



PLANNING COMMISSION

Alex W. Bresko, Jr., Chairman
Floyd M. Brown, Sr., Vice Chairman
R. Steven Brockwell
James A. Easter
Imogene S. Elder
V. Clarence Joyner, Jr.
Joseph E. Simmons

County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

Planning Commission

Agenda

Regular Meeting

Thursday, February 27, 2020

6:30 p.m. County Board Room

- I. Call to Order
- II. Roll Call
- III. Invocation
- IV. Pledge of Allegiance to the U.S. Flag
- V. Adoption of Meeting Agenda
- VI. Approval of the Meeting Minutes [1] – January 23, 2020
- VII. Citizen Comment Period
- VIII. New Business -- Public Hearings [2]

ORDINANCE AMENDMENT OA-20-01 [2]

Adoption of an Ordinance to amend "The Code of the County of Prince George, Virginia," by amending §§ 90-1, 90-392, 90-442, and 90-492, and to amend Article XIII – Miscellaneous Provisions, by adding "Requirements for Mobile Food Units" to Chapter 90, "Zoning," § 90-1041 to provide requirements to the permitting and operation of Mobile Food Units in permitted districts of the County.

- IX. Old Business

SOLAR ENERGY FACILITY SITING POLICY [3]

**SPECIAL EXCEPTION SE-19-11 & SUBSTANTIAL ACCORD DETERMINATION
SA-19-02 [4]**

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 in accordance with Virginia Code §15.2-2232(H) (1950), as amended for the use of a 60 MW solar energy facility. The subject properties are 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 property is suitable for agricultural and neighborhood commercial uses.

**SPECIAL EXCEPTION SE-19-12 & SUBSTANTIAL ACCORD DETERMINATION
SA-19-03 [5]**

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 in accordance with Virginia Code §15.2-2232(H) (1950), as amended for the use of a 20 MW solar energy facility. 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.

X. Planner's Communications to the Commission

1. Actions of the Board of Zoning Appeals
2. Actions of the Board of Supervisors
3. General Comments

XI. Adjournment

The next regularly scheduled meeting will be **Thursday, March 26, 2020**

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

ELECTION OF OFFICERS

Mr. Wade asked the Commissioners for any nominees for the Chairperson for the 2020 Planning Commission. Mr. Brockwell nominated William Bresko to be the Chairman of the Planning Commission. This motion was 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 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 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 stated he would entertain a motion to have the report sent to the Board of Supervisors (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 topics that were 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(OA)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 duties.

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, as 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 with requiring extra documentation and paperwork to be submitted for special events, adding that the communication and relationship between the business 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 he detailed that they currently have two (2) miles of walking trails and are hoping to add an additional 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
- 10.5% of the project area designated for Neighborhood Commercial uses
- Facility is in the County's Rural Conservation Area

Setbacks:

- Ground-mounted solar energy facilities are required to meet a minimum of 75 -85 feet setback 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 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 a 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 on the Planning Commission's recommendation for the proposed, large-scale solar energy facility in order to allow time 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 ensure 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 on 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. A "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-acre 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 wildlife and farmland.

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 (has not been recorded) 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 the 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. Citizen 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.

ADJOURNMENT

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)

**PLANNING COMMISSION
PUBLIC HEARING: FEBRUARY 27, 2020**

ORDINANCE AMENDMENT OA-20-01 Adoption of an Ordinance to amend "The Code of the County of Prince George, Virginia," by amending §§ 90-1, 90-392, 90-442, and 90-492, and to amend Article XXIII – Miscellaneous Provisions, by adding "Requirements for Mobile Food Units" to Chapter 90, "Zoning," § 90-1041 to provide requirements for the permitting and operation of Mobile Food Units in permitted districts of the County.

CASE NUMBER: OA-20-01
SPONSOR: Prince George County

ORDINANCE SECTIONS TO BE AMENDED:

90-1 - Definitions
90-392 – Uses and structures permitted by right (B-1 zoning)
90-442 – Permitted uses (M-1 zoning)
90-492 – Permitted uses (M-2 zoning)
90-1041 - Requirements for Mobile Food Units (new)

MEETING INFORMATION:

Community Meeting: November 19, 2019
Planning Commission: February 27, 2020
Board of Supervisors: To Be Determined

STAFF RECOMMENDATION:

Staff recommends Approval of the proposed ordinance amendment.

ATTACHMENTS:

Proposed Ordinance Amendment

Summary:

Staff is proposing the attached ordinance amendment which would:
Allow food trucks in County locations which are appropriate for this business use, and
Define reasonable requirements for the operation of food trucks within the County in the interest of the health, safety and welfare of County residents and business customers.

Note: "Food truck" is the informal term used to casually speak about this type of land use. The code-defined term "Mobile food unit".

Background:

In July 2014, the Board of Supervisors passed an ordinance amendment which established specific Zoning Ordinance requirements for Temporary Food and Beverage Sales and Seasonal Fireworks and Tree Sales. This ordinance amendment had the effect of allowing food trucks in M-1 and M-2 zoning districts with conditions for licensing, owner permission and minimum parking.

