

PLANNING REPORT

APPLICATION:

The application of Carmine Iadarola, applicant, and Ho-Fel LLC, owner, for a conditional use permit on approximately 300 acres of land out of a 313.78 acre parcel located on Lees Mill Road (Rte. 616) with tax parcel identification number 69-01-087. The purpose of the application is to allow for Utility service, major (solar farm) to be permitted on property that is zoned Rural Agricultural Conservation (RAC).

ELECTION DISTRICT:

Carrsville Election District

LOCATION:

The subject property is located on Lees Mill Road (Rte. 616) and is divided by a railroad and a private road. The property is located approximately one mile east of International Paper and is surrounded by agricultural and forestal lands, two reclaimed resource extraction sites, an active landfill, an industrial warehouse, and a few scattered single family residences. To the north is forestal land and to the east are the resource extraction sites, landfill, and agricultural and forestal land. To the south are approximately five single family residences along with additional agricultural and forestal land, and to the west is forestal land and a small industrial warehouse.

BACKGROUND:

The property in question consists of tilled farmland, a few small areas of forest, and a former resource extraction site which has been reclaimed and is a pond used for irrigation. The property owners have met with the county on numerous occasions over the years exploring a variety of industrial use options for the property and now wish to pursue a conditional use permit (CUP) for a Major Utility Service use in order to develop the farm land for a solar power production facility.

DESCRIPTION:

The applicant is requesting a CUP to allow for an approximately 300 acre solar farm to be located on the 313 acre property with tax parcel number 69-01-087. The remaining approximate 13 acres contains wooded areas and possible wetlands which would be avoided. The property is bisected by a railroad right of way and a private road, splitting it into northern and southern pieces. If the CUP is granted, the applicant would follow the appropriate site plan review process to facilitate the development of the site.

The applicant recognizes the visual impact of a solar facility, and in their narrative, they have offered to provide double the buffer depth (20 feet instead of 10) and double the points value (90 points instead of 45 points) adjacent to residential properties. Additionally, adjacent to the single family residence on Lees Mill Road which the solar facility would surround, they have offered to increase the buffer by 2.5 times (25 feet instead of 10 feet) and to use the industrial use type buffer which is the most stringent in the zoning ordinance and nearly triple the points value (120 points instead of 45 points).

The applicant has had discussions with Paul D. Camp Community College to coordinate their project with the school's solar curriculum. The applicant has offered to provide engineering estimates and a surety to the county for decommissioning if desired. The proposed solar farm is estimated at fifty-five (55) megawatts (MW) of power. As seen in previous solar farm applications, the state code (§ 58.1-3660) exempts all solar equipment and facilities of 20 MW or less from state and local taxation which would not apply to this solar farm should it be approved. The land on which the solar facility is located would also be subject to changes in the real estate tax value.

COMPREHENSIVE LAND USE PLAN:

The Comprehensive Plan future land use designation for this property is Planned Industrial (PI). Appropriate uses for the PI land use designation include light and heavy manufacturing, warehousing and distribution, airports, commercial uses, limited retail, and uses supportive of industry. Based on the land use description, a solar farm could be considered a compatible use in these areas as supportive of industrial uses and for what could be considered an aesthetic appropriate to industrial areas. The property is located within the Camptown Development Service District.

ORDINANCE REVIEW:

Zoning Ordinance:

The application proposes to develop a solar farm which is classified as a major utility service use type in the zoning ordinance. The zoning for this property is Rural Agricultural Conservation (RAC). The RAC zoning district is intended to preserve and protect areas of the County that are predominantly in agricultural use and to maintain the land base to support agricultural activity. Major utility facilities are permitted as a conditional use in the RAC district. Conditional uses may be considered compatible uses in the zoning district assuming any appropriate conditions are imposed by the Board of Supervisors to mitigate any potential negative impacts on the surrounding community.

The property does not lie within any overlay districts.

