

JASON CAPELLE, DISTRICT 1
GEORGE YANCEY, DISTRICT 2
DONALD BROOKS, DISTRICT 3
JULIE ZELJMAKER, DISTRICT 4
JIM HUTCHISON, DISTRICT 5



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Orange County Planning Commission Agenda
Gordon Building
112 West Main Street, Orange, Virginia 22960
Thursday, May 20, 2021 – 6:00 p.m.

While this meeting will be held in-person, the meeting, in its entirety, will be streamed live on the County's YouTube Channel, available at <https://www.youtube.com/c/OrangeCountyVirginia>. Limited in-person seating will be available.

1. Call to Order and Determination of Quorum
2. Approval of Agenda
3. Approval of Minutes
 - a. May 6, 2021 regular meeting
4. New Business - none
5. Public Hearings
 - a. **Continuation of SUP 20-05:** Redfish Solar Partners, LLC, has applied for a special use permit to construct and operate a solar energy generation facility on vacant property located on Catharpin Road in the Locust Grove/Mine Run area. The property is zoned Agricultural and is identified as Tax Map Parcels 50-4, containing 48.29 acres, and 50-4A, containing 48.29 acres. The property is situated in the Agricultural-2 Recommended Future Land Use category as described in the Orange County Comprehensive Plan. As required by VA Code § 15.2-2232, a public hearing is required to determine whether the location, character, and extent of the proposed solar facility is in substantial accord with the Orange County Comprehensive Plan, prior to any approval of the special use permit for the facility.
6. Worksession
 - a. Germanna-Wilderness Area Plan (GWAP) planning documents, policies and development standards versus guidelines
 - b. Planning Commission work program update
 - c. Utility scale solar energy facilities
 - d. Accessory apartments (800 square foot maximum)

7. Old Business – none
8. Reports
 - a. Board of Supervisors report – Mark Johnson
 - b. Planning and Development report – Josh Gillespie
9. Commissioner Comments
10. Next meeting date – June 3, 2021
11. Adjourn

Unless otherwise indicated, agenda items will be taken in the order in which they appear above. The planning Commission reserves upon itself the right to amend a meeting agenda at any point and with any frequency prior to adoption of said agenda, pursuant to any required public notice. Time limits may be imposed by the Chairman for speakers addressing the Planning Commission.

**Orange County Planning Commission
Regular Meeting
Thursday, May 6, 2021
Meeting Held Electronically via Zoom video conference**

Present: Donald Brooks (Chairman), Jason Capelle (Vice Chairman); George Yancey; Jim Hutchison, Julie Zeijlmaker, Mark Johnson (Board of Supervisors Liaison)

Absent:

Staff Present: Sandra Thornton, Planning Services Manager; Josh Gillespie, Planning and Development Services Director; Eric Lansing, Assistant County Attorney; Tracey Newman, Planning Services Associate

1. Call to order and determination of quorum:

Chairman Brooks called the meeting to order at 6:00 pm and live streaming began on YouTube. A quorum was established.

2. Approval of agenda:

Mr. Hutchison made a motion to approve the agenda. The motion was seconded by Mr. Capelle and passed with vote of 5-0.

3. Approval of minutes:

a. April 15, 2021 regular meeting:

On the motion of Mr. Hutchison, with a second by Mr. Yancey, the minutes were approved as presented on a vote of 5-0.

4. New Business: none

5. Public hearings:

- a. Continuation of SAR 21-01:** Redfish Solar Partners, LLC, has applied for a special use permit to construct and operate a solar energy generation facility on vacant property located on Catharpin Road in the Locust Grove/Mine Run area. The property is zoned Agricultural and is identified as Tax Map Parcels 50-4, containing 48.29 acres, and 50-4A, containing 48.29 acres. The property is situated in the Agricultural-2 Recommended Future Land Use category as described in the Orange County Comprehensive Plan. As required by VA Code § 15.2-2232, a public hearing is required to determine whether the location, character, and extent of the proposed solar facility is in substantial accord with the Orange County Comprehensive Plan, prior to any approval of the special use permit for the facility.

After discussion, Mr. Capelle moved that the Planning Commission find that the project proposed in the application identified as SUP 20-05 is in accordance with § 15.2-2232 of the VA Code and in substantial accord with the Orange County Comprehensive Plan. The motion was seconded by Mr. Hutchison and carried by a vote of 3-2.

