

THE KING GEORGE COUNTY PLANNING COMMISSION
April 13, 2021

The regular meeting of the King George County Planning Commission (KGPC) was called to order at 7:00 PM by Chairman Kristofer Parker in the Board Room of the Revercomb Building, located at 10459 Courthouse Drive King George, VA 22485.¹

Staff Present: Heather Hall, Director and Zoning Administrator
Louis Pancotti, Senior Planner
Jared Crews, Planner
Chris Dines, Director of Information Technology
Jaci Fish, Recording Secretary

Members Present: Chairman, Kristofer Parker
Vice Chairman, Ross Devries
Josh Colwell
Joseph DaCorta
Joseph Gaborow
Gary Kendrick
Walter Moss
Donald Watkins Jr.

Members Absent: Kevin Myers
Jason Williams

Quorum:

Chairman Parker called the meeting to order at 7:00 PM and noted there was a quorum. Following the pledge of allegiance, Chairman Parker led an invocation.

Chairman Parker invoked the rules and procedures previously adopted by the KGPC and the King George County Board of Supervisors (KGCBS) allowing for electronic participation by some members, with a quorum physical present. This action is taken as a result of the COVID-19 Pandemic and the Governor's orders regarding limiting of gatherings and staying in place during a disaster. Chairman Parker stated electronic participation is encouraged and pursuant to the Governor's emergency orders masks and social distancing will be required, for those physically present. Chairman Parker stated if you choose to be physically present, you will be screened by the authorized staff for signs and symptoms of illness. Based on the Results of that screening and/or the number of members & staff, certain physical attendees may be denied entry. Chairman Parker stated there are no KGPC Board Member remotely participating. Chairman Parker directed the Recording Secretary to include this statement to be memorialized in the meeting minutes

Public Comment: Chairman Parker opened the floor for the public forum. Chairman Parker called for the public to comment and stated if anyone in the public wishes to address the Commission please come forward and state your name. Please limit comments to three (3) minutes to afford everyone an opportunity to speak.

- No public comment.

¹ April 13, 2021 KGPC Agenda and Documents can be reviewed via Internet, on the King George County Government Webpage, retrieved at: www.kinggeorgecountyva.gov/AgendaCenter/Planning-Commission-5
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- Chairman Parker inquired if there were any participants online for Public Comment. Mr. Dines, Director of IT with KGCD CD stated there were no participants online for Public Comment.

Chairman Parker closed the floor for Public Comment.

Approval of Minutes:

Approval of King George County Planning Commission meeting minutes included: March 09, 2021.

a. March 09, 2021:

- Mr. Colwell stated, on Page 4, to delete repetitive information found in Section 4.16, Solar Farms, Subsection B, lines 6-9.
- Mr. Colwell referenced, Page 6, last paragraph, **VA Clean Energy Act (VCEA)**: Establishes a schedule by which Dominion Energy Virginia and American Electric Power are required to retire electric generating units located in the Commonwealth that emit carbon as a by-product of combusting fuel to generate electricity and by which they are required to construct, acquire, or enter into agreements to purchase generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind. Basis for subsequent legislation on solar energy and solar farms.
 - Mr. Colwell inquired if energy derived from sunlight or onshore wind is limited to onshore wind?
 - Mr. Pancotti stated he will review Mr. Colwell's question. Mr. Pancotti stated he believes information listed in the VCEA section is verbatim from the VCEA.
- After review, Chairman Parker called for a motion. A motion from Vice Chairman Devries to approve the March 09, 2021 KGCP C meeting minutes with amendments was made, seconded by Mr. Kendrick, and carried by a vote of 7-0-1. Each member voting as follows: Chairman Parker, Aye; Vice Chairman Devries, Aye; Mr. Colwell, Aye; Mr. DaCorta, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Moss, Abstain, and Mr. Watkins, Aye.

Report of the Community Planning Liaison Officer (CPLO), Naval Support Activity South Potomac, Dahlgren: Mr. Thomas Hastings, CPLO, stated as of March 01, 2021 he is the new CPLO NSASP officer and looks forward to being a part of the KGCP C meetings. Mr. Hastings stated there is no official report.

Plan Review: None

Public Hearings: None

Old Business:

a. Solar Farm Discussion Follow-up

- Mr. Louis Pancotti, KGCD CD Senior Planner presented.
- Mr. Pancotti stated at the March 09, 2021 KGCP C meeting, the KGCP C had three questions for Staff to research after the discussion on solar farms.
 1. *Do other localities address bonding for the decommissioning of solar projects and if so, how?*

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- Staff researched the zoning ordinance of four counties in VA that have solar energy facilities (Spotsylvania, Halifax, Surry, and Gloucester). All four zoning ordinances require a surety equivalent to the cost of removal of the solar energy facility. Caroline County is currently in the process of amending its ordinance to include requirements for solar farms. The draft amendment does include a surety of the entire estimated decommissioning cost minus the salvage value of materials. This draft ordinance and the ordinances of the other four counties are attached.
- 2. *Are the sales from the solar facility to the power company locally taxed?*
 - The commissioner of the Revenue reached out to several other Commissioners and it appears those transactions are not taxed.
- 3. *How is the purchase power agreement negotiated and what would it look like?*
 - A locality executing a power purchase agreement or PPA would require the government to measure the County's future and current electrical demand or electrical load. After establishing this metric, the County could partner with a solar development company and power utility to develop the solar power plant according to its demands. The cost of development will determine the cost of power: panel/materials cost, land cost, engineering cost, interconnection cost, taxes & regulations (Federal, State, Local), labor, and bond/loan interest if financed.

