



County of King William, Virginia

PLANNING COMMISSION MEETING
FEBRUARY 4, 2020 – 7:00 P.M.
KING WILLIAM COUNTY ADMINISTRATION BUILDING
KING WILLIAM, VIRGINIA

1. Call to Order
2. Roll Call
 - John Breeden
 - Bonnie Hite
 - Janie Rhoads
 - Stephen Greenwood
 - Don Wagner
3. Review and Adoption of Meeting Agenda
4. Review and Approval of Minutes:
 - a. October 1, 2019
 - b. December 12, 2019
 - c. January 7, 2020
5. Public Comment Period
6. Public Hearings
7. Old Business
 - a. Next Steps for Ordinance Revision
8. New Business
9. Staff and/or Special Committee Reports
 - a. January Zoning Log
 - b. January Land Disturbance
 - c. January Building Report
10. Adjourn to Work Session

- 11. Work Session Topics**
 - a. Review of Draft Ordinance**

- 12. Adjourn or Recess**

4a.

October 1, 2019

Meeting Minutes

Minutes
King William County
Planning Commission
Regular Meeting
October 1, 2019

At a regular meeting of the Planning Commission, held on October 1, 2019 at 7:00 P.M. in the King William Administration Building, the meeting was called to order with the following members:

Agenda Item 1. Call to Order

Agenda Item 2. Roll Call

Present:

Stephen Greenwood	Aye
Janie Rhoads	Aye
Bonnie Hite	Aye
Vice Chairman, Don Wagner	Aye
Chairman, John Breeden	Aye

Staff Present:

Ron Etter, Director of Community Development
Sherry Graham, Zoning Administrator
Krista Cole, Planning Secretary

Agenda Item 3. Review and Adoption of Meeting Agenda

Chairman, John Breeden entertained a motion to adopt the October 1, 2019 meeting agenda as presented; Mr. Stephen Greenwood made a motion and Vice-Chairman Don Wagner seconded the motion.

The vote was unanimous on this motion.

Agenda Item 4. Review and Approval of Minutes

Ms. Janie Rhoads pointed out that Agenda Item 10 of the September 3rd Planning Commission meeting was not an adjournment, but rather a recess until the September 24th work session.

Chairman, John Breeden requested a motion to approve the September 3rd meeting minutes as amended. Ms. Janie Rhoads made a motion to adopt the amended meeting minutes and Mr. Stephen Greenwood seconded the motion.

Agenda Item 5. Public Comment Period

Being that there was no one to speak, the Public Comment Period was closed.

Agenda Item 6. New Business

Mr. Ron Etter presented members with CUP-03-19 Sweet Sue Solar, LLC a 77-MegaWatt Solar Farm looking to come to King William County.

Mr. Ron Etter handed the presentation over to Mr. Edward Barry, Lead Developer of Invenergy, the largest privately held renewable energy developer in North America.

Mr. Edward Barry gave background information on Invenergy and all of the benefits that it will have for King William County, as well as assured members that the Solar Farm would be in compliance with King William Solar Ordinance.

Mr. Edward Barry gave a little insight as to what the Solar Farm would consist of, the timeline we would be looking at, as well information on the project area.

- 77-megawatt facility – Equivalent to powering 16K homes
- Construction to begin in the fourth quarter of 2020 and be completed in the fourth quarter of 2021
- Certified, safe Photovoltaic panels with trackers; 30+ years lifespan
- 1,262 total acres with 576 acres expected to be used for hosting panels within the fenced-in perimeter
- Two landowner leases covering eight parcels of private land.

- Low visual profile – Minimal project road frontage; Existing vegetation will conceal the project from most vantage points; Additional screening will be planted where necessary

Mr. Edward Barry also stated that there would be no sound beyond the fence line and no glare from the solar panels anticipated.

Agenda Item 7. Public Hearing

Chairman, John Breeden opened the Public Hearing for CUP-03-19 Sweet Sue Solar.

