

# GREENSVILLE COUNTY PLANNING COMMISSION

## AGENDA

Tuesday, October 9, 2018

6:00 p.m.

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
  - A. Approval of Minutes – See Attachment - A.
    - 1. September 11, 2018
- IV. PUBLIC HEARING
  - A. ZTA-3-18 Greenville County Board of Zoning Appeals – See Attachment – B.
- V. REGULAR SESSION
  - A. ZTA-3-18 Greenville County Board of Zoning Appeals
- IX. ADJOURN

The Greenville County Planning Commission meeting was held Tuesday, September 11, 2018, 6:00 P.M., at the Golden Leaf Commons, 1300 Greenville County Circle, Emporia, Virginia.

**PRESENT**

Walter Robinson, Vice-Chairman  
Stephen Allen  
Lofton Allen  
Annie Odom  
Dianne Barnes-Rhoades  
Jeff Robinson

**ABSENT**

Joe Antorn, Jr.  
Linwood E. Pope, Jr.  
Peggy Wiley

**STAFF PRESENT**

Russell Slayton, County Attorney  
Katherine Howerton  
Treva Pernell

**OTHERS PRESENT**

Darren Coffey  
Justin McGeeney  
Francis Hodsoll  
Berk Gurson  
Benny Ligon  
James Ferguson  
Sheila Ferguson

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Vice-Chairman Robinson called the meeting of Tuesday, September 11, 2018 to order. Mr. Robinson stated that the Commission would start the meeting with prayer. He called on Commissioner Jeff Robinson to offer prayer. The secretary called the roll.

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**In Re: APPROVAL OF THE AGENDA**

Vice-Chairman Robinson entertained a motion for approval of the agenda. Commissioner Rhoades made the motion, seconded by Commissioner Jeff Robinson, with all voting aye, motion carried.

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**In Re: APPROVAL OF THE MINUTES**

Vice-Chairman Robinson entertained a motion to approve the minutes of August 28, 2018. Commissioner Steve Allen made a motion, seconded by Commissioner Rhoades, with all voting aye, motion carried.

Vice-Chairman Robinson entertained a motion to go into Public Hearing. Commissioner Rhoades made the motion, seconded by Commissioner Jeff Robinson, with all voting aye, to go into Public Hearing.

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**In Re: PUBLIC HEARING**

**SP-8-18 Bill and Robin Tudor**

Katherine Howerton greeted the Commission. She stated that the applicants were seeking approval to place a temporary manufactured home upon their family's property to provide assistance to Robin's mother, Mrs. Anne M. Harris, given the nature of her health.

Mrs. Howerton stated that staff recommends approval of this request with the conditions listed.

1. A Special Use Permit is being granted to the applicant, Bill and Robin Tudor, to place a singlewide mobile home upon the family's property on a temporary basis to care for Mrs. Anne M. Harris.
2. Development of the property is undertaken and maintained to the requirements of the Greensville County Zoning Ordinance, specifically Article 3-11, the Virginia Uniform Statewide Building Code, and the Virginia Department of Health's Regulations (application to add an additional home to the property).
3. Once Mrs. Anne M. Harris is no longer able to reside upon the property, or the medical hardship no longer exists, the manufactured home shall be removed from the property within sixty (60) days and the Building and Planning Departments notified.
4. Failure to abide by the above conditions may result in the immediate revocation of the Special Use Permit.

Vice-Chairman Robinson entertained a motion to go into Regular Session. Commissioner Jeff Robinson made the motion, seconded by Commissioner Rhoades, with all voting aye, to go into Regular Session.

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**In Re: REGULAR SESSION**

**A. SP-8-18 – Bill and Robin Tudor**

Commissioner Steve Allen made a motion that the application for SP-8-18 Bill and Robin Tudor be approved with conditions as outlined in the Staff Report and forward recommendation

to the Board of Supervisors, seconded by Commissioner Jeff Robinson, with all voting aye, motion carried.

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**In Re: OLD BUSINESS**

**A. SP-6-18 – Greenville County Solar Project/Tradewind Energy**

Vice-Chairman Robinson stated that this item had been deferred from the August 28, 2018 meeting. He called on Russell Slayton, County Attorney to address the Commission and those in attendance.

