



AMHERST COUNTY PLANNING COMMISSION MEETING



MINUTES

September 28, 2023

Administrative Office Complex
153 Washington Street
Public Meeting Room
Meeting Convened - 7:00 PM

1. Call to Order

MEMBERS PRESENT: Derin Foor (Chair), Beverly Jones (Vice Chair), Michael Martineau, Michael Bryant, Catherine Gamble, Jim Thompson, David Pugh (Board of Liaison Non-Voting Member) & Andrew Proctor (EDA Non-Voting Member).

STAFF PRESENT: Tyler Creasy (Director of Community Development) and Stacey Stinnett (Administrative Assistant)

Chair Foor called the meeting to order at 7:00 pm.

2. Approval of Agenda

Planning Commission Recommendation:

Motion to approve the agenda.

Motion made by: Jones

Second: Gamble

Motion carried by a 6-0 vote.

3. Pledge of Allegiance & Invocation

Jones led in prayer and then led the Pledge of Allegiance.

4. Citizens Comments

Sam Bryant, a resident of Amherst County, spoke in opposition to the Piney River Solar Farm request, stating that it would be bad for the environment.

Dana Koshmer, a resident of Amherst County, spoke in opposition to the request and stated that there were better efforts that could be made to collect tax revenue.

Bouik Koshmer, a resident of Amherst County, spoke in opposition to the request. Mr. Koshmer stated that solar panel farms can be a fire hazard and if caught on fire they can be extremely dangerous to neighboring properties.

Sandy Detrick, a resident of Amherst County, spoke in favor of the request. Ms. Detrick stated that this solar farm will better the environment and that the applicant only has the best intentions for a safe and healthy environment.

Garry Friend, a resident of Amherst County, spoke in favor of the proposed recreational use code change. Mr. Friend stated that he currently has a project classified as a hunting cabin that he would like to build and he did not feel like he should have to pay the extra expense to build his hunting cabin to the statewide building code as a single family dwelling, which is what the current code states. He felt that this proposed code change would be ideal for situations such as this.

Ronnie Wright, a resident of Amherst County, spoke on behalf of his brother Wesley Wright, who owns the property of the Piney River Solar Farm. Mr. Wright read a letter that his brother had written which summed up that this request was the best solution to his property. Ronnie Wright also spoke in favor of this request.

Paula Cashorty, sister of adjoining property owner Geri Dokus, spoke in opposition to the request for the Piney River Solar Farm.

Shawn Hershberger, representative for Energix, spoke in favor of the request. Mr. Hershberger answered the Planning Commissions questions and responded to some of the applicants concerns such as panel fire and safety issues and panel federal standards and regulations.

5. Public Hearing

A. 2023-428 Matthew Wiese

Request by Matthew Wiese for a special exception in the R-2, General Residential district. The purpose of the special exception is to allow a short-term tourist rental of a dwelling. The property is located at 430 River Road and is further identified as tax map number 160-A-6. There is currently a single-family dwelling located on the property. The surrounding area generally has the same characteristics as the requested parcel. The property is surrounded by residential zoned property; with vacant land to the East and South, a single-family dwelling to the North (same owner.), and the James River to the East.

Mr. Creasy gave the staff report and recommended approval with the following conditions:

1. Lighting: All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
2. Parking: Guest shall be required to park on the property and not park on neighboring lots or on any right-of-way outside of their property unless they have written permission.
3. Transportation: The applicant shall work with the Virginia Department of Transportation for an entrance permit, if applicable.
4. Public Safety: The owner shall meet all requirements set forth by the Director of Public Safety as it has to do with access to the property.
5. Short Term Tourist Rental: The applicant shall meet all requirements of Section 916 which regulates short-term tourist rental of dwellings.

Chair Foor opened the public hearing.

Mr. Wiese, the applicant, spoke in favor of the request.

There being no further speakers, Chair Foor closed the public hearing.

Planning Commission Recommendation:

Motion to approve special exception 2023-428 Matthew Wiese with recommended conditions.

Motion made by: Thompson

Second: Martineau

Motion carried by a 6-0 vote.

B. 2007-2027 Amherst County Comprehensive Plan Update

Update to the 2007-2027 Amherst County Comprehensive Plan includes the incorporation of the Madison Heights Conceptual Master Plan as Appendix B. This master plan creates a blueprint for Madison Heights that guides future public investment and private development in ways that contribute to a successful and prosperous community. The master plan reinforces a sense of local community, provides ways to improve the area's overall quality of life, plans for necessary expansion of public facilities and services, and provides ways to increase positive economic development.

Mr. Creasy gave a brief presentation.

Chair Foor opened the public hearing.

No one spoke in favor or in opposition to the request. Therefore, Chair Foor closed the public hearing.

