



AMHERST COUNTY PLANNING COMMISSION MEETING



MINUTES

January 18, 2024

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 Bryant, Catherine Gamble, Jim Thompson, Michael Bryant and Andrew Proctor (EDA Non-Voting Member).

MEMBERS ABSENT: David Pugh (Board of Liaison Non-Voting Member)

STAFF PRESENT: Tyler Creasy (Director of Community Development), Sarah Nichols (Assistant Zoning Administrator) and Stacey Stinnett (Administrative Assistant).

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

2. Approval of Agenda

The agenda was approved as submitted.

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

Mr. Martineau led the Pledge of Allegiance and then led in prayer.

4. Citizens Comments

There were none.

5. Accessory Dwelling Unit Code Change

Mr. Creasy reviewed staff recommendations:

Permitted in the following Districts:

- A-1, Agricultural Residential
- Mixed-Use / Traditional Neighborhood District

Required lot size and setbacks:

- There shall be no required lot size so long as all yard requirements in section 804 can be met.
- Accessory dwelling units shall be placed in either the side or backyard. Except for lots that exceed 5 acres, in which an accessory dwelling unit can then be placed in the front yard so long as all yard requirements in section 804 are met.

Accessory Dwelling Unit Size

- If detached, shall not exceed 40% of the principal structure's square footage.
- No maximum size for attached accessory dwelling units.
- Only one accessory dwelling unit is allowed per lot.

Habitation Regulations

- Shall be allowed to be used as a short-term tourist rental of a dwelling - will follow the permitting process for such.
- Property owner must live in the accessory dwelling unit or the principal dwelling or if the property owner does not live there - only one family can occupy the property (up to five unrelated persons).

Other Requirements

- Detached accessory dwelling units shall not exceed the height of the principal structure.
- All building code regulations shall be met.
- All requirements from the Public Safety as it has to do with fire access.
- All requirements from the Virginia Department of Health, if applicable, shall be met.
- No accessory dwelling unit shall exceed two bedrooms.
- In the MU/TND district, two additional off-street parking spaces shall be provided.

There was a brief discussion regarding whether Accessory Dwelling Units should be considered as a special exception in R-1 Limited Residential and R-2 General Residential Districts. Mr. Creasy stated that he would research other localities to compare and will draft the 900 code section and bring back at the next meeting for the Planning Commission to review.

6. Solar Code Change

A. Attachment

Mr. Creasy discussed a letter that County Administrator, Jeremy Bryant, wrote on behalf of the Board of Supervisors, to Senator Deeds, opposing Senate Bill 567. The letter discussed opposition to SB 567, which would provide for a means by which energy facilities can circumvent local land use regulations.

Mr. Creasy presented the Planning Commission with the amended changes to the Solar Ordinance, No. 2024-1. The changes that were made are:

923.04 (6) The County may retain qualified third parties to review and inspect the permit applications and construction activities of utility-scale solar generation facilities that are outside the County's areas of expertise. Any out-of-pocket costs incurred by the County for such review and or inspections by qualified third parties shall be paid by the applicant. The third-party reviewers, inspectors and their estimated costs will be submitted to the applicant for approval before the costs are incurred. The County may, in the alternative, accept such review by qualified third parties that are selected, retained, and paid by the applicant.

923.05 (1) Panels for utility-scale solar facilities shall not exceed a maximum lot coverage of 50 acres.

923.05 (2) Utility-scale solar generation facilities shall not be located in the flood hazard overlay district as provided in section 714.

923-05 (3) A utility-scale solar facility shall not be located within (2) miles of any other existing utility-scale facility.

923-05 (3)(a) For purposes of spacing, distances shall be measured from panel to panel.

923-05 (8) A vegetative buffer sufficient to mitigate the visual impact of the facility is required. The buffer must consist of a landscaping strip at least forty (40) feet wide, located within the setbacks required in subsection 3 above, and must run around the entire perimeter of the project area.

923.05(13) Applicants for new utility-scale solar generation facilities shall coordinate with the

county's emergency services staff to provide materials, education and / or training to the departments serving the property with emergency services in how to safely respond to on-site emergencies. The incident response plan, all aspects of which are paid for by the applicant, must ensure that local responders have the necessary equipment and training to effectively handle emergencies.

923-05(13)(a) Emergency personnel will be given a key or code to access the property in case of an on-site emergency.

923.07 Comprehensive Plan (2232) Review. The Comprehensive Plan review shall be based on the SUP Application Form and Concept Plan. The Code of Virginia §15.2- 2232 requires a review of public utility facility proposals by the Planning Commission to determine if their general or approximate location, character, and extent are substantially in accord with the Comprehensive Plan or part thereof.

