

Mr. Lucas called the April 10, 2023 meeting of the Botetourt County Planning Commission to order at 6:00 PM, in the Botetourt County Administration Center Auditorium in Daleville, Virginia.

PRESENT: Mr. Tim Lucas, Chairman
Mr. Brandon Nicely, Vice-Chairman
Mr. Steve Kidd, Member
Mr. Sam Foster, Member
Mr. Tim Snyder, Member
Mr. Billy Martin, Ex-Officio Member
Mr. Mike Lockaby, County Attorney
Mrs. Nicole Pendleton, Director of Community Development
Mr. Drew Pearson, Zoning Administrator
Mr. Jon McCoy, Planner
Mr. Nick Baker, Planner
Mr. Matt Lewis, Code Enforcement
Mrs. Laura Goad, Administrative Assistant

ABSENT: None

After Mr. Lucas opened the meeting and welcomed those in attendance, he introduced Staff and Planning Commission members, and then read the procedures for the public hearing, noting that anyone wishing to speak should complete a "Request to Speak" form and give it to a Staff member.

Mr. Lucas stated the Board of Supervisors would hear this request on April 25, 2023 at 6:00 PM, here at the Botetourt County Administration Center.

Mr. Lucas announced that the Planning Commission would meet in the Kroger parking lot for the next field review at 3:15 PM on Thursday, May 4, 2023.

Mr. Kidd motioned to approve the March 13, 2023 Planning Commission minutes as written.

Mr. Nicely seconded the motion, which was approved 5:0:0:0 for the following recorded vote:

YES: Mr. Nicely, Mr. Foster, Mr. Lucas, Mr. Kidd, Mr. Snyder
NO: None
ABSTAIN: None
ABSENT: None

Public Hearings

Buchanan District: Rachel Moss requests a private kennel Special Exception Permit, with possible conditions, in accordance with Sec. 25-73. – Uses Permissible by Special Exception and Sec. 25-583 Special Exceptions of the Botetourt County Code to permit a private kennel for up to 10 dogs in the Agricultural (A-1) Use District. This 4.67-acre lot is located at 2502 Pico Road (State Route 625), Buchanan, VA, and is identified on the Real Property Identification Maps of Botetourt County as Section 65(9), Parcel D. Deferred from March 13, 2023.

Mr. Lucas stated that last month the Planning Commission opened the Moss public hearing and received public comments. The public hearing was then closed and deferred until tonight to allow the applicant time to install dog kennels, improve dog behavior and improve neighborhood relationships.

Mr. Baker read the legal advertisement aloud and stated that this was continued from last month. He displayed a front yard photo shown last month, and then displayed four photos taken this morning. The photos displayed two new kennels with all of the dogs in them. Mr. Baker commented that there was minimal barking and dogs roaming the property. He further commented that Mr. Underwood would build two additional structures, similar to the ones in the photographs. Mr. Baker noted that Mr. Underwood had reached out to the Health Department regarding dog waste and was waiting to hear from them, although he might decide to compost. Mr. Baker read the following proposed conditions, if approved:

1. The private kennel shall be limited to no more than ten (10) dogs, with no more than seven (7) dogs boarded outdoors.
2. Noise generated by the dogs shall not violate provisions of the Botetourt County Noise Ordinance.
3. No kennel shall be located within 100-foot from any residence other than that of the kennel owner.
4. The private kennel shall be served by a septic system approved by the Health Department.
5. The private kennel shall be served by seven 8 feet x 4 feet kennels to house the outdoor dogs and shall be located in the rear yard as shown on the sketch included with the application.

Mr. Lucas asked of the applicant wanted to come forward and provide any additional information.

Mr. Underwood was present and willing to answer any questions. Mr. Underwood said he had spoken to neighbors, and he hadn't heard any foul words from them.

When Mr. Lucas about the fencing in front of the home, Mr. Underwood indicated that he installed the fencing.

The Planning Commission then discussed this request.

Mr. Foster asked about the condition for the Health Department.

Mr. Kidd said he hoped to hear more from people nearby. He said that he heard last month that the dogs were out again, although in the last week, he had not heard any other negative comments. He also said he wanted to hear others.

Mr. Snyder commented that he attended the field review, and noticed the applicant had enhanced facilities for the dogs. He stated he had major reservations to approve without his neighbors, and that concerned him.

Mr. Foster stated the Planning Commission had kennels before and wide range of expectation. He described kennels with concrete runs and inside housing. He further stated that the biggest issue was the type of disposal without Health Department approval.

