

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

CALL TO ORDER

Bobby Bowser, Chairman, called the Isle of Wight County Planning Commission meeting to order at 6:00 PM on April 23, 2024, at the Isle of Wight County General District Court, located at 17000 Josiah Parker Circle, Isle of Wight, Virginia 23397

INVOCATION

James Ford delivered the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL/DETERMINATION OF A QUORUM

PRESENT

Bobby Bowser, Chairman
Thomas Distefano, Vice-Chairman
Brian Carrol
Cynthia Taylor
James Ford
Jennifer Boykin
George Rawls
Rick Sienkiewicz
Raynard Gibbs

ABSENT

Matthew Smith

A quorum was determined.

ALSO IN ATTENDANCE

Mandy Rogers, Substitute Council to the Planning Commission
Don Robertson, Assistant County Administrator
Amy Ring, Community Development Director
Sandy Robinson, Planner II
Caleb Kitchen, Planner I
Amanda Landrus, Secretary

ACTION ON REQUESTS TO WITHDRAW OR TABLE PENDING AGENDA ITEMS

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

APPROVAL OF CONSENT AGENDA

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

CITIZENS' COMMENTS

There being no comments, Chairman Bowser closed citizens' comments.

PUBLIC HEARINGS

There being no public hearings, Chairman Bowser moved to the next item on the agenda.

OLD BUSINESS

Chairman Bowser called for consideration of the following old business items:

Application of Moonlight Solar, LLC (CUP-10-23), Applicant, and George Benjamin Edwards, Jeanette J. Edwards, George W. Edwards, LeAnn Ricks Edwards Wait, and Dana Louise Edwards, Property Owners, for a Conditional Use Permit to Establish a Major Utility Service, Specifically a 44 MW Utility-Scale Solar Energy Generation Facility and Substation, on Approximately 523 Acres Located on Moonlight Road (Rte. 627) and Burwells Bay Road (Rte. 621) in the Rural Agricultural Conservation Zoning District and a Request to Withdraw Approximately 523 Acres from the Moonlight Agricultural/Forestral District.

Caleb Kitchen, Planner I, project manager, gave the following presentation.

Revisions to the Moonlight Solar Energy Generation Facility Major Utility Service Conditional Use Permit Request CUP-10-23

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Site Description

- Tax Map ID#: 11-01-017, 11-01-018, 11-01-023, and 11-01-023A
- Location: Moonlight Road (Rte. 627) and Burwells Bay Road (Rte. 621)
- Current Zoning: Rural Agricultural Conservation (RAC)
- Election District: D5
- Purpose: Establish a 44 MW utility-scale solar energy facility/substation on approximately 523 acres and to withdraw approximately 523 acres from the Moonlight Agricultural/Forestal District

Background

- Planning Commission recommended denial by a vote of 9-0 at the November regular meeting.
- Applicant requested deferral from the Board of Supervisors until the March regular meeting to attempt to mitigate identified weaknesses in the Planning Commission Staff Report.
- Applicant submitted revisions
- Board of Supervisors referred the application back to the Planning Commission for reconsideration.

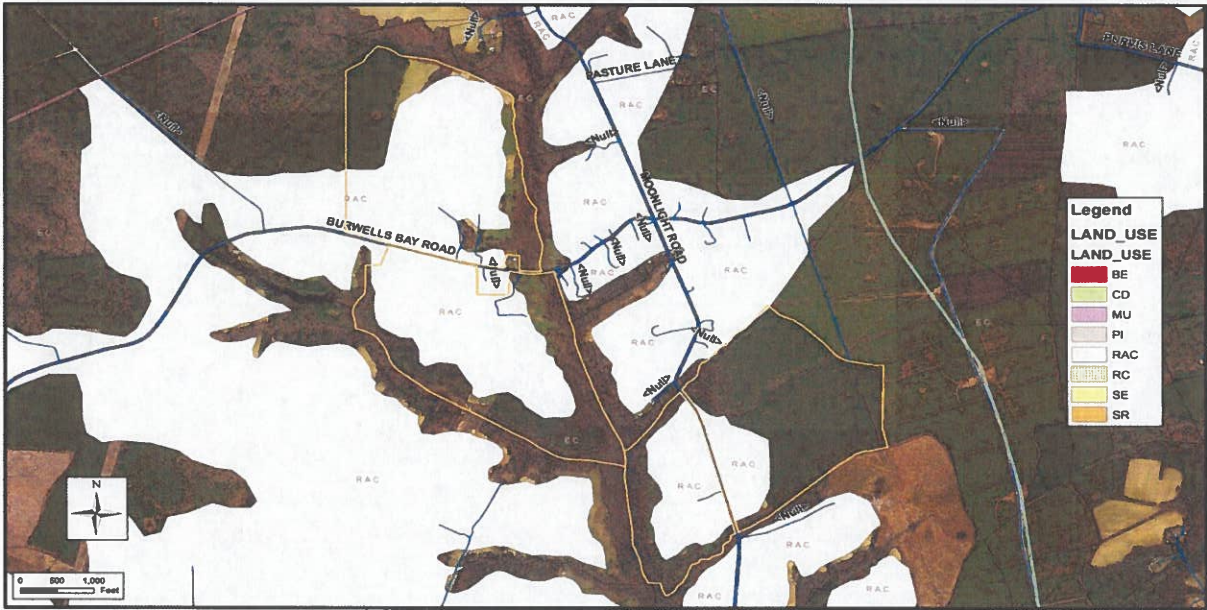
CUP-10-23 Conditional Use Permit Request - Location Map



