



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



MEMORANDUM

TO: Augusta County Planning Commission
FROM: Leslie Tate, Planner II
DATE: March 6, 2018
SUBJECT: Regular Meeting

Leslie

The regular meeting of the Augusta County Planning Commission will be held on **Tuesday, March 13, 2018 at 7:00 p.m.**, at the Augusta County Government Center, in the Main Board Meeting Room, 18 Government Center Lane, Verona, Virginia.

The Planning Commission will meet beginning at **5:15 pm** in the **Board of Supervisors' Conference Room** (behind the Board Meeting Room) at the Augusta County Government Center for a staff briefing. We will have dinner in the Community Development Conference Room at 6:15.

Attached are the agenda and meeting materials for Tuesday's meeting and the minutes from the February meeting. If you have any questions about any of the material, please feel free to contact me. If you won't be able to attend the meeting, please let Jean or me know as soon as possible.

LT/jm

ADVANCED
AGENDA

Regular Meeting of the Augusta County Planning Commission

Tuesday, March 13, 2018, 7:00 P.M.

1. CALL TO ORDER
2. DETERMINATION OF A QUORUM
3. MINUTES

Approval of the Regular Meeting on February 13, 2018.

4. PUBLIC HEARINGS

A. An ordinance to amend Section 25-77.4. Lot frontage in general. Exceptions of the Augusta County Code. To add stepchild, sibling, and grandparent as members of the immediate family to which a grantor may convey a lot that does not have frontage on a public street, provided the conditions of Section 25-77.4.B. are met.

B. An ordinance to amend Section 25-71.1. Definitions of the Augusta County Code. To clarify that an agricultural operation is any operation devoted to the bona fide production of crops, animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity; but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.

C. An ordinance to amend Section 25-33 Design and construction standards of the Augusta County Code. To reference compliance with Chapter 9. Environment for parking facilities.

D. An ordinance to amend Section 25-673. Site plan contents of the Augusta County Code. To reference compliance with Chapter 9 Environment.

E. An ordinance to amend Section 25-20 Utility lots of the Augusta County Code. To clarify that public utility distribution and collection lines for the furnishing of utility services to the public, rather than specifically for local service, shall be permitted in all districts.

F. An ordinance to amend Section 25-68.7 Bonding and 25-68.8 Removal, maintenance and safety of the Augusta County Code. To clarify removal of telecommunications facilities, including the concrete pad is required to a depth of at least three feet below grade.

G. An ordinance to amend Section 25-74.H Public accommodation facilities of the Augusta County Code. To remove bed and breakfasts, tourist homes, restaurants and cafes, special event facilities, meeting places, boarding houses and residential care facilities from the public accommodation facilities permitted in agriculture zones by Special Use Permit, revise direct access condition, create additional conditions for traffic flow, compatibility with neighboring properties, reasonable limitations on enlargement unless determined compatible with neighboring properties, evidence of connection to public sewer or approval by the Virginia Department of Health, and protections for fire, environmental and other hazards.

H. An ordinance to amend Section 25-74.I Limited business and industries in agriculture zoned of the Augusta County Code. To add restaurants and cafes to the list of limited business and industries permitted in agriculture zones by Special Use Permit, revise direct access condition, eliminate condition that the use be a substantial benefit to neighboring properties, and add reference to the Virginia Department of Health for sewer condition.

I. An ordinance to add Section 25-74.R Short-term rentals, bed and breakfasts, and vacation rentals to the Augusta County Code. To create a separate category for such uses to be permitted in agriculture zones by Special Use Permit with the following conditions: there shall be no more than 1 principal, dwelling or part thereof, operating as such use per parcel; there shall be no more than 1 accessory unit operating as such use per parcel; the lot is at least 5 acres in area unless determined that a smaller acreage will be compatible with neighboring properties; the owner of record's primary residence is the principal dwelling or accessory; building inspection department approval; Virginia Department of Health approval if not connected to public sewer; and all parking shall be accommodated on-site.

J. An ordinance to add Section 25-74.S Residential care facilities to the Augusta County Code. To create a separate category for such use to be permitted in agriculture zones by Special Use Permit with the following conditions: appropriate for agriculture areas, compatible with neighboring properties, will not result in a concentration of businesses, frontage on a state maintained road or approval by VDOT of the intersection of a legal right of way and the state maintained road, pre-existing structures to be utilized unless new construction determined compatible with neighboring properties, reasonable limitation on expansions unless determined compatible with neighboring properties, Virginia Department of Health approval if not connected to public sewer, adequate provisions for protection of fire, environmental and other hazards, and if applicable, compliance with state, federal, local licensing and/or regulations.

K. An ordinance to add Section 25-74.T Special event facilities and meeting places to the Augusta County Code. To create a separate category for such use to be permitted in agriculture zones by Special Use Permit with the following conditions: appropriate for agriculture areas, compatible with neighboring properties, will not result in a concentration of businesses, frontage on a state maintained road or approval by VDOT of the intersection of a legal right of way and the state maintained road, pre-existing structures to be utilized unless new construction determined compatible with neighboring properties, reasonable limitation on expansions unless determined compatible with neighboring properties, Virginia Department of Health approval if not connected to public sewer, and adequate provisions for protection of fire, environmental and other hazards.

5. **MATTERS TO BE PRESENTED BY THE PUBLIC**
6. **NEW BUSINESS**
 - A. Augusta County Planning Commission Regular Meeting Schedule and Inclement Weather Resolution 2018 Revised
7. **OLD BUSINESS**
 - A. An ordinance to amend Chapter 25 of the Augusta County Code to add Article VI.D. Solar energy systems. The proposed ordinance regulates Solar energy systems operating as principal land uses.
8. **MATTERS TO BE PRESENTED BY THE COMMISSION**
9. **STAFF REPORTS**
 - A. Information for Commission – Code of Virginia, Section 15.2-2310
(Board of Zoning Appeals Items)
10. **ADJOURNMENT**

PRESENT: J. Curd, Chairman
T. Jennings, Vice Chairman
G. Campbell
L. Howdyshell
K. Shiflett
J. Wilkinson, Director of Community Development
L. Tate Planner II and Secretary

ABSENT: S. Bridge
K. Leonard

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, January 9, 2018, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

Mr. Curd stated as there were four (4) members present, there was a quorum.

(Mr. Campbell was not present at this time.)

MINUTES

Mr. Jennings moved to approve the minutes of the called and regular meetings held on January 9, 2018.

Mrs. Shiflett seconded the motion, which carried unanimously.

Ordinance amendment - Chapter 25 of the Augusta County Code to add Article VI.D. Solar energy systems.

Mrs. Tate reviewed the proposed ordinance information the Commissioner's received in the monthly packet mailing and as presented on PowerPoint.

Mr. Jennings asked where the noise limits and DBA came from.

Mrs. Tate stated there is a solar ordinance draft put together by those in the solar energy industry and from others with a local government perspective, and is the ordinance that a lot of localities adopt as a standard ordinance. The sound decibel amount was in that ordinance.

Mr. Jennings asked if ordinances in other localities were looked at for solar farms.

Mrs. Tate stated she did look at ordinances of other localities and while the setbacks are different than what is being proposed, the noise requirement came from a standard ordinance that other localities have adopted.

Mr. Jennings asked about the 15' height limit.

Mrs. Tate stated Staff went and viewed a large solar energy project. Looking at the standard height they would not be higher than that, and Staff believed a height limit should be set in case technology was changed in the future.

There being no further questions from the Commissioners, Mr. Curd opened the Public Hearing.

Wayne Nolde of 210 Cider Mill Rd., Mt. Sidney stated he does not represent any company nor does he have any vested interests that would be affected by the ordinance. He would like to encourage the Planning Commission to encourage solar systems. He has seen other developments that have large scale and small scale solar systems and he believes they can blend in with the agriculture heritage in Augusta County. He asked how the setbacks, height requirements, and ground water monitoring being proposed compare to what is already being permitted in general agriculture and general business and industrial districts. While the 15' height limit may work in other places, it may be too restrictive here. He stated he hopes the County will not be overly restrictive with the maximum height of the solar panels or with the setbacks. Solar panels are low maintenance, good for the ecology, and should not have any impact on ground water.

