

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

CALL TO ORDER

Brian Carroll, Chairman, called the Isle of Wight County Planning Commission meeting to order at 6:00 PM on October 24, 2023, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

Bobby Bowser 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
Rick Sienkiewicz
Raynard Gibbs
Matthew Smith

ABSENT

A quorum was determined.

ALSO IN ATTENDANCE

Bobby Jones, County Attorney
Amy Ring, Community Development Director
Trenton Blowe, Planner II
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 Bowser made a motion to approve the agenda. Commissioner Boykin 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 Bowser made a motion to approve the consent agenda. Commissioner Taylor seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

CITIZENS' COMMENTS

There being no comments, Chairman Carroll closed citizens' comment.

PUBLIC HEARINGS

Chairman Carroll called for the public hearing on the following item:

Application of Courthouse Hwy Solar 1, LLC, applicant, and Micheal S. Doggett, property owner, for a conditional use permit for a major utility service, specifically a 3 MW utility-scale solar energy generation facility, on eighteen acres located at 16419 Courthouse Highway with tax parcel number 39-01-017 in the Rural Agricultural Conservation (RAC) zoning district. The application includes a request to withdraw eighteen acres from the Courthouse Agricultural/Forestal District.

Trenton Blowe, Planner II, gave the following presentation:

CUP-03-23 New Leaf Energy

Major Utility Service
(UTILITY SCALE Solar energy facility)
Conditional Use Permit request

PLANNING COMMISSION MEETING
OCTOBER 24, 2023

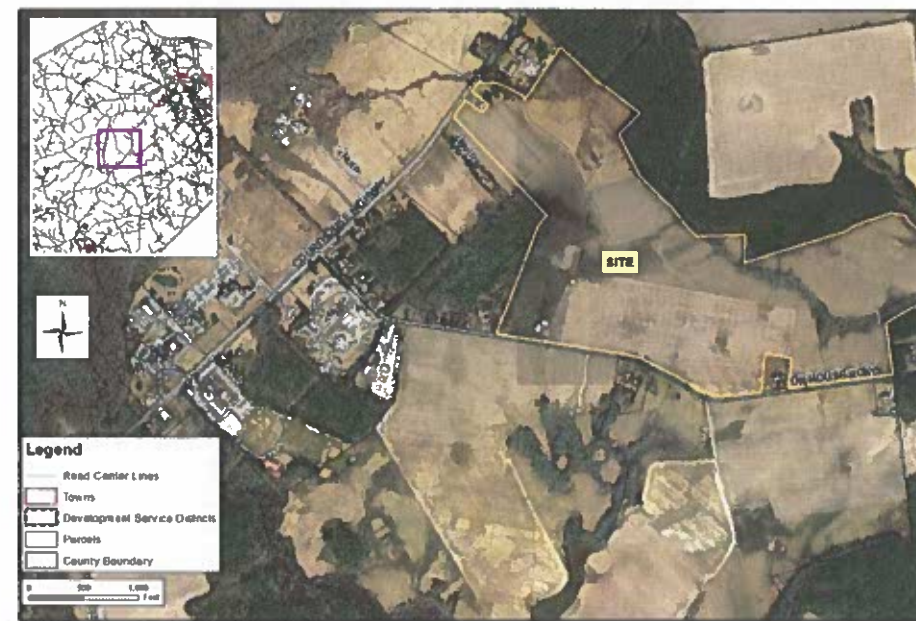
Details

Location:	16419 Courthouse Highway
Tax Map Number:	39-01-017
Zoning:	Rural Agricultural Conservation (RAC)
Election District:	District 3
Request:	CUP to establish a utility-scale solar generation facility on a parcel currently zoned RAC. Application includes a request to withdraw 18 acres from the Courthouse Agricultural/Forestal District.

Background

- ▶ Project sited on a parcel consisting of approximately 148 acres primarily consisting of pastures and agricultural fields.
- ▶ Remaining 130.97 acres not proposed as part of the facility will continue to be used for agriculture.
- ▶ Agricultural and Forestal District Advisory Committee recommended approval of the withdrawal of 18 acres from the Courthouse Agricultural district at the October 4th meeting

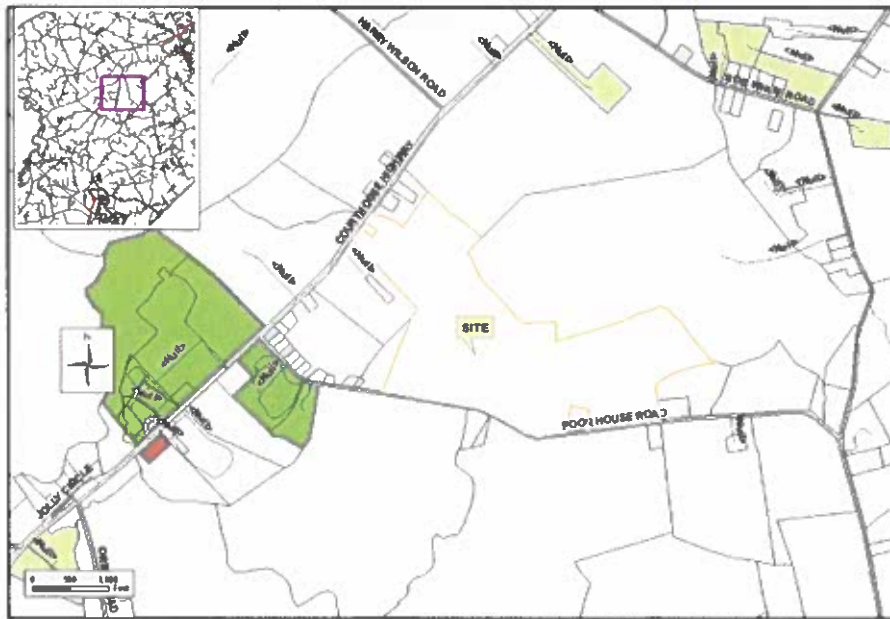
CUP-3-23 - Conditional Use Permit- Location Map



