

**MINUTES**  
**JAMES CITY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg VA 23185**  
**April 5, 2017**  
**7:00 PM**

**A. CALL TO ORDER**

Mr. Rich Krapf called the meeting to order at 7:00 p.m.

**B. ROLL CALL**

Planning Commissioners

Present:

Rich Krapf

Tim O'Connor

Robin Bledsoe

John Wright

Heath Richardson

Jack Haldeman

Remote Participation:

Danny Schmidt

Staff Present:

Paul Holt, Director of Community Development and Planning

Maxwell Hlavin, Assistant County Attorney

Tammy Rosario, Principal Planner

Ellen Cook, Principal Planner

José Ribeiro, Senior Planner II

Mr. Holt stated that Mr. Danny Schmidt is out of town attending to personal business and has requested to participate remotely from Charlotte Amalie. Mr. Holt stated that pursuant to the Commission's adopted policy and consistent with State Code, members present must consider the request for remote participation by a majority vote.

Mr. Tim O'Connor made a motion to allow Mr. Schmidt to participate remotely.

On a voice vote the Commission voted to allow Mr. Schmidt to participate remotely (6-0).

Mr. Schmidt joined the meeting by telephone.

**C. PUBLIC COMMENT**

Mr. Krapf opened Public Comment.

As no one wished to speak, Mr. Krapf closed Public Comment.

## **D. REPORTS OF THE COMMISSION**

Mr. Heath Richardson stated that there was no report for the Development Review Committee (DRC) as no meeting was held.

Mr. Krapf stated that the Policy Committee met on March 9, 2017 to begin the process of reviewing Zoning Ordinance amendments to address group homes. Mr. Krapf stated that the amendments are needed to bring the County's Zoning Ordinance into accord with the Code of Virginia and the Federal Fair Housing Act. Mr. Krapf further stated the Committee discussed the definition of family, the definition of group home and zoning districts where group homes would be permitted and specially permitted along with possible performance standards. Mr. Krapf stated that staff will conduct additional research on these items and return to the Committee at a future date.

Mr. Krapf stated that he had promised to report on the Committee assignments for the upcoming year.

Mr. Krapf stated that the Policy Committee would be chaired by Robin Bledsoe and that he, Jack Haldeman, Heath Richardson and Danny Schmidt would also serve on the Policy Committee.

Mr. Krapf stated that the DRC would be chaired by Danny Schmidt and that he, Tim O'Connor and John Wright would also serve on the DRC.

Mr. Krapf stated that the applicant for Case No. Z-0001-2017, SUP-0001-2017, MP-0001-2017. Williamsburg Landing, Marclay Road has requested a deferral. Mr. Krapf stated that, out of consideration for anyone wishing to speak regarding the application, it has been suggested to move that case to first on the Public Hearing Agenda.

Mr. John Wright made a motion to approve the change to the Public Hearing Agenda.

On a voice vote, the Commission voted to move Case No. Z-0001-2017, SUP-0001-2017, MP-0001-2017. Williamsburg Landing, Marclay Road to first on the Public Hearing Agenda (7-0).

## **E. CONSENT AGENDA**

1. Minutes Adoption - March 1, 2017 Regular Meeting
2. SP-0011-2017/S-0004-2017. Stonehouse Tract 3 Parcels A & B

Mr. Wright made a motion to approve the Consent Agenda.

On a voice vote, the Commission voted to approve the Consent Agenda (7-0).

## **F. PUBLIC HEARINGS**

1. Z-0001-2017, SUP-0001-2017, MP-0001-2017. Williamsburg Landing, Marclay Road

Mr. Holt stated that the applicant has requested a one month postponement. Mr. Holt

stated that the case has been advertised and that the Public Hearing will need to be opened. Mr. Holt stated that staff concurs with the request and recommends that the Commission defer the application to its May 3, 2017 meeting.

Mr. Krapf opened the Public Hearing.

Ms. Robin Bledsoe made a motion to postpone the matter to the May 3, 2017 meeting.

On a voice vote the Commission voted to postpone Case No. Z-0001-2017, SUP-0001-2017, MP-0001-2017. Williamsburg Landing, Marclay Road to its May 3, 2017 meeting (7-0).

As no one wished to speak at this meeting, Mr. Krapf continued the Public Hearing to May 3, 2017.

2. SUP-0028-2016. Solar Electrical Generation Facility at Norge

Mr. José Ribeiro presented a report to the Commission on the request for a Special Use Permit (SUP) to operate a private electrical solar generation facility on properties located in Norge. Mr. Ribeiro stated that the proposed facility will be located primarily on a parcel of approximately 216 acres with four adjacent smaller parcels making up for the entire area subject to this SUP. Mr. Ribeiro stated that the property is currently being used for agricultural purposes and is wooded with wetland systems along its eastern and western boundaries. Mr. Ribeiro stated that the site has access to Richmond Road via Farmville Lane which runs through Norvalia and Norge Court subdivisions. Mr. Ribeiro stated that surrounding neighborhoods include Kristiansand, Walnut Grove, Farmville Estates, Oakland and the Village at Candle Station.

Mr. Ribeiro stated that the major components of the facility are the ground-mounted arrays of photovoltaic panels that convert solar energy into electricity. Mr. Ribeiro stated that the arrays are approximately 13 feet in height when positioned at the steepest angle and are arranged in rows, spaced  $\pm$  15 feet to 25 feet apart and mounted on single-axis trackers. Mr. Ribeiro stated that the master plan shows  $\pm$  820 trackers with 82,000 panels in total. Mr. Ribeiro stated that in addition to the arrays, the project will include a small enclosed switchgear facility, inverters, transformers, buried electrical conduits, a storage shed and unpaved access roads. No off-site substations or switching station are proposed as part of this project. Mr. Ribeiro stated that once the facility is operational, it will have the ability to generate up to 20 megawatts or the equivalent to supply 4,000 households per year.

