

Grayson County Board of Supervisors  
And Grayson County Planning Commission  
Joint Meeting  
May 2, 2024, at 6pm; G.A.T.E. Center

Members of the Board attending: R. Brantley Ivey, Michael S. Hash, Tracy A. Anderson, Mary Dickenson Tomlinson and Mitchell D. Cornett. Staff attending: Stephen A. Boyer, Mitchell L. Smith, and Linda C. Osborne.

Members of the Planning Commission attending: Brian Walls, Dan Boyer, Justin Funk, Travis Jones, Phillip Vaughan, and Lisa Hash. Also attending: Jada Black, Planning & Community Development Director and Michael Zehner of the Berkley Group.

IN RE: CALL TO ORDER – CONSENT AGENDA

Supervisor Ivey, Chair, called the meeting of the Grayson County Board of Supervisors to order. Supervisor Anderson made the motion to approve the agenda; duly seconded by Supervisor Cornett. Motion carried 5-0.

Mr. Walls, Chair, called the meeting of the Grayson County Planning Commission to order. Mr. Boyer made the motion to approve the agenda; duly seconded by Mr. Funk. Motion carried 7-0.

IN RE: DISCUSSION REGARDING THE PROPOSED COMPREHENSIVE PLAN RENEWABLE FACILITIES POLICIES  
AND THE ZONING ORDINANCE REGULATION FOR SOLAR & WIND ENERGY GENERATING FACILITIES

Supervisor Ivey noted that the Board thanks the Planning Commission for the amount of time they have invested into this. Mr. Walls noted the Planning Commission has tried to look out for the benefit of the county and our residents. Mrs. Black noted that the Planning Commission has been working on this for approximately 1.5 years – town hall meetings were held and also conducted a survey and had 79 participants (of the survey); only 6 people attended the town hall meetings and we received 2 letters that was read aloud for the record – to get a better understanding of renewable energy, the Planning Commission consulted the Berkley Group and they reviewed the current policy and text and they gave a synopsis of their findings along with suggestions for items to be addressed – worked with the Berkley Group amending, revising language and policy – based off of what the Planning Commission has heard from the general public along with consensus of the Planning Commission, the Planning Commission felt like they came up with a decent proposal for the county. More discussions took place:

- Disposal of equipment/blades – any recommendations – there’s nothing in our language regarding disposal after the life of a battery/blade – Mr. Zehner noted decommissioning could be added to ordinance for solar/wind – damaged panel(s) for solar can be addressed through conditions (ex: time limit damaged panels have to be moved/collected-like 30 days – can be stored on-site in an enclosed building/container but can’t be stored there indefinitely) – know of no issues regarding leaching of chemicals from panels – there is potential leaking of zinc from galvanized posts/other materials – recommend conditions on projects where damage panels have to be removed from site – our understanding that once these facilities are installed and in operation, the panels have

a life span of 30-35 years – beyond decommissioning, there's nothing in the ordinance that requires the removal of equipment as damaged or storage

- Enforcing body – whomever is doing the decommissioning would be responsible, such as the contractor
- Fire Departments – doesn't have the capability to deal with the wind turbines – require the applicants to do training with the local fire departments prior to operations and there's ways to capture the cost from the developer through conditions and signing agreements where the county can receive funds to offset the costs of firefighting capabilities
- Wind projects in Virginia – Dominion is working a demo and Botetourt County is working on one
- As it currently exists, we have no regulations in Grayson County for wind turbines or solar – Mr. Zehner noted there are minimal regulations for solar or wind – this is the attempt to give the county authority to regulate wind/solar in the County – discussing not a path for renewable energy to come to the County but rather for the County to have some restrictions on it
- Options on moving forward – Mrs. Black noted that if the Board chooses to give further clarification to have Planning Commission either amend policy or text to the zoning ordinance which would be by resolution; amendments would be made, hold public hearing based on the amendments; there would be 2 more opportunities for citizens to speak on this
- Ridgeline Development – 15.2-2295.1 – statute from state code that allows governing body to implement regulation of mount ridge construction which allows the governing body to adopt an ordinance allowing ridgelines to be protected (height/elevation restrictions); elevation of 2,000 ft or more and an elevation of 500 ft or more above the elevation of an adjacent valley floor – could be drafted as an overlay applying only at those elevations – need to make sure it does what we want it to with respect to wind – zoning ordinance can preclude uses including utility scale wind but should talk to county attorney regarding legal ramifications
- Next step – direction to Planning Commission on how to proceed/look at – Solar – Comprehensive Plan doesn't have a percentage/acre cap – currently it's limited to 500 acres with 65% being solar panels – no more than 3% of land area within a 5 mile radius can be used as a fence area for a project – could do maximum acreage number where projects couldn't go over – wind turbines impact the entire county – is it fair to tax at same rate – address our tax rate, talk with county attorney – no clear way to be fair and how to move forward
- Financial benefit to county - Machinery/Tools taxes would be collected – potentially some jobs but would probably be temporary or tax liability
- Decommission disclaimer and surety bond – Mr. Boyer read 3-14.3.6.10 – Decommissioning and Reclamation
- Deposit of funds; escrow cost
- Concern county can't sustain
- Majority of citizens doesn't want this – wants it as restrictive possible
- Who advocates for the county in 5 years? Legal? Consulting firm? – possibly add language
- Contract with renewable energy company – strict as possible – issues with enforceability – seek legal counsel that specializes in this area (renewable energy)
- Like to see 200% - spent money on this – no financial benefit anytime soon – solar doesn't affect everyone like wind turbines do – be more restrictive up front
- 50KW is allowed for residential
- Utility scale – look out for residents

