

Mount Jackson
Planning Commission Meeting
February 6, 2023
- 1 -

Regular Meeting

Chairman Larry Ambrose called the meeting to order at 7:00 PM in the council chambers at 5901 Main Street. Commissioners Jim Hines, Anita Miller, and Evelyn Burner were in attendance. Also present were Neil Showalter, Town Manager; Erick Moore, Planning and Development Director; and Barbara Riggelman, Town Clerk. Todd Bowman; Daniel Langston, PA with Christopher Consultants; Lori Schweller, land use attorney with Williams Mullen; and Derek Sheehan, Director, Community Solar Business Development with Dynamic Energy were also present. Visitors were Donnie Pifer, Rod Shepherd, Charles Middleton, and Karen Costie.

Agenda Additions/Deletions/Changes: None

Introduction of Guests: Chairman Ambrose asked the guests and visitors present to introduce themselves.

Hear from Visitors: None

Approval of the Previous Meeting Minutes – Commissioner Burner MOVED, seconded by Commissioner Miller to APPROVE the Minutes of January 9, 2022 Regular Meeting.

VOTE:

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

Old Business: None

New Business:

1. SA-22-02: Mt. Jackson Solar, LLC Substantial Accord Determination – Introduction and Set for Public Hearing

Chairman Ambrose stated that the Substantial Accord Determination (SA-22-02) was an introduction and review by Staff. The introduction was for Staff to present the application which is required to be in Substantial Accord per Virginia Code §15.2-2232. The Introduction is not a public hearing to discuss the merits of the application but for specific questions, if any, to be asked by the Planning Commission concerning Staff's report. If the applications are found to be complete, the Planning Commission and Town Council will hold a scheduled public hearing in March. The applicant and the public will then have the opportunity to ask the Commission and Staff specific questions applicable to the application if they so choose.

Mr. Moore reported that the Planning Commission had received Staff's report and showed a PowerPoint review of that report. Mr. Moore reported that Substantial Accord Determination SA-22-02 is for a utility-scale solar facility on Hawkins Road. The request is to install and operate a 5 megawatt alternative current system using ground-mounted panels, to be located on 24.3 acres of a 40.5 acre parcel. The existing site is agricultural production. Mr. Moore presented photographs of the project location; to the north is Shenandoah County, agricultural use; to the west is I-81; to the south is Hawkins Road; and to the east is the proposed Shenandoah Rail Trail recreational area. Mr. Moore reported that Comprehensive Plan Review, Virginia Code §15.2-2232, also known as 2232, for utility-scale solar facilities and public utility facility proposals (solar panels) require affirmative determination by the Planning Commission to be substantially in accord with the Town's Comprehensive Plan, or part thereof, and determine general or approximate location, character, and extent of

Mount Jackson
Planning Commission Meeting
February 6, 2023
- 2 -

such facility. Mr. Moore reported that in relationship to the Comprehensive Plan, the project reviews: Guide future town growth, physical and economic development; promote health, safety, convenience, order, prosperity, and general welfare; apply design guidelines and master plans for growth; scenic, historic, and Virginia roads merit special attention limiting adjacent development impacts with buffers/vegetative preservation; promote appropriate and economic development south of Town, enhance employment opportunities; encourage efficient use of land to enhance property values and tax base; implement economic development policies and plans adopted by the Town Council; and ensure site compatibility with small-town character, charm, and history. Mr. Moore reported the Long-range Land Use Planning, Citizen and Leadership Vision: Guides future community, physical, and economic development; developed by citizens and Town's leadership; protect and improve Town's resources and small-town character; primary goal is to provide for public health, safety, convenience, and welfare of it's residents; recognizes demand for commercial land variety uses; and ensure future development is compatible with small-town character, charm, and history.

Mr. Moore reported that the subject property is zoned A-1, Agriculture. The Statement of Intent of the A-1, Agricultural District, is intended to preserve the character of those portions of the town where agricultural and other low-intensity uses predominate. The permitted uses should include mainly agriculture and related uses. The Zoning Ordinance provides a solar facility, utility-scale, with the approval of a special use permit in an Agricultural (A-1) Zoning District. In a companion case, the applicant is seeking approval of a Special Use Permit (Case SU-22-04) to provide a solar facility.

Mr. Hines inquired as to whether the requested meeting would be a Joint Public Hearing with the Town Council. Mr. Showalter answered that the Planning Commission would set the hearing and Town Council will decide, and that 99% of the time it has been a joint hearing.

Commissioner Burner MOVED, seconded by Commissioner Miller to SET a Joint Public Hearing on March 6, 2023 at 7:00 PM for Substantial Accord Determination SA-22-02.

VOTE:

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

2. SU-22-04: Mt. Jackson Solar, LLC Special Use Permit – Introduction and Set for Public Hearing

Mr. Moore reported that the Special Use Permit considerations, Standards for Review are: The proposed use will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use; the proposed use will not be detrimental to the public welfare or unduly injurious to property values or improvements in the neighborhood; the proposed use will not conflict with the policies and principles of the town's adopted Comprehensive Plan; adequate public services, including streets and other traffic ways, utilities, police and fire protection, are or reasonably will be available to support the proposed use; and comply with the Community Design and Standards. Mr. Moore presented a PowerPoint showing pictures of the projected site, the Long-Range Land Use Planning, the Mt. Jackson Zoning Map and Future Land Use Map, and the Zoning District Statement of Intent, with uses for the A-1 District.