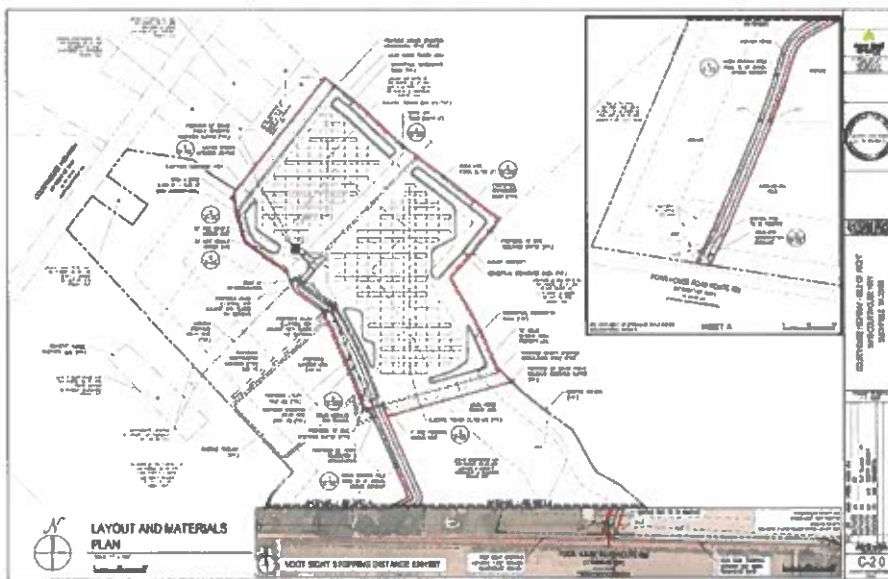
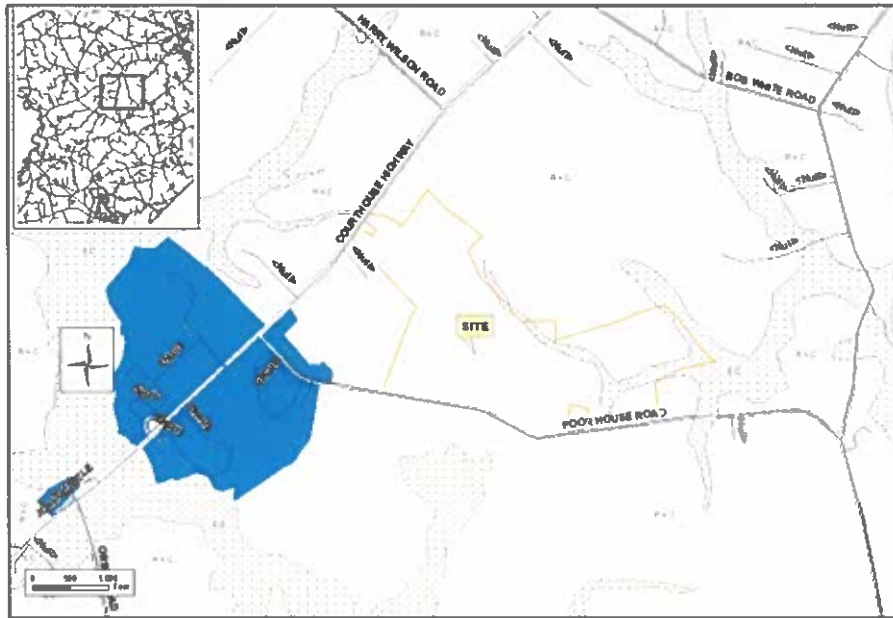
CUP-3-23 - Conditional Use Permit- Location Closeup Map



CUP-3-23 - Conditional Use Permit - Zoning Map



CUP-3-23 - Conditional Use Permit - Land Use Map





VISUAL IMPACT





PROPOSED PANEL LOCATION



LOOKING NORTH TOWARDS
COURTHOUSE HWY

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

Utility Services – No Concerns. Site plan to include new state stormwater regulations

Economic Development – No Concerns

Envi. Planner – All concerns addressed.

VDOT – Recommends that all roads be inspected prior to starting construction and after construction is complete and video documented in accordance with Isle of Wight Zoning Ordinance 5-5003, Section M – 4.G.ii. All roads damaged by solar farm construction to be repaired by the applicant. Also recommend this provision be clearly stated in conditions.

Emergency Services - Staff will work with the applicant during site plan review on required Emergency Response Plan including annual training.

Strength & Weaknesses

Strengths

- 1 The proposed use is consistent with the County's adopted Comprehensive Plan for the Rural Agricultural Conservation (RAC) future land use designation.
- 2 The proposed use is consistent with the County's Conditional Use Permit criteria as set forth in the Zoning Ordinance.
- 3 The amount of acreage for the proposal is minimal and a majority of the site will continue to be agricultural.

Weaknesses

- 1 The proposed use would remove agricultural land from production.
- 2 Temporary impact to residential development in the area from construction traffic and noise is expected during the construction phase.
- 3 There is a concern with the ability of the secondary roads to handle the type of traffic related to the construction of this nature.

