

Mount Jackson
Joint Public Hearing and Planning Commission Regular Meeting
March 2, 2020

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Joint Public Hearing

Chairman Larry Ambrose called the Commission to order at 7:00 PM in the council chamber at 5901 Main Street and requested a roll call. Commissioners in attendance were Dennis Andrick, Anita Miller, Evelyn Burner and Jim Hines. Vice Mayor Rod Shepherd called the Council to order and requested a roll call. Councilmembers Judy Fultz, Whitney Miller, Dennis Andrick, Rod Shepherd, Roger Rudy, and Bonnie Good were present. Town Manager, Neil Showalter; Consultant, Joseph S. Paxton; and Town Clerk, Debbie Stover, were present. Tony Stephan, Rich Alevi, and Noah Carter from Sun Tribe Solar were present, as well as Robert Whitehurst, and Alex Bridges from NVD.

1. Special Use Permit (SUP) 20-03 – 6375 Main Street – Shenandoah County Public Schools (Triplett Tech) – (Sun Tribe Solar, occupant).

Mr. Paxton provided the staff report including pictures from the Triplett Tech property located at 6375 Main Street. He stated the rear of the property faces I-81, the north boundary includes several houses and an existing fence, the south boundary includes a farm fence and is the location of the proposed access road, and there is a buffer area between the solar panel project and the school. Mr. Paxton stated the property is zoned R-2, and earlier this year the Council amended the code to allow a small scale solar energy facility as an accessory use to a school. He stated code section 66-315 sets standards for such facilities and the applicant is aware and committed to meeting those standards. Section 66-314 states a building may have a height of up to 60', the structure shown on the plans is 3' to 8' 7 1/4" in height. The code states the required setback is 75' or more from any street right-of-way. The R-2 zone setback is 35' from a street right-of-way. This project is 544' from I-81 and 1,050' from Main Street. The code states the required side and rear yard setbacks are 50' from any non-residential structures. The solar panel project setback to the northern residential properties is 50', and to the southern residential properties is 80' (due to the access road in between the setback boundary and the project). Mr. Paxton stated there are a number of landscaping and screening requirements in section 66-317, most of which don't apply because this is not a typical industrial project. The code sections that are not applicable are paragraphs B-K, M, N and P. The code does require no less than 15% of the area to be landscaped, and Sun Tribe Solar will show in their presentation that the majority of the site will be landscaped. The other applicable code section paragraphs are L (site plan shall protect and incorporate scenic views, ridgelines and stream corridors), O (all screen materials shall be compatible with the architectural materials and colors of the building, and the use of barbed wire on any fence is prohibited), and Q (a buffer yard of not less than 50' shall be required for all industrial uses abutting a residentially-zoned district). Mr. Paxton stated they are required to have landscaping or the code allows an opaque fence as an option. He stated the Commission and Council can decide if they think an opaque or chain link fence is most appropriate in this application. Mr. Paxton stated Sun Tribe Solar came to a technical review meeting with Shenandoah County prior to submitting the special use permit. He stated there were no substantial comments or concerns with the project, other than how the applicant will protect the areas underneath the panels to prevent erosion. The applicant's approach will be outlined in Sun Tribe's presentation.

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Mr. Paxton summarized that the use is consistent with the provisions of the R-2 district and the Comprehensive Plan, as it incorporates environmental conservation as a means to support the Town's vision of promoting environmental responsibility and encourages educational opportunities helping to reduce long term operating costs for the school. Mr. Paxton stated based on this evaluation, and subject to an appropriate resolution to the screening issue, staff recommended approval of the request.

