

19SN0610

In Matoaca Magisterial District, Winterpock Solar I, LLC requests a conditional use to permit a large scale solar energy facility and an amendment of zoning district map in an Agricultural (A) District on 329.3 acres fronting 300 feet on the east line of Eppes Falls Road, 6600 feet south of River Road; also fronting approximately 100 feet on the south line of River Road, 2450 feet east of Black Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Rural Residential Agricultural uses. Tax IDs 706-639-Part of 7211, 707-639-Part of 6747, 710-640-Part of 4102 and 711-642-Part of 0774.

Ms. Jane Peterson presented a summary of Case 19SN0610 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions, noting that the proposal complies with the Comprehensive Plan guidelines relative to land use and parcel aggregation, and through buffering and setbacks, achieves appropriate transition to neighboring residential uses.

Mr. Will Shewmake, representing the applicant, thanked staff for its diligent work on the solar ordinance. He provided an overview of the proposed solar facility, including the positive impact it would have on the community and the environment. He stated the applicant worked very hard to address concerns of neighbors concerning visibility of the project by removing the panels that were to be located close to River Road. He further stated the applicant has agreed to relocate the access road away from the Zen family's property and landscape the existing access road. He provided details of changes that were made to the proffered conditions as a result of the community's involvement. He stated the proposed development would have no impact on property values, will not produce traffic, odor, noise or light issues, and is a quiet and much less intensive use. He stated the applicant has agreed to submit a geotechnical report to determine whether there are any mines located on the property. He further stated solar development is important to the county and to the state for the provision of renewable energy. He stated the proposal represents a \$26 million investment in the county and over the life of the project, \$1 million in tax benefits.

Ms. Haley called for public comment.

Ms. Mary Ellen Howe, representing the Eppington Foundation, stated the foundation is very pleased with the proposal and welcomes the passive use of the land.

Ms. Dawn Gambardella stated one thing that has not been addressed is disposal of the toxic panels when they are decommissioned. She requested that the case be deferred until after January 1st to give the newly elected board members an opportunity to weigh in on it.

Mr. Glen Bessa, a resident of the Dale District, stated he supports the project.

Ms. Valerie Myers suggested that the Board consider whether there should be a limit on the amount of agricultural acreage in the county to be covered with solar panels.

Mr. Michael Zen, adjacent resident to the proposed project, stated he supports the proposal, indicating that the applicant worked hard to address his concerns.

Mr. Phil Lohr stated the county-imposed restrictions with approval of another solar facility that the right of way for the east-west freeway would be restored when the decommissioning occurred in 30-35 years. He stated the subject property for this request lies directly in the proposed line of the east-west freeway, yet there has been no mention of what is going to happen with the right of way in this case.

There being no one else to address the issue, the public hearing was closed.

In response to Ms. Haley's question, Mr. Ray Cash stated the solar ordinance required that a decommissioning plan be provided at the time of site plan review; however, no standards regarding disposal were enumerated. He further stated that is something that could be considered during the decommissioning plan review.

Discussion ensued relative to the decommissioning and disposal of solar panels and DEQ requirements.

Mr. Elswick requested that staff review the solar ordinance to see if a revision is necessary to address decommissioning of solar panels.

In response to Mr. Winslow's question, Mr. Cash stated staff does not have enough data to determine the amount of agricultural acreage that should be allowed for solar panel use. He further stated this should be monitored over time before providing a future evaluation.

In response to Mr. Elswick's question, Ms. Haley Larabee, project manager with Cypress Creek, stated the company has a recycling program, depending on the manufacturer of the solar panels, and there is quite a bit of salvage value in the panels.

Mr. Elswick thanked his Planning Commissioner Craig Stariha for his diligence with this project. He stated each case should be based on its own merits, and the Board has an obligation to look at proposals and determine whether what the landowners want to do with their property is reasonable. He further stated he thinks the proposed solar facility is a reasonable use of the subject property.

In response to Mr. Elswick's question, Mr. Jesse Smith stated the subject property is generally located in the path of the proposed east-west freeway, and in this case staff requested that the application accommodate the right of way through the property, but they declined to do that as part of this case.

