

Minutes

Recessed Meeting

Northampton County Planning Commission

June 15, 2011

This was a recessed meeting of the Northampton County Planning Commission held on Wednesday, June 15, 2011 at 7:00 p.m. in the auditorium at the former Northampton County Middle School located at 7247 Young Street, Machipongo, Va.

Those present were Chair David Fauber, David Kabler, Roberta Kellam, John Wescoat, Jr., Michael Ward, Severn Carpenter and Vice-Chair Martina Coker. The member absent was Mary Miller.

Also in attendance were Sandra G. Benson, Director of Planning & Zoning; Peter Stith, Long Range Planner; and Kay Downing, Administrative Assistant.

Due to the late arrival of the Chair the meeting was called to order by the Vice-Chair and a quorum established.

The agenda was reviewed and unanimously accepted as presented upon motion by Commissioner Wescoat and second by Commissioner Kabler.

New Business

Ms. Benson then introduced Sallie McNeilan in Business Development for Fugro Atlantic (FA), a Norfolk based company and a division of Fugro Consultants, Inc. The primary market focuses for FA are geotechnical and survey activities (data collection and consultancy) for offshore (renewable) energy, coastal infrastructure and industry, and flood inundation and flood defense projects along and offshore the U.S. East Coast and Great Lakes.

Also introduced was Jeff Keever, Senior Deputy Executive Director of the Virginia Port Authority and Chairman of the Virginia Offshore Wind Coalition.

Ms. McNeilan explained that her company has been investigating the potential of locating a large scale test certification facility for various wind turbine designs in Northampton County. She explained that any off-shore wind project must be certified by the International Electrotechnical Commission (IEC) before any device is put into production. She noted that the facility could be operating within 6 to 9 months and the life expectancy of the site would be 5 years for each turbine unlike 20 to 35 years for utility scale wind energy fields.

Ms. McNeilan and Mr. Keever fielded questions from the commission and provided the following information.

- ◆ The facility proposes to test turbines up to 750 feet in height to allow for future designs to be tested on the premises.
- ◆ Noise levels shall not exceed forty-five (45) decibels as measured at the closet property line and as proposed in draft county standards.
- ◆ At any one time there should be 6 to 10 turbines operating at the facility, but all turbines would not be erected simultaneously.
- ◆ The only other facility of this kind is located in the Netherlands and that facility is now booked for the next 7 years. There is a land-based test facility in Colorado.
- ◆ It is estimated that it will be 5 years before any wind farm is established along the mid-Atlantic seaboard.
- ◆ Turbines to be tested will be imported from China and Europe as there is no real production in the U. S. at this time. Installation and assembly will take place here.
- ◆ The general intent of the facility is to essentially provide an on-shore/off-shore test lab.
- ◆ This facility will not be a wind farm.
- ◆ The turbines will be connected to the local power grid for testing purposes but will not be able to power homes, etc.
- ◆ Each turbine would require a pad area of approximately 60 feet by 60 feet with a small accessory building to house electronics needed.
- ◆ There will be a visitor's center at the facility.
- ◆ Each turbine would be located at least 1.5 times its height from the next.
- ◆ The facility would employ engineers, construction workers, researchers, be used as a training facility and would attract a wide variety of visitors to the area. However, the exact number of employees is unknown at this time.
- ◆ It was noted that the Department of Environmental Quality (DEQ) is interested in the facility for biological research purposes as well.
- ◆ The facility would be located on the eastern portion of the county where several properties containing 250 acres have been identified and are located near existing transmission lines.
- ◆ The turbine research facility would be configured to simulate interaction of an off-shore wind project utilizing multiple parcels of land if necessary.

- ◆ It is not certain how the turbines and the facility would be taxed at this time.
- ◆ Approximately 60 to 70 megawatts of power will be generated at the facility but not at any one time since local transmission lines could not handle that amount.
- ◆ There will be various turbine designs that will be tried at the facility and not all will be lattice type designs due to off-shore environmental factors.

(Commissioner Fauber arrived at 7:35 p.m.)

