

Northumberland County Planning Commission
November 16, 2017
Minutes

The regular monthly meeting of the Northumberland County Planning Commission was held on November 16, 2017 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.	Absent
Alfred Fisher	Present	Wellington Shirley, Jr.	Present
Ed King	Present	Heidi Wilkins	Present
Richard Haynie	Absent	Charles Williams	Present
Patrick O'Brien	Present		

Others in attendance:
Stuart McKenzie (County Planner)

RE: CALL TO ORDER

The meeting was called to order by Mr. Alfred Fisher, Chairman.

Edwin King gave the invocation.

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

RE: AGENDA

The agenda was approved with a motion by Wellington Shirley which was seconded by Patrick O'Brien and approved by all.

RE: MINUTES- October 19, 2017

The minutes of the October 19, 2017 meeting were approved with a motion from Patrick O'Brien which was seconded by Edwin King and approved by all.

RE: COMMISSIONERS' COMMENTS

There were no commission members comments.

RE: STAFF MEMBERS' COMMENTS

There were no staff comments.

RE: BOARD OF SUPERVISORS' LIASON COMMENTS

There were no comments from the Board of Supervisor's liaison.

RE: CITIZENS' COMMENTS

There were no citizen comments.

RE: PUBLIC HEARINGS

There were no Public Hearings scheduled.

RE: WORK SESSION ITEMS

There were no Work Session Items scheduled.

RE: DISCUSSION ITEMS

Chairman Fisher noted that Mr. Smith from the Northern Neck Electric Cooperative (NNEC) was in attendance. Mr. Smith noted that he had an answer to the question from Mr. Williams at the October Planning Commission Meeting. Mr. Smith stated the question from Mr. Williams from the last meeting was how many Northern Neck Electric customers were in Northumberland County, and there were 5,132 active services in Northumberland County. Chairman Fisher asked Mr. Smith if he might know how many customers that Dominion has in Northumberland County? Mr. Smith noted that he doesn't know, but that Dominion has more customers on the Northern Neck than does the NNEC. Mr. Smith noted he has numbers for NNEC for the other Northern Neck counties that might help provide some insight into Mr. Fisher's question. Mr. Smith noted that the NNEC has 18,929 active services throughout the Northern Neck counties, the two counties with the most customers is Westmoreland and Northumberland County. Westmoreland County has 5,763 services, followed by Northumberland County with 5,132 services. Chairman Fisher noted that 5,132 is roughly half the population, so Dominion does have too much more than NNEC. Mr. Smith explained that the NNEC mainly serves the waterfront areas, while Dominion services the US360 corridor, and most of Reedville.

RE: PUBLIC COMMENTS

There were no public comments at this meeting.

RE: PUBLIC HEARING

Chairman Fisher prompted Mr. McKenzie to begin the public hearing. Mr. McKenzie noted that in the packet for commission members and available at the sign in table is the proposed amendment to the zoning ordinance. Mr. McKenzie read the document, "Proposed Amendment to the Northumberland County Zoning Ordinance, Public Hearing November 16, 2017 Add Definition to Zoning Ordinance: "Electric Substation" means an

electrical installation containing generating or power-conversion equipment and associated electric equipment and parts, such as switchboards, switches, wiring, fuses, circuit breakers, compensators and transformers.

Add “Electric Substation” as a By-Right Use in the following Zoning Districts: Agricultural (A-1), Conservation (C-1), Industrial – Light (M-1). Add “Electric Substation” as a Conditional Use in the following Zoning Districts: Residential General (R-1), Residential Waterfront (R-2), Residential Restricted (R-3), Historical Site District (H-1)” Mr. McKenzie stated that those are the amendments to the zoning district that we are here to decide tonight.

Chairman Fisher stated that he was opening the public hearing, the time was 7:08 pm. No citizens were in attendance, and thus no one signed the sign in sheet to speak for or against the zoning amendment as stated. After asking if anyone was here to comment on the public, and hearing no reply, Chairman Fisher closed the public hearing at 7:09 pm. Chairman Fisher noted that the Commission had previously discussed this amendment to the zoning ordinance, and asked if there was any questions, concerns or comments regarding the proposed amendment. Hearing none, Chairman Fisher asked for a motion. Mr. King made the motion to accept the zoning amendment as stated, and Mr. O’Brien seconded the motion. Chairman Fisher asked if there was any discussion, if not, all those in favor signify by saying “aye”. The vote accepting the zoning amendment was as follows:

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

The motion passed unanimously to amend the zoning ordinance as stated previously.

