

ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF DECEMBER 14, 2016

At a meeting of the Accomack County Planning Commission held on the 14th day of December 2016, in the Accomack County Administration Building Board Chambers, Room #104, in Accomac, Virginia.

1. CALL TO ORDER

MEMBERS PRESENT AND ABSENT

Planning Commission Members Present:

Mr. David Lumgair, Jr., Chairman
Mr. Brantley Onley
Mr. C. Robert Hickman
Mr. Lynn Gayle
Mr. Stephen Corazza
Mrs. Angela Wingfield
Mr. Roy Custis
Mr. Leander Roberts, Jr.

Planning Commission Members Absent:

Mr. Spyridon Papadopoulos, Vice-Chairman

Others Present:

Mr. Rich Morrison, Director of Planning and Community Development
Ms. Kristen Tremblay, Assistant Planner
Ms. Jessica Taylor, Administrative Assistant

DETERMINATION OF A QUORUM

There being a quorum, Chairman Lumgair called the meeting to order at 7:01 p.m.

2. ADOPTION OF AGENDA

The Planning Commission agreed to add an agenda item under New Business to discuss another member replacing Mrs. Wingfield on the Accomack Wallops Working Group (AWWG).

On a motion made by Mr. Corazza and seconded by Mr. Roberts, the Planning Commission voted to adopt the agenda, as modified.

3. PUBLIC COMMENT PERIOD (not a public hearing)

Chairman Lumgair opened the floor for the public comment period.

- **Dennis Nordstrom – Bayford, VA**

Mr. Nordstrom thanked the Planning Commission for its work and support for his application. Mr. Nordstrom also informed the Planning Commission that the changes requested at its November 2016 meeting had been completed.

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4. MINUTES

A. October 25, 2016

Chairman Lumgair requested to have the first sentence under item 2. Adoption of Agenda changes to say ‘Planning Commission’ instead of ‘Board’.

On a motion made by Mr. Hickman and seconded by Mr. Onley, the Planning Commission voted to approved the October 24, 2016 work session minutes, with modifications.

B. November 9, 2016

On a motion made by Mr. Onley and seconded by Mr. Corazza, the Planning Commission voted to approve the November 9, 2016 meeting minutes as presented.

5. OLD BUSINESS

A. SunTec Solar ESVA One, LLC Conditional Use Permit (Agricultural)

Ms. Tremblay reviewed the two (2) Conditional Use Permits and updates (requested at the November meeting) that had been made.

The Planning Commission and staff discussed the proposed motions of approval.

Chairman Lumgair took a moment to thank the Planning Commission for its work on this application.

On a motion made by Mr. Onley and seconded by Mr. Hickman, the Planning Commission voted to recommend approval of the SunTec Solar ESVA One, LLC Conditional Use Permit (Agricultural) to the Board of Supervisors.

MOTION OF APPROVAL - AGRICULTURAL ZONED PORTION

After careful consideration of the application, site plans, and relevant information, the Planning Commission finds that the proposed utility scale solar energy facility satisfies the Conditional Use Permit Standards found in Section 106-234(2) of the Accomack County Code.

As such, the Planning Commission recommends that the Board of Supervisors consider approval of the Conditional Use Permit to allow for a large solar energy system, utility scale, as shown in an application filed on August 31, 2016 on tax map numbers 85-A-61, 85-A-63, 86-A-131 and 86-A-132 as depicted in the site plan package entitled ‘Site Development Plans – SunTec Solar Farm – ESVA One: Proposed Utility – Scale Solar Energy System Accomack County, VA’ for the areas within and depicted as the ‘limits of overall development’ (consisting of sheets C1.0, C3.0, C3.1, C3.2, C3.3, C4.0, C4.1, L1.0, and L1.1, dated November 29, 2016, ‘Agricultural Management Plan’ including ‘Annex A’ dated October 27, 2016, Decommissioning Plan - SunTec Solar Farm - ESVA One LLC (the ‘Solar Farm Project’) dated November 11, 2016, and Conditions to Conditional Use

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Permits for SunTec Solar ESVA One LLC (“SunTec”) - Solar Farm and Sheep Husbandry Project (the “Project”) dated November 11, 2016), for the portion zoned Agricultural subject to the following condition:

