

## ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF JANUARY 14, 2015

At a meeting of the Accomack County Planning Commission held on the 14<sup>th</sup> day of January 2015, in the Accomack County Administration Building Board Chambers, Room #104, in Accomac, Virginia.

### 1. CALL TO ORDER

#### A. MEMBERS PRESENT AND ABSENT

##### **Planning Commission Members Present:**

Mr. David Lumgair, Chairman  
Mr. Spiro Papadopoulos, Vice-Chairman  
Mr. Leander Roberts  
Mr. Lynn Gayle  
Mr. Steve Corazza  
Mr. Pete Onley  
Mrs. Angie Wingfield

##### **Planning Commission Members Absent:**

Mr. Bob Hickman

##### **Others Present:**

Mr. Rich Morrison, Director of Planning and Community Development  
Ms. Kristen Tremblay, Assistant Planner  
Mr. Mike Mason, Director of Finance  
Mr. Tom Brockenbrough, GIS Coordinator and Acting Flood Program Manager  
Mrs. Hollis Parks, Administrative Assistant

#### B. DETERMINATION OF A QUORUM

There being a quorum, Chairman Lumgair called the meeting to order at 7:00 p.m.

### 2. ADOPTION OF AGENDA

**On a motion made by Mr. Papadopoulos and seconded by Mr. Corazza, the Planning Commission voted to adopt the agenda.**

### 3. ELECTION OF 2015 PLANNING COMMISSION OFFICERS

Prior to opening the floor for nominations, Mr. Morrison wanted to introduce the Planning Commission to its newest member, Lynn Gayle, and the Commission welcomed him.

Mr. Morrison then called for the election of officers of the Planning Commission for 2015.

**Mr. Roberts moved to nominate Mr. David Lumgair, Jr. for Chairman and Mr. Spyridon Papadopoulos for Vice-Chairman for 2015; Mr. Onley seconded the motion.**

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No further nominations were made; Mr. Morrison closed the floor for nominations and called for the question.

**The motion carried with a 7-0 vote:**

**Ayes: Roberts, Lumgair, Papadopoulos, Gayle, Corazza, Onley, Wingfield**

**Nays: None**

**Absent: Hickman**

#### **4. PUBLIC COMMENT PERIOD (Not a public hearing)**

Chairman Lumgair opened the floor for the public comment period and the following person signed up or requested to speak:

▪ **Alan Silverman**

Mr. Silverman of Onancock spoke to the Planning Commission regarding the Central Accomack Wastewater Treatment Facility project (Project #: 08-PW-018) listed in the Capital Improvements Plan (CIP) for Fiscal Years 2016 – 2020 and statute §15.2-2223. Mr. Silverman gave staff a copy of his comments for the record.

#### **5. MINUTES**

**A. December 10, 2014**

Mr. Morrison wanted to call the Planning Commission's attention to the Capital Improvements Plan (CIP) Discussion section of the minutes, specifically to the bottom of page two (2) and the top of page (3) to ensure that all members of the Planning Commission had the same understanding of what happened during that portion of the meeting. No changes were suggested or comments made.

Mr. Roberts did however point out an error on page five (5) of the minutes under the Other Matters – Subdivision Agent Report section; the text following the Subdivision Agent Report header was incorrect and needed to be updated.

**On a motion made by Mr. Onley and seconded by Mr. Corazza, the Planning Commission voted to approve the meeting minutes of December 10, 2014 as amended.**

#### **6. OLD BUSINESS**

**A. Capital Improvements Plan (CIP) Discussion**

Mr. Roberts inquired about the school proposals. Mr. Mason answered that he can contact them to see if someone can be present at the next meeting.

**On a motion made by Mr. Papadopoulos and seconded by Mr. Gayle, the Planning Commission voted to schedule a public hearing on the FY 2016 – 2020 Capital Improvements Plan for February 11, 2015.**

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### **B. Eastern Shore Solar (Multiple Applicants) Conditional Use Permit**

Mr. Morrison briefly recapped the Planning Commission on what happened at the last meeting and what has happened since.

Ms. Tremblay presented a PowerPoint presentation on the Eastern Shore Solar Conditional Use Permit application. She discussed the revised site plans, the Conditional Use Permit standards, and additional discussion points.

Following staff's presentation, the Planning Commission raised concerns such as the need to have U.S. bidders in the procurement for the solar panels, wildlife corridors, decommissioning plan (who/which LLC will be responsible), a 30-year project with a new technology, and fencing.

