those meetings. They will be asking key players, employers, real estate development, to help provide information. Some of the

information they will be pulling in will be helpful for us on our Comprehensive Plan updates. It will take about another year to complete, before we make application.

- **Noise Ordinance.**

Lynn Ellen Black stated she wanted to check the County Code that might have the nuisance, noise section.

Sherry Ryder: We have noise section that refers to nuisance. It can be found on line.

Cynthia Rudnick asked if it was about industrial or partying.

Sherry Ryder: It's very general. Most of our noise complaints come from barking dogs.

Lynn Ellen Black asked Sherry to look into this and let her know. We should look better at new business coming here and look for what may go wrong.

The Board discussed more on the ordinance and what to look for that may cause problems.

Sherry Ryder: We will be updating our Land Use Regulations, so keep notes on these things so they won't be forgotten when we make amendments. Notes can be on more than the Industrial issue.

NEW BUSINESS: None

Sherry Ryder: On July 22nd I will be out of town for a conference. We do have a Rezoning application. I have spoken with the applicant's representative and they can do July 15 or 29. If you guys want to reschedule. The BZA will be having their meeting on the July 15, so the best time would be the July 29.

The Board discussed the date.

Lynn Ellen Black: I make a motion to move the July meeting to July 29th at 6 p.m.

Mr. Farmer second the motion.

Vote: 4-0 motion approved.

Cynthia Rudnick stated she had an event planed on that date.

Chairman Loeffler asked for an amended motion.

Lynn Ellen Black: I make an amended motion to move the July meeting to Wednesday, July 31st at 6 p.m.

Mr. Farmer second the motion.

Vote: 4-0 motion approved.

MINUTES: Minutes of May 20, 2019

Mr. Farmer: I make a motion we approve the minutes.

Lynn Ellen Black: I second.

VOTE: 3-0-1 motion approved. (Chairman John Loeffler was absent)

ADJOURN

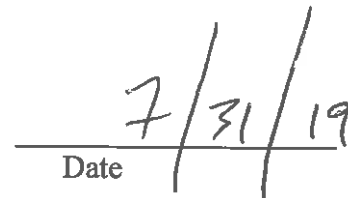
Mr. Farmer: I make a motion we adjourn.

Cynthia Rudnick: I second.

VOTE: 4-0 Meeting adjourn.

A handwritten signature in black ink, appearing to be "JL", is written over a horizontal line. The signature is somewhat stylized and enclosed in a large, loopy oval shape.

Chairman Loeffler

A handwritten date "7/31/19" is written in black ink over a horizontal line. The numbers are written in a simple, clear font.

Date