- 1. The Conditional Use Permit is issued for tax map numbers 85-A-61, 85-A-63, 86-A-131 and 86-A-132 as depicted in the site plan package entitled ‘Site Development Plans – SunTec Solar Farm – ESVA One: Proposed Utility – Scale Solar Energy System Accomack County, VA’ for the areas within and depicted as the ‘limits of overall development.’ In the event that additional facilities are sought on neighboring properties, or the footprint is expanded beyond the limits of overall development, a new conditional use permit must be applied for.**

The Planning Commission offers the following findings of fact to support its recommendation:

1. The application has been considered under the current regulations (Article III – Agricultural District, Section 106 – 54 (12) Conditional Uses/Permits - Large solar energy systems, utility scale, as defined, on lots greater than five (5) acres in area).
2. The Planning Commission has requested or noted items contained within the application and materials that it wishes to later codify for utility scale solar energy facilities if removal from the Agricultural zoning district as a conditional use is approved by the Board of Supervisors.
3. The Planning Commission finds that the proposed project is reasonably consistent with the character of the surrounding area provided that it is properly shielded on all four (4) sides from adjacent roads and properties.
4. The Planning Commission believes that solar technology in the future may improve and change the current context of what it now knows utility scale solar to consist of. In order to account for this change, the Planning Commission recommended a condition that if there are future changes or modifications to solar equipment or related equipment costing more than 25% of the cost at completion of construction, excepting maintenance, the project owner will be required to request an amendment to the Conditional Use Permit (see November 11, 2016 ‘Conditions to Conditional Use Permits’ proposed by SunTec).
5. The Planning Commission finds that glare will not be problematic provided that the proposed project is fully shielded and that there is no noticeable noise created by a utility scale solar energy facility.
6. The Planning Commission finds that this project is distinct in that it is proposed on four (4) properties that are contiguous, are adjacent to properties owned by the same landowner as the proposed project site and is adjacent to properties zoned General Business.
7. The Planning Commission finds that the applicant has agreed to all concerns to minimize the impact of the facility on the surrounding area.
8. The Planning Commission finds that the proposed project site contains prime agricultural lands; however the applicants have offered provisions for returning the properties back to

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prime agricultural land (a decommissioning plan). The raising of sheep (or other agricultural operations) on the properties helps to retain the agricultural culture.

B. SunTec Solar ESVA One, LLC Conditional Use Permit (General Business)

On a motion made by Mr. Roberts and seconded by Mr. Corazza, the Planning Commission voted to recommend approval of the SunTec Solar ESVA One, LLC Conditional Use Permit (General Business) to the Board of Supervisors.

MOTION OF APPROVAL – GENERAL BUSINESS ZONED PORTION

After careful consideration of the application, site plans, and relevant information, the Planning Commission finds that the proposed utility scale solar energy facility satisfies the Conditional Use Permit Standards found in Section 106-234(2) of the Accomack County Code. As such, the Planning Commission recommends that the Board of Supervisors consider approval of the Conditional Use Permit to allow for a large solar energy system, utility scale, as shown in an application filed on August 31, 2016 on tax map numbers 86-A-131 and 86-A-132 as depicted in the site plan package entitled ‘Site Development Plans – SunTec Solar Farm – ESVA One: Proposed Utility – Scale Solar Energy System Accomack County, VA’ for the areas within and depicted as the ‘limits of overall development’ (consisting of sheets C1.0, C3.0, C3.1, C3.2, C3.3, C4.0, C4.1, L1.0, and L1.1, dated November 29, 2016, ‘Agricultural Management Plan’ including ‘Annex A’ dated October 27, 2016, Decommissioning Plan - SunTec Solar Farm - ESVA One LLC (the ‘Solar Farm Project’) dated November 11, 2016, and Conditions to Conditional Use Permits for SunTec Solar ESVA One LLC (“SunTec”) - Solar Farm and Sheep Husbandry Project (the “Project”) dated November 11, 2016), for the portion zoned General Business subject to the following condition:

- 1. The Conditional Use Permit is issued for tax map numbers 85-A-61, 85-A-63, 86-A-131 and 86-A-132 as depicted in the site plan package entitled ‘Site Development Plans – SunTec Solar Farm – ESVA One: Proposed Utility – Scale Solar Energy System Accomack County, VA’ for the areas within and depicted as the ‘limits of overall development.’ In the event that additional facilities are sought on neighboring properties, or the footprint is expanded beyond the limits of overall development, a new conditional use permit must be applied for.**

The Planning Commission offers the following findings of fact to support its recommendation:

1. The application has been considered under the current regulations (Article XVII – General Business District, Section 106 – 404 (11) Conditional Uses/Permits - Large solar energy systems, utility scale, as defined, on lots greater than five (5) acres in area).