The Planning Commission discussed the motion included in the packet which was amended by staff via email on January 13, 2015 and wanted to add an additional condition that would allow for staff to work with the applicant (and outside help if necessary) to identify any critical wildlife corridors that need to be mitigated prior to final site plan approval and also that the applicant make an effort to include U.S. bidders in their procurement for solar panels.

**Mr. Roberts moved, seconded by Mr. Onley, to recommend approval of the Eastern Shore Solar (Multiple Applicants) Conditional Use Permit application to the Board of Supervisors with the following motion:**

**After careful consideration of the application, site plans, and relevant information, the Planning Commission finds that the proposed project satisfies the Conditional Use Permit Standards found in Section 106-234(2) of the Accomack County Code.**

**As such, the Planning Commission recommends that the Board of Supervisors consider approval of the Conditional Use Permit to allow for a large solar energy system, utility scale, as shown in an application filed on October 15, 2014, as depicted in the site plan package entitled "Eastern Shore Solar I, II, III and IV Site Development Plan" developed by Community Energy Solar (which consists of sheets CS, OL, EX, OA, SP.1, SP.2, SP.3, SP.4, SP.5, SP.6, SP.7, SP.8, and AOA-EXH dated January 7, 2015, sheets CSP and DT dated January 13, 2015 and Exhibit 'A' regarding proposed conditions dated January 7, 2015 and Exhibit 'B' regarding a decommissioning agreement, dated November 3, 2014) for all or portions of properties identified on plan sheet OL as "Owners List" by owner name and tax map numbers and subject to the following conditions:**

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- 1. The Conditional Use Permit is issued for areas within and depicted as the “limit of development line” (including the proposed connector station location shown on sheet OA last dated 1-7-15).**
- 2. That a portion of tax map number 26-A-107 is conditionally rezoned (under separate application) from Residential to Agricultural in order to allow for a connector station as a component of the Conditional Use Permit.**
- 3. That a decommissioning plan (removal of equipment/improvements and restoration of lands) be submitted within three (3) months of conditional use permit approval, and is reviewed and approved by appropriate County staff including the County Attorney within six (6) months of Conditional Use Permit approval. The decommissioning plan shall be executed by both parties prior to the issuance of any land disturbance permit by the County. In the event that staff and the applicant cannot agree to the terms of a decommissioning plan the matter will be forwarded to the Board of Supervisors for review and decision prior to the issuance of any land disturbance permit.**
- 4. The decommissioning plan must contain the following elements in addition to those listed in both the proposed conditions (dated January 7, 2015) and exhibit ‘B’ (dated November 3, 2014):**
  - A. A financial security in a form approved by the County Attorney and in an amount determined by a Virginia-licensed engineer, established and maintained and updated every five (5) years to cover the cost of meeting this obligation.**
  - B. Following establishment of full commercial operation, if commercial generation of power from this facility is discontinued for longer than one year (or otherwise upon the abandonment of this enterprise), the owner and operator shall be jointly and severally liable for the removal of all project equipment and full restoration of the property for agricultural use.**
- 5. That the wildlife enhancements discussed at the public hearing are shown on the final site plans.**
- 6. That a final site plan is submitted and approved prior to the issuance of any land disturbance permits.**
- 7. That all other applicable local, State, and Federal ordinances, laws and regulations are complied with and that all necessary permits are obtained.**
- 8. That the applicant will work with the Planning Department staff to identify any critical wildlife corridors that would need to be mitigated by the applicant prior to final site plan approval (outside assistance of other qualified persons may be sought).**

9. That the applicant will include United States bidders in the solar energy equipment procurement process.

**The motion carried with a 7-0 vote:**

**Ayes: Roberts, Onley, Papadopoulos, Gayle, Lumgair, Corazza, Wingfield**

**Nays: None**

**Absent: Hickman**

**C. Eastern Shore Solar (Multiple Applicants) Conditional Rezoning**

Ms. Tremblay presented a brief PowerPoint presentation on the Eastern Shore Solar Conditional Rezoning application which discussed the updated proffers.

**Mr. Corazza moved, seconded by Mr. Roberts, to recommend approval of the Eastern Shore Solar (Multiple Applicants) Conditional Rezoning request to the Board of Supervisors with the following motion:**

**The Planning Commission recommends that the Board of Supervisors consider approval of the requested conditional rezoning as depicted in the site plan package entitled “Eastern Shore Solar Rezoning Application Proposed Utility Scale Solar Energy System” developed by Community Energy Solar (which consists of sheets EXH Z1 and EXH Z2 dated October 15, 2014) for a portion of tax map number 26-A-107 from R (Residential) to A (Agricultural) with proffers in general accord of those outlined in the document prepared by Eastern Shore Solar LLC, submitted January 7, 2015.**