Roger Willets of 9092 Old Turnpike Road, Afton stated he owns property in Stuarts Draft that is zoned General Industrial. He has been working on installing a small scale solar system for two years or more on his property. When he started the project, Augusta County did not have an ordinance regarding solar panels. When starting this project, he referred to the ordinance Rockingham County has in place for solar energy systems and felt the project was worth pursuing based on Rockingham's ordinance. He has done all

the environmental studies. He has filed a permit to hook onto the substation and Ecoplex has posted 1.5 million dollar bond for the hookup and the upgrade of the station. Plans for the solar farm have been submitted to Dominion showing the location of all the panels. He understands the reasons for having setbacks and buffering from residential housing, however, the setbacks in the proposed ordinance will not allow him to complete his solar system. He suggested the County look at these projects on a case by case basis in determining setbacks and buffering. Setbacks for other businesses such as asphalt companies or slaughter houses only require a 500' setback. Unless there can be an alternative plan for buffering and the setbacks are reduced, he will be unable to complete his project. Solar energy projects are very competitive and companies will be looking for the best economical fit for them. Augusta County will be in competition with Rockingham County and other counties as companies such as Dominion look for the best place throughout the state to put solar farms. If the County doesn't place full value on the interests of the people, it will be hard to bring solar farms to Augusta County.

Mrs. Tate clarified that in general agriculture zoned districts asphalt plants, quarries, shooting ranges and other heavy uses require a 1000' set back from residentially zoned districts and a 200' setback from all other property lines. There is a provision allowing the BZA to reduce or eliminate the setback if they feel the adjoining property owners would still be protected. Junkyard and demolition facilities require a 1,000' setback from residentially zoned districts and a 200' setback from all other property lines and there is not a provision allowing the BZA to reduce or eliminate that setback.

Mr. Willetts asked if the Board of Zoning Appeals will be able to reduce the setbacks once the ordinance has been adopted.

Mrs. Tate stated if the ordinance is adopted, changes will not be allowed to the setbacks.

Mr. Willetts stated the majority of the issues people complain about, such as increase in traffic and overcrowding in schools, will not be present with solar systems. The solar farms should be adequately buffered from public view, therefore, a reduced setback should be acceptable.

Mr. Jennings asked Mr. Willetts if he sees any other problems with the proposal other than the setbacks.

Mr. Willetts stated he doesn't see any problems with the proposal other than what has been discussed.

Mr. Nolde stated the setbacks seem excessive with other businesses in the same zoning that make more noise than a solar farm.

Tom Anderson with Community Energy Solar in Radnor, PA stated his experience is that solar farms can be developed successfully. He agreed with the concerns of Mr. Willetts and Mr. Nolde regarding the excessive 1000' setbacks. He stated that is not the standard setback even for larger projects and asked the Commission to consider reducing the

setbacks. Because the projects are largely built on what will become grass fields and a vegetated buffer scheme will be put up to help protect neighbors from the view shed, this should allow for the reduction of setbacks. Solar projects make very little noise and he feels the 60 decibel limit proposed in the ordinance is acceptable. The panels are low sitting and the suggested 15' height restriction is sufficient. He stated the buffering requirements seem to be overly prescriptive. Heavily vegetated buffering seems to draw more attention of drivers to solar panels and other alternatives may be more appropriate. He has never seen groundwater monitoring with solar system projects and believes there would be no reason to monitor the groundwater, as there is nothing hazardous about solar projects. He suggested the groundwater monitoring section of the proposed ordinance be removed. The removal and decommissioning plan is sufficiently thorough. With respect to assessment of cost and posting of the surety bond, it has become an industry standard to ask for and be granted that the scrap value and recycling value of the equipment be incorporated into the equation that ends up resulting in the bond that gets placed. He pointed out that he has not seen a topo reconfiguring requirement before. Putting earth back to the way it was at the beginning of the project is not practical. In the end it is a flatter surface and is a surface that has had natural grasses and vegetation growing on it for 30 or 35 years so there is a healthy base of topsoil. If a landowner wanted to turn this surface into farming land, it would be easy to do. He asked the Commission to reconsider this provision or make it possible for the landowner to sign a waiver.

Mrs. Tate stated there is a provision for the landowner to request a waiver, but the Board of Supervisors would have to grant the waiver.

There being no one further to speak in favor of or in opposition to the request, Mr. Curd closed the Public Hearing.

Mr. Howdyshell asked if gravel could be used instead of grass on the solar farms for reduced maintenance.

Mr. Anderson stated it is extremely rare and only for small projects that the ground surface would be completely graveled.

Mr. Wilkinson stated the ordinance does not prevent gravel, however, stormwater and water quality control measures would increase because it would be left as entirely impervious surfaces.

Mr. Anderson stated gravel surfaces would be almost impossible to maintain.

Mr. Howdyshell stated smaller solar systems should have a safety provision and there would be a need to work closely with the utility company to make sure that provision is in place.

Mr. Wilkinson stated the safety provision should be between the provider and the utility corporation accepting that power.

Mr. Howdyshell stated there should be a statement in the provision that safety regulations of the utility company would have to be abided by.

Mrs. Tate stated there is a provision that says they shall meet or exceed all applicable federal and state standards and regulations.

Mr. Howdyshell stated the 1000' setback requirement is excessive. The solar systems do not make any noise, they do not impact schools or roads. He feels a good buffer around the project would be sufficient. He stated most sub-stations are placed closely to the road. If the larger setback is required, it will be costly to connect to the sub-station. He does not agree with going into the ground 3' deep to decommission the solar system. He feels the Commission needs to look at the ordinance more closely and revisit some of the issues within the ordinance before making a recommendation. So far, solar energy projects have been developed in the state without being government mandated. There is a possibility there would be a mandate requiring a certain number of renewables. If that were to happen, the ordinance would have to be revised later on, if it is adopted as it is written now.

Mr. Curd agrees with the concerns of Mr. Howdyshell and the other speakers. If the County wants to be solar friendly, the proposed ordinance will need some work. Just because it is agriculturally friendly does not mean it is not farmer friendly. He believes the groundwater monitoring is too restrictive. The setbacks are extremely excessive and the decommissioning should be the landowner's decision to a certain degree.

Mr. Howdyshell brought up the fact that the County put too many restrictions on cell towers when they started to develop within the county. The restrictions on cell towers have hurt the rural communities. He moved to table the amendment until the ordinance can be further reviewed and discussed.

Mr. Jennings suggested the Commission plan a work session to review the ordinance. He seconded Mr. Howdyshell's motion, which carried unanimously.

STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

Mrs. Tate reviewed with the Commissioners the requests coming before the BZA at the March meeting.

The Planning Commission took no action on the BZA items.

B. Stuarts Draft Small Area Plan

Mrs. Tate gave an update on the Stuarts Draft small area plan. June 8th of 2017 was the public kick off meeting for the process. The Advisory Committee meets monthly and has been working on the vision statement for the plan. Timmons Group has been retained as the transportation consultant for the plan. The next Advisory Committee meeting is scheduled for February 26th. The transportation consultant will be bringing some recommendations and initial findings to present to the committee. The next public meeting will be March 15th to present drafts of the vision statement, goals, objectives, policies and proposed future land use maps, as well as the transportation recommendations.

There being no further business to come before the Commission, the meeting was adjourned.

Chairman

Secretary

COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Section 25-77.4
March 13, 2018

An ordinance to amend Section 25-77.4. Lot frontage in general. Exceptions of the Augusta County Code.

To add stepchild, sibling, and grandparent as members of the immediate family to which a grantor may convey a lot that does not have frontage on a public street, provided the conditions of Section 25-77.4.B. are met.

PROPOSED ORDINANCE TEXT:

**AN ORDINANCE TO AMEND
SECTION 25-77.4 OF THE
AUGUSTA COUNTY CODE**

§ 25-77.4. Lot frontage in general. Exceptions.

A. In General Agriculture Districts, the following frontage requirements apply:

1. For cluster residential lots: Forty feet (40') of frontage on a private street.
2. For all other agriculture lots, with the exception of any "family member exception lot" (as described in subsection B below), shall have at least fifty feet (50') of frontage on a public street.