- Planning Commission needs to recommend to the Board of Supervisors – define language – possibly look at zoning on ridgeline
- Mr. Zehner noted that decommissioning can be required by a 3<sup>rd</sup> party – for decommissioning whether it's in the ordinance or through conditions, usually the applicant is required to submit a licensed reputable source to provide estimated cost of decommissioning and has to be someone that is knowledgeable about the decommissioning process and usually also through the ordinance or conditions on a project would allow the County to engage in 3<sup>rd</sup> party reviewers for reviewing the decommissioning estimate and also reviewing plans for eventful permits – there's a lot of cost that can be covered by that provision and by the applicant – it's important on the decommissioning side that there would be a requirement to decommission the facility once it's no longer operated – that requirement is first on the owner of the facility – the decommissioning security would only be needed if there was an owner of the facility that was financially unable to meet the decommissioning which is the only time you would go after the security is if the owner couldn't perform the decommissioning financially which is the reason for the security – on the tax side of these for solar, it's a little different for wind you would collect M&T taxes – for solar, collecting M&T tax and set schedules of depreciation of capital investments – equipment is costly – a lot of localities are seeing expected tax revenues from projects and over 30 years could be significant – UVA set up a SOL Tax tool and it explains all of the taxing – the County has an option to do revenue share – we've found that the revenue share usually nets less money over the life of the project but it's an assured amount – can negotiate ways for other revenue/payments for net positive returns

Board is ready to move forward. Mrs. Black noted that the Planning Commission is to revisit decommissioning disposal making it more stringent, ridgeline protection and a cap – Mr. Zehner clarified the following: for solar there's a 3% density within a 5 mile radius and can't locate a facility within 2 miles of another facility with maximum of 500 acres – for wind there's not a similar density limit that he's aware of but there is a requirement that one facility can't be located within a 5 mile radiance of another facility so there is that separation requirement for that facility but not a maximum acreage or percentage area for wind. Supervisor Ivey noted need to amend the language, get the public hearing posted. Supervisor Anderson made the motion that staff draft a resolution for the May 7<sup>th</sup> Board of Supervisors meeting, initiating amendments to the Comprehensive Plan and Zoning Ordinance that would establish policies for utility-scale solar and wind, and amend existing regulations for these uses, including prohibiting utility-scale wind as an allowed use and further amend the Grayson County Zoning Ordinance to protect mountain top ridgelines by creating a mountain ridge overlay zoning district; duly seconded by Supervisor Cornett. After some discussion, Supervisor Ivey noted they are asking staff to reinstate the process for the Planning Commission to clarify the amendment to the Comprehensive Plan to include ridgeline development to prohibit wind turbines and would allow for a public hearing within the next 30 days. Motion carried 5-0.

#### ADJOURN

Supervisor Tomlinson made the motion to adjourn the Board of Supervisors; duly seconded by Supervisor Hash. Motion carried 5-0.

Mr. Boyer made the motion to adjourn the Planning Commission; duly seconded by Mr. Vaughan. Motion carried 7-0.