

MINUTES
Planning Commission
County of Prince George, Virginia

January 23, 2020

County Administration Bldg. Board Room, Third Floor
6602 Courts Drive, Prince George, Virginia

MEETING CONVENED. The Organizational Meeting of the Prince George County Planning Commission was called to order at 6:32 p.m. on Thursday, January 23, 2020 in the Boardroom, County Administration Building, 6602 Courts Drive, Prince George, Virginia by Horace Wade, Planner.

ATTENDANCE. The following members responded to Roll Call:

Mr. Simmons	Present
Mrs. Elder	Present
Mr. Bresko	Present
Mr. Joyner	Present
Mr. Easter	Present
Mr. Brown	Present
Mr. Brockwell	Present

Also present were: Horace Wade, Planner, Tim Graves, Planner, Julie C. Walton, Director, Missy Greaves-Smith, Administration Support Specialist II, and Daniel Whitten, County Attorney

ELECTION OF OFFICERS. Mr. Brockwell nominated William Bresko to be the Chairman of the Planning Commission. This motion was then seconded by Mr. Simmons. Roll was called on the nomination of Mr. Bresko.

In favor: (7) Bresko, Joyner, Brown, Simmons, Elder, Easter, Brockwell
Opposed: (0)

Chairman Bresko asked for any nominees for the Vice-Chairman. Mr. Joyner nominated Mr. Floyd Brown, Sr. and it was then seconded by Mr. Brockwell. Roll was called on the nomination of Mr. Brown, Sr.

In favor: (7) Bresko, Joyner, Brown, Simmons, Elder, Easter, Brockwell
Opposed: (0)

INVOCATION. Mr. Clarence Joyner provided the Invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG. Chairman Bresko led in the Pledge of Allegiance to the United States flag.

APPROVAL OF THE MEETING MINUTES. Chairman Bresko asked the Commissioners to review the December 19, 2019 Minutes of the Planning Commission for approval. Mr. Joyner made a motion to approve the Minutes of the December 19, 2019 Planning Commission meeting

as presented. This motion was seconded by Vice-Chairman Brown. Roll was called on the motion.

In favor: (6) Bresko, Joyner, Brown, Simmons, Elder, Easter
Abstain: (1) Brockwell

APPROVAL OF THE 2020 PLANNING COMMISSION MEETING DATES. Chairman Bresko asked the Commissioners to review the proposed meeting dates for the Planning Commission meetings for 2020. Mr. Simmons made a motion to approve the dates as presented and this motion was seconded by Mr. Easter. Roll was called on the motion.

In favor: (7) Bresko, Joyner, Brown, Simmons, Elder, Easter, Brockwell
Opposed: (0)
Abstain: (0)

APPROVAL OF THE 2019 ANNUAL REPORT. Chairman Bresko asked the Commissioners to review the 2019 Annual Report and would entertain a motion to have the report sent to the BOS. Mrs. Elder made a motion to approve and send to the BOS the 2019 Planning Commission Annual Report. This motion was seconded by Mr. Brockwell and roll was called on the motion.

In favor: (7) Bresko, Joyner, Brown, Simmons, Elder, Easter, Brockwell
Opposed: (0)
Abstain: (0)

CITIZEN COMMENT PERIOD. At 6:38 p.m. Chairman Bresko opened the Citizen Comment Period to anyone who wished to come forward to speak to the Commissioners on only topic that was not on the agenda. With no one coming forward, Chairman Bresko closed the Public Comment Period at 6:39 p.m.

NEW BUSINESS – SPECIAL EXCEPTION – SE-19-10 – PUBLIC HEARING

Mr. Wade presented the Tree Time Adventures, Inc. special exception case to the Commissioners.

A request of Tree Time Adventures Inc., pursuant to § 90-103 (22), to amend Special Exception SE-18-04 to have unrestricted hours of usage in conjunction with the use of recreation structures and outdoor recreation uses in a R-A, Residential-Agricultural, Zoning District. The subject property is located at 6000 Scott Memorial Park Road and is known as Tax Map 240(0A)00-011-0. The Comprehensive Plan indicates the property is suitable for village center uses.

The applicant is requesting a modification of the approved conditions for Special Exception case SE-18-04, specifically to remove condition #5, which currently states “5. Hours of operation shall be limited to sunrise to sunset 7 days a week.” The removal of condition #5 would have the effect of removing all restrictions on hours of operation for business.

Mr. Wade stated that the applicant provided some details on the application about the purpose of this request, to include that the community has consistently requested after-hours play. The applicant has also stated that allowing operation after dark would provide flexibility for serving customers as well as accommodating the request of local scout troops for camping opportunities.

The lease agreement between Tree Time Adventures, Inc. and the County would also need to be modified to be consistent with any condition changes within the Special Exception.

Mr. Wade provided the Commissioners with some additional background information of the previous Special Exception SE-18-04 that was approved by the BOS on November 14, 2018. This special exception allowed Tree Time Adventures, Inc. to build and operate its adventure course consisting of zip lines, platforms, jungle bridges, etc., as well as trails for walking, jogging and biking.

Mrs. Wade provided illustrations of the leased area (130 acres) and of the approved site plan for this area of Scott Memorial Park for visual reference. The illustrations aided in locating the adventure park zip-lines within the leased area and the park lot.

