

**MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF SEPTEMBER 28, 2015**

A regular meeting of the Board of Supervisors of King William County, Virginia, was held on the 28th day of September, 2015, beginning at 7:00 p.m. in the Conference Room of the County Administration Building, with the following present:

Terry S. Stone, Chairman
Stephen K. Greenwood, Vice-Chairman
C. Thomas Redd III - Absent
Travis J. Moskalski
Otto O. Williams

K. Charles Griffin, County Administrator
Daniel M. Stuck, County Attorney

RE: CALL TO ORDER

The Chairman called the Board of Supervisors meeting to order at 7:00 p.m. and asked for a roll call vote.

C. T. Redd III	Absent
T. J. Moskalski	Aye
S. K. Greenwood	Aye
O. O. Williams	Aye
T. S. Stone	Aye

RE: REVIEW OF MEETING AGENDA

There was general discussion of the meeting agenda items.

The Board recessed and moved to the Board Meeting Room of the County Administration Building to continue the meeting.

The Chairman called the meeting back to order at 7:20 p.m.

Chair Stone noted that Supervisor Redd was not present at the meeting. She reported that he is recovering at home from a recent hospital stay and is doing well.

RE: ADOPTION OF MEETING AGENDA

T. J. Moskalski moved for the adoption of the agenda for this meeting as presented by the County Administrator; motion was seconded by S. K. Greenwood and approved by the following roll call vote:

T. J. Moskalski	Aye
S. K. Greenwood	Aye
O. O. Williams	Aye
C. T. Redd III	Absent
T. S. Stone	Aye

**RE: PUBLIC COMMENT PERIOD – SPEAKERS: ONE OPPORTUNITY OF
3 MINUTES PER INDIVIDUAL OR 5 MINUTES PER GROUP ON NON-PUBLIC
HEARING MATTERS**

Chair Stone opened the Public Comment Period.

1. Langdon Townsend, of the Manquin District and Manager of the Queenfield Golf Club, addressed the Board about their recent decision to remove the open land space category from the land use program. In his opinion this was a wrong decision. He noted that he was informed by the Commissioner of the Revenue that taxes for Queenfield Golf Course LLC will increase by over \$3,000 for next year due to the changes in the program. He feels the golf course provides a substantial tax benefit to the county given the large amount of sales taxes paid to the State of Virginia. Currently King William High School and Lee Davis High School golf teams are offered free use of the golf course and driving range for practice. He estimates this free service is equal to approximately \$5,000 annually.

2. Michael Prince, of the 2nd District, expressed his disappointment with some of the decisions made by the Board of Supervisors with regards the recent changes made to the land use program. He said the requirement to file more documents to participate in the program will require more staff to be hired to manage which is very costly. He feels the taxes citizens pay are too high compared to the services provided by the county. He believes very strongly that King William County should stay rural.

There being no other persons to appear before the Board Chair Stone closed the Public Comment Period.

RE: CONSENT AGENDA

T. J. Moskalski moved for approval of the following items on the Consent Agenda, motion was seconded by O. O. Williams. Mr. Moskalski noted that Supervisor Williams is designated as the voting member during the 2015 VACo Annual Business Meeting. He further noted the VDOT HB2 funding application request is funded entirely by the State.

Chair Stone called for any discussion.

There being no discussions the consent agenda was approved by the following roll call vote:

S. K. Greenwood Aye
O. O. Williams Aye
C. T. Redd III Absent
T. J. Moskalski Aye
T. S. Stone Aye

a. Minutes:

i. Regular Meeting of August 24, 2015

b. Claims against the County for the month of September, 2015, in the amount of \$714,033.85 as follows:

(1) General Fund Warrants #81359-81404 in the amount of \$128,487.27; ACH Direct Payments #6794-6868 in the amount of \$85,837.84 and #6871-6905 in the amount of \$218,447.57; Direct Deposits #21110-21223 in the amount of \$196,555.68; and Electronic Tax Payment in the amount of \$123,531.13.

(2) For informational purposes, Social Services expenditures for the month of September, 2015, Warrants #310648-310672 in the amount of \$15,713.45; ACH Direct Payments #1541-1561 in the amount of \$10,666.81; Direct Deposits #3563-3587 in the amount of \$31,452.71; and Electronic Tax Payment in the amount of \$18,149.52.

(3) For informational purposes, Comprehensive Services Act Fund expenditures for the month of September, 2015, Warrants #81405-81406 in the amount of \$7,277.34; and ACH Direct Payments #6869-6870 in the amount of \$11,194.00.