CUP-10-23 Zoning Map



CUP-10-23 Land Use Map



Applicant Proposed Revisions

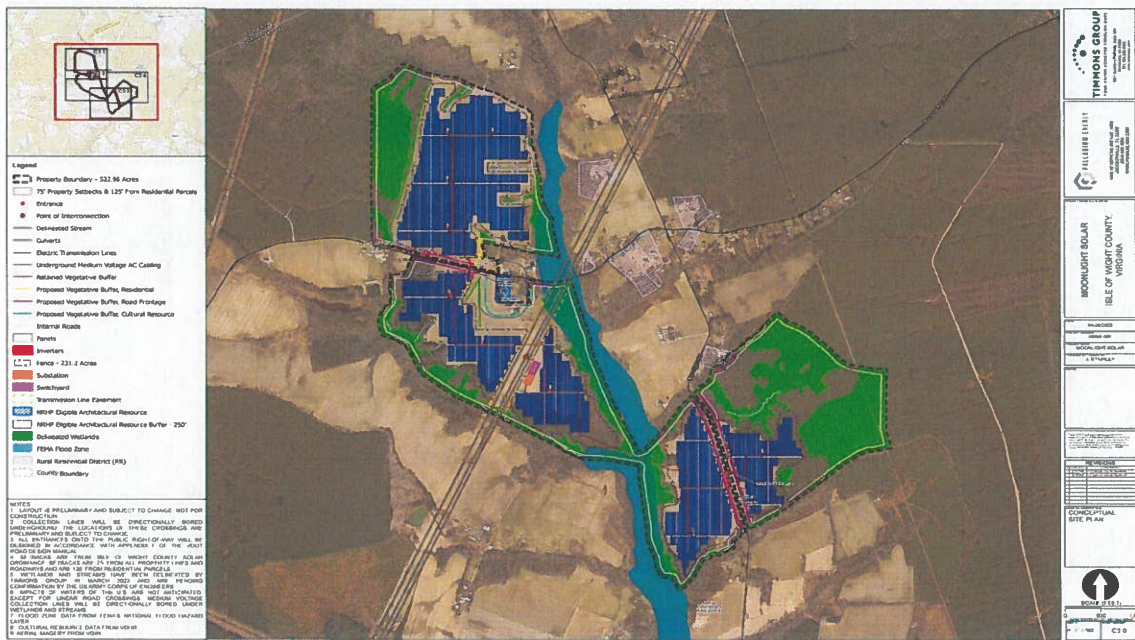
- Development envelope area reduced from 305 acres to 272.8 acres.
- Fenced-in project area reduced from 250.1 acres to 231.2 acres.
- Prime Farmland soil impacts reduced from 272.4 acres to 242 acres.
- Reduced impacts to the following ecological core areas:
 - C₃ (High Importance) reduced from 36 acres to 8.9 acres.
 - C₄ (Moderate Importance) reduced from 4.4 acres to 0 acres.
 - C₅ (General Importance) reduced from 12.7 acres to 12.6 acres.

Applicant Proposed Conditions

1. Increase the height of the vegetative buffer at planting around the Carroll Plantation House to 5-6ft and plant the buffer at beginning of construction.
2. Route heavy vehicle traffic along three primary route – Old Stage Highway, Burwells Bay Road, and Moonlight Road.
3. Install temporary signage along the construction route.
4. Install supplemental signage where warranted, to alert drivers to unexpected geometric conditions (i.e. sharp/blind corners).
5. Post signage at each of the active construction entrances alerting drivers to traffic entering and exiting the site.
6. Place temporary variable messages to alert drivers/residents to changes in traffic patterns and pending delivery schedules.
7. Require the selected contractor(s) to coordinate deliveries so that two-way construction traffic on the aforementioned road is minimized.