Mr. Wade provided a summary of staff review comments:

Planning & Zoning Department:

1. The original Special Exception allows for activities which fall within the category “recreation structures and outdoor recreation uses”.
2. Removing restrictions on hours of operation would allow for overnight use of the 130-acre lease area, including activities such as camping and longer operational hours for the business. Given that this lease area is within a County park, such a change in hours may reasonably warrant changes to the approved conditions in order to accommodate hours which are expanded beyond the “dawn to dusk” standard of County parks.
3. County Code Section 58-8 addresses hours of operation within County park facilities: Such parks and recreation areas that are illuminated and being used by organized and supervised events and programs may remain open until recreation programs are completed.
4. County Code Sections 58-22 and 58-23 address the location and control of fires within County park facilities:
Sec 58-22. - Location of fires
No person shall kindle, build, maintain, or use a fire on park property other than:
(1) In grills; and
(2) In places provided and/or designated by the county for such purposes.
Sec. 58-23. - Control of fires.
Any fire within the confines of any park shall be continuously under the care and supervision of a competent person 16 years of age or older from the time such fire is kindled until the time it is extinguished.
5. The Site Plan approved 3/27/2019 was reviewed with the understanding that the park would be closed from sunset to sunrise. The addition of activities occurring at night triggers the need for a Lighting Plan as supplement to the approved Site Plan. The admission building was not built in the location specified on the approved Site Plan.
6. An as-built Site Layout should be submitted with the supplemental Lighting Plan.
7. The lease agreement may need to be modified depending on changes to hours and other conditions.

Building Inspections Division:

The Property was originally reviewed for daylight hours of operation. Any added requirements including site lighting is required to be reviewed under the Building Code and Fire Prevention Code.

Police Department:

1. Installation of accent lighting on the path from the parking lot to the building and then from the building to the "Hawk's Breeding Area" would need to be installed. This can be a low wattage light that is bright enough to illuminate any potential trip hazards.
2. Installation of pole mounted lights in the parking lot to include one at the handicap spaces and another at the opposite end of the parking lot.

Fire & EMS Department:

1. Camping areas should have some type of extinguishing agent nearby.
2. Between February and April, the Forestry Department usually issues a burn ban. Please adhere to those guidelines, refer to their website.
3. Camp fire shall not be used when the wind speed is greater than 10 mph. Please refer to the County's website when dry conditions exist regarding open burning.
4. Please use good judgment when starting any fires.

Economic Development:

Economic Development encourages this change due to the customer requests Tree Time has received about amending the hours of operation.

Parks and Recreation:

The Parks and Recreation Department has no issues with this proposal. The Department will continue to communicate with John Bogue (Tree Time) concerning scheduled facility events and gate opening/closing.

Environmental Division, Real Estate Assessor and Utilities had no comments on this application.

Mr. Wade stated that staff recommends approval with the following conditions for approval of the request:

1. This Special Exception is granted for recreation structures and outdoor recreation uses to Tree Time Adventures Inc. located on Tax Map 240(0A)00-011-0.
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 public event.
3. Tree Time Adventures Inc. shall have an employee identification system with the use of badges, and uniforms, shirts, or vests.
4. All site activity required for the construction and expansion of the recreation structures and uses shall be limited to sunrise to sunset Monday through Saturday. Construction of the site shall not occur on Sunday.
5. Standard hours of operation for activities in the lease area shall be agreed upon with the County in a lease agreement, and contingent upon the installation of any required site

lighting per an approved lighting plan. Activities may occur outside the standard hours of operation so long as they are scheduled private events and those activities are documented and supervised by the operator in coordination with the Director of Parks and Recreation, or as part of an approved Special Event.

6. A Lighting Plan shall be provided to show lighting at a minimum in the parking and facility entrance areas for safety.
7. Campfires shall only occur:
 - a. With active supervision;
 - b. In designated campfire areas;
 - c. With an available extinguishing agent;
 - d. During wind speeds less than 10mph;
 - e. After checking Prince George County and Virginia Department of Forestry websites or other sources to be aware of any applicable burn bans; and
 - f. In accordance with applicable codes, including County Code Section 58-23 Location of Fires, Section 58-23 Control of Fires.
8. A detailed site plan will be required to show all improvements.
9. One (1) internally illuminated, freestanding sign no greater than sixty (60) square feet may be placed for directional purposes near the main entrance located outside of the VDOT right-of-way and meeting a twenty (20) foot setback. The sign shall have a monument style base or include lattice, and shall include plantings as approved by Planning during the sign permit review process. All other temporary signs shall be removed from the premises once the permanent freestanding sign has been erected on the premises.
10. Portable signs, to include flashing arrow signs, shall not be permitted on the premises once the permanent freestanding signage has been approved and erected on the premises for this land use.
11. Buffers required:
 - a. 100-foot buffer from all adjacent residential lot lines for walking trails.
 - b. 300-foot buffer from all residential lot lines for tree top adventure and any outdoor recreation uses occurring after dusk.
12. As accessory to the proposed use, a Concession stand will be permitted to sell related merchandise, equipment, and food and drinks to guests.
13. This Special Exception shall become null and void if the use of the subject property is abandoned for a period of twenty-four (24) consecutive months.
14. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant or operator to comply with any of the listed conditions or any provision of federal, state or local regulations.

Mr. Wade asked if the Commissioners had any questions and stated the applicant was present if they had any questions for him.