Mr. Ribeiro stated that there are few anticipated impacts associated with this type of facility. Mr. Ribeiro noted that most of the impacts would occur during construction and would be associated with vehicles necessary to deliver materials to the site and traffic generated by workers traveling to and from the site. Mr. Ribeiro stated that SUP conditions have been designed to mitigate impacts during the construction period such as limiting the hours of construction activities and requiring the applicant to repair any damages to roads as a result of construction. Mr. Ribeiro further stated that once construction is complete and the facility is operational, the impacts would be limited. Mr. Ribeiro stated that traffic would be limited to approximately four trips per day, noise would be minimal and that the panels do not emit any odor or glare. Mr. Ribeiro stated that the site is naturally buffered from adjacent properties and that SUP

conditions addressing landscaping, fencing and lighting were designed to further mitigate impacts.

Mr. Ribeiro stated that the property is designated Low Density Residential (LDR) on the Comprehensive Plan Land Use Map. Mr. Ribeiro stated that the Comprehensive Plan does not specifically address solar power, or utilities in general, in LDR or the other Land Use Designation areas; therefore, staff has reviewed this application under the "very limited commercial uses" development standards listed in LDR. Mr. Ribeiro further stated that on balance, staff finds that this proposal meets the criteria for very limited commercial uses, and based on its limited impacts staff finds that this proposal is consistent with the Comprehensive Plan.

Mr. Ribeiro stated that Section 15.2-2232 of the Code of Virginia requires that unless a utility facility is shown on the adopted Comprehensive Plan or other Master Plan for the County, the local Planning Commission and a governing body shall review the facility to determine whether the location, character and extent of the project is substantial in accords with the adopted Comprehensive Plan. Mr. Ribeiro stated that the proposed solar electrical generation facility is not currently shown on the County's adopted Comprehensive Plan and, therefore, requires this additional level of review by the Planning Commission and the Board of Supervisors.

Mr. Ribeiro stated that the applicant has reviewed and concurred with all SUP conditions except for Condition No. 5 regarding vehicular access. Mr. Ribeiro stated that the applicant has proposed that vehicular access to and from the facility during the construction period be made via Oslo Court and the 50-foot-wide parcel. Mr. Ribeiro stated that this route would also be used during operation of the facility if larger vehicles are needed. Mr. Ribeiro stated that during operations, access for smaller vehicles will be restricted to Farmville Lane. Mr. Ribeiro stated that staff continues to support vehicular access to and from the facility via Farmville Lane only.

Mr. Ribeiro stated that staff recommends that the Planning Commission recommend approval of the application to the Board of Supervisors subject to the proposed SUP conditions. Mr. Ribeiro further stated that staff recommend that the Planning Commission find the location of the proposed project is in substantial accord with the Comprehensive Plan.

Mr. Krapf opened the floor for questions from the Commission.

Ms. Bledsoe inquired where the applicant stands with acquiring the Interconnection Permit with Dominion Virginia Power, the Renewable Energy Permit by Rule from the Department of Environmental Quality (DEQ) and any right-of-way needed for access.

Mr. Ribeiro stated that he would defer to the applicant on that question.

Mr. Jack Haldeman inquired about the status of the economic report.

Mr. Ribeiro stated that the economic report has not yet been submitted.

Mr. Haldeman inquired about the whether the site would be secured with a fence and locked gate.

Mr. Ribeiro stated that he did not believe that it would.

Mr. Haldeman inquired about the boundary line extinguishment on three properties.

Mr. Ribeiro stated that the boundary line extinguishment would ensure that the project would conform with required setbacks.

Mr. O'Connor inquired about the Planned Unit Development (PUD) reference on the Master Plan.

Mr. Ribeiro stated that it was referring to the Village at Candle Station development which is zoned PUD.

Mr. Krapf inquired if the properties subject to the boundary line extinguishment are owned by the same entity.

Mr. Ribeiro confirmed.

Mr. Schmidt inquired if the applicant's preferred access route would apply when the facility is decommissioned.

Mr. Ribeiro stated that the decommissioning report, when submitted, would clarify the methods and routes to be used.

Mr. Holt stated that under the applicant's proposed condition, those routes can be used during construction and operation for oversized vehicles. Mr. Holt further stated that the Commission could request adding decommissioning to the SUP condition.

Mr. Richardson inquired whether the right-of-way required at the curve on Farmville Lane impacted a property owner.

Mr. Ribeiro stated that he would defer to the applicant.

Mr. Richardson noted, as disclosure, that he had toured the route and project site with the applicant. Mr. Richardson inquired if the existing fence at the curve would need to be removed.

Mr. Ribeiro stated that the fence would need to be removed; however, the property is owned by Whisper Ridge, LLC which is also the owner of the project site.

Mr. Wright inquired if a community meeting was held.

Mr. Ribeiro stated that a community meeting was held by the applicant in November, 2016.

Mr. Krapf called for disclosures from the Commission.

Mr. Krapf stated that he toured the site with the applicant.

Mr. Schmidt stated that he toured the site last week.

Mr. O'Connor stated that he spoke with the applicant by telephone.

Ms. Bledsoe stated that she exchanged email with the applicant.

Mr. Wright stated that he did not meet with the applicant; however, he did visit the site.

Mr. Richardson stated that he visited the site with the applicant. Mr. Haldeman stated that he visited the site with the applicant.