Mr. Stuart Garber of the Fourth district expressed his concerns of the Solar Facility being less than 300ft off of Enfield Road. He also expressed concerns of the entrance off of Enfield when it comes time to decommission the site, as well as taking a closer look at the entrance to see if it is deemed unsafe.

Mr. Marshall Campbell of Tax Map 20-27 expressed his concerns of the Agricultural-Conservation zone being used for a power plant and what will happen if things do not go according to plan. He also expressed concerns on the topography, as well as the swamp lands and creeks in the area. Mr. Campbell was curious to the potential negatives of the solar facility and urged members/staff not to rush this process as it is a lot to consider for the future of King William County.

Mr. David Deemy of 38 Moncuin Court in the Fourth District, expressed his concerns on the topography, as well as light pollution.

Mr. Steve Chriswell of 1711 Enfield Road in the Fourth District, expressed his concerns expressed his concerns of the impact to residents during construction, as the entrance road is located in front of three adjacent property owners and is also not that wide.

Ms. Catherine Graves Stanley of Tax Map 20-42 referenced Section 86-452 of the code and requested that Sweet Sue Solar Facility be tabled until the Zoning Ordinance and Comprehensive Plan had been revised.

Chairman, John Breeden closed the Public Hearing, being that there was no one else to speak.

Mr. Ron Etter and staff proposed the following conditions to CUP-03-19 Sweet Sue Solar:

1. All required reviews and approvals must be obtained in accordance with the County Zoning and Subdivision Ordinance and all other pertinent County requirements including but not limited to:
 - a. State Agency review and approvals
 - b. Variance request
2. Development Agreements/Bonding/Letter of Credit requirements shall be met. For all site improvements shown on the plans prior to issuance of Zoning and Building permits.

3. Traffic Management. The applicant shall comply with all Virginia Department of Transportation recommendations for traffic management during construction of the site and decommissioning of site.
4. The roads will need to be maintained in good condition during the construction phase and be brought back to the original condition, or improved, upon completion of the Project and decommissioning phase.
5. Conceptual Plan. The property shall be developed in substantial conformity with the conceptual plan as amended and as modified by these conditions.
6. Expiration. This CUP shall permit a solar power station for which a valid and current building permit is issued within two (2) years of conditional use permit approval. For any construction which does not have a valid and current building permit at the end of the two (2) year conditional use permit approval; the applicant may seek an extension of any remaining construction from the Zoning Administrator. The Zoning Administrator shall consider the compliance history with these conditions and the Code of King William County and the capacity of existing facilities to service the remaining construction in the decision to grant the request. If the Zoning Administrator does not grant the extension, the request shall be forwarded to the Board of Supervisors for consideration and action, following a public hearing, advertised as required by State Code 15.2-2204.
7. The applicant shall be required to provide and maintain a vegetated buffer between the project parcels and all adjacent properties. All vegetation to remain healthy or be replaced at applicants' expense if vegetation becomes diseased, damaged or dead.
8. Development shall proceed as submitted in the site plan dated and included as part of this CUP application.

Vice-Chair, Don Wagner proposed the following conditions for CUP-03-19 Sweet Sue Solar:

9. The applicant shall be required to perform such studies as necessary to determine if the runoff from the array of solar panels is significantly greater than the runoff from the farm crops and, if so determined, to develop mitigation plans satisfactory to the Board of Supervisors to limit such additional runoff to the project area before entering the wetlands and streams.
10. The applicant shall be required to consult with the Department of Conservation and Recreation's Division of Dam Safety and Floodplain Management to conduct an inspection and evaluation of these dams to determine and assure their future safety and shall make whatever repairs and/or renovations as deemed to be appropriate by the Dam Safety Division prior to the issuance of final permits for construction of the solar farm.
11. The landscape buffer required for screening under Section 86-456, 3, I of the King William County Code shall be increased from 4 feet wide to 12 feet wide to provide sufficient screening.

All members agreed upon the 11 conditions listed.

Mr. Stephen Greenwood expressed his concerns on the life expectancy of the panels; Would they truly last for thirty years and would they be decommissioned after the thirty years was up. Mr. Greenwood was also curious if the bond would cover decommissioning.