(4) There were no tax refunds for the month of September, 2015.

c. Resolution 15-44 as follows:

RESOLUTION 15-44

A RESOLUTION DESIGNATING A
KING WILLIAM COUNTY REPRESENTATIVE
TO VOTE AT THE
2015 VACo ANNUAL BUSINESS MEETING

WHEREAS, Board of Supervisors members T. J. Moskalski and O. O. Williams are scheduled to attend the 2015 VACo Annual Business Meeting on Tuesday, November 10, 2015, at The Homestead in Bath County; and

WHEREAS, the VACo Bylaws allow counties to designate a non-elected official of the county or a representative from its Board of Supervisors to vote at the Annual Business Meeting,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Otto O. Williams, is hereby appointed to vote on behalf of King William County during the 2015 VACo Annual Business Meeting.

d. Authorization to submit a VDOT HB2 Funding Application for Central Garage intersection improvements.

e. Authorization to prepare a Resolution of Appreciation for William Bryant Wilson for 20 years of service on the Board of Zoning Appeals.

RE: BOARD PRESENTATIONS

There were no presentations to the Board

RE: OLD BUSINESS

No old business was brought before the Board

RE: NEW BUSINESS

a. Public Hearing on Proposed Ordinance 15-09(R) – TXT 15-02 Solar Power Station – A proposed ordinance to amend Chapter 86 – Zoning of the King William County Code to address Solar Power Station Infrastructure –

i. Staff Presentation – Director of Community Development, Bret Schardein, gave details of TXT 15-02 Solar Power Station, proposed amendment to the Zoning Ordinance. The details presented covered the history, development, and elements of the draft ordinance. Staff recently received several inquiries from companies interested in developing solar power stations, also known as solar farms, solar parks or photovoltaic power stations. A solar power station is a large facility that generates electricity at a utility scale, often being constructed on lots 150 acres or larger. Currently a solar power station may be permitted by the uses “electric generating plant” or “power generator plant, nuclear or other” which are both permitted by conditional use permit in the M Industrial zoning district. These undefined uses were incorporated into the zoning ordinance long before the widespread development of solar power stations and were likely intended to address coal, natural gas and nuclear power stations. Due to the lower impact of a solar power station compared to other types of power stations, staff does not believe rezoning a large parcel to industrial for this use is best practice. As solar requires a large parcel, rezoning so much land to industrial for a single, and potentially temporary use may open the property up to many unintended uses and cause the industrial zoning to remain in effect after a solar station may be decommissioned.

He explained that this year the General Assembly created the Virginia Solar Energy Development Authority who is charged with accelerating solar development in

Virginia. Additional legislation requires Dominion Virginia Power to bring at least 400 megawatts of solar-generated electricity online by 2020. Due to this state initiative and federal tax credits which run out at the end of 2016, there is sudden interest in solar stations in Virginia and because of the federal tax credits required the station to be constructed and operational by December 31, 2016. The time required to amend an ordinance, receive CUP approval and build the facility means a tight timeline for anyone looking to construct such a project, unless the federal tax credits are extended.

Staff introduced the topic to the Board of Supervisors at their August 10, 2015, work session. The Board directed staff to develop an ordinance permitting solar stations in the A-C Agricultural Conservation zoning district. Staff presented a draft to the Planning Commission at their September 1, 2015 meeting. The draft amendment they reviewed did not contain any supplemental development standards. At the direction of the Planning Commission, staff developed an ordinance modeled after the recently adopted telecommunications ordinance, which includes application requirements, development standards, public notice and decommissioning requirements. In drafting this amendment, staff consulted with localities who have previously permitted solar, as well as template solar ordinances and best practice guidelines for solar zoning.

The Planning Commission held a public hearing and considered a draft amendment at their September meeting. The Commission discussed the matter in detail and made a recommendation, on a vote of 5-1, in favor that staff further revise the ordinance to address screening, setbacks, decommissioning and public notice requirements and the Board approve such an ordinance. The one dissenting vote indicated they could potentially support such an ordinance but believe the specific development standards should be further considered by the Commission before going to the Board.