Chairman Bresko asked if any of the Commissioners had any questions and then he asked Mr. Bogue, founder and owner of Tree Time Adventures, if he wished to speak.

Mr. Bogue thanked the Commission for taking the time to hear his request and also for the support of the project last year. He stated that he has had some requests from the community to offer extended hours for activities beyond the leased set time of sun up to sun down. He explained that from the beginning he has been opposed to these limitations. He indicated that he has an ongoing and good relationship with the County's Parks & Recreation Department. He and Keith Rotzoll, Director of Parks & Recreation communicate regularly and Mr. Bogue and his staff assist with gate openings and closings to relieve some County employee dues.

In Mr. Bogue's opinion, his request is not outrageous or radical. He stated he is opposed to any special conditions being placed on his request. He wished to have the same benefits that all of the other businesses in Prince George County have, which is to set their own operating hours. His argument is that the business is no longer part of Scott Memorial Park. Tree Time Adventures became their own entity separate from the park and they just lease the property from the County.

Mr. Bogue stated in reference to the Planning Department having support for special events that are preplanned and private; not all of the activities that Tree Time Adventures has plans for would be private special events. Their wish is to open activities to the public such as a Halloween Haunted Forest and a Winter Lighted Maze.

Mr. Bogue stated that parking lot lighting and lighting within the park is a concern for him as well, and that he plans to have LED lighting in the parking lot and around the park. The problem with lighting is that he would like to do a lighting plan in phases, as the budget allows, opposed to the County making it a condition.

Tree Time Adventure feels they have been a great partner to Prince George County. Mr. Bogue disagrees in reference to requiring extra documentation and paperwork for special events to be submitted. The communication and relationship between them and the Parks & Recreation Department is working as it is.

Mr. Brown asked Mr. Wade if the Commissioners were in a position to approve any of the obligations (changes) to the Special Exception that Planning wishes to do without Mr. Rotzoll being present. Mr. Wade confirmed with the County Attorney, Daniel Whitten, that the Director of the Parks & Recreation is the administrator for the County for the leased property and was included in the review team process and submitted comments on behalf his department.

Mr. Bogue wished to add an additional comment to the Commissioners that he continues to have a positive and ongoing relationship with Mr. Rotzoll and stated that "he is fully in support of our efforts." Mr. Brown thanked him for his comment.

Mr. Simmons asked Mr. Wade if the lease agreement he currently has with the County covers the special conditions that have been put into the current request. Mr. Wade explained that the current lease would need to be amended after the BOS considers the recommendation from the Planning Commission and votes on the special exception.

Mr. Bogue interjected to Mr. Simmons and stated that both the lease and the special exception make reference to the operating hours and that is why he has requested that both be changed. Mr. Simmons asked for confirmation and Daniel Whitten added that both processes would take place at the same time at the Board of Supervisors meeting.

Chairman Bresko asked the applicant if he agrees to all fourteen (14) conditions that staff proposes. Mr. Bogue commented that he did not agree and he feels it is unreasonable to ask for any conditions especially operating hours. He wishes to do as any other business in the County and State, which would be to be able to set his own business hours.

Chairman Bresko opened the Public Hearing at 7:02 p.m. to anyone who wished to speak for or against this special exception to come forward and state their name and address and limit your comments to three (3) minutes.

Phil Sussman, 5524 Willow Oak Drive, came forward stating he does not object to Mr. Bogue's presentation but wished to request additional information. His concerns are with the entrance, buffers, are they going to remain, what the distances are, and what the proximity of the activities would be within the property.

Mr. Simmons asked Mr. Wade to help answer Mr. Sussman's questions and concerns. Mr. Wade explained that the buffer is set at 300 feet. Mr. Bogue added that when he proposed Tree Time Adventure to the County, he offered a 100 foot buffer for walking trails and no less than a 300 feet buffer for zip lining and tree top adventures. Currently, Tree Time Adventures is over 1000 feet from any of the adjacent property owners. Mr. Bogue reinforced their main priority is to preserve the forest and detailed that they currently have two (2) miles of walking trails and are hoping to add an addition mile.

Chairman Bresko clarified that the entrance to the adventure park is on the south side of Scott Memorial Park and not on the northern side that Mr. Sussman was referencing and no other entrance is being proposed.

Chairman Bresko asked if anyone else wished to speak in reference to SE-19-10. With no one coming forward the Public Hearing was closed at 7:07 p.m.

Chairman Bresko asked the Commissioners for their recommendation. Mr. Brown suggested that the Commission look at the conditions that are listed and pass the proposal to the BOS for their approval. The motion was seconded by Mr. Joyner and roll was called on the motion.

In favor: (7) Bresko, Joyner, Brown, Simmons, Elder, Easter, Brockwell
Opposed: (0)
Abstain: (0)

NEW BUSINESS – SOLAR ENERGY FACILITY SITING POLICY.

Mr. Wade explained to the Commissioners that staff was working on a Solar Energy Facility Siting policy. The policy is being designed so that the County can evaluate solar energy facility applications consistently. The objectives would be when solar energy facilities are proposed, the requested location and site design shall be evaluated in terms of how it protects and enhances the scenic and natural beauty of the County.

