

**Planning Commission
County of Prince George, Virginia**

Regular Meeting

May 25, 2017

6:30 p.m.

County Administration Building, Boardroom, Third Floor
6602 Court Drive, Prince George, Virginia 23875

I. CALL TO ORDER

Chairman Joyner called to order the Regular Meeting of the Prince George County Planning Commission on Thursday, May 25, 2017 at 6:30 p.m. in the Boardroom of the County Administration Building, 6602 Courts Drive, Prince George, Virginia.

II. ATTENDANCE

The following members responded to Roll Call:

Mr. Joseph E. Simmons - Present

Vice Chairman James A. Easter - Absent

Mrs. Imogene S. Elder – Present

Mr. R. Stephen Brockwell - Absent

Chairman V. Clarence Joyner, Jr. - Present

Mr. Alex W. Bresko, Jr. - Present

Mr. Floyd M. Brown - Present

Also present were: Mrs. Erma Brown, Board of Zoning Appeals Chairwoman; Mr. Douglas Miles, Planning Manager, Mr. Charles Harrison III, Permit Technician I, and Mrs. Cathi Cleveland, Permit Technician II.

III. INVOCATION

Mr. Simmons led the Invocation also mentioning the passing of Mr. Skalsky.

IV. PLEDGE OF ALLEGIANCE TO THE U. S. FLAG

Mr. Brown led in the Pledge of Allegiance to the United States Flag.

VI. APPROVAL OF MINUTES – April 27, 2017

Upon a motion made by Mr. Bresko and seconded by Mr. Brown the minutes were adopted as written. Roll was called on the motion.

Roll call vote on the motion:

In Favor: (5) Elder, Bresko, Brown, Simmons, Joyner

Opposed: (0) Absent: (2) Easter, Brockwell Abstain: (0)

VII. PUBLIC COMMENTS

At 6:33 p.m. Chairman Joyner opened the citizen comment period to anyone who wished to speak on any subject not on the agenda. He asked that persons limit their remarks to three (3) minutes. With no one coming forward Chairman Joyner closed the public comment period at 6:34 p.m.

VIII. OLD BUSINESS

No Old Business

IX. NEW BUSINESS

SPECIAL EXCEPTION SE-17-02 Request of New Energy Ventures, Inc. pursuant to § 90-103 (57) to permit a large-scale solar energy facility located at 3513 Rives Road and known as Tax Maps 330(0A)00-024-0 and 025-0 (part of) within an R-A, Residential – Agricultural District. The Comprehensive Plan calls for commercial / industrial land uses.

Mr. Miles indicated that the applicant would present first, followed by Mr. Miles' background information and the case conditions prior to the Public Hearing.

Mr. Ken Niemann, stated that he was representing the applicant, New Energy Ventures, Inc. He stated that Ron Figg, of Northridge Resources, Barry Spain, property owner, and John McQueen, property owner were all present tonight.

Mr. Niemann stated that the proposed project was a utility scale solar project. The project is located on the south side of Rives Road at the intersection of I-295 and the two parcels total approximately 148 acres. The rear portion of the site is wetlands, and it will not be encroached upon or impacted. Approximately 70 acres will be used for the actual solar energy facility. A four to five acre portion of the Spain property is adjacent to the main site will be utilized under a lease agreement. This project is a relatively small 15 megawatt utility scale project.

Approximately 60,000 solar panels will be used and they will utilize a single-axis tracking system that rotates with the sun, and follows it as it shifts from the east to west. This increases the output and overall efficiency of the solar energy facility. It will tie into existing power lines on Rives Road and they will not be constructing any new transmission or distribution lines as part of the project.

Mr. Niemann pointed out that solar energy systems are totally passive. There will be no concerns with temperatures, pressures, noise, air emissions, and will not require any county services. Once construction is complete, there will be virtually no vehicular traffic, other than a few times a month for routine site maintenance.

Mr. Niemann indicated that State permits would be secured prior to construction, and they would conduct a DEQ public meeting prior to starting the solar project. A Phase I environmental assessment was done and passed. An initial wildlife and threatened endangered species study has been completed, and a wetlands delineation is in the process of being completed for the site with Timmons Group.

Mr. Niemann stated that construction is about six to eight months. During this time, 150-200 construction workers are projected to working on this solar project. It is anticipated that the majority of the jobs would be sourced locally. The project would be low profile, and virtually invisible from I-295. There may be vegetative buffers needed to assist with the visual profile. A security fence six to eight feet high will be constructed, along with a vegetative buffer, and it should screen the property in its entirety from Rives Road and from other neighboring properties.

