

Northumberland County Planning Commission
June 15, 2023
Minutes

The regular monthly meeting of the Northumberland County Planning Commission was held on June 15, 2023 at 7:00 p.m. in person at the Northumberland Courts Building and using Zoom (telephonic meeting) with the following attendance:

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

Others in attendance:

Stuart McKenzie (County Planner)

Philip Marston (Zoning Administrator)

RE: CALL TO ORDER

The meeting was called to order by Mr. Fisher.

Mr. Cralle gave the invocation, and Mr. Fisher led the commission in the Pledge of Allegiance.

RE: AGENDA

Mr. Cralle made a motion to accept the agenda, and Mr. Parker seconded the motion. All voted in favor of accepting the agenda.

RE: MINUTES- May 18, 2023

Mr. Parker made a motion to accept the May 18, 2023 minutes, and Mrs. Diggs seconded the motion. All voted in favor of accepting the minutes.

RE: COMMISSIONERS' COMMENTS

There were no member comments.

RE: STAFF MEMBERS' COMMENTS

Staff members did not have any comments.

RE: CITIZENS' COMMENTS

There were no citizen comments.

RE: PUBLIC HEARINGS

There were no public hearings scheduled.

RE: WORK SESSION ITEMS

Chairman Fisher asked Mr. McKenzie to begin the work session. Mr. McKenzie outlined the changes to the Zoning Ordinance definition for Small Scale Solar Energy Facility, at the behest of the Board of Supervisors, to allow a citizen on Mundy Point to exceed the size stated in the definition. Mr. McKenzie explained that the Board of Zoning Appeals (BZA) can give relief to citizens from the zoning ordinance, the BZA cannot change or give relief from the zoning ordinance definitions. Therefore, county staff revised the Small Scale Solar Energy Facility definition to remove the kilowattage and size requirements. Mr. McKenzie explained that when the ordinance was created county staff believed that most citizens would install solar to take advantage of the utility net metering program so that they sell excess power to the power company's electrical grid to reduce their electric bill which would help recoup the cost of the solar installation. Mr. McKenzie stated that Virginia's net metering law is capped at 25 Kw, and therefore that was what the county used as a transition point between small scale definition and medium scale solar facility definition. County staff moved the maximum kilowattage requirement (not more than 25Kw) and area (total site area of 1,500 sq. feet or less) to the Solar Energy Facility Small Scale zoning ordinance stating that any application that exceeds 25 Kw or the total site area larger than 1,500 sq. feet will require a conditional use permit. The conditional use permit can then be used to assure adequate visual screening for neighboring properties, as well as addressing other concerns as they may arise. So, in practice, there is essentially no change to the meaning and intent of the Small Scale Solar Energy Facility Ordinance, other than more control of those facilities that exceed 25 Kw. Next, Mr. McKenzie went on to discuss other revisions made to the Solar Energy Facility Ordinance, namely that although the county decided to prohibit medium and large solar energy facilities in zoning districts R-1 and R-2, State Code states that small agricultural solar energy producers are not bound by local zoning laws, and must be allowed. Therefore, staff made a notation in the section stating that prohibition of solar facilities in R-1 and R-2 does not apply to small agricultural generators. Mr. McKenzie stated that the zoning ordinance section of reducing the setback from roads was overly specific with respect to traffic accidents, and instead changed the language to "as adjusted to the particular conditions of the site" so that it can address a myriad of issues, and not just traffic accidents. Mr. McKenzie noted a section was added that the solar facility applicant shall negotiate various means of compensation for the impact of the solar facility, which does not require compliance, but rather negotiation. Mr. McKenzie explained that this is a notice that the county expects some kind of compensation from the applicant to site a solar facility in our county, but does not require it (which would be against State Code). Next, Mr. McKenzie stated that Mr. Marston and he wanted to address visual screening of the solar facility, given the fact that the height of some of the solar panels being double and triple decked, and added the phrase in the vegetative screening section to provide flexibility. Staff put the "minimum" height of the deciduous and coniferous vegetation of four feet, but added "Individual site characteristics such as topography and solar panel height may increase the minimum height of vegetation material required, which will be

addressed as a condition of the conditional use permit.” Mr. McKenzie explained that if the road is higher than the solar facility site, then the county could ask for taller vegetation to be planted, or if the applicant wanted to use double or triple decker panels, there would be flexibility to require a higher vegetation height in these circumstances. Mr. McKenzie stated that another revision was to clarify decommissioning and added “shall remove all electrical components to include, but not limited to solar arrays, inverters, cabling (both below and above ground), and fencing. Also added to the ordinance is the due date of the submittal of the decommissioning plan (at the time of final site plan submittal) and a requirement the “operator (or property owner) must submit a report to the building and Zoning Department showing the amount of electricity generated each month of the prior year annually beginning from the date the solar facility becomes operational.” Mr. McKenzie explained that this annual electricity report is proof the facility is operating, and if there is no report, then that begins the decommissioning countdown. Mr. McKenzie stated that further strengthening the decommissioning plan, staff added the language “Salvage value of the solar energy equipment decommissioned is not to be included as part of the surety bond, as the bond itself should cover the full cost of decommissioning.” In addition, the time when the surety bond is required to be approved by the Board of Supervisors was added (when the final site plan is submitted) to clarify that requirement. Mr. McKenzie stated that staff believes they have addressed all of the concerns raised by the Planning Commission and Board of Supervisors, and if there are anything that might have been left out, please let us know.