Mr. Slayton stated that at the last meeting there were two issues between the County and the Applicant. He stated they were Setbacks and Decommissioning and Funding. He also stated that the Planning Commission had instructed staff to seek a resolution to these issues with the Applicant. He further stated that since August 28, 2018, the Tradewind staff had worked very well with the County staff.

Mr. Slayton stated that Tradewind and County staff had resolved the issue with setbacks. There will be a 150' setback around the perimeter of the project with a 50' planted buffer to minimize the initial impact of the project to surrounding areas. He stated that the terms for decommissioning start with before the County issues a building permit, there would be financial assurances in place, if something goes wrong, to decommission the project.

Mr. Slayton stated that the Applicant could choose between two forms of security. He stated that prior to the County's approval of the building permit, the Applicant shall provide decommissioning security in one of the two following alternatives:

1. Letter of Credit for Full Decommissioning Cost: A letter of credit issued by a financial institution that has (i) a credit Rating from one or both of S&P and Moody's, of at least "A" from S&P or "A2" from Moody's and (ii) a capital surplus of at least \$10,000,000,000; or (iii) other credit rating and capitalization reasonably acceptable to the County, in the full amount of the decommissioning estimate; or
2. Tiered Security:
  - a. Ten percent (10%) of the decommissioning cost estimate to be deposited in a cash escrow at a financial institution reasonably acceptable to the County; and
  - b. Ten percent (10%) of the decommissioning cost estimate in the form of a letter of credit issued by a financial institution that has (i) a credit rating from one or both of S&P and Moody's, of at least "A" from S&P or "A2" from Moody's and (ii) a capital surplus of at least \$10,000,000,000, or (iii) other credit rating and capitalization reasonably acceptable to the County, with the amount of the letter of credit increasing by an additional ten percent (10%) each year in years 2-9 after commencement of operation of the Solar Facility; and
  - c. Tradewind Energy, not the Applicant, will provide its guaranty of the decommissioning obligations. The guaranty will be in a form reasonably acceptable to the County. Tradewind Energy, or its successor, should have a

- minimum credit rating of (i) "Baa3" or higher by Moody's, or (ii) "BBB-" or higher by S&P; and
- d. In the tenth year after operation, the Applicant will have increased the value of the letter of credit to one hundred percent (100%) of the decommissioning cost estimate. At such time, the Applicant may be entitled to a return of the ten percent (10%) cash escrow.

Mr. Slayton further stated that the Applicant, or its successor, will update the decommissioning cost estimate every five (5) years and reimburse the County for an independent review and analysis by a licensed engineer of each decommissioning cost estimate revision.

Vice-Chairman Robinson thanked Mr. Slayton and asked the Commissioners if they had any more questions and if they were comfortable with what they had heard. He asked the Applicant if they were comfortable. The Commissioners and the Applicant were satisfied.

Vice-Chairman Robinson entertained a motion, Commissioner Jeff Robinson moved to approve the Resolution for SP-6-18 Greenville County Solar Project, LLC, as amended, dated September 11, 2018 as presented and forward the recommendation to the Board of Supervisors, seconded by Commissioner Rhoades, with all voting aye, motion carried.

Vice-Chairman Robinson entertained a motion to go back into Public Hearing. Commissioner Steve Allen made a motion, seconded by Commissioner Rhoades, with all voting aye, motion carried.

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**In Re: PUBLIC HEARING**

**B. SP-5-18 – Meherrin Solar Project**

Mr. Russell Slayton, County Attorney, recited the Protocol for Speakers at Public Hearing as follows:

The Planning Commission has developed a protocol for tonight's meeting to ensure that the meeting is productive and efficient, and that proper decorum is maintained. The Planning Commission wants to emphasize that this protocol is intended to make the public hearing as productive as possible.

The speaker protocol for this evening's public hearing is as follows:

1. Each speaker will be given three minutes to address the Planning Commission. The time limit will be strictly enforced.
2. Each speaker will be signaled when two of the three minutes have elapsed.
3. Each speaker will be signaled when his/her three minutes have elapsed.
4. Each speaker will be permitted to address the Planning Commission only once; i.e., the three-minute opportunity to speak cannot be transferred from one speaker to another.