Mr. Niemann stated this project is exempt from the Machinery and Tools Tax. The project will be subject to a Rollback Tax of approximately ten to eighteen thousand dollars. The project will be subject to an increase in real estate taxes of about 287%, which equates to about \$3200 per year. This project also qualifies for a 30% Federal Investment Tax credit to encourage solar energy development.

Mr. Brown inquired about the approximate lifespan of the individual solar panels.

Mr. Niemann replied that a solar panel, if properly maintained, will last 25 years. It is possible that the site could be upgraded with higher efficiency panels in 10 years. In general, the output of a panel degrades over time at solar energy sites.

Mr. Simmons referenced the tax credit, and inquired if it is a one-time credit.

Mr. Niemann responded that the Federal Tax credit was, in fact, a one-time tax credit and that is good until 2022.

Mr. Simmons asked if Dominion would be the transporter of the energy.

Mr. Niemann replied that the power would be put into Dominion's local power distribution system. Once the power leaves the solar site, it can be distributed to any end user, through Dominion's electrical system.

Mr. Miles stated that the project is in compliance with the 2014 Comprehensive Plan and the adopted Solar Ordinance Amendment. The area is identified for commercial and industrial uses.

Mr. Miles advised the Planning Commission that text changes were made to Condition #9, the Decommissioning Plan. The language was changed to "...shall be approved by the county, and not developed by the owner, operator, or applicant..." The last sentence now states "...a surety acceptable to the county by guaranteeing completion of the decommissioning plan..." this is to be flexible with any future methods of surety.

Mr. Miles advised that Condition # 10 was the recommended second part of the decommissioning plan, and that a change had also been made. The change now states that the letter of credit, cash, or guarantee of an investment grade entity or a surety provided to the county complies with condition number 9.

Mr. Miles then read the Recommended case conditions for the General Public:

1. This Special Exception is granted for a large-scale solar energy facility use to New Energy Ventures, Inc. or any successors as owner/operator of the solar energy facility located on Tax Maps 330(OA) 00-024-0 and 025-0 (part of). This Special Exception may be transferred provided that Condition 10 is met relative to the proper surety.
2. All site activity required for the construction, expansion and the operation of the solar energy facility shall be limited to the following days and times: All pile driving shall be limited to the hours from sunrise to sunset Monday through Saturday. No Sunday pile driving shall occur during site construction, expansion

or operation of the facility. All other normal on-site construction activity may be permitted Monday through Sunday in accordance with the provisions of the County Noise Ordinance, as amended from time to time, and as enforced by the Prince George County Police Department.

3. All construction roads and construction areas shall remain dust-free by the use of a water truck or other approved method to keep sediment on the premises and not be of a general nuisance to the adjoining property owners during site construction and/or site expansion for a solar energy facility.
4. The applicant, owner or operator of the solar energy facility shall install a security fence a minimum of six (6) feet in height around the perimeter of the solar energy facility and it shall be approved as part of the site plan submitted for the development of the property.
5. Site construction lighting shall be minimized and shall be directed downward and away from residential uses. Post construction lighting shall be limited to security lighting only as approved by any federal, state or county agency for the appropriate lighting needed.
6. The applicant, owner or operator shall coordinate directly with the Director of Fire, EMS and Emergency Management to provide solar energy materials, educational information and/or training to the respective personnel responding to the solar energy facility project in regards to how to safely respond to any emergencies that may occur on the premises.
7. A minimum fifty (50) foot setback shall be maintained from all public right-of-ways and all agriculturally and residentially zoned properties, either occupied or unoccupied, until such time that the property is converted to commercial or industrial uses, at such time the setback can become the underlying zoning district setback amount for such district. The required site landscaping and screening materials will be reviewed at the time of site plan review to properly meet the screening requirements for the solar energy facility use.
8. A Construction Traffic Management Plan and mitigation measures shall be developed by the applicant, owner or operator and shall be submitted to the Virginia Department of Transportation (VDOT) and Prince George County for review and approval. The Plan shall address traffic control measures, pre-and post-construction road evaluation and any necessary repairs to the public roads that are required as a result of any damage from the solar energy facility construction and/or expansion. All VDOT permits will be received and be approved by VDOT prior to site construction occurring on the premises.
9. A decommissioning plan shall be approved by the County prior to the approval of a site plan or any building permits being issued for a solar energy facility. If the solar energy facility is inactive completely or substantially discontinuing the delivery of electricity to an electrical grid for a continuous twenty-four (24) month period it shall be considered abandoned. The applicant, owner or operator shall provide notice to the Planning Division in writing once the property becomes inactive as a solar energy facility use. The decommissioning of the site shall commence within six (6) months of receipt of such notice from the applicant, owner or operator by Prince George County. This shall be known as the