Mr. Lucas stated that he saw improvements, and did not know if they could revoke the special exception permit if the conditions if the applicant did not continue to meet the conditions.

Mr. Lockaby stated there were two options. He explained that this could be handled as a violation if conditions were not met, or the SEP revocation would go through same process as this Special Exception Permit.

Mr. Snyder asked about the process.

Mr. Lockaby responded that this could come from the Board of Supervisors, the Planning Commission, or the Zoning Administrator.

Mr. Snyder wanted to know if the quantity of dogs would be enough.

Mr. Lockaby said if they were not compliant, that revocation was rare, but it had happened.

Mr. Lucas remarked that he thought they were all sitting on the fence, and to give an SEP meant that we thought they will be able to take care of this, and if not, there needed to be a way to reverse it.

After questioning from Mr. Lucas, Mr. Lockaby confirmed that the Zoning Administrator could write a Notice of Violation that could go either to General District Court or to the Board of Zoning Appeals.

Mr. Lucas asked others if they were in agreement with all of the conditions.

The Planning Commission discussed that the toughest requirement to meet would be a septic system to take care of waste disposal. They agreed that the applicant had shown improvement, noting that he said he had spoken to neighbors.

Mr. Lucas pointed out the letter from Mr. Austin saying there were no improvements, but Staff showed pictures of improvements being made. The Planning Commission mentioned that Mr. Underwood was close to or exceeding the minimum square footage of the required shelter included in the condition.

Mr. Pearson brought up Chapter 4 of the Botetourt County Code and dogs with animal control. He stated that they require a kennel to be at least 100 feet away from nearest residence and that solid waste must be removed on a regular basis. He further stated that Animal Control could look at both of these on a regular basis.

Mr. Underwood said if he could keep the kennels like they were now, they would be easier to keep clean, and the dogs all get along. He then mentioned training dogs part of the year for other people.

Mrs. Pendleton stated if he kept other dogs and trained them for money, that would be a commercial kennel.

Mr. Underwood then requested to keep 15 dogs, instead of 10 dogs.

Mrs. Pendleton responded that the advertisement was for up to 10 dogs, and that the Planning Commission might wish to revise Condition #5 to no less than 225 square feet rather than a certain number of kennels at specific sizes.

Mr. Underwood commented that the dog warden said they didn't have requirements for that.

After further discussion, it was determined Mr. Underwood could meet the 225 square feet requirement.

Mr. Lucas stated they would revise Condition #5 for 225 square feet, and they could not increase the number of dogs.

Mr. Underwood asked if the Planning Commission would put it in there that he could hunt other people's dogs.

Mr. Lucas replied that they could approve or not approve this.

Mr. Foster agreed with changing Condition #5.

Mr. Lucas recognized that Mr. Underwood's dogs were important to him, noting the SEP could be revoked if there were problems.

Mr. Underwood said he had always cleaned up behind his dogs.

Mr. Nicely stated that he didn't think the Health Department would require septic.

Following a discussion of adding conditions related to neighborhood issues and adequate sanitation, Mrs. Pendleton stated that enforcement would be troublesome for zoning officer that could not go onto the property.

Mr. Snyder wanted to know why the property was out of compliance since October, and how it was allowed to stay out of compliance with the amount of dogs, and what would it be moving forward.

Mr. Pearson responded that when complaint was received, Staff issued a Notice of Violation. The applicant filed for the SEP, and once filed, it stayed any enforcement action. He further responded that Staff had taken every action possible.

Mr. Snyder asked about the time period.

Mr. Pearson said that Mr. Baker received the complaint in October, and the application was filed about November. He then explained the process of the 30-day courtesy notice; if not resolved, then a Notice of Violation was issued, about a two-month process.

Mr. Kidd inquired if this would give Animal Control extra teeth, whether this was approved or denied.

Mr. Pearson said he could not speak for Animal Control, but their code would allow them to take action if a dog doesn't have a proper license, they could impound the dog. He commented that he thought what we're seeing was a lumpy process for a private kennel because of it taking a series of time. Mr. Pearson

further commented that with private dogs, seemed as though we were almost delaying Animal Control from being able to take action on any problem. In this case, Mr. Pearson believed that Ms. Moss indicated they were putting in septic to explore as an option. He said that even if and SEP were issued, zoning would never get involved in waste disposal, running at large, rabies shots because that went to Animal Control, and he was not sure what was intended for private kennel in zoning. Mr. Pearson stated that zoning should be involved in commercial kennels, as he questioned our involvement in private kennels.

Mr. Lucas noted changing Condition #5 to 225 square feet.

Mr. Pearson recommended leaving in noise ordinance because of the way the ordinance was set up.