5. Speakers should face the Planning Commission and address their comments to the Planning Commission, and not to others who are present at the meeting. Speakers should not turn to face and address members of the audience.
6. The Planning Commission is conducting this public hearing to receive comments from interested parties, so neither the Planning Commission nor its staff will respond to questions during the public hearing, and neither the Planning Commission nor its staff will engage in a dialogue with speakers.
7. The Planning Commission's decisions are based on land use principles, so speakers are encouraged to make comments relevant to land use issues. Comments concerning the principles governing the Planning Commission's decisions will be provided.
8. The Planning Commission asks that everyone at this evening's meeting be respectful to the others who are here.
9. The Planning Commission will have the right to ask questions of the applicant during the Planning Commission's deliberations on the application.

Vice-Chairman Robinson asked the agent for SP-5-18 Meherrin Solar, LLC to come forward to address the Commission.

Mr. Francis Hodsoll with Solunesco came forward to address the Commission. He gave a brief presentation.

Mr. Hodsoll stated that the Applicant had chosen this area of the County because they would have access to the electrical grid in that area, there is open land in the area and it made sense to locate the solar project on this site.

Mr. Hodsoll stated that given the correct site plan, solar projects could be a "good neighbor" to the community. He stated that the company would maintain a visual vegetative buffer around this site for 20, 25 years possibly as much as 35 years. He also stated that if they do not maintain this buffer, the County can shut down the project.

Mr. Hodsoll stated that this project would bring jobs to the community, mostly construction jobs and some long term jobs. He stated that they are working with SVCC to put in place a workforce printing program to make sure the workers from this area are qualified for those jobs to maximize the benefit to the community. He also stated that when the solar projects come, people will be trained in the community. He further stated that solar projects take a resource and build an industry that has little to no impact on the neighborhood and would deliver jobs to the community.

Mr. Hodsoll thanked the County staff for all their hard work. He stated that the Meherrin Solar would like to address a few of the conditions.

1. Interest in the machinery and equipment. He stated that it is undefined interest. They need to know what type of interest is intended.

2. Power Purchase Agreement. He stated that they were not sure how this market would evolve. He stated that if someone is investing their money in this project, they are taking the risk and he does not recommend limiting their choices on how they sell the power going forward.
3. The setbacks and buffer. He stated that they are promising that there would be a 50' buffer around this project that will offer a visual screen. He requested that the County give them some flexibility in the 150' setbacks.

Vice-Chairman Robinson asked if Mr. Hodsoll had any comments concerning the decommissioning. Mr. Hodsoll replied, they would chose the Letter of Credit for Full Decommissioning cost.

Mr. Darren Coffey gave the Staff Report for SP-5-18 Meherrin Solar Project dated September 11, 2018. He stated that in November 2016, the Greensville County Board of Supervisors amended the Zoning Ordinance Article 4 and 23 to permit solar facilities by special use permit in the A-1, B-1, B-2 and M-1 zoning districts.

Mr. Coffey stated that this special use permit is contingent on 10 conditions with sub-categories as listed below.

1. The Applicant will develop the Solar Facility in substantial accord with the Preliminary Site Plan dated 7/6/18 included with the application as determined by the Zoning Administrator. Significant deviations or additions, including any enclosed building structures to the Preliminary Site Plan will require review and approval by the Planning Commission and Board of Supervisors.
2. Site Plan Requirements. In addition to all Virginia site plan requirements and site plan requirements of the Zoning Administrator, the Applicant shall provide the following plans for review and approval for the Solar Facility prior to the issuance of a building permit:
  - a. Construction Management Plan. The Applicant shall prepare a "Construction Management Plan" for each applicable site plan for the Solar Facility, and each plan shall address the following:
    - i. Traffic control methods (in coordination with the Virginia Department of Transportation [VDOT] prior to initiation of construction), including: lane closures, signage, and flagging procedures.
    - ii. Site access planning. Directing employee and delivery traffic to minimize conflicts with local traffic.
    - iii. Fencing. The Applicant shall install temporary security fencing prior to the commencement of construction activities occurring on the Solar Facility project.
    - iv. Lighting. During construction of the Solar Facility, any temporary construction lighting shall be positioned downward, inward, and shielded to eliminate glare from all adjacent properties. Emergency and/or safety lighting shall be exempt from this construction lighting condition.
  - b. Construction Mitigation Plan. The Applicant shall prepare a "Construction Mitigation Plan" for each applicable site plan for the Solar Facility, and each plan shall address the effective mitigation of dust, burning operations, hours of construction activity, access and road improvements, and handling of general

construction complaints as set forth and described in the application materials and to the satisfaction of the Zoning Administrator.