Mr. Wade reviewed with the Commissioners the application requirements for the special exception process. After reviewing the application requirements, Mr. Wade highlighted some of the proposed Special Exception Conditions: payment of all rollback taxes, site plan requirements, construction management plan, construction mitigation plan, grading plan, screen and vegetation plan, National Electrical Code compliance, setbacks, fencing, lighting, noise, buffers, screening, height of structures, decommissioning plan, and surety.

Mr. Simmons asked Mr. Wade if the Commissioners need to take action on this tonight or just review the information. Mr. Wade stated that he would ask the Commissioners to review the draft policy and provide feedback sometime in the next two weeks. Staff would like time to review any changes and have the policy ready for the next Planning Commission meeting in February.

NEW BUSINESS – SPECIAL EXCEPTION – SE-19-11 – PUBLIC HEARING.

Chairman Bresko introduced the request of Warwick PV1, LLC, pursuant to § 90-103 (57) to permit a large-scale solar energy facility in a R-A, Residential—Agricultural Zoning District and a Substantial Accord Determination for 60 MW Solar Energy Facility.

Mr. Simmons asked to read a Conflict of Interest Disclosure Statement into record. He disclosed that the applicant, James L. Thacker, Jr., is a relative of his wife. Therefore, he stated this would disqualify himself from participation in this matter.

Mr. Wade presented Special Exception SE-19-11 & Substantial Accord Determination SA-19-02: Request of Warwick PV1, LLC, pursuant to § 90-103 (57) to permit a large-scale solar energy facility in a R-A, Residential—Agricultural Zoning District and a Substantial Accord Determination for 60 MW Solar Energy Facility. The request is located along Arwood Road in the Templeton Magisterial District on 1,071 +/- acres and known as Tax Maps 540(0A)00-042-0, 540(0A)00-043-0, 540(0A)00-049-0, 54A(01)0C-001-0, 54A(01)0C-002-0, 540(0A)00-058-0, 550(0A)00-008-0, 550(0A)00-009-0, 540(0A)00-041-A, 540(0A)00-041-B, 540(0A)00-041-C, 540(0A)00-050-0, 540(0A)00-052-0, 540(0A)00-053-0, 540(0A)00-054-0, 540(0A)00-038-0, 540(0A)00-039-0, 540(0A)00-040-0, 550(0A)00-013-0, and 550(0A)00-013-A. The Comprehensive Plan indicates the properties are suitable for agricultural or neighborhood commercial uses.

Mr. Wade reviewed the special exception with the Commissioners by highlighting the information that the applicant had provided to staff.

- Warwick PV1 LLC is proposing a 60 MW large-scale solar energy facility on 20 combined parcels totaling 1,071 acres in a Residential-Agricultural Zoning District.
- Project will encompass 392 acres of the overall 1,071 acres
- A 200 foot by 200 foot substation proposed
- Proposed setbacks for the entire project are 100 feet from external property lines and a vegetative buffer width of 30 feet.
- Immediate screening of 7-9 feet high to limit all visibility during construction and into site operation.
- 50-foot setback from all streams, determined wetlands and swamps
- fence breaks in 6 separate locations to accommodate the free movement of wildlife

- solar arrays will not be visible to passing drivers or neighbors
- Projected as a 35-year project with a decommissioning plan

Mr. Wade reviewed the Comprehensive Plan recommendations.

1. The Planning Commission and Board of Supervisors use the future land use map contained within the Comprehensive Plan as a general guide for determining the desired location of development.
2. Commercial and/or industrial developments that are approved in rural portions of the County should be small in scale and of a design character that is consistent with a rural environment.

Mr. Wade discussed the following staff review comments:

Planning & Zoning:

Future land Use:

- 89.5% of the project area designated for Agricultural uses and 112.2
- 10.5% of the project area designated for Neighborhood Commercial uses
- Facility is in the County's Rural Conservation Area

Setbacks:

- The minimum setback for a ground-mounted solar energy facilities are required to meet a minimum of 75 -85 feet from the right-of-way (depending on the width), and
- A minimum of 50 feet from all other property lines
- Staff suggests a 50-foot wide vegetative buffer instead of a 30-foot vegetative buffer
- Inverters should be at least 150 feet from all external property lines
- Staff suggests a minimum of 300 feet from all external property lines for the substation

Community Meeting:

- On August 21, 2019, the applicants held a Community Meeting
- Concerns of the community were the visibility impact of the solar panels from adjoining properties and the possibility of declining property values as a result of the solar-energy facility
 - To respond to this concern, the applicant provided an appraisal report showing the solar farm as developed would not negatively impact the adjacent property values.
 - For the concerns about the visual impact, the applicant updated the design and moved the areas of the site located behind those properties to at least 1,500 feet from the rear 6 property lines.
 - The applicant added a berm and large landscape buffer.

Real Estate Assessor:

Rollback taxes to be paid

Utilities:

This site is located outside of the County's Planning Area and this development does not propose any water or sewer improvements

Building Inspections Division:

All structures that may be built on property that exceed 150 square feet will need to be permitted and meet all requirements of the 2015 Virginia USBC and the 2015 Virginia SFPC

Transportation (VDOT):

- Any proposed entrances would be classified as low volume commercial entrances.
- Recommended that the County consider requiring the development of a Construction Traffic Management Plan.
- The applicant will likely have to be registered with the SCC as a utility company and enroll in the “Miss Utility” program as well in order to cross VDOT roadways.