B. In General Agriculture Districts, a lot, to be known as a "family member exception lot," may be created that does not have frontage on a public street, provided the following conditions are met:

1. Such family member exception lot shall be created for the purpose of a sale or gift to a member of the immediate family of the grantor. For purposes of this subsection, a member of the immediate family ~~of the grantor~~ is defined as any person who is a natural or **legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the grantor.** ~~adopted child or grandchild of the grantor, or the spouse or parent of the grantor.~~ Such lot may be conveyed by the grantor:

a. To a member of the immediate family of the grantor and the member's spouse, or

b. To a member of the immediate family of the grantor and another natural person, if the member of the immediate family owns at least a fifty percent (50%) interest in such lot.

2. No such family member exception lot shall be created for the purpose of the circumvention of chapter 21 of this Code.

3. The residual lot or tract of the grantor shall be no more than one contiguous tract or lot, and the foregoing notwithstanding, need not have the fifty feet (50') of frontage on a public street required by this section. Any new private rights-of-way or easements established to serve either the family member exception lot or the residual lot of the grantor must meet the requirements of § 21-11.B of this Code.

4. No grantee shall be the recipient of any portion of more than one (1) family member exception lot in Augusta County.

5. A family member exception lot created under this subsection shall be titled in the name of the member of the immediate family for whom the subdivision is made for a period of no less than three (3) years; provided, however, the foregoing restriction shall not apply in the following circumstances:

a. Where such lot is subject to an involuntary transfer such as a foreclosure, judicial or bankruptcy sale, or as a result of the condemnation of such lot or the death of the grantee; or:

b. Where such lot is conveyed by the grantee:

i. To the grantee and the grantee's spouse, or

ii. To the grantee and another natural person, if the grantee continues to own at least a fifty percent (50%) interest in such lot, in which event such lot shall remain subject to the foregoing restriction for the balance of the three-year period.

6. No grantor shall create and convey a family member exception lot to a person from whom the grantor has received any portion of a family member exception lot in Augusta County. For example, in the case of a lot owned by a husband and wife, the husband can convey a lot to the wife but she cannot then convey a lot to the husband.

7. The grantor and grantee shall submit to the subdivision agent an affidavit which describes the purpose of the creation of the family member exception lot, identifies the persons to receive such lot, including the member of the immediate family, and certifies compliance with this subsection.

(Ord. 11/21/06, eff. 1/1/07)

State law reference—Virginia Code § 15.2-2244.

COMMUNITY DEVELOPMENT STAFF COMMENTS: This ordinance amendment adds stepchildren, siblings, and grandparents as members of the immediate family to which a grantor may convey a lot that does not have frontage on a public street. The Virginia Code reference identified above requires a county's subdivision ordinance to provide reasonable provisions that permit a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family. The code also explicitly defines those to be included as members of immediate family of the grantor. This ordinance amendment brings the County's provisions in accordance with state code.

However, staff believes that it is important to point out that the following excerpt from the County's Comprehensive Plan:

Goal 2: Protect existing agricultural and forestry operations in the Rural Conservation and Agricultural Conservation Areas from conflicts with other land uses and from being converted to other land uses.

Objective B: Discourage encroachment of residential land uses into areas that have good prospects for long-term farming or forestry activities.

Policy 2: Lot Creation. Continue to explore and implement methods for reducing the number of lots created in agriculturally zoned areas through the minor subdivision process. New minimum or maximum lot sizes, limits on the family member exception, and restrictions on boundary line adjustments, as well as other available methods, should be considered. Regulations relating to the configuration of new lots should also be considered.

While this ordinance amendment does the opposite of placing limits on the family member exception process for lot creation, it brings our ordinance in accordance with state code. As the excerpt above recommends, additional restrictions and/or limitations, within the purview of state code, could still be considered for family member exceptions.

**COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Section 25-71.1
March 13, 2018**

An ordinance to amend Section 25-71.1. Definitions of the Augusta County Code.

To clarify that an agricultural operation is any operation devoted to the bona fide production of crops, animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity; but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.

PROPOSED ORDINANCE TEXT:

**AN ORDINANCE TO AMEND
SECTION 25-71.1 OF THE
AUGUSTA COUNTY CODE**

§ 25-71. Purposes.

A. The General Agriculture District is intended to allow an area to be devoted to agricultural use; to conserve, protect, and encourage the development, improvement and preservation of agricultural land for the production of food and other agricultural products; to retain major areas of natural ground cover for conservation purposes; and to retain forests.

B. The principal purposes of this district may be accomplished by maintaining the existing agricultural lands and preventing the encroachment of incompatible land uses; while allowing development to occur at a reasonable density.

C. Non-farm residents should recognize that in this district they are located in an agricultural environment where "the right to farm" and "the right to practice forestry" have been established as public policies.

D. This district is also intended to minimize the demand for unanticipated public improvements and services, such as public sewer and water, by reducing development densities and discouraging large scale development.

§ 25-71.1. Definitions

The following definitions shall be used in the interpretation and construction of this Article:

Agricultural operation. Any operation devoted to the bona fide production of crops, animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity; **but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge. (VA Code 3.2-300)**

COMMUNITY DEVELOPMENT STAFF COMMENTS: This ordinance amendment adds an additional clause from Virginia Code 3.2-300 to the Augusta County Code's definitions of an agricultural operation to clarify that the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge are not included in the permitted agricultural operation use in the General Agriculture zoning districts.

**COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Section 25-33
March 13, 2018**

An ordinance to amend Section 25-33. Design and construction standards of the Augusta County Code.

To reference compliance with Chapter 9. Environment for parking facilities.

PROPOSED ORDINANCE TEXT:

**AN ORDINANCE TO AMEND
SECTION 25-33 OF THE
AUGUSTA COUNTY CODE**

§ 25-33. Design and construction standards.

- A. Parking facilities shall be so designed: (a) to prevent parked vehicles from extending beyond the limits of the parking facility; (b) to prevent damaging effects to adjoining or nearby properties from surface drainage from the parking facilities; and (c) to comply with Augusta County Code the Chapter ~~18. Regulations of Stormwater~~ 9. Environment.

COMMUNITY DEVELOPMENT STAFF COMMENTS: This ordinance amendment makes reference to the correct section of the Augusta County Code. Chapter 18. Regulations of Stormwater no longer exists. The correct reference for such pertinent regulations is Chapter 9. Environment.

COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Section 25-673
March 13, 2018

An ordinance to amend Section 25-673. Site plan content of the Augusta County Code.

To reference compliance with Chapter 9. Environment.

PROPOSED ORDINANCE TEXT:

AN ORDINANCE TO AMEND
SECTION 25-673 OF THE
AUGUSTA COUNTY CODE

§ 25-673. Site plan contents.

- A. Each site plan shall be drawn to scale. The scale shall be one inch (1") equals a stated number of feet. The number of feet shall be a multiple of ten. For example, the scale may be one inch (1") equals fifty feet (50') or one inch (1") equals one hundred feet (100').
- B. Each site plan shall contain or be accompanied by the following:
 16. Any information necessary, including topography, to show compliance with chapter 9, "Environment ~~Stormwater and Erosion and Sediment Control~~," of this code.
 - ~~17. Any information necessary, including topography, to show compliance with chapter 18, "Regulation of Stormwater," of this code.~~
 17. ~~18.~~ Location and dimensions of existing and proposed easements, including, but not necessarily limited to, utility, stormwater drainage, and ingress and egress easements, showing appurtenant structures such as fire hydrants, manholes, cleanouts, and water meters.
 18. ~~19.~~ Location, layout, dimensions, and calculations of all required buffers, landscaping areas, fences and walls, in a separate table, including where applicable, the distances to established uses. June 2014

19.20. Any information required by the reviewing agencies listed in § 25-675 below.

20.21. Any information necessary to show compliance with § 24-2, Fire Flow, if applicable.

21.22. In the case of development of an adult business within a General Business (GB) District, certification of compliance with the requirements of subsection (A-H) of § 25-310 of this Code. (Ord. 04/23/08)

22.23. Any rezoning proffers, Special Use Permit conditions such as operating or pre-conditions shall be noted on the plan.

23.24. A completed TIA Worksheet with a determination by the Community Development Department that a TIA is not necessary or a Traffic Impact Analysis (TIA) found to be in conformance with the requirements of Chapter 527 (24VAC30-155) by VDOT, if applicable.