- c. Grading plan. The Project shall be constructed in compliance with the County approved grading plan as determined and approved by the Zoning Administrator or his designee prior to the commencement of any construction activities and a bond or other security will be posted for the grading operations. The grading plan shall:
  - i. clearly show existing and proposed contours;
  - ii. note the locations and amount of topsoil to be removed (if any) and the percent of the site to be graded;
  - iii. Limit grading to the greatest extent practicable by avoiding steep slopes and laying out arrays parallel to landforms;
  - iv. An earthwork balance will be achieved on-site with no import or export of soil;
  - v. In areas proposed to be permanent access roads which will receive gravel or in any areas where more than a few inches of cut are required, topsoil will first be stripped and stockpiled on-site to be used to increase the fertility of areas intended to be seeded;
  - vi. Take advantage of natural flow patterns in drainage design and keep the amount of impervious surface as low as possible to reduce storm water storage needs.
- d. Erosion and Sediment Control Plan. The County will have a third-party review with corrections completed prior to submittal for DEQ review and approval. The owner or operator shall construct, maintain and operate the project in compliance with the approved plan. An E&S bond (or other security) will be posted for the construction portion of the project.
- e. Stormwater Management Plan. The County will have a third-party review with corrections completed prior to submittal for DEQ review and approval. The owner or operator shall construct, maintain and operate the project in compliance with the approved plan. A storm water control bond (or other security) will be posted for the project for both construction and post construction as applicable and determined by the Zoning Administrator.
- f. Project Screening and Vegetation Plan. The owner or operator shall construct, maintain and operate the facility in compliance with the approved plan. A separate security shall be posted for the ongoing maintenance of the project's vegetative buffers in an amount deemed sufficient by the Zoning Administrator.
- g. The Applicant will provide to the County a one-time sum of \$10,000.00 to be paid at the time of the first site plan submission to be used at the County's discretion in obtaining an independent third-party review of any site plans or construction plans or part thereof.
- h. The design, installation, maintenance and repair of the Solar Facility in accordance with the most current National Electrical Code (NFPA 70) available (2014 version or later as applicable).

### 3. Operations.

- a. Permanent Security Fence. The Applicant shall install a permanent security fence, consisting of chain link, two-inch square mesh, six (6) feet in height, surmounted by three strands of barbed wire, around the Solar Facility project prior to the commencement of operations of the Solar Facility. Failure to maintain the fence in a good and functional condition will result in revocation of the permit.
  - b. Lighting. Any on-site lighting provided for the operational phase of the Solar Facility shall be dark-sky compliant, shielded away from adjacent properties, and positioned downward to minimize light spillage onto adjacent properties.
  - c. Noise. Daytime noise will be under 67dBA during the day with no noise emissions at night.
  - d. Ingress/Egress. Permanent access roads and parking areas will be stabilized with gravel, asphalt or concrete to minimize dust and impacts to adjacent properties.
4. Buffers.
- a. Setbacks.
    - i. A minimum 150-foot setback, which includes a 50-foot planted buffer as described below, shall be maintained from a principal Solar Facility structure to the street line (edge of right-of-way) where the Property abuts any public rights-of-way.
    - ii. A minimum 150-foot setback, which includes a 50-foot planted buffer as described below, from a principal Solar Facility structure to any adjoining property line which is a perimeter boundary line for the project area.
  - b. Screening. A minimum 50-foot vegetative buffer (consisting of existing trees and vegetation) shall be maintained. If there is no existing vegetation or if the existing vegetation is inadequate to serve as a buffer as determined by the Zoning Administrator, a triple row of trees/shrubs will be planted on approximately 10-foot centers in the 25 feet immediately adjacent to the security fence. New plantings of trees and shrubs shall be approximately 6 foot in height at time of planting. In addition, pine seedlings will be installed in the remaining 25 feet of the 50-foot buffer. Ancillary project facilities may be included in the buffer as described in the application where such facilities do not interfere with the effectiveness of the buffer as determined by the Zoning Administrator.
  - c. Wildlife corridors. The Applicant shall identify an access corridor for wildlife to navigate through the Solar Facility. The proposed wildlife corridor shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.
5. Height of Structures. Solar facility structures shall not exceed 10', however, towers constructed for electrical lines may exceed the maximum permitted height as provided in the A1 zoning district regulations (§16-2), provided that no structure shall exceed the height of 25 feet above ground level, unless required by applicable code to interconnect into existing electric infrastructure or necessitated by applicable code to cross certain structures (e.g. pipelines).
6. Inspections. The Applicant will allow designated County representatives or employees access to the facility at any time for inspection purposes as set forth in their application.
7. Training. The Applicant shall arrange a training session with the Greenville Fire Department to familiarize personnel with issues unique to a solar facility before operations begin.
8. Compliance. The Solar Facility shall be designed, constructed, and tested to meet relevant local, state, and federal standards as applicable.

