

Northumberland County Planning Commission
April 19, 2018
Minutes

The regular monthly meeting of the Northumberland County Planning Commission was held on April 19, 2018 at 7:00 p.m. in the New Courthouse at Heathsville, VA with the following attendance:

Chris Cralle	Present	Garfield Parker	Present
Vivian Diggs	Present	Albert Penley, Jr.	Present
Alfred Fisher	Present	Wellington Shirley, Jr.	Present
Ed King	Present	Heidi Wilkins	Present
Patrick O'Brien	Present	Charles Williams	Absent
Richard Haynie	Absent		

Others in attendance:
Stuart McKenzie (County Planner)

RE: CALL TO ORDER

The meeting was called to order by Mr. Fisher.

Alfred Fisher led the Commission in the Pledge of Allegiance to the Flag.

Garfield Parker gave the invocation.

RE: AGENDA

Mr. Penley made a motion to adopt the Agenda. Mr. O'Brien seconded the motion. All members voted for the motion, and none against. Details on the vote are below:

Chris Cralle	Aye	Garfield Parker	Aye
Vivian Diggs	Aye	Albert Penley, Jr.	Aye
Alfred Fisher	Aye	Wellington Shirley, Jr.	Aye
Ed King	Aye	Heidi Wilkins	Aye
Patrick O'Brien	Aye	Charles Williams	Absent
Richard Haynie	Absent		

RE: MINUTES- March 15, 2018

With a motion from Mr. O'Brien, seconded by Mr. Penley, and approved by all, the March 15, 2018 minutes were approved. The vote was as follows:

Chris Cralle	Aye	Garfield Parker	Aye
Vivian Diggs	Aye	Albert Penley, Jr.	Aye
Alfred Fisher	Aye	Wellington Shirley, Jr.	Aye
Ed King	Aye	Heidi Wilkins	Aye
Patrick O'Brien	Aye	Charles Williams	Absent
Richard Haynie	Absent		

RE: COMMISSIONERS' COMMENTS

There were no Commission Member comments.

RE: STAFF MEMBERS' COMMENTS

Staff did not have any comments.

RE: CITIZENS' COMMENTS

There were no citizen's comments.

RE: PUBLIC HEARINGS

There were no Public Hearings scheduled.

RE: WORK SESSION ITEMS

There were no Work Session Items scheduled

RE: DISCUSSION ITEMS

Mr. Penley asked about the surety bond requirement, as he was not in attendance at the last meeting. Mr. Penley noted that the state in their model solar ordinance, did not require a surety bond. Mr. McKenzie replied that the surety bond requirement only applies to the large, utility scale solar facilities. Mr. McKenzie stated that the large facilities will cost more to decommission, and the planning commission members did not want the county to have to bear that cost in the event the solar farm development company went bankrupt or was unable to fund the cleanup when the facility was retired. Ms. Wilkins added that at the last meeting, members felt that the utility scale solar facilities will likely attract larger corporations that are used to obtaining sureties on their project as an integral cost of doing business. Mr. Penley asked if this was going to be included in the final draft zoning language, and Mr. McKenzie stated yes. Mr. McKenzie stated that since we are talking about bonding, does the language proposed cover what we talked about at the last meeting? Mr. O'Brien stated what was proposed is fine. Mr. O'Brien restated that in our rural county with its limited tax base, that the county should make sure that the taxpayers don't have to pay to clean up an abandoned solar facility, and reiterated that the bond only applies to the large solar facilities. Mr. O'Brien stated that there could be some thinly capitalized companies that may take on a solar development projects and if the price of electricity goes down, they may pack up and leave us with their mess. Mr. McKenzie asked what Mr. O'Brien meant by thinly