- ◆ Most off-shore turbines will be approximately 650 feet above water and be located in water up to 200 feet deep water. The turbine's foundation would be another 90 to 150 feet such as those located in the North Sea.
- ◆ This facility or FA is not part of the project to be installed in the Chesapeake Bay.
- ◆ Each wind turbine being tested would have a five-year test range for certification purposes and then be removed from the facility.
- ◆ FA would start the project only after 12 months of wind data is obtained using Light Detection and Ranging (LiDAR) that can be located on off-shore buoys due to its size.

Ms. McNeilan noted that she has provided written comments concerning proposed county standards for large and utility-scale wind turbines that will be discussed later.

Commissioner Kellam expressed her opinion that it may not be appropriate to consider such comments at this time since this was not an official public hearing on proposed standards. She added that she would like to obtain information on the Netherlands and Colorado facilities first.

Mr. Keever noted that FA has been in contact with both state and local officials and that county staff had provided these proposed standards for review purposes. Comments on the draft are to enhance standards in order to be more encompassing for different types of projects that may occur. He added that if the company decides to locate this facility in Virginia they prefer to be in this area.

Ms. Benson clarified that the presentation tonight was to inform the commission about other types of wind facilities that may come forth. County staff asked for comments from FA and the intent was not to circumvent the public hearing process.

Ms. McNeilan then mentioned several items that could be enhanced in the proposed language such as Item 15 and incorporating common industry language into the document such as that dealing with blade throw issues.

However, Commissioner Kellam objected to considering FA's written comments tonight since it was her opinion that the commission was not adequately informed about certification purposes of off-shore turbines on a land facility. She then proposed that the commission draft a separate ordinance for such a project.

Mr. Keever then suggested that a closed meeting of the commission be held along with company representatives in order to discuss this matter. However, Ms. Benson noted that whenever 3 or more commissioners meet to discuss business it shall be considered a public meeting. He then suggested that additional information be forwarded electronically to the commission and perhaps informal meetings with two commissioners at a time could be held in the near future.

The Chair expressed his personal opinion that written suggestions should be considered during tonight's discussion. Commissioner Ward concurred.

Ms. McNeilan then stated that she would forward information on the Netherlands and Colorado projects to Ms. Benson for distribution to the commission. Mr. Keever suggested that a generic public presentation be scheduled at the next commission meeting as well.

The Chair suggested that FA's written comments could also be presented at the scheduled July 5, 2011, public hearing.

Ms. Benson clarified that it was not inappropriate for the commission to receive information about a new activity. These comments should be considered as information about an activity.

Ms. McNeilan stressed that certain confidentiality issues are involved and this unique proposal has been held "close to the vest." She noted that this was their fourth visit to the county where discussions have been held with staff concerning the process of locating a future project here.

Under other New Business the commission reviewed Variance 2011-05 as filed by John & Kathleen Yaros for an after-the-fact variance related to the construction of an irrigation pond in the wetlands and buffer.

The Chair read a letter from the Natural Resources Conservation Service (NRCS) noting that the position of the pond is located within a wetland area, but will provide the best possible water source for irrigation of the agricultural crops within the adjacent field.

It was noted that the applicants had not obtained a permit from the Army Corps of Engineers (ACOE) nor a variance from the county before the pond was installed. Therefore, an after-the-fact application was filed.

It was also noted that if the variance is denied the applicants have the right to appeal to the circuit court or the pond would be filled in and mitigation of disturbed wetlands and buffer area would be enforced.

The Chair noted that the pond was unnecessary and other relief was available such as installing a well to irrigate.

Motion was made by Commissioner Kellam to recommend denial to the Board of Zoning Appeals as other alternatives were available that would not have impacted the wetlands. Second was made by Commissioner Ward and carried 6 to 2 with Commissioners Carpenter and Wescoat opposed.

A short break was called at 8:37 p.m.

Unfinished Business:

The commission then reviewed draft standards related to the proposed Large Scale Utility Wind Energy Ordinance as previously edited along with written comments submitted by FA.

The commission decided by consensus to delete on page 1, (B) all definitions from this section and to amend §154.003 Definitions to include those proposed definitions as listed in (B), to include a new definition for METMAST as proposed by FA, and to reformat the ordinance as necessary.