ORDINANCE AMENDMENT OA-20-01 STAFF REPORT

In the time since that ordinance amendment was implemented, food truck operators have repeatedly requested the opportunity to conduct sales in additional locations within the County, such as in shopping centers, or on vacant lots or parking lots within business districts. Additionally, in 2019, Baymont Inn & Suites requested an amendment to its PUD case, in order to allow a food truck or trailer as part of its existing on-site restaurant use.

The Board of Supervisors then asked the Planning Commission and Planning & Zoning Division Staff to research food truck regulations and provide recommendations for how to ensure consistent treatment of food trucks throughout the County and allow them to operate in appropriate areas and under appropriate conditions.

Staff completed research including review of literature from the American Planning Association among other sources, as well as review of ordinances, practices and policies of peer counties and applicable regulatory agencies in Virginia. Following this research, Staff presented to the Planning Commission and Board of Supervisors on the findings and resulting recommendations. The Board asked Staff to bring forward an ordinance amendment to implement the recommendations.

After producing a first draft of the ordinance amendment, Staff held an open community meeting to informally discuss the draft ordinance in November 2019 in the Administration Building. The meeting was attended by food truck operators and members of the Planning Commission and Board of Supervisors. Feedback from this meeting **resulted in** additional updates to the ordinance amendment.

Summary of Ordinance Changes:

Current Ordinance (approved 7-22-14)

"Prepared food and beverage vendors", allowed in M-1 and M-2 zoning districts, provided that they are:

- Licensed
- Self-contained
- With owner/agent written permission
- Five temporary off-street parking spaces
- "If the sales are conducted on the same lot with an existing use, the required minimum and most accessible parking spaces for the existing use shall not be used for prepared food and beverage sales."

Draft Amendment (dated 11-5-19)

Summary of changes from the Current Ordinance:

- Adds zoning ordinance definitions for "Mobile food unit" and "Food"
- Allows food trucks in B-1 zoning district, in addition to M-1 and M-2
- Creates a new ordinance section to define clear requirements for food trucks, including:
 - Food trucks operating at private event or an approved Special Event do not need to obtain zoning approval
 - Differentiates between components of food truck business: a base of Operations, a Commissary, and a Sales Location
 - Defines required elements of a Zoning Permit Application for a food truck
 - Permits must be renewed annually
 - Sets locational requirements for the units and their equipment and signage
 - Specifies parking requirements

ORDINANCE AMENDMENT OA-20-01 STAFF REPORT

- Sets a 4-hour time limit on a site

Proposed Amendment (dated 12-12-19)

Same as Draft Amendment, with the following changes:

- Improved formatting, organization and language for clarity
- Simplified or relaxed requirements for sketch, location, parking, signage, and noise
- Extended time limit on-site to 6 hours

Comprehensive Plan:

The following Goals, Objectives and Strategies of the Prince George County Comprehensive Plan support the intent of the proposed ordinance amendment:

Economic Development

Goal - To enhance the economic base and employment opportunities in Prince George County.

- **Objective #1** - Develop a strong and diversified tax base through guided office, commercial retail and industrial development.
- **Objective #3** - Promote the retention of existing businesses.
 - **Strategy** - Provide assistance to existing businesses and industries that wish to expand in the County.

Public Notice:

A legal ad was run for the proposed ordinance amendment on 2/12/20 and 2/19/20.

Recommendation:

Planning & Zoning Division Staff recommend Approval of the Ordinance Amendment as proposed, based on feedback from the community and County leadership received prior to and during the drafting process, as well as supporting language found in the Prince George County Comprehensive Plan.

Mobile Food Units

PROPOSED Ordinance Amendment

Last Updated 12-12-19

RED TEXT INDICATES TEXT PROPOSED TO BE ADDED TO THE ZONING ORDINANCE

ARTICLE I. - IN GENERAL

Sec. 90-1. - Definitions.

Food means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Mobile food unit" means a food establishment that is mounted on wheels, readily moveable from place to place at all times during operation, and shall include but not be limited to pushcarts, trailers, trucks, or vans. The unit, all operations, and all equipment must be integral to and be within or attached to the unit.

ARTICLE IX. - B-1 GENERAL BUSINESS DISTRICT

Sec. 90-392. - Uses and structures permitted by right.

In the B-1 general business district, structures may be erected or land may be used for one or more of the following uses:

(50) Mobile Food Units, subject to the provisions of Section 90-1041.

ARTICLE X. - M-1 LIMITED INDUSTRIAL DISTRICT

Sec. 90-442. - Permitted uses.

In the M-1 limited industrial district, any structure to be erected or land to be used shall be for one or more of the following uses:

~~(22) Prepared food and beverage vendors, provided that:~~

- ~~a. Only prepared food and beverage sales as licensed by county, state and/or federal government requirements shall be sold from self-contained food trucks with the owner or agent's written permission and county zoning approval for the food and beverage sales on the premises.~~
- ~~b. Sufficient area shall be set aside to provide a minimum of five temporary offstreet parking spaces. If the sales are conducted on the same lot with an existing use, the required minimum and most accessible parking spaces for the existing use shall not be used for prepared food and beverage sales.~~

(22) Mobile Food Units, subject to the provisions of Section 90-1041

ARTICLE XI. - M-2 GENERAL INDUSTRIAL DISTRICT

Sec. 90-492. - Permitted uses.