Recommendations

Staff recommends approval of the CUP with the following conditions:

1. Topsoil shall be stockpiled on the site and shall be stored out of view from adjacent properties and public roads
 2. The applicant shall submit an invasive species management plan as recommended by DCR with the submission of the final site plan.
 3. The applicant will work directly with Isle of Wight County's Chamber of Commerce the Paul D. Camp Community College, and the Economic Development Department to ensure inclusion of local contractors in the bidding process.
 4. The applicant shall submit a seed mix for site groundcover that includes native pollinators blooming in spring/summer as recommended by DCR.
 5. A sign shall be installed at the entrance of the site with contact information for the facility.
-

Recommendations CTD.

6. A laminated Emergency Response Poster will be mounted near the front gate. The poster will include a general site map, evacuation routes and Muster Points. Emergency Response Chain of Command, directions to the closest hospital, coordinates to closest designated life flight landing area, and other pertinent information associated with the facility during an emergency response.
 7. Adherence to the proposed Transportation Plan shall be required for all facility traffic. Truck traffic shall be limited to only the routes shown in the transportation plan. No other local routes in Isle of Wight County may be used.
 8. Excluding the bufferyards, the ground between the panels and in areas not otherwise covered by gravel or infrastructure shall be planted and maintained with a vegetative cover. This vegetative cover will be managed with mowing and/or grazing.
-

Recommendations CTD.

- 9. Hours of operation for construction and post-construction operation shall be limited to Monday through Friday, 7:00 a.m. to 6:00 p.m. Saturdays from 7:00 a.m. to 5:00 p.m. No construction is to occur on Sundays by any party involved with the project.
- 10. As part of the site plan review, the Applicant shall provide documentation that the selected panels and all power-generating equipment onsite are "Tier 1" modules, as established by the most recent "PV Module Tier 1 List" issued by Bloomberg NEF or a similar third party analysis widely accepted in the solar industry. Additionally, the make and model of the selected panels and all power-generating equipment initially installed and replaced on the site must qualify, for disposal purposes only, as non-hazardous waste under applicable U.S. Environmental Protection Agency tests (e.g., TCLP).

Recommendations CTD.

- 11. The applicant shall implement a program for the collection of baseline data establishing pre-construction soil conditions for the production of row crops for the agricultural areas within the project area. The program shall establish the relevant characteristics of the topsoil. The baseline data shall be derived from field and laboratory testing of soil conditions, including depth, density and quality from representative locations. Laboratory testing shall be conducted by an accredited laboratory. Parameters for assessing soil quality may include the following: infiltration rate, bulk density, water holding capacity, pH, percent organic matter, cation exchange capacity, Phosphorous/Phosphate (P), Nitrogen (N), and Potassium/Potash (K). After 30 years of operation and again after 35 years of operation, soil conditions shall be determined for the same sampling locations using the same parameters and the results used to plan soil restoration activities. After equipment is removed as part of decommissioning, soil conditions shall be determined for the same sampling locations using the same parameters. Soil restoration activities shall be performed as necessary during operations or decommissioning to return soil conditions to at least baseline conditions. The County will be provided with data of soil conditions within 30 days after the receipt of results.
- 12. The facility perimeter fencing will be equipped with push bar pedestrian gates to permit emergency exits from the facility.

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

Jessie Robinson, Project Developer and Quentin Wood, Project Engineer, 55 Technology Drive, Lowell, MA, gave the following presentation:

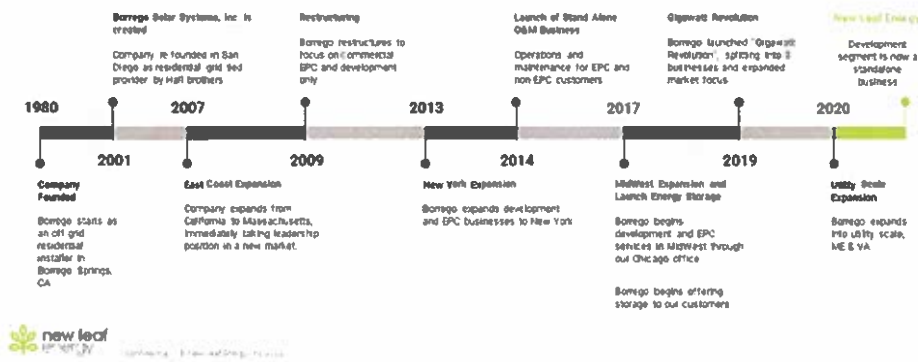
16419 Courthouse Hwy Isle of Wight County Small-Scale Solar

Jessie Robinson and Quentin Wood



ABOUT US

Borrego History, New Leaf's Beginning



Virginia Clean Economy Act

- Increased solar adoption is state mandated
- VCEA passed April 2020
- Dominion Energy to procure 1,100 MW of 1 to 3 MW solar projects by 2035**
- Dominion Energy to produce 100% carbon-free electricity by 2045



Source: Borrego Barre, MA



CONFIDENTIAL - NEW LEAF ENERGY, INC. 2022

Drivers of Solar Projects in Virginia

Types of Solar	Description	Probable MW of development by 2025	Size limit per project per legislation
Residential Rooftop Solar	System is on the customer's roof (main building or accessory structures); in rare instances, a residential customer may want to put solar on the ground.	500 MW 20A cap integration	25 kW or below
Commercial & Industrial Solar	System is on the customer's property, either on the roof (main building or accessory structures) or the ground.	500 MW 20A cap integration for 1A jurisdictional customers, 500 MW for non-jurisdictional customers, and 40 MW for APCC or OGP	3 MW or below
Community Solar	Generally a larger system where a combination of several entities (residents, businesses, governments) have a partial interest (subscription) in the output of a system. System can be located on a roof or on the ground, but do not have to be located near the subscribers.	Current legislation allows for 200 MW of shared solar in Dominion's service territory	1/2 MW or below
Dominion DG RFP	Either behind-the-meter or front-of-meter	1,100 MW by 2035	3 MW or below
Brownfield Solar	System is located on blighted land that is not suitable for redevelopment, such as closed landfills or superfund sites.	200 MW of solar under Dominion's large-scale requirement has to be brownfield	No size cap
Utility Scale Solar	Large scale systems are either developed for the Dominion and APCC solicitations; they may also be built for corporate off-takers or to participate in the PJM wholesale market.	15,000 MW for Dominion and 600 MW by 2030 for APCC	5 MW - 200+ MW

Project Location



16419 Courthouse Highway,
Smithfield, VA 23430

Parcel ID: 39 01 017



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Why This Parcel?

