

Northumberland County Planning Commission
September 26, 2022
Minutes

The special meeting of the Northumberland County Planning Commission was held on September 26, 2022 at 6:00 p.m. in person at the Northumberland Sheriffs Office and using Zoom (telephonic meeting) with the following attendance:

Chris Cralle	Present	Garfield Parker	Present
Vivian Diggs	Present	Roger McKinley	Present
Alfred Fisher	Present	Heidi Wilkins-Corey	Present
Ed King	Present	Charles Williams	Present
Richard Haynie	Absent	Patrick O'Brien	Present

Others in attendance:

Stuart McKenzie (County Planner)

Philip Marston (County Zoning Administrator)

RE: WORK SESSION ITEMS

Chairman Fisher began the meeting with an announcement, stating that in the 30 years of interacting with the general public he has always encouraged public participation of citizens. Mr. Fisher stated that now, however, higher ups have instructed him that during work sessions, he is not to allow comments from the general public. Mr. Fisher continued, the public is allowed to attend, take notes, and then attend the public hearing to let your thoughts be heard. Mr. Fisher, speaking to the public in attendance, that he appreciates them being there. Mr. McKinley asked Mr. Fisher if the planning commission members are allowed to ask questions of the public. Mr. Fisher, said yes that was allowed, but if the citizen offered more than an answer to the question, then he would have to cut them off. Mr. Parker asked if this was a general rule for county government, and Mr. Fisher replied in the affirmative.

Mr. McKinley asked when a solar project is proposed, who pays the real estate tax. The property owner or the project applicant? Mr. McKinley stated that one way to handle solar would be to create a new zoning district called the special solar project district, and then every solar energy facility proposed would have to be rezoned to that new solar zoning district. In order to generate revenue, Mr. McKinley added that the county could impose a higher tax rate in the solar district. There was little support amongst the members for this course of action.

Mr. McKenzie stated that the Board of Supervisors want both solar ordinances (the zoning and revenue share) at the same time, so if we get the revenue sharing ordinance completed, we will wait and hold the public hearing for both at the same meeting in order to send to the BOS together.

Mr. McKenzie then explained that at the last meeting the commission members voted to model the Northumberland County solar revenue sharing ordinance after the Richmond County solar revenue sharing ordinance. After reviewing the Richmond County revenue sharing ordinance, staff realized that it referenced other Richmond County ordinances, and was more complicated than the Middlesex County revenue sharing ordinance. Mr. McKenzie asked the commission to revise their motion to use the Middlesex County revenue sharing ordinance, because it was the simplest, and most straightforward ordinance to use to develop Northumberland County’s solar revenue sharing ordinance. Mr. O’Brien made a motion to model the Northumberland County’s revenue sharing ordinance after Middlesex County’s ordinance, which was seconded by Mr. King, and the vote was as follows:

Chris Cralle	Aye	Garfield Parker	Aye
Vivian Diggs	Aye	Roger McKinley	Aye
Alfred Fisher	Aye	Heidi Wilkins-Corey	Aye
Ed King	Aye	Charles Williams	Aye
Richard Haynie	Absent	Patrick O’Brien	Aye

Solar energy facility visual screening was the next topic to be discussed, and Mr. Fisher asked the commission when do we require buffer planting? Mr. McKenzie stated that some counties require the buffer to be planted before construction starts, but staff feels that is a little onerous. Mrs. Wilkins-Corey suggested the vegetative buffer planting be required to be done six (6) months after receiving the conditional use permit. Mr. King asked Mr. Marston if six months was enough time to have a window for planting in the Spring or Fall season. Mr. Marston said yes, 6 months should work for either Spring or preferably, the Fall planting season.

Next the commission reviewed the proposed Landscape Agreement that would need to be negotiated. The Landscape Agreement states that Landscape buffers are required that minimize impacts year-round on the view from an existing public right-of-way (ROW), the Virginia Landmarks Register, the National Register of Historic Places, and adjacent parcels. Required buffers shall be placed or preserved between the solar facility and adjoining properties and adjacent public or private rights-of-way. In addition, existing vegetation can be used as a vegetative buffer if it adequately screens the view, and it is located entirely on the project property. If the buffer is damaged or destroyed, additional vegetation must be planted to provide screening. Where adequate vegetative screening does not exist and twenty-five foot buffer must be planted with trees at least 4 ft in height at planting and with 75% of the vegetation being evergreen plants. A professional landscape architect must draw and submit a landscape plan showing location, size and type of plant material in the buffer area. The landscape management plan requires a surety in the amount sufficient to be in compliance with the county landscape requirements set forth. The surety will be held for the life of the project, and will be released upon completion of decommissioning. The buffer shall be maintained for the life of the facility. Dead, diseased or dying plants shall be replaced within the next planting season unless enough healthy vegetation provides the required screening. Regarding the last requirement, Mr. Fisher took issue with it, and other commission members agree that it was not to be included. The requirement to be deleted from consideration was that if