Mr. Kidd stated that Mr. Underwood had made progress, but with what Mr. Pearson said, approving this would give more teeth to Animal Control, and to a certain degree, Animal Control would not look at this, but maybe they would look at the quantity of 10 dogs. Noting his concern for neighbors, Mr. Kidd told Mr. Underwood to take care of his dogs and keep them home. He agreed with changing the kennel size to 225 square feet, and did not have heartburn on removing the septic because the kennels would keep down on waste and smell. Mr. Kidd also said that he felt like a denial might put us in the same boat as before.

Mr. Foster said he thought Mr. Lockaby had a good statement, and Mr. Kidd said that Mrs. Pendleton also had a good statement.

Mr. Lockaby then referenced Chapter 4, Animal Code and their responsibilities.

Mr. Lucas stated that he would be fine with revoking the SEP if the conditions were not followed.

Mr. Kidd confirmed with Mr. Lockaby that neighbors could request revocation to the Planning Commission, and the Planning Commission could begin the revocation process.

Mr. Kidd motioned to forward the Moss request for a private kennel to the Board of Supervisors with a recommendation of approval on the basis that the requirements of Section 25-583 of the Zoning Ordinance have been satisfied with the following conditions:

1. The private kennel shall be limited to no more than ten (10) dogs, with no more than seven (7) dogs boarded outdoors.
2. Noise generated by the dogs shall not violate provisions of the Botetourt County Noise Ordinance.
3. No kennel shall be located within 100-foot from any residence other than that of the kennel owner.
4. The private kennel shall be served by a minimum of 225 square feet of kennels to house the outdoor dogs and shall be located in the rear yard as shown on the sketch included with the application.

Mr. Lucas stated that the Planning Commission was giving Mr. Underwood the option to take care of his dogs and the neighbors, and that the dogs would not run free. He further stated he hoped that Mr. Underwood realized that he was being given a chance.

Mr. Nicely seconded, which was unanimously approved 5:0:0:0, with the following recorded vote:

YES: Mr. Nicely, Mr. Foster, Mr. Lucas, Mr. Kidd, Mr. Snyder
NO: None
ABSTAIN: None
ABSENT: None

Buchanan District: Lavern J. and Jessica M. Miller request a Rural Home Business Special Exception Permit, with possible conditions, to manufacture suspenders, in the Agricultural (A-1) Use District in accordance with Sec. 25-435(3). - Rural home businesses and Sec. 25-583. – Special exceptions of the Botetourt County Code. This 5.71-acre lot is located at 153 Stage Road, Buchanan, and is identified on the Real Property Identification Maps of Botetourt County as Section 62(1), Parcel 1.

Mr. Baker read the request aloud as he displayed the zoning and aerial slides on PowerPoint. He stated that the zoning map showed all adjacent properties zoned Agricultural (A-1). Mr. Baker noted that the property recently had a boundary line adjustment that reduced the acreage to the current size in January 2023. He further noted that GIS had not been updated and wanted to avoid any confusion. Mr. Baker displayed an aerial view with notes showing location of mobile home to be removed, the future shop, and existing home, with all to meet required setbacks. He then displayed photos of the garage where business operations were to take place, as he noted pending building permit approvals. Mr. Baker stated there were no intentions to expand the current building, although if Mr. Miller expanded his business in a few years, it would be where mobile home was currently parked, and that the applicant was aware of permitting processes for this.

Mr. Baker read the following proposed conditions should this request be approved:

1. Noise generated by the development shall not violate provisions of the Botetourt County.
2. The number of full-time employees on site shall not exceed two persons.
3. Business operations are to occur only during the hours of 8 a.m. to 5 p.m. Monday through Friday.
4. Structures associated with the rural home business shall be located in the areas identified on the concept plan as submitted by Lavern J. and Jessica M. Miller on 1/26/2023.
5. Structures associated with the rural home business shall not exceed the sizes proposed on the concept plan as submitted by Lavern J. and Jessica M. Miller on 1/26/2023.
6. There shall be no outdoor storage of any materials associated with the rural home business.
7. All other specifications and general provisions shall be met as required by the Botetourt County Zoning Ordinance and in no instance shall the zoning conditions exempt a project from any local, state or federal development requirements, except where allowed by the Zoning Ordinance.

Mr. Lucas asked about the condition allowing only two employees.

Mr. Baker explained that included Mr. Miller plus two other people.

Mr. Kidd verified an approval would be on the notion that the trailer would be removed.

Mr. Snyder confirmed that trailer had already been removed prior to the site visit.