“Decommissioning Plan” under Zoning Ordinance Section 90-16 (ii) (e) which shall include the following: (1) anticipated life of the solar energy facility project; (2) the estimated cost of the decommissioning in the future as expressed in current dollars; (3) how said estimate was determined; (4) the manner in which the project will be decommissioned and (5) the name and physical address of the person or entity responsible for the decommissioning plan and a surety acceptable to the County by guaranteeing completion of the decommissioning plan.

10. Unless the large-scale solar energy facility project is owned by a public utility within the Commonwealth of Virginia, the net costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to a letter of credit, cash or a guarantee by an investment grade entity, provided to the County within thirty (30) days of the project receiving its occupancy permit or equivalent from Prince George County to operate the use. If an adequate surety is required, the cost estimates of the decommissioning shall be updated at least every five (5) years by the applicant, owner or operator and provided to the County. If the solar energy facility is sold to an entity that is not a public utility, the Special Exception shall not transfer to the purchaser until such time as adequate surety is provided for the solar energy facility. At its option, the County may require that a surety amount be increased based upon the net cost of decommissioning the use as approved by the County Attorney.
11. This Special Exception shall become null and void if the use of a large-scale solar energy facility is abandoned for a period of twenty-four (24) consecutive months.
12. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant, owner or operator to comply with any of the listed conditions or any provision of federal, state or local regulations.

Mr. Miles stated that the changes made are to protect all persons involved. He advised that the county wants to move away from personal to open-ended Special Exceptions. Mr. Miles advised that Mr. Niemann and his team held a community meeting about a month ago, and there were no concerns voiced at that time. Mr. Miles expressed that he feels that this request is something that staff can recommend approval for at this time

Mr. Simmons inquired about the access to the facility. Mr. Niemann advised that they will be using the existing entrance from the McQueen property off of Rives Road.

Mr. Miles stated that VDOT does have minor issues that they would like to discuss with the applicant through the site plan process. He advised that the entrance would be subject to site distance and spacing criteria. VDOT has classified the site for 45 mph, and spacing for the entrance(s) would be 470 feet with an intersection site distance of 500 feet. Mr. Miles reiterated that after initial construction of the site there would be minimal vehicular traffic there. A construction traffic management plan and mitigation measures would be required from the applicant as well as part of the case conditions.

Chairman Joyner requested confirmation that all adjacent property owners had been notified for the Public Hearing.

Mr. Miles advised that all property owners were notified, there was a sign posted on the property and that no concerns were voiced at the community meeting with the applicant.

Mr. Niemann stated that he was in agreement with the changes to these conditions.

At 7:12 p.m., Chairman Joyner opened the Public Hearing to anyone who wished to speak for or against the Special Exception request.

With no comments being provided, Chairman Joyner closed the Public Hearing at 7:12 p.m. and turned the case over to the Planning Commissioners.

A motion was made by Mr. Brown, Seconded by Mr. Bresko to recommend approval of Special Exception to the Board of Supervisors with the recommended, revised conditions as found in the Planning Commission Staff Report.

Roll call vote on the motion:

In Favor: (5) Elder, Bresko, Brown, Simmons, Joyner
Opposed: (0) Absent: (2) Easter, Brockwell Abstain: (0)

Mr. Simmons expressed that the company did an exceptional job presenting the project.

Chairman Joyner inquired when the Board would receive their recommendation.

Mr. Miles advised that the next Public Hearing would be on June 13, 2017 at 7:00 p.m.

SPECIAL EXCEPTION SE-17-04 Request of Deborah L. Vtipil and Donald P. Vtipil, Jr. pursuant to § 90-103 (9) to permit an assembly hall use located at 4620 Prince George Drive and known as Tax Map 13B(01)00-00D-0 within an R-A, Residential – Agricultural District. The Comprehensive Plan calls for residential uses.

Mr. Don Vtipil, Jr. began his presentation and began by stating that the building would be called a “Stodola”, which is Czech for barn. Mr. Vtipil stated that a family division was just completed on the property and his daughter received 10 acres. 10 acres would be reserved for his other daughter on the north side and 56 acres would be used for their own home to be constructed near the proposed assembly hall use in the near future.

Mr. Vtipil noted that a VDOT permit had been obtained to widen and repair the entrance driveway. A 500 foot site easement has been recorded as well. He relayed that his goal is to build an Assembly Hall for weddings and other similar types of events there.

