

SPECIAL USE PERMIT-20-0016. Norge Solar Farm SUP Amendment

Staff Report for the October 7, 2020, Planning Commission Public Hearing

SUMMARY FACTS

Applicant: Robin Lucey, Virginia Electric and Power Company (Dominion Energy Virginia)

Land Owner: Whisper Ridge, LLC

Proposal: To amend SUP-0028-2016 to extend the commencement of construction expiration date by 12 months. No further changes to the approved Special Use Permit (SUP) are proposed.

Locations: 320, 339, 341, and 345 Farmville Lane and a parcel of land of ± 0.21 acres situated between 140 and 142 Oslo Court

Tax Map/Parcel Nos.: 2320100052A, 2320100052G, 2320100052, and 2320100055

Project Acreage: The five parcels total ± 224 acres

Zoning: A-1, General Agricultural (± 215.68 acres) and R-2, General Residential (± 8.34 acres)

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Tom Leininger, Senior Planner

PUBLIC HEARING DATES

Planning Commission: October 7, 2020, 6:00 p.m.

Board of Supervisors: November 17, 2020, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. Staff finds the proposal consistent with the 2015 Comprehensive Plan, *Toward 2035: Leading the Way*.
2. Staff finds the proposal will not negatively impact surrounding development.
3. Impacts - Please see Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

1. Impacts - Please see Impact Analysis on Pages 3-4.

SUMMARY STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend approval to the Board of Supervisors subject to the proposed conditions.

PLANNING AND ZONING HISTORY

- The Board of Supervisors denied Case No. Z-0009-1985 on June 10, 1995. The proposal was to rezone property located at 341 Farmville Lane from A-1, General Agricultural, to A-2, Limited Agricultural.
- On January 9, 2018, the Board of Supervisors approved Case No. SUP-0028-2016 for an electric generation facility.

PROJECT DESCRIPTION

Robin Lucey of Dominion Energy has applied for an SUP amendment to extend the previously approved SUP-0028-2016 condition for commencement of construction by 12 months. There are no further changes to the Master Plan or remaining conditions. SUP-0028-2016 was set to expire on January 9, 2022. Should this SUP amendment receive approval, the new expiration date is January 9, 2023.

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According to the applicant, in September 2020, Dominion Energy entered into a contract for the construction of the Norge Solar project. Engineering and permitting activities will start with applications for various permits required for the construction of the project expected to be submitted in Quarters 3-4 (Q3-Q4) of 2021. Permits are expected in early 2022, with construction commencing thereafter beginning with site preparation. The project will begin accepting delivery of materials and construction of the solar arrays throughout the spring/summer of 2022, with the project expected to be substantially complete and operational in Q3 of 2022.

COMPREHENSIVE PLAN

The 2035 Comprehensive Plan Land Use Map designates the properties subject to this SUP as Low Density Residential (LDR). Recommended uses in LDR areas include single-family residences, schools, places of public assembly, and very limited commercial uses. The Comprehensive Plan does not specifically identify solar power, or utilities in general, in LDR, or the other land use designation areas; therefore, staff has reviewed this application under the “very limited commercial uses” development standards listed in LDR.

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IMPACT ANALYSIS

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>Mitigated</u>	-The new solar farm would not exceed 100 peak hour trips and SUP-0028-22016 Condition No. 5 states that the project shall take access from Old Church Road. -SUP-0028-2016 Condition No. 4 states that the applicant shall submit a Construction Traffic Mitigation Plan to be approved by the Planning Director prior to the issuance of a land disturbance permit.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	-Pedestrian/bicycle accommodations are not shown on the adopted Pedestrian/Bicycle Accommodations Master Plan.
<u>Public Safety</u>	<u>Mitigated</u>	-Subject property is located within a six-minute radius of Fire Station 1. -SUP-0028-2016 Condition No. 12 sates that an Emergency Action Plan shall be submitted and approved prior to site plan approval.
<u>Public Schools</u>	<u>No Mitigation Required</u>	-N/A since no residential dwelling units are proposed.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	-N/A since no residential dwelling units are proposed.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	-The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	-The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.
<u>Watersheds, Streams, and Reservoirs</u>	<u>Mitigated</u>	-This project will need to demonstrate full compliance with environmental regulations at the development plan stage, but no other specific environmental impacts have been identified for mitigation. -SUP-0028-2016 Condition Nos. 3 and 14 address a nutrient management plan and spill prevention control and countermeasures plan, respectively.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

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Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Cultural/Historic</u>	<u>Mitigated</u>	-Per Section 24-145 of the Zoning Ordinance, an archaeological study and natural resource inventory will be required at the development plan stage.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	-A vegetated buffer to screen the project from nearby properties is specified in SUP-0028-2016 Condition No. 8. -The project will also need to demonstrate full compliance with lighting and landscaping regulations in the Zoning Ordinance at the development plan stage. -Staff does not anticipate significant noise, odor, lighting, or other similar impacts on nearby properties. -SUP-0028-2016 Condition Nos. 18 and 20 also limit the height of the panels and address use of materials to prevent glare. -SUP-0028-2016 Condition No. 13 requires a construction management and mitigation plan which is intended in part to address impacts to nearby properties during the construction stage. -SUP-0028-2016 Condition No. 11 limits the height and the color of the perimeter fence.
<u>Community Character</u>	<u>Mitigated</u>	-Farmville Lane and Old Church Road are not designated in a Community Character Corridor, but are within a Community Character Area.

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PROPOSED SUP CONDITIONS

Proposed conditions are provided as Attachment No. 1.

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding zoning and development and that is consistent with the Comprehensive Plan adopted in 2015, *“Toward 2035: Leading the Way.”* Staff recommends the Planning Commission recommend approval of this application subject to the attached proposed conditions.

TL/md
SUP20-16Norge SolarAmd

Attachments:

1. Proposed Conditions
2. Location Map
3. Approved SUP-0028-2016 Resolution
4. Approved SUP-0028-2016 Master Plan

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