Applicant Proposed Conditions Cont.

8. Heavy vehicle traffic will enter as a convoy, utilize on-site roads for circulation/delivery, and leave as a convoy.
9. Pilot vehicles will lead the convoy to ensure trucks follow the plan.
10. Station VDOT-certified flaggers along the construction route and in the vicinity of the site to actively manage construction-related traffic.
11. Prior to construction, conduct a minimum 4-week traffic volume study to quantify best delivery windows. Results will be used to implement delivery windows during the times of day with the lowest volume of traffic.
12. With respect to inter-parcel access, the applicant will consolidate entrance points on opposite sides of the street to align with each other. The entrances on Burwells Bay Road are to be located opposite one another so that any "shared" traffic can easily cross the road. The entrances on Moonlight Road will also be consolidated to a common location.
13. Prior to commencement of construction, the applicant will send mailers to residents and go door to door along the transportation route to provide notice of upcoming construction related activities in the area.











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.

Department and Agency Review

Staff distributed the revised application to the following departments for review:

- Sheriff's Department: The applicant has made an honest effort to address most of the issues. However, major concerns still exist regarding roadway conditions with no shoulders as well as limited areas to pull vehicles over or turn vehicles around even with the use of escort vehicles when meeting with large vehicle farm equipment, emergency vehicles, school buses, etc. It would be impractical for these vehicles to maneuver around one another in a safe manner. If this application is approved, we suggest no movement of large vehicles for this project be allowed on the roadway during the time of school bus operations to ensure the safety of the children being bused to and from school.

Note that should this CUP be approved, it will be subject to review and approval from all associated agencies during site plan review.

Comprehensive Plan Review

- Future Recommended land use designation for these properties is Rural Agricultural Conservation (RAC) and Environmental Conservation (EC) under the 2020 adopted Comprehensive Plan.
- Appropriate uses for the RAC land use designation include agriculture, horticulture, forest lands, and scattered low-density residential uses. Other uses such as resource extraction and utility scale solar facilities are also permitted when appropriately sited.
- Appropriate uses for the EC land use designation include wetlands, farms, forest uses, open space, and limited park facilities.
- Solar Energy facilities are considered compatible with the RAC land use when properly sited and with the application of appropriate development criteria. The areas designated as EC should be preserved due to environmental constraints unless site-specific analysis demonstrates there are no environmental concerns in a specific area.

Staff Analysis

Strengths:

1. The proposed use will have minimal impact on community facilities and resources.

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. The project will create visual impacts to historical properties which can be substantially mitigated upon landscaping maturity.
4. The project will impact identified ecological core areas, including 8.9 acres of cores with high importance and 12.6 acres of cores with general importance.
5. Approval of the project would result in a multiplicity and saturation of similar uses within a ½ mile distance to another solar energy generation facility.
6. With no to minimal shoulders and deep ditches at several points along the proposed transportation route there may be safety issues that arise as construction vehicles meet along the route.
7. Due to siting concerns, the application is not consistent with recommendations in the Comprehensive Plan.

Staff Recommendation

Based on the identified weaknesses, staff continues to recommend denial of the Conditional Use Permit and the Moonlight AFD withdrawal request. However, should the CUP and withdrawal be approved, staff recommends the original 13 conditions proposed by staff, inclusion of the 13 conditions proposed by the applicant, along with two additional conditions proposed by staff:

1. The applicant will work with Isle of Wight County Public Schools to coordinate with and prohibit any construction or delivery activities along the transportation route during hours of school bus route operation in the morning and afternoon.
2. The 5-6ft tall planting to occur at the beginning of construction to be applied to all adjacent parcels that contain a residence.

Commissioner Carroll suggested this application be brought back to public hearing to give the applicant a chance to bring the updated facts forward as well as asked for a sound study to be provided.

Commissioner Taylor shared her concern for the sheriff's department comments as well with the possible saturation of use that this application would cause.

Chairman Bowser asked the applicant about the sheriff's comments and conditions in regard to the safety of school buses on the road.

Chance Zajicek, Development Manager with Palladium Energy, stated he proposed a four-week traffic study to survey when the traffic was heaviest as well as the school bus routes. He stated they would not have deliveries during those times.