Ms. Janie Rhoads proposed the following condition for CUP-03-19 Sweet Sue Solar:

1. The construction hours are restricted from 7:00AM to 7:00PM Monday through Saturday.

All members agreed to this condition.

Ms. Janie Rhoads also expressed her concerns of truck traffic on the access roads and points of the site.

Mr. Don Wagner expressed concerns on the buffer not being adequate enough, as well as possibly having the dams looked at.

Chairman, John Breeden expressed his concerns for decommissioning of the site as far as providing the salvage value. Mr. Breeden was also curious if the current screening would be kept.

Ms. Bonnie Hite was curious about the difference in years on the leases and what would potentially happen down the road if the land owner did not want to renew their lease.

Chairman, John Breeden entertained a motion to recommend approval of CUP-03-19 Sweet Sue Solar, as amended, to the Board of Supervisors. Mr. Stephen Greenwood made a motion which was properly seconded by Vice-Chair, Don Wagner.

The members were polled:

Janie Rhoads	Aye
Don Wagner	Aye
Stephen Greenwood	Aye
Bonnie Hite	Nay
John Breeden	Nay

Agenda Item 8. Unfinished Business

Chairman, John Breeden reiterated that he would like to schedule more than one work session meeting at a time, to get the Zoning ordinance finished and in place.

Members and Staff agreed that in order to be aggressive with work session schedule, they would have to come to terms with not everyone being able to attend each session.

Members and Staff also schedule tentative work sessions for Friday October 11, 2019 from 9:00 AM to 1:00 PM and Thursday October 17, 2019 from 6:00 PM to 9:00 PM, with the exception of those that would not be able to attend one or the other.

Agenda Item 9. Staff and/or Committee Reports

Mr. Ron Etter updated members on some potential storage facilities coming to the County, the soft, invitation only, opening of Tractor Supply potentially coming up soon, and a possible major subdivision coming soon between Cuz Way and Kelley Lane.

Staff provided Building and Zoning reports for members.

Agenda Item 10. Adjournment or Recess

Chairman, John Breeden requested a motion to adjourn. The motion was made by Ms. Janie Rhoads and seconded by Mr. Stephen Greenwood.

The vote was unanimous on this motion and the meeting was adjourned.

John Breeden, Chairman

Ron Etter, Planning Secretary

4b.

December 12, 2019

Work Session Minutes

King William County
Planning Commission
Work Session Minutes
December 12, 2019

At a work session of the Planning Commission, held on December 12, 2019 at 6:30 P.M. in the King William Administration Building, the meeting was called to order with the following members:

Agenda Item 1. Call to Order

Agenda Item 2. Roll Call

Present:

Janie Rhoads

Bonnie Hite

John Breeden

Absent:

Janie Rhoads

Stephen Greenwood

Staff Present:

Ron Etter, Director of Community Development

Sherry Graham, Zoning Administrator

Agenda Item 3. Work Session Topics

Chairman, Breeden expressed concerns on the parking behind Commerce Park shopping center and potentially changing verbiage to alleviate the issue.

Members asked Staff to separate furniture/appliances from auto/boat sales in the Table of Off Street Parking Requirements.

Members and Staff agreed to change Restaurant or other establishment for consumption of food/beverages shall have a minimum of six parking spaces.

Mr. Don Wagner recommended that we widen the buffer requirement under Section 86-324 from four feet wide to 12 feet wide with Evergreen trees planted for screening.

Mr. Ron Etter told members that the solar ordinance that they were seeing in the draft ordinance was something that he would like to include in CUP-03-19 Sweet Sue Solar.

Chairman, John Breeden expressed his concerns on why Solar Facilities are sectioned by themselves versus everything else that requires a Conditional Use Permit. Mr. Breeden felt that maybe solar facilities belong in Division Four with all other Conditional Use information.

Mr. Ron Etter stated that because solar facilities have a greater impact and require larger land mass, he felt it better for them to stand alone, but he supports what decision the Commission members recommend.

