

Mount Jackson
Planning Commission Meeting
February 7, 2022
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Regular Meeting

Chairman Larry Ambrose called the meeting to order at 7:00 PM in the council chambers at 5901 Main Street. Commissioners Anita Miller, Jim Hines, and Dennis Andrick were in attendance. Also present were Neil Showalter, Town Manager; Donnie Pifer, Mayor; Jay Neal, Town Attorney; Erick Moore, Planning and Development Director; Darla Odom with the Berkley Group; and Debbie Allen, Town Clerk. Commissioner Evelyn Burner attended electronically through Zoom.

Visitors included Robert and Eleanor Whitehurst, Melinda Monroe, GB Foltz, Tommy Keeler with the Northern Virginia Daily, Dominika Sink with Energix, and their attorney Scott Foster. Becky Campbell from First Solar attended electronically through Zoom. Dave Moore from Cornerstone Technology was present to provide Zoom service.

Agenda Additions/Deletions/Changes: None

Introduction of Guests: Mr. Showalter stated the Town's new Planning and Development Director, Erick Moore, is present tonight and will speak later in the meeting.

Hear from Visitors: None

Consideration of Policy for Remote Participation:

Mr. Showalter stated Mount Jackson has never had a remote participation policy in place prior to the COVID-19 emergency. In the spring of 2020 the Governor declared a state of emergency, and the Virginia General Assembly actions authorized towns to pass emergency ordinances to allow remote participation and meetings to be held electronically. That emergency declaration, and the Town ordinances, expired at the end of June 2021. Mr. Showalter stated the Town now has the technology, and tonight the need as well, as Commissioner Burner asked if she could participate remotely due to her temporary disability. He asked the Town Attorney to draft a policy that would be in compliance with current state law, which is before the Commission tonight. Mr. Showalter stated the requirements are there has to be a quorum on site, and if the remote participation is due to a personal reason, those members present on site have to vote whether or not to allow that person to participate remotely. When the remote participation is due to a medical condition or disability, that permission is not necessary. There also is a limit on the number of personal excuses allowed per calendar year. Chairman Ambrose stated he would like to ask for the Commission to adopt the policy for remote participation.

Commissioner Miller MOVED, seconded by Commissioner Andrick to APPROVE the Adoption of the Policy to Allow for Remote Participation.

VOTE:

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

Mr. Showalter stated from this point on, Ms. Burner is an active Commissioner tonight and is able to vote.

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Approval of the Previous Meeting Minutes – Commissioner Miller MOVED, seconded by Commissioner Hines to APPROVE the Minutes of January 3, 2022 Regular Meeting.

VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Commissioner Andrick			
Commissioner Miller			
Commissioner Burner			
Commissioner Hines			
Commissioner Ambrose			
5 AYES, motion carried			

Old Business:

1. Substantial Accord Determination – SA 21-01
2. Special Use Permit – SUP 21-01

Ms. Odom stated the applicant, OFW Solar Farm, LLC, is proposing to construct and operate a privately-owned public utility, a utility-scale solar facility, on the subject property. Regarding case SA 21-01, Virginia Code requires affirmative determination by the Planning Commission that the general or approximate location, character and extent of a public utility facility, whether publicly or privately owned, is substantially in accord with the Town’s adopted comprehensive plan. Regarding companion case SUP 21-01, the subject property is zoned agricultural A-1 and the zoning ordinance permits a utility-scale solar facility with the approval of a special use permit in an A-1 district. The ordinance contains specific use standards for utility-scale solar facilities, and with this request the applicant is seeking exceptions to those standards. Ms. Odom stated she will speak tonight on the changes since the Planning Commission’s January 3 meeting. After staff’s presentation Commissioners can discuss the cases, ask questions of staff and the applicant’s representatives, and it would then be appropriate to take action.

Ms. Odom stated the subject property is 128.6 acres, fronting the southeast line of Turkey Knob Road, west line of I-81, and the northwest line of the railroad right-of-way, generally south of Walker Road. The property generally to the west is 526.9 acres, which was zoned in 2018 to allow for a utility-scale solar facility, referred to as Mount Jackson Solar I, OFW Solar II and OFW Solar III. The subject property is recommended by the Town’s future land use plan for industrial land use, to ensure the development is compatible with the character of the area and to impose regulations as necessary to ensure that it is accomplished.

Ms. Odom stated Mount Jackson Solar I is still under construction, and the applicant has provided details of their progress following comments from area neighbors and the Commission. There is a memo included in Commissioner’s packet outlining changes, including hiring Valley Terra Services to complete the landscaping work along Georgetown Road, and hiring GB Foltz Contracting to work on stabilizing the site. Ms. Odom referred to a slide showing ordinance requirements for utility-scale solar facilities as well as the applicant’s proposal, highlighting areas under the applicant’s proposal on changes since the last meeting. The applicants have increased the setbacks to 200 feet and the buffers to 100 feet within the setbacks, adjacent to 3126 Turkey Knob Road, which are both in line with the requirements of the zoning ordinance. The applicant also proposes 10% pollinators in ground cover.

