

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY PLANNING COMMISSION HELD ELECTRONICALLY AND, IN THE COUNTY, ADMINISTRATIVE OFFICE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA APRIL 14, 2021 AT 7:00 pm.

PRESENT: LEE MCLAUGHLIN, JR., MELISSA HENNIS, KIMBERLY HINES, AND DAVID WHITMORE

PRESENT ELECTRONICALLY: NONE

ABSENT: ROBERT LUCAS

SECRETARY: CHRIS SLAYDON

ONLINE STAFF: BRANDY FLINT

COUNTY ATTORNEY: VICKIE HUFFMAN

OTHERS PRESENT: MIKE KEYSER

PRESENT ONLINE: STEVE HART, BEN JACKSON, BOB HUMPHREYS, DEREK SHEEHAN, LANE CARR, AND PAT HASTINGS

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Mr. McLaughlin called the meeting at 7:01 pm with a verbal roll call of the Planning Commission members as follows: Mr. Lucas – Absent; Ms. Hennis – Present (in person); Ms. Hines – Present (in person); Mr. Whitmore – Present (in person); Mr. McLaughlin – Present (in person).

Mr. McLaughlin then advised that the meeting is being held by electronic means pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on April 5, 2021, and then read the procedures for the meeting.

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The second agenda item was Citizens Comments. Mr. McLaughlin stated that the meeting would proceed with Citizen Comments. He indicated that, in addition to participating by Zoom or telephone, written Citizens Comments had been solicited for receipt via email, U.S. Mail, and the drop box located at the County Administration Building, and via email.

At 7:04 pm, Mr. McLaughlin asked Mr. Slaydon if anyone physically present wanted to speak. Mr. Slaydon indicated no one was physically present to speak; one person was on the Zoom meeting that wished to speak. Mr. Steve Hart thanked the Commission for their time and spoke regarding BARC's laydown yard. He noted that there is more federal funding becoming available for rural internet. He stated he is looking forward to BARC completing their project and that the revised plan addresses most of his concerns.

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The third agenda item was the review of the March 10, 2021 meeting minutes. Upon a motion by Ms. Hennis, seconded by Ms. Hines, the Commission voted unanimously to approve

the minutes.

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The fourth agenda item was the Board of Supervisors report. Mr. Slaydon stated that the Board of Supervisors did not act on any planning related items.

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Mr. McLaughlin advised that the Commission will use the same process for public hearings as citizen comments.

The fifth agenda item was the continued discussion on the special exception permit application for BARC Electric Cooperative to extend their permit for their laydown yard in the Agricultural and General Uses (A-2) Zoning District.

Prior to the discussion, Ms. Hines read the following statement: "I hereby abstain from all matters, discussions, or voting related to the application for the BARC Electric Cooperative application, and my disclosure statement required under the Conflict-of-Interest Act is on file with the Secretary of the Planning Commission.

Mr. Slaydon stated that the temporary special exception permit application request was reviewed in February and continued to this meeting. He then reviewed the property's location on the map and reviewed the floodplain information and the zoning, and a brief history of the project.

Mr. Keyser, CEO of BARC, stated they are proposing a circular drive with gravel to allow traffic flow and eliminate the muddy area in the center, which they plan to seed and straw. He noted that parking would move off the side of the property by Big Spring Road and reviewed the location of the proposed Leland Cypress plantings along Big Spring Road, West Midland Trail, and an area along Fredericksburg Road per the landscape plan that was submitted. He advised this plan was based on feedback from Planning Commission, Staff, and the nursery.

Mr. McLaughlin stated things are neater now than they were before.

Ms. Hennis asked if BARC has applied for more grants that will require this to be extended again.

Mr. Keyser advised that the BARC project is projected to be complete in two years. He indicated he has not applied for additional grants, but that might happen.

Ms. Hennis asked if Mr. Slaydon had received any more phone calls.

Mr. Slaydon advised that Mr. Hart called and asked for the revised plan.

With no further discussion, Mr. Whitmore motioned that the Planning Commission recommend to the Board of Supervisors that the Temporary Special Exception Permit to BARC for a laydown yard in the Agricultural and General Uses District (A-2), at 1972 Big Spring Drive in the Kerrs Creek Magisterial District, identified as Tax Map #47-A-50, be approved with the following conditions:

1. Substantial compliance with the development plan prepared by BARC, titled 'Highland Belle BARC Community Solar Project and Learning Center Site Plan' dated February 18, 2015, with a revision date of March 31, 2021.
2. Approval contingent on final VDOT and Erosion and Sediment Control/ Stormwater Management approvals.

