

Comprehensive Plan Excerpts

Potential Accord with Comprehensive Plan Excerpts

Economy

Page 21-

Goal 1: Promote business retention and attraction strategies that are complementary to both new and existing businesses.

Objective B: Attract industries and business which are compatible with and enhance the county's economic climate as well as its environmental, scenic, agricultural, and historic character.

Policy 1: Balanced Industry Base. The county should seek to attract businesses and industries that will help to maintain a balanced economy. The county should, in particular, respond to any loss of businesses and industries by attracting new businesses and industries that will help to regain that balance.

Staff comment: As identified in the Augusta Solar Economic and Fiscal Contribution to Augusta County study, the solar facility will aid in diversification of Augusta County's economy, through a one-time pulse of job activity and on a more long-term horizon in the tax base as the land assessment changes from agricultural to a solar generating use.

Land Use and Development

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Goal 1: Encourage a compact, orderly, and coordinated development pattern in the Urban Service and Community Development Areas.

Objective C: Prevent conflicts between residential, business, and industrial land uses as well as agricultural uses located in adjacent Rural Conservation and Agricultural Conservation Areas.

Policy 1: Buffers. The county should encourage that adequate buffers be provided on each site to provide protection and transition between uses of differing densities or intensities. Buffers should use existing topography and vegetation to the maximum extent possible but should provide additional buffer materials, such as walls, fences, berms, or additional landscaping, wherever necessary to provide adequate visual protection between adjacent properties.

Staff comment: The applicant has provided a landscaped buffer plan for the proposed large solar energy facility to help mitigate the visual impact to adjacent property owners, although such a buffer is not intended to completely shield the use. A draft condition of the Special Use Permit encourages that existing vegetation remain, wherever possible, as is described in Policy #1 above.

Natural Resources

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Goal 3: Promote development layout that protects natural and scenic resources by design.

Objective B: Consider adopting performance standards that can be incorporated in to the zoning and subdivision ordinances, and which would apply to all development applications. Consider making the standards mandatory in the Rural Conservation and Agricultural Conservation Areas, while maintain flexibility in the Urban Service and Community Development Areas.

Policy 1: Performance Standards Table – identifies a 35 ft. buffer on either side of streams and wetlands in Urban Service Areas.

Staff comment: Draft conditions for the Special Use Permit request include a 35 ft. buffer on either side of streams and wetlands as is consistent with Policy #1 above.

Potential Conflicts with Comprehensive Plan Excerpts

Agriculture

Page 18 -

Goal 1: Enhance the economic strength of the county's agriculture and forestry industry.

Objective B: Provide a range of voluntary options for farmers and farmland owners for keeping their land in farming and open space land uses. Provide sufficient incentives and protections for agricultural land uses so as to reduce the number of new dwellings constructed in the Rural Conservation and Agricultural Conservation Areas over the next 20 years.

Policy 2: Conservation Easements. The county should support the placement of conservation easement on property located in the Rural Conservation and Agricultural Conservation Areas. Proposed easements in Urban Service Areas and Community Development Areas may be supported after review by the Board of Supervisors.

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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.

Staff comment: Enhancement of the agricultural economy is an important goal of the Comprehensive Plan; however, the plan determines to achieve that goal through an aggressive aim of locating 90% of future residential growth in Urban Service Areas (80%) and Community Development Areas (10%) so as to protect Rural and Agricultural Conservation areas from conflicting land uses.

The Augusta Solar, LLC Special Use Permit request, takes approximately 1,100 acres (under panel) and approximately 2,700 acres of total parcel area from available Urban Service and Community Development Areas of Stuarts Draft.

Economy

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Goal 4: Identify key sites and ensure they have the physical infrastructure and site readiness necessary to be attractive to new business and industries.

Objective A: Provide adequate land and facilities for future business and industrial development.

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.

Staff comment: Augusta County's Economic Development Department has identified the "Martin Site," which is included in the Augusta Solar LLC Special Use Permit request, as a key site for future industrial development. The site consists of approximately 800 acres of available land, and is served by the following utilities: Shenandoah Valley Electric Cooperative, Columbia Gas of Virginia, Augusta County Service Authority, and nTelos (fiber/broadband). The site is 5.2 miles from Interstate 64, 1.6 miles from a 4 lane arterial highway (Rt. 340), 29.2 miles from Waynesboro/Eagles Nest Airport, and served by Norfolk Southern rail. The site has relatively level topography, which makes it conducive to development for business/industrial use. The proposed use, after considering the amount of acreage utilized, does not constitute a "major employment site" and may not satisfy the Comprehensive Plan's vision for high tax revenue generating uses.

General Government

Page 31-

Goal 2: Manage the allocation of costs and benefits of public services in a fair and equitable manner.

Objective B: Ensure that all county residents equitably pay for resources that benefit all county residents.

Policy 1: Funding Increased Development in Urban Areas. The county should develop a strategy for ensuring that the infrastructure improvements that permit higher densities and promote economic growth in the Urban Service and Community Development Areas are funded by all county residents. Such a strategy should include considering making strategic investments in infrastructure, such as sewer trunk lines. To facilitate growth in key areas where there is a reasonable expectation for a return on the investment.

Staff comment: The County has made significant investment in infrastructure in this area. See Memorandum from Phil Martin, Executive Director of the Augusta County Service Authority dated December 31, 2018 as it relates to lost potential revenue (Attached). The East Stuarts Draft Sewer Feasibility Study, of which Phase I is complete, analyzes a backbone sewer collection system in this area. Phase II provides for further exploration of economic impact and return on investment and should be completed in March of 2019.

Housing

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Goal 2: Ensure that housing development occurs in a pattern which is efficient and affordable to the county taxpayers at large in terms of providing public facilities and services.

Objective A: Encourage housing developments to locate in areas where adequate water and/or wastewater service is available, roads and schools have adequate capacity, and emergency services have adequate coverage.

Goal 3: Ensure that new and existing residential areas are protected from conflicts with incompatible land uses and the county's agricultural and environmental resources are protected from conflicts with incompatible residential land uses.

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

Policy 1: Residential Dwellings. The county should examine the different methods available for restricting the number of new dwellings constructed in the Rural Conservation and Agricultural Conservation Area and if built, minimizing the impact on existing and potential agricultural operations and natural resources.

Staff comment: The limited amount of Urban Service Area in Augusta County (6.4%) provides for a framework to guide housing into a pattern which is efficient and affordable to the county taxpayer. If housing developments were to sprawl throughout the County, the cost of providing public facilities and services would likely increase. While this request is not in and of itself creating housing development in Rural and Agricultural Conservation Areas, it proposes to occupy land planned for residential, business, and industrial development and having utility, road, and school investments as it relates to such a plan.

Land Use and Development

Goal 1: Encourage a compact, orderly, and coordinated development pattern in the Urban Service and Community Development Areas.

Objective A: Provide a convenient, safe, and efficient network of urban land uses.

Policy 8: Development in Areas with Limited Water and Sewer Capacity. The county recognizes that there are portions of the Urban Service and Community Development Areas where the capacities of the water and sewer systems are limited. Efforts should be made to maximize the development on the public services, utilizing the remaining capacities without making extensive investment in the expansion of the capacities of these systems have been reached the expected development densities will decrease reflecting the absence of the public services.

Objective B: Increase the percentage of new residential units locating in the Urban Service Areas to 80% of all new residential development. Increase the percentage of new residential units locating in the Community Development areas to 10%.

Policy 1: Urban Service Area Residential Densities. The density of developments in the Urban Service Area should be from three to sixteen units per acre.

Policy 2: Community Development Area Residential Densities. The density of development in the Community Development Areas should be limited to not more than one dwelling unit per net acre.

Objective C: Prevent conflicts between residential, business, and industrial land uses as well as agricultural uses located in adjacent Rural Conservation and Agricultural Conservation Areas.

Objective D: Enhance the character of the urban environment.

Policy 6: Urban Open Space. The county should encourage the use of open space preservation programs, such as conservation easements, in the Urban Service and Community Development Areas for recreational, open space, source water protection and natural resource preservation purposes. The utilization of any such programs in these areas would require approval by the Board of Supervisors and may require allowances for additions and improvements to water and wastewater lines, public roads, and other identified infrastructure needs.

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

Objective A: Reduce the number and size of new residential lots being created in the Rural Conservation and Agricultural Conservation Areas. Reduce the percentage of residential lots in rural area from over 50% to less than 10% of all new residential lots.

Goal 3: Keep the cost of providing public services and facilities to a minimum.

Objective B: Water and Sewer. Public water and sewer facilities should not be provided or extended to the designated Rural Conservation or Agricultural Conservation Areas during the timeframe of this Plan, except when necessary to mitigate an imminent and severe public health hazard. At such time as that public water or sewer service is extended to these areas they should be re-designated Community Development Areas, unless the board decides otherwise.

Staff comment: While the Comprehensive Plan did not envision or contemplate a large solar energy facility, the request is not representative of a "compact, orderly, and coordinated development pattern." The Comprehensive Plan, as a policy, desires to develop those Urban Service Areas with limited capacities until those capacities are met, but does not envision an expansion; therefore, guiding development to those areas where the capacity of public facilities and services is available. The Stuarts Draft wastewater treatment plant and the schools serving the Stuarts Draft area have capacity available, while some other Urban Service Areas of the county are more limited in one aspect or another (See school enrollment numbers in chart below). The request does not utilize the facilities and capacities that exist in Stuarts Draft, which may not be the best use of the land. The Urban Service Areas, designated for future residential development, envision densities of between 3 and 16 units an acre and in that regard is not in compliance with the Future Land Use Map for those areas. Other areas of the project are designated for future industrial development. The Comprehensive Plan also limits extensions of water and sewer infrastructure to Rural and Agricultural Conservation Areas which limits the density of development. The more land that is taken out of growth areas to be used for solar generation, the less available land to designate growth as it comes.

Elementary School	Capacity	SY 18-19 Enrollment PK - 5	% Capacity
Cassell	834	704	84%
Churchville	592	395	67%
Clymore	834	782	94%
Craigsville	296	156	53%
North River	444	265	60%
Riverheads	834	711	85%
Stuarts Draft	834	607	73%
Stump	556	415	75%
Wilson	834	683	82%
Middle School		6th -8th	

Beverley Manor	800	729	91%
Stewart	720	593	82%
Stuarts Draft	960	545	57%
Wilson	820	597	73%
High School		9th -12th	
Buffalo Gap	740	490	66%
Fort Defiance	960	758	79%
Riverheads	600	458	76%
Stuarts Draft	940	670	71%
Wilson Memorial	900	749	83%

Transportation

Page 70-

Goal 1: Maintain and enhance a safe and efficient roadway network that supports the intended land uses and development patterns planned for Urban Service and Community Development Areas; that provides accessibility within communities and mobility between communities and around the region; and that supports economic development.

Staff comment: Road improvement projects reflect growth areas envisioned in the Comprehensive Plan. This request does not create a demand on the road network that is envisioned with the Urban Service Area of the Comprehensive Plan for Stuarts Draft.

Utilities

Page 79-

Goal 2: Ensure that public sewer and water facilities are provided in an efficient and cost-effective manner in terms of the size, location, design, and pattern of the systems.

Objective A: Coordinate the provision of public water and sewer with the location of development.

Policy 1: Urban Service Areas. It is recognized that not all Urban Service Areas currently have public water and sewer services to them, however the plan supports having both services to the area within the 20 year timeframe of the plan. Development occurring in these areas are expected to utilize public water and sewer and should develop at densities commensurate with those recommended in the Plan.

Policy 2: Community Development Areas. It is recognized that not all Community Development Areas currently have public water services to them, however the plan

supports having public water services to the area within the 20 year timeframe of the plan. Development occurring in these areas are expected to utilize public water and should develop at densities commensurate with those recommended in the Plan.

Policy 3: Funding Infrastructure Improvements. The county should consider making strategic investments in infrastructure, such as sewer trunk lines and water tanks, to facilitate growth in key areas where there is a reasonable expectation for a return on the investment. The county may provide direct financial assistance for infrastructure projects in combination with other sources such as state and federal grants or loans, the establishment of service districts, privilege fees, or other similar mechanisms aimed at keeping the fiscal impacts on the Augusta County Service Authority rate payers, as well as the county citizens at large, to a minimum.

Policy 8: Linkage and Coordination of Water and Sewer Systems. When feasible and consistent with the other policies of this Plan, additional utility linkages may be made in order to gain similar efficiencies and back-up capabilities. Board approval will be required when a line extension will have to cross a Rural Conservation or Agricultural Conservation Area.

Staff comment: This use does not utilize public water AND sewer and is not consistent with Policy #1 above.

PLANNING COMMISSION RECOMMENDATION: Determined the Special Use Permit request is in substantial accord with the Comprehensive Plan or part thereof. Written findings below:

Mr. Curd stated the arguments and concerns regarding the solar panels are valid. When the Comp Plan was last updated it did not include solar energy because solar generated facilities were not envisioned at that point. He believes the request is in substantial accord with the Comp Plan or part thereof. The project would provide economic diversification, which the Comp Plan calls for, and it will have the required buffering. He understands the adjacent property owners that do not wish to look at a solar facility, but feels they would be better than a big industry or a housing development. The project will not increase road traffic or wear and tear on the roads, it will not require more emergency services, schools will not be affected and the project will not require public utilities. It will not create pollution or noise. It is also in accord with the Comp Plan because the project will respect the landowner's rights. He believes the request is in accordance with the Comp Plan or part thereof.

Mr. Bridge stated he agrees with Mr. Curd's comments. Mr. Kleine and Augusta Solar have provided a number of things that meet the Comp Plan requirements or part thereof. He agrees that the project does meet the Comp Plan or part thereof. He moved to recommend accepting the Special Use Permit as written because it does meet, in part, the Comprehensive Plan.

Community Development Staff Comments:

Augusta Solar LLC has proposed a 125 MW solar energy facility on approximately 2,700 acres of land in and around Stuarts Draft in the South River District, of which approximately 1,100 acres are proposed to be under solar panels.

The Code of Virginia requires the Planning Commission review solar energy facilities that are not shown on the Comprehensive Plan and are not allowed in a zoning district by-right to determine whether the **location, character, and extent** of the proposed use is substantially in accord with the Comprehensive Plan or part thereof. (Code of VA Section 15.2-2232). Location, character, and extent are three important elements that guide the structure of the following staff analysis.

A large solar energy system is a use permitted in the Augusta County Code by a Special Use Permit, to be granted by the Board of Supervisors, in the General Agriculture or General Business districts.

In summary, the proposed solar energy facility requires both an affirmative substantial accord review and an approved Special Use Permit with associated pre-conditions and operating conditions for authorization and subsequent operation.

The staff recommended conditions are essential in the evaluation of this request as it relates to Comprehensive Plan accord and impact to adjacent property owners and the public in general. Staff's review of the substantial accord determination is reflective of these recommended conditions as appropriate.

LOCATION

The Comprehensive Plan does not specifically reference renewable energy generation as a contemplated future, primary land use. However, the Comprehensive Plan does specify the expected growth pattern envisioned in the Urban Service Areas of the County as follows: "compact, interconnected, and pedestrian oriented while remaining sensitive to the context of the surrounding development as well as the surrounding natural features" (pg. 9). Staff is of the opinion that the proposed request does not reflect the type, pattern, or density of development envisioned in the Urban Service Area.

In addition, the Comprehensive Plan states that 80% of future residential growth should locate within Urban Service Areas and 10% of future residential growth should locate in Community Development Areas. All of the proposed request is located either within an Urban Service Area or a Community Development Area of the Comprehensive Plan. While not all of the parcels of request are designated for future residential development, the proposed facility would be taking land out of potential residential development for at least the next 35 years.

