

**JANUARY 10<sup>TH</sup>, 2023 PLANNING COMMISSION MINUTES**

**VIRGINIA:** at the REORGANIZATIONAL MEETING of the Tazewell County  
Planning Commission held January 10<sup>th</sup>, 2023 at 6:30 p.m. in the Tazewell  
County Administration Building, Tazewell, Virginia -- 197 Main Street

**PRESENT:** Ann Robinson-Chairperson  
Robert "Bob" Moss-Assistant Chair  
Maggie Asbury-Member  
Charlie Hart-Member  
Jason Herndon-Member

**OTHERS**

**PRESENT:** Kenneth Dunford, Jr., -- Director of County Engineering  
Kimberly Hilbert-Executive Secretary  
Chase Collins-- County Attorney  
Jim Ribble—Alpha Land Surveyors  
Jim Talbert—Press  
Jim Best-Visitor (VCHR)  
James Durham-Visitor  
Connie Kitts—Visitor  
Kathy McClanahan—Visitor  
Bill Bunch—Visitor  
Hayden Lyons-Visitor/Member

**ABSENT:** Darrell Addison-Member  
Eddie Pauley-Member

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Chairperson Robinson called the January 10<sup>th</sup>, 2023 reorganizational meeting to order and presided at approximately 6:35 p.m.

She then welcomed all visitors and all those in attendance.

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**INVOCATION AND PLEDGE**

Chairperson Robinson gave the invocation, followed by, the Pledge of Allegiance to the US flag by Member Herndon.

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**ORGANIZATIONAL STRUCTURING:**

Chairperson Robinson turned the floor to Chase Collins, County Attorney, who instructed the Planning Commission Board that even though Member Hart had given his resignation, effective December 31, 2022, the Tazewell County Board of Supervisors had not officially accepted it and therefore, he would be able to sit and vote at tonight's meeting.

Upon that being said Mr. Collins then opened the floor for nominations for the Chairperson position of the Tazewell Planning Commission. There as, current Chairperson Ann Robinson being the sole nomination for the position he then called for a motion to close the floor. Motion made by Vice-Chairman Moss, seconded by Member Asbury, and voted on by a vote of 4 to 0, with Members: Addison and Pauley absent from the meeting and Member Robinson abstaining from the vote, Floor Closed.

Being as there were no other nominations for the position of Chairperson upon motion by Member Herndon, seconded by Member Asbury, and adopted by a vote of 4 to 0 with Chairperson Robinson abstaining from the vote, and Members: Addison and Pauley absent from the meeting, the Tazewell County Planning Commission hereby appoints Ms. Ann Robinson as Chairperson for the calendar year of 2023 or until her successor is duly elected.

Mr. Collins then yielded the floor back to Chairperson Robinson.

**ELECTION OF VICE-CHAIRMAN**

Chairperson Robinson called for nominations from the floor for the position of Vice Chairman. Member Herndon nominated current Vice-Chairman, Mr. Robert "Bob" Moss. There as, current Vice-Chairman Robert "Bob" Moss being the sole nomination for the position she then called for a motion to close the floor. Upon motion by Member Herndon and seconded by Member Asbury the floor was then closed by a vote of 4 to 0, with Vice-Chairman Moss abstaining from the vote and Members: Addison and Pauley absent from the meeting.

Being as there were no other nominations for the position of Vice Chairman, motion was made by Member Herndon, seconded by Member Hart, that Mr. Robert "Bob" Moss continue as Vice Chairman for the Tazewell County Planning Commission by a vote of 4 to 0 with Vice-Chairman Moss abstaining from the vote and Members: Addison and Pauley absent from the meeting, for the year of 2023 or until his successor is duly elected.

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### **APPOINTMENT OF EXECUTIVE SECRETARY**

Chairperson opened the floor for nominations for executive secretary to the Planning Commission. Member Herndon made the nomination of Ms. Kimberly Hilbert. Being as there were no other nominations, motion was made by Member Herndon, seconded by Member Hart, and voted on by a vote of 5 to 0, with Members: Addison and Pauley absent from the meeting, to close the floor for further nominations, and the Tazewell County Planning Commission does hereby by acclamation appoint Ms. Kimberly Hilbert as the Executive Secretary for the year of 2023 or until her successor is duly elected.