Mr. McKenzie stated that one thing that the Virginia Department of Energy staff person brought up was that the county had the same requirements for a medium sized solar facility as a large facility. The department of energy staff person stated that for a business, or more likely, a school that wanted to establish a medium sized solar facility to supplement the power needs at the site, the requirements would be too costly to comply with, and could effectively discourage implementation of solar. Mr. McKenzie stated that it was entirely up to the commission to decide how to handle this, but he thought he would bring it up to discuss. Mr. Fisher asked Mr. McKenzie to remind him the zoning ordinance definitions for the small, medium and large solar facility. Mr. McKenzie stated for a small it is 25Kw (and less than 1500 sq. ft. total site area), for a medium sized facility, greater than 1,500 sq. ft. but less than five acres, for a large scale facility, greater than five acres. Mr. McKenzie put for the following fictional scenario, a business buys property next door to place 2 acres of solar panels to supplement the businesses power usage for lights, heating, cooling or running equipment. The business would be held to the same standards as a large solar facility, which would require an environmental impact assessment, a landscape agreement, a decommissioning plan and a surety bond for the decommissioning cost. County staff have discussed this and they are not sure if the Board would want to consider waiving the environmental impact statement or decommissioning plan and bond, for medium sized solar facilities or whether they would be against it. Staff believes the landscape plan should remain in place for the medium scale solar facilities to minimize the impact to the neighbors. Mr. McKenzie stated that it is up to the commission how they want to handle this, but he wanted them to know that the medium is held to the same standard as a large, or utility scale solar facility. Mr. Williams asked why would you want to waive the environmental impact statement or the decommissioning plan. Mr. McKenzie stated to reduce costs to the business from installing a solar energy facility, as those requirements could make it cost prohibitive to

install solar, so no businesses would do it. Mr. Williams asked what size solar field are we talking about? Mr. McKenzie stated less than five acres, anything larger than five acres is full blown utility scale as far as the zoning ordinance is concerned. Mr. McKenzie reminded the commission that the medium sized solar was designed for energy usage on site, instead of selling the energy to the grid like the large (utility) solar facility is designed to do. Mr. Cralle asked if the school system wanted to put solar on their school grounds, would they have to comply? Mr. McKenzie stated that was what the Virginia Department of Energy staff person stated would be where we would run into problems, as yes, they would have to comply. Mr. Fisher stated that is a likely scenario in the future. Mr. McKenzie stated that putting solar panels on your roof is always less problematic than ground mounting solar panels. Mr. Williams asked about residential roof mounted solar. Mr. McKenzie stated that if an engineer signs off that your roof can support the weight of the solar panels, then all the county requires is an electrical permit. Mr. Parker asked if the Board asked us to consider what we are discussing now. Mr. McKenzie stated no, this something the Virginia Department of Energy staff person that deals with solar ordinances raised after a request from the county to review our draft solar ordinance, which Mr. Tadlock approved. Mr. McKenzie stated it is up to the commission to decide whether to change the ordinance to make it easier for medium scale solar facilities to be established, or whether they want to leave it as is. Mr. McKenzie stated that since this issue was brought up during the review process, he wanted to bring it before the commission. Mr. Parker asked if this would be a deterrent from attracting new people into the county, it seems like we are throwing up a bunch of roadblocks that people have to deal with. Mr. McKenzie stated that with residential solar, there is really no impediments, other than your homeowner's association, the structural requirements for rooftop solar, and the orientation of your house to receive solar energy. Mr. McKenzie continued, with the business (medium) solar there is, and that is why I brought up this issue, and to date, we have not received any applications from businesses for medium sized solar facilities. However, Mr. McKenzie pointed out that the elementary school, a year or two ago, had looked into placing solar next to the school building. Mr. Fisher asked, why wouldn't they put them on the roof, to which Mr. McKenzie stated I think they were worried about the (roof) membrane. Mr. Fisher stated he understood. Chairman Fisher asked whether the commission wanted to take any action. Hearing none, Mr. McKenzie stated that staff felt that the solar ordinance has been strengthened, as requested by the Board of Supervisors, and would like to advertise a public hearing on the revised solar ordinance at the next meeting. The commission agreed and Mr. McKenzie stated there would be a public hearing on the solar revision in July.