Ms. Hennis seconded the motion, and Commission voted unanimously, with Ms. Hines abstaining.

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The sixth agenda item was the Special Exception Permit application for Dominion Energy to expand the Balcony Fall Substation in the Agricultural and General Uses (A-2) Zoning Districts as follows:

Notice is hereby given per Section 15.2-2204 of the Code of Virginia and Section 802.03, 04, and 05 of the County of Rockbridge Land Development Regulations that public hearings will be held by the Rockbridge County Planning Commission on Wednesday, April 14, 2021, at or after 7:00 pm in the Board of Supervisors Meeting Room in the County Administrative Building, 150 South Main Street, Lexington, Virginia 24450, followed by public hearings by the Board of Supervisors on Monday, April 26, 2021, at or after 6:00 pm at the exact location to consider the following application: Virginia Electric and Power Company d/b/a Dominion Energy Virginia, 10900 Nuckols Road, Suite 400 Glen Allen, Virginia 23060 has made an application for a special exception permit in order to expand an existing electrical substation. The property owned by Virginia Electric and Power Company and is located in the Agricultural and General Uses (A-2) Zoning District. Per section 603.03-9 of the County of Rockbridge Land Development Regulations, Public Utilities are a use by special exception in the A-2 District. The property is located on the northside of Glasgow Highway (Route 501), approximately .95 miles south of the intersection Glasgow Highway (Route 501) and Rockbridge Road (Route 130) and is further identified as tax map number 115A-A-1. The property is located in the Natural Bridge Magisterial District.

Mr. Slaydon reviewed the application as submitted, including the zoning on the property and the surrounding property. He stated that Mr. Ben Jackson, Engineer for the project was in attendance to present for Dominion. He noted that staff met with Mr. Jackson this morning and identified possible areas for landscaping.

Mr. Jackson reviewed the details of the proposed expansion. He showed photos of the property from this morning. He noted that the plantings discussed this morning were to screen the substation from the west. He advised the station has been there about 100 years and needs to be upgraded. He indicated it would be about the same height and look, but the fence would be replaced with a 12-foot fence with no barbwire and a tighter chain link. He showed photos of the fence plan. He advised the entrance location off of Route 501 will be the same and that there will only be a few vehicles a month after construction is complete. Mr. Jackson reported that he felt they had areas that could be planted with evergreens.

Mr. McLaughlin opened the public hearing at 7:26 pm.

Mr. Slaydon advised that no one was present to speak. He then read a statement that was received before the meeting. "On behalf of the Echols Family, adjacent landowner, we would ask that Dominion be required to screen the substation in some manner to reduce the visual impact of the site. This is a beautiful area of Rockbridge County, and the substation detracts from the views

along this section of the highway; in fact, it is one of the few if not only unsightly spots for miles. Thanks for your consideration of this request. Edward Kropf, President Echols Farms, Inc.” He then advised that there was no one on the Zoom meeting that wished to speak and there were no questions or comments on the Zoom, and there were no phone calls.

Mr. McLaughlin closed the public hearing at 7:29 pm.

Ms. Hennis asked if there will be a plan brought back to us with the details on the plantings. Mr. Slaydon advised that we will need a landscaping plan now that the arborist has visited the site. Ms. Hennis advised that she would like to see the landscaping plan before taking action on the application.

Mr. McLaughlin asked about the material and finish of the larger structures for the project.

Mr. Bob Humphries with Dominion stated that the equipment would be similar to what is there now with a “backbone tower” and would be a galvanized steel similar to what is on their transmission lines.

There was a brief discussion on the design standards of the facility, component coloring, when the finish would fade, the coloring of the entire transmission line. Mr. Slaydon then asked about the natina finish. Mr. Humphries stated if the color were a concern, that they could explore that option or a dulling agent. He noted they are working closely with the Forestry Department as well. Ms. Hennis motioned to set over the decision until the May 12, 2021 meeting. Ms. Hines seconded the motion, and the Commission voted unanimously.

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The seventh agenda item was the continued public hearing for Dynamic Energy LLC as follows:

Dynamic Energy Solutions LLC 1550 Liberty Ridge Drive, Suite 310, Wayne PA 19087 has made an application for a special exception permit in order to develop a 5-MW (AC) solar project. The property owned by James G. Alexander Jr. and is located in the Agricultural and General Uses (A-2) Zoning District and per section 603.03-9 of the County of Rockbridge Land Development Regulations, Public Utilities are a use by special exception in the A-2 District. The property is located on the westside of N Lee Highway (Route 11), approximately .22 miles south of the intersection N Lee Highway (Route 11) and Red Hill Road (Route 710) and is further identified as tax map number 38-10-A. The property is located in the South River Magisterial District. This is a continued public hearing from the March 10, 2021 Planning Commission Meeting.