Mr. Ron Etter introduced some of the new conditions for CUP-03-19 Sweet Sue Solar to the Planning Commission for discussion.

Chairman, John Breeden stated that he was in high hopes that members would be able to make a final vote in January and if there were any concerns, to please get them to staff as soon as possible so that they could be worked out prior to the January Public Hearing.

Ms. Bonnie Hite expressed her concerns on needing more time for review. Ms. Hite was concerned that the CUP was tabled so that further discussion could be held and then only three members of the Planning Commission were able to attend. Ms. Hite was also concerned about the documents that get added to agendas and packets at the last minute because the public misses out on the opportunity to see the last minute documents.

Mr. Ron Etter informed members that he had received a preliminary application to amend a Conditional Use Permit for WestRock Landfill, to allow them to take waste from their Hopewell facility.

Agenda Item 4. Adjourn or Recess

Chairman, John Breeden requested a motion to adjourn. Ms. Bonnie Hite made a motion to adjourn and the motion was seconded by Mr. Don Wagner.

John Breeden, Chairman

Ron Etter, Planning Secretary

4c.

January 7, 2020

Meeting Minutes

**Minutes
King William County
Planning Commission
Regular Meeting
January 7, 2020**

At a regular meeting of the Planning Commission, held on January 7, 2020 at 7:00 P.M. in the King William Administration Building, the meeting was called to order with the following members:

Agenda Item 1. Call to Order

Agenda Item 2. Roll Call

Present:

Bonnie Hite

Stephen Greenwood

Janie Rhoads

Don Wagner

John Breeden, Chairman

Staff Present:

Ron Etter, Director of Community Development

Sherry Graham, Zoning Administrator

Krista Cole, Planning Secretary

Agenda Item 3. Review and Adoption of Meeting Agenda

Chairman, John Breeden entertained a motion by Mr. Don Wagner to approve the January 7, 2020 Agenda. The motion was seconded by Ms. Bonnie Hite

Agenda Item 4. Review and Approval of Minutes

Chairman, John Breeden stated that he would like to acknowledge any changes to the minutes one set at a time and then vote overall.

Ms. Janie Rhoads stated that in the December 3, 2019 minutes, the vote to table CUP-03-19 was not unanimous, it was carried 3-2. Staff agreed to make this change to the minutes.

Being that there were no other changes, Chairman, John Breeden requested a motion to approve all as presented and amended minutes. Mr. Stephen Greenwood made a motion to approve the minutes, which was seconded by Mr. Don Wagner.

Agenda Item 5. Public Comment Period

Chairman, John Breeden opened the public comment period.

Mr. Tom Gresch of District Four stood up to speak in support of Mr. David Chenault wanting to put a Solar Facility on his property. Mr. Gresch stated that he does not support government telling people what they can or cannot do with their property and that the solar facility would not affect anyones property value.

Being no one else to speak, Chairman John Breeden closed the public comment period.

Agenda Item 6. Old Business

a. CUP-03-19 Sweet Sue Solar

Mr. Ron Etter gave a verbal presentation on the 77 MegaWatt Solar Facility, as well as the required conditions for the permit. Staff recommended approval to the Planning Commission members.

Mr. Don Wagner stated that he had a notice that he wanted to read and put up for discussion between members.

Chairman, John Breeden asked for any other comments of Commission members.

Chairman, John Breeden expressed concerns to the applicant of runoff potentially being better with the solar facility in place versus the farm that is in place now.

Ms. Bonnie Hite stated her concerns on the cemetery located on tax parcel 20-33 and whether it would be affected.

Mr. Stephen Greenwood wanted to reiterate to members that they are only voting to recommend to the Board of Supervisors, their voting would not mean they are due to begin construction.

Ms. Janie Rhoads stated that with all of the conditions that have been added, she believes that the Planning Commission has done their job to put all of the necessary conditions on CUP-03-19 Sweet Sue Solar. Mr. Rhoads made a motion to recommend approval of CUP-03-19 Sweet Sue Solar to the Board of Supervisors.