Mr. Collins ascertained the Planning Commission to establish Roberts Rules of Order for Meetings and upon motion by Vice-Chairman Moss, seconded by Member Hart and voted on by a vote of 5 to 0 with Members: Addison and Pauley absent from the meeting the motion carried to establish Roberts Rules of Order for Meetings.

### **SET REGULAR MEETING DATE & TIME**

Chairperson Robinson stated that the current format is the second Thursday of the month at 6:30 P.M. and asked if anyone would like to make a change.

Upon motion by Member Herndon, seconded by Vice-Chairman Moss, and voted on by a vote of 5 to 0, with Members Addison and Pauley absent from the meeting, the Tazewell County Planning Commission hereby sets the regular meeting date and time for the second Thursday of each month at 6:30 P.M. for the calendar year of 2023.

### **Proposed meeting dates of for 2023:**

February 9<sup>th</sup>, March 9<sup>th</sup>, April 13<sup>th</sup>, May 11<sup>th</sup>, June 8<sup>th</sup>, July 13<sup>th</sup>, August 10<sup>th</sup>, September 14<sup>th</sup>, October 12<sup>th</sup>, November 9<sup>th</sup>, December 14<sup>th</sup> at 6:30 P.M.

### **CONSIDERATION OF AGENDA & STAFF REPORT FORMAT TO MEMBERS**

The Executive Secretary and Engineering Department request the format in which the Planning Commission members receive their agenda, minutes and supporting documents.

Upon motion by Member Herndon, seconded by Vice-Chairman Moss, and adopted by a vote of 5 to 0, with Members: Addison and Pauley absent from the meeting, The Tazewell County Planning Commission hereby approves the agenda, minutes and supporting documents

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be sent to the Planning Commission Members in the format they desire for the 2023 calendar year:

Chairperson Robinson	Email
Vice-Chairman Moss	Email
Member Hart	Email
Member Asbury	Email
Member Addison	Email
Member Pauley	Email
Member Herndon	Email

Vice-Chairman Moss asked the members to respond back to Ms. Hilbert and inform her whether or not they would be attending the meeting. If there is no Quorum there would be no need for the others to travel for the meeting.

### APPOINTMENT OF SUBCOMMITTEES

Mr. Dunford, Director of Engineering, recommended deferring the appointment of the Subcommittees until the February 2023 meeting. This will give the Board of Supervisors time to appoint members for those who have resigned.

Upon motion by Vice-Chairman Moss, seconded by Member Herndon, and voted on by a vote of 5 to 0, with Members: Addison and Pauley absent from the meeting, The Tazewell County Planning Commission does hereby **TABLE** the appointment of the Subcommittee Members until the February 9<sup>th</sup>, 2023 meeting.

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### APPROVAL OF THE AGENDA FORMAT

Upon motion of Vice-Chairman Moss, seconded by Member Hart, and adopted by a vote of 5 to 0, with Members: Addison and Pauley absent from the meeting, the Tazewell County Planning Commission hereby **APPROVE** the agenda with the addition of Item 7d. Dandee's Junkyard and 7e. VCHR Solar Presentation.

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### APPROVAL OF THE DECEMBER 8<sup>th</sup>, 2022 REGULAR MEETING MINUTES

Upon motion by Member Herndon, seconded by Member Hart, and voted on by a vote of 5 to 0, with Members: Addison and Pauley absent from the meeting, the Tazewell County Planning Commission does hereby **APPROVE** the December 8<sup>th</sup>, 2022 Regular Meeting Minutes as written.

**ITEMS FOR CONSIDERATION**

**FRITO LAY E & S AMENDMENT**

Chris Peery with Ameri-Con, Inc was available to speak on the E & S Amendment. They are the sub contractor for the project to remove material from the Frito Lay job site. In the initial E & S Plan there was no provision for the soil removal. There was a failure to obtain the proper permit before beginning the removal of the contaminated material from the job site. Upon inspection by the Engineering Department it was found that the material was being removed and transferred to an unapproved, unacceptable dump site. They were ordered to cease removal until a permit and proper disposal site were acquired.