the adjoining property owner agrees that no buffer is necessary, and provide a written affidavit to that effect to the zoning administrator, then no buffer shall be required along that property line. Mr. O'Brien stated that he agrees with Mr. Fisher that the vegetative buffer must go all the way around a site. Mr. O'Brien made the motion to adopt the landscape agreement without the last item discussed, Mr. McKinley seconded the motion. The vote was as follows:

Chris Cralle	Aye	Garfield Parker	Aye
Vivian Diggs	Aye	Roger McKinley	Aye
Alfred Fisher	Aye	Heidi Wilkins-Corey	Aye
Ed King	Aye	Charles Williams	Aye
Richard Haynie	Absent	Patrick O'Brien	Aye

The next item to be discussed that the BOS wants us to consider is the Fire Protection Plan. Mr. O'Brien suggested we amend the language to add fire protection to the Emergency Operations Plan, Mr. McKinley stated that would address the BOS concerns. Mr. Marston stated that it would be a good idea to check with the EMS Director to see if he is OK with that modification. Mr. O'Brien stated that we should table this discussion until Mr. Marston can check with the EMS Director on how to proceed.

Mr. O'Brien made the motion that the EMS Director or his designee shall have access to the Knoxbox for emergency access. The motion was seconded by Mr. McKinley and the vote was as follows:

Chris Cralle	Aye	Garfield Parker	Aye
Vivian Diggs	Aye	Roger McKinley	Aye
Alfred Fisher	Aye	Heidi Wilkins-Corey	Aye
Ed King	Aye	Charles Williams	Aye
Richard Haynie	Absent	Patrick O'Brien	Aye

There was discussion on whether to require additional safety training for county fire and rescue personnel above and beyond the training session required after becoming operational. Staff had suggested every two years, have a retraining session for emergency service personnel, in case of staff turnover. The planning commission members stated that we already have training at the beginning of operation, and that should be sufficient.

Mr. McKenzie stated it is always good to have a catch-all for the ordinance that says additional information may be required by the zoning administrator, as well as additional information for a technical review of the proposal. Mr. O'Brien asked Mr. Marston, if he cannot request additional information currently, and he replied that he can add as a condition, but that the BOS seems to want things codified, so it might be a good thing to have. Mr. O'Brien made the motion to accept the language Mr. McKenzie proposed, which was seconded by Mr. King, and the vote was as follows:

Chris Cralle	Aye	Garfield Parker	Aye
Vivian Diggs	Aye	Roger McKinley	Aye
Alfred Fisher	Aye	Heidi Wilkins-Corey	Aye
Ed King	Aye	Charles Williams	Aye
Richard Haynie	Absent	Patrick O'Brien	Aye

Mr. McKenzie stated to address the BOS request to consider environmental issues, staff have come up with the following language: Require an environmental inventory and impact statement regarding any site and viewshed impacts, including direct and indirect impacts to national and state forests, national or state parks, wildlife management areas, conservation easements, recreational areas, or any known historic or cultural resources within three miles of the proposed project. Mr. McKenzie stated that the solar developer has to complete an environmental review for Federal and State approval of the solar energy facility before they can apply to the county, so this is not putting any extra burden on the solar farm developer, as all they will need to do is copy and paste to submit the already completed report to the county. In addition, Mr. McKenzie stated the environmental impact report will highlight to county staff, what resources are nearby to monitor for possible impacts into the future. Mr. McKinley made a motion to accept the language for an environmental impact requirement for the county. Mr. Williams seconded the motion, and the vote was as follows:

Chris Cralle	Aye	Garfield Parker	Aye
Vivian Diggs	Aye	Roger McKinley	Aye
Alfred Fisher	Aye	Heidi Wilkins-Corey	Aye
Ed King	Aye	Charles Williams	Aye
Richard Haynie	Absent	Patrick O'Brien	Aye

Mr. McKenzie stated the county could require a traffic study of the impacts to traffic during solar farm construction, adding that Richmond County has adopted this requirement. Mr. Fisher stated that VDOT controls the highways, and they can deal with the traffic. The commission members agreed.