Furthermore, the Comprehensive Plan, envisions development in the Urban Service Areas to be on public water and sewer, including residential, business and industrial development. Although residential uses

require public services, and the proposed request does not, Urban Service Areas have received investment so as to expect such demand, while other areas of the county have not and would likely be more appropriate for a large solar generating use.

CHARACTER

The surrounding character of the proposed request varies slightly based on the specific parcels involved. Two of the project's "pods" are adjacent to medium density residential development, existing Stone Valley, Seasons Ridge, and the Hamptons neighborhoods.

Other "pods" of the request are characterized by nearby business development, such as Broadmoor Plaza along Route 340.

Other "pods" of the request are characterized by adjacent industrial development of McKee and Target.

Other "pods" are adjacent to rural, low density residential development of Heston Farm Lane and Abner Lane.

Most all of the "pods," while having the above mentioned developed land adjacent or as a nearby use, are also characterized by an existing rural and/or farming landscape.

The proposed solar facility has frontage along the following public roads: Stuarts Draft Highway (Rt. 340), Mt. Vernon Road, Hall School Road, Shalom Road, Wayne Avenue, Patton Farm Road, and Lynthurst Road. As identified above, the character of the majority of these roads, with the exception of parts of Stuarts Draft Highway, Mt. Vernon Road, Patton Farm Road, and Wayne Avenue, are representative of mostly rural landscapes and/or farming landscapes.

Effective setbacks and buffering, although not a complete screen of the project, may make the request more compatible with the surrounding rural landscape.

The proposed use, with regards to impacts, has two distinct phases. The construction phase and the ongoing operation phase. The construction phase, relatively short, will create a greater land use intensity than the ongoing operations. Staff recommended conditions aim to reduce the negative impacts during construction as well as the ongoing visual impacts once construction is complete.

While the use, with the staff recommended conditions, may be compatible with the existing rural landscape, the area, as described above, has also seen development of a residential, business and industrial nature as would be expected in a designated county growth area. As the Comprehensive Plan envisions, growth will continue in this growth area and such growth will likely not achieve the potential and character as described in the Comprehensive Plan amongst a large, spread out, solar generating use that does not create a walkable, interconnected, pattern of development.

EXTENT

The proposed facility will be placed on approximately 2,700 total parcel acreage with a land disturbance footprint of approximately 1,100 acres. Substantial accord review as it relates to the extent of the request is somewhat challenging with a solar generating use as proposed. The evaluation of public facilities, i.e. parks, schools, etc., as it relates to extent, is mostly focused on the size of the facility in comparison to the service area.

Comprehensive Plans, although a guide, are relied on heavily by many different governmental departments and sectors as it relates to future planning and investment needs. When a public facility or utility is reviewed for extent, the question becomes, does this proposed facility or utility meet the current, but more importantly, the future demand as is defined in the Comprehensive Plan? This proposed use is not filling a local, public service need, making the determination of extent problematic. The extent of the request is serving a corporate customer and we assume such extent is necessary to achieve that aim.

The Comprehensive Plan does not create a policy, limiting the scope of a single use, but as described above, the extent of such a use does not seem appropriate within an Urban Service Area of which only 6.4% of the county is designated.

SUMMARY

While the Comprehensive Plan does not create a policy specific to the location of renewable energy generating uses, it does outline policies specific to Urban Service Areas by which the sprawled pattern of the request and absence of public water and sewer services needed are inconsistent. Based on the reasons above, staff can not recommend that the location, character, and extent of the proposed facility, especially those "pods" of the project located within Urban Service Areas, are in substantial accord with the Comprehensive Plan.

PLANNING COMMISSION RECOMMENDATION: Determined the Special Use Permit request is in substantial accord with the Comprehensive Plan or part thereof. Written findings below:

Mr. Curd stated the arguments and concerns regarding the solar panels are valid. When the Comp Plan was last updated it did not include solar energy because solar generated facilities were not envisioned at that point. He believes the request is in substantial accord with the Comp Plan or part thereof. The project would provide economic diversification, which the Comp Plan calls for, and it will have the required buffering. He understands the adjacent property owners that do not wish to look at a solar facility, but feels they would be better than a big industry or a housing development. The project will not increase road traffic or wear and tear on the roads, it will not require more emergency services, schools will not be affected and the project will not require public utilities. It will not create pollution or noise. It is also in accord with the Comp Plan because the project will respect the landowner's rights. He believes the request is in accordance with the Comp Plan or part thereof.

Mr. Bridge stated he agrees with Mr. Curd's comments. Mr. Kleine and Augusta Solar have provided a number of things that meet the Comp Plan requirements or part thereof. He agrees that the project does meet the Comp Plan or part thereof. He moved to recommend accepting the Special Use Permit as written because it does meet, in part, the Comprehensive Plan.



To: Augusta County Planning Commission
John Wilkinson, Community Development Director
Leslie Tate, Community Development Staff
From: Tom Anderson, Community Energy Solar
Date: February 8, 2019
Re: Comments and questions in response to ACSA Memo on Solar Impacts

Community Energy Solar Response to Augusta County Community Development Staff Comprehensive Plan Review and Recommendations

We are providing this document in response to the Community Development Department's 15.2-2232 Staff Report discussing whether the Augusta Solar project is in substantial accord with the Augusta County Comprehensive Plan, in whole or part thereof (note: this standard is discussed further below).

Community Development organized its report into two main sections. The first being two subsections noting elements, or excerpts, of the Comprehensive Plan they identified as either supporting "Potential Accord with Comprehensive Plan Excerpts" or as "Potential Conflicts with Comprehensive Plan". The second section provided a brief overview and analysis of the review and their recommendation.

Comprehensive Plan Excerpts showing Accord with the Comprehensive Plan

We offer these excerpts in addition to those identified by Community Development Staff their report.

Property Owner's Rights and Related Land Use Decision Considerations

Comprehensive Plan 2007-2027, Vol 2; Page 281

"It is important to understand that the policies set forth in the Comprehensive Plan are **not land use regulations**. These policies are not requirements for future development in the Policy Planning Areas. **It is the current Zoning Ordinance that determines the type and nature of development within the Policy Planning Areas and any other zoned portion of the county**. The Comprehensive Plan Planning Policy Area future land uses and densities are a set of guidelines that are referred to by the Planning Commission when considering rezoning."

CES comment: This is not a rezoning application. Development of public facilities, including solar power generation, is an allowed use on these properties based on current zoning subject to the approval of a Special Use Permit. Other industrial facilities or residential development would require rezoning.

Land Use and Development Section of "Goals, Objectives and Policies" Goal Number 4 states; (Page 51) (2014/2015 Update)/ (Page 79) (2007/2009)

"In regulating development, ensure that the overall, long-term common good is kept in balance with the freedom and rights of the individual landowner."

CES comment: The landowners have made clear they interested in hosting the solar project on their Agricultural zoned property and as established by the ordinance. It is important to note, this is the last goal in that section, as if to emphasize, that regardless of other stated goals, policies and objectives, the county values above all the freedom and rights of landowners.

Comprehensive Plan 2014/15 Update, Page 8-9

"It is also recognized that not every parcel of land in the Urban Service Area will be sold for development within the next 20 years and not every parcel, due to site specific considerations, is appropriate for development at the densities proposed."

CES Comment: The Comprehensive Plan clearly anticipates that not all USA land is going to be put into a use that is directly in line with the future potential zoning categories described therein.

Agriculture

All excerpts below taken from the 2014/15 Comprehensive Plan Update

"The county should promote the continued and enhanced viability of the local agricultural industry, including innovative farming practices, *new products and support businesses.*" (Page 26)

"Provide a range of voluntary options for farmers and farmland owners *for keeping their land in farming and open space land uses.*" (Page 18)

"Ensure that the agricultural and forestry industry in Augusta County has available to it a *wide array of methods for maintaining a viable agricultural economy.*" (Page 19)

"Identify opportunities for farms to *diversify and grow their businesses.*" (Page 19)

"Support a *variety of programs and strategies* for farmers to ensure that their operations are fiscally and environmentally sound." (Page 20) (2014/2015 Update).

"Support programs to *help ensure the transition of agricultural land ownership from one generation of farmers to the next.*" (Page 19)

CES Comment: The proposed development would preserve the underlying land for possible future agricultural uses (which are consistent with the current agricultural zoning designation applicable to the subject property), while allowing farmers to generate income from the property with non-agricultural uses, introducing "new products and support business" and diversifying their business. This is also a very environmentally sound way for the farmers to strengthen their operations. This project will create income for the current owners and allow them to continue farming portions of parcels in question – but this is a temporary use that permits the owners to revert to agriculture or some other use in the future.

Economy

All excerpts below taken from the 2014/15 Comprehensive Plan Update



"Policy 1, Goal 1: Promote business retention and attraction strategies that are complementary to both new and existing business." (Page 21)

Also,

"The county should seek to attract businesses and industries that will help to maintain a balanced economy." (Page 21)

CES comment: The proposed development offers a unique opportunity to contribute to the County's economy without impacting any of the County's environmental, scenic, agricultural or historic character. The proposed development would require little land disturbance, would preserve natural topography, would preserve the underlying land for possible future agricultural use, and would be low-level so as not to obstruct scenic view sheds. Furthermore, the economic impact analysis prepared by one of Virginia's foremost economists – and a consultant retained by the County, not the applicant – demonstrates that this project will have a positive economic impact on the County. The project will utilize a significant number of local and regional workers - electricians, laborers, and landscapers, also hardware and supply companies and local shipping and transport companies, offering both new and existing companies opportunities to grow their businesses by supporting one of the fastest growing industries in VA and the US.

"Goal 1, Objective B, Policy 2: Complementary Businesses. The county should seek to attract businesses and industries that support the business activities of existing firms. Suppliers and customers of existing businesses, as well as businesses that could benefit from working synergistically with existing companies should be targeted for attraction."

CES Comment: Staff included this except as supportive and we agree. The project will utilize a significant number of local and regional workers - electricians, laborers, and landscapers, also hardware and supply companies and local shipping and transport companies, offering both new and existing companies opportunities to grow their businesses by supporting one of the fastest growing industries in VA and the US.

"Objective C: Ensure the county's unemployment rate remains low and wages remain competitive. Policy 1: Employers Offering Competitive Wages. The county should work to attract new businesses and industries that pay competitive wages." (page 22)

CES Comment: Solar construction jobs are high-value positions paying competitive wages. These projects play a key role locally and regionally in helping construction-related firms of many types sustain their business operations by keep good, hardworking labor and electrical workers on the job.

"Goal 3: Enhance the labor resources available to businesses and industries in the county."

Objective A: Encourage training and educational programs at the county's educational institutions to provide for continued technical and enrichment opportunities for county residents. (page 23)

Objective B: Increase the workforce available to employers in the county. (page 24)

Policy 1: Training. The county should support efforts to develop training programs to ensure a skilled labor force exists to meet the needs of the identified target businesses and industries.

Policy 2: Regional Efforts. Participate in regional efforts coordinated by the Shenandoah Valley Workforce Investment Board and the Shenandoah Valley Partnership to improve local workforce readiness.

CES Comment: Projects like this offer immense opportunity for technical and enrichment programs. Community Energy has already had conversations with job training and rehabilitation programs in the area. If the project is approved, we are committed to continuing those efforts with the goal of providing opportunities to as many county residents as possible. Job training opportunities exist in project planning and tracking, procurement, scheduling, health and safety, and of course construction and field work.

General Government

All excerpts below taken from the 2014/15 Comprehensive Plant Update

“Manage the allocation of costs and benefits of public services in a fair and equitable manner... Maintain the lowest possible property tax burden necessary to provide a level of public facilities and services desired by County citizens and required in order to protect the public health and safety.” (Page 31)

CES Comment: The proposed development would have an extraordinarily low demand for most public services and facilities, including transportation infrastructure, human services, utilities, fire, police, libraries, and parks and other recreational facilities. As such it would not impose an additional burden on public services. However, it would generate significant investment and resources on properties that would not otherwise generate those revenues to benefit the County.

Goal 3: The County will strive to be a good steward of the environment. (page 32)

Objective B: Continue to support recycling and other “green” initiatives.

Natural Resources

All excerpts below taken from the 2014/15 Comprehensive Plant Update

“Protect the water, air, natural systems, and water supplies of Augusta County.”

CES Comment: This project is designed to address all those issues: to comply with the Energy Policy of the Commonwealth of Virginia which specifically encourages the increase in the use of renewable energy.



“Goal 2: Promote efficient and effective stormwater strategies appropriate to each Policy Area to protect water quality and control flooding.” (page 55)

CES Comment: The project will be designed in compliance with all applicable environmental and stormwater management regulations and codes; and, importantly, by virtue of its sustainable and healthy grasses, pollinator plants and mixed variety vegetative buffer, the project will be beneficial to groundwater and surface water supplies.

Addressing Staff's Potential Conflicts with Comprehensive Plan Excerpts

Below we address Staff's comments on these items identified as potential conflicts with the Comprehensive Plan.

Agriculture

Staff comment: *Enhancement of the agricultural economy is an important goal of the Comprehensive Plan; however, the plan determines to achieve that goal through an aggressive aim of locating 90% of future residential growth in Urban Service Areas (80%) and Community Development Areas (10%) so as to protect Rural and Agricultural Conservation areas from conflicting land uses.*

The Augusta Solar, LLC Special Use Permit request, takes approximately 1,100 acres (under panel) and approximately 2,700 acres of total parcel area from available Urban Service and Community Development Areas of Stuarts Draft.

CES Response: While we acknowledge that planning is a necessarily part of the Comprehensive Plan, we believe this item should not be given significant weight. As noted above, the Comprehensive Plan is a guide and not a rezoning document, and, does not require agricultural landowners, or any landowner for that matter, to abandon land they desire to keep the family, in favor of some form of development. Importantly, as well, the Comprehensive Plan itself recognizes “that not every parcel of land in the Urban Service Area will be sold for development within the next 20 years.”

Economy

Staff comment: *Augusta County's Economic Development Department has identified the "Martin Site," which is included in the Augusta Solar LLC Special Use Permit request, as a key site for future industrial development. The site consists of approximately 800 acres of available land, and is served by the following utilities: Shenandoah Valley Electric Cooperative, Columbia Gas of Virginia, Augusta County Service Authority, and nTelos (fiber/broadband). The site is 5.2 miles from Interstate 64, 1.6 miles from a 4 lane arterial highway (Rt 340), 29.2 miles from Waynesboro/Eagles Nest Airport, and served by Norfolk Southern rail. The site has relatively level topography, which makes it conducive to development for business/industrial use. The proposed use, after considering the amount of acreage utilized, does not constitute a "major employment site" and may not satisfy the Comprehensive Plan's vision for high tax revenue generating uses.*

CES Response: While we acknowledge that planning is a necessarily part of the Comprehensive Plan, we believe this item should not be given significant weight. As noted above, the Comprehensive Plan is a guide and not a rezoning document, and, it does not require agricultural landowners, or any landowner

for that matter, to abandon land they desire to keep the family, in favor of some form of development. Importantly, as well, the Comprehensive Plan itself recognizes “that not every parcel of land in the Urban Service Area will be sold for development within the next 20 years.”

In addition to the various exceptions we have noted supporting the landowners rights, the “Martin Site” is only partially used by the solar project, leaving significant acreage for other development should those opportunities arise in the future.

General Government

Staff comment: The County has made significant investment in infrastructure in this area. See Memorandum from Phil Martin, Executive Director of the Augusta County Service Authority dated December 31, 2018 as it relates to lost potential revenue (Attached). The East Stuarts Draft Sewer Feasibility Study, of which Phase I is complete, analyzes a backbone sewer collection system in this area. Phase II provides for further exploration of economic impact and return on investment and should be completed in March of 2019.