Per Mr. Dunford, Director of Engineering, the contaminated material was being moved off site to an unsafe, unapproved location. Ameri-Con thought that the soil removal was permitted under a Farm Exemption Permit. It would have been allowed if the soil was not contaminated. With DEQ the contaminated material needed to be removed to a suitable site which takes contaminated materials. If not corrected Ameri-Con could be cited with violations from Tazewell County. Mr. Dunford recommends approval of the Amended Frito Lay E & S Plan with the following stipulations:

- Payment of the \$60.00 Permit Fee
- Provide the approved Landfill site
- Provide documentation of their classification
- Provide ticket verification upon completion

Mr. Collins, County Attorney, has no concerns and recommends approval upon Mr. Dunford's stipulations being met.

Upon motion by Member Herndon, seconded by Member Hart, and voted on by a vote of 5 to 0, with Members: Addison and Pauley absent from the meeting, the Tazewell County Planning Commission does hereby **APPROVE** the Amended E & S Plan for Frito-Lay upon all stipulations being met that were requested by the Engineering Department.

**FEE RECEIVED: 1-12-2023 BY: CC AMERI-CON**

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**SUBDIVISION—ROY LAWSON**

Jim Ribble, Alpha Land Surveyors, spoke on the subdivision. It is the Old Horsepen Post Office property. Owners want to cut out 2 acres. It meets the Subdivision Ordinance. County water and sewer are available.

Mr. Dunford, Director of Engineering, recommends approval since it meets the Subdivision Ordinance and upon the payment of the \$106.00 Fee being paid.

Mr. Collins, County Attorney, sees no issues since it is in compliance with the Subdivision Ordinance.

Upon motion by Vice-Chairman Moss, seconded by Member Herndon, and voted on by a vote of 5 to 0, with Members: Addison and Pauley absent from the meeting, The Tazewell County Planning Commission does hereby **APPROVE** the Roy Lawson Subdivision.

**FEE RECEIVED: 1-11-2023 Check#4430**

**JUNKYARD APPLICATIONS:**

**DANDEE'S JUNKYARD APPLICATION**

Kenneth Dunford, Jr., Director of Engineering stated that this is the yearly renewal application for an existing junkyard. The application fee and permit fee have been paid of \$550.00. Kenneth Dunford, Jr., has no issues and recommends approval of the application.

Upon motion by Vice-Chairman Moss, seconded by Member Herndon, and voted on by vote of 5 to 0, with Members Addison and Pauley absent from the meeting, the Tazewell County Planning Commission does hereby approve the Auto Salvage and Junkyard Permit for Dandee's Inc. for the 2023 year.

**FEE RECEIVED: 1/4/2023 CASH**

**ROGIC JUNKYARD APPLICATION**

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Kenneth Dunford, Jr., Director of Engineering stated that this is the yearly junkyard renewal application for an existing junkyard. The application fee and permit fee have been paid of \$550.00. Kenneth Dunford, Jr., has no issues and recommends approval of the application.

Upon motion by Vice-Chairman Moss, seconded by member Herndon, and voted on by a vote of 5 to 0, with Members: Addison and Pauley absent from the meeting, the Tazewell County Planning Commission does hereby approve the Auto Salvage and Junkyard Permit for John's Auto Salvage for the 2023 year.

**FEE RECEIVED: 12/27/2022 CHECK#1942**

### **VIRGINIA COALITION FOR HUMAN RIGHTS (VCHR)**

Mr. Jim Best from Floyd County gave a presentation on the proposed Buckhorn Mountain Solar farm that has been submitted to the Department of Environmental Quality for a small renewable energy project. VCHR presented a slide show on how solar farms harm the environment and land.

