

**Orange County Planning Commission
Regular Meeting Minutes
Public Safety Building; Board Meeting Room
11282 Government Center Drive, Orange, Virginia 22960
Thursday, December 7, 2023**

Members Present: Donald Brooks, Chairman; Jason Capelle, Vice Chairman; George Yancey; Adam Bryington; Teri Vickery.

Members Absent:

Others Present: Nicole Gano-Washington, Director of Development Services; Josh Frederick, Planning and Zoning Services Manager; Amanda Lewis, County Attorney; Kyra Davis, Planner; and Susan Crosby, Planning Commission Secretary.

1. Call to Order and Determination of Quorum

Chairman Brooks called the meeting to order at 6:00 p.m. and a quorum was established.

2. Adoption of Agenda

On the motion of Mr. Capelle, seconded by Mr. Yancey, which carried by a vote of 5-0, the Commission adopted the agenda, as modified, to include adding agenda items 2a. for the introduction of Teri Vickery and 5a. for a presentation by County Attorney regarding public utility substantial accord language for Comp Plan consistency.

a. Introduction of Teri Vickery by Bryan Nicol

Supervisor Nicol came forward and introduced Teri Vickery as the new District 5 Planning Commissioner. Supervisor Nicol thanked the Commissioners and staff for their work done during his time as a Commissioner.

3. Adoption of Minutes

a. November 2, 2023 Regular Meeting

On the motion of Mr. Yancey, seconded by Mr. Bryington, which carried by a vote of 4-0, with Ms. Vickery abstaining, the Commission adopted the November 2, 2023 Regular Meeting minutes, as amended to correct a typo.

4. Public Comment

At 6:08 p.m., Chairman Brooks opened the floor for Public Comment.

There being no speakers, Public Comment was closed at 6:08 p.m.

5. Public Hearings

- a. Presentation by County Attorney, Amanda Lewis, on need for Substantial Accord language for Comp Plan consistency regarding solar facilities.

Ms. Lewis explained what the Substantial Accord language means and the why and when it is necessary for the Commission to have a separate Substantial Accord public hearing. Ms. Lewis also explained why they could not make a determination on SUP 23-05 until after they had advertised and held the public hearing for the Substantial Accord language which will be held at the January 18, 2024 regular meeting.

- b. SUP 23-05 Cunningham Springs Solar: Orange VAA, LLC has applied for a Special Use Permit application to allow a Solar Facility on property located at 16108 Monrovia Road, Orange VA, 22960. The properties are identified as Tax Map Parcels 44-99, 44-99A, 44-110, containing a total of 21.3 acres. The Solar facility is proposed to consist of approximately 17.3 of the total acres. The Properties inside Orange County are Zoned Limited Residential (R-1). The properties are situated in the Town/Suburban Recommended Future Land Use category, as described in the Orange County Comprehensive Plan.

With the public hearing left open from the November 2nd meeting, Chairman Brooks opened with requests for public comments.

Speakers, Shannon Horton and Jason Cashell came forward to share their concerns over the solar project. Chairman Brooks stated the public comment will continue until the next meeting.

Chairman Brooks called the applicant forward. Jeff Lord came forward on behalf of RWE Clean Energy and stated the owner of the project is Orange VAA, LLC which is wholly owned by RWE Clean Energy. The current landowner is Cunningham Springs, LLC. and RWE has a purchase and sell agreement in place with Cunningham Springs to purchase the property as well. Mr. Lord also gave a brief presentation with updated information from the November 2nd meeting including pesticide usage. Applicants answered questions from the Commission. Discussion ensued.

On the motion of Mr. Capelle, seconded by Ms. Vickery, which carried by a vote of 5-0, the Commission continued the public hearing until the January 18, 2024 regular meeting. The Public Hearing to remain open.

- c. STA 23-02: A county-initiated amendment to Sec. 54-121 and 54-122 of the Subdivision Ordinance which would clarify public road and private road requirements, exempt family subdivisions from road upgrade requirements, and exclude driveways (i.e. 2-lot subdivisions) and family subdivisions from road maintenance agreement requirements.

Mr. Frederick was called forward by chairman Brooks to present the amendment and explain why it is being brought before the Commission. Discussion ensued.

At 7:36 p.m., Chairman Brooks called the Public Hearing to order.

There were no speakers, and the Public Hearing was closed at 7:37 p.m.

On the motion of Mr. Capelle, seconded by Mr. Bryington, which carried by a roll call vote of 5-0, the Commission adopted a resolution recommending approval, as presented.

6. New Business

There was no new business.

7. Old Business

a. ZTA 23-04 work session

Mr. Frederick came forward to present to the Commission an updated version of the text amendment based on the comments and concerns of the Commissioners from the last meeting. Discussion ensued regarding additional suggestions and notes concerning the text amendment.

There was a consensus among the Commission to move to public hearing at the February regular meeting.

8. Reports

a. Board of Supervisors Report: R. Mark Johnson, Board of Supervisors Liaison

Chairman Johnson was not present, no report.

b. Planning and Zoning Services Report: Josh Frederick, Planning and Zoning Services Manager

Mr. Frederick had nothing to report.

9. Commissioner Comments

Commissioners welcomed Ms. Vickery to the Commission, their thoughts on solar moving forward, and thanked staff for the work they've done.

10. Next Meeting Date: January 4, 2024 Regular Meeting

Through a consensus of the Commission, it was determined the next meeting would be held on January 18, 2024.

11. Adjourn

On the motion of Mr. Capelle, seconded by Ms. Vickery, which carried by a vote of 5-0, the Commission adjourned its meeting at 8:19 p.m.



Donald Brooks, Chairman



Susan Crosby, Planning Commission Secretary

While 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.