CES Comment: The only significant investment the County has made in this area is the increase in capacity at Stuarts Draft WWTP from 2.4 MGD to 4 MGD at the same time the County was required to increase treatment efficiency in 2010 in response to revised related standards. Community Energy Solar has a number of questions and concerns about the underlying foundation of the December 31, 2018, Memorandum. We have provided these to the Planning Commission and Community Development Staff via email and trust those are in the record.

Housing

Staff comment: The limited amount of Urban Service Area in Augusta County (6.4%) provides for a framework to guide housing into a pattern which is efficient and affordable to the county taxpayer. If housing developments were to sprawl throughout the County, the cost of providing public facilities and services would likely increase. While this request is not in and of itself creating housing development in Rural and Agricultural Conservation Areas, it proposes to occupy land planned for residential, business, and industrial development and having utility, road, and school investments as it relates to such a plan.

CES Comment: To state that any of these areas will need to be rezoned for residential housing during the life of the project is to overstate, and to ignore data presented in the 2014/15 Comprehensive Plan update:

“Over the last 10 years, the county has issued an average of 422 building permits for residential units per year. Assuming that number holds true going forward, existing zoning would support more than 650 years of growth.” (page 5)

Land Use and Development

Staff comment: While the Comprehensive Plan did not envision or contemplate a large solar energy facility, the request is not representative of a “compact, orderly, and coordinated development pattern.” The Comprehensive Plan, as a policy, desires to develop those Urban Service Areas with limited capacities until those capacities are met, but does not envision an expansion; therefore, guiding development to those areas where the capacity of



public facilities and services is available. The Stuarts Draft wastewater treatment plant and the schools serving the Stuarts Draft area have capacity available, while some other Urban Service Areas of the county are more limited in one aspect or another (See school enrollment numbers in chart below). The request does not utilize the facilities and capacities that exist in Stuarts Draft, which may not be the best use of the land. The Urban Service Areas, designated/or future residential development, envision densities of between 3 and 16 units an acre and in that regard is not in compliance with the Future Land Use Map for those areas. Other areas of the project are designated for future industrial development

The Comprehensive Plan also limits extensions of water and sewer infrastructure to Rural and Agricultural Conservation Areas which limits the density of development. The more land that is taken out of growth areas to be used for solar generation, the less available land to designate growth as it comes.

CES Comment: The idea that this area is needed to be left available for some future potential growth is not supported by the Comprehensive Plan's own language, as stated below.

As provided above, according to the Comprehensive Plan: "The amount of growth that the county can expect is more of a limiting factor than the amount of land available for development. Over the last 10 years, the county has issued an average of 422 building permits for residential units per year. Assuming that number holds true going forward, existing zoning would support more than 650 years of growth."

Beside the statement above, the County's own recent sewer study illustrated the lack of infrastructure in the majority of the current Urban Service Area in the solar project area, and highlighted the significant difficulties and costs that would be required to extend infrastructure into the Urban Service Areas.

"Due to the fact that the study area is downstream of the existing collection and treatment infrastructure, combined with the relatively vast expanse of largely undeveloped land, significant pumping and associated force main pipe will be needed to serve the study area using the existing treatment capacity at the Stuarts Draft WWTP. This presents economic challenges in that pumped systems typically have higher capital and operations and maintenance costs than gravity systems.

Additionally, low initial usage of a pumped sewer system will create design challenges and will increase costs due to the requirement to maintain an adequate force main flushing velocity in what may, at a later date, require a larger capacity (diameter) pipe."

Also, "The design solution for this condition would likely involve additional treatment processes and higher capital and operational costs, including labor."

And, finally, "For the study area, similarly it is logical that each successive phase of sewer infrastructure progressively expand on the existing network. This speaks to the high capital, and operations and maintenance investment in extensive collection system expansions that may not begin to produce significant payback for many years."

All quotes from page 3 of the "East Stuarts Draft Sewer Feasibility Study – Phase I" dated November 12, 2018.

Transportation

Staff comment: Road improvement projects reflect growth areas envisioned in the Comprehensive Plan. This request does not create a demand on the road network that is envisioned with the Urban Service Area of the Comprehensive Plan/or Stuarts Draft.

CES Comment: We think this excerpt should not be considered as being potential counter to conformance to the Comprehensive Plan; we read the project as supporting the Comprehensive Plan in that it will not create additional traffic burdens in the area.

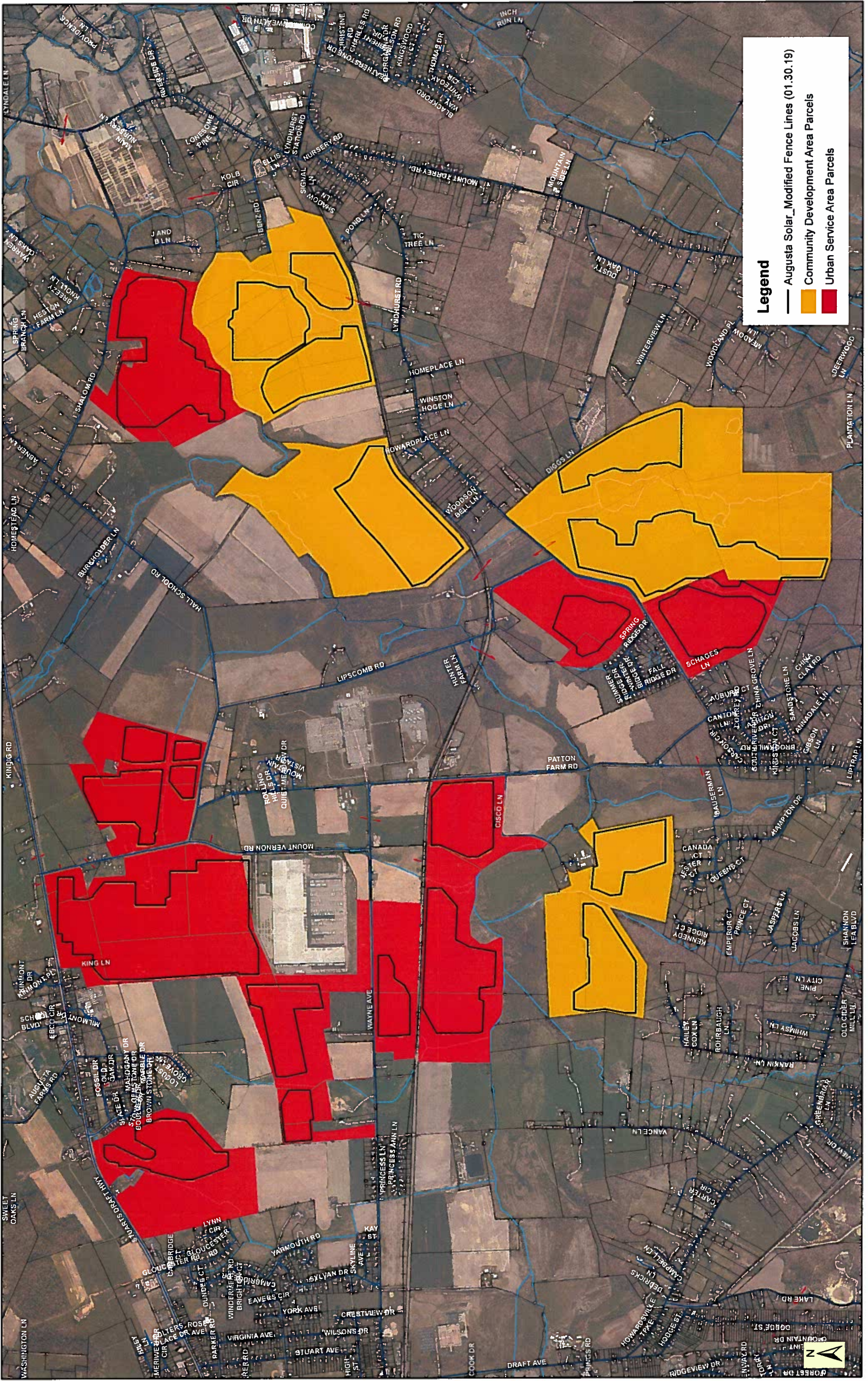
Utilities

Staff comment: This use does not utilize public water AND sewer and is not consistent with Policy #1 above.

CES Comment: We do not believe that not utilizing public water or sewer creates a conflict with the Comprehensive Plan. This is not a rezoning and the land will remain agricultural. There is no expectation in the Comprehensive Plan that current farmers within the Planning Policy Areas should somehow be held responsible for paying for water and sewer, even though they do not plan to rezone their property.

Conclusion

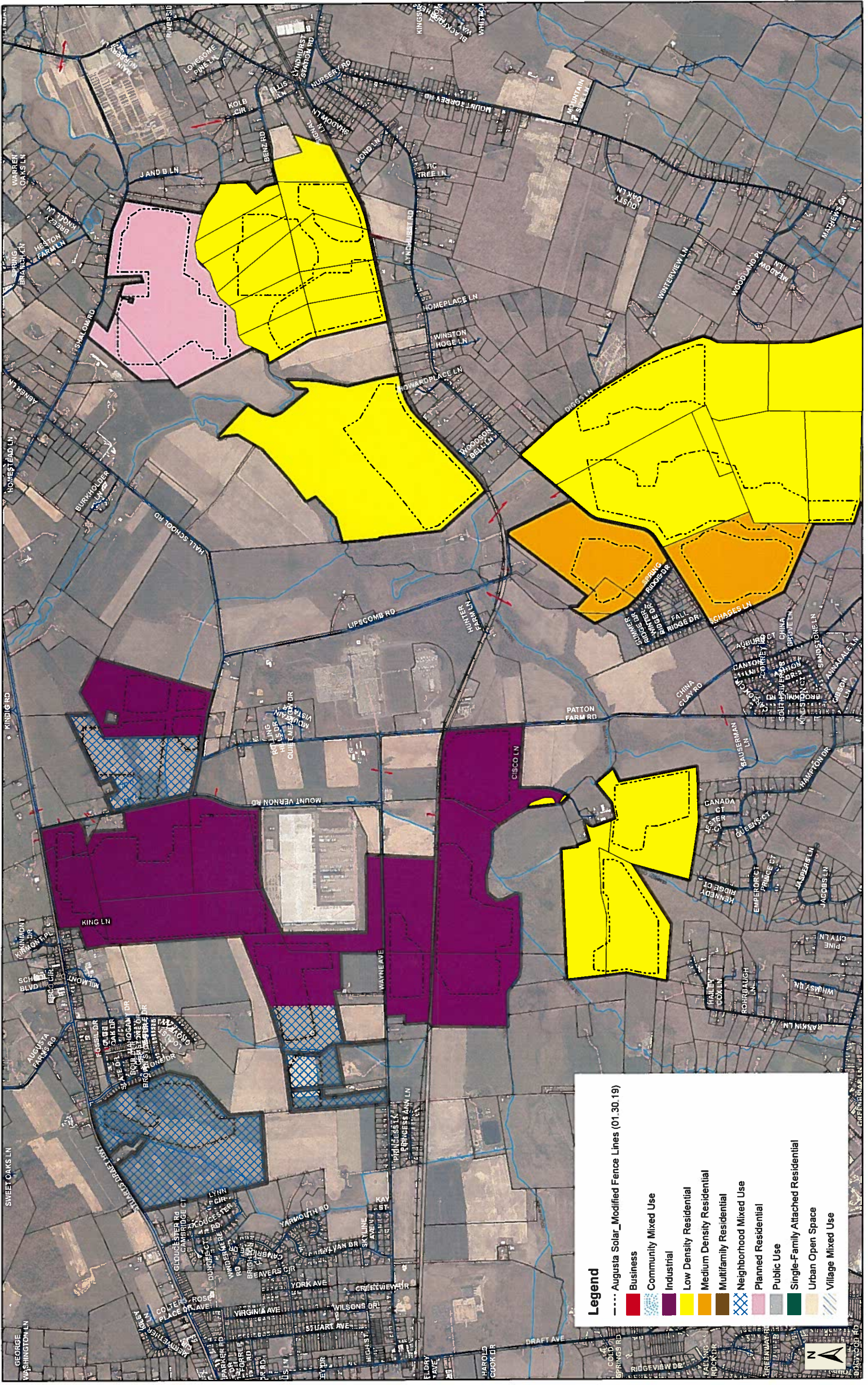
For all of the reasons above, we respectfully disagree with the Community Development Staff conclusion that the Augusta Solar Project does substantially conform with the Comprehensive Plan.



Legend

- Augusta Solar_Modified Fence Lines (01.30.19)
- Community Development Area Parcels
- Urban Service Area Parcels





Legend

- Augusta Solar_Modified Fence Lines (01.30.19)
- Business
- Community Mixed Use
- Industrial
- Low Density Residential
- Medium Density Residential
- Multifamily Residential
- Neighborhood Mixed Use
- Planned Residential
- Public Use
- Single-Family Attached Residential
- Urban Open Space
- Village Mixed Use

General Project Comments

APPLICANT:
Augusta Solar, LLC

APPLICANT'S JUSTIFICATION:
Special Use Permit to construct and operate a large solar energy system.

BUILDING INSPECTOR'S COMMENTS:
Obtain all necessary permits and inspections in accordance with the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:
The Health Department has no issue with the Special Use Permit. The applicant is advised to not place any of the solar panels over any existing drainfields.

HIGHWAY DEPARTMENT'S COMMENTS:
Due to the number of properties in question, VDOT has not had the opportunity to visit each parcel. In general, the largest traffic impact is expected to be during construction of the new solar fields. Temporary Construction Entrances will be permitted only in areas approved by VDOT (sight distance and adjacent roadway conditions will be considered). Entrance size will depend on the size of the design vehicles used in construction. Drainage characteristics will be reviewed at site plan.

Once constructed, each temporary construction entrance will be removed or reconstructed as a permanent entrance, subject to VDOT approval. If serving 20 vehicle trips or less per day, the entrance will be classified as a private entrance. If serving greater than 20 but less than 50 vehicle trips per day, the entrance will be considered a low volume commercial entrance, and must meet the requirements as such. If serving greater than 50 vehicle trips per day, the entrance will need to be paved and the classification will be selected at time of site plan.

Additional comments are likely to be generated at site plan stage.

ENGINEERING'S COMMENTS:
Stormwater management must be addressed per the provisions of the Augusta County Stormwater Ordinance. Use of water quality measures listed in either the Virginia Stormwater Management Handbook or through the Virginia Stormwater Management BMP Clearinghouse will be required. The county will consider all areas of panel to be impervious. With respect to water quantity, all points of discharge must comply with the Adequate Channel provisions of 9VAC25-840-40 subdivision 19.

The applicant is advised to contact the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality for any requirements related to proposed work in wetland areas or adjacent to any streams.

Karst areas may exist in the project area. The applicant is advised to consult a geologist to determine the extent of karst and a determination of the suitability of the sites for development. Drainage calculations for karst areas must conform to DCR SWM Technical Bulletin #2, "Hydrological Modeling and Design in Karst".

Portions of the project lie within Area 2 of the Source Water Protection Overlay (SWPO) District. All provisions of the Source Water Protection Ordinance (SWPO) must be satisfied. Additionally, for Source Water & Recharge Areas, the Comprehensive Plan recommends restriction of land uses that pose a contaminant threat. Additionally, stormwater practices that infiltrate or can contaminate groundwater should be avoided. Water quality treatment and revegetation are recommended.

This property drains to South River which is listed on the Virginia DEQ 2016 Impaired Waters List. This impaired segment extends from its confluence with Stony Run downstream to its confluence with the Back Creek. The impaired use is recreation, the specific impairment is E. coli. The sources of the impairment are wildlife other than waterfowl, non-point sources and agriculture. Numerous TMDLs have been approved for this segment for each of the impairments and must be considered by the applicant.