Mr. Krapf noted that the Public Hearing has remained open and called on the applicant to speak.

Mr. Drew Gibbons, SunPower, Lead Developer for East Coast Development, made a presentation to the Commission on the proposed project. Mr. Gibbons stated that the site was selected based on criteria of suitable acreage and topography, proximity to a distribution line, willing landowner partner, significant existing vegetative buffers and being previously farmed land.

Mr. Gibbons stated that an initial consultation has been held with the DEQ for the Virginia DEQ Renewable Energy Permit by Rule. Mr. Gibbons stated that consultations are now being held with the other necessary agencies and should be completed within six months. Mr. Gibbons stated that a Certificate of Public Convenience and Necessity and a Virginia Pollutant Discharge Elimination System (VPDES) Stormwater Management permit will also be necessary.

Mr. Gibbons stated that, once operational, the site would be maintained by up to three regionally-based electrical facility professionals and would generate 2-4 car trips per day. Mr. Gibbons stated that noise from the site would be no more than that of a standard refrigerator and would be inaudible at the property boundary. Mr. Gibbons stated that there will not be any glare from the site as solar panels absorb light. Mr. Gibbons stated that SunPower's facilities are designed to operate for 30 or more years; at end of life the facility will be decommissioned and all components will be removed. Mr. Gibbons further stated that the land would be restored and a Decommissioning Security Bond will be posted.

Mr. Gibbons stated that the main economic benefit of the project would be job creation with approximately 80 construction jobs over a nine-month period with up to three permanent operations positions. Mr. Gibbons noted that the project would place minimal demand on County facilities and services; provide long-term open land preservation; support workforce training programs for solar energy; and provide educational opportunities for schools.

Mr. Gibbons noted that construction will be limited to 7a.m. – 7 p.m. and delivery of materials will be scheduled to avoid school bus pick up and drop off times. Mr. Gibbons further stated that the Virginia Department of Transportation (VDOT) has approved both access route options. Mr. Gibbons noted that the route preferred by staff would require removal of fencing and hedges to create an adequate turn radius for large vehicles. Mr. Gibbons noted that the necessary right of way for the turn improvements has not been acquired. Mr. Gibbons further stated that large vehicle access would be needed for construction and decommissioning as well as major maintenance approximately every 10 years.

Mr. Gibbons stated that in response to the question on permits and easements, the Interconnection Agreement with Dominion Virginia Power is imminent. Mr. Gibbons

further stated that the Permit by Rule process is underway. Mr. Gibbons stated that the easement for Oslo Court is in place but the easement for Farmville Lane is not.

Mr. Gibbons stated that the Economic Impact Report will be completed for the Board of Supervisors meeting. Mr. Gibbons noted that while the tax revenue will be minimal, greater benefits will be derived from job creation and minimal impacts on County services.

Mr. Gibbons noted that the project would be surrounded by a seven-foot chain link fence for security and safety; however the access road would not be gated.

Mr. Gibbons stated that a Community Meeting, recommended by staff, was held in November. Mr. Gibbons further noted that the meeting was well attended. Mr. Gibbons stated that the main concern expressed was the visual impact of the project. Mr. Gibbons stated that the buffer and screening plan was developed to address those concerns.

Mr. Richardson requested confirmation of whether it would be necessary to remove the fencing on a neighboring property to create the necessary turn radius for larger vehicles.

Mr. Gibbons confirmed that it would be necessary. Mr. Gibbons stated that they have been negotiating to acquire the access. Mr. Gibbons stated that part of the rationale for proposing an alternate access is to avoid impacts on nearby parcels.

Mr. Richardson inquired about the amount of land clearing for the project.

Mr. Gibbons noted that there would be some clearing of trees; however sensitive areas and extreme topography would be avoided.

Ms. Bledsoe inquired about the location of the substation.

Mr. Gibbons stated that the substation would be located close to the Dominion Virginia Power transmission lines. Mr. Gibbons further stated that the specific location is shown on the Master Plan.

Ms. Bledsoe inquired about the height of the panels.

Mr. Gibbons stated that when the panels are raised to their highest point it is approximately 16 feet.

Ms. Bledsoe inquired about the number of similar installations placed adjacent to residential neighborhoods.

Mr. Gibbons stated that SunPower has placed several facilities directly adjacent to residential communities and has worked diligently to minimize the impacts.

Ms. Bledsoe inquired whether the power would go directly to County residents.

Mr. Gibbons stated that the power would be for general distribution at the discretion of Dominion Virginia Power.

Ms. Bledsoe inquired if this is something that that Dominion needs at this time to

maintain business.

Mr. Gibbons stated that Dominion will procure significant amounts of solar power over the next two to four years. Mr. Gibbons stated that solar power is part of Dominion's business plan. Mr. Gibbons further stated that this is an opportunity for James City County to participate in the solar movement.

Mr. Wright asked for confirmation that the Company is SunPower based in California and is a publicly traded company.

Mr. Gibbons confirmed. Mr. Krapf inquired whether the construction workers would have staggered schedules or arrive on site at one time. Mr. Gibbons stated that there would be 60 to 80 construction workers driving personal vehicles to the site. Mr. Gibbons stated that there would be staggered arrivals over an hour in the morning. Mr. Gibbons noted that materials would be delivered on a schedule designed to avoid school bus pick up and drop off times. Mr. Gibbons noted that the traffic generation would be similar to that of a residential development.

Ms. Bledsoe inquired what the hours of operation would be.

Mr. Gibbons stated that for construction, the hours of operation would be 7 a.m. to 7 p.m. Mr. Gibbons noted that generally work would end between 3:30 p.m. and 5 p.m.; however, should the work run behind schedule, it is helpful to have the option of working later.