He stated staff sees this is an interim use and does not feel like the right of way will be necessary since traffic will not be generated by the proposed development.

Mr. Elswick stated when he looks at what could be located on the subject property, he thinks this is the least intrusive use.

Mr. Elswick then made a motion, seconded by Ms. Jaeckle, for the Board to approved Case 19SN0610, and accept the following proffered conditions:

1. Conceptual Plan. The plan titled "Zoning Site Plans Winterpock Solar I, LLC. Solar Power Generation Facility", prepared by Cypress Creek Renewables, and last revised 9/10/2019 shall be considered the Conceptual Plan for the proposed development. Development of the Property shall conform generally to the Conceptual Plan. (P)
2. Right of Way. The following rights-of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County, prior to any site plan approval:
 - a. Forty-five (45) feet of right-of-way on the south side of River Road along the property's frontage with River Road measured from the centerline of River Road.
 - b. Thirty (30) feet of right-of-way east side of Eppes Falls Road, measured from the centerline of Eppes Falls Road along the property's frontage with Eppes Falls Road. (T)
3. Access. Direct vehicular access from the property to River Road and Eppes Falls Road shall be limited to one (1) entrance/exit on each roadway. (T)
4. Steep Slopes. Steep slopes equal to or greater than 20 percent shall remain in their natural, undisturbed state to the maximum extent practicable, unless otherwise approved by the Department of Environmental Engineering. In locations where the disturbance of slopes greater than 20 percent is unavoidable, enhanced erosion and sediment control measures, such as super silt fence (or alternative as approved by the Department of Environmental Engineering) and the application of anionic PAM to denuded areas during construction and final stabilization, will be provided as directed by the Department of Environmental Engineering at the time of site plan review. The Department of Environmental Engineering shall approve the exact design and implementation of these standards. (EE)
5. Pile Driving. During construction of the solar facility, pile driving activities on the property west of Tax Map Parcel number 706-639-7211 shall be

limited to Monday through Friday from 9:00 AM to 5:00 PM. (P)

6. Eppes Falls Road (Private Access Road). The existing private access road from Eppes Falls Road shall be relocated as shown on the Conceptual Plan. Landscaping as depicted in plan prepared by Balzer & Associates, dated September 17, 2019 (Exhibit B) shall be installed within areas occupied by the existing private access road located in the northern fifty (50) setback adjacent to Tax ID 705-638-0456. (P)
7. Geotechnical Report. A geotechnical engineering report will be submitted to the Department of Environmental Engineering prior to site plan approval, for any potential historic mining areas identified within the solar project area. The geotechnical report will, through the use of borings and other techniques, locate potential mine shafts, air vents, exploratory pits, etc. in the areas where potential mining may have occurred on the properties. (EE)

Ayes: Haley, Elswick, Jaeckle, Winslow and Holland.
Nays: None.

19SN0629

In Matoaca Magisterial District, Swift Creek Holdings, LLC (project commonly known as Swift Creek Station) requests rezoning from Residential (R-12) to Residential Multi-Family (R-MF) of 53.1 acres, Residential Townhouse (R-TH) of 93 acres, and Residential (R-12) of 82.6 acres with conditional use planned development to permit commercial uses and exceptions to ordinance requirements and amendment of zoning district map on a total of 228.7 acres located on the north and south lines of Quailwood Road 1500 feet west of Bailey Bridge Road, the western terminus of Cameron Bay Drive, the northern termini of Holly View Parkway and Holly Bark Drive, and bounded by Swift Creek to the north. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2 to 4 dwellings per acre). Tax IDs 732-672-9726, 732-673-9114, 733-672-8988.

Mr. Josh Gillespie presented a summary of Case 19SN0629, which includes a rezoning request and a request for waiver to street subdivision connectivity requirements to Quailwood Road. He provided details of the land use mixtures surrounding the subject property and stated the Comprehensive Plan suggests the property is appropriate for suburban residential use at a density of 2-4 units per acre, and the guidelines for the plan include compatibility and transition to master planning and integrated development, housing diversity and standards for development on smaller lots. He stated the plan further suggests that in unique developments, office and commercial uses may be appropriate under certain circumstances when located at intersecting corridors to serve