- Interested landowner
- 88% of property will remain in farming
- Sited on least productive ag land
- Interconnection infrastructure on-site
- Zoned Agriculture
- Minimal impacts to wetlands and outside floodplain
- Located more than 500' from Courthouse Hwy



Conceptual Site Plan Model



Conceptual Site Plan Model



Project Layout



- System size: **3 MW**
- Access off Poor House Rd
- **±18.23 acres (ac)** total site footprint
 - ±14.21 ac fenced area
 - ±2.22 ac Landscape Easement
 - ±1.80 ac Access Easement
- ±3.3 ac Temporary Construction Area

FACILITY LAYOUT

Access - ±2,390 ft from Poorhouse Rd.

Silicon Based Photovoltaic Panels

- Panel height - 15ft. Max
- Setback Variable Width 50ft min.

Inverter/Transformer Equipment

- ±300 ft from closest property line
- ±600 ft from nearest residence

Landscaping

- Agricultural Fence
- Civic and 50ft Public Roadways Buffer

Stormwater

- Use existing channels
- Proposed basins



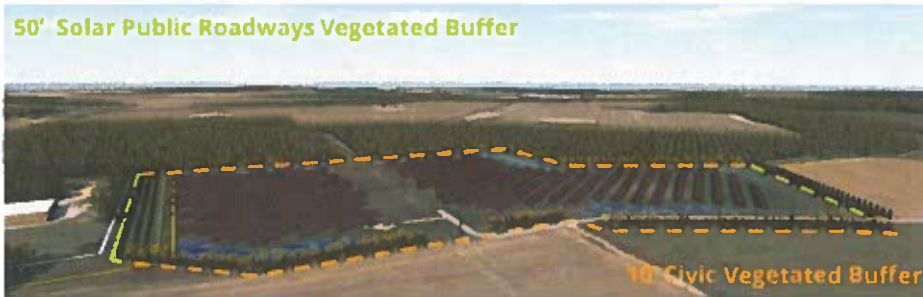
new leaf
environmental services
315.484.1111

Sample of Built Small-Scale Solar Projects



Conceptual Landscape Plan

50' Solar Public Roadways Vegetated Buffer



15

Conceptual Site Plan Model



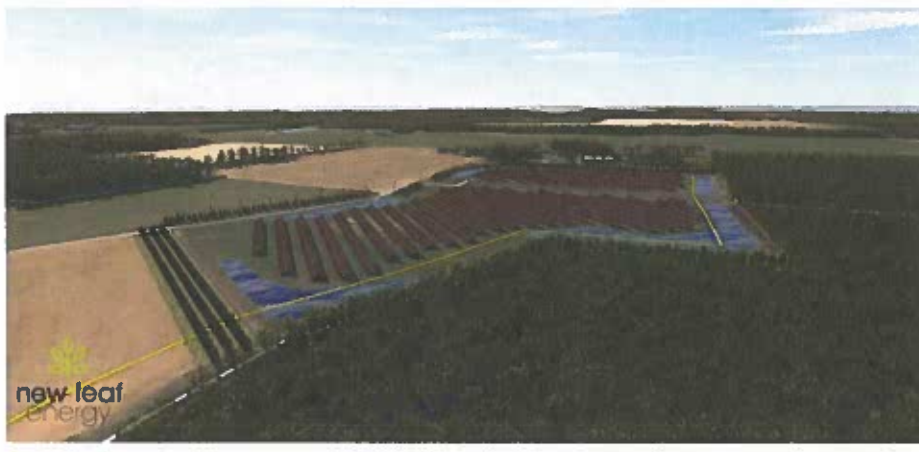
Conceptual Site Plan Model



Conceptual Site Plan Model



Conceptual Site Plan Model



Conceptual Site Plan Model



Conceptual Site Plan Model



Conceptual Site Plan Model



Access to Project



VIA US Route 258 to Poorhouse Road
 → Average Daily Traffic (ADT) 5,500 vehicles and 360 vehicles, respectively

Anticipated ADT for project - 1 to 2 vehicles

Access to Project - Construction



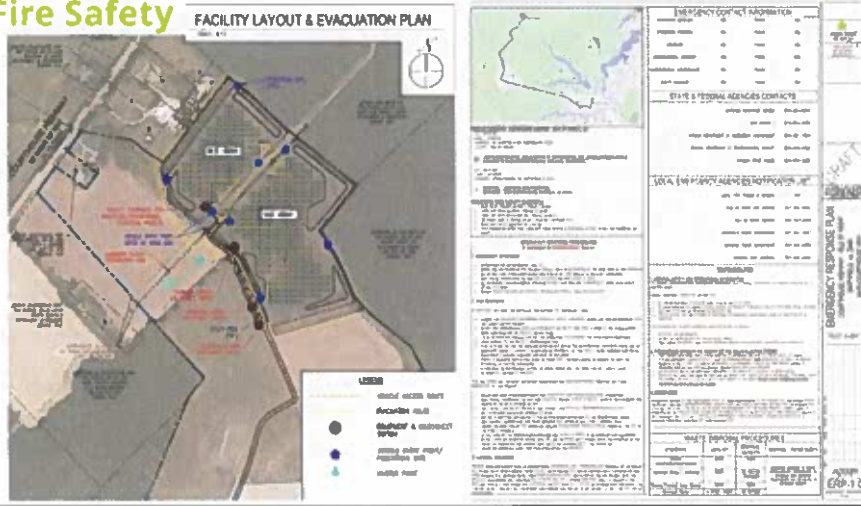
Permitted Construction Hours:

- M-F 7:00AM to 6:00PM
- Saturday 7:00AM to 5:00PM
- No Construction on Sundays

6 to 8 months construction timeline

Pre-construction & post-construction video log and inspection of road. Applicant to make all necessary road repairs.

Fire Safety



Decommissioning

- Removal cost is bonded with County before construction can begin.
- Project owner responsible to remove equipment and restore the site.
- Project will use panels rated Tier 1 and that meet Toxic Characteristic Leaching Procedure (TCLP) requirements for non-hazardous waste.
- Soil tests conducted before construction, during project life, and after decommissioning.
- The bulk of material is considered recyclable, the solar panels may be upcycled, reused as secondhand, recycled or disposed of at an approved facility.



Community Outreach

- Adjacent property owners notified
- **Virtual Community Meeting** - held on March 20, 2023
 - **Maller #1** - Sent February 15
 - **Maller #2** - Sent March 2



Will this affect my property value?

- Cohn Reznick, a third-party accounting firm, conducted a study for projects in Isle of Wight, including Woodland Solar
- Study considered home property value before and after solar installation comparing:
 - Homes adjacent to the solar farm
 - Homes not adjacent to solar farm



Conclusion: No impact to the sales price of adjoining properties after installation of the solar project.



Small-Scale Solar Benefits

- Provides additional tax revenue for the County, estimating **\$370k** over the project lifetime
- Allows the landowner to diversify his income while continue farming
- Quiet neighbor and no increase to traffic
- Diversifies the local economy without burdening infrastructure
- Creates 30-40 construction jobs; 2-4 long term jobs
- Provides clean energy to the grid, powering local homes, restaurants, and businesses
- Improves reliability of the interconnection grid
- Native seed mix allows for increase to groundwater recharge and reduced runoff

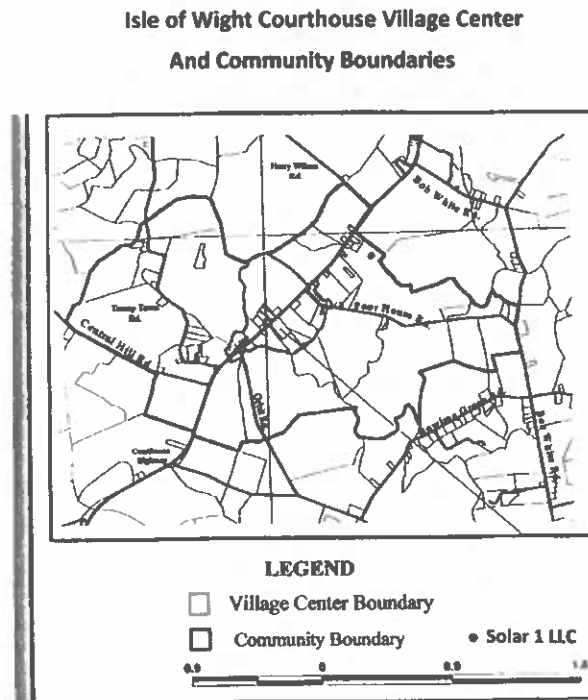


Jessie Robinson
Sr. Project Developer
jrobinson@newleafenergy.com



Quentin Wood
Project Engineer

June Doggett Moody, 16342 Courthouse Hwy, spoke in opposition to the application and distributed the following document to the Planning Commission:



Ms. Moody stated she had concerns that the proposed solar facility is in the Village Center Community, and it is not compatible with the historic structures within the Village and asked for the Planning Commission to deny this application.

Michael Doggett, applicant, 11553 Central Hill Road, Windsor, stated he believed the solar facility is an excellent use of the land and a good tax revenue for the County. Mr. Doggett asked for the Planning Commission to approve this application.

Jessie Robinson, Project Developer with New Leaf Energy, stated that staff recommended approval of the application and have found it in compliance with the comprehensive plan and asked the Planning Commission to recommend approval. Ms. Robinson added that over the life of this project it would bring \$370,000 in tax revenue and the land would remain in Mr. Doggett's name, allowing it to be decommissioned and used however the owner would like at the end of the project. Ms. Robinson stated that a phase 1B study was submitted to the Department of Historical Resources, and the Department had no concerns.

Chairman Carroll asked for the two following letters of support to be entered into the minutes.



Supporting Small-Scale Solar in Isle of Wight County at 16419 Courthouse Hwy

April 27, 2023

Dear Planning Commission and Board Members,

As a member of this community, I am writing in support of New Leaf Energy's proposed 3 MWac small-scale solar project at 16419 Courthouse Highway, Smithfield, VA 23430. I endorse the project and encourage you to approve its application for a Conditional Use Permit. I am in favor of this project because it provides the following benefits to Isle of Wight County that are important to me (check all that apply):

- ☒ Promotes landowner rights to use their property as desired in accordance with local ordinances.
- ☒ Increases local tax revenue through higher real estate tax assessments and voluntary contributions to the County.
- ☒ Diversifies the local economy without burdening infrastructure.
- ☒ Increases the reliability of the local grid, reducing brownouts and blackouts.
- ☒ Creates 30 to 40 temporary construction jobs, and 2 to 4 local, long term jobs.
- ☒ Includes native plants on-site, which increases groundwater recharge and reduces runoff.
- ☒ Contributes clean energy to the local grid, powering homes, local restaurants, and businesses.
- ☒ Leads to cleaner air and a healthier environment for current and future generations.