Mr. Benjamin Swenson, 106 Barlows Run, County Resident, addressed the Commission in support of the application. Mr. Swenson stated that it is important to ensure that the County's natural resources are protected by ensuring adequate buffers, mitigation of impacts on the nearby perennial stream and ensuring archaeological sites are conserved.

Ms. Stephanie Weber, 222 Thomas Nelson Drive, Statewide Director for the Chesapeake Climate Action Network, addressed the Commission in support of the application. Ms. Weber noted that Virginia imports approximately 25% of its energy; second only to California. Ms. Weber stated that the project will provide clean energy on with minimal impacts. Ms. Weber noted that in this region, there is a proposed solar home development and that the Williamsburg-James City County Schools is looking at Dominion Virginia Power's Solar Schools program. Ms. Weber stated that solar farms are on the rise in neighboring states as well as certain areas of Virginia. Ms. Weber requested that the Commission support the project. Ms. Josephine Gardner, 731 Autumn Circle, County Resident, addressed the Commission in opposition to the application. Ms. Gardner noted concerns about the impact of taking access for the project through the residential neighborhood.

Mr. Elliott York, 103 Spring Trace Lane, Assistant Manager, Whisper Ridge, LLC, addressed the Commission in support of the application. Mr. York stated that Whisper Ridge, LLC has entered into a long-term agreement with the applicant for use of the property. Mr. York noted that several solar power companies have inquired about the property and that SunPower's offer was accepted based on the reputation of the company. Mr. York stated that this is a winning proposal for all parties including the County and requested that the Commission support the project.

Mr. Wayne Nunn, 238 Loch Haven Drive, President of Hidden Acres Farm, Inc., addressed the Commission regarding the application. Mr. Nunn noted concerns about the suitability of using Oslo Court to access the property. Mr. Nunn noted concerns about the future stability of SunPower. Mr. Nunn further noted concerns about the structural stability of the panel arrays. Mr. Nunn stated that he has concerns about the access to his property and the reduction in value of his property.

As no one further wished to speak,

Mr. Krapf closed the Public Hearing.

Mr. Krapf noted that there would need to be one motion regarding compliance with Section 15.2-2232 of the Code of Virginia and one regarding the Commission's recommendation to the Board of Supervisors.

Mr. Richardson inquired if there were sites where it was necessary to stabilize the pole with additional materials and is there a potential that it would be necessary to do so at this site.

Mr. Gibbons stated that the initial soils report indicated that stabilization would not be necessary.

Mr. Richardson inquired about the fencing along Norge Farm Lane.

Mr. Gibbons stated that the fence would only be around the project site only.

Ms. Bledsoe inquired if the land would be restored at decommissioning.

Mr. Gibbons stated that the land would be restored to its current use. Mr. Gibbons stated that the arrays would be completely removed and natural vegetation would be replaced. Mr. Gibbons further stated that there would be a decommissioning bond held by the County. Mr. Gibbons further stated that road repairs would also be bonded.

Ms. Bledsoe inquired about the lifespan of the facility.

Mr. Gibbons stated that facilities have a lifespan of approximately 30 years and that SunPower has an agreement with the landowner for 35 years.

Mr. Krapf inquired if there would be a warranty on the additional tree buffers.

Corey Howell, Kimley-Horn and Associates, stated that one of the SUP conditions requires a landscaping plan to be finalized during the Site Plan phase. Mr. Howell stated that there is generally a maintenance period of one year. Mr. Howell noted that after a year the vegetation should be firmly established.

Mr. Krapf inquired what techniques were used to determine that the turn radius on Farmville Lane is not sufficient.

Mr. Carroll Collins, Kimley-Horn and Associates, stated that a standard simulation program was used to determine what the turn radius needs to be for the anticipated vehicle size.

Mr. Krapf inquired if the simulation determined that the existing conditions would not allow use of that turn.

Mr. Collins confirmed.

Mr. Wright inquired if the entire project site is within the Primary Service Area (PSA).

Mr. Ribeiro confirmed.

Mr. O'Connor inquired about the size of the site. Mr. Ribeiro stated that the larger parcel is approximately 216 acres.

Mr. O'Connor inquired about the minimum lot size.

Mr. Ribeiro stated that the property is zoned A-1, General Agricultural and that the minimum lot size is three acres.

Mr. Ribeiro stated that the LDR designation would allow for smaller lots; however, public benefits would need to be provided.

Mr. O'Connor inquired about the easement across the property to provide access to Hidden Acres Farm.

Mr. Ribeiro stated that staff has been unable to locate a Deed of Easement for Norge Farm Lane if there is an easement and who would hold the easement.

Mr. Schmidt stated that the proposed use would be less of a drain on County services and infrastructure than residential development.

Ms. Bledsoe stated that while she supports solar energy, she has concerns about the outstanding permits and reports. Ms. Bledsoe further stated that she does not believe there will be major fiscal benefits for the County. Ms. Bledsoe stated that she is concerned that there is no clear access point that would not impact the residential neighborhood. Ms. Bledsoe further stated that she believes the hours of operation for construction are excessive. Ms. Bledsoe stated that it is not fair to ask the adjacent neighborhoods to endure the impacts of the project. Ms. Bledsoe stated that the subject property has been considered previously for other types of development which did not move forward due to lack of access. Ms. Bledsoe stated that she will not support the application.

Mr. Wright stated that he supports solar energy as a part of the County's energy resources. Mr. Wright stated that if the project were not adjacent to several residential neighborhoods, he would support the project. Mr. Wright further stated that he has concerns about the project being located within the PSA and potential impacts on future development in the County. Mr. Wright stated that he would support the project if it were sited outside the PSA, not adjacent to residential neighborhoods, had adequate access, and was located on a site with substantial natural buffers; however, under the current parameters, he cannot support the application.

