

**MINUTES**  
**JAMES CITY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg VA 23185**  
**October 7, 2020**  
**6:00 PM**

**A. CALL TO ORDER**

Mr. Rich Krapf called the meeting to order at 6 p.m.

1. This meeting will be held electronically pursuant to the Continuity of Government Ordinance re-adopted by the Board of Supervisors on April 14, 2020 and September 8, 2020, and will be aired live on the County's government public access channel, JCC TV 48, via Live Stream on the County website: <https://jamescitycountyva.gov/220/Live-Stream>, and via the County's YouTube channel: <https://www.youtube.com/user/jamescitycounty>. Citizen comments may be submitted via US Mail to the Planning Commission Secretary, PO Box 8784, Williamsburg, VA 23187, via electronic mail to [community.development@jamescitycountyva.gov](mailto:community.development@jamescitycountyva.gov), or by leaving a message at 757-253-6750. Citizens may attend and participate in the electronic meeting via Zoom at <https://zoom.us/j/93617811717> or dial any of the following numbers for listen-only audio of the meeting: 929-205-6099, 312-626-6799, 301-715-8592, 346-248-7799, 669-900-6833, or 253-215-8782 using Webinar ID: 936 1781 1717. Any public comment received through the above means will be shared at the meeting. Citizens using the link above who would like to speak during public comment and any public hearing will also be able to speak during those times.
2. Zoom Meeting Instructions

**B. ROLL CALL**

**Planning Commissioners Present:**

Jack Haldeman  
Rich Krapf  
Tim O'Connor  
Frank Polster  
Julia Leverenz  
Barbara Null

**Planning Commissioners Absent:**

Rob Rose

**Staff Present:**

Paul Holt, Director of Community Development and Planning  
Max Hlavin, Deputy County Attorney  
Tom Leininger, Senior Planner

1. Virtual Meeting Resolution

A motion to Approve was made by Frank Polster, the motion result was Passed.

AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1  
Ayes: Haldeman, Krapf, Leverenz, Null, O'Connor, Polster  
Absent: Rose

Mr. Krapf provided a summary of the resolution allowing the Planning Commission to hold the virtual meeting.

Mr. Frank Polster made a motion to approve the resolution.

On a roll call vote the Commission voted to approve the resolution. (6-0)

**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. Polster stated that the Policy Committee did not meet in September 2020.

Mr. Jack Haldeman stated that the Development Review Committee (DRC) met on September 23, 2020, at 4 p.m. to consider Site Plan-20-0060. Chickahominy Riverfront Park Shoreline Stabilization - Tree Removal Site Plan Amendment. Mr. Haldeman stated that a site plan amendment proposing a shoreline stabilization project at Chickahominy Riverfront Park was submitted and approved last year. Mr. Haldeman stated that in the interim, sections of the site continue to erode, and six additional trees less than 12 inches in diameter must be removed within this section in order to effectively address the problem and include this additional area in the stabilization effort. Mr. Haldeman stated that the Planning Director found removal of these trees acceptable, but the DRC must also approve the request, which it did unanimously.

**E. CONSENT AGENDA**

1. Minutes of the September 2, 2020, Regular Meeting
2. Development Review Committee Action Item: SP-20-0060. Chickahominy Riverfront Park Shoreline Stabilization - Tree Removal SP Amendment
3. Proposed calendar update for 2020-2021

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

On a voice vote, the Commission approved the Consent Agenda 6-0.

**F. PUBLIC HEARINGS**

1. SUP-20-0016. Norge Solar Farm SUP Amendment

A motion to Approve was made by Frank Polster, the motion result was Passed.  
AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Haldeman, Krapf, Leverenz, Null, O'Connor, Polster  
Absent: Rose

Mr. Tom Leininger, Senior Planner, stated that Ms. Robin Lucey has applied for a Special Use Permit (SUP) amendment for 320, 339, 341, and 345 Farmville Lane to amend SUP-0028-2016 approved by the Board of Supervisors on January 9, 2018.