Additionally, the 2007 Augusta County Comprehensive Plan lists the South River – Canada Run watershed as a Priority Watershed for Groundwater Protection due to the presence of karst features and the location of Source Water Assessment Program zones.

This property lies outside of the Airport Overlay District (APO).

Portions of this development lie within Zone AE on the FEMA FIRM and portions of the development are within the Floodpool area of the Waynesboro Nurseries Flood Control Dam. Any development on this portion of the property must meet the provisions of the Floodplain Overlay Ordinance. Placement of fill in this area is discouraged. Any fill placed in this area could impact other properties and will require a detailed flood study and a Letter of Map Revision (LOMR) from FEMA.

Portions of this development also lie within the dam break inundation zone(s) for several flood control dams. As long as no habitable structures are proposed, there should be little impact. See notes in Natural Resources Recommendations below.

Natural Resources Recommendations from the Comprehensive Plan

In Urban Service Areas

The 2007 Augusta County Comprehensive Plan recommends performance standards to protect natural resources. For Urban Service Areas, a riparian buffer of 35 feet on either side of a stream is encouraged, and where feasible, stormwater should not be piped through in a manner to short-cut the buffer. Additionally, floodplain areas should have no habitable structures, but should instead be utilized for greenways & recreation areas.

For Flood Control Dam Inundation Zones in the Urban Service Area, the Comprehensive Plan recommends allowing expansions to existing development with education and possible mitigation measures. For new residential development, habitable structures should be located outside of the zone if reasonable alternatives exist.

For Wetland areas in the Urban Service Area, the Comprehensive Plan recommends provision of a 35 foot buffer from the edge of wetlands.

For unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends to tie these features in with greenways, active and passive recreation areas and flood plain preservation areas.

In Community Development Areas

The 2007 Augusta County Comprehensive Plan recommends performance standards to protect natural resources. For Community Development Areas, a riparian buffer of 35 feet on either side of a stream is encouraged, and stormwater should not be piped through in a manner to short-cut the buffer. Additionally, floodplain areas should have no habitable structures, but should instead be utilized for greenways & recreation areas.

For Flood Control Dam Inundation Zones in Community Development Areas, the Comprehensive Plan recommends allowing expansions to existing development with education and possible mitigation measures. For new residential development, habitable structures should be located outside of the zone if reasonable alternatives exist.

For Source Water & Recharge Areas, the Comprehensive Plan recommends preservation of open space to the extent feasible and restriction of land uses that pose a contaminant threat. Additionally, stormwater practices that infiltrate or can contaminate groundwater should be avoided, water quality treatment and revegetation are recommended, and enhanced onsite sewage disposal systems should be utilized.

For Wetland areas, the Comprehensive Plan recommends provision of a 35 foot buffer from the edge of wetlands.

For unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends to tie these features in with greenways, active and passive recreation areas and flood plain preservation areas.

FIRE AND RESCUE'S COMMENTS: Fire-Rescue sees little to no impact on service delivery from this request. During construction there will be an increase of traffic to the area, but after constructed, there will be little to no impact. Fire-Rescue has no further comment.

COMMUNITY DEVELOPMENT STAFF COMMENTS: If the Board chooses to approve the Special Use Permit request, attached are recommended conditions of the Special Use Permit.

PLANNING COMMISSION COMMENTS: The Planning Commission encouraged the Board of Supervisors to make sure the setbacks and buffering system for the solar project are appropriate. They would like to see additional setbacks and buffering for the property coming in on Rt. 340 near Mt. Vernon Church. They also recommended that the Board look at the project per parcel rather than the project as a whole.

2/21/2019

Augusta Solar LLC
Large Solar Energy System
Special Use Permit
Conditions and Terms

The following are the legal conditions and terms of approval for the Augusta Solar LLC Special Use Permit heard before the Board of Supervisors on February 27, 2019 at 6:00pm:

1. This Special Use Permit ("Permit") is granted solely for the subject-property for operation of a large solar energy system. This Permit shall be binding on Augusta Solar LLC and any successor-in-interest, including but not limited to any current or future owner, lessee, sub-lessee, and permitted assignee ("Applicant").
2. The Permit shall not be assignable by Augusta Solar, LLC to a third party absent the written consent of the Board of Supervisors of Augusta County, which consent may not be unreasonably withheld.
3. Any document memorializing or relating to the establishment of any successor-in-interest, e.g., lessee, sub-lessee, future owner, permitted assignee, etc., between Augusta Solar, LLC and any such individual or business entity, shall include a recital as to the existence of the Permit, and the duties and obligations of the third party and now successor-in-interest thereunder the Permit. It is important that successors-in-interest be on written notice of the Permit and its terms and conditions.
4. The solar energy system, including but not limited to, fence line boundary, access roads (unless otherwise required by VDOT and not to include access roads internal to the fence line boundary), buffering type and details, and setbacks (unless otherwise determined by the Board of Supervisors), shall be constructed and operated in substantial conformance with the approved Concept Site Plan prepared by Kimley Horn, dated January 29, 2019. (If there are parts of the Concept Site Plan that conflict with other conditions of this permit, then the more stringent regulation shall apply).
5. All bonding or posting of sureties for the project shall at all times be by and in the name of the owner of the solar energy system and its successors and assigns.
6. A full site plan in accordance with Augusta County Code shall be submitted prior to the issuance of any building permits.
7. All non-operational, non-electrical site features along the perimeter of the solar energy system, such as landscaping and fencing, shall be properly maintained throughout the life of the Permit. Fencing shall be maintained in good repair and landscaping shall be maintained so as to provide the desired buffer benefits. Maintenance of such features shall be guaranteed by the surety agreement and surety as

provided below. If the County Administrator and/or his designee determines that site features identified are not being properly maintained, as described herein, then the applicant shall be given a notice to remedy as is the standard zoning violation policy of Augusta County as amended...

8. Setbacks, either as determined by the Concept Plan or set by the Board during their review, shall be measured from the fence line of the project.
9. No additional panel areas, no change in access roads (unless otherwise required by VDOT or access roads internal to the fence line), nor revised buffering tree heights shall be permitted without amending the Special Use Permit as approved.
10. Wetlands shall be inventoried, delineated and avoided with no construction of panels or access roads within 35 ft. of the delineated wetland.
11. All operations and infrastructure of the large solar energy system shall maintain a 35 ft. buffer from all streams.
12. The applicant must obtain site plan approval within 18 months of the issuance of the Special Use Permit, and building permits must be obtained within 1 year of site plan approval, and construction shall be substantially complete within one year of the issuance of final building permits, unless otherwise extended by the Board for good cause, which approval shall not be unreasonably withheld..
13. A mixture of endophyte free creeping red fescue and white Dutch clover shall be planted underneath all panels. If using a planting drill to seed, use 20 lbs creeping red fescue and 1 lb white Dutch clover per acre. If using a broadcast planter, use 30 lbs of creeping red fescue and 2 lbs of white Dutch clover per acre. This seed mixture shall be planted in the late summer to early fall. These conditions represent the suggested seed mixture and planting requirements given by the United States Department of Agriculture-Natural Resources Conservation Service local office. If the Applicant/Owner decides on a variation from this suggestion, such variations must obtain written approval from the United States Department of Agriculture-Natural Resources Conservation Service local office, and such approval be submitted to the Augusta County Department of Community Development.
14. Along the fence line, access roads, and buffer areas, the applicant shall work with and obtain approval from the United States Department of Agriculture-Natural Resource Conservation Service local office to implement the planting of desired grasses and pollinators and a mowing schedule that will provide the most wildlife benefit and provide some aesthetic benefit.
15. The Applicant and/or owner shall spread pollinator supportive seed mixture within new landscape buffers and adopt best management practices to increase pollinator activity during operation of the facility in order to achieve a minimum score of 145 points on the Virginia Department of Conservation and Recreation's "Virginia Solar Site Pollinator/Bird Habitat Scorecard" dated March 2018.

Note: The applicant proposes the following amended language

The Applicant and/or owner shall adopt best management practices to increase pollinator activity during operation of the facility with the goal of achieving a minimum score of 145 points on the Virginia Department of Conservation and Recreation's "Virginia Solar Site Pollinator/Bird Habitat Scorecard" dated March 2018. [Applicant note: this is a voluntary goal that we support, and a couple of our grass

mixes should be able to achieve. However, we remain concerned about how pollinators mix with grasses while also allowing for a cover that effectively keeps out invasive species. We suggest this remain a goal and can be discussed with USDA-NRSC as the surface mix is developed].

16. The Applicant shall submit, implement and bond a proposed vegetation management plan for ground cover within the fence lines of the project to the County Administrator and/or his designee for review and approval as part of the full site plan, which shall:
 - a. Describe in detail the design of the ground cover, which will consist of the mix identified in these conditions.
 - b. Include a general plan and schedule for managing growth of the vegetation over the operational life of the solar energy system so as to maintain a neat and clean appearance.
 - c. Include measures to prevent and control noxious weeds and invasive species.
 - d. Emphasize mowing and other mechanical means as the primary method of managing vegetation growth.
 - e. Identify any class of herbicide to be used and provide that use of any such herbicide will be in accordance with its approved label.
 - f. Demonstrate that the quantity of herbicides expected to be used annually for the project will be less than the amounts that generally were used on the agricultural fields hosting the solar energy system during the 12 months prior to the start of construction.
 - g. Provide that only biodegradable soap and water, and no other chemicals, may be used to clean the surface of solar panels.
 - h. Provide for the review by the County Administrator and/or his designee of any proposed significant changes to the vegetation management plan during the operational life of the system.
17. Prior to construction, the applicant and/or landowner shall provide an existing conditions report for invasive species. Such report will be given to the United States Department of Agriculture-Natural Resource Conservation Service office to aid in the development of recommendations for an invasive species/weed management plan. The applicant shall obtain a bond estimate from a licensed contractor for the implementation of the invasive species/weed management plan.
18. The solar energy system shall not obtain a building permit until evidence has been given to the County that an electric utility company has a signed interconnection agreement with the permittee.
19. All documentation submitted by the applicant in support of this Special Use Permit becomes a part of the conditions. Conditions imposed by the County shall control over any inconsistent provision in any documentation provided by the applicant.
20. The County Administrator, Building Official, Zoning Administrator, or any other parties designated by those County officials, shall be allowed to enter the property at any reasonable time to check for compliance with the provisions of this permit, with reasonable advanced notice and subject to the security, health and safety standards and regulations that apply to the project site.
21. The applicant and/or landowner shall preserve and maintain existing forest/vegetation along adjacent property and public right of ways, in areas where existing vegetation serves as a natural buffer of the solar energy system. The applicant shall make every reasonable effort to preserve trees. Compliance

shall be demonstrated on the final site plan with a tree preservation plan, which shows all trees that are to be preserved.

22. Landscaping Plan. The applicant shall submit a proposed landscaping plan for each perimeter of the solar energy system (outside all fenced areas) to the County Administrator and/or his designee for review and approval as part of the full site plan, which shall be in general conformance with the Buffer Plan – Type A as submitted with the Concept Site Plan prepared by Kimley Horn, dated January 29, 2019. The following conditions shall govern the installation of landscaping in accordance with the landscaping plan:

- a. All landscaping shown on the landscaping plan shall be installed, at the heights specified on the Concept Site Plan prepared by Kimley Horn, dated January 29, 2019, and shall be in good condition prior to issuance of a Certificate of Occupancy and prior to beginning production of electric power.
- b. In the event that the Applicant requires a minor deviation from the approved landscaping plan or full site plan, such deviation shall be provided on a revised plan sheet for review and approval by the County Administrator and/or his designee. Minor deviations shall not include changes to the proposed install heights.
- c. In areas where there is an existing timber buffer remaining on the solar energy system parcel that provides at least the equivalent buffer benefits as the buffer proposed on Sheet Number CP 101 and CP 201 on the Concept Site Plan prepared by Kimley Horn, dated January 29, 2019, then the existing timber buffer shall be retained as the perimeter landscaping. All existing timber buffers, which may require supplementation with planted trees if the existing buffer consists of a relatively thin block of trees or lacks significant understory, are subject to review and approval by the County Administrator and/or his designee. The use of existing timber and natural screening is preferable.
- d. In areas where sufficient existing timber does not remain, the landscaping requirements shall conform to the Concept Site Plan prepared by Kimley Horn, dated January 29, 2019. The trees shall be planted during the appropriate time of year, subsequent to the completion of construction. The install and mature heights of the proposed trees and shrubs shall conform to the conceptual site plan referenced above.
- e. A surety agreement for landscape maintenance in a form acceptable to the County Attorney shall be submitted and approved prior to the issuance of any building permits. The amount of the surety shall be determined by an independent landscape architect selected and compensated by the Applicant but approved by the County Administrator and/or his designee. The amount of the surety shall be equal to a reasonable estimate of the amount needed to establish, and following establishment, to maintain the landscaping required by the approved landscaping plan for two (2) years after initial installation. Once the landscaping has been successfully established, the surety amount will be reduced to that needed for two (2) years of maintenance thereafter. The surety will be released only after decommissioning is complete.
- f. All landscaping will be reviewed by the County Administrator and/or his designee following installation, at one-year following installation, and as necessary thereafter to ensure the landscaping is being maintained.
- g. The landscaping plan shall be reviewed and approved by the County during site plan approval, and the applicant shall work with the County to identify the species that will provide the best aesthetic and environmental benefit, while also considering market availability..
- h. The use of herbicides for perimeter landscaping shall be minimized to the greatest extent practicable.

23. All construction and decommissioning activities shall be limited to the hours of 8:00 a.m. to 8:00 p.m., Monday through Saturday, and will be prohibited on Sundays. These conditions shall apply to noise generated during the construction of the solar energy system and to any construction needed during replacement, repair, or maintenance activities during the ongoing operation of the system. Replacement, repair, and maintenance activities conducted at nighttime and not involving construction shall comply with all applicable noise standards.
24. The solar energy facility shall not be lit during ongoing operations, unless as required by the Uniform Statewide Building Code. Lighting used during construction shall be downward facing and shall be located at least 500 feet from any residentially zoned adjacent property.
25. The applicant shall obtain all required permits from Virginia Department of Transportation and complete all required improvements to the property entrances prior to the issuance of any building permits.
26. In the event that there is damage to adjoining properties as a result of ingress/egress of construction vehicles, the Applicant shall remedy all damage in full prior to the issuance of a certificate of occupancy.
27. All solar panels shall use anti-reflective coatings.
28. Use of the public water system for construction shall be coordinated with and approved by the Augusta County Service Authority. Rate of withdrawal and total daily volume information is required for evaluation. A suitable location for access to the system must be evaluated and approved and/or a temporary connection will need to be installed. The same evaluation will apply for a permanent connection if ongoing water service is needed for the project. Costs will be in accordance with the Augusta County Service Authority Rate Schedule and Policies.
29. Ground surface elevations shall not be changed and no water shall be impounded over any existing water/sewer infrastructure without written consent of the Augusta County Service Authority.
30. No panels and/or appurtenances, including fences and landscaping installed within 20 feet each way of the centerline of any existing water or sewer main to ensure adequate space for future operations and maintenance.
31. Where public water/sewer utilities are located on the same property as the proposed large solar energy system, the Service Authority shall have the right to utilize access roads constructed for the project or be provided with reasonable access to the utilities by truck.
32. No corrosion control systems shall be part of the large solar energy system.
33. The Applicant shall implement the following additional measures during construction:
 - a. Maintain all construction-related vehicles in good working order.
 - b. Provide notice to owners or tenants of homes located on properties adjacent to areas where construction activity will take place when such activity will occur.