In the M-2 general industrial district, buildings to be erected or land to be used shall be for one or more of the following uses:

(24) Prepared food and beverage vendors provided that:

- a. Only prepared food and beverage sales as licensed by county, state and/or federal government requirements shall be sold from self-contained food trucks with the owner or agent's written permission and county zoning approval for the food and beverage sales on the premises.
- b. Sufficient area shall be set aside to provide a minimum of five temporary offstreet parking spaces. If the sales are conducted on the same lot with an existing use, the required minimum and most accessible parking spaces for the existing use shall not be used for prepared food and beverage sales.

(24) Mobile Food Units, subject to the provisions of Section 90-1041

ARTICLE XXIII. - MISCELLANEOUS PROVISIONS

Sec. 90-1041 – Requirements for Mobile Food Units

The following requirements shall apply to the permitting and operation of Mobile Food Units in permitted zoning districts of the County.

1. *Exclusions.* The provisions of this section shall not apply to Mobile Food Units sales locations in conjunction with the following:
 - A) A Special Event, for which a special event permit is required per Chapter 58 of the county code.
 - B) A private catered event not serving the general public.
2. *Zoning Permits.*
 - A) *Base of Operations.* For Mobile Food Unit businesses based in Prince George County, in addition to zoning approval for the sales location(s), zoning approval must be obtained for the Base of Operations, where activities such as storage, loading and garaging (regular overnight parking) take place.
 - B) *Commissary.* For mobile food unit businesses which prepare food outside of the mobile food unit and inside a health department-approved commissary located in Prince George County, zoning approval shall be required for the commissary location either separately or as part of the Base of Operations.
 - C) *Sales Location(s).* Applicants must seek zoning approval for sales operation on each individual lot, and may have multiple sales locations on a single lot.
 - D) *Renewal and Fees.* Operators must seek renewal of approval for sales location(s) each year, regardless of any business license exemption. A single fee shall cover the review of up to 5 different lots for sales locations during a calendar year.
 - E) *Amendment.* At any time during the permit period, the operator may modify approved location(s) on a lot by submitting an updated sketch, with property owner authorization.
 - F) *Display.* Copies of the zoning permit and all applicable permits or licenses shall be kept in the food unit at all times.

3. *Zoning Permit Application.* A zoning permit must be obtained for each sales location prior to beginning on-site operations. Applications shall be accompanied by the following:
 - a. *Health Department License.* A copy of a valid license from Virginia Department of Health for the unit.
 - b. *Business License.* A copy of a valid business license for the business from a locality in the state of Virginia.
 - c. *Zoning Approval for Base of Operations and/or Commissary.* If applicable.
 - d. *Owner Permission.* Signed authorization from the property owner or agent of any lot or parcel proposed to accommodate a unit for a sales location.
 - e. *Site Sketch.* Applicants shall provide a scaled drawing or aerial imagery to show the proposed location(s) of the unit on the lot, and additional detail upon request to show compliance with the zoning ordinance.
4. *Fire Safety Compliance.* Exhaust systems and fire protection systems shall be inspected and cleaned in accordance with the Virginia Statewide Fire Prevention Code.
5. *Location of unit for operation shall adhere to the following requirements:*
 - a) At least 15 feet from the edge of any driveway, utility box or vaults, handicapped ramp, building entrance, exit or emergency access/exit, emergency call box or fire hydrant.
 - b) At least 100 feet from any on-site residential dwelling or the main entrance of any existing off-site food establishment.
 - c) Not within any area of the lot or parcel that impedes, endangers, or interferes with access, passage or circulation of other lot users, or creates safety or visibility problems for vehicles and pedestrians.
 - d) Not in designated handicapped parking spaces.
 - e) Not in any right of way, nor obstructing any access easement nor fire lane.
6. *Equipment and furniture* used for the operation of the unit shall be considered physically part of the use of the unit for setback purposes, shall be located within twenty (20) feet of the unit, and shall be removed when the unit is removed.
7. *Parking provided.*
 - a) Sufficient parking area shall be available to provide a minimum of ten (10) shared off-street spaces, or a minimum of 5 spaces when no other use is present, excluding any spaces occupied by the unit.
 - b) Available parking shall be of sufficient quantity and location such that there is no obstruction of a public right of way used to access the lot.
 - c) Parking construction standards shall be in accordance with Article XIX of this chapter.
8. *Signage.*
 - a) No more than one (1) unattached A-frame or equivalent temporary sign may be used for advertising or attention-getting purposes, which may be positioned no more than fifty (50) feet from the unit and shall not exceed six (6) square feet in area for each face and four (4) feet in height, and shall not be placed within a public road right-of way.
 - b) Signage for menu purposes located within three (3) feet of the unit shall be considered attached for the use.
 - c) Attention-getting appurtenances such as flags and banners, whether attached or detached, shall not be allowed, unless by another section of this ordinance.
 - d) All signage and appurtenances must be removed when the unit is removed.
9. *Lighting.* No flashing or moving lights are permitted as part of a unit's operation.