Mr. Leininger stated that the SUP amendment would amend condition No. 17 of the approved resolution to extend the commencement of construction by 12 months from the original expiration date. Mr. Leininger stated that if this amendment is approved, the new expiration date would be January 9, 2023. Mr. Leininger stated that there are no further changes to the remaining SUP conditions or master plan.

Mr. Leininger stated that staff finds the proposal to be compatible with the Comprehensive Plan, Zoning Ordinance, and surrounding development, and recommends that the Planning Commission recommend approval of this application subject to the proposed condition. Mr. Leininger noted that since the release of the agenda materials, staff received one citizen comment that was forwarded to the Commission.

Mr. Tim O'Connor inquired if any of the prior legislation to extend expiration dates for site plans and legislative applications would apply to this case.

Mr. Max Hlavin, Deputy County Attorney, stated that approvals for all of the plans covered under the prior legislation expired as of July 1, 2020.

Mr. Krapf called for disclosures from the Commission.

There were no disclosures.

Mr. Krapf opened the Public Hearing.

Mr. Krapf invited the applicant to speak.

Ms. Robin Lucey, Business Development Manager, Dominion Energy, stated that she appreciated the Commission's time in reviewing the application and that she would be happy to answer any questions the Commission might have.

Mr. O'Connor inquired if the applicant is certain that an additional 12 months is sufficient to obtain the necessary permits and begin construction. Mr. O'Connor noted that he would prefer to grant a longer extension at this time rather than require the applicant to keep going through the legislative process.

Ms. Lucey stated that the current timeline should be more than sufficient.

Mr. Krapf requested that staff provide a summary of the citizen comment that was received by email. Mr. Leininger stated that the email noted concerns about buffering and assurance that the Resource Protection Area (RPA) would not be disturbed.

Mr. Leininger noted that during the site plan stage, staff would be able to review the limits of clearing and address any concerns.

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

Mr. Polster noted that it is permissible to disturb the RPA in the A-1, General Agricultural Zoning District. Mr. Polster stated that it appeared that the citizen concern was related to removal of trees. Mr. Polster further stated that even if the disturbed area is replanted, the difference between the mature tree that could be removed and the new plantings would reduce the coverage of the buffer.

Mr. Holt stated that as part of the site plan review process, staff will assess the plan to ensure that what is shown for proposed site clearing and what is shown for proposed construction substantively matches up with the master plan.

Mr. Polster noted that the County has spent substantial funds to stabilize the stream on the north side of the property.

Mr. Polster further stated that he is concerned about losing the investment by stirring up Yarmouth Creek with this project.

Mr. Haldeman inquired about the staff memorandum reference to the A-2, Limited Agricultural District.

Mr. Holt stated that the District was phased out many years ago.

Mr. Polster made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of SUP-20-0016. Norge Solar Farm SUP Amendment. (6-0)

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

There were no items for Planning Commission Consideration.

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

##### **1. Planning Director's Report - October 2020**

Mr. Holt stated that he did not have anything in addition to the information provided in the Agenda Packet.

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

Mr. Krapf noted that Ms. Leverenz will represent the Commission at the October 2020 Board of Supervisors meeting.

Mr. Polster stated that by 2045 Virginia is expected to be 100% carbon free. Mr. Polster further stated that he recognizes that Dominion Energy will be increasing its efforts to establish solar energy production quickly and in numerous locations. Mr. Polster stated that under the auspices of the Virginia Department of Environmental Quality and the Virginia Department of Conservation and Recreation, a Pollinator-Smart Comprehensive Manual has been prepared for use by the solar industry. Mr. Polster further stated that he wished that the Commission would have had this document to use as a checklist during review of the two Solar Farm applications. Mr. Polster stated that the localities have a responsibility regarding siting concerns, health and safety issues, and protection of the environment. Mr. Polster noted that under the County's Zoning Ordinance, developers can qualify for density bonuses by meeting certain LEED requirements. Mr. Polster stated that he would like to see incentives for projects other than housing developments when they apply LEED principles. Mr. Polster further stated that coming out of the development of the manual were sample ordinances for wind and solar

farms that incorporated incentives for environmentally friendly construction techniques. Mr. Polster stated that he would like to determine if there is interest from the Commissioners in bringing this forward as an ordinance update.