COMMUNITY DEVELOPMENT STAFF COMMENTS: This ordinance amendment makes reference to the correct section of the Augusta County Code. Chapter 18. Regulations of Stormwater no longer exists. The correct reference for such pertinent regulations is Chapter 9. Environment.

**COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Section 25-20
March 13, 2018**

An ordinance to amend Section 25-20. Utility lots of the Augusta County Code.

To clarify that public utility distribution and collection lines for the furnishing of utility services to the public, rather than specifically for local service, shall be permitted in all districts.

PROPOSED ORDINANCE TEXT:

**AN ORDINANCE TO AMEND
SECTION 25-20 OF THE
AUGUSTA COUNTY CODE**

§ 25-20. Utility lots.

C. Public utility distribution and collection lines for ~~local service~~ the furnishing of utility services to the public shall be permitted in all districts.

COMMUNITY DEVELOPMENT STAFF COMMENTS: This ordinance amendment clarifies that public utility distribution and collection lines are permitted in all districts for the furnishing of utility services to the public not specifically local service.

**COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Section 25-68.7 and 25-68.8
March 13, 2018**

An ordinance to amend Section 25-68.7. Bonding and 25-68.8 Removal, maintenance and safety of the Augusta County Code.

To clarify removal of telecommunications facilities, including the concrete pad is required to a depth of at least three feet below grade.

PROPOSED ORDINANCE TEXT:

**AN ORDINANCE TO AMEND
SECTION 25-68.7 and 25-68.8 OF THE
AUGUSTA COUNTY CODE**

DIVISION A. IN GENERAL.

Article VI.B. Wireless telecommunication facilities.

§25-68.7. Bonding.

Prior to the issuance of a building permit for a wireless telecommunications facility, the applicant shall:

A. Submit to the Zoning Administrator an itemized cost estimate of the work to be done to completely remove the entire telecommunications facility including the concrete pad to a depth of at least three feet (3') below grade plus twenty-five percent (25%) of said estimated costs as a reasonable allowance for administrative costs, inflation, and potential damage to existing roads or utilities.

B. Submit a bond, irrevocable Letter of Credit, or other appropriate surety acceptable to the County in the amount of the estimate as approved by the Zoning Administrator which shall:

1. Secure the cost of removing the facility and restoring the site to its original condition to the extent reasonably possible.

2. Include a mechanism for a Cost of Living Adjustment after ten (10) and fifteen (15) years.

C. The applicant will ensure the bond shall remain in effect until the Community Development Department has inspected the site and verified that the wireless

telecommunications facility and equipment has been removed and the site restored. At which time the Community Development Department shall promptly release the bond.

§25-68.8. Removal, maintenance and safety.

A. The applicant shall maintain the wireless telecommunications facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the foundation and tower or base station structure and security barrier (if applicable), and maintenance of the buffer areas and landscaping if present. The project owner shall be responsible for the cost of maintaining the wireless telecommunications facility and access road if present, unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.

B. Any wireless telecommunications facility that is found to be unsafe by the building official shall be repaired by the owner to meet federal, state, and local safety standards or disassembled and completely removed, including the concrete pad **to a depth of at least three feet (3') below grade**, within one hundred eighty (180) days. Any wireless telecommunications facility that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned and the owner of the system shall completely remove the wireless telecommunications facility within one hundred eighty (180) days of receipt of notice from the County instructing the owner to remove the facility.

C. The applicant shall notify the Augusta County Community Development Department within thirty (30) days of the date the wireless telecommunications facility is no longer used for telecommunications purposes. The tower or base station shall be disassembled and completely removed, including the concrete pad **to a depth of at least three feet (3') below grade** and all equipment, from the site within one hundred eighty (180) days of the date the facility is no longer used for telecommunications purposes.

COMMUNITY DEVELOPMENT STAFF COMMENTS: Removal to a depth of at least three feet below grade is standard practice for telecommunications facilities.

**COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Section 25-74
March 13, 2018**

An ordinance to amend Section 25-74.H Public accommodation facilities of the Augusta County Code.

To remove bed and breakfasts, tourist homes, restaurants and cafes, special event facilities, meeting places, boarding houses and residential care facilities from the public accommodation facilities permitted in agriculture zones by Special Use Permit, revise direct access condition, create additional conditions for traffic flow, compatibility with neighboring properties, reasonable limitations on enlargement unless determined compatible with neighboring properties, evidence of connection to public sewer or approval by the Virginia Department of Health, and protections for fire, environmental and other hazards.

PROPOSED ORDINANCE TEXT:

**AN ORDINANCE TO AMEND
SECTION 25-74 OF THE
AUGUSTA COUNTY CODE**

§ 25-74. Uses permitted by special use permit.

The uses listed in this section shall be permitted within General Agriculture Districts upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of ARTICLE LVIII of DIVISION I of this chapter.

H. Public accommodation facilities.

Public accommodation facilities, including but not necessarily limited to: ~~bed and breakfast inns, tourist homes, restaurants and cafes, special events facilities, meeting places and other facilities of civic, community service, and fraternal organizations, boarding houses, and residential care facilities~~ hotels and motels, may be permitted by Special Use Permit provided:

1. The business and anticipated enlargements thereof will be appropriate for agriculture areas; and
2. The business, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties; and

3. The permitting of the proposed business, when taking into account the presence of similar businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure; and
4. The business shall have frontage ~~direct access~~ on a state maintained road ~~and approval by the Virginia Department of Transportation~~ or the expected traffic on a legal right of way ~~private road~~ can be accommodated by the intersection with the state maintained road per approval by the Virginia Department of Transportation ~~access proposed~~; and
5. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
6. Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be compatible with neighboring properties; and
7. Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is compatible with neighboring properties; and
8. Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use by the Virginia Department of Health; and
9. There are adequate provisions set forth for the protection of fire, environmental and other hazards.

COMMUNITY DEVELOPMENT STAFF COMMENTS: This ordinance amendment breaks out some of the varied uses which are currently categorized under public accommodation facilities into their own categories. The amendment also adds some additional conditions by which the Board of Zoning Appeals should consider Special Use Permits for such uses in General Agriculture zoned districts. This ordinance amendment also revises the direct access condition, stating that frontage or approval by VDOT of a legal right of way and the intersection with the state maintained road are sufficient to meet this condition under the ordinance.

Many of the additional conditions are included for other Special Use Permit categories within General Agriculture that are similar in impact; thus, staff recommends approval of the amendments.

**COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Section 25-74
March 13, 2018**

An ordinance to amend Section 25-74.I Limited business and industries in agriculture zones of the Augusta County Code.

To add restaurants and cafes to the list of limited business and industries permitted in agriculture zones by Special Use Permit, revise direct access condition, eliminate condition that the use be a substantial benefit to neighboring properties, and add reference to the Virginia Department of Health for sewer condition.

PROPOSED ORDINANCE TEXT:

**AN ORDINANCE TO AMEND
SECTION 25-74 OF THE
AUGUSTA COUNTY CODE**

§ 25-74. Uses permitted by special use permit.

The uses listed in this section shall be permitted within General Agriculture Districts upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of ARTICLE LVIII of DIVISION I of this chapter.

