

**King & Queen County
Planning Commission Minutes
June 3, 2019**

The King & Queen County Planning Commission met on Monday, June 3, 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
Robert Harvey

David Campbell
William Herrin
Barbara Hudgins
Robert Coleman, Jr.

Also in Attendance:

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

Call to Order

Vice Chairman, 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

May 6, 2019

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

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

Voting Against: None

Abstain: None

Citizens Comment Period

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

New Business

A. SP19-03 – Level 2 Site Plan - Southern States Cooperative, Inc. – (public hearing)

Mr. Watkins read the first item under New Business. Mr. Watkins asked Mr. Jonathan Bishop with Southern States to brief the Commission of their request. Mr. Bishop noted that Southern States had owned the property for a long period of time and are now ready to once again utilize the site as a remote propane bulk storage facility. They intend to have their employees to fill up from the site to better serve customers in the area.

Mr. Watkins noted that he would open the public hearing for SP19-03, Southern States Cooperative, Inc. He asked Mrs. Sprouse to please provide staff's report. Mrs. Sprouse noted that the Planning and Zoning Department received a land development application on April 10, 2019 from Southern States Cooperative, C/o Jonathan Bishop, requesting the approval of a Level 2 Site Plan to allow for a remote propane bulk storage facility (retail). Mrs. Sprouse noted that the property is located at the intersection of Richmond Tappahannock Highway and Pioneer Trail, in the Newtown Magisterial District. The property is identified as County Tax Map Parcel No. 1632-55L-420A. The property is zoned General Business. The applicant is requesting approval to install a 30,000 gallon propane storage tank. Propane will be brought into the property via transport truck deliveries from the gas terminal. Smaller "bobtail" trucks will be filled from the propane tank on site and travel to the customers home, farm or business to make delivery to their on-site tank(s). Volume of traffic will vary based on season but typically expect 2 bobtail trucks per day in a busy season.

Mrs. Sprouse noted that pursuant to Zoning Ordinance, Title II, Article 5, Table 5.1, there must be at least a 100-foot front yard setback and a 15 foot side and rear yard provided that side and rear yards adjacent to properties in any zoning district which permits residential uses shall not be less than 50 feet.

Article 4, Table 4.1, Permitted Use Table, states that a retail establishment is permitted in the General Business zoning district as a by right use. A level 2 site plan is required for such use as outlined in Article 14, Section 3-312B.

Mrs. Sprouse noted that the King & Queen County Planning & Zoning Department has received the following comments regarding the proposal.

Virginia Department of Health – no files found for application for well or septic on the property, no comments.

Virginia Department of Transportation – found that all existing items appear to be satisfactory. The plan is found acceptable.

Mrs. Sprouse provided a bit of background regarding the prior use as it relates to the proposed use. She noted that the property once was used for bulk storage facility up until early 1990's, however for oil. There once was a shed on the property to house the electrical components needed for the property, the property was surrounded by a chain linked fence. The current request is very similar to what was once there, however instead of oil, there will be propane. The property will be fenced, there will be a shed utilized for electrical components, and both existing entrances will be utilized per the approval granted by VDOT.

Mrs. Sprouse noted that staff recommends that the site plan request is approved, as it is a by right use in the General Business zoning district and meets the site plan requirements of the King & Queen Zoning Ordinance. No construction shall take place until all permits are obtained for construction, which includes but is not limited to: VDOT for any work within their right-of-way (if deemed necessary), County Erosion & Sediment Control for land disturbance, and County Building/Construction permits.

Mrs. Sprouse noted that she would like to comment on a statement provided by the applicant during the prior meeting regarding the temporary stock pile as shown on the site plan. She noted that though the Commission was initially informed that the stock pile was to be used for the storage of propane tanks in the setback, she noted that after further discussion with the applicant, both the County staff and applicant agree that the temporary stock pile as shown on the site plan is for construction only. It is proposed to be utilized as a stock pile area for stone and dirt during construction of the site. The area shall not be used for the storage of propane tanks.

