

MINUTES
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
August 21, 2019
4:00 PM

A. CALL TO ORDER

Mr. Frank Polster called the meeting to order at 4:00 p.m. He introduced a member of the press who was joining the meeting, Ms. Sarah Fearing from the *Williamsburg Yorktown Daily*.

B. ROLL CALL

Present:
Frank Polster, Chair
Odessa Dowdy
Jack Haldeman
Danny Schmidt

Also Present:
Rich Krapf

Staff in Attendance:
Ellen Cook, Principal Planner
Tom Leininger, Planner
Juan Carlos Morgado, Stormwater and Resource Protection Division (SRP)
Katie Pelletier, Community Development Assistant

C. MINUTES

1. July 24, 2019 Meeting Minutes

Mr. Polster asked if there were any comments regarding the minutes.

Mr. Haldeman made a motion to approve the July 24, 2019 minutes. The minutes were approved by a unanimous voice vote of 4-0.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. C-19-0041. Hill Pleasant Farm Solar Farm

Mr. Polster stated the applicant requests feedback on the proposal, and there is no required decision on the proposal by the Committee at this time.

Mr. Leininger addressed the Committee and stated that Mr. Ben Vollmer of Strata Solar Development has submitted a conceptual plan for a Special Use Permit (SUP) for a solar farm located at 7150 Richmond Road. The parcel is currently zoned A-1 and is designated Economic Opportunity by the 2035 Comprehensive Plan Land Use map.

Mr. Leininger stated that, in addition to the SUP requirement for a solar farm, a portion of the parcel would need to be removed from the Hill Pleasant Farm Agricultural and Forestal District (AFD). He said the AFD Advisory Committee met on July 25, 2019 and recommended approval to the Planning Commission and Board of Supervisors for the removal of 192.76 acres from the AFD.

Mr. Leininger said the solar farm proposal is located on approximately 193 of the 391.30 parcel acres and would take access from Rochambeau Drive. He also noted the Comprehensive Plan does not specifically identify solar farms as a compatible use for the Economic Opportunity (EO) area. Mr. Leininger said the proposal would have a lease with the property owner, and this use might serve as a transitional land use until market forces determine a more intense economic use.

Mr. Leininger stated the applicant requested this item be placed on the Development Review Committee (DRC) agenda in order to discuss the project and seek input and questions from the DRC members. He said no action by the DRC is required at this time.

Mr. Polster asked if the Committee had any questions for the applicant.

Mr. Schmidt asked whether the property was located inside or outside the Primary Service Area (PSA).

Mr. Leininger answered the parcel is located just outside the PSA.

Mr. Haldeman spoke about the Comprehensive Plan language, recalling that it calls for the EO area to be master planned, after which it could be brought in to the PSA.

Mr. Krapf confirmed it would then be included in the PSA.

Mr. Polster then asked the applicant for their presentation.

Mr. Adam Pratt from the law firm of Kaufman & Canoles, PC stated he and his colleague, Mr. Greg Davis, represent their client Strata Solar. Mr. Pratt said with a pending SUP application they thought it prudent to hear any questions or concerns the Committee may have in order to prepare for any questions while the project is under review by the Planning Commission.

Mr. Pratt gave the Committee some background information on the property, stating it is owned by Hill Pleasant Farm, Inc. Mr. Pratt said its President, Mr. Don Hunt, has not farmed the property since he retired about 10 years ago. Mr. Pratt said Mr. Hunt rents out a small house on the property as well as some hunting rights, which generates a modest income to cover the property taxes. Mr. Pratt said Mr. Hunt has been unable to find a buyer for the property because of the general lack of development in the area related to the extension of Mooretown Road.

Mr. Pratt explained Mr. Hunt has entered into a lease with Strata Solar to develop a solar farm on a portion of the property. He stated the solar farm would generate some productivity on the property while also serving as a holding use, using the property while the surrounding area develops and more business and economic opportunity comes into the area. Mr. Pratt said the lease has a development term of four years, with the option to go to six years, and a one-year construction term. He said the initial operations term of 30 years has two 5-year extension options. Mr. Pratt said the total term of the lease would be between 35-45 years.

Mr. Pratt noted the benefits of the project to the County and surrounding area. He said it would not only serve as a holding use but also attract more business to the area with the provision of and an access to green energy. Mr. Pratt said the project construction's use of

local contractors to build the facility would likely create jobs to staff the project. He also stated the project would have practically no traffic impact, with the facility requiring low manpower and only one or two trips per month to maintain.

