



# TOWN OF OCCOQUAN

Town Hall, 314 Mill Street, Occoquan, VA 22125  
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## PLANNING COMMISSION MEETING

August 23, 2022 | 6:30 p.m.

1. **Call to Order**
2. **Citizen Comments**
3. **Approval of Minutes**
  - a. July 26, 2022 Meeting Minutes
4. **Action Items**
  - a. Request to make a Recommendation to Town Council on Zoning Text Amendments to Add Definitions to Town Code § 157.008 and to Add a Section Numbered 157.013 Generally Relating to Solar Facilities
5. **Discussion Items**
  - a. Planning Commission Priorities Update
    - Riverwalk Visioning
    - North Woodbridge Town Center
    - Alpine X
    - Belmont Bay Expansion Project
6. **Adjournment**

Eliot Perkins  
Chair, Planning Commission



**TOWN OF OCCOQUAN  
PLANNING COMMISSION**  
Town Hall - 314 Mill Street, Occoquan, VA 22125

**MEETING DATE: 2022-07-26**  
**MEETING TIME: 6:30 PM**

**Present:** Chairperson Eliot Perkins, Commissioners Darryl Hawkins, Ralph Newell, Ryan Somma, Don Wood

**Absent:** Commissioner Ann Kisling

**Town Staff:** Martin Crim, Town Attorney (remote); Sara Fila, Zoning Administrator (remote); Kirstyn Jovanovich, Town Manager; Matt Whitmoyer, Management Fellow

**1. Call to Order**

The Planning Commission meeting was called to order by Chairman Perkins on 2022-07-26, at 6:30 p.m.

**2. Citizen Comments**

Lance Houghton of 127 Washington Street provided a progress update concerning his responding to a notice of violation of town ordinances regarding activities on the side of the hill along Commerce Street. He has met with the Town Zoning Administrator, who recommended submitting a plan. Houghton is working with an arborist to plant cherry trees and crepe myrtles. There will be no planting until the fall, and he will take over the kudzu maintenance on his side of the fence.

**3. Approval of Minutes**

**a. June 28, 2022 Meeting Minutes**

Commissioner Wood motioned to approve the minutes. Commissioner Newell seconded. The motion passed unanimously by voice vote.

**4. Public Hearing**

**a. Public Hearing on Zoning Text Amendments to Add Definitions to Town Code § 157.008 and to Add a Section Numbered 157.013 Generally Relating to Solar Facilities**

Ms. Fila explained that this initiative came about because a resident asked about installing solar facilities. The Town Code did not allow such facilities in any district because it's not defined. The intent is to establish language defining what can be done concerning solar facilities. The proposed ordinance provides three different definitions for what's allowed for rooftop solar facilities, solar energy facilities, and utility solar facilities. Because the current language does not allow landscape lighting with small solar panels on them or other small portable solar panels, there is amended text to include a definition for temporary photovoltaic facilities.

Chairperson Perkins asked about rooftop solar facilities and height. Commissioner Newell asked about the portion pertaining to visibility from a public street, noting that all rooftops are visible from the 123 bridge. Mr. Crim explained this only applies to the historic district, but it does pertain to all public streets and those would need certificate of appropriateness from the Architectural Review Board (ARB). Commissioner Wood asked about Prince William County's (PWC) existing permitting for solar panels. Mr. Crim said that county zoning doesn't apply within the Town limits.

Chairperson Perkins opened the public hearing at 6:37pm.

Lance Houghton of 127 Washington Street asked several questions about the proposed code. What about buildings that don't meet the setback requirements, and if it were possible to put solar facilities on them. What about solar roofs where solar panels are built into the roofs and are indistinguishable from regular roofing? How do historic districts like Alexandria handle solar facilities and were those considered? He noted that 10 or less kilowatt-hours (kWh) is a very small amount of energy and doesn't account for future systems that generate more energy. He asked if it is necessary to create more code than is needed for one request. He asked, in general, if the Town takes a position on renewables. He asked if the purpose of the code to maintain the aesthetic of the Town, provide safety, or other reasons.

Chairperson Perkins asked if it was the case that we evaluated other towns. Mr. Crim said they had looked to the county code. Ms. Jovanovich said Houton's question about how solar panels look is more pertinent to ARB and not town code. Chairperson Perkins asked about solar roofs like that look like shingles, and if they would need a certificate of appropriateness. Ms. Jovanovich said the ARB will be responsible for what the facilities look like, and the code provides a broad definition of what's allowed. The intent is to prevent citizens from creating solar fields but allow home-specific solar panels.