Fire Department:

- During the construction phase of the operation, please adhere to the Fire Department Access chapter in the Statewide Fire Prevention Code.
- During and once complete, training and education should be conducted on a variety of days for fire responders.

No comments were provided by the Environmental Division, Economic Department, Police Department or the Virginia Department of Health.

Public notices were mailed to fifty-two (52) adjacent property owners on January 13, 2020 and a legal ad was run on the request in the Progress Index on January 8 & 15, 2020 in reference to the Public Hearing. One comment was received by staff from Tony Rednour of 14111 Arwood Drive. Mr. Rednour stated he opposed the project due to the expected impacts on groundwater, directly impacting him as well user. His additional concerns were environmental, both at the time of construction with dust, noise, etc. and his long-term concerns about Mercury.

Mr. Wade stated that staff recommends approval of a Substantial Accord Determination of the requested large-scale solar energy facility. Staff finds the request of the Special Exception complies with the Comprehensive Plan’s objective to maintain the rural character within the 90% agricultural future land use, and limit the overall scale of the solar energy facility by limiting the amount of the project by utilizing 392 of 1,071 acres. Staff recommends a thirty (30) day deferral to the Planning Commission on the proposed, large-scale solar energy facility land use to review staff’s proposed Solar Energy Facility Policy. Staff has proposed recommended conditions to ensure this use minimizes the impact on surrounding property owners and ensures the use complies with all applicable local, state and federal requirements.

Mr. Joyner asked Mr. Wade if the County was planning on doing a Traffic Management Plan as recommended by VDOT. Mr. Wade explained to Mr. Joyner that the County has required a Traffic Management Plan as a condition for the two previous solar farm special exceptions and have included it in the conditions for this case as well.

Mike Fox, a representative of the applicant, Warwick PV1 LLC and Ecoplexus (the developer) introduced himself and other speakers to the Commissioners and thanked them for their time. Mr. Fox explained the intention of the presentation was to provide a summary of the overall project that would benefit the Commissioners and the citizens. Phillip Martin, with Ecoplexus, will present a broad overview of the project and the process for developing this project. Mr. Martin has been working with staff in reference to the new solar policy to make sure the project meets the requirements. Tommy Cleveland is an engineer with expertise in solar energy. Rich

Kirkland is a MAI licensed appraiser that will give a summary of his report of the adjoining properties and any impact of the values of these properties.

Phillip Martin with Ecoplexus highlighted the company by stating they had constructed and financed over 80 projects. This project proposes a 60 MW of AC power across 20 tax parcels totaling 1,071 acres with the project utilizing 392 acres inside the fence line. Ecoplexus held a Community Meeting on August 21, 2019 at the Disputanta Community Building. Major changes to the site plan were made as a result of the concerns addressed at the meeting.

Mr. Martin reviewed the following environmental details:

- Minimum of 50 feet setback from all stream or wetland features
- Propose 6 wildlife corridors along natural water or wetland features
- Very limited grading will be required on this site
 - Estimated <9 acres of cut/fill grading
- Will be using pollinator species similar to VDOT's pollinator program
- Planted during first phase of construction to aid in sediment and erosion control

Mr. Martin continued his presentation with the following site details:

- Setbacks: 100 feet from all external property boundaries
- Landscape Buffers: Proposed 30 feet wide, will increase to 50 feet wide
- Security fence will be 7 feet tall-no barbed wire
- No permanent proposed lighting on site
- Solar panels will have a non-reflective finish and pose no threat to vehicle or aircraft traffic
- Primary construction entrance Alden Road and HWY 460 (Railroad)

In reference to the interconnection and DEQ-Permit by Rule, Mr. Martin provided the following information:

Interconnection with PJM

- Received the System Impact Study from PJM in April of 2018
- Anticipate the final Impact Study and the Interconnection Agreement in April 2020

VA DEQ-Permit by Rule-Submission anticipated May 2020

- Wetland Delineation
- Threatened and Endangered Species Survey and Mitigation
- Cultural (archaeological and architectural) Survey
- County Zoning Approvals
- Environmental Impact Analysis
- Operating Plan

The construction process is estimated at 9-11 months – the four phases consist of the following:

1. Civil; Clearing, building driveways, erosion and sediment control, seeding grass
2. Mechanical; staking for posts, driving posts, installing panels
3. Electrical; trenching for wiring, installing inverters, stringing together panels, installing communication devices
4. Testing and Commissioning; testing equipment and communication devices

Mr. Martin confirmed that all local, state, and federal building and electrical requirements will be met. County's planning site plan review and building inspections review would take place prior to site construction and coordination with emergency service staff during and after construction would be conducted.

In reference to sound, Mr. Martin explained that solar panels do not make sound during operation but the inverters do. Inverters are located throughout the site and are used to collect the energy from the panels. They are placed on concrete pads, approximately 6ft x 10ft. The diagram illustrated that the sound was equivalent to the sound in a "quiet library."