- Landowner: Blue Ridge Energy Services, LLC
- Lessee: Buckhorn Mountain Solar, LLC/Parent Co: Energix Renewable Energies  
An International Company
- 16.5 Mw Solar Power Plant on 465 acres
- Rt. 61 Between Tazewell/Gratton
- 44,680 solar panels made with Cadmium Telluride
- Multiple counties in Virginia rejected Energix
- Multiple E & S violations
- Use of CdTe (Cadmium Telluride) a toxic heavy metal
- Concerns for leakage of this chemical into rivers, streams and on farmland.

The Planning Commission thanked Mr. Best for the presentation and asked him to speak with the Board of Supervisors about these concerns.

Mr. Dunford, Director of Engineering, spoke and said that Buckhorn Mountain Solar has filed with the DEQ but not application or permit has been issued from Tazewell County at this time. Chairperson Robinson stated that a Solar Ordinance needs to be adopted since there is no zoning

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to protect the county. Mr. Dunford stated that the county is a member of SolSmart for the state of Virginia.

Members of the Planning Commission asked Mr. Collins, County Attorney, if he could draft a proposed Solar Ordinance. Other members were concerned with land owner education on solar panels, how it affects their land, maintenance of the farm, and dismantling of the farm after its useful life.

Members stated that the Board of Supervisors acts on recommendation from the Planning Commission and asked that a recommendation be made to the Board of Supervisors on a Solar Ordinance. No action taken at this time.

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### DIRECTOR OF ENGINEERING REPORT

Nothing at this time.

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### SUBCOMMITTEE REPORTS

Nothing at this time.

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### COMPREHENSIVE PLAN

Vice Chairman Moss informed the board that no Board of Supervisors members were present for the Comprehensive Plan meeting this evening. Next month we will be at ground zero again. Mr. Dunford and Ms. Hilbert have gotten a lot accomplished but now it was up to the Planning Commission Board to get different departments and agencies involved. There will be a schedule fixed each month of who should be at each meeting.

Mr. Dunford stated that one year ago it was planned to have the plan done within a year. We need everyone on board for to get this done because Public Hearings are another step in the process to getting this done.

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### CITIZEN COMMENTS



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**James Durham**, 260 angel Lane, Tazewell, VA.: Concerned about the solar farm

- Its impact of headwaters, Clinch River
- Farm lands
- Creating a problem for our neighbors or future generations.

**Connie Kitts**—Bluefield, VA.,

- Passing land on to others
- Problem—lack of zoning
- Education on solar and its impact
- Problems facing farmers
- Good Stewards
- Toxicity
- USDA-soil specialists-prior societies destroyed themselves for not taking care of the land.

**Kathy McClanahan**—Cedar Bluff, VA.:

- Do research on Energix
- Leave tax payer with cleanup
- Hurt water resources/Land
- \$120M of panels they have to use somewhere
- Good Stewards of our resources.

**Bill Bunch**—Witten Valley, Tazewell, VA.:

- For Solar but:
- Keep poison out of farm land
- Not destroy/contaminate the land.

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### MEMBER CONCERNS

**Member Hart:** The county in need of a Solar Ordinance Ref: Tall Structure Ordinance.  
Introduce Hayden Lyons as his replacement upon approval by the Board of Supervisors.

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**Vice-Chairman Moss:** Private Land Owner concerned with solar and education on solar and how it affects the land.

**Member Herndon:** Having a Solar Ordinance something similar to the Tall Structure Ordinance. These companies get grants/tax credits that benefit them but leave the land owner with the responsibility of clean up.

**Chairperson Robinson:** Thanked Mr. Hart for his service on the Planning Commission Board.

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**ADJOURNED MEETING**

Upon motion of Member Hart, seconded by Vice-Chairman Moss, and adopted by a vote of 5 to 0, with Members: Addison and Pauley absent from the meeting, the Tazewell County Planning Commission Reorganizational Meeting is hereby adjourned at approximately 8:35p.m. until Thursday, February 9<sup>th</sup>, 2023 at 6:30 p.m.

Respectfully submitted:

*Kimberly Hilbert*

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Kimberly Hilbert- Executive Secretary

*Ann Robinson*  
Ann Robinson –Chair Tazewell County Planning Commission