Mr. Haldeman stated that he would prefer that the subject parcel and Hidden Acres Farm remain farmland for all time. Mr. Haldeman stated that it is inevitable that the property will be developed at some point. Mr. Haldeman stated that while he would not

necessarily want to live adjacent to a solar farm, the alternative of residential development is even less desirable. Mr. Haldeman stated that he will support the application.

Mr. Richardson stated that this application gives the County a tool to keep the property as pristine as possible well into the future. Mr. Richardson stated that solar farms are a step toward energy independence which outweighs the lack of economic benefit. Mr. Richardson stated that once the construction is complete, the facility will generate no more traffic than an active farm. Mr. Richardson stated that he will support the application.

Mr. O'Connor stated that the purview of the Planning Commission is to determine whether the land use is appropriate. Mr. O'Connor stated that because the property is in the PSA, it could potentially be used for residential development which would generate substantially more traffic and place more burden on County infrastructure and services. Mr. O'Connor noted that the solar farm would ensure that the property would remain undeveloped for the foreseeable future. Mr. O'Connor stated that he will support the application.

Mr. Krapf stated that he will support the application. Mr. Krapf stated that he believes the construction period required for this project will be less of an impact than construction for homes if the property were developed for residential use. Mr. Krapf further stated that a priority for the County is economic uses for rural lands that does not involve residential development. Mr. Krapf stated that he believes the proposal is acceptable and in accord with the Comprehensive Plan. Mr. Krapf stated that he favors the amendment to SUP Condition No. 5 which allows the applicant to access the property from Oslo Court.

A motion to Approve was made by Jack Haldeman, the motion result was Passed.

AYES: 5 NAYS: 2 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, O'Connor, Richardson, Schmidt

Nays: Bledsoe, Wright III

Mr. Haldeman made a motion to find that the location of the proposed facility is substantially in accord with the Comprehensive Plan.

On a roll call vote, the Planning Commission voted to find that the location of the proposed facility is substantially in accord with the Comprehensive Plan (5-2). (Aye: Haldeman, Schmidt, O'Connor, Richardson, Krapf. Nay: Wright, Bledsoe)

A motion to Approve was made by Tim O'Connor, the motion result was Passed.

AYES: 5 NAYS: 2 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, O'Connor, Richardson, Schmidt

Nays: Bledsoe, Wright III

Mr. O'Connor made a motion to recommend approval of SUP-0028-2016, Solar Electrical Generation Facility at Norge with the applicant's amendment to SUP Condition No. 5 to allow access through Oslo Court for construction, maintenance and decommissioning.

On a roll call vote, the Planning Commission voted to recommend approval of SUP-0028-2016, Solar Electrical Generation Facility at Norge with the applicant's

amendment to Condition No. 5 to allow access through Oslo Court for construction, maintenance and decommissioning (5-2). (Aye: Haldeman, Schmidt, O'Connor, Richardson, Krapf. Nay: Wright, Bledsoe).

3. LU-0002-2014. 8491 Richmond Road (Taylor Farm) Land Use Designation Change

Ms. Ellen Cook, Principal Planner, made a presentation to the Commission on the request to change the Land Use Designation for the property from its current designation of Rural Lands, Low Density Residential and Mixed Use to Economic Opportunity (EO) and to extend the PSA line to incorporate the entire parcel. Ms. Cook stated that this application had initially been submitted in April 2014 as part of the County's Comprehensive Plan review. Ms. Cook stated that as part of the process, the application was reviewed by the Planning Commission Working Group (PCWG) which recommended deferral of this application pending resolution of changes to the County's Groundwater Withdrawal Permit. Ms. Cook stated that the Planning Commission and the Board of Supervisors chose to defer the decision on this case until the issues with the Groundwater Withdrawal Permit were resolved. Ms. Cook stated that in February 2017 the DEQ issued a Groundwater Withdrawal Permit to the County for six million gallons per day with additional tiers for up to eight million gallons per day. Ms. Cook stated that the permit appears to adequately account for growth in the County over the next 10 years; however, after that time deficits would become apparent and a long-term solution for water supply will be needed. Ms. Cook stated that at the Board of Supervisors meeting on March 7, 2017, staff recommended denial of the re-designation and expansion of the PSA. Ms. Cook stated that the Board voted to remand the case for consideration of a change of the Land Use Designation to EO and review of specific EO designation description language. Ms. Cook stated that staff recommends that the Planning Commission review and evaluate this case as remanded by the Board of Supervisors, including making recommendations on the change in the Land Use Designation to Economic Opportunity and expansion of the PSA by approximately 141 acres.

Mr. Wright inquired if the EO designation would allow solar facilities.

Ms. Tammy Rosario, Principal Planner, stated that the use had not been fully considered under the EO designation and would require further thought.

Mr. Schmidt inquired how many residential units could potentially be built if the property is designated EO.

Ms. Rosario stated that the EO language in the Comprehensive Plan does not include residential development as a recommended use. Ms. Rosario further stated that the proposed language specific to this property residential uses are not listed as a recommended use. Ms. Rosario stated that residential is not specifically prohibited, it is expected that residential development would be no more than permitted under the designated Zoning District.

Mr. Holt clarified that what is being considered at this time is draft guidance language under the Comprehensive Plan rather than a rezoning. Mr. Holt stated that when a rezoning application comes forward, that guidance language would address the allowable amount of residential development. Mr. Holt stated that in the EO Zoning District, residential uses would require an SUP. Mr. Holt further stated that electrical

generation facilities would require an SUP in the EO Zoning District.