The members were polled:

Bonnie Hite	Nay
Janie Rhoads	Aye
Stephen Greenwood	Aye
Don Wagner	Nay
John Breeden	Aye

The vote was carried three to two.

Agenda Item 6b. Adoption of Planning Commission 2020 Schedule

Ms. Bonnie Hite recommended change of the November 3rd date, as that falls on Election Day. Staff and members decided to change the November meeting to November 10th.

Chairman, John Breeden requested a motion to adopt the 2020 Planning Commission Schedule with the November 10th amendment. Mr. Stephen Greenwood made a motion that was seconded by Ms. Janie Rhoads.

The vote was unanimous on this motion.

Agenda Item 7. New Business

Chairman, John Breeden entertained nominations for a 2020 Chairman.

Ms. Bonnie Hite made a motion to nominate Mr. Don Wagner for 2020 Chairman of Planning Commission.

Mr. Stephen Greenwood nominated that Mr. John Breeden remain 2020 Chairman.

Members were polled for Mr. Don Wagner as 2020 Chairman:

Janie Rhoads	Aye
Don Wagner	Aye
John Breeden	Aye
Stephen Greenwood	Aye
Bonnie Hite	Aye

The vote was unanimous on this motion.

Mr. Don Wagner nominated Ms. Janie Rhoads for 2020 Vice-Chairman.

The vote was unanimous on this motion.

Chairman, John Breeden nominated Mr. Ron Etter to remain Secretary for the year 2020.

The vote was unanimous on this motion.

Members discussed making minor changes to the 2020 Planning Commission ByLaws, including the following:

3-2 Members of the Commission shall be appointed for terms of four years as established by the Board.

Change 8-1-3 to Review and Adopt Meeting Agenda; shift numbers down with new 8-1-10 added at the bottom.

Add 8-3-2 Retain audio-visual recordings of the meetings until after the Minutes have been approved and three months after the end of the calendar year, whichever is longer. Document destruction in accordance with the Virginia Public Records Act.

Chairman, John Breeden entertained a motion to adopt the ByLaws as amended for 2020.

The vote was unanimous on this motion.

Mr. Ron Etter spoke with members in regards to a future work session and it was concluded that members, staff and Berkeley Group would meet for a joint work session on Tuesday January 21, 2020 at 6:30 P.M.

Mr. Ron Etter also briefly discussed the Master Utility Plan with members and what it will consist of, as well as the Comprehensive Plan, in which the County hopes to put a bid out for a consultant in July of 2020.

Staff provided members with Building and Zoning reports to look over, as well as an Annual Summary of what the Commission has accomplished in 2019 as well as goals for 2020.

Chairman, John Breeden asked for staff to add Building information into the Annual report.

Ms. Bonnie Hite expressed her concerns on possibly scheduling work sessions ahead of time, or throughout the year versus scheduling them each month.

Chairman, John Breeden thanked everyone for a good year on the Planning Commission and welcomed Mr. Wagner as Chairman for the year 2020 and entertained a motion to adjourn the January 7, 2020 meeting. Ms. Janie Rhoads made a motion to adjourn, the motion was seconded by Ms. Bonnie Hite.

The meeting was adjourned.

Chairman, John Breeden

Secretary, Ron Etter

7a.