In closing, Mr. Schardein stated the ordinance revision as drafted permits the use in the A-C Agricultural Conservation, B-1 Local Business, B-2 General Business and M Industrial zoning districts by conditional use permit, to allow the use to be considered on a case-by-case basis and additional specific conditions placed on the use above the minimum upfront conditions contained in the ordinance. Per the Planning Commission's direction, staff revised the ordinance to include specific

application requirements, development standards addressing screening, undergrounding of utilities, community meeting/notice and decommissioning requirements. Staff recommends the Board accept the recommendation of the Planning Commission and adopt the ordinance as proposed.

ii. Public Comments (3 minutes per individual; 5 minutes if representing an organization or group) – Chair Stone declared the public hearing open to receive comments on proposed Ordinance 15-09(R).

1. Don Wagner, of the Mangohick District, is in favor of changing the county zoning ordinance to allow Solar Power Stations. In his opinion, allowing such a facility would bring more revenue to the county and aid in further economic development.

2. Mathew Mears, proposed applicant, said he has worked with Mr. Schardein for several months on the proposed ordinance. While he does not agree with all line items of the ordinance he does feel this is a fair compromise on all that is needed to move forward. He recommends approval of the proposed ordinance.

Chair Stone asked for clarification on the amount of space a typical solar farm would take.

Mr. Mears said a solar farm takes seven acres per megawatt and is driven by state incentive to produce at least twenty megawatts.

Mr. Williams asked for the proposed size of a solar farm in this area.

Mr. Mears said currently the two sizes that are being looked at are seventeen megawatts and thirteen megawatts for this area.

Mr. Williams asked for clarification that the equipment used for the sizes proposed stays under the state and federal regulations for equipment taxation.

Mr. Mears said that is correct; under twenty megawatts.

There being no other persons to appear for or against this matter Chair Stone closed the public comment period.

iii. Consideration – Ordinance 15-09(R) –

Chair Stone called for any discussion.

T. J. Moskalski moved for approval of Ordinance 15-09(R) as presented; motion was seconded by S. K. Greenwood.

The County Attorney asked Mr. Schardein for clarification that the ordinance presented for consideration is a corrected version.

Mr. Schardein noted there were two typos in the proposed ordinance presented for consideration. He confirmed they have been corrected in the amended ordinance. He verified the changes that were made.

There being no other discussions the following Ordinance 15-09(R) was adopted by the following roll call vote:

O. O. Williams	Aye
C. T. Redd III	Absent
T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye

ORDINANCE 15-09(R)
An Ordinance to Amend Chapter 86 – Zoning
of the King William County Code
to Address Solar Power Station Infrastructure

WHEREAS, King William County is permitted to regulate power generating infrastructure through its zoning ordinance by the authority granted in the State Code of Virginia Sections § 15.2-2280 and § 15.2-2286; and

WHEREAS, the King William County Planning Commission after study and review conducted a public hearing on September 1, 2015 on the zoning text amendment, to regulate solar power stations and voted 5 - 1 to recommend the Board of Supervisors amend the Zoning Ordinance to regulate solar power stations; and

WHEREAS, after a duly advertised and held public hearing on September 28, 2015, the Board believes it appropriate to amend the King William County Code Chapter 86 to permit the location of solar power stations,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 28th day of September 2015, amend the following sections of Chapter 86, of the King William County Code to as follows:

ARTICLE I. IN GENERAL

Sec. 86-5. *Definitions* is amended to add the following definition.

Solar power station means a system consisting of solar panels, modules, accessory structures and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar energy and converts it into heat and/or electricity. It is designed to provide service at the utility-scale. This definition is not intended to regulate solar structures on individual residential or business properties primarily serving the energy needs for the subject property, so long as such structures meet applicable requirements of local, state and federal regulation.

ARTICLE V. PERMITTED USES IN PRINCIPAL ZONING DISTRICTS

Sec. 86-171. *Permitted use table established* is amended to add the following use.

TABLE OF PERMITTED USES IN ZONING DISTRICTS

Description of Uses	A-C	R-R	R-1	B-1	B-2	M	R-C
COMMERCIAL, BUSINESS AND SERVICE							
Solar power station	C			C	C	C	

Article X. CONDITIONAL USES

Sec. 86-456. *Specific guides and standards* is amended to add the following supplemental development standards.

(g) *Solar power stations.*

- (1) Application requirements. Each applicant requesting a conditional use permit under this supplementary regulation shall submit the following:
 - a) A complete Conditional Use Permit application form.
 - b) Twelve sets (11"x 17" or larger), one reduced copy (8½"x 11") and one electronic copy of site plans, including elevations and landscape plans if required. Site plans shall meet the requirements of Sec. 86-494 "*Requirements; content and form.*"
 - c) An identification card for the subject property from the office of the Commissioner of the Revenue for the County, tax bill or title showing the ownership of the subject parcel.
 - d) Proof that the applicant has authorization to act upon the owner's behalf.
 - e) Identification of the intended utility company who will interconnect to the facility.
 - f) An estimated construction schedule.
 - g) List of all adjacent property owners, their tax map numbers and addresses.
 - h) Aerial imagery which shows the proposed location of the power station, fenced area and driveways with the closest distance to all adjacent property lines and dwellings.
 - i) Estimates for the cost of decommissioning and scrap value of the facility.
 - j) The county may require other information deemed necessary to assess compliance with this section.