Mr. Haldeman inquired if this was the appropriate time to make recommendations on the specific EO language regarding this property.

Ms. Rosario stated that this is an appropriate time to consider language regarding what uses are recommended or not recommended.

Ms. Bledsoe noted that the Board of Supervisors was very clear that they wanted the Planning Commission to provide guidance on the allowable amount of residential development on the property.

Mr. Richardson noted that the current wording incorporates elements from language that had been proposed during the Comprehensive Plan update for a Rural Economic Support designation.

Ms. Rosario confirmed that there are some of the same elements incorporated.

Mr. Krapf called for disclosures from the Commission.

There were no disclosures.

Mr. Krapf opened the Public Hearing.

Mr. Randy Taylor, 7112 Church Lane, Applicant's Representative, addressed the Commission in support of the application. Mr. Taylor stated that the applicant concurs with the proposed EO language and is open to input from the Commission. Mr. Taylor further stated that the PSA line bisects the property; however, on surrounding properties, the PSA follows the property line. Mr. Taylor noted that the major benefit of making the designation change is to limit the potential for residential development on the property and open it up for development that would bring an economic benefit to the County. Mr. Taylor stated that the property has historically been farmed and is currently being farmed; however, it may not be in the future. Mr. Taylor stated that by changing the Comprehensive Plan designation, it will give the County a tool to ensure that eventual development of the parcel is in accord with the County's vision for the future.

Mr. Howard Jones, 111 Heathery, County Resident, addressed the Commission regarding the application. Mr. Jones stated that he owns property adjacent to the Taylor property and does not currently have road access to his property. Mr. Jones stated that he supports the application; however, he would like to see the Comprehensive Plan or the Master Plan for the property reference two stub connections for his property. Mr. Jones noted that VDOT does have a public benefit requirement to ensure that landlocked parcels will have access.

Mr. Krapf requested that Mr. Hlavin confirm and elaborate on the VDOT public benefit requirement for landlocked parcels.

Mr. Hlavin stated that the County could not require access for an adjacent property owner as part of a legislative case; however, the Subdivision Ordinance does provide for ensuring access to adjacent parcels at the development stage. Mr. Hlavin further stated that landowners also have the right to take private action to ensure access which

would not involve the County or its land use processes. Mr. Hlavin stated that interconnectivity would be an acceptable policy as part of the Comprehensive Plan; however, at this stage it would not be binding or confer rights.

As no one further wished to speak, Mr. Krapf closed the Public Hearing.

Mr. Krapf noted that with this case there are three items that the Commission must consider: the Comprehensive Plan Land Use designation; the expansion of the PSA; and the draft EO language for the parcel.

Mr. Krapf opened the floor to discussion by the Commission.

Mr. Richardson inquired if the draft Comprehensive Plan language could contain reference to stub connections being required for a future Master Plan.

Mr. Hlavin stated that from a legal standpoint a policy document at the Comprehensive Plan level promoting connectivity is acceptable.

Ms. Rosario stated that there is existing language to serve as a foundation that encourages developers to use best practices for access management to maintain mobility on Route 60. Ms. Rosario further stated that the Transportation section of the Comprehensive Plan does speak to access management and interconnectivity between parcels. Ms. Rosario stated that additional specific language could be added at the Commission's direction.

Mr. O'Connor clarified that the language would be for guidance rather than binding.

Mr. Wright inquired if this would be something that could be addressed between the two property owners at the development stage.

Ms. Rosario stated that there would be an opportunity for the parties to discuss the matter and make a private agreement.

Mr. O'Connor noted that one of the two properties currently designated EO was not in the PSA and inquired about the mechanism to bring the property into the PSA at the time a Master Plan is approved.

Ms. Rosario stated that the Comprehensive Plan states that the intent of the designation is to include parcels with this designation in the PSA, where not already included, pending the outcome of the master planning efforts. Ms. Rosario stated that the language also sets forth options for how the master planning could occur.

Mr. Krapf noted that there was substantial discussion during the Comprehensive Plan update about the designation for that one parcel. Mr. Krapf noted that it was decided at the time to make the inclusion in the PSA contingent on a satisfactory Master Plan.

Mr. Haldeman inquired if the PSA for the parcel subject to this application followed the land use designations for the property with the portions of the property designated Mixed Use and Low Density Residential being inside the PSA and the portion designated Rural Land being outside the PSA.

Ms. Rosario confirmed. Ms. Rosario noted that there are a number of parcels in the

County which are divided by the PSA. Ms. Rosario stated that generally the more intensive designations are within the PSA.

Mr. Wright inquired whether proffers would apply to the property.

Mr. Hlavin stated proffers are not part of a Comprehensive Plan Land Use Designation change. Mr. Hlavin further stated that the County would not accept proffers for the residential component of any future rezoning.

Mr. Hlavin clarified that proffers could be accepted for any commercial development.

Mr. Schmidt inquired how much acreage is outside the PSA.

Ms. Rosario stated that approximately 141 acres are outside the PSA and 45.5 acres are within the PSA.

Mr. Krapf reminded the Commission there were three items for consideration: the Comprehensive Plan Land Use Designation; the expansion of the PSA; and the draft EO language for the parcel.

Mr. Krapf recommended that the Commission consider them in order beginning with the Land Use Designation.

Mr. Richardson made a motion to recommend approval of the Land Use Designation change with the adjusted language proposed by staff.

Mr. O'Connor inquired whether there should be more discussion regarding the proposed language.

Mr. Holt stated that if this motion was approved, then there would be only the PSA component to be determined.