Mr. McKenzie asked the commission if they thought an estimated construction schedule was needed by the solar applicant. Mr. Fisher stated they have one year with a conditional use permit, so that is their schedule. Mr. McKenzie agreed.

Mr. McKenzie brought up the issue of height, stating that it was not in the BOS memo, but that it was discussed at least twice at a recent BOS meeting. Mr. McKenzie stated that there is a solar energy facility in White Stone, that has double decks of solar panels. While this maximizes energy production in a small footprint, it would also require a higher vegetative buffer to shield from view. Mr. McKenzie asked the commission if they wanted to address a maximum height requirement or not. The commission members stated that was not something they wanted to address at this time.

Mr. McKenzie stated that another issue we need to consider is fencing, and that the federal government has requirements for fencing that solar farms as well as electric substations that the solar developers must adhere to. Mr. McKenzie continued, if the county imposed requirements that are not compatible with the federal requirements, we could be in conflict. Mr. O'Brien made a motion that the solar applicant must abide by all applicable state and federal laws, regarding fencing requirements.

Mr. McKenzie stated that an aesthetic component could be added to assure that the solar support buildings blend into the natural setting and surrounding structures. The commission members did not think this was worthy of consideration.

Mr. McKenzie stated there is a maintenance clause that states all buildings shall be maintained, that the solar developer be responsible for repairing damaged VDOT roads by working with VDOT and repair damage to private roads, within 30 day of notification by the county. Mr. Fisher stated that VDOT will make sure their roads are repaired, and that is their jurisdiction. The commission failed to take any action regarding ongoing facility maintenance or road repair.

Mr. McKenzie stated that to cover all potential problems, the solar applicant shall provide proof of adequate liability insurance for a solar facility and a copy of the lease agreement prior to beginning construction and before the issuance of a zoning or building permit to the zoning administrator. Mrs. Wilkins-Corey stated that having proof of insurance is good for the county, but would like to strike the "prior to beginning construction" part of it. Mr. McKinley made a motion to adopt Mrs. Wilkins-Corey revision, which was seconded by Mr. Obrien. The vote was as follows:

Chris Cralle	Aye	Garfield Parker	Aye
Vivian Diggs	Aye	Roger McKinley	Aye
Alfred Fisher	Aye	Heidi Wilkins-Corey	Aye
Ed King	Aye	Charles Williams	Aye
Richard Haynie	Absent	Patrick O'Brien	Aye

Mr. McKenzie brought up solar facility exterior lighting and proposed the following language: Lighting fixtures as approved by the county shall be the minimum necessary for safety and/or security purposes to protect the night sky by facing downward and to minimize off-site glare. No facility shall produce glare that would constitute a nuisance to the public during construction or general operation. Any exceptions shall be enumerated on the concept plan and approved by the zoning administrator. Mr. McKenzie stated that this language is similar to conditions regarding lighting for any conditional use permit, and is pretty boilerplate. Mr. Fisher made a motion to accept the lighting requirements, seconded by Mr. McKinley. The was as follows:

Chris Cralle	Aye	Garfield Parker	Aye
Vivian Diggs	Aye	Roger McKinley	Aye
Alfred Fisher	Aye	Heidi Wilkins-Corey	Aye
Ed King	Aye	Charles Williams	Aye
Richard Haynie	Absent	Patrick O'Brien	Aye

Mr. McKenzie stated that in researching the ten neighboring counties solar ordinances, he came across a couple that listed possible conditions that could be applied to the conditional use permit. With that list of possible conditions was also a caveat that these are not an inclusive list of all possible conditions, and just because it is not listed here, doesn't mean the Board of Supervisor cannot impose the condition. Mrs. Wilkins-Corey stated she is opposed to listing conditions, as they could change or not be considered. Mr. McKinley concurred with Mrs. Wilkins-Corey, and stated we do not need to codify all these conditions, as every site is different. The commission chose to take no action on listing possible solar energy facility conditions.

Mr. Fisher adjourned the meeting at 8:02 pm.

RE: BOARD OF SUPERVISORS REPORT

No report was given.

RE: PUBLIC COMMENTS

There were no public comments, as this meeting is a work session.

RE: ADJOURNMENT

Mr. Fisher adjourned the meeting at 8:02 pm.