- c. Designate a specific individual and provide that individual's name and contact information to the County Administrator and/or his designee, to which questions, complaints, or concerns during construction may be directed.
 - d. Prior to the initiation of construction, mail a notice of construction activity to all property owners whose properties are adjacent to areas on which the solar energy system will be constructed. The notice shall summarize upcoming construction activities, describe the areas in which construction will occur, including the main routes of delivery, and provide the name and contact information of the solar energy system representative to whom any complaints, concerns, or comments may be addressed.
 - e. Provide adequate portable sanitation facilities that are located in a manner that facilitates ease of disposal but that are not within one hundred and fifty (150) feet of any property boundary of a parcel on which a home is located and whose owner is not participating in the solar energy system.
 - f. Prohibit any personnel associated with the construction of the solar energy system from overnight lodging at the site.
34. Incorporate a protocol developed in coordination with the County Administrator and/or his designee that specifies the phased construction of designated units of land so that the total area of disturbed land at any one time is appropriately limited given the nature of the construction activities, the site of the Project, the topography and water resources of and in the project area, and the erosion and sediment controls to be employed. The protocol will be designed to ensure that ground cover is expeditiously established, and appropriate site stabilization achieved throughout construction. A construction phasing plan shall be submitted for review with the full site plan.
35. Any electrical wiring used in the system shall be underground except where wiring is brought together for inter-connections to system components and/or the local utility power grid. Electrical distribution lines between the inverters and the point of interconnection shall be underground except where crossing creeks, floodplains, wetlands, and at the point of interconnection. Nothing in this condition shall prevent the ability to utilize underground boring technology.
36. The Applicant shall fund, for the period of construction and until the site has been revegetated, one Full Time Equivalent certified third-party erosion and sediment control and stormwater inspector, to be selected and directed by the County Administrator and/or his designee. Such erosion and sediment control and stormwater inspection shall provide e-reporting to a central File Transfer Protocol (FTP) site to which the County's Program Administrator shall be granted access. Reports will be submitted no later than next day following any inspection and shall include the inspection report for each disturbed area of development. Site inspection and reports shall be conducted and reported at a minimum as required by the Virginia Stormwater Management Program ("VSMMP") permit. Any corrective actions done in the field shall be e-mailed to the County's Program Administrator within 24 hours of completion.
37. This Permit shall be valid for a period of thirty-five (35) years from the start of commercial operations of the system, which shall be the date on which the system first delivers non-test energy to the high-voltage transmission system, or until hereunder this Permit lawfully terminated or terminated as a matter of ordinance or other law prior to the natural expiration date, whichever is sooner. At the end of the 35 year period, unless otherwise extended by the Board, unless hereunder this Permit decommissioning is required sooner, the system shall be deemed to have reached the end of its lifespan and decommissioning shall begin.

38. Concurrent with the submittal of the final site plan, the owner of the system shall produce to the County an estimate of the decommissioning costs as outlined in the Augusta County Code Section 25-70.8 and 25-70.9, as amended, and/or detailed below (the more stringent shall apply), and not to include a salvage value credit, by line item and the surety guaranteeing the payment of those costs and the decommissioning work. The estimate shall be signed and sealed by a third party engineer licensed in Virginia.

39. The decommissioning cost estimate shall include, at least, the following delineated by line item:

- a. Total cost related to complying with all the decommissioning work required by this Special Use Permit.
- b. Costs related to creating, maintaining, and re-stabilizing all construction entrances identified on the Property, with a separate line item for each such construction entrance, unless written waiver to the Board of Supervisors is requested by the landowner.
- c. Costs for mobilization.
- d. Costs for removal and disposal of all materials, line itemed by category of facility. For example "cost to remove conduit," "cost to remove panels," "cost to remove panel support structure," "cost to remove inverters," etc.
- e. Costs to de-compact soils.
- f. Costs to stabilize land disturbed by the decommissioning work.
- g. Costs of trucking, hauling and equipment use.
- h. Costs for groundwater monitoring as required by Section 25-70.7 of the Augusta County Code.
- i. Costs of all labor and estimated man hours to perform the decommissioning work.
- j. Costs must assume an increase in labor and equipment costs of two percent (2%) a year every year until the completion of decommissioning and must assume commencement of decommissioning after year thirty-five (35) of operation.
- k. Costs must include a 25% contingency of the total estimate.
- l. The certification of a third party engineer licensed in Virginia affirming that the owner/operators' cost estimate is sufficient to satisfy the decommissioning required herein

Below is a note from the applicant. The applicant would like to present to the Board their proposed decommissioning plan, which does include a percentage salvage value credit. Below is also another alternative the applicant has proposed: [Note from the applicant—the Applicant submitted a very detailed Decommissioning Plan as part of its application which it believes provides significant protections to the jurisdiction while recognizing the measurable value of the solar and other equipment installed on the property. However, below is an alternative that has also been adopted by another Virginia jurisdiction in connection with a different utility scale solar project. This alternative includes a higher minimum surety for the initial 15 years of the project, with a requirement to post a surety after that period that does not include any salvage value.]

- a.) *Prior to the issuance of any building permit for the project, the Applicant shall enter into a surety agreement for decommissioning and post surety in a form acceptable to the County Administrator and the County Attorney in the amount of \$500,000.*
- b.) *Not later than January 31 in year fifteen of operations the surety amount shall be reviewed and adjusted by an independent engineer. The independent professional engineer shall be selected and compensated by the Applicant, but selection of the independent professional engineer is conditioned upon and subject to approval by the County Administrator and/or his designee.*

- c.) The amount of the requisite surety thereafter shall be set in an amount equal to a reasonable estimate of the cost of decommissioning the Facility excluding any salvage value that may be associated with such cost estimate. Such surety may be submitted in the form of a parental guarantee of an investment-grade creditworthy entity.*
 - d.) Every three (3) years thereafter year fifteen, an independent professional engineer retained in accordance with (b) above shall review the surety amount and shall determine whether it should be revised, according to inflation and other relevant cost variable to ensure that the posted surety will cover the projected gross cost.*
 - e.) The surety document and/or funds shall be released, but only after the decommissioning is complete and the Applicant has submitted a report to the County Administrator and/or his designee demonstrating compliance with all decommissioning requirements to the satisfaction of the County Administrator and/or his designee.*
40. The estimated amount for the salvaged materials shall not be part of the consideration in the decommissioning cost estimate.
41. Subject to an approved grading plan, the project shall retain existing topsoil of 12 inches or less. In cases where existing topsoil exceeds 12 inches, the project shall retain such existing topsoil as reasonably possible.
42. All obsolete or unused systems shall be removed. Any structure or equipment associated with the solar energy system that is not operated for a continuous period of three hundred sixty five (365) days, except for periods of necessary maintenance and/or repair not to exceed 15 business days, shall be considered an obsolete or unused system. An expeditious timeline for removal shall be submitted to and approved by the County Administrator and/or his designee.
43. Panel Specification and Composition. At the time of construction, the Applicant shall provide to the County Administrator, a written panel specification disclosure document that includes the composition, toxicological information, and the physical and chemical properties of all of the solar panels, including coatings, being utilized for the Project. The Applicant commits to utilizing and shall utilize monocrystalline solar panels for the Project. The Applicant shall not utilize any panels that of the type known as thin-film panels, including but not limited to not utilizing panels manufactured with or coated using the GenX chemical, amorphous silicon (a-Si), cadmium telluride (CdTe), copper indium gallium selenide (CIS/CIGS), or organic photovoltaic cells (OPC) panels. Moreover, to the extent any panel utilized has a Safety Data Sheet associated therewith under 29 CFR 1910.1200(g) and its Appendix D, the Safety Data Sheet shall be disclosed, as well.
44. Corporate Structure, Associations, and Information.
- a. Augusta Solar LLC, upon issuance of the Permit, shall provide written contact information/relational charts to the County Administrator, with a copy to the County Attorney, regarding its business structure and its affiliations, including but not limited to its affiliations, members, parent company, and subsidiaries.
 - b. Applicant and all successors-in-interest, including current and future owners, lessees, sub-lessees, and permitted assignees shall provide the County Administrator, with a copy to the County Attorney, written notice of changes of ownership within thirty (30) days thereof.

45. Any substantial upgrades or changes made to the design or operation of the solar energy system and/or the project that are planned shall be disclosed to the County Administrator and/or his designee at least ninety (90) days before the intended implementation of the upgrades or changes – except as provided herein. Any substantial upgrades and/or changes resulting solely from a bona fide emergency and force majeure shall be disclosed no later than (sixty) 60 days thereafter.
46. Upon completion of the installation of the solar energy system, Augusta Solar LLC shall provide training to the Augusta County Fire Rescue and Augusta County Sheriff's Office as to the potential risks involved in case of an emergency inside the facility. (This may not need to be a formal training but more of an introduction/tour of the facility).
47. If any one or more of the conditions is declared void for any reason, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable.
48. Any infraction of the above-mentioned conditions, or any Zoning Ordinance regulations, may lead to a stop work order and revocation of the Special Use Permit.
49. The applicant has voluntarily proposed the following conditions with their application for this Special Use Permit:

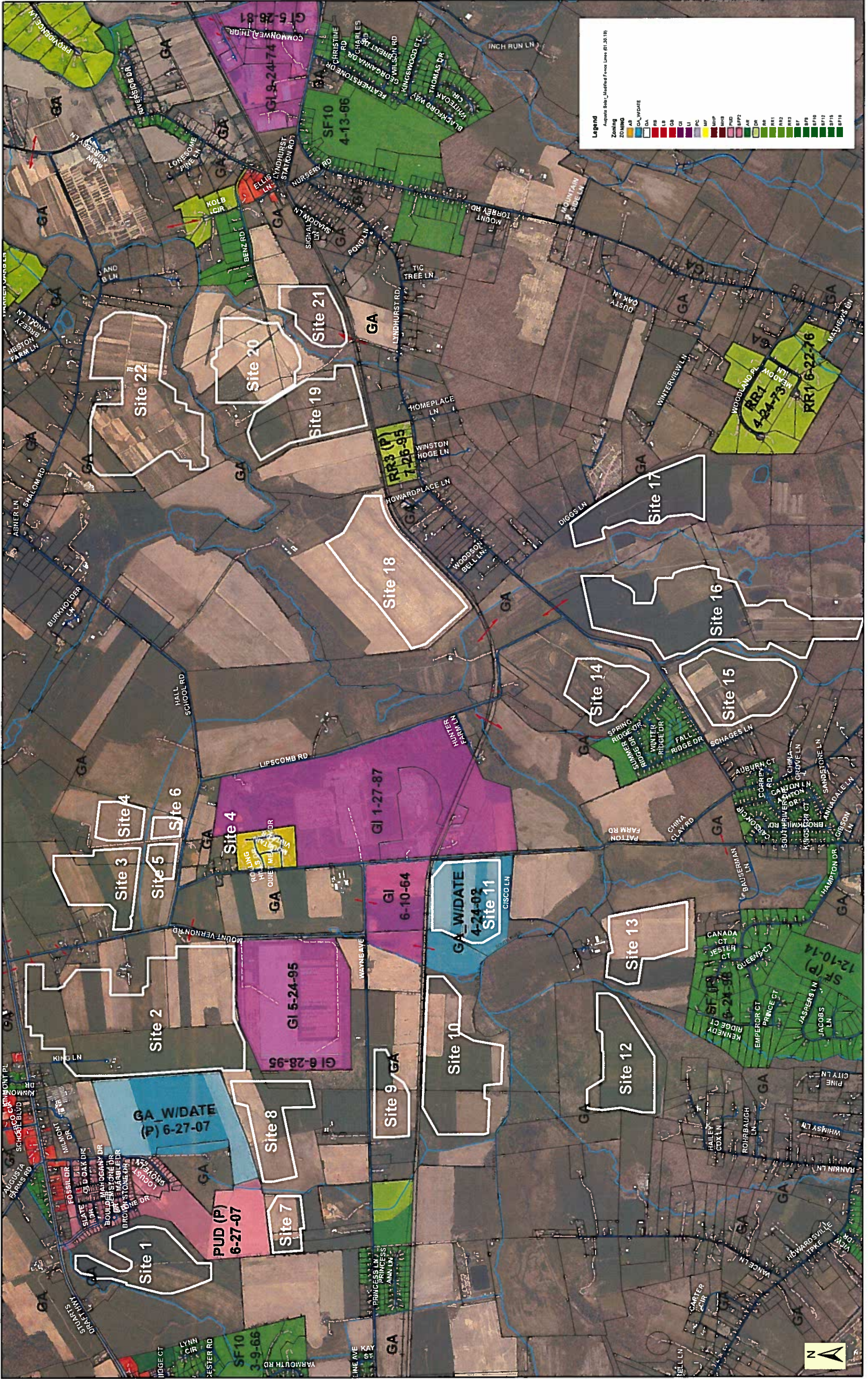
Local Schools

The report prepared for the County by Mangum Economics titled "Augusta Solar Economic and Fiscal Contribution to Augusta County" dated January 11, 2019 (the "Economic and Fiscal Report"), provides a composite index calculation identifying the likely effects that the capital improvements proposed as part of the Augusta Solar Project would have on Augusta County's composite index, and the county's share of its school budget over a 35-year period. In order to mitigate any impact that the project is projected to have on the school budget as identified in the Economic and Fiscal Report, prior to the issuance of a final certificate of occupancy, the Applicant shall submit to the County an agreement, in a form reasonably acceptable to the County Attorney, specifying that the Applicant, its successors and assigns, shall contribute to the County in year 1 of operation, and for each successive year for the 35 years of operation of the solar facility (or lesser time in the event that the facility is decommissioned prior to 35 years), an amount equal to the amount identified as "Change in Locally Funded School Budget" on Table 4 of pages 19-21 of the Economic and Fiscal Report, for each of the identified years beginning with \$83,672 for year 1, and ending with the amount corresponding to year 35.