Mr. Krapf inquired if the motion could be to approve the EO designation in principal based on the rough guidelines and discuss modification for specific language separately.

Mr. O'Connor stated that he would like to firm up the language first. Mr. O'Connor commented that the guidance language might affect the determination regarding the PSA component.

Mr. Richardson stated that the proposed language appears to cover all the considerations; however, he would be willing to amend the motion in light of the request for further discussion.

Ms. Bledsoe inquired if it would be necessary to consider the EO designation and inclusion of the Property in the PSA before considering the guidance language. Ms. Bledsoe noted that she believed the intent of the Board of Supervisors was for the Policy Committee to consider the guidance language.

Mr. Holt stated that the Board of Supervisors remanded the matter to the Planning Commission.

Mr. Krapf suggested that the Commission discuss the guidance language.

Mr. Richardson read the draft language for the Toano/Anderson's Corner Area.

Mr. Krapf stated that he would like to amend the proposed language to add language regarding the PSA that is similar to what was done for Hill Pleasant Farm.

Ms. Rosario stated that the language was actually part of the overarching EO description and would apply to all parcels that are designated EO.

Mr. O'Connor stated that he believes the commercial development aspect should not be discouraged as there is a need for some commercial uses to support adjacent neighborhoods.

Mr. Krapf inquired what types of uses would be considered a commercial use.

Ms. Cook stated that the current language is for retail commercial which would include shopping centers and other similar uses.

Mr. Krapf inquired if it would include small business. Ms. Cook confirmed. Mr. Krapf noted that a significant portion of Toano is zoned B-1.

Mr. Krapf stated that he is reluctant to remove the language which focuses on supporting Toano as the commercial center for that part of the County. Mr. Krapf further stated that the language does not preclude commercial activity on the Taylor Farm.

Mr. Haldeman noted that the language proposed for this area of the County during the Comprehensive Plan update focused on retaining the historic and rural character of the area. Mr. Haldeman stated that the Commission should be mindful of this vision. Mr. Haldeman suggested that there should be appropriate restrictions and standards for commercial and light industrial development. Mr. Haldeman further stated that he would like the language to strongly discourage residential development.

Mr. O'Connor noted that the initial vision for EO was to create an environment where people would live close to work or to transportation hubs and become a self-contained community. Mr. O'Connor stated that he would be inclined to retain the small amount of residential development that would be allowed.

Mr. Richardson stated that a small walkable community would be an attractive addition to the Route 60 corridor.

Mr. Haldeman stated that more residential development would bring more people to the area which would reduce any benefit to current residents from the jobs created with the EO designation.

Ms. Bledsoe stated that per the Comprehensive Plan, lands designated EO are intended primarily for economic development, increased non-residential tax base and the creation of jobs. Ms. Bledsoe further stated that the lands are intended to be at strategic locations relative to transportation, utilities infrastructure and adjacent uses. Ms. Bledsoe noted that the uses should have a positive fiscal impact, provide quality jobs, enhance community values and support economic stability. Ms. Bledsoe stated that she interprets that guidance to mean less residential and more job creation.

Mr. Schmidt stated that based on the potential acreage for residential development and the potential that the residential development could be multi-family, it could be a substantial impact.

Mr. O'Connor inquired if the Commission could amend the language to further restrict residential development.

Ms. Rosario stated that additional limiting language had been applied to the two other properties that received the EO Land Use Designation.

Mr. Krapf noted that by limiting residential components, any development would look more industrialized and not have an appealing streetscape. Mr. Krapf stated that his understanding is that the residential component for this property would be located where the property is not suited for commercial development. Mr. Krapf stated that by limiting residential development it would exclude opportunities for workforce housing and a walkable community.

Mr. Richardson stated that the intent is for the property to be developed by Master Plan which would require County oversight to ensure that the development is compatible with the vision for the area.

Mr. Krapf inquired if Mr. Haldeman would be satisfied with a small amount of residential development.

Mr. Haldeman stated that he would prefer no residential development but was agreeable to some. Mr. Haldeman stated that it could be beneficial to have language tailored specifically to Anderson's Corner; however, it would take the process back a step.

Mr. Richardson stated that many of the details would be addressed when a Master Plan is submitted. Mr. Richardson stated that the Commission would be giving the Board a recommendation on how the property should be treated as a whole and providing them the best tools to consider future development applications.

Mr. Krapf inquired if the guiding language for the EO Land Use Designation and the specific language for Toano/Anderson's Corner was meant to provide standards against which to review future development proposals.

Ms. Rosario stated that staff drew from the Anderson's Corner recommendations when crafting the specific language for the subject parcel. Ms. Rosario stated that this is guiding language to be used when reviewing a master planning and rezoning proposal.

Mr. Krapf inquired if the Commission would be willing to include language stating that "[a]ny residential uses should be subordinate to and in support of the primary economic development uses. In addition the location and amount of any residential uses should be depicted as an integrated element of the larger Master Plan for the area, should be limited to the amount or percentage allowed in the EO Zoning District and should not be developed prior to a significant portion of the primary economic development uses".

Mr. Schmidt stated that he is in favor of the additional language. Ms. Bledsoe inquired if voting on this item first would then be recommending commercial development outside the PSA.

Mr. Holt stated that it would depend on the vote on the PSA extension.

Mr. Krapf stated that with other properties the EO designation was approved with the intent that the PSA extension would be handled at the time a Master Plan was proposed.

Ms. Rosario clarified that the PSA extension could be done at the time of a Comprehensive Plan update or in conjunction with a rezoning request.