10. *Noise.* Operation of the units shall be in compliance with the County's Noise Ordinance.
11. *Trash and Waste.* Operators shall provide at least one trash receptacle within ten feet of the unit and are responsible for the proper disposal of waste and trash associated with the operation.
12. *Presence of operator.* When open for business, the operator of the unit or designee must be present at all times, except in cases of emergency.
13. *Hours of operation.* Operational hours for units shall be between the hours of 6am to 8pm, for a maximum of six (6) hours per individual lot during a single day, including packing and unpacking of supplies and equipment. The unit and all elements of the operation of the unit that are not structures shall be removed with the unit each day.
14. *Enforcement.* If at any time evidence is provided that a lot is being used other than in compliance with an approved permit or the zoning ordinance, the property owner may be cited for the violation, and/or the permit may be revoked.

Prince George County, Virginia: Solar Energy Facility Siting Policy

The intent of this policy is to help guide the placement and design of new solar energy facilities in Prince George County, VA. It provides solar energy facility applicants, property owners, business owners and County residents with guidance on the official policies and standards of Prince George County.

The policy was developed with public input from community meetings for planned or proposed solar projects, independent citizen inquiries, and public hearings for proposed solar energy facilities. The siting policy guidelines shall be considered by applicants when they are selecting sites for solar energy facilities in the County. Prince George County staff members, Planning Commission members and Board of Supervisors members shall consider this policy when evaluating requests for solar energy facilities and related or accessory uses.

Prince George County encourages and promotes the responsible generation of both clean and renewable alternative energy within the County. When solar energy facilities are proposed, requested locations and site designs shall be evaluated in terms of how they protect and enhance the scenic and natural beauty of the County.

Prince George County desires an upper limit on the total acreage of approved solar energy facilities at 4% of the total land acreage in the County or 6,718.6 acres within the County, to allow for future land uses specifically enumerated in the County's Comprehensive Plan.

Prince George County intends to fully comply with all of the applicable provisions of the Virginia State Corporation Commission as it relates to solar power energy generation and applicable federal and state laws, and to preserve the County's local zoning authority in the process for the betterment of our citizens and the business community.

ARTICLE I. ACREAGE FOR FACILITIES

The County has set an upper limit on the total acreage dedicated for solar energy facilities at 4% of the total land acreage in the County or 6,718.6 acres, to allow for future land uses specifically enumerated in the County's Comprehensive Plan.

1. Currently, Solar Energy facilities are permitted by special exception in (R-A) Residential-Agricultural, (A-1) General Agricultural, (B-1) General Business, (M-1) Light Industrial, and (M-2) General Industrial Zoning Districts. They are permitted by-right in the (M-3) Heavy Industrial Zoning District. The above acreage limitation does not apply to any project within the (M-3) Heavy Industrial Zoning District.

2. Site acreage dedicated to solar energy for a project shall be calculated as the aggregate acreage of all parcels for a special exception application, unless the applicant details and delineates the maximum acreage to be used for approval, which includes acreage for panels, fencing, access roads, and buffer and screening requirements.

ARTICLE II. PROJECT REVIEW GUIDELINES

All Special Exception requests for new or expanded solar energy facilities, including the replacement or modification of existing solar energy facilities, shall be reviewed by County Planning staff, the Planning Commission and the Board of Supervisors in consideration of the following criteria:

- a. The extent to which the solar energy facility proposal conforms to the general Special Exception criteria contained in the zoning ordinance, and the intent, the application requirements, and general standards for solar energy facilities found within this policy.
- b. The degree to which the following are located and designed to be compatible with the surrounding community character and design:
 - Proposed location of the solar energy facility
 - Site design and facilities, including fencing and other ground-mounted equipment
 - New or modified road, access or utility corridors

The following text details how staff, the Planning Commission, and the Board of Supervisors are to review each proposal:

1. All potential applicants for a solar energy facility shall meet with County Planning Division staff at least thirty (30) days prior to submitting an application for a new, proposed facility. The County Planning staff provides the potential applicant with information on Prince George County policies and standards for solar energy facilities, and discusses with the applicant possible alternatives to site the solar energy facility in the most appropriate location in Prince George County.
2. Prince George County desires to protect and enhance its agricultural and rural heritage, cultural, and recreational resources.
 - a. Siting of a facility within the Prince George Planning Area should be avoided.
 - b. Location of solar facilities within areas planned to be serviced by public water or wastewater, as indicated in the most current Water and Wastewater Master Plan, will be discouraged and will not be

recommended for approval, except those permitted by-right in the M-3 District.