Next, the Chairman moved on to the Canoe/Kayak construction bidding process, and asked Mr. McKenzie to get the commission updated on where we are and what the Board is requesting. Mr. McKenzie stated that the commission is to review the cost estimated associated with the Glebe Point Kayak facility and provide a scope of work that can be submitted to contractors so that everyone providing estimates on the same material and amount of material. Mr. McKenzie stated that when we first solicited bids, there was a scope of work with tasks to accomplish, such as repair the road, spread gravel in the turnaround, build footpath to the water and such, as well as the conceptual plan map that detailed the work to be done. Mr. McKenzie explained there were no specification for materials or quantity of material, because staff has no experience repairing roads and constructing footpaths. Each of three contractors gave us different quantities and in some

cases, different materials, using their best judgement on how to accomplish the required tasks. The Board stated they could not compare the quotes to determine the best one, because they were using different materials and quantities. Mr. McKenzie stated he created a spread sheet that shows each of the three quotes, the proposed material type and the amount used, which was displayed on the projection screen for the commission and audience to see. Mr. McKenzie summarized the quantities of materials and amounts in the three quotes received. Mr. McKenzie stated that he has discussed the quotes with Mr. Marston, and we decided we do not have the expertise to decide if 40 tons is enough to do the job, or whether 50 tons of stone is needed. Mr. McKenzie explained that is why county staff did not specify materials or quantity of materials in the project scope of work that was sent out to contractors. Mr. McKenzie stated it is hoped that tonight we can clarify the specifications on the project and then request new bids from the contractors and move forward with the project. Mr. Williams asked if the county has a project leader for this? Mr. McKenzie stated not that he knew of, other than himself. Chairman Fisher stated he met with Mr. Clark to explain the project, but was unable to be there when the other two contractors were briefed on the project. Mr. Fisher noted that while Mr. Clark's price quotes are a little higher, he had confidence that what Mr. Clark proposed quantities are realistic. Mr. Parker asked if the project was to make access to back a trailer with canoes to launch. Mr. Fisher stated that no this is not a boat ramp, this is a hand launch boat access point, where you have to carry your vessel from your cartop (or trailer) to the water. Mr. Williams asked how do we go about deciding the material amounts? Mr. Fisher asked Mr. Marston if he had any input. Mr. Marston stated we could try to get all three contractors at the site at once. Mr. Marston added that one contractor was worried about the road washing out, and that was why he wanted to use asphalt millings. Mr. Marston also suggested we could take the average of the quantities of stone from the three contractors. Mr. Williams stated that Nor'easters erode. Mr. Fisher stated that he requested from Mr. Clark 1 ton extra crush and run on the side for any road repairs. Mr. Fisher stated he was comfortable with Mr. Clark's quantities, and could we use those quantities to issue a new project bidding process? The commission members agreed this was the way to move forward. Mr. Fisher asked Mr. Marston how soon can we get it all together. Mr. Marston stated maybe next week. Mr. Cralle asked if asphalt millings should be used for a road so close to the water, because of worries of leaching pollutants? Mr. Fisher stated he did not know about roads near the water, but stated that you cannot use the millings on bulkheads.

Mr. Fisher asked Mr. McKenzie about the next work session item, the proposed Battery Energy Storage Facility ordinance. Mr. McKenzie relayed that in the discussion with the Mr. Berryhill, the Virginia Department of Energy staff person assigned to assist a county with solar ordinances, he brought up battery energy storage facilities. Mr. Berryhill stated that it might be a good idea to consider that, but for the same reason Northumberland County will not get a large solar facility, due to no electric transmission lines in the county, that we likely will not get a large battery storage facility. There isn't enough capacity for the extra energy when you do not have transmission lines to tap into the larger electrical grid. Mr. McKenzie stated he talked with Mr. Marston, and although the county could add the battery energy storage ordinance within the solar ordinance, they had decided to keep it a separate ordinance, in the hopes of expediting the solar ordinance adoption. Mr. McKenzie further explained that the Board did not ask us to address this, but staff felt it was a good idea, and that there is no deadline so there is no hurry in