RE: DISCUSSION ITEM

Chairman Fisher asked what other discussion items staff had. Mr. McKenzie noted that he had put Solar Farms on the agenda, but did not have any new information regarding them. Staff then summarized the information pertaining to solar farms that was previously sent out to Planning Commission Members, the examples of the Virginia Department of Environmental Quality’s model ordinances, the neighboring solar farm zoning ordinances of Richmond, Westmoreland, Lancaster Counties, additional information from the States Energy Plan is encouraging renewable energy as a way to generate economic growth as well as to give a more robust and resilient power structure, as well as a document of interconnection of renewable energy sources to the electrical grid and the way they classify those interconnection on the federal level. Staff noted that if members have any specific questions about solar farm, he could do additional research to answer those questions, but he feels that we have enough reference material to make an educated decision. Chairman Fisher asked what are citizens most common complaints regarding solar farms. Staff mentioned that he sent out emails with links to a video from a local television station showing citizens’ concerns over a local solar farm project. Staff stated that most people did not like aesthetics of it, the fact that it is there, that they didn’t

want to see it every day, and that it is an industrial type use in a rural area. Mr. Williams asked what do we need to do regarding solar farms. Staff replied we need to do the exact same thing for solar farms as we did for electric substations, define solar farms, and it is up to you (planning commission members) to decide whether we want to define small, medium and large solar farms; or just define small and large solar farms. Then we will need to decide which zoning districts will solar farms be allowed by right and which zoning districts would solar farms be a conditional use. Mr. Williams stated that going with the state definition is a start. Staff indicated that the DEQ Model Ordinances, both small and large have a definition included in them, and he could resend those documents if needed. Mr. O'Brien stated that rather than define a solar farm as the size of kilowatt it generates, we could define it as the application it is being used, for example commercial and non-commercial, with a commercial facility being primarily intended for energy resale. Non-commercial would include residential, and any facilities that want to build a solar farm to provide the power they use on site in their operations. Mr. O'Brien stated that the reason this was significant to him was that most of these regulations have some sort of provision for termination of the facility, and what remediation efforts need to be made. Mr. O'Brien further stated that he doesn't think that will be a problem with residential solar or when a company builds a solar farm to power their own business, because if they sell the property, the install solar devices will convey, so the problem solves itself. Mr. O'Brien continued, suppose a somebody comes and start buying acreage to put in rows and rows of panels, and then they decide this isn't going to work so they leave town. We then have a problem, so I think we can have remediation directed only at the commercial endeavors, and not require that of the non-commercial endeavors. Mr. O'Brien also wondered if there are any ill effects of when solar panels begin to deteriorate, whether chemicals leach off of them or not, and if anyone knew. Mr. O'Brien said he doesn't want to burden people that want to install their own supplemental solar power by making them create a decommissioning plan. Mr. O'Brien stated that he doesn't wants to discourage business development in the county. Mr. O'Brien summarized that maybe we should look at the intended use and not on the size of the solar facility. Mr. Williams stated that he thinks it would be prudent to check with counties that have gone through permitting a solar farm and ask them what were the problems that surfaced and how they would do it differently to avoid those problems if they could. Chairman Fisher noted that to take care of the decommissioning of commercial facilities it could be as simple as a bond, or an attachment to the deed of the property by the county in case of such a problem. Mr. O'Brien stated that he would prefer a bond as a condition of the permit. Mr. Parker asked where the solar facility was being built in Essex County, and Mr. Cralle stated it was about 5 miles South of Tappahannock on US 17. Mr. O'Brien stated that there is a whole lot of construction going on there, it will be a large facility. Ms. Wilkins pointed out that according to the information that staff provided that Essex County has solar farms as a conditional use in all zoning districts. Ms. Wilkins noted that evidently conditional use was not a barrier for those interested in building solar farms. Mr. O'Brien stated that he was simply saying we don't have to look far to find an example to learn from. Ms. Wilkins noted there is a solar farm in Gloucester that citizens were not happy the way it looks, but that facility is already constructed as she understands it. Mr. McKenzie stated that there was a community forum in Essex County a few months ago, and a citizen got up and stated that he was not happy about the approval of the solar farm and stated that the electric wires are going to devalue the surrounding houses. Mr. McKenzie stated he could talk to his counterpart in

