

Mount Jackson
Planning Commission Meeting
January 9, 2023
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Election of Planning Commission Officers for 2023

1. Commissioner Miller MOVED, seconded by Commissioner Hines to APPROVE Larry Ambrose as Chairman of the Planning Commission for the 2023 term.

VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Commissioner Miller			Commissioner Burner

Commissioner Hines
2 AYES, 1 ABSENT, motion carried

2. Commissioner Hines MOVED, seconded by Chairman Ambrose to APPROVE Anita Miller as Vice-Chairman of the Planning Commission for the 2023 term.

VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Commissioner Hines			Commissioner Burner

Chairman Ambrose
2 AYES, 1 ABSENT, motion carried

3. Chairman Ambrose MOVED, seconded by Chairman Miller to APPROVE Barbara Riggleman as Secretary of the Planning Commission for the 2023 term.

VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Commissioner Miller			Commissioner Burner

Commissioner Hines
Chairman Ambrose
3 AYES, 1 ABSENT, motion carried

Regular Meeting

Chairman Larry Ambrose called the meeting to order at 7:02 PM in the council chambers at 5901 Main Street. Commissioners Jim Hines and Anita Miller were in attendance. Commissioner Evelyn Burner was absent. Also present were Neil Showalter, Town Manager; Erick Moore, Planning and Development Director; and Barbara Riggleman, Town Clerk. There were no visitors.

Agenda Additions/Deletions/Changes: Mr. Moore requested to have New Business Item #4 – Commissioner Recognition be moved to the February meeting due to the absence of Commissioner Burner.

Introduction of Guests: None

Hear from Visitors: None

Approval of the Previous Meeting Minutes – Mr. Hines stated that in the Attendance section on the first page of the December 5, 2022 Minutes, Kristen Stelzer is listed as being with Hellman & Yates, PA and he questioned her affiliation. Mr. Showalter and Mr. Moore responded that she is with ARCOLA Towers.

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Commissioner Miller MOVED, seconded by Commissioner Hines to APPROVE the Minutes of December 5, 2022 Regular Meeting & Joint Public Hearing with the above mentioned correction.

VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Commissioner Miller			Commissioner Burner
Commissioner Hines			
Commissioner Ambrose			

3 AYES, 1 ABSENT, motion carried

Old Business: None

New Business:

1. Applicant’s Request for a Special Meeting

Mr. Moore stated that in September 2022, Mount Jackson Solar, LLC (Dynamic Energy) had pre-application discussions with Staff concerning the process and procedures for the submittal of a Substantial Accord and Special Use Permit to establish a 5MWAC solar project on 29 acres of a 40 acre parcel. On September 21, 2022, a pre-application meeting was held with the applicant and Staff, including a Technical Review Team Meeting with Shenandoah County departments and VDOT on September 22, 2002. On November 4, 2022 SA and SUP applications were provided. However, after numerous discussions concerning the lack of required data and details per Town Code, a revised application was provided on December 13, 2022. A final review report highlighting numerous deficiencies was provided to the applicant on January 4, 2023. The applicant is now stating that they need a decision by the end of March 2023. The applicant is requesting a Special Meeting to be scheduled instead of an Introduction. After the meeting, a Joint Public Hearing would be scheduled to include the option for the Commission to vote on the proposal that night. If a vote is taken that night, the Council may call for a vote at their next scheduled meeting. Mr. Moore stated that as of today, the applicant has not provided revisions of their application for review. Once the applications are found to be complete, a meeting may be scheduled.

Staff recommends that the request for a Special Meeting and/or foregoing the Introduction for a Substantial Accord Determination and Special Use Permit not be provided. Although the ability to call a Special Meeting is provided by Town Code, this is usually due to unprecedented circumstances, such as a national or local emergency, as well as other critical circumstances regarding the Town’s operations. Mr. Moore reported that as of today, the applicant has not provided a completed Substantial Accord Determination and SUP applications. The SA is a critical component of the processes, and reviews by the Planning Commission are required to determine if the general or approximate location, character, and extent are substantially in accord with the Comprehensive Plan or part thereof. During the Introduction, minimum development standards for the location of utility-scale solar facilities are reviewed to mitigate the adverse effects of such uses on adjoining property owners, the area, and the town. However, these components were not completed nor enough details provided to make a review.

Applications for an SA and SUP shall be reviewed and, if found to be completed by Staff, are introduced to the Planning Commission as per the Commission’s established regular order. As established, the Planning Commission may take up to 100 days to make a recommendation to Town Council if issues arise. The request to schedule a Special Meeting for an SA and SUP application would set a precedent by establishing a “fast-track”

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hearing. The applicant has submitted documents and revisions which were incomplete, not in compliance with the Town's development codes, unclear, and missing critical details required for review. Additionally, the applicant has requested to eliminate or defer certain sections of the SA and SUP requirements until after the application has been approved. The Planning Commission and Town Council should consider keeping the planning processes and procedures regular unless there are extraordinary circumstances, rather than as a convenience to the applicant.

