

**MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY
PLANNING COMMISSION HELD ON THE TWENTY-FIFTH DAY OF
OCTOBER IN THE YEAR TWO THOUSAND AND TWENTY-TWO**

CALL TO ORDER

Brian Carroll, Chairman, called the Isle of Wight County Planning Commission meeting to order at 6:00 PM on October 25, 2022, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

Don Robertson delivered the invocation.

PLEDGE OF ALLEGIANCE

Chairman Carroll invited everyone present to join in the Pledge of Allegiance.

ROLL CALL/DETERMINATION OF A QUORUM

PRESENT

Brian Carroll, Chairman
Bobby Bowser, Vice-Chairman
Cynthia Taylor
James Ford
Jennifer Boykin
George Rawls
Thomas Distefano
Raynard Gibbs
Matthew Smith

A quorum was determined.

ABSENT

Rick Sienkiewicz

ALSO IN ATTENDANCE

Robert W. Jones, Jr., County Attorney
Don Robertson, Assistant County Administrator
Amy Ring, Community Development Director
Jeryl Phillips, Assistant Director, Planning and Zoning
Trenton Blowe, Planner I

Caleb Kitchen, Planner I
Amanda Landrus, Secretary

ACTION ON REQUESTS TO WITHDRAW OR TABLE PENDING AGENDA ITEMS

Chairman Carroll asked if there were any requests to table or withdrawal agenda items. Amy Ring, Community Development Director, stated there were no requests.

APPROVAL OF AGENDA

Chairman Carroll called for a vote to approve the agenda. Commissioner Boykin made a motion to approve the agenda. Commissioner Gibbs seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

APPROVAL OF CONSENT AGENDA

Chairman Carroll called for a vote to approve the consent agenda. Commissioner Taylor made a motion to approve the consent agenda. Commissioner Ford seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

CITIZENS' COMMENTS

There being no citizens comments, Chairman Carroll closed Citizens Comments.

PUBLIC HEARINGS

Chairman Carroll called for the public hearing for the following application:

Application of Ho-Fel Solar, LLC (CUP-02-22), applicant, and Dustin and Brandy Atkins and Cobb Land Limited Partnership, property owners, for a conditional use permit to establish a major utility service, specifically a utility-scale solar energy facility and substation, on eighteen acres located on property on Lees Mill Road with tax parcel numbers 69-01-086 and 72-01-022, in the Rural Agricultural Conservation zoning district. This application is an expansion of previously approved conditional use permit, CUP-8-18, for a 40 MW utility scale solar facility on parcel 69-01-087.

Trenton Blowe, Planner I, gave the following presentation.

CUP-02-22 HO-FEL SOLAR

Planning
Commission
Meeting
October 25,
2022

MAJOR UTILITY SERVICE (UTILITY SCALE SOLAR ENERGY FACILITY) CONDITIONAL USE PERMIT REQUEST

DETAILS

Location – Lee's Mill Road

Tax Map Parcel Numbers: 69-01-086
and 72-01-022

Zoning – Rural Agricultural
Conservation (RAC)

Election District – District 5

Purpose – Conditional Use Permit
(CUP) to establish a utility-scale solar
generation facility and substation on
parcels currently zoned RAC

BACKGROUND

- A CUP was approved for 69-01-087 for a 300-acre solar facility in February 2019. That parcel is north of the two proposed parcels. The applicant has reduced the acreage use of the original parcel to 182 acres.
- Applicant proposes to use approximately 17.7 acres of the proposed parcels for an expansion of the previously approved solar facility including their point of interconnection and substation.
- 40-megawatt installation proposed.

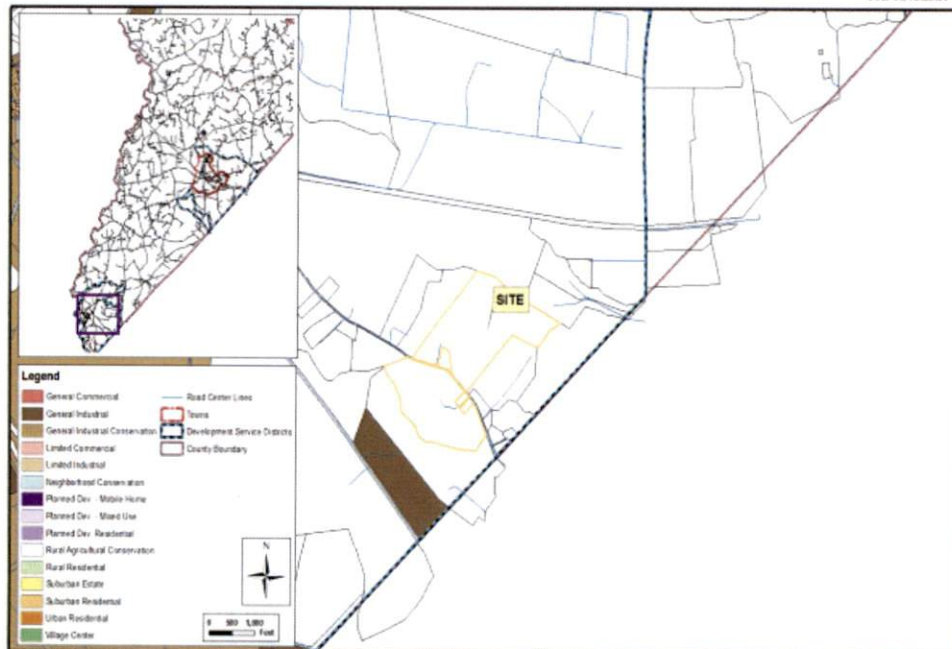
CUP-02-22 Conditional Use Permit - Location Closeup