capitalized, does that mean a company without a lot of cash on hand or other assets, and Mr. O'Brien agreed. Ms. Wilkins noted that the capital assets of a company is something that would come up in the conditional use assessment of the project and the Board of Supervisors would have to consider that in their decision to allow the use. Mr. O'Brien stated that yes, that should be looked at as part of that process, and that the Board could certainly require a medium solar facility to have a bond for decommissioning as a condition if they wanted as well. Mr. Fisher asked Mr. O'Brien if there would be benefit to the county to add the word "shall" at the beginning of parts e. and f. in the same paragraph? Mr. O'Brien stated it was fine as is. Mr. McKenzie asked if adding shall in part e. and f. make it stronger? Mr. Fisher stated that it does, even though he isn't a lawyer. Mr. McKenzie stated he would be glad to add it, it doesn't change the meaning and he would make that change. Mr. McKenzie then asked Mr. O'Brien if the section of the solar facility ordinance that deals with bonding of the large facilities, should there be some language that the bond has to be approved by the county attorney? Mr. O'Brien stated that adding a sentence that states the bond will be approved by the BOS or its designee, would be sufficient. Mr. McKenzie agreed to add that phrase the proposed draft zoning amendment language.

Mr. McKenzie noted that the three solar facility definitions will be placed in the zoning ordinance in the section with the other zoning definitions, with a placeholder in the solar facility article pointing to section 148, 3A so citizens can easily locate the solar facility definitions. Mr. McKenzie stated that the by right use for the small solar facility and conditional use for the medium and large solar facility will be placed in the Zoning Table of Uses (Section 148A). Next Mr. McKenzie noted that he added a purpose statement for the solar facility zoning article and that if any commissioners had any revisions to what staff proposed that he would be glad to revise it. Hearing none, Mr. McKenzie continued summarizing the zoning regulations for the solar facility, small system. Mr. Penley asked if a homeowner would have to deal with variances, and Ms. Wilkins stated that if they could not meet the required setbacks, then possibly. Mr. McKenzie stated that homeowners would likely install solar panels on their roofs unless their roofs are shaded or their house is not oriented at the right angle to capture solar energy, since ground mounting is more expensive than roof mounting. Mr. McKenzie then summarized the medium and large solar facility zoning amendment. Mr. McKenzie explained that staff had increased the setbacks for medium and large solar facilities to 25 feet, to allow room for a growing a vegetative buffer around the facility for visual screening. Mr. McKenzie then asked if owner was specific enough in the ordinance, when Mr. O'Brien stated that the language should read owner or owners. Mr. McKenzie stated he would make that change throughout the document. Mr. O'Brien asked about requiring the owners to have a periodic update of the decommissioning plan. Mr. McKenzie stated that we had discussed it previously, but that the commission wanted to keep the ordinance as simple as possible and it was not included. There was some discussion on keeping as is or adding it, and the final decision was to add it every five years, even though it is unenforceable. Mr. Parker asked if it was unenforceable, why included it? Mr. O'Brien stated that in case of litigation, if the owner is in compliance of the zoning ordinance, then he could say that he has done everything required of the county. If he doesn't file the revision every five years, then he won't be in compliance and will give the county some leverage power. Mr. Penley motioned to approve the solar facility zoning amendment, subject to the changes made at the meeting tonight and Mr. King seconded the motion. The vote was as follows:

Chris Cralle	Aye	Garfield Parker	Aye
Vivian Diggs	Aye	Albert Penley, Jr.	Aye
Alfred Fisher	Aye	Wellington Shirley, Jr.	Aye
Ed King	Aye	Heidi Wilkins	Aye
Patrick O'Brien	Aye	Charles Williams	Absent
Richard Haynie	Absent		

RE: PUBLIC COMMENTS

There were no comments from the public.

RE: PUBLIC HEARING

There were no public hearings at this meeting.

RE: ADJOURNMENT

With a motion from Mr. O'Brien, seconded by Mr. Penley, and approved by all, the meeting was adjourned at 7:44 pm. The vote was as follows:

Chris Cralle	Aye	Garfield Parker	Aye
Vivian Diggs	Aye	Albert Penley, Jr.	Aye
Alfred Fisher	Aye	Wellington Shirley, Jr.	Aye
Ed King	Aye	Heidi Wilkins	Aye
Patrick O'Brien	Aye	Charles Williams	Absent
Richard Haynie	Absent		