Chairperson Perkins asked about the 10-kWh restriction. Mr. Crim said he had researched this, and that 6-kWh is typical for a single-family dwelling. They had raised that to 10-kWh for a margin of safety. The intent is to restrict systems to powering houses and not selling energy back into the grid.

Chairperson Perkins asked about Occoquan's commitment to green energy. Ms. Jovanovich said the Town was exploring this in terms of the SLRF with adding solar panels to town hall and efforts to improve energy efficiency. The intent of the code is to establish a foundation for solar facilities rather than handle cases one-by-one. Residents would need zoning approval from Town and that would be sent to PWC for permitting and the ARB for approval.

Walt Seiberling of Occoquan addressed the Commission. He said he was taken aback by the fact that the Town doesn't allow solar power and did not understand why if something is not mentioned in the code that it is prohibited. He said it should be up to the owner to decide if they want to sell power back to Dominion and not the Town. He said that 10-kWh or less is in contradiction to peak power usage of a house, which can be much higher. The Historic District visibility is a constraint because all roofs are visible from the 123 bridge.

Brenda Seefeldt of 309 Commerce and Chairperson of ARB provided an update on what the ARB has been discussing on this matter. Their guidelines use the word "inconspicuous" to describe allowed solar facilities. She noted that roofs are historically protected in Occoquan, and that solar roofs have a glassy sheen to them. If a building has a metal roof, the ARB requests keeping that metal roof.

Lance Houton asked about the Town not wanting citizens selling power back into the grid and how that decision was reached. Mr. Crim said they drafted ordinance based on how properties are being used.

Chairperson Perkins closed the public hearing at 7:15pm.

## **5. Action Items**

### **a. Request to make a Recommendation to Town Council on Zoning Text Amendments to Add Definitions to Town Code § 157.008 and to Add a Section Numbered 157.013 Generally Relating to Solar Facilities**

Planning Commission members had a discussion based on the public input and agreed that the 10-kWh restriction was unnecessarily limiting, did not take into account future advancements in solar technology, and that the Town should not prevent private homeowners from selling energy back to Dominion Power. Chairperson Perkins said the ordinance needed the right language and that this public meeting was not the best setting for crafting that. Ms. Jovanovich said that staff direction is to address 10-kWh language and sizing of photovoltaic panels to 10 square feet. Chairperson Perkins thanked the audience for their great public input and the fantastic work from Staff.

## **6. Discussion Items**

### **a. Community Plan Addendum Status Update - Riverwalk Discussion**

Chairperson Perkins presented Riverwalk idea sheets to the Commissioners and asked members to fill those sheets in with details.

## **5. Adjournment**

The meeting was adjourned at 7:29 p.m.

*Minutes Prepared by Ryan Somma, Planning Commission Secretary*



# TOWN OF OCCOQUAN PLANNING COMMISSION

## Agenda Communication

<b>4. Action Items</b>	<b>Meeting Date:</b> August 23, 2022
<b>4A:</b> Request to Make a Recommendation to Town Council on Zoning Text Amendments to Add Definitions to Town Code § 157.008 and to Add a Section Numbered 157.013 Generally Relating to Solar Facilities	

**Attachments:** a. Draft Ordinance - Revised

**Submitted by:** Bruce Reese  
Town Engineer

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### **Explanation and Summary:**

This is a request to make a recommendation to Town Council on the zoning text amendment to add definitions to Town Code § 157.008 and to add section § 157.013 generally relating to solar facilities.

The Planning Commission held a public hearing on the proposed ordinance during their July 26, 2022 meeting. After public comment and discussion, the Planning Commission deferred a decision on this item and directed staff to revise the draft ordinance to address comments made by the public and the Planning Commission. The attached revised draft reflects those updates.

The Town Council opened their public hearing on this item at their August 2, 2022 meeting and after discussion, continued the public hearing to their next regular meeting on September 6, 2022. Staff is recommending that the Planning Commission provide any additional comments and make a recommendation to the Town Council for their consideration at their September meeting.

### **Background**

Currently, the Town Code does not allow solar facilities within the town in any zoning district. The proposed amendments would permit rooftop solar facilities on the roofs of primary or accessory structures in all Town zoning districts. Both solar energy facilities (shared facilities that supply multiple properties through the grid) and ground mounted facilities would be prohibited. The proposed Ordinance includes Certificate of Appropriateness requirements within the Old and Historic District for solar facilities that are visible from a public street, way or place. The ARB will review potential guidelines for such requirements. All other solar facilities that are outside of the Old and Historic District or within the Old and Historic District and not viewable from a public street, way or place are permitted.