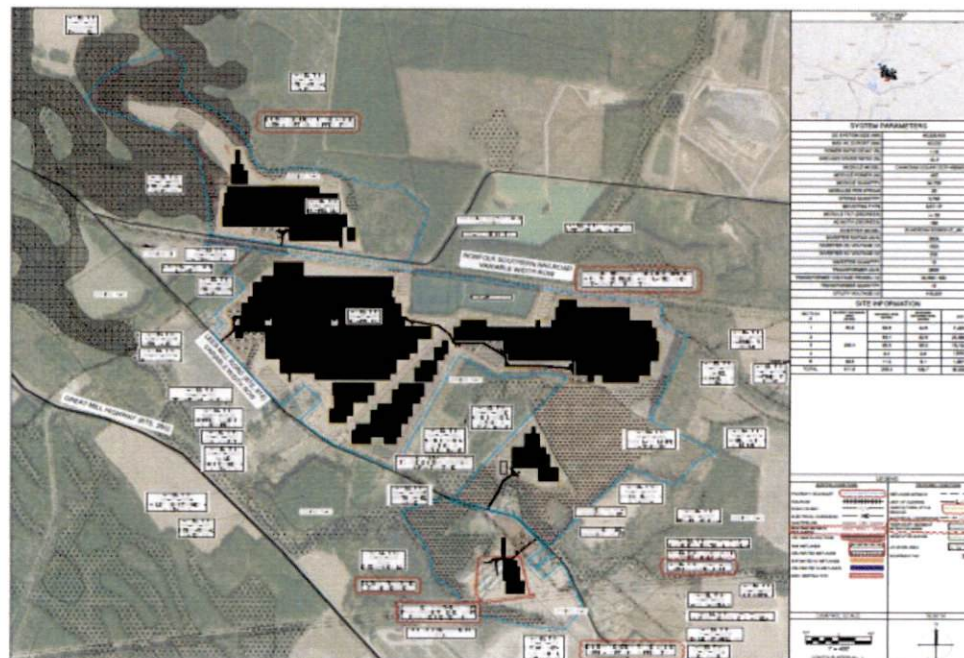
CUP-02-22 Conditional Use Permit - Location Map



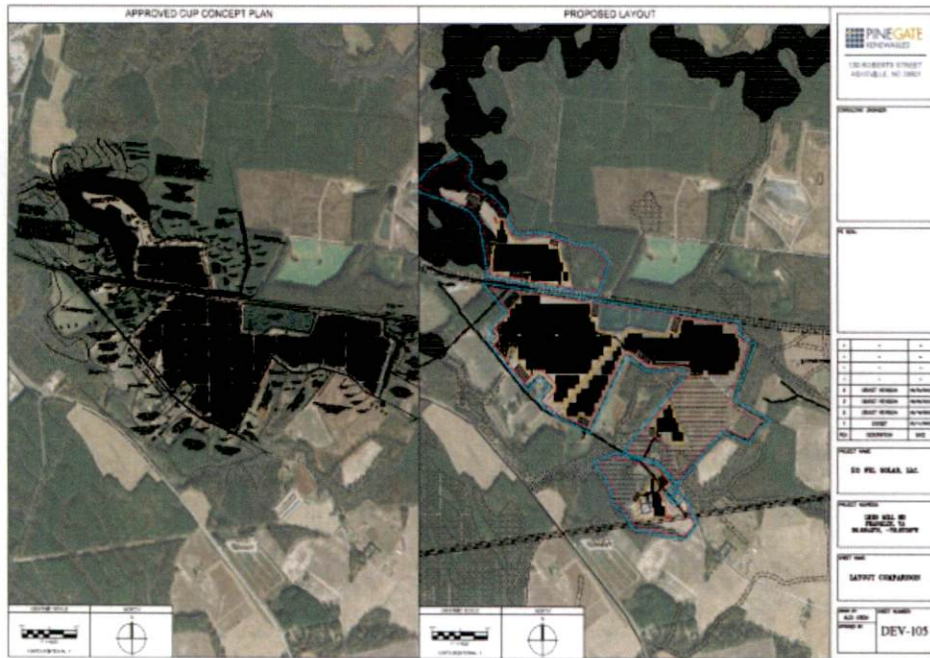
CUP-02-22 Conditional Use Permit- Zoning Map



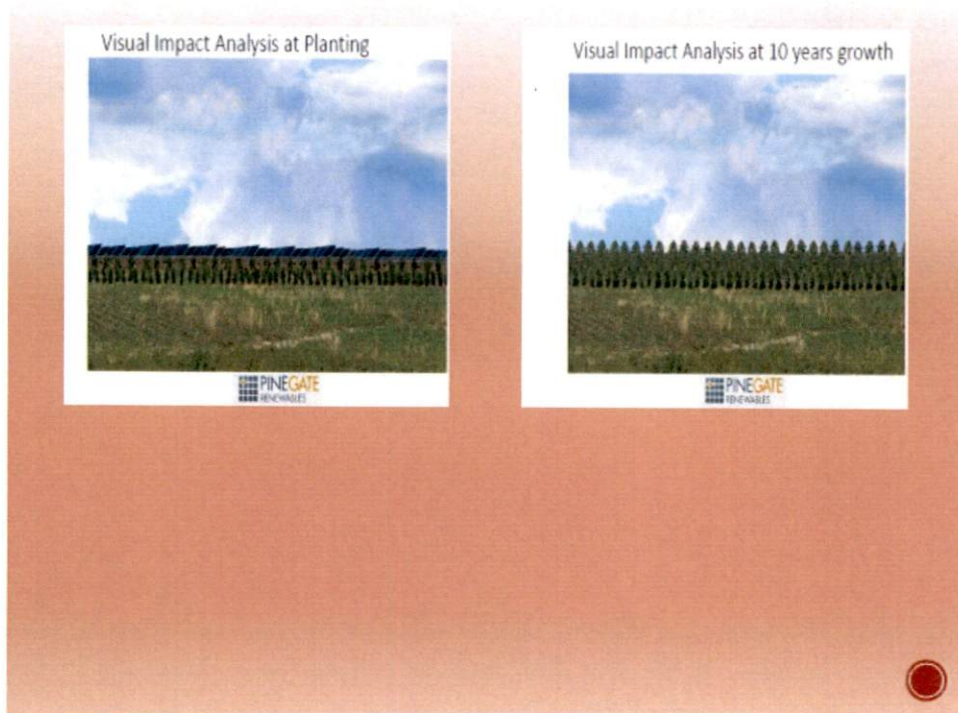
Local Waters, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA



Concept Plan



Layout Comparison





**LOOKING
WEST ON
PARCEL
72-01-022**



**LOOKING WEST
TOWARDS PARCEL
72-01-022 AT THE
ISLE OF WIGHT
COUNTY/
SUFFOLK
BOUNDARY**



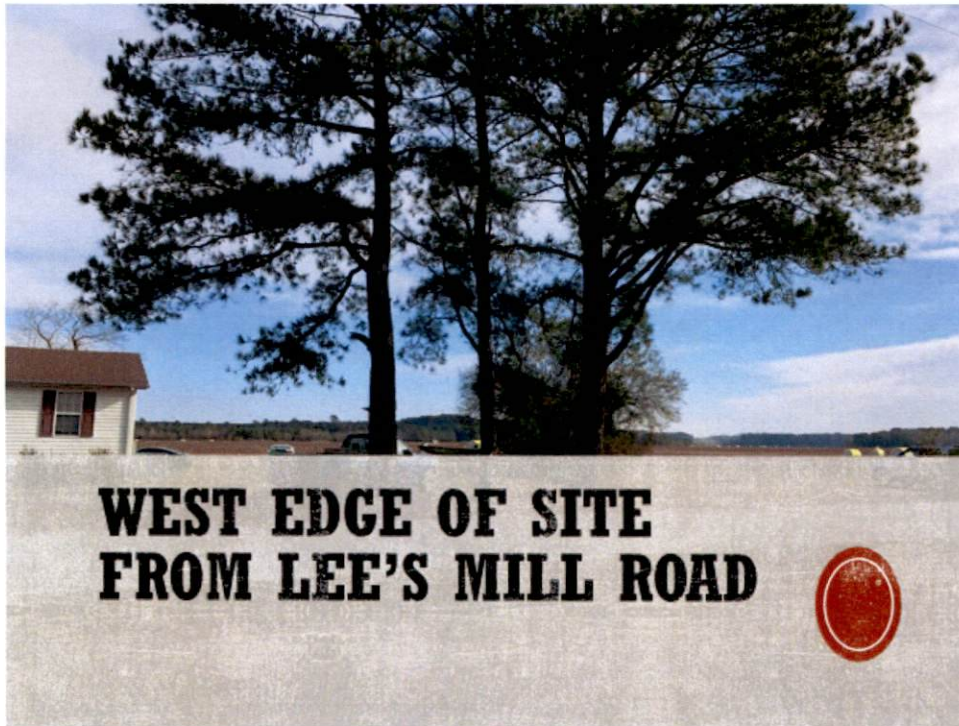


**EXISTING
ENTRANCE
TO 69-01-086**



**LOOKING
NORTH ON
PARCEL
69-01-086**





THE PLANNING COMMISSION AND BOARD OF SUPERVISORS SHALL CONSIDER THE FOLLOWING CRITERIA BEFORE THE GRANTING OF A CONDITIONAL USE PERMIT:

1. Will not be detrimental to or endanger the public health, safety, and general welfare;
2. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially impair the use of other property within the immediate proximity;
3. Adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements will be provided;
4. Ingress and egress so designed as to minimize traffic congestion on the public streets;
5. Not contrary to the goals and objectives of the Isle of Wight County Comprehensive Plan;
6. Shall conform to all other applicable regulations of the zoning district classification in which it is located and to the special requirements established for the specific use; and
7. Will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.

BOARD MAY IMPOSE ADDITIONAL CONDITIONS OR LIMITATIONS ON CUPS. SUCH CONDITIONS MAY INCLUDE, BUT ARE NOT LIMITED TO:

1. Number of persons living or working in the immediate area and the proposed hours of operation;
2. Traffic conditions, sidewalks, parking facilities, vehicle access, peak periods of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future;
3. Orderly growth of the neighborhood and community and the fiscal impact on the County;
4. Effect of odors, dust, gas, smoke, fumes, vibration, glare, and noise upon the use of surrounding properties;
5. Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal, and the ability of the County or persons to supply such services;
6. The degree to which the development is consistent with generally accepted engineering and planning principles and practices;
7. The structures in the vicinity such as schools, houses of worship, theaters, hospitals, and similar places of public use;
8. The purposes set forth in this ordinance, the County's Comprehensive Plan, and related studies for land use, roads, parks, schools, sewers, water, population, recreation, and the like;
9. The environmental impact, the effect on sensitive natural features, and opportunities for recreation and open space; and
10. The preservation of cultural and historic resource landmarks.