The commission then discussed a definition proposed for a Wind Energy Test Facility as submitted by FA. Ms. McNeilan stated that a concrete platform is necessary to support a crane during assembly and maintenance of any turbine. She noted that the pad can be covered with soil.

Commissioner Kellam suggested that this definition be deleted from the draft. However, by consensus the commission agreed to leave the definition of Wind Energy Test Facility in the proposed ordinance for public hearing discussion purposes as suggested by Commissioner Ward from a parliamentary standpoint.

Discussion was held on (D) 8 as proposed by FA with Commissioner Kellam suggesting that the word "lattice" be deleted since birds of prey use such devices to hunt prey and more specificity it was her understanding that no land-based turbines utilize lattice construction any longer.

When asked, Ms. McNeilan noted that staging is important when testing turbines and different types of foundations would be utilized to test vibrational forces created from wind and sea currents. She could not confirm that multiple leg foundations would be constructed on land.

By consensus the commission agreed to delete the word "lattice" and to include Item 8 as suggested by FA since Wind Energy Test Facility is to be included in the draft language.

The commission then discussed Item 10 related to shadow flicker. It was the opinion of Commissioners Kellam and Kabler that all shadow flicker be prevented from impacting any off-site residential structures within 2,000 feet of a wind turbine. Mr. Keever noted that residents living 1 mile away from a large turbine could experience shadow flicker for a period of 10 to 15 minutes during periods of sunrise and sunset due to the casting of long shadows.

Commissioner Wescoat expressed his opinion that the language as proposed in the draft would preclude installation of any large-scale wind turbine to be located anywhere in the county.

When asked by Commissioner Kabler, Ms. Benson clarified that variances pertain to dimensional issues only and could not be used to alleviate shadow flicker regulations.

Commissioner Kellam stated that wind turbine shadow flicker, noise and visual impacts are the most common problems experienced by citizens.

By consensus the commission agreed to keep the draft language as proposed in the current draft.

Item 17 was changed from 20 feet to 75 feet by consensus for public safety reasons.

Item 18 was left as previously edited.

Item 20 was left as drafted.

Item E as drafted was amended to include language related to test facilities by consensus.

Commissioner Wescoat expressed his opinion that the county does not need 3 separate wind energy related ordinances. Commissioner Kellam suggested that METMAST be removed from this proposed language and moved to the Met Tower Ordinance instead. However, Commissioner Coker stated that the METMAST has a different purpose than a Met tower.

Ms. McNeilan stated that no wind energy project can receive financing without 2 years of geological data and noted that off-shore hub-height potential is a wanted commodity.

After the purpose of the Met Tower District was read from the zoning ordinance, Ms. McNeilan commented that their proposed facility does much more than what is currently described in the ordinance for a Met tower.

Commissioner Kabler noted that bird deflector language had been omitted from the draft and should be included. By consensus the commission agreed to include language to cover such requirements.

In Section (E), proposed Item 4., the last sentence was deleted by consensus.

Discussion continued on Section (F) Submission Requirements, Item 1, v., to require location and size of all structures 35 feet high within a 600 foot maximum radius from any proposed wind turbine.

Section (F) f. was amended to include new language as proposed by FA and to include a second sentence to cover the Wind Energy Test Facility as well.

On page 8, (F) o. no changes were made. Commissioner Kellam noted that the Code section cited in the draft ordinance offers protection to bald eagle and golden eagle populations.

Items p. and q. on Page 8 were accepted as proposed.

On page 9, Items 4 and 5 were left as proposed and as previously discussed at a prior meeting.

Motion to schedule proposed *Section 154.114 Standards for Wind Turbines, Large and Utility-Scale* for public hearing in July was made by Commissioner Kabler. Second was made by Commissioner Carpenter and carried 6 to 1 with Commissioner Kellam opposed as she wanted more detailed information regarding a Wind Energy Test Facility.

It is noted that Commissioner Kellam had provided for information purposes *Meteorological Masts and Towers* prepared by Global Energy Concepts for the New York State Energy Research and Development Authority.

The final draft version of the ordinance as recommended for public hearing follows as part of the official record.