- c. In order to protect the integrity of agricultural soils, mass grading of sites shall be limited to the greatest extent possible.
 - d. Sites located near recreational, cultural, or historic resources should be avoided.
3. Prince George County desires to protect, maintain, and improve the quality of the natural environment, including elements such as air, water, natural habitats and wetlands.
- a. Site groundcover for the solar energy facility should consist of a variety of native groundcovers that benefit birds, bees, and other insects. Turf grass should not be allowed.
 - b. Groundcover should be expeditiously established following the completion of construction activities to minimize erosion and loss of soil.
 - c. Use of synthetic herbicides to control and maintain groundcover shall not be allowed.
 - d. Wildlife corridors shall be considered in the layout and design of the site. Breaks in fencing and equipment shall be provided where appropriate.
 - e. Development on wetlands, forested areas, and other valuable habitats shall be avoided or minimized to the greatest extent possible.
4. All applicants for solar energy facility uses shall provide the following information:
- a. Schematic layout of the proposed site with location of panels and buffers.
 - b. Photographic simulations illustrating the relationship of the proposed solar energy facility use in relation to the surrounding properties and uses, and additional simulations showing the relationship of any new or modified service road or utility corridors to be constructed or modified to serve the proposed solar energy facility use or other nearby infrastructure.
 - c. Written verification that all required submittals to the State Corporation Commission (SCC) have been submitted for a solar energy facility use (if applicable).

- d. Written verification that the applicant is working with the Department of Environmental Quality toward obtaining Solar Permit by Rule approval.
 - e. Documentation justifying the need for the on-site substation should be submitted with the Special Exception application, **if substation is a requested in conjunction with the solar energy facility**. Documentation should also describe the components of the substation, physical dimensions including height, and endorsement from the grid-operating utility company.
 - f. Written comments from the relevant electric company regarding the capacity of the transmission lines or other electrical infrastructure as part of any Special Exception application.
 - g. Redacted offtake agreement, power purchase agreement, or other documentation that identifies a clear path to an off taker of the electricity generated from the project (prior to building permit).
 - h. An evaluation of fiscal impacts to the County for the proposed land use in comparison with the current land use and the comprehensive plan future land use.
5. The applicant shall be responsible for all fees associated with the filing of their application, including the reasonable cost of any independent analysis deemed necessary by the County.
6. General Requirements:
- a. By applying and being granted the Special Exception request, the applicant and the owner of the land agree to dismantle and remove the solar energy facility and associated facilities from the site within six (6) months of the facility no longer being used for its intended purpose. Dismantling and removal of the facility shall only begin after the required notice is sent to Prince George County.
 - b. All solar energy facility structures, racks and associated facilities shall have a non-reflective finish or appearance. Solar collectors shall be designed to maximize absorption and minimize glare outward toward adjoining properties and upward toward military and general aviation aircraft or other similar aircraft. Vehicles travelling on adjoining interstate and state-maintained roads shall also be protected from potential glare, including elevated tractor trailer cabs.

7. Public Notice.

- a) Community Meeting: A community meeting shall be held by the applicant prior to the Planning Commission Public Hearing date, and shall follow the following guidelines.
 - i. The applicant shall inform the Community Development and Code Compliance Department, adjacent property owners, and **property owners within a mile of the project** in writing of the date, time and the location of the meeting, at least seven (7) but no more than fourteen (14) days, in advance of the community meeting. Additionally, the applicant shall supply the County a list of all adjacent property owners or parties invited.
 - ii. The date, time and location of the meeting may be advertised in a newspaper of general circulation in the County by the applicant, and at the applicant's expense, at least seven (7) but no more than fourteen (14) days, in advance of the meeting date.
 - iii. The meeting shall be held within the County, at a location open to the general public, with adequate lighting, parking and seating facilities and which may accommodate persons with disabilities from the general public and media.
 - iv. The meeting shall give the general public the opportunity to review the proposed application materials and ask questions of the applicant and to provide oral and/or written comments as feedback on their proposal.
 - v. The applicant shall provide the Community Development and Code Compliance Department with a summary of any written input received from members of the general public and media at the community meeting.

8. Development Standards.

- a) The minimum aggregate parcel size for a solar energy facility is seventy (70) contiguous acres.
- b) The design of support buildings and related structures shall, to the greatest extent possible, use materials, colors, textures, screening and landscaping that will screen the solar energy facility use from

surrounding homes or surrounding commercial and industrial structures.

- c) Maximum height of primary structures and accessory buildings shall generally be fifteen feet, as measured from the finished grade at the base of the structure to its highest point, including appurtenances.
- d) All facilities shall meet or exceed the current standards and regulations of the State Corporation Commission (SCC) or equivalent, and any other agency of the local, state or federal government with the authority to regulate such infrastructure that are in force at the time of the application or which apply retroactively.
- e) To ensure the structural integrity of the infrastructure, the owner shall certify that it is designed and maintained in compliance with standards contained in applicable local, state and federal building codes and regulations that are in force at the time of the permit approval.
- f) All newly installed utilities (including but not limited to: electric, fiber, cable and telephone lines serving the site) which are visible from the ground-level view of adjacent properties zoned residential, agricultural and/or PUD Planned Unit Development, dwellings not owned by the owner of the subject property, and public rights-of-ways, shall be screened from view or shall be placed underground, unless prohibited by the state/federal agency regulating them.
- g) The facilities shall be enclosed by security fencing not less than six feet in height, and shall be designed to preclude trespassing, and shall be marked with the appropriate warning signs by the operator of the solar energy facility.
- h) The facilities, including fencing, shall be significantly screened from the ground-level view of adjacent properties zoned residential, agricultural, or PUD Planned Unit Development, dwellings not owned by the owner of the subject property, and public rights-of-way by a buffer zone at least fifty (50) feet in width, which shall be landscaped with plant materials unless existing vegetation or natural land forms on the site provide such screening materials or effect. If there is no existing vegetation or the existing vegetation is inadequate to serve as a landscape buffer as determined by the Planning Manager, a staggered triple row of evergreen trees and shrubs will be planted on approximately 10-foot centers in the 25 feet immediately adjacent to

the security fence. New plantings of trees and shrubs shall be approximately six (6) feet in height at the time of planting. In addition, pine seedlings will be installed in the remaining 25 feet of the 50-foot buffer. In the event existing vegetation or land forms providing the screening are disturbed or removed, new plantings shall be provided which accomplish the same screening. Landscaping for screening shall be maintained and replaced as necessary throughout the lifespan of the facility.