On Tuesday, July 26, 2022, the Planning Commission held a public hearing on the item in which residents voiced concerns on certain placement and power generation limits. The

Planning Commission members then held a discussion based on the public input and asked Town staff to make revisions to the draft ordinance. Town staff has subsequently recommended certain changes to the draft ordinance including the removal of the 10-kWh restriction and definition changes for temporary photovoltaic facilities. Staff recommendations can be found in the attached draft ordinance.

**Staff Recommendation:** Recommend approval of the ordinance to Town Council.

**Cost and Financing:** N/A

**Account Number:** N/A

**Proposed/Suggested Motion:**

“I move to recommend approval of the attached ordinance as presented.”

OR

“I move to recommend approval of the attached ordinance with the following changes:\_\_\_\_\_.”

OR

“I move to recommend disapproval of the attached ordinance because \_\_\_\_\_.”

OR

Other action the Planning Commission deems appropriate.

**ORDINANCE # O-2022-\_\_\_\_\_**

**AN ORDINANCE TO ADD DEFINITIONS TO TOWN CODE § 157.008 AND TO ADD A SECTION NUMBERED 157.013 GENERALLY RELATING TO SOLAR FACILITIES**

**WHEREAS**, Virginia Code § 15.2-2288.7 authorizes the regulation of solar facilities through local zoning ordinances; and

**WHEREAS**, the Town Council wishes to encourage the placement of rooftop solar facilities, consistent with the historic protection provisions of the Town’s zoning ordinance; and

**WHEREAS**, the Town Planning Commission and Town Council have advertised and held public hearings on the proposed amendments to the Town zoning ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Council for the Town of Occoquan, Virginia meeting in \_\_\_\_\_ session this \_\_\_ day of \_\_\_\_\_, 2022:

1. That the Town Council finds that commercial and ground-based solar energy facilities are not suited to the small, densely occupied area of the Town.
2. That the Town Council hereby amends Town Code § 157.008 as follows:

**§ 157.008 DEFINITIONS.**

Add the following definitions in their alphabetical location:

**ROOFTOP SOLAR FACILITY:** A solar electrical or thermal facility that is integrated into or mounted on the wall or roof of a primary or accessory structure. ~~for the principal purpose of serving the electricity or thermal needs of that property. A Rooftop Solar Facility has the principal purpose of serving the electricity needs of a residential property if its peak generation is 10 kilowatts or less. For commercial and mixed-use properties, a Rooftop Solar Facility has the principal purpose of serving the electricity needs of the property if its peak production is no more than twice the anticipated peak electricity usage of the property, as determined by the electric utility serving the property.~~

**SOLAR ENERGY FACILITY:** A facility ~~primarily~~ consisting of activities, applications or devices designed to convert sunlight into electricity for storage and/or distribution from one property to others through the transmission grid. ~~The term “Solar Energy Facility” shall not include except for facilities meeting the definition of “Rooftop Solar Facilities.”~~

**TEMPORARY PHOTOVOLTAIC FACILITY:** One or more photovoltaic panels, not permanently affixed to the ground or to any structure, not exceeding 10 square feet in the total area of all panels on a single parcel, ~~and not connected to the electrical grid.~~

**UTILITY SOLAR FACILITY:** A solar array consisting of one or two panels for the sole purpose of providing electricity to a traffic sign, utility installation, or public facility.

3. That the Town Council hereby adopts Town Code § 157.013 as follows:

**157.013 SOLAR ENERGY.**

(A) Solar Energy Facilities and ground-mounted solar energy generation facilities are not permitted in any zoning district in the Town.

(B) Utility Solar Facilities are permitted as accessory to any use by the state, county, or town, subject only to the requirements of maintaining vertical clearance for pedestrian and vehicle traffic.

(C) Rooftop Solar Facilities are permitted as accessory uses in every zoning district in the Town subject to the following conditions and approvals:

(1) In the Old and Historic Occoquan District, Rooftop Solar Facilities are permitted (a) in locations not visible from a public street, way or place or (b) with a certificate of appropriateness from the Architectural Review Board.

(2) Height limitations in individual zoning districts do not apply to Rooftop Solar Facilities less than 5 feet in height.

(3) Rooftop Solar Facilities must meet the setback requirements in the zoning district where the property is located.

(D) Temporary Photovoltaic Facilities are allowed in all zoning districts, subject to the applicable setback regulations. Temporary Photovoltaic Facilities in the Old and Historic Occoquan District do not require a Certificate of Appropriateness.

4. That this ordinance is effective upon passage.

**MOTION:**

**SECOND:**

**RE:**

**ACTION:**

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**Date:** \_\_\_\_\_

**Regular Meeting**

**Ord. No.** \_\_\_\_\_

**CERTIFIED COPY** \_\_\_\_\_

**Town Clerk**

*Version 3 after PC comments*