

**King & Queen County
Planning Commission Minutes
April 1, 2019**

The King & Queen County Planning Commission met on Monday, April 1, 2019, at 6:00 p.m. in the King & Queen County Courts and Administrations Building in the General District Courtroom for their regular monthly meeting.

Planning Commission Members Present:

Sheila Morton
Milton Watkins
James Guess
James Burns

David Campbell
William Herrin
Barbara Hudgins

Also in Attendance:

Donna E. Sprouse, Assistant Zoning Administrator
Thomas J. Swartzwelder, County Attorney

Call to Order

In the absence of Mr. Richardson, Vice-Chair, Mr. Watkins called the meeting to order.

Roll Call/Determination of Quorum

Mr. Campbell took roll call and determined that a quorum was present.

**Approval of Minutes
March 4, 2019**

After review of the minutes, a motion was made by Mr. Herrin to accept the minutes as presented, seconded by Mr. Burns.

Voting For: Watkins, Morton, Guess, Campbell, Herrin, Burns
Voting Against: None
Abstain: Hudgins

Citizens Comment Period

Mr. Watkins opened the floor for citizens comment period. Hearing no comments, citizens comment period was closed.

New Business

A. 15.2-2232(H) - Legal status of plan (*set public hearing for June 3rd*)

Mr. Watkins asked Mrs. Sprouse to review the first item under New Business. Mrs. Sprouse read the following for the record, "*Per 15.2-2232(H) of the Code of Virginia, A solar facility subject to subsection A shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right or (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or by a small agricultural generator under § 56-594.2. All other solar facilities shall be reviewed for substantial accord with the comprehensive plan in accordance with this section. However, a locality may allow for a substantial accord review for such solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.*"

Mrs. Sprouse noted that this different in that this is the first request for a solar facility in King & Queen County and as part of the public hearings for Open Road Renewables requests, the Commission must conduct a "substantially in accord with the Comprehensive Plan" review. Mrs. Sprouse noted that she had provided final adopted copies to each Commission member of the Comprehensive Plan that was adopted by the Board of Supervisors during their public hearing held March 11, 2019 before the meeting started tonight at their seats. She noted that that is what the Commission should read when determining if the applicants' project is "substantially in accord with the Comprehensive Plan".

Mrs. Sprouse also stated that the request to set the public hearing so far out is new for the Commission as well and she would like to explain why that is the case. She noted that applicant is still working on their site plan, supporting documents and conditions. The applicant has until April 25th to provide the County with their site plan, supporting documents and conditions so that she can review them and get them to the Commission members shortly thereafter, hopefully before their May 6th meeting. This will allow time for staff to finalize the narrative, findings, advertisement for the papers as well as the 100+ certified return receipt notices to adjoining property owners and the property owners who are a part of the project request. She noted that later, she will ask the Commission to consider setting additional dates in June to meet should they need additional time to get through the public hearing process.

Hearing no comments, a motion was made by Mr. Burns to set the public hearing for 15.2-2232(H) Legal Status of Plan for June 3rd, 2019, seconded by Mr. Herrin.

Voting For: Watkins, Morton, Guess, Campbell, Herrin, Burns, Hudgins

Voting Against: None

Abstain: None

B. ZA18-05 – Open Road Renewables (*set public hearing for June 3rd*)

Mrs. Sprouse noted that Open Road Renewables is requesting approval of a zoning text amendment (ZA18-05) amending Article 4, Table 4.1 to eliminate setbacks between parcels participating in the same solar project. She noted that per the applicant's request, Open Road Renewables would like to have the substantially in accord review, text amendment, site plan and CUP done at the same time.

Mr. Burns asked staff if they could inform the Commission, should the text amendment not be approved, what the percentage of land or acreage of land would be consumed in setbacks. Mrs. Sprouse noted that she will work on something and asked the applicant (who was in the audience) to do the same.

Mrs. Hudgins noted that they had been told prior by staff that they had time to consider this, but now the process seemed rushed. Mrs. Sprouse noted that because the applicant wishes to have everything submitted together, the text amendment is time sensitive, one year from September 2, 2018. Their site plan and CUP was amended and submitted later December of 2018. To allow time for the Board of Supervisors to review this and meet these deadlines, that is why we are moving it forward now together, again at the applicants request.

Hearing no further comments from the Commission, a motion was made by Mr. Herrin to set a public hearing for ZA18-05 for June 3, 2019, seconded by Mr. Guess.

