

**At a Sussex County Special Joint Work Session of the
Board of Supervisors and Planning Commission
Held at Prince George Electric Cooperative – Conference Room
On Monday, March 4, 2019 at 3:00 p.m.**

Board Members Present

Alfred G. Futrell
Susan B. Seward
John A. Stringfield
Rufus E. Tyler

Board Members Absent

Keith C. Blowe
C. Eric Fly, Sr.

Planning Commission Members Present

Brenda Burgess
Lafayette Edmond
Frank Irving

Staff Present

Vandy V. Jones, III, County Administrator
Millard D. Stith, Independent Consultant
Steve D. White, BOS Tie Breaker
Deste J. Cox, Treasurer
Andre M. Greene, Director of Community Development
Lorenzo D. Turner, Assistant to the Director of Community Development
Shilton R. Butts, Assistant to the County Administrator/
Deputy Clerk to the Board of Supervisors

Item 1. Call to Order

The March 4, 2019 Special Joint Work Session of the Sussex County Board of Supervisors and the Planning Commission was called to order by Chairman Seward.

Item 2. Invocation

The Invocation was offered by Supervisor Tyler.

Item 3. Pledge Allegiance

The Pledge Allegiance was recited by all,

Item 4. Agenda Amendments

There were no agenda amendments.

Item 5. Approval of Agenda

The agenda was approved by general consensus.

Item 6, Berkley Group

County Administrator Jones stated that the Special Joint Work Session of the Sussex County Board of Supervisors and the Planning Commission was to have the Berkley Group provide an overview of the County's Comprehensive Plan and ordinance update process in regards to utility-scale solar facilities.

The Berkley Group would review the items on the agenda. After review of the information, at the next regular Board of Supervisor meeting on Thursday, March 21, 2019, the Board will schedule a Joint Public Hearing with the Planning Commission for Monday, April 1, 2019 in regards to the Comprehensive Plan and Zoning Ordinance.

Item 6a./6b. Overview of Comprehensive Plan and Ordinance Update Process

Mr. Darren Coffey and Ms. Denise Nelson, of the Berkley Group, were present. Mr. Coffey stated that the Berkley Group wanted to receive some direction.

Mr. Coffey stated that utility-solar scale facilities are land use. They are a little unique from other land use. From the standpoint of regulations, planning and zoning, they are used like any other use. Mr. Coffey discussed measuring how an application is good or bad. He stated the County's primary tools are the Comprehensive Plan and the Zoning Ordinance. The Planning Commission makes the recommendation to the Board of Supervisors. The Board of Supervisors' tools are the Planning Commission's recommendation and the Comprehensive Plan and Zoning Ordinance.

Mr. Coffey stated that it's the Berkley Group job to bring greater clarity, in their professional opinion, based on this type of a land use, they think the County should think about these types of things in amending the Comprehensive Plan to include these things and Zoning Ordinance to include these things. They are looking for feedback so that things can be improved so the guidance can be provided.

Supervisor Tyler departed at 3:30 p.m.

Item 6c. The Growing Solar Industry

Mr. Coffey stated that solar facilities started coming to the forefront approximately two (2) years ago—50 acres, 80 acres, 150 acres and 300 acres. The acres have increased in the past year.

Mr. Coffey noted Sappony application had been processed and is operational. He noted the projects that were looking.

He stated that the Permit by Rule (PBR) process by Department of Environmental Quality (DEQ) does provide some rule. The local government must certify compliance with land use ordinance. Virginia Code Section 15.2-2232 states that the local Planning Commission must review public utility facilities. Any public utility is regulated as a public facility and it's required to be found

substantially in accord with the Comprehensive Plan in order for an application to be received. It's referred to as 2232 Review. If it's not found to be substantially in accord, then there is no Use Permit to be processed. If it is found substantially in accord, then that's one screen that the application passes. On the surface, if the application is substantially in accord with the Comprehensive Plan, it doesn't mean that the Use Permit has to be approved.

Mr. Coffey stated that the location, character, and extent isn't currently substantially in accord with the Comprehensive Plan because there isn't anything about the location, character and extent in the current Comprehensive Plan. He stated that one (1) application has been submitted and found to be in conformance. It was done as part of the Use Permit process. They would recommend that it would be broken out and done, first, separately.

He stated that a Vision Statement is important to know where you are. There are certain things buffers, screenings, and setback will be discussed. The key is are they acceptable. If they're acceptable, how should they look, feel, and where should they be located geographically.

The County is intent upon protecting its forest resources, agricultural lands, and natural environment systems.

