

**Grayson County Planning Commission Meeting
May 21, 2024, at 6 pm
Regular Scheduled Meeting**

IN RE: Member Attendance

Dan Boyer, Lisa Hash, Brian Walls, Charlie Ward, Justin Funk, Gary Ballard
Howard Sharpe, Jr

Absent: Travis Jones, Philip Vaughan

Staff: Jada Black, Clerk Michael Zehner, Berkley Group

IN RE: Call to Order_ Consent Agenda

Chairman Walls called the May 21, 2024, Grayson County Planning Commission meeting to order; Dan Boyer made a motion to approve the agenda duly seconded by Lisa Hash. Motion carried 7-0.

IN RE: Approval of Meeting Minutes

Meeting minutes from April 16, 2024, were presented for approval, with no additions or corrections; a motion to approve was made by Dan Boyer, duly seconded by Lisa Hash, motion carried 7-0.

Meeting minutes from the May 2, 2024, joint meeting with the Board of Supervisors and Planning Commission were presented for approval, with no additions or corrections; a motion to approve was made by Dan Boyer, duly seconded by Justin Funk. Motion carried, 7-0.

IN RE: Public Hearings

Comprehensive Plan – Chapter 7 Transportation- Smart Scale Round 6 Mt. Vale and Route 89

Planning staff explained the reason for the revision to the chapter. Reading the excerpt to be added for the Smart Scale Round 6 application to VTrans. N A motion to enter into public hearing from Dan Boyer, duly seconded by Charlie Ward, motion carried. No public comment was taken. A motion to close the public hearing made by Dan Boyer, duly seconded by Charlie Ward, motion carried. With no discussion from the committee, a motion to approve the excerpt and project map by Dan Boyer, duly seconded by Gary Ballard. Motion carried. A resolution was signed by the chair for submission to the BoS for their June meeting for consideration.

Blue Ridge Ventures, LLC Special Use Permit Campground Application

Staff read the staff report for application 20240069 Blue Ridge Ventures, LLC Whitetop Camp SUP request aloud and for the record, highlighting land area and size, VDH requirements and VDOT requirements, additionally identifying critical impacts and current issues with line of site additionally identifying significant impacts; finally staff concluded with a recommendation to deny the Special Use Permit providing the following reasons:

1. The proposed use would have adverse impacts on the character of the neighborhood;
 - Increased traffic through the residential neighborhood,
 - Noise pollution- vehicles, noise from campers
 - Fire Risk- not managed properly can pose a significant fire risk to adjacent properties and residents
 - Trash and Pollution- without proper facilities, there could be trash buildup and pollution, harming the environment
2. The proposed use would have adverse impacts to the shared access right of way used by all adjoining landowners;
 - Wear and Tear on the Road- impacts from heavy vehicles leading to potholes, erosion and costly repairs
 - Legal Issues- legal complications have already risen over property rights, easement usage between landowners
 - Conflicts over maintenance to shared access. Nothing has been finalized over shared maintenance.
3. The proposed use would have an adverse impact on the abutting property;
 - Safety Concerns of adjoining residential development. It could attract a transient population and increase the risk of crime, vandalism, and other safety concerns. Additional foot traffic and unfamiliar faces can make a resident feel less secure in their own neighborhood.
 - Strain on Resources of local law enforcement and fire departments in the event of an emergency could be impacted. Local law enforcement can take several minutes to arrive, and fire is a paid volunteer service that could take several minutes to respond.
 - Decreased property values should the campground becomes known for noise, traffic, or environmental issues, could potentially decrease the property value, making it harder for residents to sell their homes or affecting their investment value.

Chairman Walls requested that Ms. Goodwin address the Planning Commission with her request. Ms. Goodwin explained that the original campground design

had changed since the last time she presented. Of the things presented by the planning staff, Ms. Goodwin contested trash, signage as required by VDH, porta john maintenance, and campfire non-allowance. Ms. Goodwin also made remarks about the current state of the right-of-way as disputes between the neighbors were currently an issue, but she did not plan to advertise this section of the campground until the ROW issues were resolved and stated she had agreed to help with gravel maintenance. A 10x20 shelter has been placed in the open space of section 2 for rental. Signage will be provided regarding neighborhood pets. Parking was available in Section 1, an area that had been cleared and could handle 3-4 vehicles; Section 2, parking in the grass field. VDH requires signage for emergency phone numbers and an evacuation route posted on-site. Ms. Goodwin acknowledged that emergency response times for fire and police were a lengthy wait and phone service was almost nonexistent. Ms. Goodwin also said she felt the area lacked enough campsites, and this campground will help tourism and benefit the economy at Whitetop as tourism is all that is available there. Ms. Goodwin summed up that the campground would be 15 sites on both parcels would be very low impact and live right there, and most campers would be staying on weekends in on Friday and out on Sunday. No partying, no music, and trash hauled out. I am interested in helping the local economy up there.

The planning commission had no questions for Ms. Goodwin. Dan Boyer moved to open the public hearing, which was seconded by Justin Funk. The motion carried.

