

**PLANNING COMMISSION**

**MINUTES**

**February 2, 2016**

The Rockingham County Planning Commission met on Tuesday, February 2, 2016, in the Board of Supervisors Room in the Rockingham County Administration Center. Members present were, Chairman Rodney Burkholder, Vice Chair Mr. Bill Loomis, Mr. Brent Trumbo, Mr. Steven Pence, and Mr. David Rees. Staff members present were Deputy County Administrator, Stephen King; Director of Planning, Rhonda Cooper; Planner, James May; Zoning Administrator Diana Stultz; Code Compliance Officer, Kelly Getz and Secretary Amanda Thomas.

At 6:31 p.m., Chairman Burkholder called the meeting to order.

Chairman Burkholder offered the Pledge of Allegiance and Invocation.

**MINUTES**

On motion by Mr. Pence, and seconded by Mr. Loomis the January 5, 2015, minutes were approved with a 5-0 vote.

**PUBLIC HEARING**

**REZONING REQUESTS**

**REZ15-338** Robert. S. Fulk, 14131 Brocks Gap Road, Fulks Run, VA 22830, to amend the proffered conditions on TM# 36-(A)- L140, located north of Brocks Gap Road (Rt 259) and approximately 0.1 mile east of Little Dry River Road (Rt 818), totaling 2.034 acres, currently zoned General Industrial District Conditional (I-1C). The Comprehensive Plan identifies this area as Agricultural Reserve. It is located in Election District 1.

Mr. May presented the request.

At 6:37 p.m., Chairman Burkholder opened the public hearing.

At 6:37 p.m., seeing as there was no one to speak in favor of or opposition to the rezoning, Chairman Burkholder closed the public hearing.

Mr. May presented the staff recommendation of approval.

Mr. Trumbo questioned Mr. May if he could anticipate what entrance modifications would be needed. Mr. May stated that the property currently has two entrances. The needed modifications would be based on VDOT's review on site distance or traffic volume, at this time it is relatively open.

Mr. Trumbo motioned for the Planning Commission to recommend approval of the proposed rezoning; Mr. Pence seconded the motion.

On a vote of 5-0, the Commission recommended the approval of this rezoning.

## **ORDINANCE AMENDMENTS**

**OA16-007** Amendment to the Rockingham County Code, Chapter 17 (Zoning), Article II. Definition of Terms, Section 17-201. Definitions generally to add the definition of Solar energy facility, large and the definition of Solar energy facility, small.

**OA16-008** Amendment to the Rockingham County Code, Chapter 17 (zoning), Table 17-606 Land Use and Zoning Table to allow solar energy facility, large by permitted use with supplemental standards (P\*) in the I-1, I-2, PID, PMR, MXU, PCD, R-4, R-5, and S-1 zoning districts and by special use permit with supplemental standards (SU\*) in the A-1, A-2, RV, PG, RR-1, B-1, and B-2 zoning districts. This amendment would also allow solar energy, small by permitted right with supplemental standards (P\*) in all zoning districts.

**OA16-009** Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-607, Supplemental Standards for Certain Land Uses to add supplemental standards for Solar energy facility, large, and for Solar energy facility, small.

Mrs. Stultz presented the requests. Her presentation is attached.

In response to a question by Mr. Pence, Mrs. Stultz stated that the proposed ordinance amendments were just for solar power and abandonment is only an issue for large energy facilities.

Mr. Rees questioned how glare would be handled. Mrs. Stultz responded that that issue is not something that has been discussed. With the solar panels that are currently operating in the County, there have been no complaints on the glare. Mr. Trumbo indicated that this issue was addressed in the amendment.

Mr. Trumbo questioned if the solar panels in a specific picture shown, would meet the intent. Mr. Getz stated that they would, if the panels meet the height requirement of the particular district.

Mr. Pence stated that he has seen some panels in the County that have been installed higher than the five foot (5') maximum.

Mr. Burkholder questioned if the issues were all visual. Mrs. Stultz indicated that they were.

Mr. Trumbo stated that there is already a large solar panel project in planning.

Mr. Loomis questioned how an existing, non-complying facility would be handled. Mrs. Stultz replied that if the County were to receive a complaint, it would be checked on and if it were previously

approved, it would be grandfathered in. As of now there have only been small facilities approved and there have been no complaints.