9. Decommissioning.

- a. Decommissioning Plan. No decommissioning plan has been provided at this time. The Applicant shall submit a decommissioning plan to the County for approval in conjunction with the building permit. The purpose of the decommissioning plan is to specify the procedure by which the Applicant or its successor would remove the Solar Facility after the end of its useful life and to restore the property for agricultural uses.
- b. Decommissioning Cost Estimate. No decommissioning cost estimate has been provided at this time. The decommissioning plan shall include a decommissioning cost estimate prepared by a Virginia licensed professional engineer.
  - i. The cost estimate shall provide the gross estimated cost to decommission the Solar Facility in accordance with the decommissioning plan and these conditions. The decommissioning cost estimate shall not include any estimates or offsets for the resale or salvage values of the Solar Facility equipment and materials.
  - ii. The Applicant, or its successor, shall reimburse the County up to \$5,000 for an independent review and analysis by a licensed engineer of the initial decommissioning cost estimate.
  - iii. The Applicant, or its successor, will update the decommissioning cost estimate every five (5) years and reimburse the County for up to \$5,000 for the County's independent review and analysis by a licensed engineer of each decommissioning cost estimate revision.
- c. Security.
  - i. Prior to the County's approval of the building permit, the Applicant shall provide decommissioning security in one of the two following alternatives:
    1. Letter of Credit for Full Decommissioning Cost: A letter of credit issued by a financial institution that has (i) a credit Rating from one or both of S&P and Moody's, of at least "A" from S&P or "A2" from Moody's and (ii) a capital surplus of at least \$10,000,000,000; or (iii) other credit rating and capitalization reasonably acceptable to the County, in the full amount of the decommissioning estimate; or
    2. Tiered Security:
      - a. Ten percent (10%) of the decommissioning cost estimate to be deposited in a cash escrow at a financial institution reasonably acceptable to the County; and
      - b. Ten percent (10%) of the decommissioning cost estimate in the form of a letter of credit issued by a financial institution A letter of credit issued by a financial institution that has (i) a credit Rating from one or both of S&P and Moody's, of at least "A" from S&P or "A2" from Moody's and (ii) a capital surplus of at least \$10,000,000,000, or (iii) other credit rating and capitalization reasonably acceptable to the County, with the amount of the letter of credit increasing by an additional ten percent (10%) each year in years 2-9 after commencement of operation of the Solar Facility; and
      - c. Brookfield Renewable, not the Applicant, will provide its guaranty of the decommissioning obligations. The guaranty will be in a form reasonably acceptable to the County. Brookfield Renewable, or its successor, should have a minimum credit rating of (i) "Baa3" or higher by