1. §154.114 STANDARDS FOR WIND TURBINES, LARGE AND UTILITY-SCALE

(A) ***Purpose and Intent.*** The Board of Supervisors of Northampton County finds and declares that:

- (1) Wind energy is a renewable energy resource that contributes to the state and national goals of energy independence, and the development of this energy resource is consistent with the Northampton County Comprehensive Plan.
- (2) Wind Turbines, if not appropriately sited and developed, have the potential for causing adverse impacts to wildlife, soils, transportation systems, recreation and tourism activities, property values and the health, safety and quality of life of Northampton County residents.
- (3) In order to protect the general health, safety and welfare of Northampton County residents, the standards and conditions of this section must be met before any wind turbine and/or wind energy facility may be approved or constructed.

To be added to Section 154.003 of the Zoning Code; Definitions.

BLADE THROW ZONE: Furthest distance from the tower base in which blades or other debris could be thrown from the wind turbine in the event of catastrophic failure.

FALL ZONE: Furthest distance from the tower base in which a wind turbine will collapse in the event of a structural failure.

kW: Kilowatt

MW: Megawatt

METMAST : a guy-wired meteorological mast to measure at hub height and lower heights the wind speeds and other climatic variables such as temperature, air pressure, humidity, salt and dust concentrations, etc.

RATED NAMEPLATE CAPACITY: The maximum rated output of electric power production equipment. The output is typically specified by the manufacturer with a “nameplate” on the equipment.

ROTOR DIAMETER: The diameter of the circle subject to moving wind turbine blades

SHADOW FLICKER: The visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating patterns of light and shadow.

WIND TURBINE HEIGHT: The highest point, above ground level, reached by the highest vertical extension of the blade plus the tower height.

TOWER: The structure on which the wind system is mounted

TOWER HEIGHT: The height above grade of the fixed portion of the tower, excluding the rotor blades

WIND ENERGY FACILITY: An electricity-generating facility consisting of one or more Wind Turbines, Utility Scale or Large Scale, under common ownership or operating control that includes substations, cables/wires, foundations, access roads, crane platforms and other building accessories to such facility, whose main purpose is to supply electricity to off-site customers.

WIND ENERGY TEST FACILITY: An electricity-generating facility consisting of one or more Wind Turbines, Utility Scale or Large Scale, under common ownership or operating control that includes substations, cables/wires, foundations, access roads, crane platforms and other building accessories and any testing equipment - such as but not limited to – METMASTS to such facility, whose main purpose is to test and certify new Wind Turbines.

WIND TURBINE, UTILITY SCALE: A wind turbine with a rated capacity of 1 MW or greater.

WIND TURBINE, LARGE SCALE: A wind turbine with a rated capacity of greater than 100 kW but less than 1 MW (primarily used for on-site utilization of electricity).

WIND TURBINE: A structure that converts wind energy into electricity through the use of a wind turbine generator, along with its associated rotors, blades, tower, wiring and pad transformer.

WINDMILL: A machine designed to convert the energy of the wind into more useful forms using rotating blades to turn mechanical machinery to do physical work, such as crushing grain or pumping water. A windmill is not a wind energy conversion system.

(B) **Use Regulations.** No Wind Turbine, Large Scale and/or Utility Scale, shall be constructed, reconstructed, modified or operated in Northampton County except pursuant to a Special Use Permit approved in compliance with this section and only within an area designated as a “Wind Energy Overlay District”.

1. *[EDIT: Add to Appendix A, Use Tables, “S” at Agricultural/Rural Business District; “S” at Existing Industrial District; “-“ in all other Districts.]*

(C) **Performance Standards.** The following performance standards apply to all Wind Turbines, Large Scale and Utility Scale and related infrastructure (for purposes of this section, any place where “Wind Turbine” is used refers to Large Scale and Utility Scale Wind Turbine.):