August County Service Authority

The project is located within current Community Development and Urban Services Policy Planning Areas, where projects requiring public water and sewer in the future may utilize public water and sewer as provided by the Augusta County Service Authority ("Authority"). As this project, unlike other projects that may be located in these Policy Planning Areas, will not require public sewer services and a minimal amount of water, the Applicant shall make reasonable annual contributions to the Authority to offset certain connection and availability fees that may otherwise have been collected by the Authority if the property were developed for uses requiring

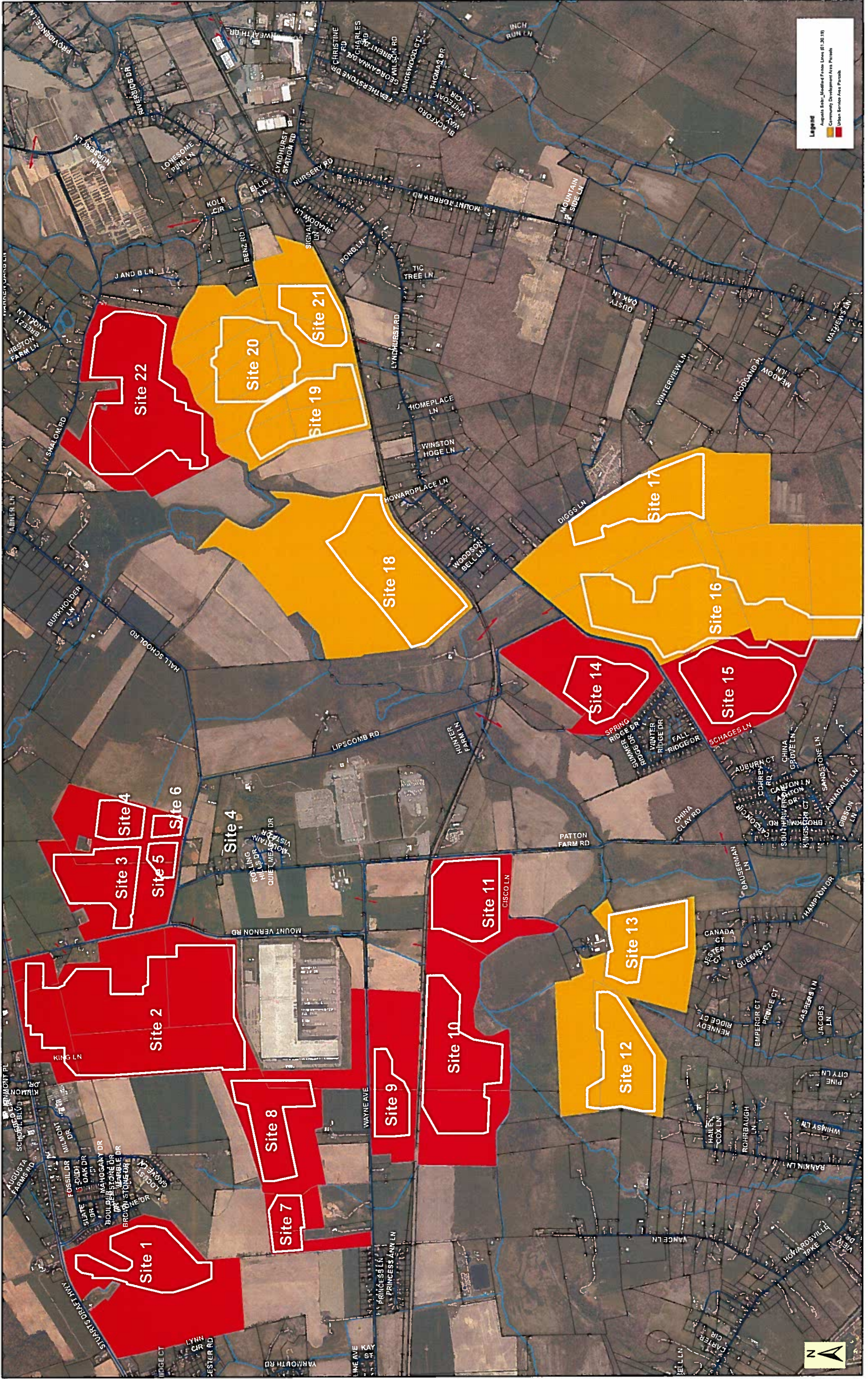
public water and sewer. Prior to the issuance of a final certificate of occupancy, the Applicant shall submit to the Authority an agreement specifying that the Applicant, its successors and assigns, shall contribute to the Authority in year 1 of operation, and for each successive year for the 35 years of operation of the solar facility (or lesser time in the event that the facility is decommissioned prior to 35 years) an amount equal to the amount identified as "Water and Sewer Fund" on Exhibit D of document titled "Community Energy Solar Project Summary" which document has been submitted to and is on file with the Department Community Development of Augusta County.



Augusta Site_Meridian Parcel Lines 01.26.19

Zoning	Color
20 HHNG	Blue
AB	Yellow
GA_WIDATE	Light Blue
GA	White
RR	Red
RR1	Dark Red
RR2	Light Red
RR3	Orange
RR4	Light Orange
RR5	Yellow-Orange
RR6	Yellow
RR7	Light Green
RR8	Green
RR9	Dark Green
RR10	Light Green
RR11	Green
RR12	Dark Green
RR13	Light Green
RR14	Green
RR15	Dark Green
RR16	Light Green
RR17	Green
RR18	Dark Green
RR19	Light Green
RR20	Green
RR21	Dark Green
RR22	Light Green





SITE NUMBER: 1

PROPERTY OWNER:

James Burwell Urquhart ¼ etal

LOCATION OF PROPERTY:

South side of Stuarts Draft Highway just west of Stone Drive and east of Broadmoor Plaza

SIZE OF PROPERTY:

Approximately 141 acres.

SIZE OF SITE UNDER PANEL:

Approx. 42 acres

SOILS INFORMATION:

Class I, II, and III soils are considered the best for farming purposes in the County.

TMP	Class I Acres	Class II Acres	Class III Acres	Total Acreage
084 123	0	68.782	57	140.782

VICINITY ZONING:

General Agriculture zoning to the north and south. Planned Unit Development zoning (Stove Valley Subdivision) to the east. General Business zoning to the west, portion fronting Route 340. Attached Residential and Single Family Residential zoning to the west.

PREVIOUS ZONING OR S.U.P.: Currently zoned General Agriculture and undeveloped

LAND USE MAPS: Property is in an Urban Service Area of the Comprehensive Plan and designated for future Neighborhood Mixed Use Development which is envisioned to include a variety of residential uses at a density of four to eight dwelling units per acre and convenience retail and office uses on up to 20% of the total land area.

SERVICE AUTHORITY'S COMMENTS:

1. There is an existing water main located along the Rt. 340 side of the property.
2. There is an existing sewer main located on the property.
3. The applicant needs to provide information regarding water/sewer needs for the project construction and/or operation.
4. The applicant needs to disclose if any corrosion control systems will be part of this project. *[Staff comment: The applicant has stated that no corrosion control systems will be part of this project].*

Requested Conditions:

1. No panels and/or appurtenances (including fences and landscaping) installed within 20 feet each way of the centerline of the existing sewer main to ensure adequate space for future operations and maintenance. *[Staff comment: Submitted site plan appears to provide for the space requested, but shall be confirmed as a condition of the permit.]*
2. No panels and/or appurtenances (including fences and landscaping) installed within 40 feet of Stuarts Draft Highway right of way to provide adequate space for future water/sewer infrastructure installation. *[Staff comment: Submitted site plan shows 180' from Stuarts Draft Highway.]*
3. Ground surface elevations shall not be changed and no water shall be impounded over any existing water/sewer infrastructure without written consent of the Service Authority.
4. Where public water/sewer utilities are located on the same property as the proposed project, the Service Authority shall have the right to utilize access roads constructed for the project or be provided with reasonable access to the utilities by truck.

STAFF RECOMMENDATIONS

The site plan for this property shows the location of panels on the eastern portion of the property, abutting the Stone Valley subdivision, which is zoned Planned Unit Development.

The solar ordinance identifies a 200' setback from all property lines and a 1,000' setback from any adjacent land zoned residentially. The Board is able to vary those setbacks if they determine that the reduced setback is adequate to protect neighboring properties. In addition, the solar ordinance requires one of two buffer alternatives for all adjacent property lines that are not part of the project.

However, the Board is able to modify the buffer requirements such that the subject parcel or modified buffer complies with at least one 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.

The site plan shows the limit of panels setback 60 ft. from the parcel, fronting on Route 340, immediately to the west of the limit of panels. The proposed setback is less than the 200 ft. identified in the ordinance, requiring the Board reduce the setback if they determine that the reduced setback is adequate to protect the neighboring property. The proposed site plan does not propose landscaped buffering to the adjacent parcel to the west. Due to the existing vegetation on the subject parcel and the adjacent parcel, the Board may modify the buffer requirements as detailed in criteria #6 above.

Secondly, the site plan shows a 180 ft. setback from Route 340, which also requires the Board slightly reduce the 200 ft. setback identified in the ordinance. An existing row of trees along Rt. 340 would shield the panels from Route 340. Therefore, staff can support the setback reduction and alternative compliance Board modification for buffering detailed in criteria #6 above, provided the existing vegetation remain intact.

The site plan also shows a 160 ft. setback from houses developed along Stone Drive to the east. The setback varies from 160 ft. to 170 ft. adjacent to the parcels to the east, moving south from the terminus of Stone Drive. The site plan proposes a setback of 50' from the parcel to the east at the southern edge of the fence line on the parcel of request. The site plan proposes two different buffer alternatives along this eastern boundary. A landscaped buffer with a tree install height of 10' and shrub install height of 36" is proposed along existing houses in Stone Valley to the current terminus of Stone Drive.

A landscaped buffer with a tree install height of 6' and shrub install height of 18' (ordinance standard) is proposed adjacent to property to the east that has yet to be developed but is part of the Planned Unit Development.

Staff feels that a proposed setback of 160' is a significant reduction from the ordinance standard of 1,000' from residentially zoned properties. Staff is of the opinion that based on the adopted ordinance, the applicant needs to explain why the reduced setback is adequate to protect neighboring properties. Some setback reduction in combination with appropriate buffering may be adequate but the benefits of mature growth buffering in areas where existing vegetation does not exist would likely take the majority of the project's proposed life. The applicant has proposed a higher tree planting height than what is required by the ordinance adjacent to the developed lots along Stone Drive.

The setback at the very south of the property is reduced to 50' from the PUD zoned land to the east. Staff feels that a 50' setback, will not be adequate to mitigate visual impacts to proposed residential development. It appears that the buffer does not continue along the proposed 50' setback. Based on the six (6) criteria identified above, staff is of the opinion that the Board is unable to modify the buffering requirements at this location. Staff recommends a buffer, meeting the minimum identified in the solar ordinance be added. Furthermore, the applicant needs to identify why a reduced setback of 50' is adequate to protect neighboring properties.

The site plan does not propose a landscape buffer to the adjacent property to the west. There is existing vegetation along the river. The Board will need to determine if a modification of the buffer requirement can be granted pursuant to criteria #6 above.

The existing character of the area is representative of business development fronting on Route 340 and adjacent residential development on either side of the parcel of request. For this reason, staff would not recommend approval of the special use permit on this parcel as the use is not in keeping with the existing adjacent development. Furthermore, the parcel is designated for residential and business mixed use development in the Comprehensive Plan, with access to water and sewer and frontage on Route 340.

Staff feels that the development of solar panels is not in keeping with the purpose and intent of the Urban Service Areas of the Comprehensive Plan. Urban Service Areas are defined as areas which are appropriate locations for development of a full range of public and private land uses of an urban character on public water and sewer, in either the immediate or long term future (20 year timeframe of the plan). Furthermore, Augusta County Code Chapter 24 requires development in an Urban Service Area connect to public water and sewer where available, further cementing by ordinance the Planning Policy Area's identified in the Comprehensive Plan.

Furthermore, the 2015 Comprehensive Plan Transportation Plan summarizes the Stuarts Draft subarea as follows:

“Stuarts Draft has been a traditional hub of industry for the county with Alcoa Building Products, Hershey Chocolate of Virginia, Inc., Hollister Inc., McKee Foods Corp., NIBCO, and Target Distribution Center all located in this subarea. This industrial base has also supported growing commercial and residential sectors. Two of the most active subdivisions in the county, Overlook and Stone Valley, are located in Stuarts Draft. US 340, at five lanes through the subarea, has underutilized capacity to accept additional traffic and the water, sewer, and school infrastructure is also sufficient to handle increased development. Therefore, Stuarts Draft is expected to continue to experience residential growth and be a desirable location for manufacturing, distribution, and industrial operations in need of larger land parcels.”

SITE 1



SITE NUMBER: 2

PROPERTY OWNER:

James Lee Kindig ½ & Lucy K Coyner
Martin Family Farm LLC
Phyllis or John Garland Martin

APPLICANT:

Augusta Solar, LLC

LOCATION OF PROPERTY:

1. South side of Stuarts Draft Highway, just west of Mt. Vernon Road in the South River District.
2. 171 Mt. Vernon Road and 245 Mt. Vernon Road
3. Portion that is west of Mt. Vernon Road and directly north of Target (084 113A)

SIZE OF PROPERTY:

Approximately 335 acres.

SIZE OF SITE UNDER PANEL:

Approx. 174 acres

SOILS INFORMATION:

Class I, II, and III soils are considered the best for farming purposes in the County.

TMP	Class I Acres	Class II Acres	Class III Acres	Total Acreage
075 68	0	0	26	80.306
075 68C	0	17	6	37.55
084 115	0	67	3.59	71.59
075 59	0	66	0	72.236
084 111	0	56	11.938	70.938

VICINITY ZONING:

General Agriculture zoning to the north, east, and west. General Industrial zoning to the south. General Business zoning to the north across Rt. 340.

PREVIOUS ZONING OR S.U.P.: Currently zoned General Agriculture with a Special Use Permit for a driving range on portion fronting on Route 340.

LAND USE MAPS: Property is in an Urban Service Area of the Comprehensive Plan and designated for future industrial use. The Stuarts Draft Small Area Plan, yet to be adopted, recommends a change in the future land use for the parcel fronting on Route 340 to Neighborhood Mixed Use which is envisioned to include a variety of residential

uses at a density of 4 to 8 dwelling units per acre and convenience retail and office uses on up to 20% of the total land area.

SERVICE AUTHORITY'S COMMENTS:

1. There is an existing water main located along Rt. 340 north, adjacent to 75-68C and 75-68.
 2. While the properties are located in the Urban Service Area, there are no existing or proposed sewer mains intended to serve other properties that conflict with the proposed use.
 3. There is an existing water main located along Mt. Vernon Rd.
 4. The Service Authority's long term system master planning for this area includes a potential (unbudgeted) future sewer main extension through TM Nos. 75-64 and 76-30 to TM 75-59, based on topography. The intent of this future line was to provide service to these parcels and some additional property to the north. Another, less formal review of sewer service for the Rt. 340 corridor, showed a sewer force main along Mt. Vernon Rd. The exact location and installation timing are typically based on growth. Phase I of a study has been completed to examine sewer infrastructure routing and feasibility for this area. This areas was identified for further economic evaluation, which will be completed by March.
 5. The applicant needs to provide information regarding water/sewer needs for the project construction and/or operation.
 6. The applicant needs to disclose if any corrosion control systems will be part of this project. *[Staff comment: Applicant has stated no corrosion control system will be utilized].*
- Requested Conditions:
1. No panels and/or appurtenances (including fences and landscaping) installed within 40 feet of Stuarts Draft Highway and Mt. Vernon road right of way or the center of the existing water main, whichever is greater. *[Staff comment: Submitted site plan appears to comply with requested condition].*
 2. Ground surface elevations shall not be changed and now water shall be impounded over any existing water/sewer infrastructure without written consent of the Service Authority.

PLANNING COMMISSION COMMENTS: The Planning Commission encouraged the Board of Supervisors to make sure the setbacks and buffering system for the solar project are appropriate. They would like to see additional setbacks and buffering for the property coming in on Rt. 340 near Mt. Vernon Church.

STAFF RECOMMENDATIONS

The solar ordinance identifies a 200' setback from all property lines and a 1,000' setback from any adjacent land zoned residentially. The Board is able to adjust or vary those setbacks if they determine that the reduced setback is adequate to protect neighboring properties. In addition, the solar ordinance requires one of two buffer alternatives for all adjacent property lines that are not part of the project.

However, the Board is able to modify the buffer requirements such that the subject parcel or modified buffer complies with at least one 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.

TMP 75.68C

The proposed limit of panels are located to the east of the existing driving range with a proposed setback of a minimum of 75' from Route 340 in one location (setback is not uniform along Rt. 340 but staggers to greater distances behind the existing driving range and towards Mt. Vernon Road).

The Stuarts Draft Small Area Plan planning process has been underway for over a year and a predominant theme from the public and advisory committee has been the protection of the entry corridors to the Stuarts Draft community. The 75' setback from Route 340 is a reduction in the 200' setback identified in the solar ordinance. The site plan proposes an enhanced landscape buffer with a tree install height of 10' and 15' and a shrub install height of 36" along Route 340.

Staff is of the opinion that a reduced setback may not provide the community the visual aesthetic they desire along the Route 340 entrance corridor. In addition, staff feels that 174 acres of continuous fence line, will create a significant visual impact different from other types of development. However, the additional install height proposed may help to provide the desired buffer benefits earlier than the ordinance standard.

On another portion of the parcel, the adjacent property to the north is developed as single family residences on General Agriculture zoned property. The site plan proposes a 260'-275' setback from these parcels with an enhanced landscape install height (tree 15' and shrub 36") proposed.