Ayes: Capelle, Brooks, Hutchison

Nays: Yancey, Zeijlmaker

- b. Continuation of SUP 20-05:** Redfish Solar Partners, LLC, has applied for a special use permit to construct and operate a solar energy generation facility on vacant property located on Catharpin Road in the Locust Grove/Mine Run area. The property is zoned Agricultural and is identified as Tax Map Parcels 50-4, containing 48.29 acres, and 50-4A, containing 48.29 acres. The property is situated in the Agricultural-2 Recommended Future Land Use category as described in the Orange County Comprehensive Plan.

After discussion, Mr. Capelle moved to defer SUP 20-05 to the next meeting May 20, 2021, to allow additional time for consideration of the proposed condition pertaining to a vegetated buffer requirement. The motion was seconded by Mr. Brooks and carried with a vote of 3-2.

Ayes: Capelle, Brooks, Zeijlmaker Nays: Hutchison, Yancey

6. **Work session:** None.

7. **Old business:** None

8. **Reports:**

a. **Board of Supervisors Report – Mark Johnson**

Mr. Johnson advised the Public Safety Building is approaching completion.

b. **Planning Services Report – Josh Gillespie**

Mr. Gillespie notified the Planning Commission that a letter of withdrawal was received from the applicants of SUP 20-04 Mountain View Community Church Rehabilitation.

He advised Orange County has joined the Rural Solar Development Coalition (RSDC), a coalition of rural counties in Virginia with membership fee paid from the department budget. The County is also in the beginning of consultation with the Virginia Department of Mines, Minerals and Energy (VDMME) who provide consulting services on the SolSmart program, a national educational program for communities interested in different practices, codes and ordinances related to solar energy.

In addition, the county received a project scoping and proposal from a consultant for a project, a four to six month undertaking to determine desired changes to the Comprehensive Plan and Zoning Ordinances in reference to solar energy generating uses, concluding with a presentation to and joint workshop of the Planning Commission and the Board of Supervisors.

Mr. Gillespie advised accessory apartments are being discussed as a result of discussions with a county property owner who proposes a second dwelling larger than the maximum eight-hundred (800) square feet specified in the code.

9. **Commissioner comments:** None

10. **Next meeting date – May 20, 2021**

The next meeting will be held at the Gordon Building at 112 West Main Street, Orange VA, in the boardroom located in the basement.

11. Adjourn

On the motion of Mr. Hutchison, seconded by Mr. Yancey, which carried by a vote of 5-0, the meeting adjourned at 7:38 p.m.

Donald Brooks, Chairman

Planning Commission Secretary

The events of this meeting were captured via digital audio recording. These written minutes shall serve as the official record of actions taken during the meeting.

DRAFT

MEMORANDUM

TO: Orange County Planning Commission

FROM: Sandra B. Thornton, Planning Services Manager

DATE: May 20, 2021

SUBJECT: SUP 20-05 Redfish Solar

Subsequent to the May 6, 2021, Planning Commission meeting, Director Gillespie conducted a site visit to the subject property and found that considerable clearing had occurred since receipt of the special use permit application submittal, most notably along the western property boundary of TMP 50-4, adjacent to the property owners' parcel which is the site of turkey houses (TMP 50-3), and north of the proposed project boundary on TMP 50-4. While there has also been clearing on the northern portion of TMP 50-4A, a significant vegetative buffer remains along the northern and eastern portions of the proposed project boundaries on that parcel. On May 12 and May 19, 2021, staff discussed with the applicant the existing conditions with respect to installation of buffering which would be expected to achieve adequate visual screening of the project from Cartharpin Road and adjacent properties. The applicants have proposed a new buffering plan, which includes extension of the vegetated buffer adjacent to Cartharpin Road to the west onto TMP 50-3, as well as supplemental planting and revegetation, and the following revised conditions are recommended by staff.

Staff notes that on May 19, 2021, the applicant requested consideration of amending the final proposed condition regarding the decommissioning plan and bond such that adjustments would be requested every five (5) years rather than three (3) years and that revenues from salvaging materials would not be excluded.

- **Controlling Documents:** Controlling documents shall be the conditions as set forth herein and the documents submitted with the application dated October 19, 2020, as revised in accordance with the January 22, 2021, and May 19, 2021, submittals from the applicant.
- **Compliance:** Use and development of the subject properties shall be in substantial conformance with these conditions. The Zoning Administrator shall determine "substantial conformance." The property owner shall be responsible for obtaining all required County licenses, site plan approvals, building permits, health permits, VDOT permits, zoning permits, stormwater permits, and erosion and sediment control permits.