Mr. Burkholder stated that the County could become a solar county, and questioned if that would be an issue. Mrs. Stultz responded that the ordinance is needed. It will not be acceptable to allow some solar facilities and not others.

Mr. Pence stated his concerns would be over the orientation of the panels and the glare. Mrs. Stultz responded that a complaint on this would be handled as any violation would be.

Mr. Trumbo questioned if Mr. Pence was concerned about being sure that the solar panels would not reflect too much of a glare, before the system is installed.

Mrs. Stultz indicated that a complaint could not just be that the neighbors did not like it. At the time, roof mounted solar panels are considered an accessory to the structure and are allowable by the building code.

Mr. Loomis questioned if there have been any previous complaints on the existing solar panels. Mrs. Stultz stated that there were not.

In response to a statement by Mr. Pence, Mrs. Stultz stated that a complaint would be looked at to see if there were actual issues being caused by the solar panels.

Mr. Trumbo questioned if the issues would not be looked at until after the panels would be installed. Mrs. Stultz stated that many times it is hard to tell of any possible issues until once it is in place. The small facilities would be harder to know the possible issues than what the large facilities would be.

At 6:57 p.m., Chairman Burkholder opened the public hearing.

Mr. Emmett Toms, with Dominion Virginia Power, stated that his company has been helping Rockingham County and several other surrounding counties with wind and solar ordinances. Mr. Toms indicated that Dominion Power has been working with Merck to install a large, seventeen (17) panel facility. There were several participants on the committee that worked to draft this ordinance. Mr. Emmett stated that with this ordinance the national safety standards will be met. He indicated that he would like to see this ordinance approved. He does not feel that the prime agricultural land will lose value due to solar facilities.

Ms. Kim Sandum, a member of the solar ordinance committee, stated that she raised two concerns with the committee. The first being the glare and second, the residential zoning. She asked that the residential portion be thought through. It appears that the lot sizes in the residential zoning and the allowance of a large or small solar facility does not make sense. Ms. Sandum stated that there may be a typo in the amendment, under supplemental standards, there is no nuisance section for the small solar facility, but it is listed under the large. Ms. Sandum stated that she is unsure that a twenty-five foot (25') ground mounted panel will be desirable in certain developments within the County. She asked that the Commission consider amending that language.

In response to a question by Mr. Trumbo, Ms. Sandum stated that the allowable height for a ground mounted panel would be twenty-five feet (25') and would be by right. Mrs. Stultz added that the twenty-five foot (25') maximum is for ground mounted and the five foot (5') maximum is for roof mounted. Mrs. Stultz added that all ground mounted panels that are currently in Rockingham County are between twenty-four and twenty-five feet (24'-25').

In response to a question by Mr. Burkholder, Ms. Sandum stated that with thinking through what is allowed in the residential zoning, she is unsure it makes sense.

At 7:05 p.m., Chairman Burkholder closed the public hearing.

Mrs. Stultz stated that glare is listed under the supplemental standards of roof mounted, small and large solar facilities. She added that with regards to the height of ground mounted, it was based on what is currently in the County and this does not exceed the allowable height of residential buildings in these zonings.

Mrs. Stultz presented the staff recommendation of approval.

Mr. Pence stated that he has done significant research on solar panels for his own property. Mr. Pence does not believe this would impact his vote, but his knowledge on the subject was the reason for his expressed concerns. He added that he understands Ms. Sandum's concerns with the lot sizes and what is allowable.

Mr. Burkholder questioned if there was a process to determine maximum deflect from the sun. Mr. Pence stated that there was.

Mr. Rees questioned if any solar systems were banned by neighborhoods. Mrs. Stultz stated that an HOA could restrict the instillation of solar panels. She added that currently the existing solar panels are on the small scale and homes are not putting multiple ground mounted panels. At this time the panels are seen as an accessory to a dwelling.

In response to a question by Mr. Pence, Mrs. Stultz stated that the shortest existing ground mounted panel was at twenty-four feet (24').

Mr. Trumbo questioned if there have been complaints from the existing ground mounted panels. Mrs. Stultz indicated that there have been none.

Mr. Rees motioned for the Planning Commission to recommend approval of the ordinance amendments; Mr. Loomis seconded the motion.

On a vote of 5-0, the Commission recommended the approval of these amendments.