I encourage the Planning Commission and Board Members to approve this project as it is beneficial to both our local economy and our environment. Please take my support into consideration.

Sincerely,

B. Wilson Jones

Name: B. Wilson Jones

Address: 16363 Courthouse Hwy



Supporting Small-Scale Solar in Isle of Wight County at 16419 Courthouse Hwy

October 10, 2023

Dear Planning Commission and Board Members,

As a member of this community, I am writing in support of New Leaf Energy's proposed 3 MWac small-scale solar project at 16419 Courthouse Highway, Smithfield, VA 23430. I endorse the project and encourage you to approve its application for a Conditional Use Permit. I am in favor of this project because it provides the following benefits to Isle of Wight County that are important to me (check all that apply):

- ☐ Promotes landowner rights to use their property as desired in accordance with local ordinances.
- ☐ Increases local tax revenue through higher real estate tax assessments and voluntary contributions to the County.
- ☐ Diversifies the local economy without burdening infrastructure.
- ☐ Increases the reliability of the local grid, reducing brownouts and blackouts.
- ☐ Creates 30 to 40 temporary construction jobs, and 2 to 4 local, long term jobs.
- ☐ Includes native plants on-site, which increases groundwater recharge and reduces runoff.
- ☐ Contributes clean energy to the local grid, powering homes, local restaurants, and businesses.
- ☐ Leads to cleaner air and a healthier environment for current and future generations.

I encourage the Planning Commission and Board Members to approve this project as it is beneficial to both our local economy and our environment. Please take my support into consideration.

Sincerely,

Name:

Charles L. Owens

Address:

15433 Carroll Bridge Rd.
Smithfield, VA 23430

www.newleafenergy.com

new leaf energy.

Chairman Carroll closed the public hearing and asked for comments from the Planning Commission.

Commissioner Distefano asked why the production is more efficient MW per acre is than previous applications.

Quinten Wood stated the previous applicants could have been more conservative on their initial design. Mr. Wood added that with the smaller acreage with this project, they had to fine tune the inner row spacing and more particular the modules that will be chosen.

Commissioner Distefano asked if the number that was stated for the financial impact to the County doesn't include a siting agreement.

Bobby Jones stated that was correct.

Commissioner Bowser asked where the panels were manufactured.

Jessie Robinson stated that the exact panels will be determined in the site plan process. Ms. Robinson stated at this time most panels are manufactured overseas, but they are financially incentivized to pursue domestic panels.

Commissioner Boykin asked that the following letter of opposition be entered into the legal minutes as well.

(no subject)



Debbie Szymanski <debbieszy29@gmail.com>
To: Planning Commission
Cc: George Rawls

Follow up: Start by Wednesday, October 25, 2023. Due by Wednesday, October 25, 2023.
You forwarded this message on 10/27/2023 9:52 AM.

Reply Reply All Forward

Tue 10/24/2023 1:57 PM

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Are we ever going to say no to these solar farms? Is this our legacy to our children and grandchildren? Look at the ones that already exist, can you look at them and say "This is nice" Absentee landlords that are not vested in Isle of Wight county. Have we ever seen one dismantled at the end of the term?

Technology will improve and we will not need acres of solar panels. Isle of Wight receives no benefit.

Please start saying NO.

Otherwise just rename Orbit Road Solar Alley and Route 258 Solar Boulevard.

Isle of Wight county, Nature no more.

Regards,

Debbie Szymanski

Commissioner Boykin asked if there will be salvage value used in the bond.

Trenton Blowe stated that the supplemental use regulations prevent salvage value from being used.

Commissioner Boykin asked what could be implemented now to prevent the traffic impacts similar to what happened from Cavalier from happening again.

Trenton Blowe stated that the proposed conditions mandate the routes to be used are what was approved in their application.

Amy Ring stated that Cavalier hired a third-party traffic management firm that staged flaggers at key intersections to prevent roads that were not approved from being used. Ms. Ring added the proposed application has a more direct route, since traffic will be coming right off route 258.

Commissioner Boykin asked if there have been grass complaints at Longview Solar.

Ms. Ring stated that no complaints have been reported.

Bobby Jones clarified that due to the size of this application, a siting agreement would not be required.

Commissioner Distefano stated that previously he has expressed concern for saturation of use but feels differently in this case due to the size, and that the project is going to a distribution line.

Commissioner Boykin made the motion to recommend denial of the application to the Board of Supervisors. Commissioner Rawls seconded the motion, which was tied with Commissioners Boykin, Ford, Rawls, Sienkiewicz, and Carroll voting in favor of the motion, and Commissioner Bowser, Distefano, Taylor, Gibbs and Smith voting against the motion (5-5). The motion failed.

Commissioner Bowser made the motion to recommend approval to the Board of Supervisors with the recommendations from staff. Commissioner Gibbs seconded the motion, which was adopted with Commissioners, Bowser, Distefano, Ford, Taylor, Gibbs and Smith voting in favor of the motion and Commissioners Boykin, Rawls, Sienkiewicz and Carroll voting against the motion (6-4).

The motion passed, and the item will go to the November 16, 2023, Board of Supervisors meeting.