Fiscal impacts were presented:

- All of the land used for the solar farm will come out of Land-use Program and will be assessed likely as some type of Commercial-TBD by the County
- Current Real Property Tax: \$11,510 (annually)
- Equipment Tax (SCC-Real Property Rate), including VA 80% abatement of solar equipment and SCC depreciation schedule
 - Year 1: \$102,859
 - Year 15: \$65,807
 - Year 30: \$11,428
- 30 Year Equipment Tax Total: \$1,742,946
- Short term construction jobs
- Long term landscaping contract on project
- Long term solar maintenance contract

Mr. Martin concluded his part of the presentation by discussing the Decommissioning Plan. He stated the original Decommissioning Plan proposed the removal of all equipment at 12 months, they have adjusted the plan to have removal after 6 months per the County's proposed solar policy. He also stated that solar would keep the rural character of the area by being well sited, well screened and keeping distance from residences. Solar has no noise, no smell, very limited traffic after construction and there is no health, safety or environmental concerns.

Mr. Joyner confirmed that only 392 acres were going to be used for the project. Mr. Joyner inquired about the other acres within the project area. Mr. Martin replied that it would not be part of the leased area and would stay in control of the land owners. Mr. Martin confirmed that fenced-in area is what is included in the 392 acres. Mr. Martin continued to explain to Mr. Joyner, by displaying an illustration that showed the existing tree lines, the buffers, proposed fencing, etc. Mr. Joyner asked about wildlife getting into the fenced area. Mr. Martin explained that a 7ft fence without barbwire is proposed to allow wildlife to enter and exit more safely.

Mr. Joyner inquired about the land under the panels and how they would get sunlight. Mr. Martin stated that the panels are covered with an anti-reflective coating and the panels are positioned far enough apart that sunlight will still reach the grass under the panels. He continued to explain that taking the land out of the timber and agriculture for 30-35 years will give the soil an opportunity to get nutrients back into the soil.

Mr. Brown asked Mr. Martin if they had considered the traffic impact that this project would have on Arwood Road. Mr. Martin explained that the construction entrance would be on Alden Road (not Arwood Road) and this would come straight off of Route 460 and not pass any

residents. Mr. Martin also stated that they were willing to comply with the County and have a Traffic Impact Study done.

Chairman Bresko asked how many of the planned 392 acres were currently being farmed. Mr. Martin replied that approximately 183 acres are currently being farmed. Chairman Bresko asked for confirmation in reference to the back taxes. This would only effect the 392 acres that are being leased and the rest of the acres would remain in land use.

Tommy Cleveland, engineer with Ecoplexus, presented information on the safety and health impacts of solar. He specified this solar technology is well understood and has decades (40 years) of experience in the field. In their opinion, there are no emissions to the air, soil, or water during the life of the project and therefore there will be no negative health, safety, or environmental impacts. Mr. Cleveland continued by describing the different components that make up a solar panel: galvanized steel post/stakes, aluminum framing, wiring, glass sheets and silicon solar cells.

Rich Kirkland with Kirkland Appraisers, is a State Certified General Appraiser in Virginia with over 20 years of experience in commercial appraisals and 8 years of experience in studying solar projects with over 500 solar farms reviewed in 17 different states. He looks at the properties around solar farms and analysis sales and property values. Matched pair analysis shows no impact in home values due to abutting or adjoining solar as well as no impact to abutting or adjacent vacant or residential lands. Solar farms have minimum traffic, no odor, little or no noise, no negative environmental impact and appearance would have no impact due to setbacks, buffers and no lighting. In conclusion, in Mr. Kirkland's professional opinion, this solar farm would have no impact on these adjoining properties.

Chairman Bresko opened the Public Hearing at 8:07 p.m. to anyone who wished to for or against this project and to limit the comments to three minutes.

John Doran, of 15311 Arwood Road, voiced his opinion of being against this project. His biggest concern is with destroying the farm land.

Shawn Sykora, of 16040 Arwood Road, stated that he had a lot more information after listening to the presentation. He still had questions in reference to the location of the 392 leased area.

Chairman Bresko responded to Mr. Sykora, location concerns by stating that after he closes the Public Hearing, he would have the illustration shown again.

Kathy Bennett, of 16030 Arwood Road, expressed her concerns with the project lowering property values and tampering with the views. She also has concerns with the additional traffic that will impact Arwood Road.

William Steele, of 9921 County Line Road, wanted it stated that he was not informed of the Community Meeting that was held and would have liked for the County to have informed everyone in the Templeton District at this project was being proposed. He would like to know how this project could benefit the County.

Larry Mitchell, of 16200 Arwood Road, spoke against this project due to the impact on the wild life and farm.

At 8:18 p.m. Chairman Bresko closed the Public Hearing.

Chairman Bresko asked Mr. Wade to show the map illustration that would help Mr. Sykora better understand the location of the panels within the 392 acres. Mr. Martin also offered to give Mr. Sykora a copy of the map layout of the project. Mr. Martin also offered to stay afterward to speak to any neighbors that had any additional questions.

Mr. Joyner asked Mr. Wade if all adjacent property owners had been notified. Mr. Wade stated that all adjacent property owners had been notified of this Public Hearing by mail and a public notice ran in the Progress Index two (2) times. Mr. Wade explained to the Commissioners that the County was not involved with notification of the Community Meeting that was held in August. This meeting was orchestrated by the applicant and developers with County staff and Commissioners attending.

Chairman Bresko asked the Commissioners if they had any comments. Mr. Brown stated that the Commissioners need to study and look into all the information that was presented and take some time to analyze the information. Therefore, Mr. Brown made a motion to postpone the application for at least thirty (30) days. This motion was seconded by Mr. Brockwell. Roll was called on the motion.