**AGENCY
REVIEW**

IOW General Services – No Concerns,
complete design review at site plan to
include new state stormwater regulations

IOW Emergency Services – No Concerns

IOW Economic Development – No
Concerns

VDOT –No Concerns

IOW Env. Planner – No concerns

Isle of Wight County Museum – No
concerns with the application, provided that
the conclusions and recommendations set
forth in the report are followed.

**Virginia Department of Historic
Resources** - Proposed additional buffers on
the acreage containing the Oak Crest home.
Additional delineation was requested for the
cemetery found on parcel 72-01-022

STRENGTHS & WEAKNESSES

Strengths:

- The application is generally consistent with the Comprehensive Plan and can meet all ordinance requirements
- The proposed use will have minimal impact on the community facilities and resources with the conditions presented.
- The project is not visible from a major right-of-way.
- Enhanced landscape buffering, beyond the required minimums of the Zoning Ordinance, has been proposed by the applicant.

Weaknesses:

- The proposed use would remove agricultural land from production.
- Temporary impact to residential development in the area from construction traffic and noise is expected during the construction phase
- There is some minor impact on some historical and archeological resources which may be addressed with the recommended conditions.

RECOMMENDATIONS

Staff recommends approval of the CUP with the following conditions:

- The portion of the subject property supporting solar panels shall be enclosed by security fencing of a type that is harmonious with the rural, agricultural, and historical character of the County while meeting federal and state regulations for solar electric generating facility fencing as determined by the zoning administrator prior to final site plan approval.
- The applicant shall permanently preserve and maintain both existing forest and vegetation as well as planted buffer landscaping and shall not clear or cut live trees within required setbacks or buffer yards except as necessary to avoid shading of solar panels as approved by the Zoning Administrator.

RECOMMENDATIONS CTD.

- The applicant shall submit an Emergency Response Plan at the time of site development plan application for review and approval by the County, which shall detail fire suppression methods that will be immediately deployed during both construction and operation of the facility. The plan shall include a training program to be provided to emergency responders about safety for on-site incident response. Initiation and frequency of training will be coordinated between the Department of Emergency Services and the facility operator. The applicant shall install Knox Box at the facility to ensure emergency responders have access to the facility should the need arise and include plans for the same on the project site plan.
- The applicant shall meet any additional VDHR delineation and buffer requirements before receiving final site plan approval.
- Hours of operation for construction activities to be limited to 7:00 am to 6:00 pm Monday through Friday and 9:00 am to 5:00 pm on Saturday. No construction is to occur on Sundays.

RECOMMENDATIONS CTD.

- The applicant shall reimburse the County for reasonable costs related to retaining such third-party inspectors as deemed necessary for project inspections.
- Enhanced buffer landscape plan proposed on the concept plan exhibit is conceptual only at this time. The buffer design and required plantings will be reviewed in detail for approval during the site plan review and, at a minimum must include a double-staggered row of plantings in areas where the existing vegetation is not being retained to include a mix of evergreen and deciduous species to provide an effective screen.
- The applicant shall maintain a 25-foot setback from cemeteries found in the Phase 1 study and from any additional gravesites found in further evaluation recommended by VDHR. Any cemetery found in the project area must remain clear of obstruction.

Chairman Carrol opened the public hearing and invited the applicant to speak.

Matt Boerger, Pine Gate Renewables, gave the following presentation. Scott Foster, Gentry Locke, presented the legal slides.

Ho-Fel Solar CUP

Ho-Fel Solar, LLC

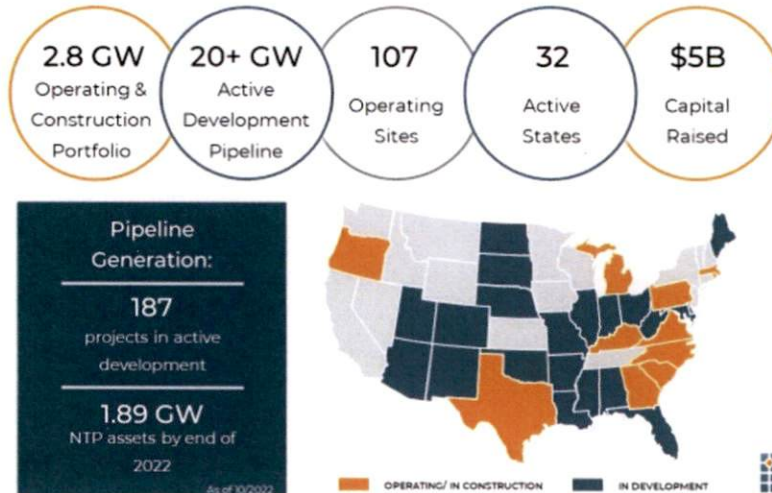


Pine Gate Renewables ("PGR")

- PGR is a turn-key developer, contractor, owner, and operator of utility scale solar energy facilities in the US.
- PGR currently operates over 90 solar farms in 32 states.
- PGR has 1 GW of operational assets and over 20 GW in active development.
- Our solar farms generate energy that connects onto the local electric grid, provides tax dollars to local economies, and increases the diversity of energy sources powering a region.
- We only operate in the US and are based out of Asheville, NC.



Milestones and Achievements



Project History and Overview

- The project is located north and south of Lees Mill Rd, east of Route 258
- Project was originally approved in February 2019
- Project has since been purchased by Ho -Fel Solar, LLC and will be developed by Pine Gate Renewables
- The project was originally proposed as a 55 MW facility and located on 300 acres
- Approximately 190 acres was proposed for development
- The revised project adds two more parcels
- Approximately 18 acres of the two additional parcels are proposed for development.