Chairman Parker opened the floor for KGPC discussion.

- Mr. Kendrick inquired about PPA taxing; specifically, the power which is generated and sold to the power company; is it not taxed because it has been decided not to or is it not allowed to be taxed.
 - Mr. Pancotti stated the Commissioner of Revenue stated she had reached out to several other Commissioners and it appears the power which is generated and sold to the power company, is not taxed.
 - Mr. Kendrick stated the county should look into (PPA) taxing, the power which is generated and sold to the power company, for a source of revenue for the County.
 - Especially, if there are several solar farms added to KGC in the future.
 - Additionally, Mr. DaCorta stated he would like to know the answers to Mr. Kendrick's questions.
 - Mrs. Hall stated KGDCD could draft a letter if there is a KGPC consensus and send the letter out to ascertain answers to the KGPC questions, i.e., could be taxed, legal requirements, etc....
 - Chairman Parker inquired is it the case that renewable energy is not taxable, i.e., Birchwood, fossil fuel, etc.
 - Mrs. Hall stated an example is: if she had a solar farm and sold the energy to an electrical company, that transaction is not taxed.
 - Mr. DaCorta inquired if the Birchwood Plant taxed.
 - Mrs. Hall stated there was a machinery tax; however, this is not specific to solar.
 - Mrs. Hall stated she will look into the PPA tax inquires.
- VC Devries inquired if the decommissioning standards will be incorporated into the KGC Solar Farm ordinances.
 - Mr. Pancotti inquired if the KGPC would like to see any of the draft ordinances, specifically what Caroline County included in their solar farm ordinances.
 - VC Devries stated he liked the decommissioning and salvageable capital costs ordinances.

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- Mr. Pancotti stated if VC Derives and the KGCPD would like to see those specific ordinances incorporated, it can be included.
- VC Devries inquired if biodegradable materials which clean the solar panels have been included in the KGC Solar Farm ordinances (as Spotsylvania County has listed in their ordinances).
 - Mr. Pancotti stated the provision is not currently listed in the KGC Solar Farm Ordinances. Mr. Pancotti stated in reference to other counties, solar panels are mainly cleaned by rain water.
 - VC Devries stated preserving agricultural land should be a priority.
 - Mr. Kendrick stated he agrees with VC Devries. Mr. Kendrick stated the land needs to be protected now, so it is protected for the future.
 - Chairman Parker inquired about toxicity of cleansing materials.
 - Mr. DaCorta stated he has heard of chemical solvents being used to clean solar panels.
 - Mrs. Hall stated is it the consensus of the KGCPD for decommissioning and toxicity of cleansing to be included in the KGC Solar Farm ordinances.
 - Chairman Parker stated decommissioning and toxicity of cleansing chemicals/agents should be included in the KGC Solar Farm ordinances.
- Mr. Kendrick stated in reference to reviewing the examples of decommissioning. Halifax ordinances were simplified, easy to read, and some wording should be included in the KGC Solar Farm Ordinances.
 - Mrs. Hall inquired if the KGCPD would like the KGC Solar Farm Ordinances to have one paragraph to summarize the decommissioning plan.
 - It was the consensus of the KGCPD to have one paragraph to summarize the decommissioning plan.
- Mr. Colwell referenced Halifax Ordinance, Section I Community Meeting, 1- 5.
 - A public meeting shall be held prior to the public hearing with the planning commission to give the community an opportunity to hear from the applicant and ask question regarding the proposed facility.
 - Halifax has a community (public) meeting prior to the public hearing.
 - Mr. Kendrick stated the community may have concerns which need to be addressed. This gives the public the opportunity to hear what the subject matter is about before the planning commission meets.
 - Mrs. Hall stated each Planning Commission has their own ways of running their community planning meetings and agendas.
 - Mrs. Hall stated Staff can review for the KGCPD.

Chairman Parker closed the floor for KGCPD discussion.

b. Housing Affordability Study

- Mr. Pancotti, KGCD Senior Planner presented.
 - Mr. Pancotti stated at the November 10, 2020 KGCPD meeting, the KGCPD discussed the 2020 Housing Affordability Study initiated by the George Washington Regional Commission (GWRC). Since then, the GWRC has officially adopted the plan and on March 13, 2021 the Free Lance Star published an editorial discussing the study.

Chairman Parker opened the floor for KGCPD discussion.

- Chairman Parker stated during the pandemic, there has been a significant financial increase in building materials.