(a). The Planning Commission must consider, at a public meeting, whether the project is in substantial accord with the Comprehensive Plan. Failure of the Planning Commission to act within 60 days of a submission, unless the time is extended by the Board of Supervisors, shall be deemed approval.

(i). If the Planning Commission approves the 2232 review, the project shall be recommended for a public hearing for the SUP permit.

(ii). If the Planning Commission does not approve the 2232 review, the applicant may appeal the decision to the Board of Supervisors within 10 days after the decision of the Planning Commission. The appeal shall be by written petition to the Board of Supervisors setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing unless the time is extended by the applicant. A majority vote of the Board of Supervisors shall overrule the Planning Commission.

(b). If the Board of Supervisors agree to negotiate a Siting Agreement in accordance with Code of Virginia § 15.2-2316.8, the 2232 review process may be delayed until negotiations are complete.

1011.02 Decommissioning plan. A site plan for a utility-scale solar generation facility shall include a detailed decommissioning plan that provides procedures and requirements for removal of all parts of the solar energy generation facility and its various structures at the end of the useful life of the facility or if it is deemed abandoned. The plan shall include the anticipated life of the facility, the estimated overall cost of decommissioning the facility in current dollars, the methodology for determining such estimate, and the manner in which the project will be decommissioned. The decommissioning plan and the estimated decommissioning cost will be updated upon the request of the zoning administrator or as

provided in the agreement provided for in subsection 1011.03, provided that the update shall be *at least be every five (5) years*. The disposal of all panels and related equipment shall be taken to a facility that can accept the materials and shall meet all local, state and federal regulations. *The owner shall work with County staff to ensure the decommissioned project is recycled through local, state, and federal best practices.*

The Planning Commission discussed changing (2) two miles to (1) one mile in section 923-05 (3).

Mrs. Gamble requested staff to include in the code change that local contractors be considered for these projects. Mr. Creasy replied that he would have to discuss with the County Attorney to see if limiting to regional third party contractors was acceptable.

The Planning Commission also requested staff to consult with the County Attorney to see if Amherst County could recommend the disposing of solar panels in certain certified landfills.

Mr. Proctor, spoke on behalf of the Amherst County Economic Authority, expressing their support in what Mr. Creasy has drafted for the solar code change.

The Planning Commission and staff discussed holding a joint meeting with the Board of Supervisors in March for the first read of the proposed Solar Ordinance.

Planning Commission Recommendation:

Motion to direct staff to make amended changes to the proposed ordinance and have the County Attorney review and for staff to bring back to the next Planning Commission Meeting for review.

Motion made by: Jones

Second: Martineau

Motion carried by a 6-0 vote.

7. Site Plan Updates

A. Site Plan Review

Mrs. Nichols updated the Planning Commission on the siteplan reviews.

8. Old/New Business

The Planning Commission briefly discussed the status of the youth participant position, to which staff replied that there had been no feedback from the public schools or interested candidates.

The Planning Commission discussed the demolition activity at the Scottish Inn, the status of the property across from 84 Lumber with the rock pile issues and the status of the Winton

case.

There was a brief discussion regarding updated information about the Central Virginia Training Center property. Mr. Creasy informed the Planning Commission that he and other county officials will be attending a field trip on January 31, 2024, to visit the Western State Hospital in Staunton, V.A.

Mr. M. Bryant briefly discussed his dissatisfaction with the Madison Heights Town Centre building the apartments at the entrance of the development that fronts Route 29 Business. Mr. M. Bryant stated that property along the corridor should be preserved for business use only and not residential. Mr. Creasy stated that there were vested rights to existing structures and that only a maximum of 24 months is given for an existing structure to remain vacant. After the 24 months from the last time the structure was occupied, can the use remain residential. Otherwise, the property reverts to the current zoning of B-2, General Commercial and those uses must remain as businesses.

9. Approval of Minutes for December 21, 2023

A. Minutes

Planning Commission Recommendation:

Motion to approve the minutes with the two amended changes.

Motion made by: Jones

Second: Gamble

Motion carried by a 5-0 vote. (Martineau abstained)

10. Adjournment

There being no further business to discuss, the meeting was adjourned at 8:22 pm.

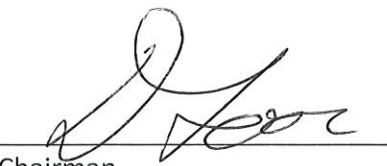
Planning Commission Recommendation:

Motion to adjourn.

Motion made by M. Bryant

Second: Jones

Motion carried by a 6-0 vote.


Chairman