In favor: (6) Bresko, Joyner, Brown, Elder, Easter, Brockwell

Opposed: (0)

Abstain: (1) Simmons

NEW BUSINESS – SPECIAL EXCEPTION – SE-19-12 – PUBLIC HEARING.

Request of Sebera-Winstead, LLC, pursuant to § 90-103 (57), to permit a large-scale solar energy facility in a R-A, Residential-Agricultural, Zoning District, and a Substantial Accord Determination for the use of a 20 MW solar energy facility.

Mr. Wade presented SE-19-12 & Substantial Accord Determination SA-19-03. The subject property is located along Sebera Road and Lawyers Road in the Blackwater Magisterial District on 182+/- acres and known as Tax Map 250(0A)00-054-0. The Comprehensive Plan indicates the property is suitable for residential uses.

Mr. Wade provided a project summary that included the following information:

- Construct 20MW large-scale solar energy facility
- 1 parcel totaling approximately 182 to 213 acres
- Zoned R-A Residential Agricultural
- Located at the border of the Planning Area
- Approximately 150 acres of the site dedicated to solar panels, arranged to avoid wetlands
- 3 small pre-fab sheds for maintenance and equipment storage
- Setbacks [as discussed under Planning & Zoning comments]
- 6-foot tall security fence
- Up to 3 vehicle access points
- 35-40 year project lifetime, with decommissioning plan

Mr. Wade provided a summary of staff review comments:

Planning & Zoning

- Future Land Use of project area: Residential or Agricultural
- Located inside the Planning Area
 - Specifically located at a border with the Rural Conservation Area, at a location not currently planned for water or sewer line extensions.
- Setbacks
 - 75-85 feet from the right of way (depending on the width)
 - 50 feet from all property lines
 - Applicant proposed setbacks along property lines (using existing vegetation as visual buffer):
 - East (Lawyers Rd.): 150' using existing vegetation and supplemental understory as visual buffer
 - North: 100' from Sebera Road and adjacent parcels except for 50' from applicant's own adjacent property
 - South: 75' from 134-acre adjacent parcel and 100' from residentially-used properties
 - West (Blackwater Swamp): 500'
 - Staff recommended setbacks including landscape buffering:
 - 100-foot setback and 50-foot vegetative buffer
 - 150-foot setback for inverters

The applicant and developer held a Community Meeting on December 3, 2019. The primary concerns of the citizens that attended were: visibility of solar panels from adjoining properties, possibility of declining property values, noise made by inverters, environmental contamination and radiation and maintaining the buffers. The applicant provided responses to all concerns.

Conditions for the Special Exception should consider surrounding parcels and address: Rollback taxes, site plan requirements, buffering, structure height, and decommissioning and the Planning Commission should consider Staff's draft Solar Energy Facility Policy prior to approval of the applicant's request.

Real Estate Assessor:

- All Rollback taxes should be paid for all of the parcels as a condition of approval.
- The Legal acreage is listed as 182.61; GIS acreage is listed as 213.4233. Legal acreage may change upon an actual survey of the property.

Utilities:

- This site is located inside the County's Planning Area.
- Does not propose any water or sewer improvements.
- If the development requires water and/or sewer services in the future, it would need to install public facilities in accordance with the current Water & Wastewater Master Plan.

Building Inspections Division:

All structures that may be built on property that exceed 150 square feet will need to be permitted and meet all requirements of the Virginia USBC and SFPC.

Transportation (VDOT):

1. Any proposed entrances would be expected to be classified as low volume commercial entrances. Determination of the final entrance types will be made during the site plan review process when additional information is available.
2. The proposed project will potentially impact several secondary VDOT maintained roadways during construction. (SR 636 Lawyers Road, SR 609 Old Stage Road, and SR 710 Sebera Road) Recommend that the County consider requiring a Construction Traffic Management Plan as with prior solar projects in the County.
3. VDOT has specific regulations concerning any necessary crossings of VDOT roadways with utilities. It is likely that the applicant will have to be registered with the SCC as a utility company and enroll in the "Miss Utility" program as well in order to cross VDOT roadways.

Fire Department:

1. During the construction phase, please adhere to the Fire Department Access chapter in the Statewide Fire Prevention Code.
2. During and once complete, training and education should be conducted on a variety of days for fire responders.

Police Department:

If the construction entrance is on Sebera Road ensure that the road remains clean as required by VDOT.

Environmental Division; Economic Development; Health Department:

No comments

In conclusion, Mr. Wade reiterated that a Community Meeting was held on December 3, 2019 and staff notified 23 adjacent property owners by mail on January 13, 2020 and a legal ad ran in the Progress Index on January 8 & 15, 2020 in reference to this Public Hearing. One comment of support was received by the Planning Department.

Staff recommends Approval and finds the request of the Special Exception complies with Comprehensive Plan objective to maintain the rural character. Staff finds that the Proposed Project substantially complies with the Proposed Siting Policy (as drafted).

Staff recommends a thirty (30) day deferral to allow additional time for the County to review and modify the proposed Solar Facility Policy.

Staff Recommends approval for the project WHEN:

1. Planning Commission and Staff have completed review and any necessary modifications to the proposed Solar Facility Policy.
2. The Planning Commission believes the proposed project substantially complies with the Solar Facility Policy (as drafted).
3. The Planning Commission is ready to recommend Approval on the Substantial Accord Determination.
4. The conditions proposed by Staff are included with the recommendation.