Mr. Vtipil stated that the project was budget driven and presented visual slides as he discussed their proposed project. The anticipated capacity will be approximately 175 persons. Mr. Vtipil expressed his vested interest in the noise compliance since their residence will be 100 yards from the site. Mr. Vtipil had a meeting with the Chief of Police planned for any traffic control considerations along State Route 156 for this use.

Mr. Vtipil mentioned that other aspects such as health and safety requirements would be met or will be in compliance. Mr. Vtipil stated that he has 35 years of food service experience and will be very involved in this aspect on the property for health inspections.

Mr. Simmons referenced a previous Special Exception involving a well where the YMCA of Richmond's used the well at Camp Happy Acres, wherein the number of people at the site, and usage of the well was encountered. Mr. Simmons stated that the option of county water versus well water be recognized by Mr. Vtipil, and that the county water supply would be more capable of handling the occupants in attendance at the events.

Mr. Miles also referenced the YMCA site, and stated that their particular issue was stemming from the age of the system. The Office of Drinking Water was involved with the case as well. Mr. Miles stated that the YMCA eventually vacated the project due to the amount of repairs needed to the existing well to be in functioning capacity. Mr. Miles conveyed the fact that the Vtipil's would be designing new facilities that would be more than capable of handling the water needed and he does have the option to connect to the Prince George County water system.

Mr. Vtipil stated that a vacant lot located on the backside of the property was available, and he had discussed with that property owner a potential easement for water access if necessary. He also stated that a non-community well may be an option, which will be a budget based decision and they may work with the VDH – Office of Drinking Water.

Mr. Miles summarized the proposed conditions, and made special reference to the change to condition 5. He stated that the very wooded area would make it difficult to read the new sign, the proposed change to Condition 5 was requested by the applicants.

1. This Special Exception is granted for an Assembly Hall use to Donald P. Vtipil, Jr., Deborah L. Vtipil and their daughters Amanda N. Vtipilson and Andrea R. Rankin and is not transferable and it does not run with the land on Tax Map 13B(01)00-00D-0.
2. The applicants will be required to provide staffing for private parking and proper traffic circulation purposes with event personnel clearly marked as "Event Staff" for safety reasons. The Prince George County Police Department shall be notified at least thirty (30) days prior to each Assembly Hall event.
3. Any temporary food service carts, portable toilets and hand washing stations that may be used for events shall be approved by the State Health Department for the assembly hall events. Proper litter control measures shall be put in place at the assembly hall events with the use of both trash containers and recycling bins.
4. The Assembly Hall days and hours of operation shall be Monday through Friday from 10:00 a.m. to 11:00 p.m., on Saturdays from 9:00 a.m. to 11:00 p.m. and on Sundays from 11:00 a.m. to 11:00 p.m.
5. Condition 5 (Sign) was modified to permit an illuminated OR a non-illuminated directional sign for signage purposes no greater than four (4) square feet may be placed for directional purposes near the driveway entrance and outside of the VDOT right-of-way.
6. The applicants shall take the appropriate measures to ensure compliance with the County Noise Ordinance of the Code of the County of Prince George, as adopted, and as enforced by the Police Department.

7. The applicants shall have all required State permit approvals that may include a VDOT Commercial Entrance Permit, a Virginia Department of Health – Office of Drinking Water (ODW) permit and all local permits before use of the assembly building.
8. This Special Exception shall become null and void if the use of an assembly hall is abandoned for a period of twenty-four (24) consecutive months.
9. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant to comply with any of the listed conditions or any provision of federal, state or local regulations.

Mr. Miles stated that a community meeting was held last Monday in the Administration Building on the second floor. The citizens were inquisitive, notification letters were sent to appropriate adjacent property owners, and one question was asked about the vegetation buffer. The citizen was concerned about the noise, but his concerns were met after learning of the buffer and fact that the Vtipils would also be residing near the site.

Mr. Simmons referenced condition 5, and whether wording would be allowed on the sign. Mr. Miles confirmed that text is permitted and it would be reviewed under a permit.

At 7:45 p.m., Chairman Joyner opened the Public Hearing to anyone who wished to speak for or against the Special Exception request. He asked that comments be limited to three (3) minutes when speaking on this request.

Mr. Edward Sedivy, 4326 Mount Sinai Road, stated that he was happy to have the farm back in his cousins' family, and he voiced his support for the proposal. He stated his belief that this would be an asset to the County.