Project History and Overview

- Therefore, the amended project would be located on approximately 400 acres of total land area, but only 200 of the 400 acres are being developed leaving plenty of surrounding land for screening and buffering from adjacent areas.
- The newly proposed developed area, actually shrinks in size from 55mw to 40 mw and roughly the same proposed developable area of 200 acres
- Ho-Fel Solar could power up to 6,000 homes and will be connected to the Dominion distribution grid via an executed Interconnection Agreement.
- Different from many developers, Ho-Fel Solar will own and operate the project.

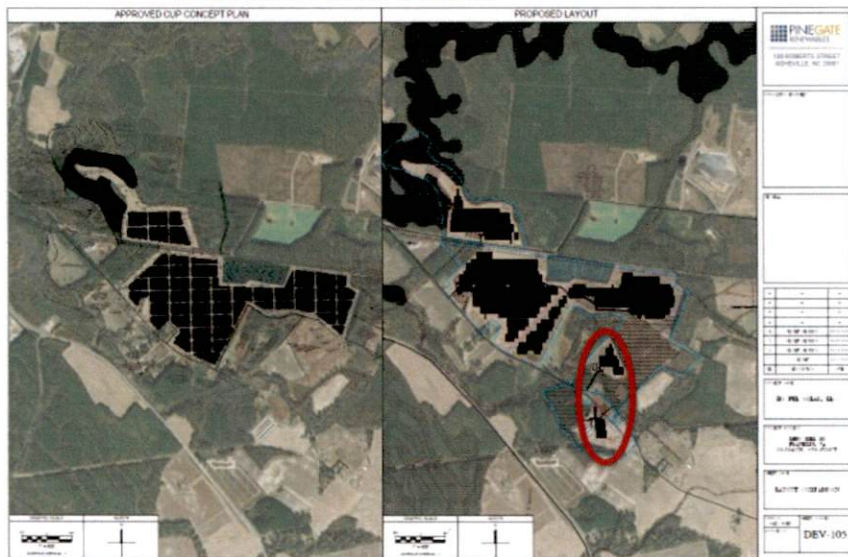


Project History and Overview

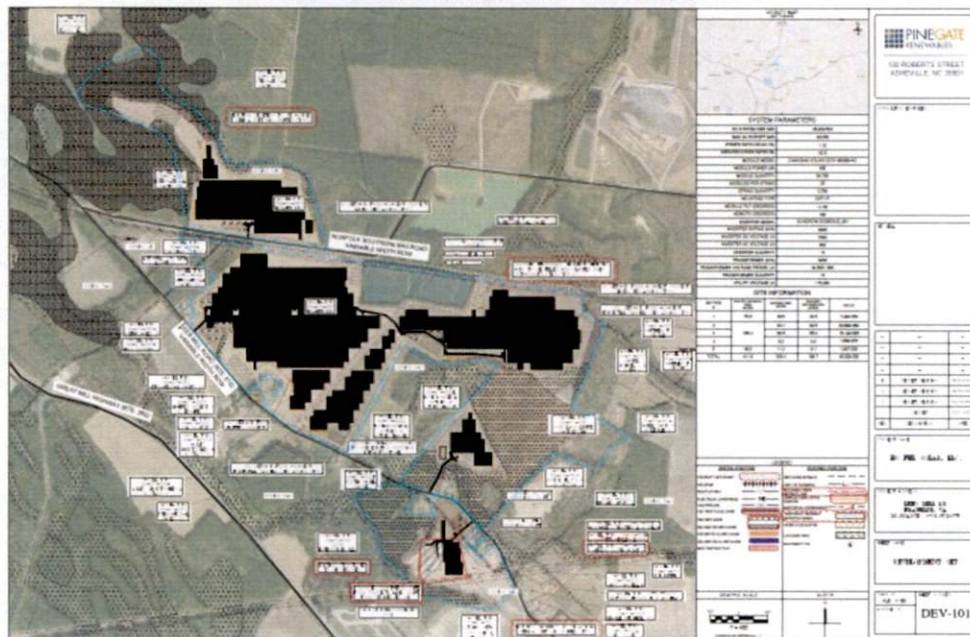
- Advances in Technology since the original CUP approval are more efficient and allow us to generate more power/panel, but does require more site design constraints
- The panels do have to be oriented NS and spaced further apart which is why we need more land to hit our target energy export and allow for increased setbacks and buffering.



Ho-Fel Solar Site Plan – Before and After



Ho-Fel Solar Site Plan

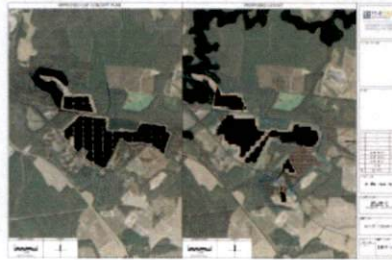


CUP Site Plan Overview

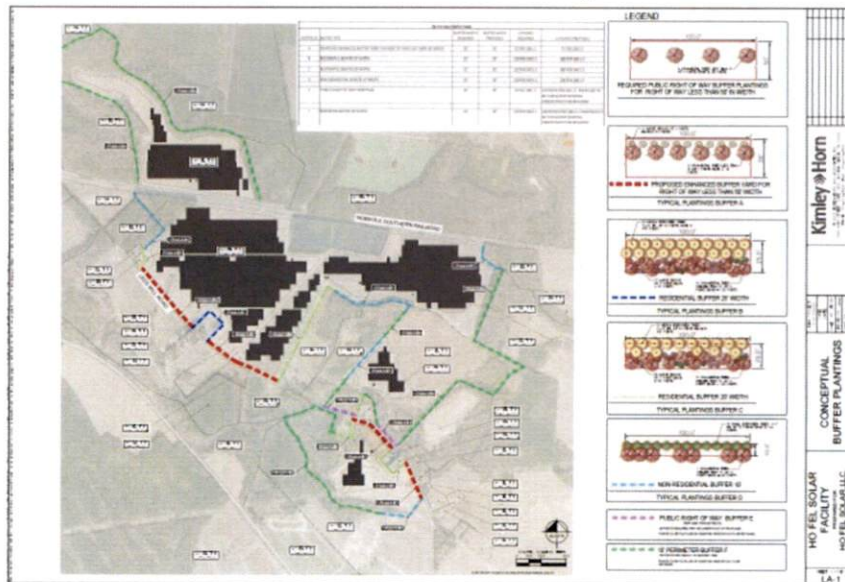
- Setbacks:

Required	Proposed
75 feet from all adjacent property lines	75 feet from all adjacent property lines
125 feet from all other residential properties	150 feet from Shaffer residential property perimeter
125 feet from all other residential properties	125 feet from all other residential properties

- Note: The panels are setback further from Lees Mill Road than the previous approved project

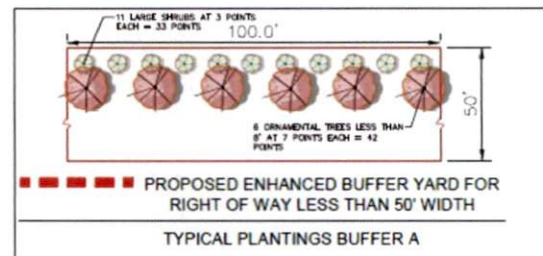
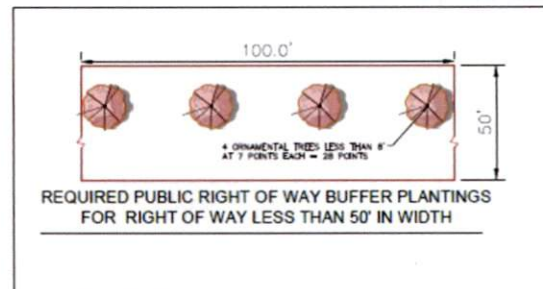


Ho-Fel Solar Landscape Plan



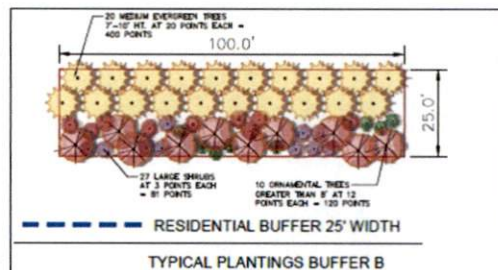
CUP Site Plan Overview

- Vegetative Landscape Buffer – Lees Mill Rd
 - Provide a 50' enhanced Landscape Buffer road where there is no existing vegetation
 - Trees will be at least 4 -feet tall at the time of planting
 - 6 trees placed every 100 feet (about every 20')
 - Trees are expected to grow to a height of 8 -10 feet within 3 years.
 - Proposed buffer along Lees Mill Rd. exceeds county requirements



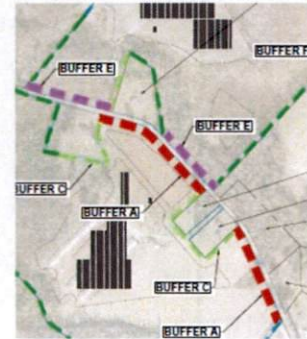
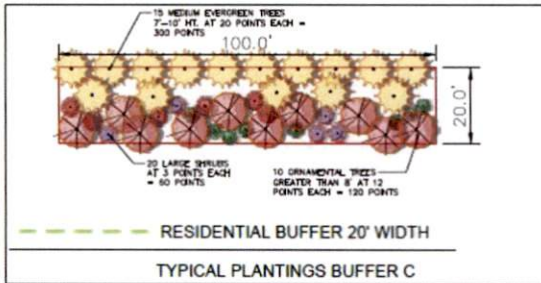
CUP Site Plan Overview

- Vegetative Landscape Buffer – Oak Crest/Shaffer Property
 - Provide a 25' enhanced Landscape around three sides of the Oak Crest property
 - 10 ornamental trees, at least 8' tall, placed every 100 feet and staggered
 - 20 medium evergreen trees 7' -10', placed every 100 feet
 - 27 large shrubs placed every 100 feet

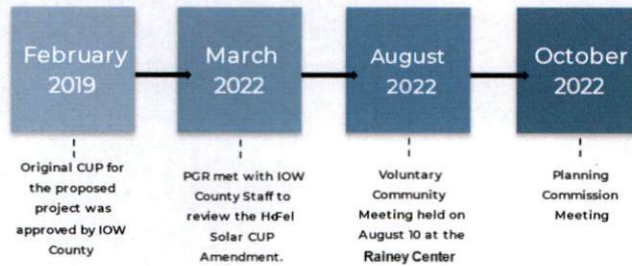


CUP Site Plan Overview

- Vegetative Landscape Buffer – all other residential buffers
 - Provide a 25' enhanced Landscape Buffer along the few residential areas adjacent to the project (5 -6 homes)
 - 10 ornamental trees, at least 8' tall, placed every 100 feet and staggered
 - 15 medium evergreen trees 7' -10', placed every 100 feet
 - 27 large shrubs placed every 100 feet