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2. The Planning Commission has requested or noted items contained within the application and materials that it wishes to later codify for utility scale solar energy facilities if removal from the Agricultural zoning district as a conditional use is approved by the Board of Supervisors.
3. The Planning Commission finds that the proposed project is reasonably consistent with the character of the surrounding area provided that it is properly shielded on all four (4) sides from adjacent roads and properties.
4. The Planning Commission believes that solar technology in the future may improve and change the current context of what it now knows utility scale solar to consist of. In order to account for this change, the Planning Commission recommended a condition that if there are future changes or modifications to solar equipment or related equipment costing more than 25% of the cost at completion of construction, excepting maintenance, the project owner will be required to request an amendment to the Conditional Use Permit (see November 11, 2016 'Conditions to Conditional Use Permits' proposed by SunTec).
5. The Planning Commission finds that glare will not be problematic provided that the proposed project is fully shielded and that there is no noticeable noise created by a utility scale solar energy facility.
6. The Planning Commission finds that this project is distinct in that it is proposed on four (4) properties that are contiguous, are adjacent to properties owned by the same landowner as the proposed project site and is adjacent to properties zoned General Business.
7. The Planning Commission finds that the applicant has agreed to all concerns to minimize the impact of the facility on the surrounding area.
8. The Planning Commission finds that the proposed project site contains prime agricultural lands; however the applicants have offered provisions for returning the properties back to prime agricultural land (a decommissioning plan). The raising of sheep (or other agricultural operations) on the properties helps to retain the agricultural culture.

C. 2018-2022 Capital Improvement Plan

The Planning Commission briefly discussed items listed on the Capital Improvement Plan. Staff agreed to contact VDOT to request the projection of traffic data over the next 10 years.

Mr. Corazza expressed concern regarding proffers that had not been used by the County.

On a motion made by Mr. Corazza and seconded by Mr. Onley, the Planning Commission voted to schedule a public hearing on the 2018-2022 Capital Improvement Plan for its January 11, 2017 meeting.

6. NEW BUSINESS

A. Introduction to Utility-Scale Part Two (2): Possible Ordinance Amendments

Ms. Tremblay provided the Planning Commission with the option of developing a 'floating district' to allow the option for utility-scale solar (and other items) in a zone other than agriculturally zoned districts. She explained that in order to do this, the Planning Commission would need to amend the Comprehensive Plan to support a floating district.

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Mr. Morrison informed the Planning Commission, for comparison, that Northampton County, VA has a floating zone for solar. Staff will prepare more information for the next meeting.

Chairman Lumgair expressed that the Planning Commission should consider reaching out to Incorporated Towns within the County for input. Discussion ensued.

7. **OTHER MATTERS**

Staff and the Planning Commission discussed its annual meeting to discuss Poultry and decided to place the topic on its agenda for February 8, 2017. Members will bring ideas of what they would like to discuss to the January meeting.

A. Projected Workload for 2017

After a brief review and discussion of the items provided, staff was asked to combine items 9 and 10 on the list.

The Planning Commission will also begin its review of the Comprehensive Plan in 2017. Mr. Morrison stated that staff and the Planning Commission could work together to determine the scope of having the work done in-house or if assistance from an outside source would be needed.

B. Accomack Wallops Working Group

At the request of Mrs. Wingfield, the Planning Commission discussed options of who would be able to fill Mrs. Wingfield's spot in the group. Commissioners decided that Mr. Hickman and Chairman Lumgair would split the position.

8. **NEXT MEETING**

The next regular Planning Commission meeting is scheduled for Wednesday, January 11, 2017 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.

The next Planning Commission work session is scheduled for Tuesday, January 24, 2017 at 7:00 p.m. in the School Board Conference Room, Room 201, in Accomac.

9. **ADJOURNMENT**

On a motion made by Mr. Onley and seconded by Mr. Gayle, the Planning Commission voted to adjourn the meeting.

The meeting was adjourned at 8:16 p.m.

David Lumgair, Jr., Chairman

Jessica Taylor, Administrative Assistant