Voting For: Watkins, Morton, Guess, Campbell, Herrin, Burns, Hudgins

Voting Against: None

Abstain: None

C. CUP18-01 and SP18-04 – Open Road Renewables (*set public hearing for June 3rd*)

Mrs. Sprouse noted that Open Road Renewables is requesting approval of a Conditional Use Permit (CUP18-01) and Level 3 Preliminary Site Plan (SP18-04) for a 149.9 MW utility scale solar energy facility. The subject properties are located south of Lewis B Puller Memorial Highway, north of Taylorsville Road, east of Pear Tree Avenue, and east of York River Road, consisting of approximately of 1,774 acres, in the Buena Vista Magisterial District, County Tax Map Numbers 1623-134R-650, 1623-134R-650D, 1623-134R-199, 1623-65L-222, 1623-134R-651A, 1623-134R-653, 1623-134R-637A, 1623-134R-637C, 1623-134R-653A, 1623-134R-637B, 1623-134R-637, 1623-134R-638, 1623-134R-639, 1623-134R-649, 1623-134R-649A1, 1623-134R-183C, 1623-134R-454, 1623-134L-454B, 1623-134R-188, 1623-134R-187, 1623-134R-649A, 1623-134R-637D.

Hearing no further comments, a motion was made by Mr. Burns to set the public hearing for CUP18-01 and SP18-04 for their June 3, 2019 meeting, seconded by Mr. Herrin.

Voting For: Watkins, Morton, Guess, Campbell, Herrin, Burns, Hudgins

Voting Against: None

Abstain: None

Old Business

None.

Staff's Comments

Mrs. Sprouse noted that she has received another site plan and conditional use permit request for another solar farm further south west of this project off of Buena Vista Road, approximately 3.5 miles from Rt. 33. She noted that this request is noted as leasing 40 acres, with 30 acres in panels for a 5MW facility. Mrs. Sprouse said that at this time, the site plan has just been submitted to state agencies for review/comment. She will continue to keep them up to date on this upcoming project.

Mrs. Sprouse asked the Commission to pull out their calendars and collectively pick two additional meeting dates in June, should the public hearing go long and need additional time to recess and reconvene. After some discussion, the Planning Commission collectively agreed on June 18th and June 28th both at 6 p.m. A motion was made by Mr. Herrin to set additional public hearing dates for June 18th and June 28th, seconded by Mr. Burns.

Voting For: Watkins, Morton, Guess, Campbell, Herrin, Burns, Hudgins

Voting Against: None

Abstain: None

Mr. Watkins asked if Patrick Buckley with Open Road Renewables would like to say something to the Commission. Mr. Buckley said that he is not prepared to speak tonight but would say that he will be reaching out to each member in hopes of speaking to them directly about the project. He noted that he will be more than happy to answer any questions that they may have about the project or any questions in general about solar projects.

Mr. Swartzwelder noted that staff and the applicant both do not want you to feel rushed through your review and public hearings for the Open Roan Renewables project. He noted that the kicker on your deadline/timeframe is the text amendment. If push comes to shove, staff wanted to be sure that you have alternative/additional dates should you need the time to consider the request. If the meetings get pushed back, they get pushed back. He asked the Commission to really take their time in reviewing this request. They should have the plan a lot longer to review than in the past and should have time to reach out to Mrs. Sprouse to ask questions. Though we are respectful of the applicants' wishes to have it heard together, however we can pull this in parts and hear the text amendment separate if time is needed in the end.

Commissioner's Comments

Mr. Burns noted that he has been in contact with the applicant of Open Road Renewables for some time and he does have concerns that will all come out in the wash soon. He added that it is a very big project this county has ever done. It is the longest project that will impact the county as far as time frame, just like the landfill. This is a 40 year project and everyone in this room will probably not be here at the end of its life. It is a project that should not be taken lightly and the Commission should really think about this project will impact the county not just today, or year 4 but the next 30 to 40 years. Consider how a project this large impacts the growth of the county. Those are a few of his major concerns and asks that the Commission consider that when reviewing the request either good or bad and weigh all pros and cons of the project.

Mr. Watkins thanked the Commission for helping him get through chairing the meeting and hopes Hunter will return soon.

Adjournment

There being no further business, a motion was made by Mr. Campbell to adjourn the meeting, seconded by Mr. Burns. The meeting was adjourned by all present members stating "Aye".

Milton Watkins, Vice-Chairman