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- How do the effects of Covid, i.e., rise in cost of building materials, impact the GWRC study and affordable housing?
 - Mr. Pancotti stated the GWRC study is more of a study on how housing needs are changing.
- Chairman Parker inquired what are the next steps for counties in terms of action items.
 - Mr. Pancotti stated the GWRC study is a tool in helping localities with recommendations for changes in housing needs.
- Mr. Kendrick stated his only concern when reading the *Editorial: Affordable housing incentives will help*², is when the component parts of regional planning, in terms of density, is referenced.
 - Mr. Kendrick stated the rural integrity of KGC is important and when the GWRC study refers to Virginia needing a minimum of 150,000 new affordable housing units to meet current demand that is a concern. Mr. Kendrick inquired how much of the 150,000 housing units are needed in KGC. Mr. Kendrick stated encouraging builders to build smaller more affordable homes instead of larger homes without impacting the density issue is more of a path KGC needs.
 - Mrs. Hall stated it has been discussed with Economic Development. One of the items EDA discussed is, EDA would provide incentivization with the Board. Another discussion was writing new ordinances.
 - Mrs. Hall stated when it comes to building, the KGCD CD cannot place restrictions on the size of the homes built.
 - VC Devries stated he is not against higher density. The KGCP C has targeted density in the growth areas within KGC per the 2019 KGC Comprehensive plan.
- Chairman Parker inquired if Mr. Pancotti was on the developmental group for the GWRC study.
 - Mr. Pancotti stated he was.
- VC Devries inquired if KGC compares to surrounding counties in terms of providing affordable housing.
 - Mr. Pancotti stated affordable housing needs vary within the surrounding counties, as KGC has different assets than other counties, i.e., subsidized housing.
 - Mr. Pancotti stated KGC is lacking in providing townhomes and lower income residence within KGC.
 - KGC is a rural county with a less dense population compared to other counties.
- Chairman Parker inquired how many GWRC meetings are there per year.
 - Mr. Pancotti stated once per year.
- VC Devries inquired if Mr. Claude provided any information, i.e., documentation and photographs referencing the Old Mill Drive and creek off of Eden Drive, King George VA to distribute to the KGCP C.
 - Mrs. Hall stated Mr. Claude has not provided KGCD CD Staff with documentation or photographs.

Chairman Parker closed the floor for KGCP C discussion.

² The Editorial Page Staff of the Free Lance-Star. (March 13, 2021). *Editorial: Affordable housing incentives will help*.

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New Business: None

Director's Report: Mrs. Heather Hall, Director of KGCD CD reviewed the KGCD CD April 2021 Directors Report with the KGCP Board Members.

- Mrs. Hall introduced Mr. Walter Moss, KGCP Board Member.
- Mrs. Hall stated KGCD CD have completed 111 new permits and 29 of the 111 permits were for single family dwellings.
 - Mrs. Hall stated since the cost of construction has gone up, it has not slowed down.
- Mrs. Hall stated there are several pending projects. One of them being Birchwood Power Facility, Special Exception, Solar Farm.
 - Mrs. Hall reviewed Tax Map 21 Parcels 33, 35,47, 48, 50, 63J, & 73 and Tax Map 88, parcel 46A. Approximately 290.2-acre Solar Farm off Kings Highway (rt. 3). Request by William W. Reed. (Under Review by KGCD CD).
 - Another project under review is the Telecom Capital, Special Exception, Telecommunications Facility.
- Mrs. Hall stated KGCD CD will increase the fee schedule. In comparison to other counties, KGC has the lowest fees.
 - KGCBOS will review and if approved will be effective July 01, 2021.
- VC Devries inquired about digital plan & permit submissions.
 - Mrs. Hall stated large monitors (for plan reviewers) and software were purchased so comments can be made under the plans. These are under the adjustment period.
 - Mrs. Hall stated KGCD CD purchased program software which will let the applicant submit their plans/permits electronically.
 - In addition, KGC GIS website will not have a fee to access and use.
 - Mr. DaCorta inquired if KGCP would have to pay for the GIS fees.
 - Mrs. Hall stated the GIS website will always be free, however, if an applicant is subdividing & making changes affecting the GIS map, the applicant will have to pay a minimal fee.

Other Business: No Other Business.

Adjournment:

Having completed their agenda, Chairman Parker called for a motion to adjourn. Vice Chairman Devries motioned to adjourn, seconded by Mr. Colwell, and carried by a unanimous vote of 8-0-0. Each member voting as follows: Chairman Parker, Aye; Vice Chairman Devries, Aye; Mr. Colwell, Aye; Mr. DaCorta, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Moss, Aye, and Mr. Watkins, Aye. The King George County Planning Commission adjourned their meeting at 7:45 PM.

Chairman Parker stated the April 13, 2021 KGCP meeting is hereby adjourned to the next regularly scheduled meeting on May 11, 2021 at 7:00 PM. That meeting may be held by electronic means and remote participation only and may be closed to the public being physically present. All Citizens are encouraged to participate in advance or during the meeting by electronic means as provided by the county.