Project Timeline

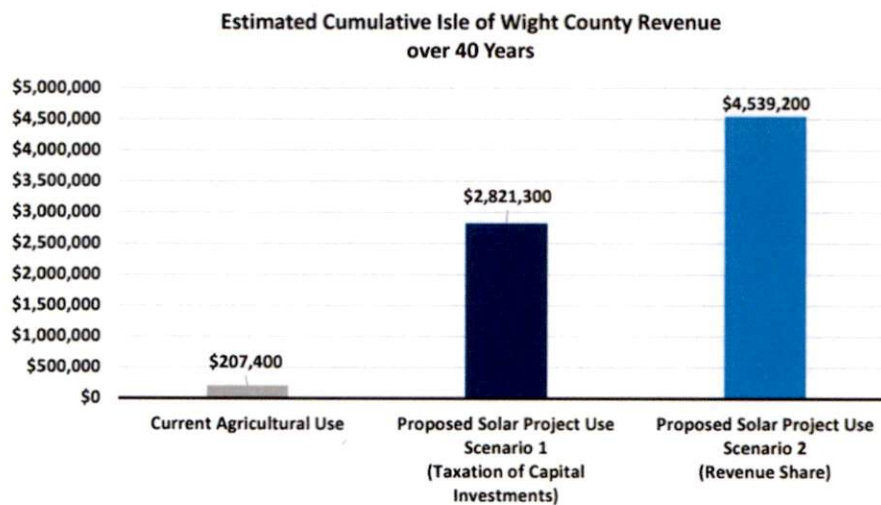


Revenue Background and Legal Review

- Project Fully Complies with County Zoning Ordinance, and exceeds certain requirements
- Enhanced CUP Conditions
- Changes in project taxation
- Siting Agreement Proposed to Board of Supervisors



County Revenue for Project Area



Thank You



Chairman Carroll called for public comment.

David Tucker, 6251 Old Stage Hwy, asked if the retention ponds on site will be storm BMP's and asked if there would be soil and water testing before, during and after the project. Mr. Tucker also asked what nation the panels would be coming from. He also stated the tariffs against China and their dumping activity have been lifted.

Ashley Wall, Kimley-Horn, stated that for this site, they will be looking at state requirements for channel and flood protection. Ms. Wall stated that the conversion from agricultural to meadow condition in post development decreases the peak water runoff from the site. The basins will serve as temporary sediment basins during construction and will be converted to permanent stormwater basins for the duration of the project and will remain in place.

Mr. Boerger stated the reason for the change is because the panels now move to track the sun and require more space compared to the fixed panels.

Chairman Carroll closed the public hearing and called for discussion from the Planning Commission.

Commissioner Distefano asked about the toxicity testing of the panels, if and when that will be performed.

Mr. Boerger stated the technology of these panels change rapidly, and procurement is still some time away. He added that all the panels go through a procurement process which requires the panels cannot contain hazardous materials which EPA classifies as hazardous if they are over a certain threshold of certain types of heavy metals. Mr. Boerger stated that the environmental

science engineering team reviews the specification sheets during procurement, and if any of the levels are above what the EPA allows, a red flag will be raised. He also stated the soil testing would be done every five years specifically for those contaminants along with the requirement for any damaged panels to be removed and replaced.

Commissioner Distefano asked if it is a condition made by the County that if any of the hazardous materials are found on the TCLP test it would prevent that panel from being installed.

Mr. Boerger stated he didn't believe that was a County condition but rather a requirement from the EPA but would be happy to add this to the conditions if that would help.

Commissioner Taylor asked how the cemetery would be protected during and after construction.

Mr. Boerger stated construction fencing would be put up 25 feet outside the delineated cemetery area along with do not enter signage on that fencing. Sediment fencing would also be placed up to prevent any erosion. Mr. Boerger did add that there would be an open access maintained for anyone visiting the cemetery.

Commissioner Taylor asked if the process has been started for permission to cross wetlands.

Brown Hobson, Pine Gate Renewables. stated the final engineering has not been done on this site, so the impact to the wetlands has not been fully assessed. Once complete, they will begin the application process.

Commissioner Smith asked if a large number of panels were damaged would any testing be done at that time.

Mr. Boerger stated that is not in the conditions at this time but can be explored.

Commissioner Bowser asked if the panels proposed are being used at another location.

Mr. Boerger stated that this project will not be online in terms of construction for another year plus, so the panels that will be available at that time is unknown.

Commissioner Rawls asked where the tracker panels are made.

Mack Burger stated they are manufactured in four countries in Asia, not China. He added there are not domestic manufacturing options right now.

Commissioner Rawls asked if there have been any farms decommissioned.

Mr. Boerger stated no solar facilities have been decommissioned.

Commissioner Rawls asked what happens or what was the plan for the panels once the facility is decommissioned.

Mr. Boerger stated currently there are a few companies who will come in to decommission the project and recycle and take the materials off site.

Commissioner Rawls asked if the cemetery was inside the fencing and if a sign for access could be placed at the site.

Mr. Boerger stated the state requires them to have open access to the cemetery.

Commissioner Gibbs asked how long it will take to reestablish a site after decommissioning.

Mr. Boerger stated its projected to take less than twelve months.

Commissioner Bowser asked if there has ever been a solar facility decommissioned.

Commissioner Rawls stated there has and he has a list.

Commissioner Boykin asked without the expansion, how many megawatts (MW) will this facility produce.

Mr. Boerger stated that the MW may stay the same, but the cost of the equipment could be cheaper with the new technology. He added it is not a MW to MW comparison as it is capturing more sunlight with less cost.

Commissioner Boykin asked how many projects this company has developed.

Mr. Boerger stated over ninety projects across the country.

Commissioner Boykin asked how many projects the company owns.

Mr. Boerger stated he was unsure of the total amount. He added they have a sister company, Blue Ridge Power, who is the builder with Pine Gate as the developer and the projects remain under the Pine Gate/Blue Ridge umbrella.