- i) Lighting shall be the minimum necessary for safety and/or security purposes and shall use shielded fixtures to minimize off-site glare toward public rights of way and adjacent properties, and shall be limited to one-foot candle at the property line. No facility shall produce glare which would constitute a nuisance to the public.
 - j) The required setbacks and height limitations shall follow the requirements of the underlying zoning district, unless County staff has recommended any additional requirements while working with the applicant and adjacent property owners and interested citizens.
 - a. Setbacks for solar energy facilities should comply with the following minimum setbacks:
 - i. 100 feet from residentially-zoned property
 - ii. 100 feet from all other exterior property lines
 - iii. Inverters located 150 feet from exterior property lines
 - iv. Substations located 300 feet from exterior property lines
 - b. Landscaped buffering required:
 - i. Berms shall be located outside the fence line and planted with appropriate groundcover
 - ii. Vegetative buffers shall be at least 50 feet in width and include predominantly native evergreen species for aesthetics and wildlife habitat
9. Site Plan Requirements. In addition to all State and County site plan requirements, the Applicant shall provide the following plans for review and approval as a part of the site plan for the solar energy facility prior to the issuance of a **land disturbance or** building permit:
- a. Construction Management Plan. The applicant shall prepare a Construction Management Plan for each applicable site plan for the solar energy facility, which shall address the following:
 - i. Construction Traffic Management Plan including mitigation measures shall be developed by the applicant, owner or operator and shall be submitted to the Virginia Department of Transportation (VDOT) and Planning Manager 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 must be received and be approved by VDOT prior to site construction occurring on the premises.

- ii. A site access plan directing employee and delivery traffic to minimize conflicts with local traffic.
 - iii. A site parking and staging plan shall be submitted as a part of the Site Plan approval and be submitted for various stages of the site construction process. All subsequent construction processes shall also adhere to submitting a parking and staging plan prior to the commencement of expansion or decommissioning.
 - iv. Fencing. The applicant shall install temporary security fencing prior to the commencement of construction activities occurring on the solar energy facility.
 - v. Lighting. During construction of the solar energy facility, any temporary construction lighting shall be positioned downward, inward, and shielded to eliminate glare from all adjacent properties.
- b. Construction Mitigation Plan. The applicant shall prepare a Construction Mitigation Plan for each applicable site plan for the solar energy facility to the satisfaction of the Planning Manager. Each plan shall address, at a minimum:
- i. The effective mitigation of dust. 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 adjoining property owners during site construction and/or site expansion for a solar energy facility.
 - ii. Burning operations. Must address smoke migration and not be general nuisance to adjoining property owners during burning operations.
 - iii. Hours of construction. 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 is 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.
 - iv. Access and road damage. Must address mitigation of all damage, dirt, and debris on roads as a result of traffic generated by the solar energy facility construction.

- v. General construction complaints. Provide contact information of responsible project manager capable of causing corrections to be made at the site.
- c. Grading Plan. The owner or operator shall construct, maintain, and operate the project in accordance with the approved County Grading and Erosion and Sediment (E&S) Control Plans. An E&S bond or letter of credit will be posted for the construction portion of the project. The grading plan shall:
 - i. Clearly show existing and proposed contours;
 - ii. Note the locations and estimated amount of topsoil to be removed (if any) and the percent of the site to be graded;
 - iii. Limit grading to the greatest extent practicable by avoiding steep slopes and laying out arrays parallel to landforms;
 - iv. Require an earthwork balance to be achieved on-site with no import or export of soil, **unless it can be demonstrated to the satisfaction of the Planning Manager that doing so would create more clearing and grading than by allowing the import or export of soil;** and
 - v. Require topsoil to first be stripped from areas proposed to be permanent access roads which will receive gravel, or in any areas where more than a few inches of cut are required, and require an on-site stockpile to be used later to increase the fertility of areas intended to be seeded.
- d. Solar Facility Screening and Vegetation Plan. A separate surety shall be posted for the ongoing maintenance of the project's vegetative buffers in the amount of 120% of the installation cost of all planted vegetation for three (3) years following the first date that power is supplied to the electrical grid.
 - i. Site groundcover for the solar energy facility shall consist of a variety of native groundcovers that benefit birds, and bees, and other beneficial insects.
 - ii. Groundcover shall be expeditiously established following the completion of construction activities to minimize erosion and loss of soil.
 - iii. The use of synthetic herbicides to control and maintain groundcover **post-construction** shall not be permitted.
- e. The design, installation, maintenance, and repair of the solar energy facility shall be in accordance with the most current National Electrical Code (NFPA 70).