Commissioner Sienkiewicz asked the applicant if he believes the trucks can make the delivery window and what is the plan if they cannot.

Chance Zajicek stated that they have been developing a liquidated damages provision should the conditions of the transportation plan be violated in hopes to handle it on a project-level and hold people accountable.

Commissioner Gibbs asked if the limited delivery window would extend the length of construction.

Mr. Zajicek stated that it could delay construction time.

Commissioner Carroll made the recommendation to send this application to public hearing in May to include a sound study. Commissioners Boykin seconded the motion, which was adopted with Commissioners Boykin, Ford, Rawls Sienkiewicz, Gibbs, Carroll, and Bowser voting in favor of the motion and Commissioners Distefano and Taylor voting against the motion.

The motion passed, and the item will go to the May 28, 2024, Planning Commission meeting.

NEW BUSINESS

There were no new business items.

COUNTY ATTORNEY'S REPORT

Mandy Rogers confirmed there were no items for the County Attorney's report.

PLANNING DIRECTORS REPORT

Chairman Bowser asked for the Planning Director's Report item, Recreational Vehicle (RV) Ordinance Discussion.

Amy Ring gave the following presentation.

Recreational Vehicle Residential Uses



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ORDINANCE EXAMPLES

- February 27, 2024 – PC requested additional examples of localities that permit the temporary residential use of RVs from across the country.
- Staff sent examples to Planning Commission via email and attached information to staff report.
- No real consistency in local government regulations but most prohibit the use of RVs as permanent residences.
- Plenty of examples of localities who do permit them for temporary residential use subject to certain restrictions



ISSUES FOR CONSIDERATION

While considering how to permit the temporary residential use of RVs, the following issues should be considered:

1. A definition of the duration of "temporary residential use;"
2. The number of times per year the use should be allowed;
3. Whether the use should be allowed only with a principal residence or on vacant property as well;
4. The number of RVs allowed per parcel;
5. The minimum size for the parcel;
6. A prohibition on the use of electrical cords and hose connections between the RV and principal residence; and
7. The use of RVs as Short Term Rentals.



CURRENT DRAFT ORDINANCE CHANGE

- Recreational vehicles, tents, and the like shall not be used for permanent or full-time dwellings in any district, unless otherwise permitted by the Ordinance and in accordance with the Virginia Department of Health, whether or not connected to utilities, wells or septic systems. For the purposes of this section, permanent means available for occupancy for 30 consecutive days or more per year regardless of actual use.
- Recreational vehicles shall not be used as permanent or full-time living quarters and may only be otherwise occupied in accordance with zoning district regulations and the Virginia Department of Health. For the purposes of this section, permanent means available for occupancy for 30 consecutive days or more per year regardless of actual use.



A brief discussion was had, and it was agreed that Ms. Ring would bring the suggested revisions back to the Planning Commission.

Chairman Bowser asked for the next Planning Director's Report item, Comprehensive Plan Five Year Review Discussion.

Amy Ring gave the following presentation.

Five Year Review for *Envisioning the Isle* Comprehensive Plan Discussion

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PROJECT DESCRIPTION

- Section 15.2-2230 of the *Code of Virginia* stipulates that at least once every five years, the comprehensive plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan.
- Five year deadline is 2025 for review of the County's comprehensive plan, *Envisioning the Isle*, adopted in 2020.
- Planning Commission held a worksession on April 9, 2024 to continue their discussion on the Plan review process, schedule and the formation of a stakeholder workgroup.



Comprehensive Plan Five Year Process

- At the April 9 worksession, Planning Commission tentatively established the working group will consist of the following:
 - Members of the Isle of Wight County Planning Commission;
 - One representative of the Town of Smithfield Planning Commission;
 - One representative of the Town of Windsor Planning Commission; and
 - One private citizen from each of the election districts.
- Commission members agreed to submit the names and contact information for their private citizen representatives to the Community Development Director by their May 28, 2024, regular meeting.
- Staff posted a notice on the County's Facebook page and website requesting that anyone interested on serving as one of the private citizen representatives to contact their Planning Commission member.
- First meeting of the stakeholder working group has tentatively been set for July 9, 2024.
- Larger stakeholder working group will break into smaller groups to review each of the chapters from the County's Comprehensive Plan