Mount Jackson
Planning Commission Meeting
February 6, 2023
- 3 -

Mr. Hines inquired if the land opposite the subject parcel, west of I-81, was Shenandoah County land. Mr. Moore answered affirmatively. Mr. Hines stated that the subject parcel is surrounded by Shenandoah County land on three sides.

Commissioner Miller MOVED, seconded by Commissioner Burner to SET a Joint Public Hearing on March 6, 2023 at 7:00 PM for Special Use Permit SU-22-04.

VOTE:

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

Ms. Burner asked if the solar panels would be made in the United States. Mr. Sheehan answered that typically there are a number of different panel manufacturers and they do try to source US-made panels, but sometimes they are subject to what panels are available at the time of construction. Ms. Burner stated that this has been a concern previously. Mr. Bowman stated that their preference is US-made panels and if they are available, they will utilize US-made panels. Mr. Hines inquired as to where the last project was sourced from. Mr. Sheehan stated that he was not sure of the answer to that question; they develop a lot of different projects within the company and he hasn't been really involved with that. Mr. Hines inquired as to Mr. Sheehan's last completed project. Mr. Sheehan answered that he believed Maine was the location for the last group of projects that have been constructed. He stated that they started development in 2019 and construction began in 2022. Mr. Hines stated that project was in Maine, but Mr. Sheehan wouldn't know who would source this project. Mr. Sheehan answered that doesn't have an answer to that question tonight. Ms. Burner stated that a big issue with the last solar project was that there wouldn't be anything toxic, etc. in the panels; she advised Mr. Sheehan to be prepared for this type of question. Mr. Ambrose stated that there was a lot of concern regarding run-off from rains, snows, etc. and the river being in close proximity; these would be questions to anticipate. Ms. Burner inquired as to the buffers planned for the projected site. Mr. Bowman stated that by comparison, having driven by the Whitehurst property, their screening will be substantially more developed. Mr. Ambrose again stated that there will be questions regarding run-off, so he advised the applicants to be prepared for this.

3. Commissioner Recognition – Mr. Moore

Mr. Ambrose stated that there are two commissioners who have completed the Planning Commission Certification, Mr. Hines and Ms. Burner, and presented them with plaques of recognition.

Board of Zoning Appeals Report: None

Town Council Items: None

Zoning Administrator Report: Mr. Showalter stated the report was included in the packet. Ms. Burner inquired as to the On-Site Clinic. Mr. Moore stated that this was for Bowman Andros; there is a house on the north end. Ms. Burner asked if this was the Valley Health clinic. Mr. Moore answered that this clinic is for Bowman Andros; the Valley Health clinic is at the corner of Rt. 11 and Conicville Road, which is a Holtzman clinic. Mr. Hines inquired if the Bowman Andros clinic is on Rt. 11. Mr. Moore answered affirmatively; it is one of the old houses. This was approved at the beginning of January and the one for Valley Health for Holtzman was in October 2022.

Mount Jackson
Planning Commission Meeting

February 6, 2023

- 4 -

Mr. Hines inquired if this clinic would be just for Andros personnel, opposed to the Valley Health clinic which is for the public. Mr. Showalter answered affirmatively. Mr. Moore answered that this is the intent. Ms. Burner inquired into the location of the Indoor Baseball Training. Mr. Moore stated that this is the old Triplett school property. Mr. Showalter answered that the property is up and running now. Mr. Moore stated that he talked with Todd Holtzman earlier today about this; an ordinance that permits private health/wellness centers, for example the YMCA, will be brought before the Planning Commission next month as there is no zoning category for this use. Mr. Moore stated that he had also heard from Shenandoah County Parks & Rec who will be doing certain activities as things progress. If it happens that the YMCA gets the charter, then everything will be ready to go; one of the conditions being that if the YMCA doesn't occupy the building, then the use will not take effect and it will return to the previous use, by-use and special use in the B-1. Mr. Hines clarified that it would return to what it would have been last month. Mr. Moore stated it would be a nondescript-use building because of it having been vacant for dozens of years. If a property is nonconforming and sits idle for more than 24 months, that nonconforming zoning district goes away; whatever is permissible as a use in the B-1 today would stand. The use of a health, fitness, and wellness center, which the YMCA is and is private - you have to pay to be a member, it's not public - is a use and will need to be conditioned. Mr. Hines stated that the cafeteria received a special use permit to be an apartment complex. Mr. Moore stated that use, from 2018, was never approved and the property was divided; the front property remained B-1 but the rear property, where the duplexes were intended to be built, was R-2. Site plans never got approved, the use never took effect, and so the project never went forward for different reasons; that is where the property is today. Mr. Moore reiterated that he would be presenting this at the next meeting, along with revamping the Industrial Districts and uses. Ms. Burner inquired if the used car lot is behind 7-11. Mr. Moore answered affirmatively.

Mr. Moore went over the Zoning Administrator's Report. The new shed was on a private lot; the fence was on a private lot; the on-site clinic was explained; indoor baseball training was explained; the used car lot is the one behind 7-11; the new dwelling is the one on Industrial Park Road and Caverns Road, next to the campground; and there was a sign permit which was related to the used car lot.

Board Member's Items: None

Commissioner Miller made a motion, seconded by Commissioner Burner, to adjourn the meeting at 7:29 PM.

Submitted by: Barbara M. Riggleman, Town Clerk