I. Limited business and industries in agriculture zones.

Limited businesses, professions, and other establishment for the sale of goods and services or for limited industrial activities, including, but no necessarily limited to: barber and beauty shops, pet grooming businesses, day care center and nursery schools, medical and dental clinics, veterinarian clinics, hardware stores, lawn and garden centers, motor vehicle service stations and convenience stores, **restaurants and cafes**, auction houses and flea markets, mini-warehouses, sale and storage of building materials, carpentry, electrical and plumbing sales and services, contractor's offices and storage yards, and welding and machine shops, may be approved by Special Use Permit provided:

1. Where outside storage is not prohibited, all outside storage areas will be adequately shielding or screened from view; and
2. The operator will be a resident on the premises unless the board of zoning appeals determined that such residency is not appropriate in the specific case, taking into account the nature of the business and the character of the neighboring properties; and

3. The business and anticipated enlargements thereof will be appropriate for agriculture areas; and
4. The business shall have **frontage** ~~direct access on a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a~~ **legal right of way private road or easement can be accommodated by the intersection with the state maintained road per approval by the Virginia Department of Transportation access proposed;** and
5. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
6. Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be ~~not only~~ compatible with neighboring properties, ~~but will also be a substantial benefit to neighboring properties;~~ and
7. Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is ~~not only~~ compatible with neighboring properties, ~~but will also be a substantial benefit to neighboring properties;~~ and
8. Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use **by the Virginia Department of Health;** and
9. There are adequate provisions set forth for the protection of fire, environmental and other hazards; and
10. All items displayed for sale or stored on site shall be set back at least twenty-five feet (25') from the edge of the pavement of any adjoining roads, and in no case shall a display or storage area be within the right-of-way of any road. (Ord. 09/28/11)

COMMUNITY DEVELOPMENT STAFF COMMENTS: This ordinance amendment adds restaurants and cafes to the limited businesses in agriculture districts Special Use Permit category. This ordinance amendment also revises the direct access condition, stating that frontage or approval by VDOT of a legal right of way and the intersection with the state maintained road are sufficient to meet this condition under the ordinance.

The ordinance amendment also takes out the language concerning structures associated with such uses being a substantial benefit to neighboring properties as staff believes such language is overly subjective and difficult to assess.

COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Section 25-74
March 13, 2018

An ordinance to add Section 25-74.R Short-term rentals, bed and breakfasts, and vacation rentals to the Augusta County Code.

To create a separate category for such uses to be permitted in agriculture zones by Special Use Permit with the following conditions: there shall be no more than 1 principal dwelling or part thereof, operating as such use per parcel; there shall be no more than 1 accessory unit operating as such use per parcel; the lot is at least 5 acres in area unless determined that a smaller acreage will be compatible with neighboring properties; the owner of record's primary residence is the principal dwelling or accessory; building inspection department approval; Virginia Department of Health approval if not connected to public sewer; and all parking shall be accommodated on-site.

PROPOSED ORDINANCE TEXT:

**AN ORDINANCE TO AMEND
SECTION 25-74 OF THE
AUGUSTA COUNTY CODE**

§ 25-74. Uses permitted by special use permit.

The uses listed in this section shall be permitted within General Agriculture Districts upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of ARTICLE LVIII of DIVISION I of this chapter.

R. Short-term rentals, bed and breakfasts, and vacation rentals.

Short-term rentals, bed and breakfasts, and vacation rentals, may be approved by Special Use Permit provided:

- 1. There shall be no more than one (1) principal dwelling, or part thereof, operating as a Bed and breakfast or Short-term rental per parcel; and**
- 2. There shall be no more than one (1) detached accessory dwelling unit operating as a Bed and breakfast or Short-term rental per parcel; and**

3. The lot is at least five (5) acres in area, unless the board of zoning appeals determines that operation of the use on a smaller acreage will be compatible with neighboring properties; and
4. The owner of record's primary residence is ~~personally resides in~~ the principal dwelling or accessory dwelling unit; and
5. The Building Inspection Department has indicated that either a Building Permit is not required, or a Building Permit can be issued for the use once the Special Use Permit has been approved; and
6. If the principal and/or detached accessory dwelling unit is not connected to public sewer, the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use; and
7. All parking shall be accommodated on-site.

COMMUNITY DEVELOPMENT STAFF COMMENTS: This ordinance amendment adds short-term rentals, bed and breakfasts, and vacation rentals as a standalone category for Special Use Permit consideration in General Agriculture districts. This use is currently lumped in as a public accommodation facility, but as the desire for this use has grown in popularity, staff recommends adding some additional conditions which pertain more specifically to such use and its impacts on surrounding properties. The conditions outlined above are similar to those adopted last year when a Special Use Permit category was adopted for this use in Rural Residential zoning districts.

COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Section 25-74
March 13, 2018

An ordinance to add Section 25-74.S Residential care facilities to the Augusta County Code.

To create a separate category for such use to be permitted in agriculture zones by Special Use Permit with the following conditions: appropriate for agriculture areas, compatible with neighboring properties, will not result in a concentration of businesses, frontage on a state maintained road or approval by VDOT of the intersection of a legal right of way and the state maintained road, pre-existing structures to be utilized unless new construction determined compatible with neighboring properties, reasonable limitation on expansions unless determined compatible with neighboring properties, Virginia Department of Health approval if not connected to public sewer, adequate provisions for protection of fire, environmental and other hazards, and if applicable, compliance with state, federal, local licensing and/or regulations.

PROPOSED ORDINANCE TEXT:

**AN ORDINANCE TO AMEND
SECTION 25-74 OF THE
AUGUSTA COUNTY CODE**

§ 25-74. Uses permitted by special use permit.

The uses listed in this section shall be permitted within General Agriculture Districts upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of ARTICLE LVIII of DIVISION I of this chapter.

S. Residential care facilities.

Residential care facilities, including, but not necessarily limited to, hospitals, nursing homes, group homes (unless separately permitted), assisted living facilities, and independent living facilities, may be approved by Special Use Permit provided:

- 1. The facility and anticipated enlargements thereof will be appropriate for agriculture areas; and**
- 2. The facility, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties; and**

3. The permitting of the proposed facility, when taking into account the presence of similar businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure; and
4. The business shall have frontage on a state maintained road or the expected traffic on a legal right of way can be accommodated by the intersection with the state maintained road per approval by the Virginia Department of Transportation.
5. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
6. Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be compatible with neighboring properties; and
7. Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is compatible with neighboring properties; and
8. Evidence that the business will be connected to public sewer or that onsite sewage disposal system can be approved for the business use by the Virginia Department of Health; and
9. There are adequate provisions set forth for the protection of fire, environmental and other hazards; and
10. If applicable, the applicant demonstrates compliance with state licensing requirements and all applicable federal, state and local regulations.

COMMUNITY DEVELOPMENT STAFF COMMENTS: This ordinance amendment creates a standalone category for residential care facilities, which are currently included under public accommodation facilities. This ordinance amendment also revises the direct access condition, stating that frontage or approval by VDOT of a legal right of way and the intersection with the state maintained road are sufficient to meet this condition under the ordinance.

The amendment also adds some additional conditions by which the Board of Zoning Appeals should consider Special Use Permits for such use in General Agriculture zoned districts.

Many of the additional conditions are included for other Special Use Permit categories within General Agriculture that are similar in impact; thus, staff recommends approval of the amendments.

COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Section 25-74
March 13, 2018

An ordinance to add Section 25-74.T Special event facilities and meeting places to the Augusta County Code.

To create a separate category for such use to be permitted in agriculture zones by Special Use Permit with the following conditions: appropriate for agriculture areas, compatible with neighboring properties, will not result in a concentration of businesses, frontage on a state maintained road or approval by VDOT of the intersection of a legal right of way and the state maintained road, pre-existing structures to be utilized unless new construction determined compatible with neighboring properties, reasonable limitation on expansions unless determined compatible with neighboring properties, Virginia Department of Health approval if not connected to public sewer, and adequate provisions for protection of fire, environmental and other hazards.

PROPOSED ORDINANCE TEXT:

**AN ORDINANCE TO AMEND
SECTION 25-74 OF THE
AUGUSTA COUNTY CODE**

§ 25-74. Uses permitted by special use permit.

The uses listed in this section shall be permitted within General Agriculture Districts upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of ARTICLE LVIII of DIVISION I of this chapter.

T. Special event facilities and meeting places.

Special event facilities and meeting places, including but not necessarily limited to: wedding venues, reunion venues, meeting places and other facilities of civic, community service and fraternal organizations, may be permitted by Special Use Permit provided:

1. The business and anticipated enlargements thereof will be appropriate for agriculture areas; and
2. The business, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties; and

3. The permitting of the proposed business, when taking into account the presence of similar businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure; and
4. The business shall have frontage ~~direct access~~ on a state maintained road and ~~approval by the Virginia Department of Transportation~~ or the expected traffic on a legal right of way ~~private road or easement~~ can be accommodated by the intersection with the state maintained road per approval by the Virginia Department of Transportation ~~access proposed~~; and
5. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
6. Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be compatible with neighboring properties; and
7. Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is compatible with neighboring properties; and
8. Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use by the Virginia Department of Health; and
9. There are adequate provisions set forth for the protection of fire, environmental and other hazards.