**OA16-010** Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-606 Land Use and Zoning Table to add Dwelling, single-family detached with independent living quarters to the A-1, A-2, RV, PSF, PG, R-4, R-5, MH-1, MXU, and PMR zoning districts as a permitted use with supplemental standards (P\*).

Mrs. Stultz presented the request.

At 7:09 p.m., Chairman Burkholder opened the public hearing.

At 7:09 p.m., seeing as there was no one to speak in favor of or opposition to the ordinance amendment, Chairman Burkholder closed the public hearing.

Mrs. Stultz presented the staff recommendation of approval.

Mr. Trumbo motioned for the Planning Commission to recommend approval of the ordinance amendment; Mr. Rees seconded the motion.

On a vote of 5-0, the Commission recommended the approval of this amendment.

## **CAPITAL IMPROVEMENTS PROGRAM**

The County proposes to amend the capital improvements program (CIP), a five-year plan to guide the construction or acquisition of capital projects, to add two road improvement projects. A CIP is an important fiscal planning tool that helps a locality replace or repair existing major facilities or meet new capital improvement needs. A CIP is a form of short-term planning.

Mr. May presented the request.

Mr. Pence questioned if there would be a new entrance to the fair grounds. Mr. May responded that it would be an upgrade of the road, including a lighted intersection.

Ms. Cooper added that the US 11 South Valley Pike Project is one of the HB2 grant applications that were submitted. This project was very nearly one to be recommended to the Commonwealth Transportation Board for this year's funding. This will be resubmitted in the next round, but meanwhile, this work still needs to be done.

At 7:23 p.m., Chairman Burkholder opened the public hearing.

At 7:24 p.m., seeing as there was no one to speak in favor of or opposition to the amendment, Chairman Burkholder closed the public hearing.

Mr. Loomis questioned if the finances for these two projects are not raised yet. Ms. Cooper responded that that was correct, but the work still needed to take place. Mr. Stephen King added that the County just received notice that revenue sharing funding for the Route 33 project was established. VDOT will match 50-50 with the County.

Mr. Loomis questioned if there was a timeframe for this project. Mr. King replied that the County's desire is to include that project with the Massanetta Springs roadwork. In addition, the commercial project on the Michael property near Stone Spring Road will have a third lane that will likely proceed onto Massanetta Springs Road. Mr. King believes that construction will start within twelve (12) months. Mr. Loomis questioned if a bid for this project had been put out yet. Mr. King responded that it had not and added that the design was about twenty five percent (25%) complete.

Mr. Loomis motioned for the Planning Commission to recommend approval of the amendment; Mr. Rees seconded the motion.

On a vote of 5 -0, the Commission recommended the approval of this amendment.

## **UNFINISHED BUSINESS**

Mr. Pence motioned for the Planning Commission to bring the following amendments off the table; Mr. Trumbo seconded the motion.

**OA15-322** Amendment to the Rockingham County Code, Chapter 17 (Zoning), Article 2 (Definition of Terms) to add a definition for agriculturally-related business, not otherwise listed.

**OA15-323** Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-606 (Land Use and Zoning Table) to allow agriculturally-related business, not otherwise listed as a special use permit with supplemental standards (SU\*) in the A1, A2, & RV zoning districts.

**OA15-324** Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-607 (Supplemental Standards for Certain Land Uses) to set standards for agriculturally-related business, not otherwise listed.

Mrs. Stultz presented the updated ordinance amendments.

Mr. Trumbo motioned for the Planning Commission to recommend approval of the ordinance amendments; Mr. Loomis seconded the motion.

On a vote of 5 -0, the Commission recommended the approval of these amendments.

## **MISCELLANEOUS**

There were no miscellaneous items.

## **CITY PLANNING COMMISSION LIAISON REPORT**

Mr. Trumbo gave a report for the January 13, 2016 Harrisonburg City Planning Commission Meeting.

[Upcoming Harrisonburg City Planning Commission Meeting](#)

The Liaison for the February 10, 2016 Harrisonburg City Planning Commission Meeting is Mr. Loomis

## **SITE VISIT**

There was no site visit was scheduled.

## **STAFF REPORT OVERVIEW**

Ms. Cooper reviewed the staff report.

**ADJOURNMENT**

At 7: 44 p.m., having no further business, the Commission adjourned

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Rodney Burkholder, Chair

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Amanda Thomas, Secretary

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