Mrs. Phyllis Monroe, 6880 Hearthside Drive, she inquired if the applicants would be responsible for maintaining the land adjacent to her property. She also stated her concern that if the business potentially expanded, would it encroach upon or decrease the projected buffer area. Mrs. Monroe was also concerned about the water connection.

Mr. Miles addressed Mrs. Monroe's concerns by stating the maintenance of the property was documented in the conditions. Hours of operation are not restricted to time frames. Mr. Miles added that the land clearing was restricted to the proposal, and if a desire to expand were to arise, the applicant would have to apply for the expansion at that time.

Mr. Miles stated that office hours are open for appointments and viewing the information if need be. Mr. Miles advised that Mr. Vtipil would be granted an opportunity to rebut after the Public Hearing.

Chairman Joyner reiterated the point that the Planning Office is open for any questions during business hours and property disputes are not to be resolved in a Public Hearing.

Mrs. Monroe advised she understood and would yield her time in the Public Hearing.

Mr. Vtipil addressed Mrs. Monroe's concerns about cleaning the property. Mrs. Monroe explained that she had observed a property in the vicinity being maintained, and she desired a similar look to her land. Mr. Vtipil stated that the area in question is actually a

power line easement, and that he is not able to or would be responsible for maintenance of the area and that it would fall to the Prince George Electric Cooperative employees.

Mr. Miles stated that the Vtipils have been diligently maintaining the property since obtaining ownership. They have removed six (6) dump truck loads of trash from the property. Mr. Miles stated that Staff believes the Vtipils are good stewards of the property, and that the conditions are appropriate. Mr. Miles recommended proceeding with the Special Exception request.

With no further comments being provided, Chairman Joyner closed the Public Hearing at 7:56 pm and turned the case back over to the Planning Commissioners.

Mr. Bresko inquired if the subject property has fencing or any other barriers to prevent the adjacent property owners from accessing the Vtipil property.

Mr. Vtipil advised that the woods make it difficult to traverse the property, but no physical barrier is there currently. He also stated that he had no desire to install a fence there.

A motion was made by Mr. Bresko, Seconded by Mr. Brown to recommend approval of Special Exception SE 17-04 to the Board of Supervisors with the recommended conditions found in the Planning Commission Staff Report.

Mr. Miles also inquired if the Commission agreed with the amendment to Condition 5 regarding the illuminated or non-illuminated signage. They were and it was added to the motion by Mr. Bresko.

Roll call vote on the motion:

In Favor: (5) Elder, Bresko, Brown, Simmons, Joyner
Opposed: (0) Absent: (2) Easter, Brockwell Abstain: (0)

Chairman Joyner inquired about the date the Special Exception would go to the Board of Supervisors.

Mr. Miles replied that the date would be the same as the previous case, Tuesday, June 13, 2017 at 7:00 p.m.

X. COMMUNICATIONS

a. Actions of the Board of Zoning Appeals

Mr. Miles stated that the May 22, 2017 meeting had been cancelled, and is currently working on cancelling the June Board of Zoning Appeals meeting. The cancellation message will be sent out, along with a reminder for the BZA members, to complete their HR paperwork for the 2017 payment changes.

b. Actions of the Board of Supervisors

Mr. Miles indicated that the Board approved the County budget on May 9th. Interviews were conducted for Mr. Chuck Brown's position, and he and Mrs.

Walton, are working on the second interviews for two (2) candidates with a projected selection and start date of June 16, 2017 or by July 1, 2017.

Mr. Miles stated that the Board, Mr. Ashcraft, and Mrs. Walton requested a Planner position be funded. The funding for that position will begin July 1st. Mr. Miles gave a projected hiring date of August 1st or the end of Summer.

Mr. Miles issued a reminder to the Commission that as of Monday's PC Work Session, beginning at the end of summer, early September, the Board will be appointing CIP committee members for citizen representatives. Mr. Simmons and Mr. Easter and staff of Planning and Finance will be on that Commission subcommittee.

c. General Comments to the Planning Commission

No new land use cases have been filed for June 22nd but work will be done at the June 19th Work Session on subcommittee and ordinance work tasks.

XI. ADJOURNMENT

A Motion was made by Mr. Simmons, Seconded by Mr. Bresko to adjourn the Planning Commission Meeting at 8:10 p.m. until Thursday, June 22, 2017 at 6:30 p.m. Roll was called on the motion.

Roll call vote on the motion:

In Favor: (5) Elder, Bresko, Brown, Simmons, Joyner
Opposed: (0) Absent: (2) Easter, Brockwell Abstain: (0)