Gloucester County and inquire about what worked and what didn't work well. Mr. McKenzie stated he thought it would be best to talk to a county that has already gone through a completed project where the facility is built and functioning, as that is what we would be living with for many years, not just the chaos of the construction phase as is the case in Essex County now. Mr. McKenzie stated that conditional use is as strong as you can get with zoning unless you are going to outright ban the use in certain zoning districts. Chairman Fisher noted that conditional use gives the county the most control, in the applicant doing what they say they are going to do, but does nothing with regards to the decommissioning problem that Mr. O'Brien brought up. Mr. McKenzie noted that there is more at stake if the facility is large (more cost to remediate) than if it is small (less cost to remediate), so if you have stricter requirements for larger facilities, with no requirements on the smaller facilities, that should help reduce the county's risk. Mr. O'Brien stated that the industry seems to be going towards larger facility sizes. Mr. McKenzie noted up to the 20 megawatt size, as there are a lot more federal regulations regarding interconnectivity once you go over the 20 megawatt threshold. Mr. McKenzie stated that according to previous discussions it takes about 10 -15 acres of solar panels to produce one megawatt of electricity. Mr. O'Brien noted that it would take about 200 acres of land to reach that 20 megawatt threshold. Mr. McKenzie asked the question, how many 200 acre farm fields do we have in Northumberland County that are relatively flat. Chairman Fisher responded that there are likely none. Mr. McKenzie stated that he discussed the solar farm in Essex County with the Zoning Administrator Marston that the solar farm must be flat as a table, because that allows the company to set up all of the solar panels at the same angle of tilt to capture the maximum amount of sunlight. If the site was not flat, then the solar farm developers would have to angle each array separately, which would be too labor intensive and prone to errors. Chairman Fisher noted that in Northumberland County, a fifty-acre field is considered a big field. Ms. Wilkins noted that Gloucester County's zoning definition contains kilowatts and acreage, in their small scale, large scale and utility scale solar farm definitions. Mr. King stated that as technology improves, less area may be needed to produce electricity, so you may want to look at how large a space you want solar farms to cover, rather than electric capacity. Ms. Wilkins agreed, and noted that what Gloucester County did was smart, using acreage and kilowatts to define the different sized solar facilities. Mr. Williams noted that if you only use megawatts to define a solar farm, then you could have a larger than allowed solar farm (by megawatts), with one-half owned by company A and the other half owned by company B in order to get around the solar farm watt generation definition. Mr. O'Brien stated that could happen, but is not likely. Mr. O'Brien stated that one concern may be an issue, that of glare. Even on these glare free panels, sunlight will still bounce off the panel. Mr. McKenzie noted that County signed a Memorandum of Understanding (MOU) with the Patuxent River Naval Air Station to do certain things to preserve the test airspace above Northumberland County. One of those actions is to require that any solar farms utilize non-reflective solar panels in their construction. Mr. McKenzie noted that in a previous meeting, Mr. Allain noted that today, all solar panels are non-reflective, if they are not then they lose some of that energy that is reflected off, so all have non-reflective coatings on the panels. Mr. McKenzie stated that while that may be true, he would be more comfortable if that was stated in the county zoning ordinance, for the larger facilities. Chairman Fisher asked if the glare was only detrimental to aircraft, and not anything else? Mr. O'Brien said that glare could be a traffic hazard. Mr. O'Brien also stated that when you have that many panels that you also