Adjacent parcels to the east (TMP 75-68) and south are part of the SUP request. If these adjacent parcels obtain a Special Use Permit for a large solar energy system, then setbacks and buffering would not be required as shown in the proposed site plan. If these adjacent parcels do not obtain a Special Use Permit, then the applicant must comply with setbacks and buffering per the ordinance.

The site plan shows a proposed 110' buffer from the adjacent property to the west with an enhanced landscape install height (tree 10' and shrub 36"). The adjacent property to the west operates as Milmont Greenhouses. Staff is of the opinion that the reduced setback and landscaping buffer should not adversely affect this existing adjacent use.

TMP 75 68

The site plan shows the limit of panels on this parcel setback 280' from Route 340, directly to the north. The site plan proposes an enhanced landscape install height (tree 10' and shrub 36").

The limit of panels are located 110' from Mt. Vernon Road directly to the east with the proposed ordinance standard buffer (6' tree install height and 18" shrub install height). The ordinance establishes a 200' setback standard, which can be reduced by the Board of Supervisors if such a reduction is determined to adequately protect neighboring properties. Staff is unable to recommend such a reduction from the ordinance standard as there is no existing vegetation or topographical feature, or other mitigating feature, to be considered.

The site plan proposes a 200' setback from adjacent General Agriculture properties, developed as single family residences, to the south. The site plan proposes a combination of the proposed ordinance standard buffer and an enhanced landscape install height (tree 15' and shrub 36") adjacent to these properties, providing a double row landscape buffer.

The parcel to the west and south is included in the SUP request. If these adjacent parcels obtain a Special Use Permit for a large solar energy system, then setbacks and buffering would not be required as shown in the proposed site plan. If these adjacent parcels do not obtain a Special Use Permit, then the applicant must comply with setbacks and buffering per the ordinance.

Zoning in this area is mostly General Agriculture with some business and residential development.

The Comprehensive Plan identifies these properties as being in an Urban Service Area and slated for future industrial development. However, the Stuarts Draft Small Area Plan, which has yet to be adopted, identifies this parcel as Neighborhood Mixed Use (variety of residential uses at a density of 4-8 and convenience retail and office on up to 20%). The

reasoning behind this change was to keep industrial development and its visual impacts off of Route 340. Staff feels that the development of solar panels is not in keeping with the purpose and intent of the Urban Service Areas of the Comprehensive Plan and may have a negative visual impact on the Route 340 entrance corridor to the community of Stuarts Draft. Urban Service Areas are defined as areas which are appropriate locations for development of a full range of public and private land uses of an urban character on public water and sewer, in either the immediate or long term future (20 year timeframe of the plan). Furthermore, Augusta County Code Chapter 24 requires development in an Urban Service Area connect to public water and sewer where available, further cementing by ordinance the Planning Policy Area's identified in the Comprehensive Plan.

TMP 084.115

This parcel of request, which does not front on Route 340, is adjacent to General Agriculture zoned property to the west which does not currently have any structures. The site plan proposes a 50' setback from those adjacent properties and the ordinance standard landscaped buffer. The Board will need to consider the setback reduction from the 200' ordinance standard.

Adjacent parcels to the north and east are included in the SUP request. If these adjacent parcels obtain a Special Use Permit for a large solar energy system, then setbacks and buffering would not be required as shown in the proposed site plan. If these adjacent parcels do not obtain a Special Use Permit, then the applicant must comply with setbacks and buffering per the ordinance.

Site plan proposes a minimum 50' from the adjacent parcels to the south, which is the Target Distribution Center. Staff can support a reduced setback and buffer modification request, no buffer shown, as there should be no negative impact on the established industrial use to the south.

Property west of Mt. Vernon Road and directly north of Target

Adjacent parcels to the north and west are part of the proposed solar project. If these adjacent parcels obtain a Special Use Permit for a large solar energy system, then setbacks and buffering would not be required as shown in the proposed site plan. If these adjacent parcels do not obtain a Special Use Permit, then the applicant must comply with setbacks and buffering per the ordinance.

Adjacent parcel to the south is Target, an established industrial use. Site plan proposes a 60' setback and no buffering. Staff is of the opinion that the Board can modify the buffer requirement per criteria #5 identified above. Staff also feels that the reduced 50' setback will not adversely affect the established industrial use to the south.

Portion of the property fronts on Mt. Vernon Road. The site plan shows a 100' setback from Mt. Vernon Road and proposes an enhanced landscape buffer (tree install height

10' and shrub install height 36"). While this specific parcel has only approximately 250' of frontage on Mt. Vernon Road, the Board will need to approve a 100' setback reduction from the 200' ordinance standard.

TMP 75 59 and 84 111

There are a couple of General Agriculture zoned lots east of the property of request. The site plan appears to propose a 110' or 160' setback, depending on the location, from the adjacent parcels to the east. The Board will need to determine if the requested reduction in the proposed setback, from the 200' ordinance standard, is sufficient to protect neighboring properties. An enhanced landscape buffer (15' tree install height and 36" shrub install height) is proposed for the adjacent parcel to the east but does not appear to also be proposed for the other adjacent parcel to the northeast. Staff would recommend that the proposed buffer be extended along the property boundary with the adjacent northeast parcel.

The proposed site plan shows a 610' setback from Mt. Vernon Road on these parcels.

The Comprehensive Plan identifies these parcels as being in an Urban Service Area and designated for future industrial development. Staff feels that the development of solar panels is not in keeping with the purpose and intent of the Urban Service Areas of the Comprehensive Plan. Urban Service Areas are defined as areas which are appropriate locations for development of a full range of public and private land uses of an urban character on public water and sewer, in either the immediate or long term future (20 year timeframe of the plan). Furthermore, Augusta County Code Chapter 24 requires development in an Urban Service Area connect to public water and sewer where available, further cementing by ordinance the Planning Policy Area's identified in the Comprehensive Plan.

Furthermore, the 2015 Comprehensive Plan Transportation Plan summarizes the Stuarts Draft subarea as follows:

"Stuarts Draft has been a traditional hub of industry for the county with Alcoa Building Products, Hershey Chocolate of Virginia, Inc., Hollister Inc., McKee Foods Corp., NIBCO, and Target Distribution Center all located in this subarea. This industrial base has also supported growing commercial and residential sectors. Two of the most active subdivisions in the county, Overlook and Stone Valley, are located in Stuarts Draft. US 340, at five lanes through the subarea, has underutilized capacity to accept additional traffic and the water, sewer, and school infrastructure is also sufficient to handle increased development. Therefore, Stuarts Draft is expected to continue to experience residential growth and be a desirable location for manufacturing, distribution, and industrial operations in need of larger land parcels."

SITE 2



SITE NUMBER: 3

PROPERTY OWNER:

John Garland or Phyllis A Martin

APPLICANT:

Augusta Solar, LLC

LOCATION OF PROPERTY:

Located east of Mount Vernon Road and north of the river.

SIZE OF PROPERTY:

Approximately 131 acres.

SIZE OF SITE UNDER PANEL:

Approx. 38 acres

SOILS INFORMATION:

Class I, II, and III soils are considered the best for farming purposes in the County.

TMP	Class I Acres	Class II Acres	Class III Acres	Total Acreage
076 30	0	57	13.419	70.419
075 64	0	46	15.944	64.944

VICINITY ZONING:

General Agriculture to the north, south, east and west

PREVIOUS ZONING OR S.U.P.: Currently zoned General Agriculture

LAND USE MAPS: Comprehensive Plan Urban Service Area and Neighborhood Mixed Use (variety of residential types at a density of 4-8 dwelling units per acre and on up to 20% of total land area, convenience ,retail and office) and Industrial Future Land Use designations

SERVICE AUTHORITY'S COMMENTS:

1. The Service Authority's long term system master planning for this area shows a potential (unbudgeted) future water main extending along Hall School Rd. across the frontage of the properties. The exact location and installation timing are typically based on growth/system demands.
2. In 2016, the Service Authority performed a study to examine the South River Service Area for future water source development (ref. Preliminary Hydrogeologic Assessment, South River Study Area, Stuarts Draft, Augusta County, ECS, Inc., Sept. 22, 2016). Property TM Nos. 75-64 and 76-30 were identified as an "Area of Interest". Detailed studies and landowner contacts will

not be pursued until there is adequate need. The actual potential for source development is unknown.

3. The Service Authority's long term system master planning for this area includes a potential (unbudgeted) future sewer main extension through TM Nos. 75-64 and 76-30, based on topography. The intent of this future line was to provide service to these parcels and some additional property to the north and west. Another, less formal review of sewer service for the Rt. 340 corridor, showed a sewer force main along Mt. Vernon Rd. The exact location and installation timing are typically based on growth. Phase I of a study has been completed to examine sewer infrastructure routing and feasibility for this area. This area was identified for future economic evaluation, which will be completed by March.

4. The applicant needs to provide information regarding water/sewer needs for the project construction and/or operation.

5. The applicant needs to disclose if any corrosion control systems will be part of this project. *[Staff comment: The applicant has stated that no corrosion control systems will be part of the project].*

Requested Conditions:

1. No panels and/or appurtenances (including fences and landscaping) installed within 40 feet of Mt. Vernon Road and Hall School Road right of way to provide adequate space for future water/sewer infrastructure installation and maintenance. *[Staff comment: The submitted site plan complies with this request as the minimum setback shown is 50 feet].*

STAFF RECOMMENDATIONS

The site plan shows the location of panels north of Hall School Road and the river and east of Mt. Vernon Road. Site 3 is located west of the driveway entrance for these properties directly across from the ballfield.

The solar ordinance identifies a 200' setback from all property lines and a 1,000' setback from any adjacent land zoned residentially. The Board is able to adjust or vary those setbacks if they determine that the reduced setback is adequate to protect neighboring properties. In addition, the solar ordinance requires one of two buffer alternatives for all adjacent property lines that are not part of the project.

However, the Board is able to modify the buffer requirements such that the subject parcel or modified buffer complies with at least one 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.

Property to the west (across Mt. Vernon Road), is part of the Augusta Solar LLC SUP application.

The site plan proposes an 85' setback from Mt. Vernon Road with a landscape buffer as required in the adopted ordinance. The Board will need to consider whether the proposed reduction in the 200' standard setback is adequate to protect the viewshed along Mt. Vernon Road.

Lastly, the site plan proposes a 50' setback from the adjacent parcel to the north. Existing vegetation adjacent to the property to the north could support a buffer modification and reduced setback.

The Comprehensive Plan identifies these parcels as being within an Urban Service Area with the parcel directly east of Mt. Vernon Road designated as Neighborhood Mixed Use (variety of residential at a density of 4-8 with office/retail on approximately 20%) and the other parcel designated as industrial on the future land use map. Staff feels that the development of solar panels is not in keeping with the purpose and intent of the Urban Service Areas of the Comprehensive Plan. Urban Service Areas are defined as areas which are appropriate locations for development of a full range of public and private land uses of an urban character on public water and sewer, in either the immediate or long term future (20 year timeframe of the plan). Furthermore, Augusta County Code Chapter 24 requires development in an Urban Service Area connect to public water and sewer where available, further cementing by ordinance the Planning Policy Area's identified in the Comprehensive Plan.

Furthermore, the 2015 Comprehensive Plan Transportation Plan summarizes the Stuarts Draft subarea as follows:

"Stuarts Draft has been a traditional hub of industry for the county with Alcoa Building Products, Hershey Chocolate of Virginia, Inc., Hollister Inc., McKee Foods Corp., NIBCO, and Target Distribution Center all located in this subarea. This industrial base has also supported growing commercial and residential sectors. Two of the most active subdivisions in the county, Overlook and Stone Valley, are located in Stuarts Draft. US 340, at five lanes through the subarea, has underutilized capacity to accept additional traffic and the water, sewer, and school infrastructure is also sufficient to handle increased development. Therefore, Stuarts Draft is expected to continue to experience residential growth and be a desirable location for

manufacturing, distribution, and industrial operations in need of larger land parcels."

SITE NUMBER: 4

PROPERTY OWNER:

John Garland or Phyllis A Martin

APPLICANT:

Augusta Solar, LLC

LOCATION OF PROPERTY:

Located east of Mount Vernon Road and north of the river.

SIZE OF PROPERTY:

Approximately 131 acres.

SIZE OF SITE UNDER PANEL:

Approx. 14 acres

SOILS INFORMATION:

Class I, II, and III soils are considered the best for farming purposes in the County.

TMP	Class I Acres	Class II Acres	Class III Acres	Total Acreage
076 30	0	57	13.419	70.419
075 64	0	46	15.944	64.944

VICINITY ZONING:

General Agriculture to the north, south, east and west

PREVIOUS ZONING OR S.U.P.: Currently zoned General Agriculture

LAND USE MAPS: Comprehensive Plan Urban Service Area and Industrial Future Land Use designation.

SERVICE AUTHORITY'S COMMENTS:

1. The Service Authority's long term system master planning for this area shows a potential (unbudgeted) future water main extending along Hall School Rd. across the frontage of the properties. The exact location and installation timing are typically based on growth/system demands.
2. In 2016, the Service Authority performed a study to examine the South River Service Area for future water source development (ref. *Preliminary Hydrogeologic Assessment, South River Study Area, Stuarts Draft, Augusta County, ECS, Inc., Sept. 22, 2016*). Property TM Nos. 75-64 and 76-30 were identified as an "Area of Interest". Detailed studies and landowner contacts will not be pursued until there is adequate need. The actual potential for source development is unknown.

3. The Service Authority's long term system master planning for this area includes a potential (unbudgeted) future sewer main extension through TM Nos. 75-64 and 76-30, based on topography. The intent of this future line was to provide service to these parcels and some additional property to the north and west. Another, less formal review of sewer service for the Rt. 340 corridor, showed a sewer force main along Mt. Vernon Rd. The exact location and installation timing are typically based on growth. Phase I of a study has been completed to examine sewer infrastructure routing and feasibility for this area. This area was identified for future economic evaluation, which will be completed by March.
4. The applicant needs to provide information regarding water/sewer needs for the project construction and/or operation.
5. The applicant needs to disclose if any corrosion control systems will be part of this project. *[Staff comment: The applicant has stated that no corrosion control systems will be part of the project].*

Requested Conditions:

1. No panels and/or appurtenances (including fences and landscaping) installed within 40 feet of Mt. Vernon Road and Hall School Road right of way to provide adequate space for future water/sewer infrastructure installation and maintenance. *[Staff comment: The submitted site plan complies with this request as the minimum setback shown is 50 feet].*

STAFF RECOMMENDATIONS

The site plan shows the location of panels north of Hall School Road and the river and east of Mt. Vernon Road. Site 4 is located east of the driveway entrance for these properties directly across from the ballfield.

The solar ordinance identifies a 200' setback from all property lines and a 1,000' setback from any adjacent land zoned residentially. The Board is able to adjust or vary those setbacks if they determine that the reduced setback is adequate to protect neighboring properties. In addition, the solar ordinance requires one of two buffer alternatives for all adjacent property lines that are not part of the project.