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Ms. Odom presented a slide from the applicant’s conceptual plan, which was updated and submitted February 3. It shows the wildlife corridors that will be preserved, provided within the setbacks along Turkey Knob Road. The applicant will not connect fencing between Solar I and II, and between Solar II and III, to allow for the wildlife corridors. Topography and existing vegetation will be maintained within the 50 foot setback on all boundary lines, other than Ms. Monroe’s property at 3126 Turkey Knob Road, and where those would not provide appropriate screening, the applicant will supplement that to include two staggered rows of evergreen trees.

Ms. Odom stated tonight after public comment should the Planning Commission determine it appropriate, staff recommends approval of SA 21-01. She stated the comprehensive plan designates the requested property for industrial land use promote economic development opportunities, but that consideration of the proposed facility as it sets with the existing land uses is also important. This property will be an expansion of the adjacent solar facility that was approved in 2018 and with the conditions that are recommended in the special use permit, staff would recommend that the proposal satisfies that criteria of location, character and extent as specified in the Code of Virginia. In addition the comprehensive plan promotes environmental responsibility that preserves clean air and water and this facility does represent a renewable resource for energy generation. Relative to the second case SUP 21-01, if after public comment the Planning Commission determines it appropriate to recommend approval to the Town Council, such approval should be subject to the conditions in the staff report in attachments A and B and subject to the conceptual plan.

Mr. Ambrose asked what is located beyond the 200 foot setback triangle area behind Ms. Monroe’s dwelling. Ms. Odom stated a road goes behind the property, but there will not be solar panels in that area. Mr. Ambrose stated in reference to the prior issues such as drainage and erosion, Mr. Foltz has been hired to correct these issues and is present tonight to provide details if needed. Mr. Foltz stated they will clean out the sediment ponds where necessary, repair existing erosion areas, and do work to prevent further erosion.

Commissioner Andrick MOVED, seconded by Commissioner Burner to APPROVE the Recommendation of Case SA 21-01 to the Town Council. “As outlined in the staff report and upon consideration of the area’s existing land use which is mostly industrial and the utility-scale solar facility approved in 2018 directly adjacent to the west, the proposed public utility meets the criteria of location, character and extent specified in the Code of Virginia as being in substantial accord with the Town’s Comprehensive Plan.”

VOTE:

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

4 AYES, 1 NAY, motion passed

Mr. Andrick stated “On behalf of the Commission, I want to express our appreciation for the input we have received from the community, adjacent property owners, and the applicant’s representatives over the past two months. The facility is proposed in an industrial area, adjacent to, and basically as an expansion of, the large utility-scale solar facility approved across Turkey Knob Road in 2018. The facility’s design and operation, as outlined in staff’s report and recommended conditions, and the fact that the facility must be

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constructed and operated in compliance with state and federal laws and permitting requirements, offer measures to minimize the impact of the facility on the health, safety and welfare of people working or residing in the area. In addition, the applicant's revised Conceptual Plan now proposes to meet ordinance required setbacks and buffers adjacent to the only nearby dwelling not owned by the property owner, and will provide a landscape screen in addition to vegetation retention in all setbacks to reduce visibility of the facility."

Commissioner Andrick MOVED, seconded by Commissioner Burner to APPROVE the Recommendation of Case SUP 21-01 to the Town Council subject to the 35 conditions in Attachment A of the staff report which includes the conditions of the Textual Statement in Attachment B and the Conceptual Plan, last revised February 3, 2022.

VOTE:

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

4 AYES, 1 NAY, motion passed

New Business: None

Board of Zoning Appeals Report: None

Town Council Items – Mr. Andrick: None

Zoning Administrator Report: Mr. Showalter stated tonight the Commission will hear from the Town's new Planning and Development Director, Erick Moore. This is the first time the Town of Mount Jackson has had this position, and a sure sign the community is growing. Mr. Showalter stated the Town welcomes him aboard, and stated Mr. Moore has been a great help already with a full inbox.

Mr. Moore stated it is his pleasure to be here because he gets to apply all the things he has learned over the last 20+ years. He has done many different things in his life, from being an Intelligence Specialist in the U.S. Navy, working for The Homebuilders Association of Virginia, being a manger at K-Mart years ago in Front Royal, and working for Franklin County, Warren County, and the City of Winchester. He stated along the way he has gained a lot of insight into many different aspects of planning and zoning, from cities to small counties and towns. Mr. Moore stated he feels Mount Jackson is on the cusp of moving forward how they want to, and a big part of that is the Town's comprehensive plan, which he will be working hard on this year. He stated his door is always open, his phone is always on, feel free to contact him, and he looks forward to being here. Mr. Moore stated he feels Mount Jackson has a lot of potential to do a lot of things and still maintain the historic atmosphere to provide goods and services. He stated working with Neil has been extremely beneficial, he appreciates all the support, and is looking forward to many productive years.

Board Members' Items: None

Commissioner Miller made a motion to adjourn the meeting at 7:29 PM.

Submitted by: Deborah L. Allen, Town Clerk