adopting this. Mr. McKenzie explained that these battery energy storage facilities absorb excess power from the grid and then discharge the batteries to put power back into the electric grid when it is low on power, and act as a buffer to help manage power in the grid. Mr. McKenzie stated that these battery energy storage facilities are lithium ion batteries encased in metal containers, not unlike small shipping containers, that has heating and cooling to keep the batteries at operating temperatures. If the batteries overheat, then they can catch fire. Mr. McKenzie explained that the battery energy storage companies separate the containers by 10 feet or so, so if one of the batteries short circuits and burst into flames, that the other energy storage containers will be far enough away to keep from igniting. Mr. McKenzie stated that there is no way to put out a lithium ion battery fire, so fire departments monitor the blaze, and let it burn out, and put out any wildfires that might develop from the battery fire. Mr. McKenzie stated they looked at neighboring counties and modeled the draft Battery Energy Storage Facility after King George County's ordinance. Mr. McKenzie read the proposed zoning ordinance definition of Battery Energy Storage Facilities, and stated that staff had proposed by right in M-1 Light Industrial zoned lands, and conditional use in all others. Mr. McKenzie asked the commission if they felt that was appropriate (there was no objection). Mr. Williams asked if staff could reiterate what is the purpose off these battery energy storage facilities. Mr. McKenzie stated they are made to absorb excess energy to the electrical grid and feed it back when the grid lacks energy. Mr. Williams stated don't they have that already in the grid, the batteries? Mr. McKenzie stated these energy storage facilities are a relatively new concept, and sometimes these storage facilities are paired with solar energy facilities to help buffer the power going into the grid. Mr. McKenzie added, however, companies do build these as standalone to store electric energy for later use. Mr. Fisher asked how the battery energy storage generates profits. Mr. McKenzie stated by absorbing power when it is cheap, and discharging the power when it is expensive, as well as adding resilience to the electric grid to help it run smoothly. Mr. Fisher asked if citizens are installing these, Mr. McKenzie stated no, there are companies, that may or may not be contracted by the electric companies to install these where they deem appropriate. Mr. McKenzie stated that perhaps is not the time to consider this type of ordinance, since the Board of Supervisor's did not request this. Mr. McKenzie stated this is not something that needs to be done tonight, so if the commission feels this is not appropriate at this time, that is fine. Mr. McKenzie explained that he and Mr. Marston thought we might be able to get ahead of the curve here and prepare for these facilities, if they do come. Mr. Fisher stated that the battery energy storage facilities are like substations, and the power company would own them. Mr. McKenzie thought that was the case. Mr. McKenzie asked the commission if they know about the power station at Indianfields in Richmond County. Mr. McKenzie explained that Indianfields is a peak surge power station that has jet engine turbines to provide on demand power when the electric grid is low on power. Mr. McKenzie noted that not a lot of people know that. Mr. McKenzie stated he was told by Richmond County staff that Dominion was installing battery storage there to take the place of the turbines, because jet fuel is expensive and also impacts air quality. Mr. McKenzie stated the batteries will store power instead of the turbines kicking in. Mr. McKenzie reminded the commission that there is no marching orders to address this, this is new to the county, and although other counties have enacted ordinances, it is unclear if Northumberland County will be impacted by these battery energy storage facilities, so we can take our time. Mr. Parker asked how commercial electric car charging stations affect the grid. Mr. McKenzie stated that he thinks it draws

a lot of power, and perhaps a battery energy storage facility nearby to a commercial electric car charging station would help minimize the drain on the electric grid, so the chargers can pull their power from the nearby batteries. Mr. Fisher proposed the commission send it to the Board and see what they think of it. Mr. Cralle asked if this topic came about from the Rural Solar Coalition meeting. Mr. McKenzie stated that the coalition did mention they had one installed in their county, and they approved it because it was placed in a area where there was no development. Mr. McKenzie read the proposed draft ordinance to the commission. Mr. McKenzie stated that he believes that likely the power company would work with an independent contractor and apply to build battery storage facilities in the county where they deem the electric grid needs additional stabilization, it would likely not be independent contractors trying to make money, in his opinion. Mr. Fisher thought this was a good idea, and maybe we will be ahead of the curve. Mr. McKenzie stated that he is not sure how the Board would respond to this draft ordinance. Mr. Fisher asked if this would be conditional use? Mr. McKenzie stated by right in Light Industrial, but conditional use everywhere else. Mr. McKenzie stated you do not want to build these things in a residential subdivision, due to the fire risk, you want them in isolated areas. Mr. McKenzie added that these facilities do not use up a lot of land, but that they are fire risks. Mr. Fisher stated he thinks this is a good idea. Mr. Fisher asked how we should move forward. Mr. McKenzie stated the commission could recommend to the Board to adopt this draft ordinance. Chairman Fisher asked for question or comments from the commission members. Mr. Williams stated the ordinance likely would do no harm if adopted. Mr. Fisher stated that he rarely makes motions as the Chairman, but he is going to make an exception and make a motion to adopt the battery energy storage ordinance. Mr. Williams seconded the motion, and the vote was as follows:

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

RE: DISCUSSION ITEMS

There were no discussion items.

RE: PUBLIC COMMENTS

There were no public comments.

RE: ADJOURNMENT

At 8:20 pm, Mr. Williams made a motion to adjourn, seconded by Mr. Parker The adjournment vote was as follows:

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

The meeting was adjourned at 8:20 pm.