When Mr. Lucas asked the reason for two people, Mr. Baker explained that was because of the number given by the applicant.

Mr. Foster confirmed there would be no outdoor signage.

Mr. Kidd questioned the ordinance requirements.

Mr. Pearson clarified that the ordinance allowed up to three non-resident, non-family employees, and that the applicant asked for less than allowed by the ordinance.

Mr. Lavern Miller was present and spoke on his own behalf. He verified that the that trailer had been removed because it was not part of his purchase. Mr. Miller explained that at this point, more than two employees were not needed, as he questioned whether or not they would be limited if they had a future expansion.

Mr. Lucas explained they would have to come back to change the conditions.

Mr. Pearson noted these were suggested conditions, and the Planning Commission could eliminate a condition as needed.

Mr. Miller question if it limited them forever, and if there was a reason to not set it at three.

Mr. Lucas responded that he didn't think it necessary, because rather see the addition of a third employee.

Mr. Miller then asked for that condition to be removed.

Mr. Lucas opened the public hearing.

There being no one else to speak, Mr. Lucas closed the public hearing.

Mr. Kidd commented if Condition #2 were eliminated as suggested by staff, Mr. Miller could have three employees per the ordinance. He further commented that all other conditions were are fine.

Mr. Lucas agreed.

Mr. Kidd motioned to forward the special exception permit for manufacturing suspenders on the property of Lavern and Jessica Miller with a recommendation for conditional approval to the Board of Supervisors on the basis that the requirements of Section 25-583 of the Zoning Ordinance have been satisfied with the following conditions:

1. Noise generated by the development shall not violate provisions of the Botetourt County.
2. Business operations are to occur only during the hours of 8 a.m. to 5 p.m. Monday through Friday.
3. Structures associated with the rural home business shall be located in the areas identified on the concept plan as submitted by Lavern J. and Jessica M. Miller on 1/26/2023.
4. Structures associated with the rural home business shall not exceed the sizes proposed on the concept plan as submitted by Lavern J. and Jessica M. Miller on 1/26/2023.
5. There shall be no outdoor storage of any materials associated with the rural home business.
6. All other specifications and general provisions shall be met as required by the Botetourt County Zoning Ordinance and in no instance shall the zoning conditions exempt a project from any local, state or federal development requirements, except where allowed by the Zoning Ordinance.

Mr. Foster seconded, which was unanimously approved 5:0:0:0, with the following recorded vote:

YES:	Mr. Nicely, Mr. Foster, Mr. Lucas, Mr. Kidd, Mr. Snyder
NO:	None
ABSTAIN:	None
ABSENT:	None

Valley District: New River Electrical Corporation requests to rezone four contiguous parcels totaling 6.94 acres to the Industrial (M-2) Use District, with possible proffered conditions, in accordance with Section 25-342.- Permitted Uses and Sec. 25-581. - Zoning map amendment—Owner-initiated. of the Botetourt County Code. Parcels 101-162, 101-163, 101-164 are in the Agricultural Residential (AR) Use District and Parcel 101-175 is in the Industrial (M-1) Use District. Parcels 101-162, 101-163, and 101-175 are also located in the Gateway Crossing Overlay District. These parcels are located along Olde Route 604, approximately 0.1 miles east of its intersection with Lee Highway, across the street from the applicant’s facilities located at 15 Olde Route 604 in Troutville, and are identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcels 175; 162; 163; and 164.

Mrs. Pendleton read the request aloud as she displayed the zoning map with the Gateway Overlay District and aerial maps. She stated this was a rezoning request with no proffers; three of the four lots were located within the Gateway Corridor Overlay District, that would remain unchanged. Mrs. Pendleton further stated with the change of use, the site would be brought into compliance with current ordinance standards, and that Tax Parcel 101-164 would be required to meet the development standards in the Industrial (M-2) Use District only, and not the GCOD, as she displayed that map. She described the property located across the road from the current facility, as having high rolling topography. She noted the general uses in the area consisted of a mix of industrial and commercial with one parcel of residential use. Mrs. Pendleton explained that New River acquired this property to expand operations, with one potential use of a training facility, as she provided an illustration provided by the applicant. Mrs. Pendleton commented that any future improvements would require a site plan as a result of change in use. She referred to the background report for regulations within the GCOD, as well as some reduction in setbacks, the elimination of the maximum lot coverage and the maximum pervious coverage, and a small addition

of height. Mrs. Pendleton noted the Comprehensive Plan identified the subject property to be within an Urban Development Area (UDA) intended to encourage denser mixed-use development that incorporated use of traditional design principles and noted no significant changes for the existing industrial areas. She further noted that the Troutville Fire Department was three miles away, and typical comments were received from VDOT. She mentioned that Staff received one inquiry, no complaints, no public comments and there were no proffers. Mrs. Pendleton stated that Mr. Woolwine was here to represent the applicants.