1. All Wind Turbines and their associated electrical and mechanical components shall conform to relevant and applicable local, state and national codes, including, but not limited to, safety and performance codes.
2. A building permit is required prior to the installation of any Wind Turbine.
3. If a Wind Turbine remains nonfunctional or inoperative for a continuous period of one year, the operator shall continually monitor and maintain the Wind Turbine so as to prevent deterioration and creation of a hazardous situation.
4. All power transmission lines from the Wind Energy Facility and each Wind Turbine to any building or other structure shall be located underground to the maximum extent practicable.
5. No advertising signs are allowed on any part of a Wind Energy Facility and/or Wind Turbine and associated structures, equipment and facilities.
6. No Wind Turbine tower shall be lit except to comply with FAA requirements. For Wind Energy Facilities, minimum security lighting for ground-level facilities shall be allowed as approved on the Site Plan. Security lighting shall be designed to minimize light pollution and impacts to neighboring properties, including the use of light hoods, low glare fixtures, and directing lights at the ground.
7. Monopole towers shall be used for all Wind Turbines in a Wind Energy Facility.
8. Monopole, steel or concrete towers shall be used for all Wind Turbines in a Wind Energy Test Facility.
9. Wind Energy Facilities, and wind turbines shall be located so as to minimize the impacts of land clearing and the loss of open space areas.

10. Wind Energy Facilities and Wind Turbines shall be located so as to prevent shadow flicker on off-site residential structures.
11. Wind turbines shall be placed so that structures, housing, animals or humans are not located within the Fall Zone. A dedicated risk analysis will be carried out to demonstrate public and individual safety.
12. Noise from a Wind Turbine shall not exceed forty-five (45) decibels as measured at the closest property line.
13. Wind Turbines shall be painted a single, non-reflective, non-obtrusive color such as gray or similar shades. Wind Turbines as part of a Wind Energy Facility shall be painted in an identical color.
14. All Wind Turbines shall have both a manual and an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.
15. Wind Turbines shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked.
16. Individual Wind Turbines within a Wind Energy Facility shall be constructed using wind turbines whose appearance, with respect to one another, is similar within and throughout the area, to reduce visual impact by providing reasonable uniformity in overall size, geometry and rotational speeds. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades.
17. The minimum distance between the ground and the lowest point of the blades shall be 75 feet.
18. Consistent with Zoning Code sign regulations, warning signs for expected dangers shall be posted at all Wind Energy Facilities and Wind Turbines. At least one sign shall be posted at the base of the tower warning of electrical shock and high voltage. A sign shall be posted at the base of each tower containing emergency contact information, including a local telephone number with 24 hour, 7 days per week coverage. Accurate maps of the underground facilities shall be provided to the local public safety agencies, including, but not limited to the Northampton County Building Inspector and the Northampton County Sheriff's Department.
19. Any damage to local roads from the construction vehicle traffic related to the project shall be repaired by the applicant.
20. Wind Turbines shall be designed, constructed, and operated without significant adverse impacts to fish, wildlife, or native plant resources, including fish and wildlife habitat, migratory routes, and state or federally-listed threatened or endangered fish, wildlife, or plant species. .
21. Wind Turbines shall be located in a manner that minimizes impacts to migratory passerines and raptors. If necessary to reduce impacts to birds and bats, coordination of siting with other Wind Energy Facilities shall be required.
22. The use of guy wires is prohibited on Wind Turbines.

23. No Wind Turbine shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce interference with signal transmission or reception. No Wind Turbine shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation. If it is determined that a Wind Turbine is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, or resolution of the issue with the impacted parties. Failure to remedy electromagnetic interference is grounds for revocation of the Special Use Permit for the specific Wind Turbines or Wind Energy Facilities causing the interference.
24. Wind Turbines and related infrastructure shall be located in a manner consistent with all applicable local, state and federal regulations, including, but not limited to, wetlands laws and regulations, stormwater runoff and erosion control regulations, and hazardous waste disposal regulations.
25. Any soils compacted during construction of a Wind Turbine shall be decompacted to a depth of 18 inches and vegetation shall be re-established at the soonest planting date for cover crops.