Commissioner Boykin asked if they have sold any of their projects.

Mr. Boerger stated he was sure they have; however, their goal is to keep the majority of them depending on the market. He added their goal is to own, operate and maintain the solar facilities.

Commissioner Boykin asked why the one resident has a larger buffer than the others.

Mr. Boerger stated that the property looks like an outparcel of the project and is also a historical property identified by the Virginia Department of Historic Resources, so they wanted to lower visual impact to the property.

Commissioner Gibbs asked if this was in the area that was previously approved.

Mr. Boerger stated yes, this was in the previously approved section.

Commissioner Taylor asked under condition two, how will the landscape buffer be permanently preserved.

Trenton Blowe stated they are not allowed to clear cut any trees that they don't need to cut for shading and a site plan would show these trees remaining.

Commissioner Taylor asked if a conservation easement would be required to protect this area.

Trenton Blowe stated no.

Amy Ring added that once the site plan is approved and the existing forested buffer is shown to meet the screening requirements, if that area was to be cut, the applicant would be in immediate violation and risk of having their conditional use permit revoked.

Robert Jones added that would be required for the planted buffer as well.

Chairman Carroll stated that if the land is in current agriculture production and the applicant allows that to go fallow, he would like to see a condition added that they be required to maintain and cut that property at least once a year, before its allowed to go to seed. Chairman Carroll added his farmland is surrounded by four hundred acres of weeds.

Commissioner Boykin stated she would like to restate the conditions that were discussed to verify everything that was requested is captured in the conditions.

Mr. Blowe stated some of the conditions that were in the original application is now part of our Zoning Ordinance.

Commissioner Distefano asked if having panels that are free from toxic metals is in the Zoning Ordinance or part of their proffered conditions.

Mr. Blowe stated there is not a condition stating nontoxic panels will be used but believes it is a standard practice to not allow those. Mr. Blowe stated that can be added as condition.

Mr. Boerger stated they would meet the TCLP testing requirements.

Scott Foster restated the discussed additional conditions.

1. TCLP testing requirements;
2. Signage with phone number of project manager; and
3. Mowing the property between now and construction.

Commissioner Smith asked what the difference of efficiency was of the panels that were originally approved compared to now.

Brown Hobson stated panel efficiency hasn't changed however the tracking system being able move to track the sun has.

Commissioner Smith asked if this application was not approved would the amount of power exceed the amount of power with the new panels tracking system compared to what was approved in 2019.

Brown Hobson stated there would not be more power generated, the fixed panel system is higher than what is being proposed now.

Commissioner Distefano made the motion to recommend approval to the Board of Supervisors with the conditions recommended by staff along with following conditions;

1. The selected panels will be tested for hazard constituents using laboratory testing (such as a toxicity characteristic leaching procedure, TCLP) validating that hazardous constituents are below EPA control levels for all power generating equipment initially installed and replaced on the site;
2. Name and phone number posted for local project manager;
3. No salvage value to be included in the bond; and
4. Mowing before August 1st if the land is currently in agriculture production and is allowed to go fallow.
- 5.

Commissioner Gibbs seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Gibbs, Smith and Carroll voting in favor of the motion, and no commissioners voting against the motion (9-0).

Motion was carried and will go to the Board of Supervisors November 17, 2022.

Chairman Carroll asked how the county will enforce the conditions.

Ms. Ring stated staff helps to coordinate enforcement of the conditions by contacting local agencies in which they are in violation with or communicate with the applicant to help resolve the matter.

OLD BUSINESS

Amy Ring confirmed there is no old business items

NEW BUSINESS

Amy Ring gave a brief overview of the proposed cemetery setback ordinance change to allow for cemeteries to have a reduced front yard setback. Ms. Ring stated the ordinance change allows for a minimum setback of 25 feet from all property lines. The current Ordinance requires that cemeteries meet the front yard setback of the underlying zoning district. She added she feels that 25 feet is sufficient and allows for road access, pedestrian access and utility easements.

Chairman Carroll asked what determines the establishment of a church cemetery.

Ms. Ring stated there should be some historical records showing that information.

Ms. Ring stated she will advertise the proposed setback change for public hearing for the November Planning Commission Meeting.

Commissioner Taylor made the motion to move this forward to public hearing, Commissioner Ford seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

COUNTY ATTORNEY'S REPORT

Bobby Jones confirmed there was no items for the County Attorney's Report.

PLANNING DIRECTOR'S REPORT

Amy Ring confirmed there was no items for the Planning Directors Report.

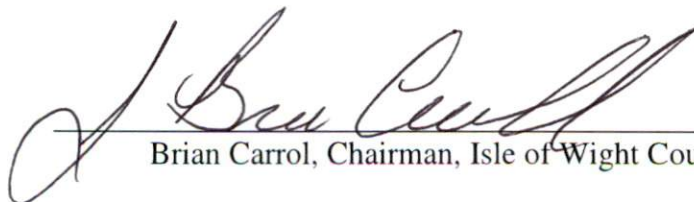
CLOSED MEETING

Chairman Carroll confirmed there were no items to discuss in closed meeting.

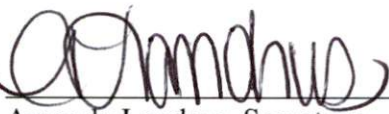
ADJOURNMENT

There being no further information to discuss, Chairman Carroll adjourned the meeting at 7:16 PM.

Adopted this 22th day of November , 2022.



Brian Carroll, Chairman, Isle of Wight County Planning Commission

Attest: 
Amanda Landrus, Secretary