Mr. Krapf inquired if anyone wished to change any of the overarching EO language or any of the language specific to this parcel. Mr. Richardson amended his motion to recommend approval of the EO designation with the additional language limiting residential development.

Mr. O'Connor inquired if the applicant was satisfied with the proposed language.

Mr. Taylor stated that the adjusted verbiage is acceptable. Mr. Taylor noted that his concern was what would happen if the PSA extension was not approved.

Ms. Rosario stated that when the EO Land Use Designation was first considered with the 2009 Comprehensive Plan Update, the language was designed to confirm the intent of bringing the property into the PSA, while ensuring that proper master planning occurred. Ms. Rosario stated that once a Master Plan was approved by the County, the PSA extension would be done as a Comprehensive Plan amendment.

Ms. Bledsoe requested clarification on the timing of the PSA extension. Ms. Rosario stated that the PSA extension would be a Comprehensive Plan amendment but would not necessarily be tied to the timing of a Comprehensive Plan Update.

Mr. Holt clarified that the motion is to recommend approval of the EO Land Use Designation with the language recommended by staff with the additional language stating "[a]ny residential uses should be subordinate to and in support of the primary economic development uses. In addition the location and amount of any residential uses should be depicted as an integrated element of the larger Master Plan for the area, should be limited to the amount or percentage allowed in the EO Zoning District and should not be developed prior to a significant portion of the primary economic development uses."

Mr. Richardson confirmed that the motion is correct.

On a roll call vote the Planning Commission voted to recommend approval of the EO Land Use Designation and the guidance language specific to Toano/Andersons Corner (7-0).

A motion to Approve was made by Heath Richardson, the motion result was Passed.  
AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Bledsoe, Haldeman, Krapf, O'Connor, Richardson, Schmidt, Wright III

Mr. Krapf called for discussion on the PSA expansion.

Mr. Richardson asked for clarification on what the Commission would be recommending.

Mr. Krapf stated that the Commission would be making a recommendation on whether or not the entire property should be brought into the PSA as part of this Land Use application.

Mr. Haldeman inquired whether language could be included to tie the PSA expansion to the approval of a Master Plan.

Mr. Krapf stated that the language is part of the overarching EO language which applies to all parcels.

Mr. Haldeman requested clarification on what the Commission needed to do.

Mr. O'Connor stated that at the last Comprehensive Plan Update, this application requested both a change in the Land Use Designation and an extension of the PSA. Mr. O'Connor further stated that due to the concerns about the DEQ permit, the application had been deferred until those concerns had been resolved.

Mr. Krapf stated that the overarching language recognizes that some parcels may not be incorporated in the PSA and provides a mechanism to bring those parcels into the PSA at the time of an approved Master Plan. Mr. Krapf stated that at this time the Commission should vote on whether the 141 acres should be brought into the PSA.

Ms. Bledsoe made a motion to recommend approval of bringing the 141 acres into the PSA.

Mr. Krapf stated that he would not support the motion in light of the reduced water withdrawal allowance and the ten-year time limit on finding alternative water sources. Mr. Krapf further stated that water is on a first come, first serve basis so that if land newly added to the PSA was ready for development sooner than existing parcels in the PSA. Mr. Krapf stated that he would prefer to tie the PSA expansion to the Master Plan so that the impacts could be determined before the decision is made.

Mr. Richardson stated that the matter would likely have been decided earlier without the DEQ permit concerns. Mr. Richardson stated that the PSA is a good toll to manage growth, but in some cases it can be constrictive to necessary growth. Mr. Richardson stated that he supports bringing the 141 acres into the PSA.

Mr. Krapf noted that by expanding the PSA, it would potentially require expanding County services which will impact the County's budget.

Mr. Haldeman stated that he will not support the expansion of the PSA at this time.

Mr. Wright stated that it is important to note that the potential use will be more commercial than residential. Mr. Wright stated that he believes the water issues can be resolved. Mr. Wright stated that he will support the expansion of the PSA.

Mr. Schmidt stated that his main concern is that there is still no long-term solution to the water supply. Mr. Schmidt stated that he does not support expanding the PSA. Mr. O'Connor stated that he is inclined to support the expansion of the PSA.

Mr. O'Connor stated that County services would be required no matter what type of development occurs. Mr. O'Connor stated that the EO Land Use Designation and expansion of the PSA would allow the property to be marketable and have a Master Plan put in place.

On a roll call vote the Planning Commission voted to recommend approval of the addition of 141 acres into the PSA (4-3). (Aye: Wright, Bledsoe, O'Connor, Richardson. Nay: Haldeman, Schmidt, Krapf.)

A motion to Approve was made by Robin Bledsoe, the motion result was Passed.  
AYES: 4 NAYS: 3 ABSTAIN: 0 ABSENT: 0  
Ayes: Bledsoe, O'Connor, Richardson, Wright III  
Nays: Haldeman, Krapf, Schmidt

#### **G. PLANNING COMMISSION CONSIDERATIONS**

There were no items for consideration.

#### **H. PLANNING DIRECTOR'S REPORT**

##### **1. Planning Director's Report - April 2017**

Mr. Holt stated that there was nothing more to add other than what was submitted in the Planning Commission packet.

#### **I. PLANNING COMMISSION DISCUSSION AND REQUESTS**

Mr. Krapf noted that Mr. O'Connor would have Board of Supervisors coverage for May.

Mr. O'Connor inquired when the Taylor Farm land Use application would be heard by the Board.

Mr. Holt stated that it would be heard in May.

#### **J. ADJOURNMENT**

Mr. Wright made a motion to adjourn.

The meeting was adjourned at approximately 10:08 p.m.

  
Rich Krapf, Chair

  
Paul D. Holt, III, Secretary