have to worry about glare off the frames as well. Mr. Williams wondered if the glare of the solar panels would be worse than flying over the Chesapeake Bay with the sunlight reflecting off the water, so he is not sure how much of a problem it would be. Mr. McKenzie added that he thinks that the glare is more of a problem near the takeoff and landing zones. Mr. O'Brien stated that we should honor the MOU and add that language to the ordinance, which Mr. McKenzie stated was non-reflective panels. Ms. Wilkins asked for clarification on how residential solar panels are handled by the county now. Ms. Wilkins continued, that as she understands it, a citizen could install solar panels on their house by right, and don't require them to be non-glare. Mr. Marston stated that they are deemed an accessory structure that requires a building permit and that there is not a requirement requiring non-reflective panels. Mr. O'Brien asked Mr. Marston if he thought it should be added to the residential solar panels? Mr. Marston stated that he could see where it might be a neighbor problem, and would be more of a problem if a resident wants to power a building off the electric grid where many more solar panels would be mounted on the ground instead of on the roof. Chairman Fisher noted that that could be taken care of by conditional use, with the condition being a requirement of non-reflective solar panels. Ms. Wilkins stated yes, that would take care of it, but right now we have no restrictions of that type for residential installation of solar panels. Ms. Wilkins asked Mr. Marston if wind turbines were a conditional use in the zoning ordinance, and Mr. Marston replied yes. Mr. O'Brien asked if they are even making solar panels that are not non-reflective, and asked Mr. McKenzie to research that. Mr. McKenzie noted the request and stated he would look into it. Mr. O'Brien stated that he didn't see any reason why we shouldn't include non-reflective panels as a requirement in the ordinance. Mr. O'Brien stated the question remains whether we require them on residential installations. Mr. McKenzie stated that he believes the Navy is more concerned about large solar facilities, not individual houses with a few panels on the roof. Mr. Williams stated he would be interested in where they have a solar farm that gives them a problem. Mr. McKenzie stated he would see if he could find examples of solar farms that cause reflection problems. Mr. McKenzie stated the Patuxent Test Airspace over the county is the most instrumented test area in the world. Mr. Williams stated that you have to get permission from Patuxent River in order to fly over the restricted test airspace to Tangier Island. Chairman Fisher wrapped the discussion up, asking Mr. McKenzie to research whether all solar panels are non-reflective and any instances of solar farm causing problems for aircraft. Chairman Fisher then asked if Mr. McKenzie could forward any information to the members via email, and that the Planning Commission could finalize discussion on solar farm zoning at the January meeting and hold a public hearing at the February Planning Commission meeting. Mr. McKenzie noted that the county administrator informed him that the Board of Supervisor's has a full agenda for the December meeting, so they will not hold a public hearing on Electric Substations until January 2018.

Mr. Cralle asked NNEC employee Mr. Scott Smith if his company is partnering with anyone regarding solar farms. Mr. Smith stated yes, that the NNEC is partnering with Old Dominion Electric Cooperative to offer a community solar project for anyone who wants to purchase solar energy who doesn't have the capability of installing solar panels on their house or property, doesn't have enough space or doesn't have the capital to invest in solar technology. Mr. O'Brien asked Mr. Smith if he knew where those solar facilities are going to be located. Mr. Smith stated one would be built in the Rappahannock Electric Cooperative territory and another would be built in the Mecklenburg Electric Cooperative

territory. Chairman Fisher asked if there was any other discussion, and hearing none, closed the solar farm discussion.

Chairman Fisher asked Mr. McKenzie if he had any local ordinances to review, and Mr. McKenzie stated yes. Mr. Fisher had mentioned reviewing Northumberland County ordinances to help familiarize planning commission members with the laws already in place in the county. Mr. McKenzie started reviewing Section 138, the inoperable vehicles ordinance. Chairman Fisher noted that the high price of scrap steel has taken care of this problem in the county, so much so that now people are trespassing on others land to steal old cars to sell as scrap metal. Chairman Fisher asked about trailers that are mentioned in the ordinance, does this include mobile homes. Mr. McKenzie stated he was not sure, but likely not. Chairman Fisher asked Mr. Shirley if mobile homes were included in this ordinance, and he stated no.

Mr. McKenzie next began reviewing Chapter 96, the Music Festivals and Concerts ordinance. Chairman Fisher noted that in section 3, where it requires VDOT and the State Police to be notified and comment on the impact of the event, that he thought that the Northumberland County Sheriff should also be notified as well. Mr. Williams stated that the first one they are going to call is the Sheriff, so he ought to know. Mr. McKenzie wanted everyone to note in the first paragraph, that this only pertains to outdoor festivals and concerts. Another thing Chairman Fisher noted was that there was no mention of notification of an ABC license to serve alcohol. Chairman Fisher noted that free concerts do not fall into this category, only when they charge admission does this ordinance apply. Chairman Fisher noted that the other reason the Sheriff should be notified is because of the noise ordinance. Whenever you have one of these things you are going to have music, and it will likely violate the noise ordinance, for example, when the Bluefish Derby was being held. Ms. Wilkins ask if people go before the Board of Supervisor's every time there is an outdoor event, Mr. Fisher noted that it is mostly done administratively. Chairman Fisher noted there was no public, so there would be no public comments, the planning commission would be meeting again in the new year. Chairman Fisher thanked Mr. Smith from the NNEC for attending the meeting.

RE: ADJOURNMENT

With a motion from Mr. Parker, seconded by Mr. O'Brien, and approved by all, the meeting was adjourned at 8:02 pm.