

**MINUTES OF THE ISLE OF WIGHT COUNTY
PLANNING COMMISSION WORK SESSION HELD ON THE THIRTEENTH DAY OF
DECEMBER IN THE YEAR TWO THOUSAND AND TWENTY-TWO**

CALL TO ORDER

Bobby Bowser, Vice Chairman, called the Isle of Wight County Planning Commission Work Session to order at 6:00 PM on December 13, 2022, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

James Ford delivered the invocation.

PLEDGE OF ALLEGIANCE

Vice-Chairman Bowser invited everyone present to join in the Pledge of Allegiance.

ROLL CALL/DETERMINATION OF A QUORUM

PRESENT

Bobby Bowser, Vice-Chairman
Cynthia Taylor
James Ford
Jennifer Boykin
George Rawls
Thomas Distefano
Rick Sienkiewicz
Matthew Smith

A quorum was determined.

ABSENT

Brian Carroll
Raynard Gibbs

ALSO IN ATTENDANCE

Robert W. Jones, Jr., County Attorney
Amy Ring, Community Development Director
Jeryl Phillips, Assistant Director, Planning and Zoning
Caleb Kitchen, Planner I
Amanda Landrus, Secretary

NEW BUSINESS

Solar Energy Facility Discussion

Amy Ring, Community Development Director, introduced the new business item and reviewed the Planning Commission's request from their November 22, 2022, regular meeting to have a Commission member-led discussion on potential changes to the County's solar facility requirements at their December 13, 2022, worksession. She added that she attached background information for the discussion to the staff report, including the Southampton County Solar Ordinance, the Draft Surry Energy Policy, the Board of Supervisors August 2021 Solar Facility Memo, the *Envisioning the Isle* Community Energy Section, and past draft of the Solar Energy Generation Facility Ordinance changes.

Commissioner Distefano made the motion to request the revision of the County's Zoning Ordinance to specify that a maximum of two percent of total prime farm soils shall be converted for utility scale solar energy generation. Commissioner Boykin seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and Commissioner Ford voting against the motion (7-1).

Commissioner Distefano made the motion to request staff to review acceptable definitions for the term "utility scale" solar and propose an ordinance revision as a result of the review findings. Commissioner Taylor seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Distefano made the motion to request staff to provide detailed capacity information to the Planning Commission for each project, which should include at a minimum, but not limited, available capacity in MW on effected distribution lines and any details that may impact future energy generation projects. Staff may require the applicant to prepare this information. Commissioner Taylor seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Distefano made the motion to request staff to propose a zoning text revision that requires an annual activity report from solar energy generators to be shared with the Planning Commission and Board of Supervisors. Commissioner Boykin seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Distefano made the motion to request staff to propose a zoning text revision to require the applicant to provide documentation demonstrating the selected panels and all power generating equipment initially installed and replaced qualify, for disposal purposes, as nonhazardous waste under applicable US EPA regulation using a Toxicity Characteristics Leaching Procedure or equivalent laboratory analysis. Commissioner Boykin seconded the

motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Distefano made the motion to request staff to propose a zoning text revision to remove the allowance for net salvage value in the decommissioning agreement. Commissioner Boykin seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Distefano made the motion to request staff to propose a zoning text revision that establishes a method for the public to communicate complaints to the operator. Commissioner Boykin seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Distefano made the motion to request staff to propose a zoning text revision that prohibits the on-site storage of power without separate approval from the Planning Commission and Board of Supervisors. Commissioner Boykin seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Distefano made the motion to request staff to propose a zoning text revision that would require utility scale solar operators to establish an emergency operations plan, which would be communicated and coordinated with County Emergency Services and require solar energy generators to provide fire and EMS training, creating a set of protocols and procedures for managing response to fire or a medical emergency at the facility. This training should include tours and be conducted prior to site operation and reoccur for the life of the project at a periodicity agreed to by memorandum with the County Fire and EMS managers. Commissioner Sienkiewicz amended the motion to correct the terminology to major utility scale solar. Commissioner Smith seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Distefano made the motion to request staff to propose a zoning text revision that allows for a third-party company to inspect the condition of landscaping and performance of necessary maintenance to preserve the landscaping requirements imposed on the solar facility. The solar project should be responsible to fund the third-party inspection. Commissioner Boykin seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Boykin made the motion to request staff to amend the ordinance to increase the landscaping points with a decrease of the linear feet requirement. Commissioner Smith seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls,

Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Boykin made the motion to request staff to amend the ordinance to require a five-hundred-foot setback from any non-participating property line for the inverter. Commissioner Rawls seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and Commissioner Ford voting against the motion (7-1).

ADJOURNMENT

There being no further information to discuss, Vice Chairman Bowser adjourned the meeting at 8:07 PM.

Adopted this 24 day of January, 2023.



Bobby Bowser, Vice Chairman, Isle of Wight County Planning Commission

Attest: 

Amanda Landrus, Secretary