Mr. Mike Woolwine of Hughes Associates of Roanoke, and Mr. Johnny Lanning, Senior Vice President were both present to speak to this request.

Mr. Woolwine commented that Mrs. Pendleton summed it up very well, and he would be glad to answer any questions.

Mr. Snyder wanted to know if there had been any public comment from the neighbor.

Mrs. Pendleton responded there was no public comment from the neighbor.

After questioning from Mr. Lucas, Mr. Woolwine responded that the training facility would be for existing employees.

Mr. Kidd asked if this would be a facility because the application said it "may be".

Mr. Woolwine confirmed this would be a training facility.

Mr. Lucas opened the public hearing.

There being no one else to speak, Mr. Lucas closed the public hearing.

Mr. Lucas motioned to forward the Industrial (M-2) rezoning request to the Board of Supervisors on the properties of New River Electrical Corporation with a recommendation of approval on the basis that the requirements of Section 25-581 of the Zoning Ordinance have been satisfied.

Mr. Nicely seconded, which was unanimously approved 5:0 :0:0, with the following recorded vote:

YES:	Mr. Nicely, Mr. Foster, Mr. Lucas, Mr. Kidd, Mr. Snyder
NO:	None
ABSTAIN:	None
ABSENT:	None

Mr. Lucas announced the public hearings were concluded.

Other business

Mr. McCoy then conducted a work session regarding renewable energy. He displayed a presentation [attached] on solar ordinances with changes as directed by Planning Commission at the last work session and by the County Attorney. He stated that solar was a growing industry; that in 2010, the median levelized cost of energy for grid-connected photovoltaic systems with rated capacities of greater or equal to 5mW was \$180 and by 2019 that number was \$29. He further stated that because of this, and state

goals to achieve carbon neutrality, localities across the state had received many inquiries to develop solar energy facilities, including Botetourt.

Mr. McCoy displayed a graphic indicating areas of Photovoltaic solar potential across the United States, with Botetourt circled in a yellow area. He noted that while we might receive less interest due to less capacity than other areas because our capacity to generate solar was a lot less than other areas of the country. Mr. McCoy indicated that we would receive some interest, but not for 6,000 acres as in other areas of the country.

Next, Mr. McCoy showed what the solar photovoltaic system looked like for grid connected system, where the photovoltaic cells here that connect to an inverter and transformer, which feed into a meter and then connected into the utility grid. On the screen depicting Off-Grid and On-Grid, Mr. McCoy explained that off-grid facilities provided power to only the end user, such as a rooftop mounted facility that served only a residence or business. On-grid facilities would be separated into behind the meter and in front of the meter systems. Behind the meter systems would provide electricity to on-site or nearby uses and feed excess power to the grid. In front of the meter systems would be supply-side focused systems and include most large-scale solar facilities. Most of this electricity would be sold to a utility and fed into the transmission line. Mr. McCoy explained there would be trade-offs, with changes to agriculture or other productive land. He said that agricultural land was attractive to solar facilities due to their contiguous nature, limited potential for shading, and proximity to existing transmission infrastructure. Sites were also often flat or required limited grading and that large-scale solar development that replaced existing productive land uses could lead to long-term or permanent loss of farmland, the same as residential development. Regarding environmental impacts, Mr. McCoy said that included degradation of wildlands and animal habitats, grading and removal of vegetation, and impacts on wildlife migration. He said the effects on historic or cultural sites could include impacts on valued landscapes and destruction of historic and cultural resources.

Mr. McCoy then discussed the structure of solar ordinance, noting the amount of details and revisions. He further discussed the types of solar permitted, noted the amended definition of Small to being 20kW or less, roof or ground mounted; Minor would be less than 5MW roof or ground mounted; Utility would be greater than 5MW, ground mounted only, based on state standards and regulations, plus taxation standards and tax credits. He noted that projects five megawatts up to 150 megawatts were taxed at 80 percent of the assessed value in the first five years of service after commencement of commercial operation, 70 percent in the second five years, and 60 percent for all remaining years. Additionally, anything greater than 5 MW and up to 100MW required notification to Virginia Department of Environmental Quality and approval.

Mr. Kidd asked if the power generated was measured by per day, per month, or per year.

Mr. McCoy answered that would be the daily production of solar energy, although in some instances it would depend on capacity, as noted by Mr. Nicely. Mr. McCoy explained that on average, a single-family dwelling, used 30 kW per day.