(D) *Setbacks, Densities, Lot Sizes, and Dimensions for Wind Turbines –Large Scale and Utility Scale.*

1. The maximum Wind Turbine Height (Large Scale and Utility Scale), is 400 feet.
2. The maximum Wind Turbine Height (Large Scale and Utility Scale) in a Wind Energy Test Facility is 750 feet.
3. The maximum height for a METMAST within a Wind Energy Test Facility is 500 feet. All other requirements for MET Towers under Section 154.115 shall apply to METMASTs within a Wind Energy Test Facility.
4. The minimum setback distance between a Wind Turbine (Large Scale and Utility Scale) and overhead utility or transmission lines, other Wind Turbines, electrical substations, public roads, property lines and on-site dwellings shall be no less than 1.5 times the Wind Turbine Height or 600 feet, whichever is greater.

(E) *Submission Requirements.*

1. ***WIND TURBINES, LARGE SCALE AND UTILITY SCALE.*** In addition to the requirements set forth in Section 154.042, applicants for a Special Use Permit for a Wind Turbine (Large Scale and Utility Scale) shall submit the following information:
 - a. The applicant shall submit a site plan prepared by a licensed surveyor or engineer in sufficient detail to show the following:
 - i. Property lines and physical dimensions of the parcel where the Wind Turbine will be located as well as any adjacent parcels.
 - ii. Location, approximate dimensions, and types of major existing structures, including but not limited to all residences on the parcel where the Wind Turbine will be located and on adjoining properties within 1,000 feet of the boundaries of the proposed project site.
 - iii. Location and elevation of each proposed Wind Turbine.

- iv. Location of all above ground utility lines, transformers, power lines, interconnection point with transmission lines, and other ancillary facilities or structures on the Site
 - v. Location and size of structures above 35 feet within a 600 foot radius of the proposed Wind Turbine.
 - vi. The zoning designation of the subject and adjacent properties as set forth in the Northampton County Zoning Code.
 - vii. To demonstrate compliance with the setback requirements of this Section, circles drawn around each proposed tower location equal to: (a) One and a half times the tower height radius; (b) Six-hundred foot radius; (c) One-thousand two hundred foot radius.
 - viii. Location of residential structures within 1,200 feet of each proposed tower. The distance from the center of the tower to any off-site residence within 1,200 feet shall be noted.
 - ix. All proposed facilities, including access roads, electrical lines, substations, storage or maintenance units, and fencing.
- b. A noise analysis by a licensed acoustical engineer documenting the noise levels expected to be associated with the proposed Wind Turbine(s) shall be submitted as part of the application. The study shall document noise levels at property lines and at the nearest residence not on the Site. The noise analysis shall provide pre-existing ambient noise levels and include low frequency noise impacts. The noise analysis shall provide supporting information to demonstrate compliance with the Noise Performance Standards for Wind Turbines.
 - c. A fire protection and emergency response plan prepared in consultation with local emergency officials, including but not limited to, the Northampton County Sheriff's Department.
 - d. A construction plan including the commencement and completion dates. Such plan shall include routes to be used by construction and delivery vehicles, and the gross weight and height of the maximum delivery vehicle.
 - e. The applicant shall conduct and submit a study on potential impacts from blade damage and blade throw, including delineation of blade throw impact zone.
 - f. The applicant shall submit sufficient information on the Wind Turbine's design to demonstrate compliance with wind loading requirements by means of providing a copy of the Wind Turbine's design certificate.
 - g. The applicant shall conduct and submit a study on potential shadow flicker. The study shall identify locations where shadow flicker may be caused by the Wind turbines and the expected durations of the flicker at these locations. The study shall identify areas where shadow flicker may interfere with residences and describe measures that shall be taken to eliminate or mitigate the problems, including reduction of Wind Turbine operations during shadow flicker periods.
 - h. The applicant shall conduct and submit a study on potential electromagnetic interference with microwave, radio, television, personal communication systems, and other wireless communication.