Mr. Watkins opened the floor for public comment. Hearing no comments, public comment period was closed. Mrs. Hudgins asked if the request was a level 2 or level 3 site plan. Mrs. Sprouse noted this is a level 2 site plan request. Hearing no further comments, a motion was made by Mrs. Morton to recommend approval of SP19-03 as submitted, seconded by Mr. Herrin.

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

Voting Against: None

Abstain: None

Before moving on to the next item on the agenda, Mr. Watkins noted that a representative with Open Road Renewables wishes to be recognized. Mr. David Savage, Vice President with Open Road Renewables noted that they have worked very hard on this project over the last 2 years. He noted that over the course of this time, he has worked with staff and citizens in attempts of making this a better project. He noted that since their first submission, they have considered removing the panels from the Economic Development Corridor and Hub, and have removed a contiguous field from the project that consisted of approximately 35 acres. With that said, they would like to continue to work on the project with staff, to make it an even better project. Mr. Savage noted that they would like to request a deferral of all applications tonight, however before reviewing the deferral request, he would like to take the time to introduce a member of Dominion Energy.

Mr. Todd Flowers with Dominion Energy approached the Commission in support of the project. He noted that Dominion Energy continues to invest in new utility-scale solar facilities. We are investing in a diverse energy mix aimed at meeting our customers' needs - affordability, reliability and minimizing our impact on the environment. Our 2018 Integrated Resource Plan shows utility-scale solar as a least-cost resource. Further, he noted that the General Assembly is steering the state towards utility-scale solar projects and passed the 2018 GTSA that deems 5,000 MW of new solar and wind in the public's best interest due to the emissions-free nature of the technology.

Mr. Flowers added that this was further reinforced in the Commonwealth of Virginia's 2018 Energy Plan. Lastly, our customers – from commercial and industrial users to residential customers – are asking for additional solar to diversify our energy grid. Dominion Energy has a tremendous amount of experience in constructing, owning, and operating solar facilities. Dominion Energy currently owns and operates utility-scale solar facilities in nine states and in the Commonwealth of Virginia alone, we have 22 solar facilities in operation or under development.

Dominion Energy is in this business for the long-term. We have been in the power business in the Commonwealth for well over a century. We are committed to choices that benefit everyone, especially our customers and the communities we serve. Safety is our highest priority – in the workplace and in the community.

We do not take investments we make in new power generation facilities lightly. We perform a detailed review, including impacts on the environment and the community. For solar facilities, ideal locations are in areas where there is access to the transmission system, the land is flat, and where there are minimal environmental impacts.

Mr. Flowers stated that for Walnut Solar, the project meets all of these criteria. The development of renewable energy is a priority for Dominion Energy and for the Commonwealth, and projects like Walnut Solar help us achieve our renewable and sustainability commitments to our customers.

Mr. Savage asked the Commission to grant approval of their requested 3 month deferral so that they may continue to work on the project a bit more with staff and the neighboring land owners.

Mr. Swartzwelder, County Attorney noted that he has received the appropriate signed applications requesting the 3 month deferral.

A motion was made by Mr. Burns to accept the 3 month deferral request from Open Road Renewables, seconded by Mrs. Morton.

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

Voting Against: None

Abstain: None

Mr. Watkins noted that there are a lot of people who came out to the meeting tonight and even though they will not hold a public hearing as planned, he wanted to give the citizens a chance to speak about the project. He asked that all comments be held to 3 minutes to allow enough time for everyone to speak tonight.

Mr. Jim Lesofsky of Cologne noted that he had a petition that he would like to enter into the record with 72 to 73 signatures from people against the project. He noted that this is a massive project that changes the esthetics of the rural environment. He noted that this project will cause loss of farmland and loss of recreational use. He noted that the Comprehensive Plan talks about preserving agricultural and forestry uses, however this proposal goes against that. He noted that he fears the project will cause a decrease in property values and asked what the financial benefit of the project will be to the County and its citizens.