Land Use is 90% agriculture/forestry; 5% residential; and 5% commercial, industrial, and public. Agricultural/forestry land contain areas of environmental concern and importance. Agricultural and Forested lands is 90% of the County. Want to preserve commercial and industrial jobs.

This land use is no impact, no emission, very low or no noise; however, there are not a lot of jobs. Community Appearance is that it's a sound and attractive land use, aesthetically pleasing which are things in the Comprehensive Plan that are issues.

The Comprehensive Plan includes growth consistent with rural image and character.

He reviewed protecting areas of environment concern; minimize direct or secondary environment impacts and development forestry, agriculture and related industry and protect the beauty of landscape.

Things are in the Comprehensive Plan that become more of an issue and should be considered the potential impact of a development or a proposed ordinance amendment on the natural environment, important natural resources, neighboring development and community function, character and attractiveness.

The Zoning Ordinance's purpose is to facilitate the creation of a convenient, attractive, and harmonious community; to protect against destruction of or encroachment upon historic areas; to encourage economic development activities that provide desirable employment and enlarge the tax base; and, to provide for the preservation of agricultural and forest lands.

Districts allow utility generation, with a Conditional Use Permit (CUP) are A-1, R-R, R-E, I-1 and I-2. Minimum area and setbacks were included in the handout.

Mr. Coffey stated the Comprehensive Plan is the County's policy document and guide. There's no legal authority behind it; but if you're in conformance with your Comprehensive Plan and go to Court, you're going to win. If you're not in conformance with the Comprehensive Plan, you're going to lose.

The Zoning Ordinance is a regular court document. It is laws and an ordinance.

Ms. Denise Nelson stated that the Berkley Group looked at what was done around Virginia and the neighboring states and considered the notes during the last meeting and came with a first recommendation to be discussed/debated.

Ms. Nelson stated that the Comprehensive Plan and the Zoning Ordinance go hand in hand. She stated the recommendation was written in a way parallel to how the other ideas are addressed.

She looked at the amount of detail, the specificity of numbers, sizes, and acreage and tried to make it blend in with the comprehensive nature the Comp Plan.

In the Comp Plan, their main recommendation is Chapter II: Concerns and Aspirations where some land uses, 22, are specifically called out. They thought it was the best way to make a statement. Solar utility applications are being received. They are of growing interest in the area. The full quote is provided in the memorandum sent to the Board of Supervisors and the Planning Commission.

Other recommendations help with the evaluation of the applications or to update some of the maps. A general land use map is included in the information. It was recommended to add Brownfield to the land use map. Brownfields are common areas where people like to put solar because they're contaminated and may not be useful for other industries.

Staff suggested to add language to add County-owned, capped landfills.

Another recommendation was making maps or adding the power distribution system to the maps.

There was discussion of mapping and proximity to other facilities, towns, etc. Mr. Coffey stated that they could help with mapping if the County didn't have the resources, as well as PDC could help.

Ms. Nelson stated that the Zoning Ordinance currently has 22 Articles. She stated that they recommend adding in Article XII. Site Plan Requirements, 7. Utility-scale solar facilities so that it falls in with the other requirements. They also recommend adding a new article at the end for solar facilities. Further information was provided in the handout.

For solar facilities for the zoning districts, there are five Agricultural, two Residential, and two (2) Industrial. It was recommended that the County restrict utility-scale solar to the Agricultural land and indicate a preference for Brownfields or location near an Industrial facility. In the proposed Section XVI. Article XXIII, address small or medium scale solar.

It was suggested to amend I-1 to add CUP.

They continued to review the Ordinances. Applications and procedures were discussed. It was discussed that with the Use Permit, it could be specified that the County be informed and maintain copies of the PPA.

Other recommendations included having neighborhood meetings, because it was a good practice..

It was also recommended to start to consider a maximum size of 1200 acres. The permit by DEQ goes up to 100 MW.

It discussed that the proximity should not be less than two (2) miles. There was discussion of 65% land coverage. There was discussion of 3,000 acres.

Other recommendations included making setbacks 150 ft or 200 ft for property line with dwelling. There wasn't enough time to discuss decommission. Information was in packet.

Comments or questions are to be give staff and staff would get email by the end of week to Mr. Coffey. If no email received, will assume there are no changes.

A copy of the PowerPoint presentation was provided.

Supervisor Futrell department at 4:00 p.m.

Item 7. Citizens Comments

There were no citizens' comments.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by COMMISSIONER and carried:
RESOLVED that the Sussex County Board of Supervisors and Planning Commission Joint Work Session was hereby adjourned at 3:35 p.m.

Voting aye: unanimous