- i. The applicant shall submit a dust control plan to be utilized during construction.
 - j. The applicant shall submit a vertical drawing of the Wind Turbine showing Wind Turbine Height, blade dimensions, turbine dimensions, tower and turbine colors, ladders, distance between ground and lowest point of any blade, location of climbing pegs, and access doors. One drawing shall be submitted for each Wind Turbine of the same design.
 - k. Landscaping Plan depicting existing vegetation and describing the area to be cleared and the specimens proposed to be added, identified by species and size of specimen at installation and their locations.
 - l. Lighting Plan showing any FAA-required lighting and other proposed lighting. The application should include a copy of the determination by the Federal Aviation Administration to establish required markings and/or lights for the structure, but if such determination is not available at the time of the application, no building permit for any lighted facility may be issued until such determination is submitted.
 - m. List of property owners, with their mailing addresses, within 500 feet of the boundaries of the proposed project site.
 - n. Decommissioning Plan: The applicant shall submit a decommissioning plan, which describes the anticipated life of the project, the cost for removal, evidence of decommissioning funds (bond, insurance, or other guarantee), and the plans for restoring the soils and vegetation on the site after removal of the Wind Turbine.
 - o. In addition to any studies prepared as part of an application for a Virginia Permit by Rule pursuant to 9 VAC 15-40 et seq., the applicant shall submit to the county a bird and bat impact study that provides baseline analysis during peak breeding periods, as well as spring and fall migratory periods and evaluates post-construction mortality for a period of two years after commencement of operations.
 - p. The applicant shall provide photo-simulations of proposed wind energy facilities from at least three (3) different locations, as determined by the County, in order to illustrate views of the project from property lines, roadways and sensitive receptors (natural areas, recreational areas, etc.) so that visual impacts can be determined.
 - q. The applicant shall conduct balloon testing after the submission of the official application at the proposed wind energy facility location for at least two (2) wind turbines. Balloons shall be placed at each site for at least four (4) hours and flown at a height equal to the proposed wind turbine height. The balloon testing date and time shall be advertised in a newspaper of local circulation at least two (2) weeks prior to the actual testing date.
- (F) *Approval of Special Use Permit for Large Scale and Utility Scale Wind Turbines.* In conjunction with the approval of a special use permit for a Large Scale or Utility Scale Wind Turbine, the Board of Supervisors may:
- 1. Establish a period of time, not to exceed five years, during which construction of the facility must begin and after which the special use permit shall no longer be valid, if such

construction has not begun. For purposes of this section 154.113(G)(1), construction will be considered to have begun once an application for a building permit has been submitted in connection with the facility.

2. Condition approval of a special use permit, as to any part of the subject property for which a plat of subdivision has been recorded, on the vacation of any such recorded plat of subdivision, if vacation is necessary due to rights of ways, easements, or other rights created by the plat of subdivision which would be in conflict with the proposed facility. If the Board of Supervisors so conditions the special use permit, the subdivision agent of the Board of Supervisors shall consent to such vacation upon delivery to the subdivision agent of a written instrument in compliance with VA Code § 15.2-2271.1, as amended, and with any other requirements of law.
3. Allow for the phased development of a Wind Energy Facility and Wind Energy Test Facility.
4. Require the applicant to provide the Board of Supervisors with a report on the operations and maintenance of the Wind Energy Facility and Wind Energy Test Facility on an annual basis, including any changes in ownership or operator responsibility.
5. Require the Applicant to provide the Board of Supervisors with evidence of sufficient decommissioning funds, in the form of a performance bond, surety bond, letter of credit, or corporate guarantee, to allow the County to remove the project in the event that the Applicant fails to comply with its Decommissioning Plan submitted in accordance with paragraph F(1)(n) above.

The commission then considered the proposed Wind Energy Overlay District as mapped and discussed at a prior meeting. Commissioner Wescoat questioned if the overlay would impact the Met Tower to be located in the southern part of the county. Commissioner Kellam stated that the tower would probably be very close to the overlay area but could not confirm its location in relation to the proposed overlay area. Ms. Benson reported that a building permit had been issued for the Met Tower and that adoption of the overlay would not prevent its operation. Commissioner Kellam stressed that the overlay district will protect the migratory bird pathway and bald eagle habitat.

Motion was made by Commissioner Kellam and seconded by Commissioner Coker to forward the overlay district map to public hearing. The motion carried 6 to 1 with Commissioner Wescoat opposed as it was his opinion that the overlay may be too broad in its scope.

Due to the late hour the commission did not continue its review of the comprehensive plan.

Adjourn

Motion to adjourn was made by Commissioner Kabler at 10:17 p.m. and was seconded by Commissioner Coker.

Chair

Secretary