Ms. Miller inquired that Staff is recommending that the Planning Commission not approve the request for a Special Meeting. Mr. Showalter stated that it would be premature to set a meeting, special or otherwise, because the applicant does not have their application finished, and secondly, after it is introduced next month and the applicant is present, they are liable to pressure for a Special Meeting. Mr. Showalter stated that the applicant would not gain much in terms of time, even if the Commission were so inclined.

Ms. Miller inquired into the location of the proposed solar project. Mr. Showalter stated that this would be the lot immediately across Hawkins Road from the new Bowman Andros plant, currently a corn stubble field. Chairman Ambrose stated that it is on the other side of the railroad track, to the right. Mr. Moore confirmed it is between I-81 and the railroad track. Mr. Showalter stated that he did not want to over-introduce this request right now, as the Commission would only hear half of the application, but wanted the Commission to be prepared for the meeting next month. Mr. Showalter stated that he believes they may be a little inexperienced in the planning area and not sure exactly what they are asking for, to be honest.

Ms. Miller asked how many acres the project would encompass. Mr. Showalter stated that the lot is about 45 acres, but the field itself is about 25. Ms. Miller remarked on the small size of the subject area for a solar project. Chairman Ambrose stated that this is the second company that has tried to go around policies and procedures, and nearly 25% of the Town's land is now devoted to solar, so he stands negatively on this issue. Ms. Miller stated her agreement with Chairman Ambrose as the site is very close to I-81 and the potential aesthetics issues. Mr. Showalter stated that there is no point in moving to schedule a meeting tonight; this was just brought up for their information.

Mr. Hines inquired as to whether any other commissioners received a call from the applicant. Ms. Miller and Chairman Ambrose both answered negatively. Mr. Hines stated that he had, but didn't respond. Mr. Moore stated that he had spoken with the applicants after that incident. Ms. Miller inquired as to whether the applicants would be attending the February Planning Commission meeting. Mr. Showalter stated that the anticipated schedule would be that the applicants would complete their application in the next two weeks, giving Staff time to review it, and be presented to the Commission for Introduction at the February 6, 2023 meeting, like any other SUP. Mr. Showalter stated that it is typically Staff's practice, when you have an SUP introduced, that you often set it for public hearing, which would be March 6, 2023, so the applicants asking for an accelerated hearing would only speed things up a week or so and he is not sure that Council is on board with it anyway. Mr. Ambrose stated that he feels the applicants just want to shove this through. Mr. Moore stated his agreement, that this has been the attitude received from the applicants. Mr. Moore stated that his letter to the applicant, sent last week, stated that Staff needed to receive the completed application by January 18, 2023, giving them two weeks to do this, but the applicants continue to try to maneuver around procedures.

Ms. Miller inquired as to the projected site. Mr. Moore stated that there is hardly any slope, giving this desirable conditions. Mr. Hines inquired as to what type of agricultural land the projected site is on and the agricultural status of the land. Mr. Moore answered that the land is active, formerly corn and soybeans, and this year has

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been corn stubble. Mr. Hines inquired as to whether the state specifies the type of land that solar projects should be on. Mr. Hines stated that it seems as if the projected site is on good, productive farm land. Chairman Ambrose stated that it is good farm land. Mr. Moore stated that what Mr. Hines was referring to was legislative preview back in the fall about how the General Assembly this year wants to handle the increase in farmland being used, and if the land is good land or poor land. They will have a database that people in the county could access to make these determinations.

2. Planning & Development Annual Report

Mr. Moore presented the Town of Mount Jackson's first Planning & Development Annual Report. The report listed categories for Rezoning Requests, SUP's, Variances, etc. received in 2022 and the results. Current issues, like Tiny Houses were discussed, along with development and tourism. 2022 zoning & development facts and figures were listed, along with major efforts. The Comprehensive Plan was addressed along with community outreach and public relations, including the 250th Anniversary Celebration of Shenandoah County, and the two resolutions presented in 2022. Copies of this report will be provided to Town Council.

Board of Zoning Appeals Report: None

Town Council Items: Mr. Showalter stated that the cell tower and convenience store SUP's were approved.

Zoning Administrator Report: Mr. Showalter stated there were two permits approved at 270 E. Avondale for a carport enclosure and fence. There was nothing else to report. Mr. Moore stated that he received an application for Truxton Court, but has not reviewed this as more information is needed from the applicant. Mr. Showalter stated that Aaron Painter from the Fire Dept. stopped in his office last week. He asked Mr. Showalter to inform the Planning Commission and Town Council that they are going to acquire several old, untitled vehicles and park them in the burnt pad at AmeriGas to practice vehicle extractions for a few months. They will eventually remove these vehicles, but wanted the Town to be aware of their purpose in being there.

Board Member's Items: Chairman Ambrose reported that property near his, the old Miller Farm, the house of which has been in disrepair, will now be used by the Fire Dept. for training. The plans are to burn the barn and house, tentative date being the end of March, depending on training and weather. Ms. Miller stated her affiliation with the property, which was her husband's grandfather's farm. Chairman Ambrose stated that if anyone had questions about the appearance of this property, the Fire Dept. will be cleaning it up.

Commissioner Miller made a motion, seconded by Commissioner Hines, to adjourn the meeting at 7:32 PM.

Submitted by: Barbara M. Riggleman, Town Clerk