Transportation/Access:

- There shall be one primary access point onto Catharpin Road.
- Construction traffic shall utilize East Orange Plank Road through Spotsylvania County to access the project site on Catharpin Road unless the Virginia Department of Transportation (VDOT) objects.
- The site plan submittal shall include a plan showing the anticipated haul routes for larger delivery trucks for VDOT review.
- Any damage to the public roadways attributable to construction traffic shall be the responsibility of the project owner to repair.
- Any proposed roads associated with the facility which are internal to the property shall be constructed in accordance with the Culpeper Soil & Water Conservation District *Dirt and Gravel Road Best Management Practice Guide*, to the extent practicable.

Buffering / Environmental:

- There shall be no land disturbance or construction within 100 feet of any wetland or perennial waterway, or within 50 feet of any waterbody or intermittent waterway. If any of these buffer areas adjacent to the solar panel arrays lack existing vegetation, revegetation shall be allowed to occur; however, adequacy of this buffer shall be approved by the Zoning Administrator as part of the site plan review and approval.
- ~~• A buffer which is a minimum of 35 feet in width and consists of staggered trees and shrubs which are native species shall be maintained around the perimeter of the property. No clearing, tree removal, or other disturbance shall occur within this buffer area except as necessary to construct the electrical lines needed for connection to the nearby transmission line at the southwestern point of the property.~~
- The existing project boundary perimeter vegetation shall be maintained on the parcels on which the project is situated. Except for other buffer requirements around existing jurisdictional features or wetland and/or stream buffers, a minimum 35-foot buffer will be observed along the project boundaries. The project will allow for revegetation along the project boundaries. A planted vegetated buffer adjacent to Catharpin Road shall be a minimum of 35 feet in width and contain staggered rows of native trees and shrubs. Supplementary vegetation along the north/northwestern project boundary, as well as vegetation necessary to fill in visual gaps along the western project boundary, is required in the form of native understory trees and shrubs approximately 2-3 feet in height at the time of planting, spaced approximately 25 feet – 30 feet on-center. No clearing, tree removal, or other disturbance shall occur within the buffer areas except as necessary to construct and operate the project.
- Grading associated with construction of the facility shall retain the natural topographical contours to the maximum extent practicable, except where grading can smooth excessive existing grades (i.e., 15% or greater) in order to control or prevent erosion.

- ~~Compression mats shall be used during construction in order to reduce topsoil compaction.~~
- Existing mature forestland shall be cleared only as necessary for installation and operation of the facility and a 35-foot setback from the tree line shall be observed. Clearing not associated with the facility is prohibited.
- Woody vegetation on slopes greater than 5% shall be preserved downhill from the solar arrays to the maximum extent possible.
- Solar panel arrays shall be arranged and constructed in order to encourage vegetation growth between and underneath the arrays and to minimize concentration of runoff.
- Top soil that is removed shall be stockpiled on site for use in restoration of the site at the time of decommissioning.

Uses / Setbacks:

- If at any point in the future installation of a battery energy storage system is desired, application must be made for an amendment to this special use permit.
- Construction of the facility shall not preclude any existing uses of the property, including agriculture, from continuing. However, the facility, once constructed, shall be considered the principal use of each parcel of the subject property.
- Should any subdivision of the subject property occur after the facility is constructed, approval of this SUP shall be void for the newly-created parcels.
- There shall be no commercial signage associated with the facility visible from Catharpin Road or from the air.
- For the purpose of determining minimum setback and yard distances from internal property lines, individual solar panel arrays shall be considered "main" structures per the Agricultural zoning district regulations of the Zoning Ordinance.
- All exterior lighting associated with the facility shall be Dark Sky compliant.
- To the maximum extent practicable, all electrical lines, except for those installed on the racking infrastructure and those associated with the interconnection route, shall be installed underground.
- Before the final inspection for the facility may be passed by the Building Official, the applicant shall supply the County with a performance bond to cover costs associated with decommissioning the facility and restoring the site to its pre-development condition. Decommissioning includes removal of the solar systems, buildings, cabling, electrical components, roads, foundations, pilings, and fencing to a depth of 36 inches, as well as restoration of the site to tillable soil suitable for agricultural use, forestry, ponds and/or wetlands. The applicant shall engage a third party to produce for the county's review a decommissioning plan sealed by an engineer licensed in Virginia and a cost estimate to complete this work, minus anticipated revenue from salvaging materials, plus a 10% contingency. This bond shall be maintained for as long as the facility is in existence. The owner shall supply bond riders or replacement bonds, upon request by the County, to account for inflation and changes in anticipated costs. The County may request these adjustments at 3-year intervals.