- Moody's, or (ii) "BBB-" or higher by S&P; and
- d. In the tenth year after operation, the Applicant will have increased the value of the letter of credit to one hundred percent (100%) of the decommissioning cost estimate. At such time, the Applicant may be entitled to a return of the ten percent (10%) cash escrow.
    - ii. Upon the receipt of the first revised decommissioning cost estimate (following the 5th anniversary), any increase or decrease in the decommissioning security shall be funded by the Applicant, or refunded to Applicant (if permissible by the form of security), within ninety (90) days and will be similarly trued up for every subsequent five year updated decommissioning cost estimate.
    - iii. The security must be received prior to the approval of the building permit and must stay in force for the duration of the life span of the Solar Facility and until all decommissioning is completed. If the County receives notice or reasonably believes that any form of security has been revoked or the County receives notice that any security may be revoked, the County may revoke the special use permit and shall be entitled to take all action to obtain the rights to the form of security.
  - d. Applicant/Property Owner Obligation. Within six (6) months after the cessation of use of the Solar Facility for electrical power generation or transmission, the Applicant or its successor, at its sole cost and expense, shall decommission the Solar Facility in accordance with the decommissioning plan approved by the County. If the Applicant or its successor fails to timely decommission the Solar Facility, the property owners shall commence decommissioning activities in accordance with the decommissioning plan. Following the completion of decommissioning of the entire Solar Facility arising out of a default by the Applicant or its successor, any remaining security funds held by the County shall be distributed to the property owners in a proportion of the security funds and the property owner's acreage ownership of the Solar Facility.
  - e. Applicant/Property Owner Default; Decommissioning by the County.
    - i. If the Applicant, its successor, or the property owners fail to timely decommission the Solar Facility, the County shall have the right, but not the obligation, to commence decommissioning activities and shall have access to the property, access to the full amount of the decommissioning security, and the rights to the Solar Facility equipment and materials on the property.
    - ii. If applicable, any excess decommissioning security funds shall be returned to the current owner of the property after the County has completed the decommissioning activities.
    - iii. Prior to the issuance of any permits, the Applicant and the property owners shall deliver a legal instrument to the County granting the County (1) the right to access the property, and (2) an interest in the Solar Facility equipment and materials to complete the decommissioning upon the Applicant's and property owner's default. Such instrument(s) shall bind the Applicant and property owners and their successors, heirs, and assigns. Nothing herein

shall limit other rights or remedies that may be available to the County to enforce the obligations of the Applicant, including under the County's zoning powers.

- f. Equipment/building removal. All physical improvements, materials, and equipment related to solar energy generation, both surface and subsurface components, shall be removed in their entirety. The soil grade will also be restored following disturbance caused in the removal process. Perimeter fencing will be removed and recycled or re-used. Where the current or future landowner prefers to retain the fencing, these portions of fence would be left in place.
  - g. Infrastructure removal. All access roads will be removed, including any geotextile material beneath the roads and granular material. The exception to removal of the access roads and associated culverts or their related material would be upon written request from the current or future landowner to leave all or a portion of these facilities in place for use by that landowner. Access roads will be removed within areas that were previously used for agricultural purposes and topsoil will be redistributed to provide substantially similar growing media as was present within the areas prior to site disturbance.
  - h. Partial Decommissioning. If decommissioning is triggered for a portion, but not the entire Solar Facility, then the Applicant or its successor will commence and complete decommissioning, in accordance with the decommissioning plan, for the applicable portion of the Solar Facility; the remaining portion of the Solar Facility would continue to be subject to the decommissioning plan. Any reference to decommissioning the Solar Facility shall include the obligation to decommission all or a portion of the Solar Facility whichever is applicable with respect to a particular situation.
10. Power Purchase Agreement. At the time of the Applicant's site plan submission, the Applicant shall have executed a power purchase agreement with a third-party providing for the sale of a minimum of eighty percent (80%) of the Solar Facility's anticipated generation capacity for not less than ten (10) years from commencement of operation. Upon the County's request, the Applicant shall provide the County and legal counsel with a redacted version of the executed power purchase agreement.

Mr. Coffey stated that if the Planning Commission determines that the application furthers the Comprehensive Plan's goals and objectives and that it meets the criteria set forth in the Zoning Ordinance, then staff recommends the conditions.

Commissioner Jeff Robinson asked Mr. Coffey about the original language in Condition 4, a, 2. Mr. Coffey stated that the buffer and decommissioning language for Meherrin Solar Project is the same as the language used in Conditions for Greenville County Solar Project; both dated September 11, 2018.