10. Operations.

- a. Permanent Security Fence. The applicant shall install a permanent security fence, consisting of chain link, 2-inch square mesh, (or comparable fencing) a minimum of 6 feet in height around the Solar

Facility prior to the commencement of operations of the Solar Energy Facility. Failure to maintain the fence in a good and functional condition will result in revocation of the special exception. **The security fence shall be placed no closer than the required setback for the facility as stated in Section 5. Buffers.**

- b. Lighting. Any on-site lighting shall be dark-sky compliant, shielded away from adjacent properties, and positioned downward to minimize light spillage onto adjacent properties.
 - c. Noise. Daytime noise generated by the facility post-construction will be under and average 67 dBA per day, measured at the property line, throughout the day with no noise emissions at night; provided, however the operator may seek temporary waivers from the Planning Manager for specific repair or maintenance needs.
 - d. Ingress/Egress. Permanent access roads and parking areas will be stabilized with gravel, asphalt, or concrete to minimize dust and impacts to adjacent properties.
 - e. **All newly installed utilities including but not limited to, electric, fiber, cable and telephone lines serving the site which are visible from the ground-level view of adjacent properties zoned residential, agricultural and/or PUD Planned Unit Development, dwellings not owned by the owner of the subject property, and public rights-of-ways, shall be screened from view or shall be placed underground, unless prohibited by the state/federal agency regulating them.**
 - f. **All solar energy facility structures, racks and associated facilities shall have a non-reflective finish or appearance. The solar collectors shall be designed to maximize absorption and minimize glare outward toward adjoining properties and upward toward military and general aviation aircraft or other similar aircraft.**
11. Height of Structures. Solar Energy Facility structures shall not exceed 15 feet; however, towers constructed for electrical lines may exceed the maximum permitted height as provided in the zoning district regulations, provided that no structure shall exceed the height of 25 feet above ground level, unless required by applicable code to interconnect into existing electric infrastructure or necessitated by applicable code to cross certain structures.
12. Buffers.
- a. Setbacks.
 - i. A minimum 100-foot setback, which includes a 50-foot planted buffer as described in 12(b), shall be maintained from a principal Solar Energy Facility structure to the edge of the public right-of-way.

- ii. A minimum 100-foot-setback, which includes a 50-foot planted buffer as described in 12(b), shall be maintained from a principal Solar Energy Facility structure to any adjoining property line which is a perimeter boundary line for the project area.
 - iii. A minimum 150-foot setback from all exterior property lines shall be required for placement of all inverters associated with a Solar Energy Facility.
 - iv. A minimum 300-foot setback from all exterior property lines shall be required for placement of any required substations associated with a Solar Energy Facility.
 - b. Screening. A minimum 50-foot vegetative buffer (consisting of existing trees and vegetation) shall be maintained. If there is no existing vegetation or if the existing vegetation is inadequate to serve as a buffer as determined by the Planning Manager, a staggered triple row of evergreen trees and shrubs will be planted on approximately 10-foot centers in the 25 feet immediately adjacent to the security fence. New plantings of trees and shrubs shall be approximately six (6) feet in height at time of planting. In addition, pine seedlings will be installed in the remaining 25 feet of the 50-foot buffer.
13. Coordination of local emergency services.
- a. Applicants for new solar energy facility shall coordinate with the County's Fire, EMS, and Emergency Management staff to provide materials, education and/or training to the departments serving the property with emergency services on how to safely respond to on-site emergencies at the solar energy facility.
14. Roll Back Taxes.
- a. Payment of all applicable rollback taxes for parcels in the land use program shall be a pre-condition of the County's issuance of a land disturbance permit.
15. Decommissioning.
- a. Decommissioning Plan. A decommissioning plan shall be developed by the applicant, owner or operator prior to the approval of a site plan being issued for a solar energy facility. The purpose of the decommissioning plan is to specify the procedure by which the applicant or its successor would remove the solar energy facility after the end of its useful life and to restore the property for prior or future usage consistent with the Comprehensive Plan or future zoning. If the solar energy facility is inactive completely or substantially discontinuing the delivery of electricity to an electrical grid for a continuous 6-month period it shall be considered abandoned. The applicant, owner or operator shall provide notice to Prince George County 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. The "notice" shall be known as the "Decommissioning Plan" under Zoning Ordinance Section 90-16 (ii) (e) which shall include the following:

- i. Anticipated life of the solar energy facility project;
 - ii. The estimated cost of the decommissioning in the future as expressed in current dollars by a State licensed professional engineer;
 - iii. Method estimate was determined;
 - iv. The manner in which the project will be decommissioned; and
 - v. The name and physical address of the person or entity responsible for the decommissioning plan.
- b. **Surety.** Unless the solar energy facility project is owned by a public utility within the Commonwealth of Virginia, the gross 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, posted within 30 days of the project receiving its certificate of completion 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 replacement 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 and as approved by the County Attorney.
- c. **Applicant/Property Owner Obligation.** Within six (6) months after the cessation of use of the solar energy facility for electrical power generation or transmission, the applicant or its successor, at its sole cost and expense, shall decommission the solar energy facility in accordance with the decommissioning plan approved by the County. If the applicant or its successor fails to decommission the solar energy facility within six (6) months, the property owners shall commence decommissioning activities in accordance with the decommissioning plan. Following the completion of decommissioning of the entire solar energy facility arising out of a default by the applicant or its successor, any remaining surety funds held by the County shall be distributed to the property owners in a proportion of the surety funds and the property owner's acreage ownership of the solar energy facility.
- d. **Applicant/Property Owner Default; Decommissioning by the County.**
- i. If the applicant, its successor, or the property owners fail to decommission the solar energy facility within six (6) months, the County shall have the right, but not the

- obligation, to commence decommissioning activities and shall have access to the property, access to the full amount of the decommissioning surety, and the rights to the solar energy equipment and materials on the property.
- ii. If applicable, any excess decommissioning surety funds shall be returned to the current owner of the property after the County has completed the decommissioning activities.
 - iii. Prior to the issuance of any permits, the applicant and the property owners shall deliver a legal instrument to the County granting the County (1) the right to access the property, and (2) an interest in the solar energy facility equipment and materials to complete the decommissioning upon the applicant's and property owner's default. Such instrument(s) shall bind the applicant and property owners and their successors, heirs, and assigns. Nothing herein shall limit other rights or remedies that may be available to the County to enforce the obligations of the applicant, including under the County's zoning powers.
- e. **Equipment/Building Removal.** Unless otherwise approved by the Planning Manager, all physical improvements, materials, and equipment related to solar energy generation, both surface and subsurface components, shall be removed following disturbance caused in the removal process. Perimeter fencing will be removed and recycled or reused.
- f. **Infrastructure Removal.** Unless otherwise approved by the Planning Manager, all access roads will be removed, including any geotextile material beneath the roads and granular material. The exception to removal of the access roads and associated culverts or their related material would be upon written request from the current or future landowner to leave all or a portion of these facilities in place for use by the landowner. Access roads will be removed within areas that were previously used for agricultural purposes and topsoil will be redistributed to provide substantially similar growing media as was present within the areas prior to site disturbance, unless a written request is received from the current or future landowner proposing alternative development plans for the property.
- g. **Partial Decommissioning.** Any reference to decommissioning the solar energy facility shall include the obligation to decommission all or a portion of the solar energy facility whichever is applicable with respect to a particular situation. If decommissioning is triggered for a portion, but not the entire solar energy facility, then the applicant or its successor will commence and complete decommissioning, in accordance with the decommissioning plan, for the applicable portion of the solar energy facility; the remaining portion of the solar energy facility would continue to be subject to the decommissioning plan.

ARTICLE III. SAMPLE SOLAR ENERGY FACILITY SPECIAL EXCEPTION CONDITIONS

1. This Special Exception is granted for a ____-scale solar energy facility use to _____ and is located on Tax Maps _____.
This Special Exception may be transferred provided that Condition 10(b) regarding proper surety is met.
2. Payment of all rollback taxes for parcels _____ enrolled in the Land Use program shall be a precondition of the County's issuance of a land disturbance permit pursuant to a site plan prepared for the solar energy facility.
3. **Site Plan Requirements.** The Solar Energy Facility shall meet all conditions for Site Plan Requirements as defined in the Solar Energy Facility Policy.
4. The solar energy facility shall be constructed in accordance with the County-approved grading plan as approved by County staff prior to the commencement of any construction activities, and in accordance with the Erosion and Sediment Control Plan.
5. **Operations.** The Solar Energy Facility shall meet all conditions for operations in the Solar Energy Facility Policy.
6. **Buffers.** The Solar Energy Facility shall meet all conditions for buffer setbacks and landscape requirements as required in the Solar Energy Facility Policy.
7. **Wildlife Corridors.** The applicant shall identify an access corridor for wildlife to navigate through the Solar Energy Facility. The proposed wildlife corridor shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.
8. **Height of Structures.** Solar Energy Facility structures shall meet all required conditions for structure height in the Solar Energy Facility Policy.
9. **Inspections.** The applicant will allow designated County representatives or employees access to the facility for inspection purposes at any time during the construction process and thereafter upon 24 hours advance notice. The applicant will maintain current contact information on file with the Planning Manager.
10. The applicant, owner or operator shall coordinate directly with 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.

11. **Compliance.** The Solar Energy Facility shall be designed, constructed, and tested to meet relevant local, state, and federal standards as applicable.
12. **Decommissioning.** The Solar Energy Facility shall meet all conditions for Decommissioning as specified in the Solar Energy Facility Policy.
13. **Power Purchase Agreement.** Prior to the issuance of any building permit for the solar energy facility, the applicant shall have executed either a power purchase agreement with a third-party, or a sale agreement to transfer the project to a regulated utility. Upon the County's request, the applicant shall provide the County and legal counsel with a redacted version of the executed power purchase agreement or sale agreement.
14. This Special Exception shall become null and void if the use of a ____ scale solar energy facility is abandoned for a period of twenty-four (24) consecutive months.
15. 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.