Chairman Carroll called for the next public hearing for the following item:

An ordinance to amend the following sections of Appendix B. Zoning: Article III, Section 3-6000 (Use Types), for the purpose of defining short term rental as a commercial use, Article IV (Zoning Districts and Boundaries) for the purpose of allowing short term rentals as a permitted or conditional use in certain zoning districts, and Article V (Supplementary Use Regulations), Section 5-5005, for the purpose of including performance criteria for short term rental uses in the commercial supplemental use type regulations.

Amy Ring stated that at the Board of Supervisors June 2023 regular meeting, they discussed additional changes to the proposed short term rental ordinance and sent the ordinance back to the Planning Commission for additional review and discussion. Ms. Ring stated that the Planning Commission discussed these changes at their July, August and September regular meetings.

Following their discussion in September, they directed staff to advertise the proposed short term rental ordinance for public hearing.

Chairman Carroll opened the public hearing.

David Eich 2425 North Shore Drive, spoke against the ordinance and is opposed to commercial businesses in residential neighborhoods. Mr. Eich shared his concern about the intent of the renter as well as the responsibilities that go along with managing this activity and questioned the respect for the law and community. Mr. Eich stated he stands united with his neighbors and asked the Planning Commission to deny the short-term rental concept.

Dan Milton, 2407 North Shore Drive, stated he understands the short-term rental business but doesn't agree with it everywhere. Mr. Milton stated he wants to raise awareness of safety, and the fact Airbnb does not have background checks. He stated this is a concern especially in neighborhoods like his that are small, private, and secluded. Mr. Milton asked for the Planning Commission to reconsider some of the language proposed.

Larry Morris, 2451 North Shore Drive, spoke against the proposed short-term rental ordinance mirroring what his neighbors have previously said and asked the Planning Commission to deny this ordinance.

Chairman Carroll closed the public hearing and asked for discussion from the commissioners.

Commissioner Taylor asked for the zoning designation of the North Shore neighborhood.

Ms. Ring stated it is zoned Neighborhood Conservation, and according to the proposed ordinance, any short-term rental in this zoning district would require a Conditional Use Permit.

Commissioner Taylor asked if the property that has the concerns had a use permit.

Ms. Ring stated it does not. She also stated that staff has been telling people that since the Planning Commission and Board of Supervisors are currently considering an ordinance change, and once a decision is made, a notice would be sent out to the known short term rental operations stating they are in violation of the ordinance.

Commissioner Distefano asked if enforcement action can be taken on the mentioned property, even if a permit has not been issued.

Ms. Ring confirmed that enforcement action can be taken. Ms. Ring added the property is currently under enforcement for violations separate from the short-term rental.

Commissioner Ford asked if a decision is made on an application, would that standard be set for all future applications.

Ms. Ring stated each conditional use permit stands on its own merit.

Commissioner Gibbs asked if the property in question is a standalone short-term rental.

Ms. Ring stated that there have also been complaints that this property is being used as an event center, and the proposed ordinance would prohibit that.

Bobby Jones stated that in the NC zoning district, event center is not a permitted use and is currently in violation.

Commissioner Distefano asked how this ordinance would deal with preexisting complaints in regard to the first, second and third offense.

Ms. Ring stated that there are currently no short-term rental offenses, so once this ordinance goes into effect that will begin the first offense if the property doesn't come into compliance.

Commissioner Distefano asked if the Planning Commission would know if a property currently has violations when applying for a Conditional Use Permit.

Ms. Ring stated an application wouldn't be accepted for another use on the property, until the violation was abated.

Commissioner Rawls asked if it was possible to require a Conditional Use Permit for all short-term rentals regardless of the zoning district.

Ms. Ring stated that was possible, and the decision to allow RAC and RR by right was decided previously because the lots tend to be larger, and the houses spread out.

Commissioner Rawls stated that after hearing stories like the one shared in North Shore, a Conditional Use Permit should be required for all zoning districts.

Commissioner Ford agreed that it should be required for all zoning districts.

Commissioner Boykin asked if this ordinance did not pass, would a cease-and-desist letter be sent.

Ms. Ring said if this ordinance did not pass, a cease-and-desist letter would be sent out to all known short-term rentals requiring them to apply for a Special Use Permit.

Commissioner Bowser made the motion to recommend approval to the Board of Supervisors with the recommendations from staff along with the amended condition that short-term rentals require a Conditional Use Permit in all residential zoning districts. Commissioner Gibbs seconded the motion, which was adopted with Commissioners, Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, Smith and Carroll voting in favor of the motion, and no commissioners voting against (10-0).

The motion passed, and the item will go to the November 16, 2023, Board of Supervisors meeting.

Chairman Carroll called for the next public hearing item.

Proposed Revisions to Appendix B. Zoning: Article I (General Provisions), Section 1-1011, to clarify the power to conduct inspections, Section 1-1013, to clarify penalties and remedies for zoning violations, and to Appendix B-1. Chesapeake Bay Preservation Area Ordinance: Article 5 (Administrative Procedures and Enforcement), Section 5003, to clarify penalties and remedies for violations.

Bobby Jones gave a brief presentation on the proposed language to clarify enforcement provisions in the Zoning and Chesapeake Bay Preservation Area Ordinances.

Chairman Carroll opened the public hearing.

There being no comment, Chairman Carroll closed the public hearing.

Commissioner Taylor made the motion to recommend approval to the Board of Supervisors. Commissioner Smith seconded the motion, which was adopted with Commissioners, Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, Smith and Carroll voting in favor of the motion, and no commissioners voting against (10-0).

The motion passed, and the item will go to the November 16, 2023, Board of Supervisors meeting.