Discussion

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9a.
January
Zoning Log

DATE	NAME OF APPLICANT	ADDRESS	TAX MAP NUMBER	SUBDIVISION NAME	TYPE OF PERMIT (Z/E&S/BLDG)	AREA OF DISTURBANCE	DATE TO ZONING/E & S	DATE APPROVED ZONING/ E & S	DATE TO BLDG PLAN REVIEW	DATE APPROVED BY BLDG	NOTES/COMMENTS
1/3/2020	Ashley Thornsberry	206 Commins Road Aylett, VA	21-65A	n/a	Z	N/A	1/3/2020	1/3/2020	N/A	N/A	HAIR SALON TO BOUTIQUE - TENANT UPFIT
1/3/2020	Darrell Kellum, Inc.	662 Sharon Rd. King William, VA	22-89-A1	Aylett Oaks	E&S	25,000	1/8/2020	1/8/2020	N/A	N/A	LAND DISTURBANCE
1/3/2020	Darrell Kellum, Inc.	662 Sharon Rd. King William, VA	22-89-A2	Aylett Oaks	E&S	25,000	1/8/2020	1/8/2020	N/A	N/A	LAND DISTURBANCE
1/3/2020	Darrell Kellum, Inc.	662 Sharon Rd. King William, VA	22-89-A3	Aylett Oaks	E&S	25,000	1/8/2020	1/8/2020	N/A	N/A	LAND DISTURBANCE
1/3/2020	Darrell Kellum, Inc.	662 Sharon Rd. King William, VA	22-89-A4	Aylett Oaks	E&S	25,000	1/8/2020	1/8/2020	N/A	N/A	LAND DISTURBANCE
1/8/2020	Green Nation Construction	4901 Windwood Lane N. Chesterfield, VA	31-1-3	Foxleigh Estates	Z/BLDG	N/A	1/9/2020	1/10/2020	1/9/2020	1/15/2020	COVERED DECK/PORCH
1/10/2020	Jason Dunlow	395 Rosebud Run Aylett, VA	21K-3-74	Rose Garden Estates	Z	N/A	1/10/2020	1/10/2020	N/A	N/A	HOME OCCUPATION - ATOMIC TRACE (SCRAP GOLD AND SILVER
1/16/2020	Mitchell Homes, Inc.	1650 Holly Hills Rd. Powhatan, VA	5-12A	N/A	Z/E&S/BLDG	1,578	1/16/2020		1/16/2020		NEW DWELLING (DEMO OLD?)
1/21/2020	Nathaniel Smith	PO BOX 324 Manquin, VA	21F-6-17	Oak Springs	Z	N/A	1/21/2020		N/A	N/A	HOME OCCUPATION - CLEAN CUT TRASH & DEBRIS REMOVAL
1/21/2020	Balducci Developers, LLC	10173 Chamberlayne Rd. Mechanicsville, VA	27-4-F-40	Cedar Crest	Z/E&S/BLDG	10,000	1/21/2020		1/21/2020		NEW DWELLING
1/22/2020	Central	4917 Richmond Tappahannock Highway	28-7-4	N/A	Z	N/A	1/22/2020	1/22/2020	N/A	N/A	TEMP. SIGN
1/22/2020	Nancy Thompson(Abbott Trucks)	PO Box 495 Shacklefords, VA	22-6-8, 22-6-9	Industrial Park	E&S	4.75 acres	1/23/2020		N/A	N/A	STUMP REMOVAL, SEEDING, & STABILIZATION AFTER RECENT LOGGING
1/22/2020	Bruce Washington	279 Benjamin Moore Lane King William, VA	35-14D	N/A	Z	N/A	1/22/2020	1/22/2020	N/A	N/A	HAULING FREIGHT AND VEHICLESW
1/22/2020	Darrell Kellum, Inc.	662 Sharon Rd. King William, VA	28-9-9	West Liberty Farms	Z/E&S/BLDG	2,500	1/23/2020		1/23/2020		NEW DWELLING
1/22/2020	Darrell Kellum, Inc.	662 Sharon Rd. King William, VA	22-89-A4	Aylett Oaks	Z/BLDG	N/A	1/23/2020		1/23/2020		NEW DWELLING
1/24/2020	Darrell Kellum, Inc.	662 Sharon Rd. King William, VA	13-40A	N/A	N/A	N/A		N/A	1/23/2020	1/24/2020	(REVISE) NEW PLAN FOR PERMIT 359-2018 LESS SQ FOOTAGE
1/24/2020	Darrell Kellum, Inc.	662 Sharon Rd. King William, VA	29-8-D	N/A	Z/BLDG	N/A	1/24/2020		1/23/2020	1/24/2020	(REVISE) NEW PLAN FOR PERMIT 329-2019 ADDING SUNROOM

9b.

January

Land Disturbance Report

(Provided at Meeting)

9c.
January
Building Report
(Provided at Meeting)