COMMUNITY DEVELOPMENT STAFF COMMENTS: This ordinance amendment creates a standalone category for special event facilities and meeting places, which are currently included under public accommodation facilities. This ordinance amendment also revises the direct access condition, stating that frontage or approval by VDOT of a legal right of way and the intersection with the state maintained road are sufficient to meet this condition under the ordinance.

The amendment also adds some additional conditions by which the Board of Zoning Appeals should consider Special Use Permits for such use in General Agriculture zoned districts.

Many of the additional conditions are included for other Special Use Permit categories within General Agriculture that are similar in impact; thus, staff recommends approval of the amendments.

**AUGUSTA COUNTY PLANNING COMMISSION REGULAR MEETING
SCHEDULE AND INCLEMENT WEATHER RESOLUTION 2018**

WHEREAS, § 15.2-2214 of the Code of Virginia (1950), as amended, authorizes the Augusta County Planning Commission to fix a schedule of regular meetings and fix the day or days to which any meeting shall be continued due to inclement weather.

WHEREAS, the Planning Commission now desires to establish its schedule for regular meetings during calendar year 2018.

BE IT RESOLVED BY THE AUGUSTA COUNTY PLANNING COMMISSION:

1. The Planning Commission shall hold regular meetings during calendar year 2018, in the Board Meeting Room at the Augusta County Government Center, on the dates and at the times set forth below:

January 9, 2018	7:00 p.m.
February 13, 2018	7:00 p.m.
March 13, 2018	7:00 p.m.
April 10, 2018	7:00 p.m.
May 8, 2018	7:00 p.m.
June 12, 2018	7:00 p.m.
July 10, 2018	7:00 p.m.
August 14, 2018	7:00 p.m.
September 11, 2018	7:00 p.m.
October 9, 2018	7:00 p.m.
November 13, 2018	7:00 p.m.

2. Prior to the regular meeting listed above, the Planning Commission shall make a site visit of any rezoning application site being heard at the public hearing/regular meeting. Such visits are open to the public and shall be advertised in accordance with ~~15.2-2204~~2.2-3707 of the Code of Virginia.
- 2.3. Prior to the regular meeting listed above, the Planning Commission may meet for a staff briefing related to proposed ordinance amendments to be heard by the Planning Commission at their regular meeting. Such briefings are open to the public and shall be advertised in accordance with 2.2-3707 of the Code of Virginia.
- 3.4. The Planning Commission may also hold worksessions throughout the year on an as needed basis. The scheduling of such worksessions shall be in accordance with 15.2-2214 of the Code of Virginia. Worksessions are open to the public and shall be advertised in accordance with ~~2.2-3707~~15.2-2204 of the Code of Virginia.

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4.5. In the event the Chairman of the Planning Commission, or the Vice Chairman of the Planning Commission, if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members of the Planning Commission to attend a meeting, such meeting shall be continued to the next Tuesday. Such finding and declaration shall be communicated to the members of the Planning Commission and the media as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

BE IT FURTHER RESOLVED, that this resolution be adopted by the Commission, recorded in its minutes, and inserted in a newspaper having general circulation in the County at least seven days prior to the first meeting held pursuant to the adopted schedule.

**COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
ARTICLE VI.D. Solar energy systems.
February 13, 2018
March 6, 2018 (Revised)**

PROPOSED ORDINANCE TEXT:

**AN ORDINANCE TO AMEND CHAPTER 25 ZONING DIVISION A. IN GENERAL
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to permit solar energy systems, operating as a principal land use and occupying less than one half acre of total land area, through a Special Use Permit in General Agriculture, General Business, and General Industrial zoning districts; and

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to permit solar energy systems, operating as a principal land use and occupying one half acre or more of total land area, through the Public Use Overlay in General Agriculture, General Business, and General Industrial zoning districts; and [Staff has been working with the County Attorney concerning this process. If the ability to vary setbacks is desired, then the County Attorney is of the opinion that a Special Use Permit, which could be considered by the Board of Supervisors, is needed rather than a Public Use Overlay request.]

WHEREAS, such reasonable provisions are set forth to promote and protect the public health, safety, and welfare of the community while promoting development of renewable energy resources.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Division A. of Chapter 25 of the Augusta County Code is amended to add Article VI.D. Solar energy systems. and read as follows:

ARTICLE VI.D. Solar energy systems.

§ 25-70. Purpose

§ 25-70.1 Definitions.

§ 25-70.2 Applicability

§ 25-70.3 Uses permitted by Special Use Permit.

§ 25-70.4 Uses permitted in public use overlay (PUO) districts.

§ 25-70.5 Applications and Procedures

§ 25-70.6 Location, Appearance and Operation of a Project Site

§ 25-70.7 Safety and Construction

§ 25-70.8 Decommissioning

§ 25-70.9 Bonding

§ 25-70. Purpose

The purpose of this ordinance is to provide for the siting, development and decommissioning of solar energy systems, as a principal land use in Augusta County, subject to reasonable conditions that promote and protect the public health, safety and welfare of the community while promoting development of renewable energy resources.

§ 25-70.1 Definitions.

Applicant means the owner or operator who submits an application to the locality for a permit to install a solar energy system under this ordinance.

Disturbance Zone means the area within the site directly impacted by construction and operation of the solar energy project.

Integrated PV means photovoltaics incorporated into building materials, such as shingles.

Landowner means the person who owns all or a portion of the real property on which a solar energy project is constructed.

Non-participating landowner means a person who owns real property that may be affected by a solar energy project and is not under lease or other property agreement with the owner or operator of the solar energy system.

Operator means the person responsible for the overall operation and management of a solar energy system.

Owner means the person who owns all or a portion of a solar energy system.

Photovoltaic or PV means materials and devices that absorb sunlight and convert it directly into electricity by semiconductors.

Rated capacity means the maximum capacity of a solar energy project based on the sum total of each photovoltaic system's nameplate capacity.

Site means the area containing a solar energy system.

Small solar energy system. An energy conversion system, operating as a principal land use, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware occupying less than one-half acre of total land area.

Large solar energy system. An energy conversion system, operating as a principal land use, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware occupying one-half acre or more of total land area. Also known as solar energy arrays or solar energy farms.

§ 25-70.2 Applicability

This ordinance applies to all solar energy systems, operating as principal land uses, proposed to be constructed after the effective date of this ordinance. Solar energy systems constructed

prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.

§ 25-70.3 Uses permitted by Special Use Permit.

- A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:
1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.
 2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.
- B. Small solar energy systems shall be permitted in General Agriculture (GA), General Business (GB), and General Industrial (GI) zoning districts subject to compliance with this article.
- C. Standards applicable to solar energy systems permitted by Special Use Permit.
1. Setbacks. All equipment and accessory structures associated with the small solar energy system shall be setback twenty five (25') feet from side and rear property lines and fifty (50') feet from the right of way of any public or private street, unless the Board of Zoning Appeals determines that a greater setback would more adequately protect adjoining land uses.
 - a. Setback areas shall be kept free of all structures and parking lots.
 - b. Setbacks shall not be required along property lines adjacent to other parcels which are part of the solar energy system; however, should properties be removed from the system, setbacks must be installed along all property lines of those properties remaining within the project and which are adjacent to a parcel which has been removed.
 2. Ground-mounted systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.
 3. Site control. The applicant shall submit documentation of the legal right to install and use the proposed system at the time of application.

4. Solar energy systems shall meet or exceed all applicable federal and state standards and regulations.
5. Signs. No signs or advertising of any type may be placed on the small solar energy system unless required by any state or federal agency.
6. The applicant shall submit documentation that the design of any buildings and structures associated with or part of the solar energy system complies with applicable sections of the Virginia Uniform Statewide Building Code (USBC) (13VAC5-63). This requirement includes all electrical components of the solar energy system.
7. Any glare generated by the system must be mitigated or directed away from an adjoining property or from any road when it creates a nuisance or safety hazard.
8. The parcel shall have frontage on a state maintained road or the expected traffic on a legal right of way can be accommodated by the intersection with the state maintained road per approval by the Virginia Department of Transportation.

§ 25-70.4 Uses permitted in public use overlay (PUO) districts.