Mr. Paul Feucht, landowner within the project, noted that he once lived in the area, however his work had taken him to Carolina. He noted that he hoped to one day retire and come back to the area. He noted that farming is not as profitable as it once was and he respects the neighbors' concerns and opinion regarding the project. He said that this was a great opportunity for him and his family. He thanked the Commission for allowing him to speak tonight.

Ms. Patricia Southall of Cologne noted that she was an artist, adjoining property owner and photographer. She wanted the Commission to be aware that there is a family of eagles in the area of Travellers Road. She noted that she has many photos of them and will be willing to share her images with the Commission if interested. She noted that she isn't necessarily for or against the project, but did have concerns as to what will happen to the eagles and what impact the project as a whole has on them and their nest. She added, not just the eagles but the impact to wildlife as a whole.

Mrs. Martha Hart of Cologne noted that she was a farmer's daughter originally from King William County. She stated that we as citizens should be good stewards of the land. She added that she and her husband have 2 tracts of land in the area, however her land was deemed not appropriate for the project because of slope and such. She noted that her land is beautiful and would hate to see a housing development. She noted that the County officials, County staff, and the developer have all bent over backwards to meet with citizens to make this a great project. She is very excited to say that both she and her husband have moved to support the effort because you have to listen to the citizens and their needs.

Luke Catella, adjacent land owner on Taylorsville Road, who currently lives out of the state noted that he was wondering what road improvements would be made in the area to accommodate this project. He noted that he would discuss this further with Mr. Buckley of Open Road Renewables.

Ms. Elizabeth Smedley noted that her adult children will be 6 generation land owners within the project. She noted that the land was divided over the years when her ancestors owned the land and she had seen her father try to purchase the parcels over time in order to get the farmland back. She noted that she has much heart here in King & Queen and always knows that King & Queen is home, though she and her family do not live in the area. Mrs. Smedley noted that this is a chance to keep the land in the family longer. This is a great opportunity as the development helps us in reducing our dependency of the foreign economy.

Howard Cooke of the Buena Vista District noted that a lot of the district is in the dark as to what the project is about. He noted that some citizens in the area are under the assumption that their electric bills will be reduced and the amount of misinformation is a concern. He noted that we as citizens of the County want to know what the environmental and economic impacts of the project will be. He added that we have to somehow come up with a way to keep people informed as to what is going on and what is proposed.

Rev. Joseph Beadie of Philadelphia asked the Commission what impacts he would face having propane on the property next to him. *After a little more discussion, it was determined that Mr. Beadie was speaking to the Southern States proposal on behalf of the Emma Dickerson Estate. Mrs. Sprouse provided Mr. Beadie with the contact information for Mr. Jonathan Bishop with Southern States to answer his questions related to his question regarding the propane storage facility that was just recommended for approval the first half of the meeting.*

Mr. Burns noted before most of the public left the meeting that he wanted to hear from everyone and cannot make the decision on his own. He needs to hear from everyone and does not want to leave anyone out. He offered anyone his contact information that wanted it and noted that he will be glad to give them his business card so they can reach him with any comments or questions they may have regarding the proposal.

Old Business

None.

Staff's Comments

Mrs. Sprouse noted that there no upcoming applications at this time and she had not further comments.

Commissioner's Comments

Mrs. Morton noted that she thinks there would be a benefit if the Commission could go visit the site.

Mr. Herrin agreed with Mrs. Morton.

Mr. Coleman noted that he thinks a tour of a similar facility would be helpful.

Mrs. Hudgins agreed with Mr. Coleman.

Mr. Campbell noted that a tour would be a good idea.

Mr. Burns noted that he does not want to leave anyone out and that he wants input on the project.

Mr. Guess noted that he felt the same as Mr. Burns.

Mr. Harvey stated that the Commission must make a decision that is best for King & Queen County as a whole.

Adjournment

There being no further business, a motion was made by Mr. Burns and the meeting was adjourned by all present members stating "Aye".

Milton Watkins, Vice-Chairman