2. Public Notice.

- a) Community meeting: A community meeting shall be held by the applicant prior to the public hearing with the Planning Commission.
 - i. The applicant shall inform the Community Development Department and adjacent property owners in writing of the date, time and location of the meeting, at least seven but no more than 14 days, in advance of the meeting date.
 - ii. The date, time and location of the meeting shall be advertised in the County's newspaper of record by the applicant, at least seven but no more than 14 days, in advance of the meeting date.
 - iii. The meeting shall be held within the County, at a location open to the general public with adequate parking and seating facilities which may accommodate persons with disabilities.
 - iv. The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant and provide feedback.
 - v. The applicant shall provide to the Community Development Department a summary of any input received from members of the public at the meeting.

3. Development Standards.

- a) The minimum lot size is forty (40) contiguous acres.
- b) The design of support buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the facilities to the natural setting and surrounding structures.
- c) No signage of any type may be placed on the facility other than notices, warnings, and identification information required by law.

- d) Maximum height of primary structures and accessory buildings shall generally be fifteen feet as measured from the finished grade at the base of the structure to its highest point, including appurtenances. The Board of Supervisors may approve a greater height based upon a demonstration of a significant need where the impacts of increased height are mitigated.
- e) All facilities must meet or exceed the standards and regulations of the Federal Aviation Administration ("FAA"), State Corporation Commission ("SCC") or equivalent, and any other agency of the local, state or federal government with the authority to regulate such infrastructure that are in force at the time of the application or which applies retroactively.
- f) To ensure the structural integrity of the infrastructure, the owner shall ensure that it is designed and maintained in compliance with standards contained in applicable local, state and federal building codes and regulations that were in force at the time of the permit approval.
- g) All newly installed utilities including but not limited to, electric, fiber, CATV and telephone serving the site which are visible from the ground-level view of adjacent properties zoned residential, agricultural, PUD Planned Unit Development, R-C Rural Conservation, dwellings not owned by the owner of the subject property and public rights-of-ways, shall be screened from view or placed underground, unless prohibited by the state or federal agency regulating such utilities. Screening requirements may be reduced if agreed to in writing by the adjacent property owner who the screening would serve.
- h) The facilities shall be enclosed by security fencing not less than six feet in height.
- i) The facilities, including fencing, shall be significantly screened from the ground-level view of adjacent properties zoned residential, agricultural, PUD Planned Unit Development, R-C Rural Conservation, dwellings not owned by the owner of the subject property and public rights-of-way by a buffer zone at least four feet wide that shall be landscaped with plant materials, except to the extent that existing vegetation or natural land forms on the site provide such screening. In the event existing vegetation or land forms providing the screening are disturbed, new plantings shall be provided which accomplish the same. Fencing may be used to supplement other screening methods, but shall not be the primary method. Screening requirements may be reduced if agreed to in writing by the adjacent property owner who the screening would serve.
- j) Lighting shall be the minimum necessary for safety and/or security purposes and shall use shielded fixtures to minimize off-site glare.
- k) No facility shall produce glare that would constitute a nuisance to the public.
- l) The minimum setback to property lines of properties zoned residential, agricultural, PUD Planned Unit Development, R-C Rural shall generally be one-hundred feet. Facilities may be located closer to such property lines based on mitigating their impacts by a reduced height, alternative designs, camouflaging or screening, however a power station may not be in any case located closer than twenty-five feet to such properties. The minimum setback to the property lines of properties zoned industrial, commercial or to any other property owned by the same owner as the subject property shall be that required by the zoning ordinance for other primary structures in that zoning district. Setback requirements may be reduced if agreed to in writing by the adjacent property owner but shall not be reduced below the minimum required by the zoning ordinance for other primary structures in that zoning district.
- m) Any other condition added by the Board of Supervisors as part of a conditional use permit approval.

5. Coordination of local emergency services. Applicants for new solar power stations shall coordinate with the County's emergency services staff to provide materials, education and/or training to the departments serving the property with emergency services in how to safely respond to on-site emergencies.