Mr. Lockaby believed this was daily, although it was nameplate maximum capacity if everything went absolutely perfect in AC production, and when constructed, all of these solar cells would have a range.

Mr. McCoy displayed the Zoning District chart with small/minor/utility use indicated by a P for permitted or S by special exception permit, in each use district. He said Staff proposed permitting solar facilities as

seen before you in the respective districts. He pointed out small facilities and minor roof mounted facilities would be by-right, while ground mounted minor and utility facilities were by SEP in several districts. Mr. McCoy mentioned some of the general requirements that applied to all solar facilities, small, minor, and utility. He further mentioned a building and zoning permit for all facilities, so even a rooftop mounted facility would need department approval. All panels must use panels employing anti-glare and anti-reflective technology, an explicit requirement and already an industry standard, as the panels were intended to capture as much sunlight as possible, so reflection would defeat the purpose. Next, he said that nonconforming structures would be permitted to have roof mounted solar panels, with the caveat that they could not expand the nonconformity. So if a building met setbacks, but had a nonconforming height, they would not be able to have roof mounted panels. Likewise, if a building met height requirements, and was nonconforming due to setbacks, they would not be permitted to have roof mounted panels. We do not require roof mounted facilities to meet buffering requirements of the type that ground mounted minor and utility scale facilities will need. Additionally, rooftop mounted facilities would be disallowed from extending greater than 5 feet above the highest point of the roof.

Mr. McCoy noted approximately 8.9 acres per megawatt would be needed, according to the state.

Mr. Lucas questioned why utility-scale was not allowed in the M-1 Use District.

Mr. McCoy responded that Staff thought that a special exception permit for the Planning Commission to review in M-2 and M-3 Use Districts would be more appropriate.

Mrs. Pendleton noted it would be up to Planning Commission to recommend where utility-scale would be most appropriate, if this were to be approved.

Mr. McCoy discussed general requirements that would apply to all solar facilities, such as anti-glare technology. He noted that nonconforming structures could have roof mounted solar panels, with the caveat that they might not expand the nonconformity and that rooftop mounted facilities extending greater than five feet above the highest point of the residential roof would be not be allowed.

After questioning from Mr. Lucas, Mr. McCoy responded that the five feet would be measured from the highest point.

Mr. McCoy displayed small scale solar roof and ground mounted. He noted that he learned at a solar workshop that ground mounted panels could tilt to vertical during storms, which would ease runoff and impact from hail.

Next, Mr. McCoy displayed the minor scale solar, discussing that the building code would regulate placement. He further discussed incentivizing rooftop versus ground mounted, noting it was easier to have solar on the roof to preserve ground space for development.

Mr. Kidd noted that as a contractor, incentivizing roof top placement was wrong because of having to work on the roof, and that he viewed ground mounted solar similar to having adequate parking. He questioned if the solar units would be structurally secure during winds. He mentioned the state code slants for roof, as he discussed commercial versus residential.

Mr. Lucas and Mr. Kidd then discussed roof placement and ground placement.

Mr. Foster asked about the options between the two.

Mr. McCoy explained that the ground mounted units had to meet setbacks and buffering requirements, whereas rooftop equipment did not have to meet those requirements.

Mr. Kidd commented that when the ordinance and the state code contained roof top unit conditions, especially if the roof top units were close to historical sites or the view shed, the Planning Commission needed to keep in mind that subdivisions could look just as bad with roof top units.

Mr. Lockaby stated that the state code said if roof mounted and off-grid and behind the meter, there's nothing we could do.

Mr. Kidd how a whole area could have it without having to meet any part of the county's ordinance.

Mr. McCoy mentioned whether or not a Homeowner's Association could not prevent someone from doing that.

When Mr. Kidd mentioned the possibility of a shingle being a solar panel, Mr. McCoy commented there were architectural elements like shingles and wall panels that generated electricity.

Mr. Snyder brought up the small scale 20 kW as a launching point. He commented that 20 kW was interesting because it was mentioned earlier that 30 kW would power an average home. He asked why the ordinance couldn't be written so that an average home could be powered without having to go to the minor scale.

Mr. Lockaby explained because the ordinance had to line up with cutoff for community tax exempts to taxable as personal property, but at the real estate rate, which went from 20 kW up to 5 MW, and then at 5 MW it changed to another state tax bracket.

After questioning from Mr. Snyder, Mr. Lockaby said the zoning ordinance did not have to match up, but if you thought that would be a good spot, that would be fine.