Conditional Use Permit Application Approval Process:

The Planning Commission and Board of Supervisors shall consider the following criteria before the granting of a conditional use permit:

1. That the establishment, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, safety, and general welfare;
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially impair the use of other property within the immediate proximity;
3. That adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements have been or will be provided;
4. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets;
5. That the proposed conditional use is not contrary to the goals and objectives of the Isle of Wight County Comprehensive Plan;
6. That the conditional use shall, in all other respects, conform to the applicable regulations of the zoning district classification in which it is located and to the special requirements established for the specific use; and
7. That the use(s) at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.

In addition to the standards and other guidelines described in the Zoning Ordinance, the Board may impose conditions or limitations on any approval, including the posting of performance guarantees. Such conditions may include, but are not necessarily limited to:

1. The number of persons living or working in the immediate area and the proposed hours of operation, as may applicable;
2. Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities; the access of vehicles to roads; peak periods of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future;
3. The orderly growth of the neighborhood and community and the fiscal impact on the County;
4. The effect of odors, dust, gas, smoke, fumes, vibration, glare, and noise upon the use of surrounding properties;
5. Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal, and the ability of the County or persons to supply such services;
6. The degree to which the development is consistent with generally accepted engineering and planning principles and practices;
7. The structures in the vicinity such as schools, houses of worship, theaters, hospitals, and similar places of public use;
8. The purposes set forth in this ordinance, the County's Comprehensive Plan, and related studies for land use, roads, parks, schools, sewers, water, population, recreation, and the like;
9. The environmental impact, the effect on sensitive natural features, and opportunities for recreation and open space; and
10. The preservation of cultural and historic resources of landmarks.

Next Steps:

Should the Planning Commission and Board of Supervisors approve the Conditional Use Permit, the applicants will be required to prepare and submit a preliminary site plan for review and approval. A zoning permit and building permits as applicable can then be issued. Should the application be denied the applicant must wait one (1) year to resubmit or significantly alter the application.

AGENCY REVIEW:

Below is a summary of agency and departmental comments.

- General Services – No concerns, a complete review of the design will be conducted in the plan review stage.
- Emergency Services – No concerns.
- VDOT – See attached.
- Economic Development – Supports the approval of the CUP.
- Environmental Planner – No concerns as the application is outside the Chesapeake Bay Preservation Area, recommended an updated wetlands delineation.
- Sheriff's Office – No concerns with the application, noted the potential for increased services during construction.

A full agency review will be completed during the site plan process

STAFF CONCLUSIONS:**Strengths:**

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1. The proposed use will result in increased tax revenues in the future.

2. The proposed use will have minimal impact on the community due to the low impact nature of the use, including no traffic or noise generation after the initial construction of the facility.
3. The application is consistent with the Comprehensive Plan.

Weaknesses:

- 1. The proposed use would remove agricultural land from production.

STAFF RECOMMENDATION:

Staff recommends approval of the CUP with the following conditions: 1. The landscaping buffer shall be increased, as noted on page 3 of the narrative. 2. During and at the end of project construction, any damage done to Lee's Mill Road by solar farm construction equipment shall be repaired in accordance with VDOT standards and specifications. Post construction damage shall be identified based on inspections by VDOT with the Developer or their agent, prior to construction and upon completion, identifying the items for repair. Additionally, at the request of VDOT, in order to ensure the safety of the traveling public, some damages may need to be addressed immediately.

ATTACHMENTS:

Description	Type	Upload Date
Application	Backup Material	1/14/2019
Project Narrative	Backup Material	1/14/2019
Conceptual Plan	Backup Material	1/14/2019
Location Map	Exhibit	1/14/2019
Location Blowup Map	Exhibit	1/14/2019
Land Use Map	Exhibit	1/14/2019
Zoning Map	Exhibit	1/14/2019
Agency Comments	Backup Material	1/14/2019
Applicants Comment Response	Backup Material	1/14/2019
Site Images	Backup Material	1/15/2019
PC Ordinance	Ordinance	1/15/2019
Ordinance Exhibit	Ordinance	1/15/2019
Resolution	Resolution Letter	1/22/2019