Mr. Pratt stated Strata Solar is willing to commit to the construction of a vegetative buffer of approximately 50 feet to aid the aesthetics of the project. Regarding the topography of the parcel, he noted the CSX Railroad runs adjacent to Richmond Road on a hill and would act as a visibility shield for the arrays along Richmond Road.

Mr. Pratt said the development of a solar array also allows flexibility to aid the biodiversity of the area through the development of so-called pollinator habitats, a common feature of solar arrays. He explained that within the footprint of the facility they would plant regional plants native to the area which would attract pollinators such as birds and bees.

Lastly, Mr. Pratt stated the project would not have any negative fiscal impacts as with a residential development. He said they feel the project is a net benefit not only for the property owner and applicant but also for the County and surrounding area.

Mr. Pratt then introduced Mr. Ben Vollmer, Development Manager for Strata Solar, and Mr. Joe Davis, Civil Engineer for the project, to assist in answering questions or addressing concerns from the Committee.

Mr. Haldeman asked about the terms of the lease and whether there was an exit clause or possibility for buyout, potentially allowing a more profitable or intensive use of the property.

Mr. Vollmer answered those options would not be available to the landowner. He stated there are options for the tenant, the owner of the solar farm, but he said their intent is to maintain the project for the duration of the operational term.

Mr. Pratt said the terms could be amended or renegotiated if both parties agreed.

Mr. Haldeman asked if the contract included an agreement to return the property to its current condition at the end of the lease.

Mr. Vollmer replied they would decommission and return the property to approximately the same condition with fewer trees. He said the nature of a solar farm easily allows for this process, as racks then panels are mounted to posts driven into the ground and wiring is buried in some locations.

Mr. Polster asked if the decommissioning process and associated costs were detailed contractually in the lease.

Mr. Vollmer stated this was included in the lease.

Mr. Haldeman asked if the 50-foot buffer would go around the other three sides of the project, not just along Richmond Road.

Mr. Vollmer told the Committee they would plant the buffer on the south and east sides and use the existing vegetative buffer to screen the project on the other sides.

Mr. Schmidt asked what would happen if Strata Solar as a company goes out of business in the future.

Mr. Vollmer replied this is a common concern so they often provide projects an estimate from an independent engineer of the salvage value of the equipment on site. He said in each instance

the salvage value greatly exceeds the cost of removing the equipment, since steel and copper wiring have a high value in the recycle market.

Ms. Dowdy asked how long the project construction would take.

Mr. Vollmer stated it depends on the site but takes roughly one year. He said this site would need some clearing of trees which would take longer than a purely agricultural field.

Mr. Morgado noted half of the property is wooded and half is farmland. He asked if regrading would be necessary for the installation.

Mr. Davis replied they do not have a survey yet, but expect some grading required in the wooded area.

Mr. Schmidt asked if their company operated solar farms off Route 17 in North Carolina.

Mr. Davis said some were likely their projects, and they also have a new project in New Kent County.

Mr. Morgado asked how their plans address stormwater management.

Mr. Davis said, rather than using level spreaders, their strategy is to use more permanent dry detention basins and reserve some conserved open space. He said they view this as better for long-term stability and their ability to close out the site at the end of the project.

Mr. Morgado asked how much of the land would be used for planting.

Mr. Davis replied it depends on the soils, but the impervious percentage is usually very low, around 4%, with only the impact of roads and posts. He said the ground beneath the panels is still available for infiltration, similar to a deck.

Mr. Haldeman noted the Norge Solar Farm application had five pages of conditions.

Mr. Leininger stated he did present the conditions to the applicant. He said the majority of the conditions will likely carry over, except some pertaining to traffic in neighborhoods which would not apply given the access to Rochambeau Drive.

Mr. Polster stated that Planning Commissioner Mr. Krapf circulated an article about pollinators.

Mr. Polster said he has asked staff to look at not only the nutrient but also the pollination piece as an agricultural Best Management Practice (BMP) and make it a requirement for the SUP.

Mr. Davis stated they have pollinators on their Suffolk project, but the location was ambiguous in the permit. He said the problem can be the front-end expense to plant pollinators which may not withstand the construction phase. He also pointed out the requirement to return the property to its original condition at the end of the project. Mr. Davis suggested a solution for long-term stability and success may be to plant pollinators within the lease area but outside the fence.

Mr. Polster acknowledged the pollinator studies may not fully apply and questions about execution remain, but he believes the pollinator condition makes sense. He asked them to consider the agricultural BMP idea and work with the SRP Division on the design.

Mr. Polster then asked the applicant and staff about the drawing of the plan, to distinguish

between the property lines, remaining AFD land, and project area, and role of the Resource Protection Area (RPA) around that area. He asked them what is being protected, and what is the acreage and location of the 100-foot buffer area.