Planning Commission Recommendation:

Motion to approve 2007-2027 Amherst County Comprehensive Plan Update

Motion made by: Jones

Second: Bryant

Motion carried by a 6-0 vote.

C. Ordinance 2023-6 Revenue Sharing Solar

Mr. Creasy stated that staff worked with the County Attorney to determine how the County should pursue taxing of utility-scale solar farms. Currently, utility-scale solar farms are taxed through the generic M&T tax. The ordinance attached proposes a code change to allow such facilities to be taxed through a revenue share.

The Planning Commission had a brief discussion.

Chair Foor opened the public hearing.

No one spoke in favor or in opposition to the request. Therefore, Chair Foor closed the public hearing.

Planning Commission Recommendation:

Motion to approve Ordinance 2023-6 for Revenue Sharing Solar

Motion made by: Gamble

Second: Thompson

Motion carried by a 6-0 vote.

6. Non Public Hearing - Special Exception

A. 2023-369 Piney River Solar LLC (Special Exception)

Request by Piney River Solar, LLC for a special exception request in the A-1, Agricultural Residential District for a solar energy system, utility-scale. The parcel has frontage on Patrick Henry Highway and is located at 2508 Patrick Henry Highway, and is further identified as tax map number 40-A-64.

This request also requires a review for compliance with the Comprehensive Plan, in accordance with Virginia Code Sec. 15.2-2232, for a proposed solar facility, on Tax Map Parcel 40-A-64, zoned A-1, Agricultural Residential District.

Mr. Creasy stated that the Planning Commission is conducting a non-public hearing for a special exception in the A-1, Agricultural Residential district and that this case was heard as a

public hearing on the August 2023 meeting but there was a motion to table until the September 28, 2023 meeting date. The purpose of the special exception is for a solar energy system, utility-scale. In accordance with Virginia Code Sec. 15.2-2232, this request also requires a review for compliance with the County's Comprehensive Plan.

The Planning Commission briefly discussed with staff environmental issues and what areas this facility would serve.

Planning Commission Recommendation:

Motion: I would like to make a motion in accordance with Virginia State Code section 15.2-2232, that special exception 2023-369 is not consistent with the Amherst County Comprehensive Plan due to Land Use section, Goal # 2, states: To promote the preservation and the use of open space and encourage viable agricultural and forest land uses to protect the County's natural beauty, rural character, wildlife habitats, and water resources. and Land Use section, Goal # 2, Objective # 7 states: Promote retention of agricultural and forest land use in Amherst County.

Motion made by Gamble

Second: Thompson

Motion was denied by a 6-0 vote.

Planning Commission Recommendation:

I make a motion that such use will be of substantial detriment to adjacent properties, that the character of the zoning district will be changed thereby, and that such use will not be in harmony with the purpose and intent of the uses permitted by right in the zoning district, and with the public health, safety, and general welfare to the community. Therefore, I move to recommend denial of the applicant's request for a special use permit for a solar energy system, utility-scale.

Motion made by: Thompson

Second: Gamble

Motion was denied by a 6-0 vote.

7. Code Changes

A. Code Changes

Mr. Creasy briefly discussed code changes pertaining to recreational dwellings, utility-scale solar facilities (workshop takeaways), and requirements for family subdivisions.

The Planning Commission had a consensus for staff to change the Decommissioning Solar Code Change so that decommissioning cost will be updated upon the request of the zoning administrator or as provided for in subsection 1011.03, provided that the update shall at least be every (5) five years instead of every (10) years.

Planning Commission Recommendation:

Motion to approve and submit Recreational Dwelling and Family Division Code Changes to the County Attorney to put into the form of an ordinance.

Motion made by: Bryant

Second: Gamble

Motion carried by a 6-0 vote.

8. Site Plan Review

A. Attachment

Mr. Creasy updated the Planning Commission on site plans.

9. Old/New Business

The Planning Commission discussed gaming machines, Fire Fly presentation to the Board of Supervisors, Route 29 Business Beautification Committee progress and The Madison Heights Town Centre.

10. Approval of Minutes for August 7, 2023 and August 17, 2023

A. August 7, 2023 Meeting Minutes

Planning Commission Recommendation:

Motion to approve the August 7, 2023 Meeting Minutes.

Motion made by: Jones

Second: Bryant

Motion carried by a 6-0 vote.

B. August 17, 2023 Meeting Minutes (will be distributed at the meeting)

Planning Commission Recommendation:

Motion to approve the August 17, 2023 Meeting Minutes.

Motion made by: Bryant

Second: Thompson

Motion carried by a 6-0 vote.

11. Adjournment

There being no further business to discuss with the Planning Commission, the meeting was adjourned at 8:21 pm.

Planning Commission Recommendation:

Motion to adjourn.

Motion made by: Thomson
Second: Bryant
Motion carried by a 6-0 vote.

Chairman