**Approval is recommended for the following reasons:**

1. **The Future Land Use Map of the Comprehensive Plan suggests that this area be Agricultural.**
2. **The surrounding land use is primarily agricultural in nature.**
3. **A connector station is proposed that is an integral part of a request for a Conditional Use Permit on tax map number 26-A-107 to allow for the development of a large solar energy system on multiple properties in the general vicinity of the Oak Hall substation on Withams Road.**
4. **The proposed connector station site has been selected as it is in close proximity (diagonally across Withams Road) to the Oak Hall ANEC electrical substation.**
5. **Fencing and landscaping assurances have been made. That will cover this site as it is part of a Conditional Use Permit application.**

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**The motion carried with a 7-0 vote:**

**Ayes: Corazza, Roberts, Onley, Papadopoulos, Gayle, Lumgair, Wingfield**

**Nays: None**

**Absent: Hickman**

**D. Joynes Neck Agricultural and Forestal District Review**

Ms. Tremblay presented a PowerPoint presentation on the Joynes Neck Agricultural Forestal District review. She informed the Planning Commission that five parcels are recommended for removal from the District.

**On a motion made by Mr. Roberts and seconded by Mr. Papadopoulos, the Planning Commission voted to recommend continuation of the Joynes Neck Agricultural and Forestal District, with parcels 88-A-29A1, 88-A-29A2, 88-A-29F, 88-A-29H, and 88-A-29I being removed from the District, to the Board of Supervisors.**

**7. NEW BUSINESS**

**A. Susan Linton Rezoning (Mappsville Dollar General)**

Mr. Morrison introduced the Susan Linton Rezoning (Mappsville Dollar General) application to the Planning Commission. Ms. Tremblay then presented a PowerPoint presentation on the application.

The Planning Commission noted concerns with having an entrance on Route 13. Discussion of having the entrance for the business on Davis Road, having a right-in-right-out, and other alternatives ensued.

**On a motion made by Mr. Papadopoulos and seconded by Mr. Corazza, the Planning Commission voted to schedule a public hearing on the Susan Linton Rezoning (Mappsville Dollar General) for February 11, 2015.**

**B. New FEMA Flood Insurance Rate Map (FIRM) and Flood Ordinance Adoption**

Mr. Brockenbrough, GIS Coordinator/Acting Flood Program Manager, presented a brief PowerPoint presentation on the new Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) and Flood Ordinance Adoption.

**On a motion made by Mr. Papadopoulos and seconded by Mr. Roberts, the Planning Commission voted to schedule a public hearing on the Flood Ordinance Adoption for February 11, 2015.**

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### 8. OTHER MATTERS

#### A. **Joint Land Use Study (JLUS) Update**

Mr. Morrison informed the Planning Commission that two Joint Land Use Study Open Houses have been scheduled for the following dates and times:

- Tuesday, January 27, 2015 from 3-6 p.m.
- Monday, February 2, 2015 from 5-8 p.m.

Both Open Houses will be held at the NASA Visitor Center on Route 175/Chincoteague Road.

#### B. **January 27, 2015 Work Session**

The Planning Commission agreed to hold the work session currently scheduled for Tuesday, January 27, 2015. Items to be discussed are as follows:

- Truck turning movements
- Access managements off of Route 13
- Zoning change in Mappsville [Maybe]
- Capital Improvements Plan (CIP) – NEW Projects
- Joint Land Use Study

#### C. **Appreciation of Service**

Chairman Lumgair, the Planning Commission, and staff thanked former Planning Commission members Alan Silverman and Tony Picardi for their years of service and dedication. It was requested that staff write a letter of appreciation for both former members on behalf of the Planning Commission.

#### D. **Meeting Rules and Procedures**

Chairman Lumgair requested that if any Planning Commission member had any last minute items to go before the Planning Commission that they please go through Rich first.

Mr. Morrison discussed following the agenda; if items need to be added prior to the meeting then formally amend the agenda at the beginning of the meeting.

Discussion on the printed rules and procedures took place and staff talked about getting those rules and procedures to all of the Planning Commission members.

### 9. NEXT MEETING

There is a Planning Commission work session scheduled for Tuesday, January 27, 2015 at 7:00 p.m. in the School Board Conference Room, Room 201, in Accomac.

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The next regular Planning Commission meeting is scheduled for Wednesday, February 11, 2015 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.

### **10. ADJOURNMENT**

**On a motion made by Mr. Papadopoulos and seconded by Mrs. Wingfield, the Planning Commission voted to adjourn the meeting.**

The meeting was adjourned at 9:00 p.m.

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David Lumgair, Jr., Chairman

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Hollis Parks, Administrative Assistant