Rich Alevi and Noah Carter, from Sun Tribe Solar, provided a PowerPoint presentation on the project. Mr. Alevi stated Sun Tribe Solar is based in Charlottesville, has been in business for 3 ½ years, with a primary focus on serving the Virginia public schools market. The firm provides development of projects, financing, engineering, construction, operations and maintenance, and stays involved throughout the course of the project. The firm is detail oriented and prides itself in the quality of its work, and is dedicated to repeat engagements with the school systems it works with. The firm has served 16 schools over the past 3 years. Commissioner Andrick asked if all 16 properties were complete. Mr. Alevi stated approximately 40-50% are complete, 30% in construction or permitting process, and 15-20% are at an agreement phase. Projects have been completed in Arlington County, Augusta County, Fluvanna County, Hanover County, King William County, Middlesex County, Richmond City, Westmoreland County, as well as at the University of Virginia, The Collegiate School, Peabody School, and St. Anne's Belfield School. Mr. Paxton stated he heard earlier today that there is a cap on the number of solar projects that can move forward in Virginia, and that Fairfax County Schools are unable to proceed because of this. Mr. Alevi stated yes, that is the case, and when Sun Tribe signed the agreement with SCPS, they immediately entered this project into the queue to hold that spot, and it is approved. Mr. Alevi added all spots are taken at this moment, but there is current legislation to expand that. Mr. Alevi stated the framework through which this project was developed is called a power purchase agreement (PPA). This agreement was executed in October 2019 and has a 30-year term with an estimated savings of \$4M over the 30-year term. Mr. Alevi stated that at the completion of the agreement term, the school has the option to extend the term, with no obligation to do so. If it is not extended, Sun Tribe is required to decommission the system. Mr. Alevi stated his firm also provides a \$20,000 grant for every school, through the NEED (National Education Energy Development) project to train and provide teachers with curriculum for students.

Mr. Paxton reminded the Commission and Council, that in regards to decommissioning the system, the town code requires a bond in the amount necessary to decommission, to be filed with the Town prior to final approval of the special use permit.

Mr. Alevi stated the system is a fixed-tilt ground mount array, facing south. The array size is 240 kW AC (728 solar panels in approximately 12-15 rows), it will offset 100% of the school's usage, on a footprint of less than 2 acres, with the point of interconnection at the existing school infrastructure. The project expected construction start date is July 2020 and expected commissioning date is September 2020.

Noah Carter stated this property is zoned R-2, and the current land use is an open field. The project setbacks are 544' to I-81, 50' to parcels to the north, 1,050' to Route 11, and 80' to parcels to the south (due to the access road and a line of trees). Mr. Carter stated due to the abutment to a residential area, Sun Tribe has to use landscaping or install an opaque fence. He added their current

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budget doesn't allow for landscaping, but they will install the opaque fence, if requested by Council. Chairman Ambrose inquired about the maintenance staff. Mr. Carter stated the company provides the maintenance or contracts with a third-party to assist them. Mr. Carter stated they are currently doing their due diligence on existing conditions, and have found no cultural or historical issues, no environment issues, no wetlands issues, and have completed the easement coordination with Dominion.

Mr. Alevi stated Sun Tribe has been involved in the Virginia Department of Environmental Quality (DEQ) Pollinator Smart Program. The program is designed to prevent erosion and assist with controlling stormwater, while positively impacting the environment by planting pollinator-friendly vegetation. Sun Tribe recently received the first pollinator smart certification for a solar site in Virginia for their array at Westmoreland County Public Schools, and plans to do the same at the Triplett Tech site, if the Commission approves. Mr. Alevi stated the project schedule is projected as follows: environmental studies were done January 2020; a topographical survey was done February-March 2020; civil engineering should begin in April 2020; land disturbance and B&E permitting in May-June 2020; construction in July-August 2020; with completion in September 2020.

With no further public comments, Vice-Mayor Shepherd made the motion to adjourn the public hearing.

The Council hearing was adjourned without objection. Chairman Ambrose adjourned the Commission's hearing.

Regular Meeting

Chairman Larry Ambrose called the regular meeting to order following the joint public hearing.

Agenda Additions/Deletions/Changes: None

Introduction of Guests: None

Hear from Visitors: None

Approval of the Previous Meeting Minutes – Commissioner Andrick MOVED, seconded by Commissioner Burner to APPROVE the Minutes of February 3, 2020 Joint Public Hearing and Regular Meeting.