Mr. Nicely wondered if this might interfere with building code, and Mr. Lucas thought it might be easier to match up with tax regulations.

Mr. McCoy discussed utility scale, that would be a minimum of 5 MW and up to 100 MW or higher, noting the 8.9 acres per megawatt requirement, so the smallest facilities would be at least 45 acres, although many localities in Virginia had much, much larger facilities.

Mr. Lockaby stated there was a severe tax disincentive for the 150 MW or higher.

After questioning from Mrs. Pendleton about the possibility of state code changes, Mr. Lockaby said it was important to do what's best from a land use perspective.

Mr. McCoy talked about development standards for ground mounted, minor and utility scale, including setbacks, amount of acreage for land clearing, lighting and community meeting requirements, application requirements, and then decommissioning. He stated that a decommissioning plan for minor and utility scale solar facilities and a surety for the decommissioning of utility scale solar facilities would be required.

Staff and the Planning Commission discussed decommissioning, whether or not panel replacement was considered decommissioning, how to know if electricity wasn't being produced and if they had to report to us, bonding and a three-year review with capability to change the amount, and that the county attorney could approve the type of bond with the right to refuse.

Mr. Baker read a section of the proposed code that would require the applicant to submit an annual report.

After further discussion concerning a reduced output from a utility-scale solar farm with the possibility of decommissioning, Mr. Lucas asked at what point would the solar farm need to go through decommissioning.

Mrs. Pendleton stated that at that point, the company would most likely request reduced surety to account for a reduction in capacity.

After questioning from Mr. Kidd, she noted the bonds were reviewed every three years.

Mr. Pearson remarked that he reviewed them every two-to-three years to see if the amount needed to be increased. He also brought up the bonding committee and the bond approval process required.

Mrs. Pendleton noted the county attorney also had to approve the bond.

After further discussion regarding solvency, Mr. Lockaby explained that a surety bond with an AM Best rating of A- rating or better would ensure solvency. He further explained that Letter of Credit with a well-rated bank and an open banking desk within 15 miles of Botetourt County (to present a sight draft), instead of a surety bond, would also meet this requirement.

Mr. Lucas questioned the decommissioning plan, the trigger to turn the land back to the original state, and how the county would know they were not producing electricity.

Both Mrs. Pendleton and Mr. McCoy responded they would do more research.

Mr. Nicely wanted to know if a utility could sponsor this. Both Mr. McCoy and Mr. Lockaby commented that they would check on this. Mr. Lockaby further commented that he wanted to find out if they would.

Mrs. Pendleton commented that the county attorney could approve the type of bond, and if he was not comfortable, it could be refused.

After further discussion, Mr. McCoy said that the language regarding the five-mile historical site could be reduced or removed to one-mile.

Mr. Foster said he wanted to see the historical site with a circle around it.

In response to Mr. Kidd's question of who would review will roof top mounts, Mr. Pearson explained that building and zoning reviewed the application and looked at different things. He further explained there was Zoning review on every requirement, particularly floodplain, with one-foot above base flood elevation, because there were still things to review behind the scenes.

Mr. McCoy confirmed that he had benchmarked localities, Mrs. Pendleton said that she would reach out to Franklin County, and Mr. Baker would contact Montgomery County.

Mr. Lockaby stated they needed to negotiate site agreements with anyone using more than 5 MW.

Mr. Pearson then brought up electric vehicles, as Mrs. Pendleton brought up scheduling solar text amendments and electric vehicles for May.

The schedule for Harvest at Blue Ridge TND was briefly brought up. Mr. Pearson told the Planning Commission that their rezoning resubmittal had been on Friday, and that VDOT was still reviewing the Traffic Impact Analysis. He said he was still waiting on the VDOT concurrence letter so the application could be deemed complete. Mr. Pearson remarked that he needed to go through the review to see if comments had been addressed, and he was still vetting it at this time.

Mr. Pearson then discussed the Electric Vehicle ordinance. He displayed what the ordinance allowed and did not allow, noting the county needed a way to look at higher demand for EV charging. He said that EV charging was already in a lot of places, and the only place we had them was at convenience stores, as he mentioned Brughs Mill Store with a SEP for charging. Mr. Pearson stated the need for an EV charging ordinance to get ahead of the curve. He commented that he anticipated charging stations getting larger as shown in slide displayed, thus the need to have standards.

Mr. Snyder said he anticipated net zero, paying through fuel powered by solar, as he applauded this proactive approach.