Mr. Krapf stated that he finds it to be an excellent idea. Mr. Krapf further stated that the timing is perfect to incorporate this in the Comprehensive Plan discussions. Mr. Krapf stated that including this as an action item under the Environmental section would serve as the basis for an Initiating Resolution for the Policy Committee to consider developing the ordinance.

Mr. O'Connor inquired if the Pollinator-Smart Comprehensive Manual includes any guidance on prime agricultural land. Mr. O'Connor stated that the use of prime agricultural land should be included in the conversation.

Mr. Polster noted that to site a solar or wind farm, it requires a way to connect to the power grid. Mr. Polster further stated that if a site is located in rural lands, the question would be whether there is a place to connect to the grid. Mr. Polster noted that there are major transmission lines running through the County and that siting facilities in proximity to the transmission line might be an option. Mr. Polster stated that this is a subject that must be discussed to address the subject.

Mr. Krapf stated that in the course of the discussion or drafting an ordinance, there is an opportunity to consider performance standards and limitations to avoid creating adverse effects.

Mr. O'Connor stated that some of the transmission lines are located in prime agricultural land, so there is a very real possibility that those parcels could be negatively affected.

Mr. O'Connor stated that on a separate note, he wondered if there was an update on the issue of short-term rentals.

Mr. Holt stated that there will be a better sense of when that discussion will occur after the work session with the Board of Supervisors on October 27, 2020. Mr. Holt stated that following the work session, staff would focus on setting the schedule of discussion topics for the next three months.

Mr. Haldeman inquired about the process for retiring a Zoning District.

Mr. Holt stated that it is not often that a Zoning District is retired. Mr. Holt stated that it is a legislative process reviewed by the Planning Commission and decided on by the Board of Supervisors. Mr. Holt further stated that there would be the usual public notice process and affected property owners would be notified.

Mr. Polster stated that he is not certain there was an answer to his question about Commission interest in discussing a Solar and Wind Farm Ordinance as part of the Comprehensive Plan review and considering any strategic actions under the environmental section of the Comprehensive Plan. Mr. Polster requested a voice vote on the matter.

Mr. Holt stated that he had concerns about doing the work of the Planning Commission Working Group (PCWG) at this different venue and under this agenda. Mr. Holt recommended that, if there is a consensus, the Commission could make a request to him to include these items with recommendations for Goals, Strategies, and Actions (GSAs).

Mr. Polster stated that he is okay with that.

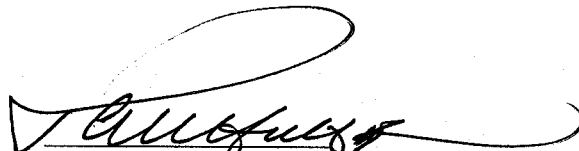
As no one expressed dissent to requesting Mr. Holt to include the two items with the

recommendations for GSAs, Mr. Krapf requested that Mr. Holt proceed with adding them to the items for GSAs to be considered by the PCWG.

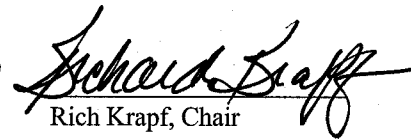
**J. ADJOURNMENT**

Ms. Julia Leverenz made a motion to adjourn to the PCWG meeting on October 19, 2020.

The meeting was adjourned at approximately 6:42 p.m.



Paul D. Holt, III, Secretary



Rich Krapf, Chair