VOTE:

AYE

NAY

ABSTAIN

ABSENT

Commissioner Andrick
Commissioner Miller
Commissioner Burner
Commissioner Hines
4 AYES, motion carried

Old Business:

Consider the following for recommendation to the Town Council:

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1. SUP 20-03 – 6375 Main Street – Shenandoah County Public Schools (Triplett Tech) – (Sun Tribe Solar, occupant) – small scale solar energy facility.

Mr. Paxton stated if the Commission agrees with staff’s recommendation for the Commission to recommend approval of this request, a commissioner to include in the motion that “the proposed use is consistent with the provisions of the R-2 district and consistent with the Comprehensive Plan as it incorporates environmental conservation as a means to support growth for the Town and supports the Town’s vision of promoting environmental responsibility, encouraging educational opportunities by helping to reduce the long term costs of operating for the schools.”

Commissioner Burner MOVED, seconded by Commissioner Andrick, as the proposed use is consistent with the provisions of the R-2 district, and with the Comprehensive Plan by incorporating environmental conservation as a means to support growth for the Town and further by supporting the Town’s vision of promoting environmental responsibility and encouraging educational opportunities by helping to reduce the long term costs of operating the school, the Planning Commission recommends APPROVAL of SUP 20-03 to the Town Council.

VOTE:

| <u>AYE</u> | <u>NAY</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|------------------------|------------|----------------|---------------|
| Commissioner Andrick | | | |
| Commissioner Miller | | | |
| Commissioner Burner | | | |
| Commissioner Hines | | | |
| 4 AYES, motion carried | | | |

New Business: None

Actions of the Board of Zoning Appeals: None

Report on Town Council Items: None

Zoning Administrator’s Report:

Mr. Showalter referred to the zoning administrator’s report in the commissioners packets. He stated this past month Council approved the special use permit for Holtzman Oil Company for the private auto/truck sales lot, and the Town approved a zoning permit for a Town pole barn to be built at the sewer plant. He stated a zoning permit was also approved for Mr. Boor to construct a ticket booth at the Nelson Theatre.

Mr. Showalter stated as far as enforcement activities, there is interest from the owner of South End Grocery to reopen the convenience store and restaurant, but due to the failure to complete the VDOT improvements to the entranceway, it cannot reopen at this time. He stated farm equipment is being sold at 6126 South Main, the old Native American building, and although no salesman is present, there are sales materials on-site, so staff is deeming this a continuing enterprise that needs to file for a zoning permit and business license. He added that business owner did pick up his materials last week, but the use has not been approved yet.

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Mr. Showalter stated the Town issued notices to 5995 and 6017 Broad Street to improve the property appearances. One location had a significant amount of building material that was moved immediately, but there is more to be done, and the Town will continue to monitor these properties. Mr. Showalter stated the Mill property owner is not in compliance, and will probably go to civil court, but he is working with the town attorney to follow the town code to get this property cleaned up.

Commissioner Miller asked about the status of the Beall special use permit. Mr. Paxton stated the Beall special use permit was tabled at the last Council meeting, as staff is working with the property owner on alternative approaches to providing the all-weather surface for their parking area, taking into consideration the drainage issues. He stated the vast majority of the water issue is not being created by the Beall property, but the Town and the applicant don't want to add to the issue. They are looking into more permeable alternatives such as pea gravel, complimented by some wetlands buffer areas to try and slow the water. Mr. Paxton added the current Town code requires a paved access drive and parking area, but this may need to be revisited in the re-write of the zoning ordinance. He added Mr. Beall is planning to bring the Town a new approach next week in time for the next Council meeting.

Mr. Showalter added the ordinance committee will meet Thursday afternoon, to go through the zoning ordinance re-write, which is much improved. Mr. Paxton stated the rewrite didn't substantially change the information, only the structure. Mr. Whitehurst asked if any industrial codes were being changed, and Mr. Paxton stated no, the industrial sections are actually the most current, and while the section numbers may change, the content will not.

Board Member's Report: None

Commissioner Miller made a motion, seconded by Commissioner Burner, to adjourn the meeting at 7:56 p.m.

Submitted by: Debbie Stover, Town Clerk