Staff has proposed recommended conditions to ensure this use complies with the Solar Facility Policy, minimizes the impact on surrounding property owners, and ensures the use complies with all applicable local, state and federal requirements.

Mr. Joyner asked for clarification on the number of acres that were proposed to be used. Mr. Wade responded that the current survey shows a total of 212 acres and they are proposing to use 150 acres for this site.

Tim Trant, introduced himself as the attorney representing Sebera-Winstead, LLC, KDC Solar (developer) and the applicants. Mr. Trant commended the County in their efforts to put a solar policy in place. He had reviewed the policy and is in agreement with the majority of the content.

Mr. Trant went over the background of the project and objectives:

- Property was purchased in 2008 with a vision for residential development
 - Recession happened and property was not developed
 - Introduced the property to KDC Solar
 - Met with Planning Staff
 - Held a Community Meeting
 - Notified over 80 people including everyone on Sebera Road
 - 36 people attended the meeting
- Small scale facility 20MW or less, distribution scale
- Largely invisible from adjacent roads and neighbors
- Quiet, low impact, temporary land use that enhances the County's tax base and is preferable to alternative development patterns

Mr. Trant discussed a challenge they see with this project would be the buffering at the current farm field along Sebera Road. The plan they are proposing for a visual screen is to install, in addition to the 100 foot buffer, a 5 foot tall berm approximately 32 feet wide along Sebera Road and then plant it with double rows of evergreens. This will allow the panels to become invisible from the road. The fencing plan is designed to be behind the buffer so the fence would not be seen.

Mr. Simmons asked Mr. Trant if the farm field in the plan was currently being farmed and what would it do to the project if you left it as an open field? Mr. Trant replied that it was currently being farmed and the farm field was the prime location for the site due to the open and flatness of this higher ground. The project proposed would encompass approximately 150 of the 212 acres because of the number of wetlands that need to be avoided.

At 8:57 p.m. Chairman Bresko opened the Public Hearing to anyone who wished to speak for or against this project. Citizens were asked to limit their comments to three minutes.

Holly Stables, of 9220 Sebera Road, spoke to the Commissioners and voiced her concerns with this project. She feels this project greatly impacts her property and the wildlife. She does not want to be able to see solar panels when she looks outside.

Ronnie Joswick, of 9901 Kingston Drive, stated he was not against solar farms, but he did not want them in his neighborhood. He would rather see them in a commercial area not rural farm land. He wanted to know if the County would hire an independent appraiser to see what the impact to the adjoining properties would be.

Doug Jones, Jr., of 9487 Old Stage, was the one that responded prior to the meeting favorable of this project. He stated that he would rather see a solar farm built on this property than houses.

He explained the impact a neighborhood would have on the County as far as infrastructure, utilities, schools, police and fire.

Chairman Bresko closed the Public Hearing at 9:06 p.m.

Mr. Easter made a motion to postpone this case for thirty (30) days and the motion was seconded by Mr. Joyner. Roll was called on the motion.

In favor: (7) Bresko, Joyner, Brown, Simmons, Elder, Easter, Brockwell

Opposed: (0)

Abstain: (0)

OLD BUSINESS – ORDINANCE AMENDMENT

Chairman Bresko asked for an update on the Mobile Food Units Ordinance.

Mr. Graves discussed that in December, Planning presented a draft ordinance to the Commissioners and to several food truck owners. Mr. Graves asked the Commissioners to review the current draft and submit any comments to staff for consideration. Staff's goal is to bring the Mobile Food Units Ordinance to the Planning Commission in February as a Public Hearing.

COMMUNICATIONS

Mr. Wade gave an update on the BZA. At the Organizational Meeting on January 15, 2020, the BZA elected Charles Leonard as the Chairman and Mrs. McAllister as Vice-Chairwomen.

The Board of Supervisors held Public Hearings for the two (2) special exceptions for cottage industry businesses to be conducted as a home business. Both of these special exceptions were approved by the Board. On January 28, 2020 the Board of Supervisors will receive an update on the draft solar policy (in the Work Session) and road acceptance for Meadows Section IV by VDOT.

Mr. Wade explained to the Commissioners that the County Attorney, Daniel Whitten, stated that an applicant can request a transfer of a special exception without having to go back to the Planning Commission and the BOS as long as there is no change in the conditions.

Mr. Simmons asked Mr. Wade if the transfer for special exceptions decision was retroactive for older cases. Mr. Whitten explained that a special exception is changing the zoning of a property, so this would transfer to future property owners. Therefore, the condition that the special exception is "nontransferable" will be removed. Chairman Bresko confirmed that if any of the conditions wanted to be changed, it would need to be heard by the Planning Commission first then the BOS.

Mr. Joyner asked for confirmation on the date for the Public Hearing in reference to the Food Truck Ordinance. Mr. Graves stated the Public Hearing for the Food Truck Ordinance is scheduled for the February 27th Planning Commission meeting.

ADJOURMENT

Chairman Bresko asked for a motion to adjourn. Mr. Joyner made a motion to adjourn the meeting at 9:15 p.m. This motion was seconded by Mr. Brockwell and roll was called on the motion.

In favor: (7) Bresko, Joyner, Brown, Simmons, Elder, Easter, Brockwell

Opposed: (0)

Abstain: (0)