GUIDE THE ISLE Culture and history that make the community what it is, revealing Envision the Isle the vision and challenges that the plan addresses, and the themes identified during the process.	4 Legal Review Future Updates Public Engagement
PRESERVE THE ISLE Protect or enhance the character of existing and emerging agriculture and rural character. It also addresses the preservation and enhancement of the natural resources within the County.	20 Natural Resources Sea Level Rise Agricultural Preservation
SHAPE THE ISLE Shape County's future and form it can be kept alive through education and innovation. This chapter also includes discussion on how the plan impacts the budget and can be used to make sound fiscal decisions in the future.	30 Demographics, Historical Preservation, Community Classification, Development Service Districts (DSDs), Fiscal Management
CONNECT THE ISLE Connect and enhance the transportation needs of the plan. An assessment of the existing transportation network, roadway safety, safety concerns, and planned improvements of the County informs the strategies to address future growth.	40 Transportation Network Public Transit, Bike/Pedestrian Facilities, Traffic/Congestion, Transportation Technology, Future Projects
SERVE THE ISLE Serve identifies existing and projected needs of community facilities and services to provide those services based on the County's projected growth and geographic distribution.	60 Fire, Emergency Services, & Public Utilities, General Government Admin., Community Energy, Parks & Recreation
EDUCATE THE ISLE Evaluate the needs of the educational programs and facilities provided within the County as identified by the residents. It covers the current educational and workforce programs, future educational and workforce training needs, strategies to fulfill those needs.	80 Educational Achievement, School Workforce Development
ENHANCE THE ISLE Enhance County's existing opportunities for County residents through job creation, access to technology, and innovation, which can be measured by changes in unemployment, real estate, and standard of living. It also discusses the challenges and trends of the County's housing market, and addresses how to increase housing options moving forward.	90 Local Economy, Tourism, Technology, Housing
ENVISION THE ISLE Envision describes the vision for the future physical development of the County. This chapter provides guidance on where and how development within the County should occur.	90 Explanation of Land Use, Countywide Land Use Map, OSD Land Use Maps
CREATE THE ISLE Create the map that shows the County and its partners will undertake to accomplish the goals of Envision the Isle. Broken down by Envision the Isle's priorities, and future needs, this chapter also serves as an implementation tracking system.	100 Implementation Plan

Envision the Isle Comprehensive Plan 2025 Review Tentative Schedule (Subject to Change Based on Meeting Availability and Consultant Deliverable Timeframes)

March 26, 2024	Review of Tentative Review Schedule and Stakeholder Group Work Scope with Planning Commission
April – May 2024	Budget Proposal for Capital Impact Model Update, Operational Impact Model, Growth Rate Impact Scenario Study and Housing Study Consultant Services to County Administrator and Board of Supervisors
July 9, 2024	Initial Meeting of the Comprehensive Plan Review Stakeholder Workgroup – subcommittee chapter review assignments
July 2024	Consultants under contract and begin scenario development and draft community feedback survey
August – September, 2024	Initial growth rate scenario findings and draft community survey presented to stakeholder workgroup for feedback
September 2024	Initial Community Feedback Survey and initial subcommittee workgroup meetings
October 2024	Subcommittee workgroup meetings and Feedback Survey result analysis
November 2024	Feedback Analysis, Summary Report, and subcommittee meetings
December 2024 – January 2025	Subcommittee draft revisions submitted, draft consultant deliverables presented to Stakeholder Workgroup. Development of draft plan begins.
January 2025	Presentation of draft comprehensive plan revisions and initial consultant reports to Planning Commission
February 2025 – March 2025	Draft Comprehensive Plan revisions presented for community feedback
April 2025	Presentation of Comprehensive Plan revisions to Planning Commission for public hearing and consideration
May 2025	Presentation of Comprehensive Plan revisions to Board of Supervisors for public hearing and consideration



Chairman Bowser asked the commissioners to pick one of the categories that they had an interest or expertise in.

Commissioner Taylor stated she was interested in Preserve the Isle.

Commissioner Distefano stated he was interested in Serve the Isle.

Commissioner Ford, Boykin, and Gibbs are interested in Educate the Isle.

Commissioner Boykin is interested in Enhance and Preserve the Isle.

Commissioner Sienkiewicz is interested in Connect the Isle.

CLOSED MEETING

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

ADJOURNMENT

There being no further information to discuss, Chairman Bowser adjourned the meeting at 6:58 PM.

Adopted this 28 day of May, 2024

Bobby A. Bowser
Bobby Bowser, Chairman, Isle of Wight County Planning Commission

Attest: Amanda Landrus
Amanda Landrus, Secretary