Large Solar Energy Systems shall be permitted by the designation of a Public Use Overlay (PUO) district, as permitted in ARTICLE XLIX of this chapter, through a public hearing before the board of supervisors: **[This language could potentially be revised to specify a Special Use Permit process for Large Solar Energy Systems to be heard by the Board of Supervisors].**

1. Where the primary use of the system is electrical generation to be sold to the wholesale electricity markets and not used primarily for the onsite consumption of energy by a dwelling or commercial building.
2. A Public Use Overlay for a large solar energy system shall be permitted in General Agriculture (GA), General Business (GB), and General Industrial (GI) zoning districts.

§ 25-70.5 Applications and Procedures

In addition to the requirements of article LXVII, "Site Plan Review", article LVIII, "Special Use Permits Procedures", and article LX, "Rezoning and other Amendments," applications for a large solar energy system shall include the following information:

A. Community Meeting

Prior to submittal of an application, the applicant shall hold a meeting to inform the community about the planned solar energy system installation. Said meeting shall be open to the public. Notice of the date, time, and location of the meeting, as well as a contact name and phone number of the project representative and a summary of the request, shall be delivered by first class mail to all property owners as noted in the Augusta County tax records within one (1) mile of the perimeter of the project. Such notice shall be mailed so as to be delivered at least five (5) and no more than twenty-one (21) working days prior to the

community meeting. Upon conclusion of the community meeting, a mailing list of property owners notified, a sign-in sheet from the meeting, an agenda from the meetings, and a written summary of the meeting shall be included with the application.

B. Project description

A narrative identifying the applicant and describing the proposed solar energy system, including an overview of the project and its location; approximate rated capacity of the solar energy system; the approximate number, representative types and expected footprint of solar equipment to be constructed; and a description of ancillary facilities, if applicable. [Per the work session discussion, applications for such request would include proof of an interconnection agreement with the utility company for which the project will supply power].

[Per the work session discussion, an additional requirement for the application process would be a cost benefit analysis].

C. Site plan.

The site plan shall conform to the preparation and submittal requirements of article LXVII, "Site Plan Review," including supplemental plans and submissions, and shall include the following information:

1. Property lines and setback lines.
2. Existing and proposed buildings and structures, including location(s) of the proposed solar equipment.
3. Existing and proposed access roads, drives, turnout locations, and parking.
4. Location of substations, electrical cabling from the solar systems to the substations, accessory equipment, buildings, and structures, including those within any applicable setbacks.
5. Additional information may be required, as determined by the Zoning Administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.
6. Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.
7. The application shall include a decommissioning plan and other documents required by Section 25-70.8 of this ordinance.
8. The applicant shall provide proof of adequate liability insurance for a large solar energy system at the time of application.

§ 25-70.6 Location, Appearance and Operation of a Project Site

A. Visual impacts

The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the solar project minimizes impacts on the visual character of a scenic landscape, vista, or scenic corridor.

B. Ground-mounted systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

C. Signage

Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy project. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except as follows: (a) manufacturer's or installer's identification; (b) appropriate warning signs and placards; (c) signs that may be required by a state or federal agency; and (d) signs that provide a 24-hour emergency contact phone number.

D. Noise.

Audible sound from a solar energy system shall not exceed 60 dBA (A-weighted decibels), as measured at any adjacent non-participating landowner's property line. The level, however, may be exceeded during short-term exceptional circumstances, such as severe weather.

E. Setbacks.

All equipment, accessory structures and operations associated with a large solar energy system shall be setback at least two-hundred (200) ft. from all property lines and at least 1,000 ft. from any residentially zoned properties. [If the Planning Commission would like to recommend a change from the PUO process to the SUP process in order to have flexibility in setbacks, then language should be changed to establish a maximum setback for the Special Use Permit request that could be decreased by the Board of Supervisors. At the work session the maximum of 500 ft. from residentially zoned properties (does not include agriculture zoned properties that have a residence on them) and 50 ft. from all other property lines was suggested. If the Planning Commission would like to keep as a PUO, then a setback can be established and the buffering could be varied by the BOS].

- a. Setbacks shall be kept free of all structures and parking lots.
- b. Setbacks shall not be required along property lines adjacent to other parcels which are part of the solar energy system; however, should properties be removed from the system, setbacks must be installed along all property lines of those properties remaining within the project and which are adjacent to a parcel which has been removed.

F. Ocular impact study.

An ocular impact study shall be performed for airports within five miles of the project site, for public roads within sight of the system, and from scenic highways and overlooks. The analysis shall be performed using FAA Solar Glare Hazard Analysis Tool (SGHAT) to demonstrate compliance with FAA standards for measuring ocular impact.

G. Buffering

A buffer yard shall be provided and maintained adjacent to any property line, except those property lines interior to the solar energy system, and landscaped in one (1) of two (2) ways. If a property ceases being used for the solar energy system, buffering will be required along all property lines adjacent to the property which has been removed.

Alternative 1: A ten foot (10') wide strip of land with a six foot (6') opaque privacy fence, wall, berm or combination thereof. Opaque privacy fences shall be construction of good quality materials such as vinyl, pressure treated lumber, brick, stone, or similar materials approved by the Zoning Administrator. For the purposes of this chapter tarps, car covers tents, fabric, chain link fences with slats, or similar materials shall not be deemed to satisfy the requirements of opaque fencing.

Alternative 2: A twenty foot (20') wide strip of land with 2 evergreen trees, 2 canopy trees, 2 understory trees and 24 shrubs planted per fifty linear feet (50') of buffer. The trees shall be a minimum of six feet (6') at the time of planting and the shrubs shall be a minimum of eighteen inches (18") at the time of planting.

- A. The applicant is free to choose from Alternatives 1 or 2. Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two (2) understory trees per required canopy tree.
- B. Plant and structure location within buffer. The placement of required plants and structures shall be the decision of the applicant; however, they shall be located so as to achieve the maximum level of protection. Plant material shall meet the buffer requirements every fifty feet (50'). Buffer areas not retained in native habitat shall be seeded or sodded with lawn and maintained at a height of no more than 15 inches, established with ground cover, or mulched with organic mulch. Inorganic ground cover shall not exceed fifty percent (50%) of the total required area of the buffer.
- C. Where a fence or wall is used as part of a buffer, the decorative side of the fence or wall shall be faced to the adjacent property.
- D. Permitted structures in buffer area.
 1. Where walls are placed within any required buffer area:
 - a. No walls of exposed concrete block are permitted, whether painted or not.
 - b. The applicant shall be required to demonstrate provisions for access and maintenance of landscaping and the wall structure at the time of site plan approval.

- c. Breaks in the wall may be provided for pedestrian and vehicular connections to adjacent developments.
 2. Where berms are placed within any required buffer area:
 - a. A berm or combination of materials such as a berm and a fence shall be a minimum six feet (6') in height.
 - b. Berms shall have slopes of not less than three feet (3') horizontal for each one foot (1') vertical.
 - c. Slopes in excess of three feet (3') horizontal for each one foot (1') vertical may be permitted if sufficient erosion control methods are taken and deemed by the Zoning Administrator to be maintainable.
 3. Where opaque privacy fences are placed within any required buffer area:
 - a. No reduction in buffer width shall be provided based on the provision of a chain-link fence.
 - b. Fences shall be a minimum of six feet (6') in height unless paired with a berm and in such case the combination of berm and fence shall be a minimum of six feet (6') in height.
 - c. Breaks in the fence may be provided for pedestrian and vehicular connections to adjacent developments.
 - d. Fences shall be maintained in a structurally safe and attractive condition and with finished faces located towards the adjacent property.
- E. Permitted use of buffer area. A buffer area shall not be used for anything except:
 1. Passive recreation and picnic facilities, including pedestrian and bike trails.
 2. Other appurtenances which require high visibility and easy access, such as fire hydrants and utilities, public and emergency telephones, mail boxes, and bus shelters, or benches, are also permitted in a buffer. No screening of such appurtenances shall be required or permitted.
 3. Access ways when necessary to provide access to adjacent properties.

4. A required buffer is encouraged to retain areas of native habitat and may incorporate water resources including stormwater management facilities. However, the minimum width of the buffer shall be preserved as a planting area and there shall be no reduction in buffer width based on the stormwater management facilities.