OLD BUSINESS

Chairman Carroll called for the following old business item:

Application of NVR, Inc., applicant, and, Henry Layden, special trustee for the William Grover Yeoman, III Trust, property owner, for a Conditional Rezoning (ZA-06-19) of approximately 250 acres of property with tax map number 32-01-009 located on Benns Grant Boulevard (Rte. 10) from the Rural Agricultural Conservation (RAC) zoning district to the Conditional - Planned Development - Mixed Use (C-PD-MX) zoning district.

Amy Ring stated that following last month's meeting, the commissioners developed a list of questions that they wanted schools to answer. Ms. Ring stated that list was sent to schools, however they indicated they needed more time to answer. Ms. Ring stated they will be presenting an updated report at the November 8th School Board meeting and will be able to share that report with the Planning Commission after that meeting. She added that the applicant sent revised documents to the Planning Commission yesterday in response to the additional information requested from them. She stated staff had a more in depth conversation with fire and rescue staff about the significant increase in call volume this development would generate, and after a more detailed look, they believe the increased call volume will not negatively impact their level of service and response time.

Commissioner Taylor asked if there was a timeline for the proposed grant for the intersection at Turner and Route 10.

Ms. Ring responded that a private party completed the master traffic impact analysis, and the County applied for a grant to fund some intersection improvements with the potential for a roundabout.

Chairman Carroll stated Jamie Oliver gave a proposal that would be worthy for the Planning Commission to see.

Ms. Ring stated that Jamie Oliver would be speaking at the retreat, and she will ask her to touch on this.

Chairman Carroll stated that this is an agricultural community, and farm equipment and roundabouts don't always go together.

Commissioner Sienkiewicz stated a single lane roundabout may not work for a ladder truck either.

Commissioner Bowser asked if VDOT has had any comments about the proposed growth within the town and county.

Ms. Ring stated that these applications come in with a traffic impact analysis which are sent to VDOT for review. VDOT reviews these and either confirms the findings or has recommendations or concerns for the applicant to address before coming to public hearing. Ms. Ring added that with the potential development that could happen along this corridor, staff felt like a big picture view would be best, and a few of the property owners agreed to perform a master traffic plan analysis.

Commissioner Boykin stated she feels like we do our community a disservice when each development application is looked at independently instead of all the development applications together as a whole. Ms. Boykin asked for an updated development pipeline to include the ones from Smithfield as well.

Commissioner Rawls shared his concern about not taking into consideration the developments already approved, and if ever built, the additional traffic impact they will create.

Chairman Carroll asked if those numbers go to the schools.

Ms. Ring confirmed the numbers do go to the schools.

Commissioner Gibbs asked if VDOT takes into consideration all the development projects.

Ms. Ring stated yes, it is assumed they are looking at the regional development pipeline.

Commissioner Distefano shared that it is helpful to know the cumulative impacts for the traffic and schools.

Ms. Ring stated that traffic impact analysis is required to include a certain percentage of background growth, but they are not required to take anything in the pipeline into consideration.

Commissioner Rawls asked how this increased activity is affecting staff and their workflow.

Ms. Ring stated the department is short staffed but was able to promote some planners to help manage the workflow.

Commissioner Smith asked for a current price point for the homes.

Tim Trant of Kaufman & Canoles, representing the applicant, stated the projected home prices are \$277,000 for the townhomes and \$370,000 for the age restricted single-family homes.

Commissioner Ford asked what the age restriction was.

Mr. Trant stated at least one member of the home is required to be aged 55 years old per the Federal Fair Housing Law with no occupants under the age of nineteen.

Commissioner Smith asked for insight on the Town of Smithfield's comments.

Mr. Trant stated that this application meets all the County's requirements for street widths and parking and feels like there is more than adequate parking.

Commissioner Gibbs stated the Town's concern is it is looking like Bennis Grant.

Mr. Trant said this application is the product of a lot of thought and collaboration with staff and believe this is a high-quality project and will compliment that corridor.

Jason Grimes of AES Engineering, 5248 Old Town Road, Williamsburg, representing the applicant, stated all the roads associated with the entrance and the single-family section of the project are all designed to VDOT standards. He added that the alleys behind the townhomes are not to VDOT standards to allow for additional parking on the roads.

Commissioner Distefano made the motion to table this application to the next meeting, in hopes to have the schools' responses. Commissioner Bowser seconded the motion, which was adopted with Commissioners, Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, Smith and Carroll voting in favor of the motion, and no commissioners voting against (10-0).

NEW BUSINESS

Amy Ring Confirmed there were no items to discuss in new business.

COUNTY ATTORNEY'S REPORT

Bobby Jones asked the Planning Commission to adopt a motion to set the time and place for the retreat.

Chairman Carroll called for a vote to approve the 2023 Planning Commission Retreat for Friday November 3, 2023, at the Windsor Castle Manor House, 705 Cedar Street, Smithfield, VA, beginning at 9:00 AM. Commissioner Rawls made a motion to approve the retreat date and location. Commissioner Boykin seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

PLANNING DIRECTORS REPORT

Amy Ring confirmed there were no items to discuss.

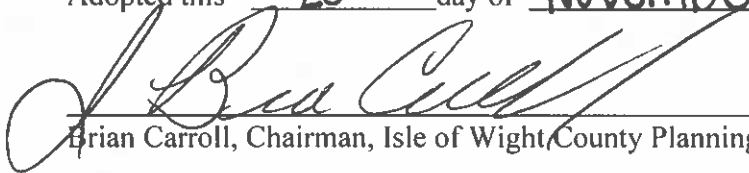
CLOSED MEETING

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 7:50 PM.

Adopted this 28 day of November, 2023.



Brian Carroll, Chairman, Isle of Wight County Planning Commission

Attest: 

Amanda Landrus, Secretary