Virginia M. Peterson- Hwy 58, Whitetop. Opposed to the proposed campground. Concerned about lighting, trespassing, and quiet hours proximity to the property. The interactions she has stated and the information she has shared have led us to believe that she has been quite disingenuous, almost to the point of dishonesty. A 15-site campground on 64 acres that is unmonitored and unstaffed for primitive camping is a disaster waiting to happen.

Danny Shaw- 15805 Highland Parkway. Opposed to the campground. Conveyed concerns about the use of a 40-foot-shared ROW originally provided for Richard Blevins and feels the PC was not told the truth. Concerned about personal vehicles and additional vehicles and RVs using the ROW that runs too close to the house. Stated the need to use the 30 ROW she owns for plans to access the campground and not the shared ROW.

Gary Pennington—15793 Highland Parkway. Before the meeting, the PC was given a letter from Ms. Goodwin that was not included in the board packet, demanding Mr. Pennington remove a shed from her property. Also provided was a letter dated April 2024 stating trespassing and feeling intimidated after removing the shed. Concerns were expressed about property depreciation, illegal drug activity, improper sewage disposal, and animal nuisance.

Vickie Pennington- 15793 Highlands Parkway. Opposed to the campground. Called their fire insurance provider to discuss if a campground was established, fire insurance would double. Who will be liable for the damages if a fire happens? Although she said no fire was allowed, it could happen. It shouldn't be her or her husband's responsibility.

Dalton Loggings- 15817 Highlands Parkway. Opposed to campground. Concerned about parking as the property line is less than 50' from the house, no dumping stations, and trash will bring in unwanted nuisance from wildlife. Concerned with possible criminals around the property that she hires for maintenance, septic lines through the front yard, and in close proximity to the easement. Has made no effort to discuss road maintenance. Ms. Goodwin has been harassing me with demand letters to remove the shovel and torch from the easement, threatening lawsuits, jail time, and court costs.

Sandra Billings- 2241 Dollinger Rd. Manager of Creeper Trail Campground. Five campgrounds within the area. Rocky Hollow, Grayson Highlands, Creeper Trail, Bear Tree, and Grindstone are all within 20 miles of each other. No need to have a primitive campground. Will decrease land values and not here for the right reasons.

Dan Boyer made a motion to close the public hearing, which was duly seconded by Lisa Hash. The motion carried.

Planning Commission convened to discuss; Chairman Walls shared with the board that he had spoken with many locals who were not in favor of the campground, concerned with safety, security, theft, an increase in drug activity, and Ms. Goodwin not being a good neighbor.

Justin Funk, based on 15.2-2283, the health of the property owners was a concern, and the decrease in property values was also of concern.

Brian Walls expressed concern that campers might not use porta potties four miles off the AT as vaults had already been established by the park service at Elk Garden, just off the Appalachian Trail.

Dan Boyer inquired about the unresolved right-of-way issue. Chairman Walls indicated it was a civil dispute and did not pertain to the planning commission.

Howard Sharpe, Jr. stated the campground would be hard to control without full-time management, Funk commented fires are a major concern in that area as it is all wooded. Dan Boyer made the statement that if a camper decided to have a fire, and there is no full-time management present, who's to say they can't? Chairman Walls stated under the circumstances as the application was presented, it would be a nuisance to the community.

Chairman Walls moved to deny the special use permit request based on the staff report's findings, and the attraction of nuisance animals, decreased land values, lack of management and safety concerns, and nuisance to the community. Howard Sharpe, Jr. duly seconded the motion.

The clerk reminded the commission this was a zoning matter that required a formal motion by resolution, as presented within the staff packet. Chairman Walls read the first motion to approve by accident, requested that the motion be struck from the record, followed by with a motion to recommend disapproval; the following motion was read for the record;

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286 (A)(3) and (7) and Zoning Ordinance Section 1-4 and 3-12, it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare, and good practice, I move that the Special Use Permit request 20240069 as presented be recommended for disapproval to the Board of Supervisors as the issuance of a Special Use Permit would not be in compliance with the Grayson County Zoning Ordinance. Duly Seconded by Howard Sharpe, Jr.

A roll call vote was taken.

Hash, aye, Ward, aye, Walls, aye, Boyer, aye, Ballard, aye, Sharpe, aye, Funk aye. Motion carried, 7-0.

Staff shared with those present at the meeting concerning this request. Although recommended for disapproval, the request would be presented to the BOS in the June meeting for a final determination. A public hearing will be held again for those who wish to speak.

Comprehensive Plan Revision- Adoption of Utility Scale Renewable Energy Policies and Zoning Text Amendments

Staff shared for those at the meeting and online that the commission reviewed and revamped the policies based on the recommendations from the Board of Supervisors meeting on May 2nd. With assistance from the Berkely Group, the Planning Commission, during a special workshop session on May 14, 2024, to make the necessary changes to the Addendum Utility Scale Renewable Energy Facilities Policies in order to be ready for public hearing tonight.

Michael Zehner shared with the Commission a revised markup of the changes that were approved in the May 14th meeting. Prior to the meeting, a draft resolution in favor of the changes was also presented for consideration by committee members.

Mr. Zehner also shared that an additional change to the zoning text amendments was to include language for solar disposal, as requested by the BoS at the joint meeting.