However, the Board is able to modify the buffer requirements such that the subject parcel or modified buffer complies with at least one 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;

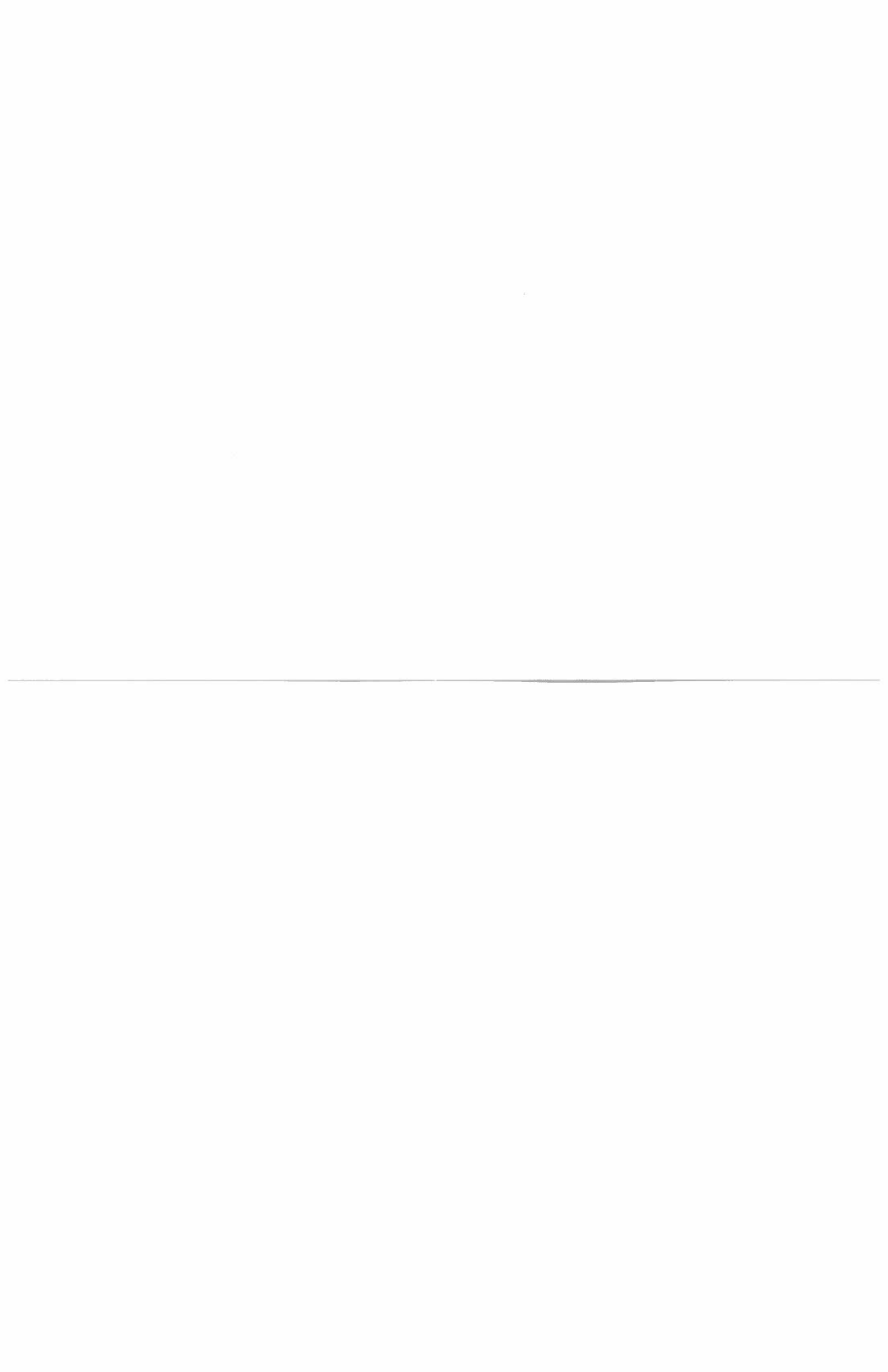
5. The property is adjacent to an established industrial use;
6. There is existing vegetation either on this lot or the adjacent lot to provide the required buffer benefits.

The site plan shows a minimum 160' setback from the adjacent parcel to the east, which is a small reduction from the 200' identified in the ordinance. The existing structure on the parcel to the east is approximately 1,300 ft. from the western parcel boundary. The site plan shows an enhanced landscape buffer (tree install height 15' and shrub install height 36") adjacent to the parcel to the east. With the proposed buffer exceeding the ordinance requirement and the distance of the existing parcel from the property boundary, staff could support a 40' reduction in the setback identified in the ordinance.

The Comprehensive Plan identifies these parcels as being within an Urban Service Area and designated industrial on the future land use map. Staff feels that the development of solar panels is not in keeping with the purpose and intent of the Urban Service Areas of the Comprehensive Plan. Urban Service Areas are defined as areas which are appropriate locations for development of a full range of public and private land uses of an urban character on public water and sewer, in either the immediate or long term future (20 year timeframe of the plan). Furthermore, Augusta County Code Chapter 24 requires development in an Urban Service Area connect to public water and sewer where available, further cementing by ordinance the Planning Policy Area's identified in the Comprehensive Plan.

Furthermore, the 2015 Comprehensive Plan Transportation Plan summarizes the Stuarts Draft subarea as follows:

"Stuarts Draft has been a traditional hub of industry for the county with Alcoa Building Products, Hershey Chocolate of Virginia, Inc., Hollister Inc., McKee Foods Corp., NIBCO, and Target Distribution Center all located in this subarea. This industrial base has also supported growing commercial and residential sectors. Two of the most active subdivisions in the county, Overlook and Stone Valley, are located in Stuarts Draft. US 340, at five lanes through the subarea, has underutilized capacity to accept additional traffic and the water, sewer, and school infrastructure is also sufficient to handle increased development. Therefore, Stuarts Draft is expected to continue to experience residential growth and be a desirable location for manufacturing, distribution, and industrial operations in need of larger land parcels."



SITE NUMBER: 5

PROPERTY OWNER:

John Garland or Phyllis A Martin

APPLICANT:

Augusta Solar, LLC

LOCATION OF PROPERTY:

Located directly north of Hall School Road and east of Mt. Vernon Road.

SIZE OF PROPERTY:

Approximately 131 acres.

SIZE OF SITE UNDER PANEL:

Approx. 7 acres

SOILS INFORMATION:

Class I, II, and III soils are considered the best for farming purposes in the County.

TMP	Class I Acres	Class II Acres	Class III Acres	Total Acreage
076 30	0	57	13.419	70.419
075 64	0	46	15.944	64.944

VICINITY ZONING:

General Agriculture to the north, south, east and west

PREVIOUS ZONING OR S.U.P.: Currently zoned General Agriculture

LAND USE MAPS: Comprehensive Plan Urban Service Area and Neighborhood Mixed Use (variety of residential types at a density of 4-8 dwelling units per acre and on up to 20% of total land area, convenience retail and office) and Industrial Future Land Use designations

SERVICE AUTHORITY'S COMMENTS:

1. The Service Authority's long term system master planning for this area shows a potential (unbudgeted) future water main extending along Hall School Rd. across the frontage of the properties. The exact location and installation timing are typically based on growth/system demands.
2. In 2016, the Service Authority performed a study to examine the South River Service Area for future water source development (ref. Preliminary Hydrogeologic Assessment, South River Study Area, Stuarts Draft, Augusta County, ECS, Inc., Sept. 22, 2016). Property TM Nos. 75-64 and 76-30 were identified as an "Area of Interest". Detailed studies and landowner contacts will

not be pursued until there is adequate need. The actual potential for source development is unknown.

3. The Service Authority's long term system master planning for this area includes a potential (unbudgeted) future sewer main extension through TM Nos. 75-64 and 76-30, based on topography. The intent of this future line was to provide service to these parcels and some additional property to the north and west. Another, less formal review of sewer service for the Rt. 340 corridor, showed a sewer force main along Mt. Vernon Rd. The exact location and installation timing are typically based on growth. Phase 1 of a study has been completed to examine sewer infrastructure routing and feasibility for this area. This area was identified for future economic evaluation, which will be completed by March.

4. The applicant needs to provide information regarding water/sewer needs for the project construction and/or operation.

5. The applicant needs to disclose if any corrosion control systems will be part of this project. *[Staff comment: The applicant has stated that no corrosion control systems will be part of the project].*

Requested Conditions:

1. No panels and/or appurtenances (including fences and landscaping) installed within 40 feet of Mt. Vernon Road and Hall School Road right of way to provide adequate space for future water/sewer infrastructure installation and maintenance. *[Staff comment: The submitted site plan complies with this request as the minimum setback shown is 50 feet].*

STAFF RECOMMENDATIONS

The site plan for this property shows the location of panels north of Hall School Road and east of Mt. Vernon Road. Directly northeast of the intersection of Patton Farm Road and Hall School Road on the west side of the driveway entrance serving these parcels across from the ballfield.

The solar ordinance identifies a 200' setback from all property lines and a 1,000' setback from any adjacent land zoned residentially. The Board is able to adjust or vary those setbacks if they determine that the reduced setback is adequate to protect neighboring properties. In addition, the solar ordinance requires one of two buffer alternatives for all adjacent property lines that are not part of the project.

However, the Board is able to modify the buffer requirements such that the subject parcel or modified buffer complies with at least one 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.

Property to the west (across Mt. Vernon Road), is part of the Augusta Solar LLC SUP application.

The proposed site plan shows a minimum 50' setback from Hall School Road (directly to the south) with a landscape buffer as required in the adopted ordinance. Staff is of the opinion that a reduction in the 200' ordinance setback combined may not adequately protect the viewshed along Hall School Road and the adjacent ballfield facility.

The Comprehensive Plan identifies these parcels as being within an Urban Service Area with the parcel directly east of Mt. Vernon Road designated as Neighborhood Mixed Use (variety of residential at a density of 4-8 with office/retail on approximately 20%) and the other parcel designated as industrial on the future land use map. Staff feels that the development of solar panels is not in keeping with the purpose and intent of the Urban Service Areas of the Comprehensive Plan. Urban Service Areas are defined as areas which are appropriate locations for development of a full range of public and private land uses of an urban character on public water and sewer, in either the immediate or long term future (20 year timeframe of the plan). Furthermore, Augusta County Code Chapter 24 requires development in an Urban Service Area connect to public water and sewer where available, further cementing by ordinance the Planning Policy Area's identified in the Comprehensive Plan.

Furthermore, the 2015 Comprehensive Plan Transportation Plan summarizes the Stuarts Draft subarea as follows:

"Stuarts Draft has been a traditional hub of industry for the county with Alcoa Building Products, Hershey Chocolate of Virginia, Inc., Hollister Inc., McKee Foods Corp., NIBCO, and Target Distribution Center all located in this subarea. This industrial base has also supported growing commercial and residential sectors. Two of the most active subdivisions in the county, Overlook and Stone Valley, are located in Stuarts Draft. US 340, at five lanes through the subarea, has underutilized capacity to accept additional traffic and the water, sewer, and school infrastructure is also sufficient to handle increased development. Therefore, Stuarts Draft is expected to continue to experience residential growth and be a desirable location for manufacturing, distribution, and industrial operations in need of larger land parcels."



SITE NUMBER: 6

PROPERTY OWNER:

John Garland or Phyllis A Martin

APPLICANT:

Augusta Solar, LLC

LOCATION OF PROPERTY:

Located directly north of Hall School Road.

SIZE OF PROPERTY:

Approximately 131 acres.

SIZE OF SITE UNDER PANEL:

Approx. 5 acres

SOILS INFORMATION:

Class I, II, and III soils are considered the best for farming purposes in the County.

TMP	Class I Acres	Class II Acres	Class III Acres	Total Acreage
076 30	0	57	13.419	70.419
075 64	0	46	15.944	64.944

VICINITY ZONING:

Portion north of Hall School Road – General Agriculture to the north, south, east and west

PREVIOUS ZONING OR S.U.P.: Currently zoned General Agriculture

LAND USE MAPS: Comprehensive Plan Urban Service Area and Industrial Future Land Use designation.

SERVICE AUTHORITY'S COMMENTS:

1. The Service Authority's long term system master planning for this area shows a potential (unbudgeted) future water main extending along Hall School Rd. across the frontage of the properties. The exact location and installation timing are typically based on growth/system demands.
2. In 2016, the Service Authority performed a study to examine the South River Service Area for future water source development (ref. *Preliminary Hydrogeologic Assessment, South River Study Area, Stuarts Draft, Augusta County, ECS, Inc., Sept. 22, 2016*). Property TM Nos. 75-64 and 76-30 were identified as an "Area of Interest". Detailed studies and landowner contacts will not be pursued until there is adequate need. The actual potential for source development is unknown.

3. The Service Authority's long term system master planning for this area includes a potential (unbudgeted) future sewer main extension through TM Nos. 75-64 and 76-30, based on topography. The intent of this future line was to provide service to these parcels and some additional property to the north and west. Another, less formal review of sewer service for the Rt. 340 corridor, showed a sewer force main along Mt. Vernon Rd. The exact location and installation timing are typically based on growth. Phase I of a study has been completed to examine sewer infrastructure routing and feasibility for this area. This area was identified for future economic evaluation, which will be completed by March.
4. The applicant needs to provide information regarding water/sewer needs for the project construction and/or operation.
5. The applicant needs to disclose if any corrosion control systems will be part of this project. *[Staff comment: The applicant has stated that no corrosion control systems will be part of the project].*

Requested Conditions:

1. No panels and/or appurtenances (including fences and landscaping) installed within 40 feet of Mt. Vernon Road and Hall School Road right of way to provide adequate space for future water/sewer infrastructure installation and maintenance. *[Staff comment: The submitted site plan complies with this request as the minimum setback shown is 50 feet].*

STAFF RECOMMENDATIONS

The site plan for this property shows the location of panels north of Hall School Road and east of Mt. Vernon Road. Northeast of the intersection of Patton Farm Road and Hall School Road on the east side of the driveway entrance serving these parcels across from the ballfield.

The solar ordinance identifies a 200' setback from all property lines and a 1,000' setback from any adjacent land zoned residentially. The Board is able to adjust or vary those setbacks if they determine that the reduced setback is adequate to protect neighboring properties. In addition, the solar ordinance requires one of two buffer alternatives for all adjacent property lines that are not part of the project.

However, the Board is able to modify the buffer requirements such that the subject parcel or modified buffer complies with at least one 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.

The proposed site plan shows a minimum 60' setback from Hall School Road (directly to the south) with a landscape buffer as required in the adopted ordinance. Staff is of the opinion that a reduction in the 200' ordinance setback combined may not adequately protect the viewshed along Hall School Road and the adjacent ballfield facility.

The site plan shows a minimum 280' setback from the adjacent parcel to the east, which meets the ordinance standard. The site plan shows an enhanced landscape buffer (tree install height 15' and shrub install height 36") adjacent to the parcel to the east.

The Comprehensive Plan identifies these parcels as being within an Urban Service Area designated as industrial on the future land use map. Staff feels that the development of solar panels is not in keeping with the purpose and intent of the Urban Service Areas of the Comprehensive Plan. Urban Service Areas are defined as areas which are appropriate locations for development of a full range of public and private land uses of an urban character on public water and sewer, in either the immediate or long term future (20 year timeframe of the plan). Furthermore, Augusta County Code Chapter 24 requires development in an Urban Service Area connect to public water and sewer where available, further cementing by ordinance the Planning Policy Area's identified in the Comprehensive Plan.

Furthermore, the 2015 Comprehensive Plan Transportation Plan summarizes the Stuarts Draft subarea as follows:

"Stuarts Draft has been a traditional hub of industry for the county with Alcoa Building Products, Hershey Chocolate of Virginia, Inc., Hollister Inc., McKee Foods Corp., NIBCO, and Target Distribution Center all located in this subarea. This industrial base has also supported growing commercial and residential sectors. Two of the most active subdivisions in the county, Overlook and Stone Valley, are located in Stuarts Draft. US 340, at five lanes through the subarea, has underutilized capacity to accept additional traffic and the water, sewer, and school infrastructure is also sufficient to handle increased development. Therefore, Stuarts Draft is expected to continue to experience residential growth and be a desirable location for manufacturing, distribution, and industrial operations in need of larger land parcels."

SITES 3, 4, 5, and 6