Vice-Chairman Robinson asked if anyone present would like to speak.

Mr. Benny Ligon addressed the Commission. He stated that this solar project would have a negative impact on the property values in the county. He also stated that the Commission needs to consider the health and welfare of the residents in this community. He further stated

that when decommissioning takes place, there is more to it than taking down panels. He stated that there will be impurities left in the ground. He asked that the Commission defer there decision to contemplate all the information.

Mr. Jim Ferguson addressed the Commission. He stated that he is one of the landowners involved in this project and feels that this is a good opportunity for the landowners and the community. He is asking the Commission to approve this project.

Mrs. Sheila Ferguson addressed the Commission. She stated that most people are opposed to change but without change there is no progress. She also stated that she is encouraging the Commission to approve this project because solar energy will benefit the entire community.

Vice-Chairman Robinson entertained a motion to go back into Regular Session. Commissioner Rhoades made the motion, seconded by Commissioner Jeff Robinson, with all voting aye, to go into Regular Session.

### **In Re: REGULAR SESSION**

There was discussion among the Commissioners, Mr. Slayton, Mr. Coffey and Mr. Hodsoll concerning the changes to the conditions, namely, the Buffers, Decommissioning and Power Purchase Agreement.

Mr. Slayton stated that Mr. Hodsoll had raised three important issues that deserved attention. He stated that if Meherrin Solar was willing to negotiate those issues, then he recommended deferring this decision for two weeks and would get this case before the Board of Supervisors as quickly as possible.

Mr. Hodsoll stated that Meherrin Solar would accept the amended, revised conditions as outlined by Mr. Coffey during the meeting.

Vice-Chairman Robinson stated that the applicant for SP-5-18 – Meherrin Solar Project is agreeable to and accepting of the same conditions as were approved for SP-6-18 – Greensville County Solar Project during the this meeting. He asked Mr. Slayton to state it in terms that everyone can understand.

Mr. Russell Slayton, County Attorney, stated that the recommendation would be to recommend approval to the Board of Supervisors with the revised Conditions that include the three amendments; decommissioning, setbacks and power purchasing agreement. He asked Mr. Hodsoll if this was agreeable to him. Mr. Hodsoll replied, yes.

Vice-Chairman Robinson entertained a motion to approve SP-5-18 – Meherrin Solar Project with conditions as outlined by Darren Coffey in the Staff Report dated September 11, 2018.

Commissioner Jeff Robinson made the motion to approve the Meherrin Solar Project, LLC's proposed 60-megawatt photovoltaic solar energy facility as described in SP-5-18 sufficiently mitigates adverse impacts associated with the project if approved with the conditions recommended by the Planning Commission, as set forth in document titled "Meherrin Solar

Project, LLC SP-5-18, Special Use Permit Conditions, Revised September 11, 2018, which Special Use Permit Conditions are hereby incorporated into this motion by reference, seconded by Commissioner Rhoades, with all voting aye, motion carried

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**In Re: ADJOURN**

There being no other discussions, Commissioner Steve Allen made a motion to adjourn, seconded by Commissioner Rhoades, with all voting aye, motion carried and meeting was adjourned.

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Walter W. Robinson, Jr.  
Vice-Chairman

## COUNTY OF GREENSVILLE

TO: Greensville County Planning Commission  
FROM: Linwood E. Pope, Jr., Planning Director   
SUBJECT: ZTA-3-18 – Greensville County Board of Zoning Appeals  
Date: October 2, 2018

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The Board of Zoning Appeals during their July 17, 2018 meeting deferred case #V-1-18 in order for the Planning Commission and the Board of Supervisors to revisit section 3-4 of the Greensville County Zoning Ordinance related to accessory structure placement and setback requirements in an A-1, Agricultural Zoning District.