3-14.3.3.9.9 Decommissioning and Reclamation Plan. Added (g) would require applicants to prepare and submit plans for the disposal and recycling of the project's equipment and components, including the identification of disposal and/or recycling sites located in the County. This would allow for a better understanding of the tentative plans. If a permit request was approved, the applicant would be required to submit a full decommissioning plan prior to permitting approval that addresses the factors of the preliminary review of a special use permit.

Additionally, the policy and text amendments also addressed the fact that wind was not a supported land use and made the same change within the zoning text; although accessory wind facilities would be allowed, that utility-scale, wind systems, and wind systems otherwise as the principal use of the property would not be allowed.

Prior to the public hearing, the commission further discussed the increased percentage of 2xs decommissioning cost. Additionally, Mr. Zehner shared that if the commission set that amount of two times the cost of decommissioning, many developers would not pursue projects due to their steep financial impacts.

Brian Walls moved to change the request of decommissioning to 2x the cost based on the recommendation of the BOS; no second was made, the motion failed.

However, the commission agreed to add the 10% clause to 3.14.3.6.10 (h)(iii) and would read as "The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning cost **plus 10%** to the possibility of salvage value."

Should the BoS want to make a more stringent change, they would be allowed to do so at their June meeting.

A motion to open the public hearing by Dan Boyer was duly seconded by Justin Funk. Motion carried.

Sarah Hash Trimble- 837 Beaver Dam Not all citizens are opposed to wind turbines. I am carrying on my father's legacy; he wanted me to continue the negotiations with the wind company. I want to continue to pass down the land to my family. It's not about blocking wind turbines. It is more about not allowing landowner rights. Like cell towers and power poles, we accept them because we need those services. "It's all about perception, accepting changes in growth, and getting past what might not, in your opinion, be best if you don't

own the land.” Christmas trees may be the only choice to sustain family land if the board approves ridgeline development.

Denby Benacusti- 140 Kendrick. Thanked the BoS and PC for their work; the ridgeline ordinance is a good start to protection from unsafe, unsightly land use developments. Concerned that meetings are not advertised properly. Staff addressed the concerns by providing the state code of practice.

Ann Rose 15 Discovery Lane. An elderly neighbor told us about the wind monitoring station. Live near Point Lookout overlooking Elk Creek and the Summerfield area. Concerned about aesthetics and erosion impacts to land, thankful for allowing homeowners to put in windmills to own use. Thankful to both boards for their work.

Darcy Martin 4018 Skyline Hwy. Thinking outside the box, I contacted wind energy companies about placing turbines where powerlines were located and stated that it was not a viable alternative. Asked about placing turbines over smaller sizes and shapes such as trees that are 36 feet in the transmission lines paths, or maybe using them as micro hydro scaled for a larger generation that is placed in creeks and rivers? Solar panels on government buildings, adding biodiesel to government fleet vehicles and electric car charging stations. Provided data rates between AEP and Dominion, AEP rate users pay 38.04 more than Dominion power users. Suggested that we begin a way to get competition back into the marketplace and become customers again instead of hostages.

Joyce Rouse 809 Cloverdale Ln. I have used both solar and wind for 30 years. She asked, “Does the decommissioning cost include the disposal of the equipment and the solar panels?” Mr. Zehener addressed the question.

“Commonly, the decommissioning estimates that we're provided with include disposal costs, what we don't allow for as a recommendation, and what is not allowed for in the draft ordinance that they can and reduce the cost of decommissioning for potential revenue from recycling or salvage.”

Staff read two emails for the record: Bepe Kafka, thanking the Commission for their service during this bump time. Joyce Seay supports the recommendation of no utility-level wind turbine installations and supports the recommendation that no utility-scale solar installations be allowed except near the existing transmission lines and supports restructuring the development of ridgelines above 2000 feet elevation to protect the viewshed. Thanking the Commission for protecting the value of the investments individuals have made in rural Virginia.

A motion to close the public hearing was made by Dan Boyer, duly seconded by Lisa Hash. Motion carried.

No further discussion was had. Staff read the resolution of support aloud.

Dan Boyer made A motion to accept the addendum policy resolution as written and read by staff, duly seconded by Justin Funk. Motion carried.

Zoning Ordinance Amendments for Renewable Energy

Motion to open public hearing period for zoning text amendments by Dan Boyer, duly seconded by Lisa Hash. The motion was unanimously approved.

No public signed up for comment.

Motion to close the public hearing made by Dan Boyer, duly seconded by Justin Funk. Motion carried.

The Planning Commission had no further discussion other than to include the 10% above the decommissioning cost that was already discussed earlier in the meeting.

A motion to approve the renewable energy zoning text amendment as written to include the 10% for decommissioning to be sent to the Board of Supervisors was made by Dan Boyer and duly seconded by Gary Ballard. Motion carried.

IN RE: Old Business

None scheduled.

IN RE: New Business

None scheduled.

IN RE: Adjournment

A motion to adjourn was made by Dan Boyer, seconded by Lisa Hash. Motion carried, meeting adjourned.

Chairman

Date