F. Alternative compliance. The buffer requirements may be modified by the board of supervisors upon a finding that a modification would be consistent with the purpose of this ordinance, this section, and the adopted plans and policies of the county; that such modification would not adversely affect the land use compatibility or public interest; and that the subject parcel or modified buffer complies with one (1) or more of the following criteria:

1. The buffer is parallel and adjacent to an existing utility or drainage easement of at least one hundred feet (100') in width.
2. The buffer is between uses that are to be developed under a common development plan or series of development plans.
3. The buffer is parallel and adjacent to an existing railroad right-of-way;
4. The topography of the parcel is such that buffering would not be effective;
5. The property is adjacent to an established industrial use;
6. There is existing vegetation either on this lot or the adjacent lot to provide the required buffer benefits.

Financial hardship due to meeting the requirements of this section shall not be sufficient justification for alternative compliance.

G. Site Plan. Landscaping of buffer yards shall be shown on the site plan in accordance with the standards in division J ARTICLE LXVII "Site Plan Review" and shall be provided and maintained in accordance with sound horticultural practices.

H. Fencing

All property containing panels must be enclosed with chain link fencing seven feet (7') tall, topped with barbed wire, and secured with gates.

§ 25-70.7 Safety and Construction

A. Design

The applicant shall submit documentation that the design of any buildings and structures associated with or part of the solar energy project complies with applicable sections of the Virginia Uniform Statewide Building Code (USBC) (13VAC5-63). This requirement includes all electrical components of the solar energy project.

B. Construction and installation

In the construction and installation of a large solar energy system, the owner or operator shall install all electrical wires associated with the large solar energy system underground unless the applicant can demonstrate the necessity for aboveground installations as determined by the Board of Supervisors.

C. Ground water monitoring

Ground water monitoring to assess the level of groundwater contamination shall take place prior to and upon completion of construction of the project throughout the area of the solar energy system. Ground water monitoring shall take place every five (5) years of the operation of the project, and upon completion of decommissioning. Results from said monitoring shall be delivered to the Virginia Department of Health, Augusta County Department of Community Development and the Augusta County Service Authority. [A request for comment has been made to the Augusta County Service Authority and the Virginia Department of Environmental Quality. I hope to have an update concerning this at our meeting].

D. Traffic Impact Statement and/or Analysis

As part of the project application, the applicant shall submit a traffic impact statement. If required by the Virginia Department of Transportation, the applicant shall submit a Traffic Impact Analysis found to be in compliance with the requirements of Chapter 527 (24VAC30-155).

§ 25-70.8 Decommissioning

A. Decommissioning plan

As part of the project application, the applicant shall submit a decommissioning plan, which shall include the following: (1) the anticipated life of the project; (2) the estimated decommissioning cost in current dollars; (3) how said estimate was determined; (4) the method of ensuring that funds will be available for decommissioning and restoration; (5) the method that the decommissioning cost will be kept current; and (6) the manner in which the project will be decommissioned and the site restored.

B. Discontinuation or Abandonment of Project

1. Thirty (30) days prior to such time that a large solar energy system is scheduled to be abandoned or discontinued, the owner or operator shall notify the Director of Community Development by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Any solar project that has been inoperable or unutilized for a period of 12 consecutive months shall be deemed abandoned and subject to the requirements of this section.
2. Within 365 days of the date of abandonment or discontinuation, the owner or operator shall complete the physical removal of the solar energy project and site restoration. This period may be extended at the request of the owner or operator, upon approval of the Board of Supervisors.

3. Decommissioning of discontinued or abandoned large solar energy systems shall include the following:
 - a) Physical removal of all solar energy equipment and above-ground appurtenant structures from the subject property including, but not limited to, buildings, machinery, equipment, cabling and connections to transmission lines, equipment shelters, security barriers, electrical components, roads, unless such roads need to remain to access buildings retrofitted for another purpose, or the landowner submits a request to the Board of Supervisors that such roads remain.
 - b) Below-grade structures, such as foundations, underground collection cabling, mounting beams, footers, and all other equipment installed with the system shall be removed: however, these structures may be allowed to remain if a written request is submitted by the landowners and a waiver is granted by the Board of Supervisors.
 - c) Compacted soils shall be decompacted to a depth of three (3) feet. [Work Session feedback suggested removal of this requirement (c)].
 - d) Restoration of the topography of the project site to is pre-existing condition, except that any landscaping or grading may remain in the after-condition if a written request is submitted by the landowner and a waiver is granted by the Board of Supervisors.
 - e) Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local, state, and federal solid waste disposal regulations.

§ 25-70.9 Bonding

Prior to the issuance of a Building Permit for a solar energy system which requires a Public Use Overlay (PUO) designation, the applicant shall:

- A. Submit to the Zoning Administrator an itemized cost estimate of the work to be done to completely remove the entire solar energy system plus twenty-five percent (25%) of said estimated costs as a reasonable allowance for administrative costs, inflation, and potential damage to existing roads or utilities.
- B. Submit a bond, irrevocable Letter of Credit, or other appropriate surety acceptable to the County in the amount of the estimate as approved by the Zoning Administrator shall:
 1. Secure the cost of removing the system and restoring the site to its original condition to the extent reasonably possible; and
 2. Include a mechanism for a Cost of Living Adjustment after ten (10) and fifteen (15) years.
- C. The applicant will ensure the bond, irrevocable Letter of Credit, or other surety shall remain in full force and effect until the Community Development Department has inspected the site and verified that the solar energy system has been removed. At which

time the Community Development Department shall promptly release the bond, irrevocable Letter of Credit, or other surety.

COMMUNITY DEVELOPMENT STAFF COMMENTS: The proposed ordinance only applies to solar energy systems operating as a principal land use. This ordinance does not regulate solar energy systems used to power uses permitted by-right. Staff considers systems powering by-right permitted uses to be accessory to the permitted use.

The proposed ordinance permits solar energy systems, operating as a principal land use, in General Agriculture, General Business, and General Industrial zoning districts either through the Special Use Permit process (less than ½ acre) or through the Public Use Overlay process (1/2 acre or greater). While the Comprehensive Plan does not specifically identify zoning districts appropriate for such systems, it is clear in its desire to “prevent conflicts between residential, business, and industrial land uses as well as agricultural uses located in adjacent Rural Conservation and Agricultural Conservation Areas” (pg. 45). The Comprehensive Plan further specifies this minimization of land use conflict through the use of buffers and transitions in land use density and intensity.

Solar energy systems are difficult to categorize as they are often referred to as “solar farms” but have very different visual impacts than a traditional agriculture operation. Staff believes that solar energy systems, as principal land uses, could create negative visual impacts on residentially zoned districts. For this reason, the proposed ordinance does not allow for such systems in residentially zoned districts and recommends a 1,000 ft. setback adjacent to residentially zoned property.

While the proposed ordinance does give the Board of Zoning Appeals or the Board of Supervisors the ability to approve solar energy systems on land zoned General Industrial, such deliberations should keep in mind excerpts from the “Economy” chapter of the Comprehensive Plan. Goal 4 of the “Economy” chapter of the Comprehensive Plan is to “identify key sites and ensure they have the physical infrastructure and site readiness necessary to be attractive to new businesses and industries” (pg. 24). Specific policies associated with such goal are as follows:

Policy 1: Identify Sites. Identify the best economic development sites in varying sizes which are suitably located and which have adequate land, roads, and utilities to support business and industrial development. Ensure that economic development sites are served by adequate public facilities and infrastructure so as to offer “ready sites” that are competitively attractive for investment.

Policy 2: Major Employment and Investment Sites. Identify and preserve Major Employment and Investment Sites for regional growth and encourage the development of these sites for high tax revenue generating uses (pg. 24).

The proposed ordinance also gives the Board of Zoning Appeals or the Board of Supervisors the ability to approve solar energy systems in General Agriculture zoning districts. Through the use of the Public Use Overlay process for large solar energy systems, the underlying zoning of the land remains unchanged. Therefore, after the lease of the land for solar energy use has ended, the land remains in General Agriculture zoning, which is in keeping with Goal 2 Objective B of the “Land Use and Development” chapter:

Goal 2: Maintain the county's predominantly rural character, including the small towns and villages.