Mr. Slaydon reviewed the updated plans as presented. He then reviewed the TCO review and discussion. He stated that the TCO Board had inquired about moving the plantings closer to Route 11. He stated that due to the topography of the land, plantings closer to Route 11 may screen the site better.

Mr. Pat Hastings stated that they made changes to the plan to address the concerns of the Planning Commission and the TCO. He indicated that additional landscaping was added in response to concerns about visual impacts from I-81 and Route 11. He then showed the simulated photos from multiple locations with the updated plantings. He stated that TCO stated

they were concerned about the plantings along Route 11 being closer to the array than the road. They are currently discussing those options with the landowner and determine if that is possible. Part of the issue with moving that landscaping line is the power lines are located in that area. Mr. Hastings then stated the idea that Dynamic wanted to explore was to replace the existing cattle fence along Route 11 with a wooden privacy fence.

Mr. McLaughlin asked how tall the fence would be

Mr. Hastings stated that it would be approximately six feet tall.

Derek Sheehan stated that the landowner indicated that the power line easement is stringently enforced, and they clean that area; therefore, plantings there are not a viable option. Moving it also takes away about an acre and half of the active farmland.

Mr. McLaughlin opened the continued public hearing at 7:57 pm

There was no one present to speak, no one on Zoom that asked to speak, no questions and answers, and no one called in to speak.

Mr. McLaughlin closed the public hearing at 8:00 pm.

Mr. Hastings stated that they were open to explore moving the landscaping closer to Route 11 and then asked the Commission to provide feedback on what they have planned for the Interstate 81/ 64 side of the project. Mr. McLaughlin stated that the planned plantings look sufficient. Ms. Hines agreed on the I-81/64 plantings. She then stated that she did not think a six-foot wooden fence would shield the view from on Route 11.

Mr. Slaydon reviewed the timeframe the Planning Commission has for the review of the special exception application. He then stated that he had discussed a possible extension agreement that would allow for additional time for the Planning Commission review. Mr. Hastings stated that they were willing to extend the application past the 60-day ordinance to attempt to address the concerns.

Ms. Hennis asked how this will directly benefit Rockbridge County if we take away forty acres of farmland.

Mr. Sheehan stated that there are a couple of benefits. First, he stated that they are working with a local attorney to determine what tax revenue will be paid to the County. He indicated that community solar programs, or shared solar programs, exist because only one in five homes meets rooftop solar requirements. He stated that there can be many hurdles for the average homeowner, including cost, so these solar community projects allow one sizeable solar project. The customer buys into the program and will receive a credit on the production of the solar array.

There was a brief discussion on taxation before Mr. Slaydon advised that the decision can be set over to the next meeting. He stated that the applicant will need to agree to extend the application process.

Ms. Hennis motioned to set over the Dynamic Energy Solutions decision to the May 12, 2021 meeting. Mr. Whitmore seconded the motion, and the Commission voted unanimously.

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The eighth agenda item was the commercial site plan for Seventh Day Adventist Church (Bares Woods Lane).

Mr. Slaydon reviewed the location of the property and the plans as presented.

Mr. Russ Orison, with Perkins and Orison, reviewed the location and reviewed the plans for the development of the site. He noted that VDOT has reviewed the entrance and that he is working with Erosion and Sediment Department.

There was some discussion on the lighting plan. Mr. Orrison stated that there were not any pole lights proposed and that the building lights were fully shielded. He noted that he would work with Mr. Slaydon on the lighting plan for the parking lot.

With no further discussion, upon a motion by Ms. Hennis, seconded by Ms. Hines, the Commission voted unanimously to approve the site plan as presented contingent on VDOT and E&S approval as well as a lighting plan.

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Mr. Slaydon distributed and reviewed a letter that had been sent from the local Farm Bureau regarding solar utilities in the County. He stated that some of the issues raised would be addressed at the State Level while others were planning and zoning related. He then stated that the taxation issues would be addressed by the Commissioner of the Revenue. He asked the Commission if they wanted discussion of a solar development ordinance added to the May 12th agenda. The commission stated that they felt that it would be beneficial to discuss further. Ms. Hines asked for clarification on the taxation of solar arrays.

With no further business to discuss, Mr. McLaughlin adjourned the meeting at 8:30 pm. on a unanimous vote with Ms. Hennis making the motion and seconded by Ms. Hines.

Respectfully Submitted,

Christopher T. Slaydon
Secretary