Mr. Vollmer stated the site plan displayed was slightly outdated after their recent meeting with their environmental consultants, whose report delineated the streams on site and mapped the buffer. He stated a surveyor will follow.

Mr. Leininger traced the property lines on the displayed plan for the Committee.

Mr. Polster asked what is the acreage in the RPA.

Mr. Vollmer stated they could provide that information once the survey is complete.

Mr. Polster said that will be useful information to know and helpful in understanding why or to whose benefit it would be if the approximately 198 acres of the property will remain in the AFD. Mr. Polster said he has also asked staff for the AFD property tax rates before the case goes before the Planning Commission.

Mr. Vollmer said after the survey is done they can provide exact measurements in acreage.

Mr. Polster said he is interested to know how much of the remaining AFD land is not in the RPA.

Mr. Schmidt asked about the plantings around the solar farm project site and other potential uses on the property such as grazing or agricultural cultivation of some kind under the panels. He asked if the lease will allow the property owner to utilize the land for anything else besides solar.

Mr. Vollmer replied that property owners do not have permission to enter the premises for liability reasons. He said they are exploring the option of grazing, but this is a new concept.

Mr. Schmidt asked about the profile and appearance of the security fences.

Mr. Davis replied Virginia requires a total height of eight feet, which he said usually equates to seven feet of chain link fence and one foot of barbed wire at the top. He said a height of six feet with barbed wire is the National Electrical Code requirement.

Mr. Schmidt said he envisions the buffer would block that from view.

Ms. Dowdy asked if the fencing would be visible from Rochambeau Drive.

Mr. Davis replied the fencing would probably not be visible, based on the topography and trees.

Mr. Schmidt commented his home now uses solar energy and finds the benefits remarkable. He asked how many homes could be served by the proposed project's approximately 20 megawatts of power.

Mr. Vollmer replied this is yet to be determined.

Mr. Schmidt asked if there is current infrastructure to support and harness the energy from the solar farm.

Mr. Davis replied the power would connect to and be distributed from the nearest existing

substation.

Mr. Haldeman asked if they have a customer for their solar power yet.

Mr. Vollmer replied they are in commercial talks but nothing is finalized. He said they would have an agreement before construction begins.

Mr. Krapf stated he is very interested in the pollinator component and inquired about their experience and methodology in Gloucester. He asked whether they would use RoundUp or other herbicides to kill the existing vegetation. He also asked if they envisioned having a series of pollinator beds throughout the solar farm or more of a widespread parcel over-planted with pollinators. Mr. Krapf asked if the conditions would also include the responsibility to maintain or replant the pollinators after a severe winter.

Mr. Davis stated they would likely bring their horticulturalist to the Planning Commission meeting in order to answer or address questions.

Mr. Krapf asked staff to look at a replacement or replenishing condition.

Mr. Polster said it would be similar to the conditions placed on buffers in corridor zones. He stated at the Planning Commission there would be two parts to the package, the AFD withdrawal request and the solar farm. Mr. Polster said he thinks the project is a smart idea, addressing future economic development and accessing from Rochambeau Drive. He said his concern is keeping any of the parcel in the AFD.

Mr. Schmidt said with concerns for traffic and future development, he views the project as a win-win for the community and environment. He said he is excited about the work the company is doing.

Mr. Morgado asked about their past and current solar farm projects and whether they were meeting expectations.

Mr. Davis said their company recently moved into Virginia with the New Kent and Gloucester projects completed last year, and they are currently building a solar farm in Surry County.

Mr. Vollmer said they apply lessons learned, and there are many similarities to their multiple projects in North Carolina.

Mr. Davis stated they have approximately 120 solar farm projects in North Carolina.

Mr. Vollmer thanked the Committee for its time and feedback and said they will address the concerns raised in advance of or at the Planning Commission meeting.

F. ADJOURNMENT

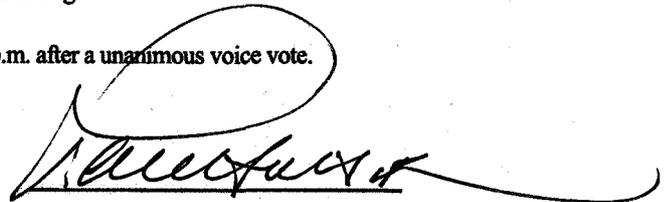
Mr. Polster thanked everyone for attending the meeting and asked for any additional comments.

Mr. Schmidt made a motion to Adjourn the meeting.

Mr. Polster adjourned the meeting at 4:40 p.m. after a unanimous voice vote.



Mr. Frank Polster, Chair



Mr. Paul Holt, Secretary