6. Decommissioning. Any solar power station that is not in active use for a continuous period of 24 months shall be considered abandoned, and the owner of any such facility, the land owner of the property on which a station is located upon or their successors or assigns shall remove the facilities within six months of receipt of notice from the county. Decommissioning includes the removal of the solar systems, buildings, cabling, electrical components, roads, foundations, pilings, and fencing to a depth of 36 inches. Any agricultural land upon which the facility was located shall be restored to tillable soil suitable for agricultural use, forestry, ponds and/or wetlands. The Zoning Administrator may permit the fence, underground cables, roads and support buildings to remain with the property owner's approval so long as they continue to be screened as required. When a facility is deemed to be abandoned, an owner wishing to extend the time for removal shall submit an application stating the reason for such extension. The Zoning Administrator may extend the time for removal or reactivation up to an additional six months upon a showing of good cause. If the facility is not removed within the specified time, the County may contract for removal. Thereafter, the County may cause removal of the facility with costs being borne by the owner of the facilities and/or the land owner. All costs there of shall be charged to the landowner and become a lien on the property on which the facility was located. The owner of the facility shall secure the costs of decommissioning by providing and keeping in force a decommissioning agreement and financial surety in a form agreed to by the County Attorney. The owner of the facilities shall every five years submit updated cost estimates for decommissioning the facilities and scrap value, adjusted for changes in inflation, scrap value and other factors. At its option, the County may require the surety amount be increased based on the net cost of decommissioning.

RE: ADMINISTRATIVE MATTERS – K. CHARLES GRIFFIN, COUNTY

ADMINISTRATOR

The County Administrator had no additional information to report.

RE: APPOINTMENTS

a. Resolution 15-45 – Appointing two members, Mr. W. Robert Barber, Jr. and Mr. Bryan Johnson to the Wetlands Board; each to a five year term ending September 30, 2020, was approved by the following roll call vote:

C. T. Redd III	Absent
T. J. Moskalski	Aye
S. K. Greenwood	Aye
O. O. Williams	Aye
T. S. Stone	Aye

RESOLUTION 15-45
Resolution of Appointment
King William County
Wetlands Board

WHEREAS, it is necessary for the Board of Supervisors to appoint two members to the King William County Wetlands Board to fill two terms expiring on September 30, 2015; and

WHEREAS, Mr. W. Robert Barber, Jr. has expressed interest in reappointment to this Board; and

WHEREAS, Mr. Bryan Johnson has also expressed interest in reappointment to this Board,

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors, hereby appoints Mr. W. Robert Barber, Jr. and Mr. Bryan Johnson to serve as members of the King William County Wetlands Board, each for a five year term ending September 30, 2020.

RE: BOARD OF SUPERVISORS COMMENTS

Chair Stone opened the Board of Supervisors comment period.

All Board members thanked citizens for attending and participating in the monthly meetings.

Mr. Moskalski said he is glad to hear Mr. Redd is doing well and will be back as early as next month. He reminded everyone the crab carnival is scheduled for this weekend in the Town of West Point.

Mr. Greenwood recognized the large number in the audience and thanked everyone for attending.

Mr. Williams noted the recent retirement of Rebecca Sears from the Finance Department and said she will be missed.

Chair Stone appreciates the comments made regarding land use. She and Supervisor Moskalski had the opportunity to meet with some of the members of the Farm Bureau this month regarding some of the changes to the land use ordinance. She explained that because the ordinance has been adopted changes are in place for this tax year and further clarified changes cannot be made to the ordinance at this time but can be considered at a later date for the subsequent tax year. She said the intent of this Board was not to eliminate the land use program, the intent was to strengthen the requirements of the program while meeting the requirements of state code. She noted a great deal of work has been added to the Commissioner of the Revenue's office and added that staff is working through issues, and complete a cycle in order to clean up the roles. She extended an invitation to Mr. Townsend, who spoke during the public comment period, to discuss his concerns further with her. She pointed out the certified forest management plan requirement was changed, due to expressed concerns of the cost to the land owner; the requirement now allows the land owner to submit a written plan for consideration.

RE: ADJOURNMENT

Chair Stone announced the Board of Supervisors Work Session previously scheduled for October 5, 2015, has been cancelled.

There being no other business to come before this board Chair Stone adjourned the meeting at 7:55 p.m.

COPY TESTE:

Terry S. Stone, Chair
Board of Supervisors

Bobbi L. Langston
Deputy Clerk to the Board