Mr. Pearson explained the Level 1-2-3 with the type of converter and outlet that could get about 40 miles for overnight charging. He further explained it would not be uncommon to see a Level 2 charger at a home garage. Mr. Pearson said that someone could get 25 miles per hour charging maybe at grocery store parking, and the Level 3 DC fast charge, super charger, would take about 30-40 minutes to charge, as he displayed a slide with all three types.

Mr. Pearson stated the goal was to prepare Botetourt for increased demand by getting ahead of the curve, and it was important to define whether for public or private use (home or company buys for their fleet). He further stated it was possible that someone could pay for this in a couple of parking spaces. Mr. Pearson brought up the importance of developing general standards applying to all charging stations as he discussed setbacks, visibility of transformers, the need to structure the ordinance with screening, setbacks, not putting these in required landscaping areas, by right versus SEP use. He mentioned that Hampton inn wanted to install four stations. Mr. Pearson spoke of the need to bring a solid, comprehensive ordinance, and after researching other ordinances, the need to bring to you soon due to couple pending projects.

Mr. Snyder touched on projections for automotive manufacturing or government mandates five to ten years from now, as he questioned setting a baseline on industry versus our contemporaries, and the percentage.

Mr. Pearson responded that even with the big push for electric cars and subsidies, he anticipated this would be seen more and more, although he was not sure there was a good gauge. Mr. Pearson continued that even though he initially drafted with 5% for existing parking, there would still be gasoline vehicles.

He pointed that with the future and changes, the ordinance would never be final, and for the interim, he wouldn't recommend going too high without Planning Commission input.

After questioning from Mr. Kidd, Mr. Pearson commented that he had looked at one or two in California that had to accommodate a certain percentage of parking spaces. That day was not here yet and it would be addressed at the time. He further commented that this needed to make sense for Botetourt before we get too many requests. He mentioned that one of the motels on Route 11 has a couple of Type 2 stations that don't charge for them, and we need to have some accommodations in the ordinance.

Mr. Snyder questioned if retail electric vehicles was going to replace our tax revenue. He stated that this should be addressed.

Mrs. Pendleton brought up a future request to consider a battery storage facility. She stated that an application had already been filed, and while this one would go under the current code, it needed to be addressed. Mrs. Pendleton commended Matt and the planners for their efforts.

Mr. Snyder also recognized their efforts, noting it was not easy to learn new technology.

Mrs. Pendleton if there was any consideration for this for public hearing next month.

Mr. Snyder stated he had no reservation for solar, if those questions could be answered.

Mrs. Pendleton confirmed that also included electric vehicles.

Mrs. Pendleton brought up the APA email that was sent by Mrs. Goad, and encouraged Planning Commission members to attend the APA conference in Roanoke, as well as the next Planning Commissioners class. She stated she was happy to support funding of both or either, and to let Mrs. Goad know.

Mr. Kidd stated that with private dog kennel, he thought Staff needed to give consideration of if we want to keep private kennel in ordinance or not. He stated that it seemed to be fruitless task for Planning, there was no real way to make this stick, and we should explore removing private kennels.

Next, Mr. Kidd brought up church daycare, and the issue of churches having to come for a special exception permit when they're already setup to handle a daycare.

Mr. Pearson responded that Staff would be happy to look at this, and would take a close look at it and how to amend ordinance, and bring back a future review of our findings. He further responded that the Planning Commission had the authority to send to public hearing and we could bring this back in a public hearing forum. Regarding the private kennel, he noted it had been seven months since receiving complaints, yet the Sheriff's Department had the power to deal with noise, waste, etc. Mr. Pearson mentioned that Staff also had a ton of requests from another office to research private kennels, and that Planning was in the way of tags, and rabies shots. Mr. Pearson stated that commercial kennels should remain regulated by zoning, but neighbors could have had resolution sooner by the Sheriff's Department, and complaints could also happen on civil side. He further stated that people needed to understand what avenue to travel, and Planning was in the way on this.

After questioning, Mr. Pearson responded that July might be the best month for text amendments

because May and June would be relatively busy for the Planning Commission. Daycare would be by the same token and could be accomplished by amending the ordinance definition. Mr. Pearson said that churches already had the facility, parking, and would then need to work with building inspections.

Mr. Snyder stated his support to the removal of private kennel and church daycare SEPs from those entities and July sounded fantastic.

Adjournment

There being no other business, on motion by Mr. Foster at 9:07 PM, seconded by Mr. Lucas, which was approved 5:0:0:0, the Planning Commission adjourned with the following recorded vote:

YES:	Mr. Nicely, Mr. Foster, Mr. Lucas, Mr. Kidd, Mr. Snyder
NO:	None
ABSTAIN:	None
ABSENT:	None