Article 3-4 reads as follows:

**3-4 Accessory Uses**

**3-4-1 Front Yards**

**Accessory buildings or structures shall not be located in a front yard of any district.**

**3-4-2 Use of Accessory Buildings**

**No accessory building shall be used for dwelling purposes other than by domestic servants employed on the premises in residential districts, agricultural laborers employed on the premises in agricultural districts, and security personnel employed in commercial, industrial, or business zones (Amended August 17, 1998)**

**3-4-3 Not Permitted without Main Building**

**No accessory building shall be constructed upon a building site until the construction of a main building has actually been commenced; and no accessory building shall be occupied or used until the main building on a lot has been completed and is in use.**

**3-4-4 Part of Principal Use**

**For purposes of determining whether it is permitted in a zoning district, an accessory use is considered to be part of the principal or main use of the property**

V- 1 -18 that was heard by the Board of Zoning Appeals on July, 17 2018 was the result of a family who owned property that was Zoned A-1 Agricultural and wanted to place a storage building in the front yard of their primary residence. They were informed by staff that according to Article 3-4-1 of the Zoning Ordinance, accessory buildings or structures were not allowed in the front yard in any Zoning District in Greenville County. The family owned a vacant parcel of property adjacent to the parcel where their primary residence was located and inquired as to whether they could place the proposed storage building upon the vacant property. Staff informed the family that according to Article 3-4-3 stated that accessory structures could not be constructed upon a lot unless the construction of a main building has actually commenced. The family elected to appeal the staff's decision concerning Article 3-4 of the Zoning Ordinance as it relates to the location of accessory structures.

At the July meeting of the BZA, the BZA elected to defer the decision on case V- 1 -18. The reasons for deferring the case included the fact that the BZA felt they could not approve the applicants request because it was in direct conflict with Article 3-4 of the Zoning Ordinance as currently written. However, the BZA felt that in this particular case the applicants request was not in conflict with the overall purpose and intent of the Zoning Ordinance as outlined in Article 1-1 which reads as follows:

**This Ordinance has been designed (a) to provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers; (b) to reduce or prevent congestion in the public streets; (c) to facilitate the creation of a convenient, attractive, and harmonious community; (d) to facilitate the provision of adequate police and fire protection, disaster excavation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements; (e) to protect against destruction of or encroachment upon historic areas; (f) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, stormwater runoff, flood, panic or other dangers; (g) to encourage economic development activities that provide desirable employment and enlarge the tax base; (h) to protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities; (i) to promote affordable housing; and (j) to include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and groundwater.**

The BZA in turn asked the Planning Commission to review the Zoning Ordinance as it relates to the placement of sheds and storage buildings throughout the County and specifically within the A-1 Agricultural District.

Staff has reviewed the Zoning Ordinance as requested by the BZA and offers the following comments:

1. Staff feels that Article 3-4 Accessory Uses is adequate as written and helps maintain the creation of an attractive and harmonious community. Staff feels that intent of Article 3-4 was to ensure the orderly development of properties located within all residential zoning districts as well as properties that are to be used as residential lots within in the A-1 Agricultural District.
2. A shed/storage building can be constructed within an A-1 Zoning District if it is for a bona-fide agricultural use. Agricultural uses are exempt from the Zoning Ordinance. It is staff's opinion

that 1-1/2 acre lots and non-conforming lots that are less than an acre and a half are intended for residential uses and are not large enough for agricultural operations.

3. Staff has contacted Southampton County and Brunswick County in an effort to determine how their respective zoning ordinances regulates storage buildings within agricultural zoning districts. Both County's Zoning Ordinances mirror Greenville County's Zoning Ordinance as it relates to storage buildings/sheds. In Southampton and Brunswick County, storage sheds/buildings are only allowed as an accessory use to residential dwellings within the Agricultural Zoning District unless the building is being used for legitimate agricultural purposes. Both Counties require that the placement of accessory structures be limited to the side yards and rear yards of the individual lots.
4. It is staff's opinion that the ordinance should not be amended to allow the placement of accessory buildings within the front yard of any lot.
5. It is staff's opinion that the ordinance shall not be amended to allow the placement of an accessory structure without the main building upon the lot has been completed and in use.

Therefore, staff recommends that no changes be made to the Greenville County Zoning Ordinance.

Should the Planning Commission position on this matter differ from staff's opinion, staff will be glad to draft regulations as directed by the Planning Commission and present them at a future meeting of the Planning Commission for consideration.