

PRESENT: T. Jennings, Chairman
G. Campbell, Vice Chairman
S. Bridge
K. Shiflett
J. Wilkinson, Director of Community Development
L. Tate, Planner II

ABSENT: J. Curd
L. Howdysshell
K. Leonard

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, March 12, 2019, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

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

MINUTES

Mr. Bridge moved to approve the minutes of the called and regular meetings held on February 12, 2019.

Mr. Campbell seconded the motion, which carried unanimously.

PUBLIC HEARING

An ordinance to amend Chapter 21. Subdivision of Land. Article III Procedure for Approval of Major Subdivisions. Section 21-37. Final approval and recordation of the final plat.

Amendment reflects a change in the Augusta County Service Authority policy regarding reserved treatment capacity for public sewer systems. The amendment clarifies that the reservation of capacity as a condition of final plat approval is dependent upon such policy and is not required in all cases.

Mrs. Tate explained the amendment as presented on PowerPoint. She stated this amendment is adding the clause "if reservation of capacity is required by the Service Authority". The Service Authority's board has modified their Policy #10.4 Reserved Treatment Capacity for Water and Sewer Systems. The revised policy gives the developer the option to wait and pay their availability fees when the request for physical connection is made, instead of paying them upfront. This will encourage developers to plat out the whole subdivision instead of one or two lots at a time. This amendment is specifically for lots to be served by any waste water treatment plant with more than 4,000 available equivalent residential connections. The change in the County ordinance is a change to match the new policy the Service Authority has adopted.

Mr. Jennings asked if this is only for the areas that serve Fishersville or Stuarts Draft.

Mrs. Tate stated that is correct.

There were no further questions from the Commissioners.

Because there was no Public to speak in favor of or against the request, Mr. Jennings opened and closed the Public Hearing.

Mrs. Shiflett stated she thought the amendment was appropriate and she moved to recommend approval.

Mr. Bridge seconded the motion, which carried unanimously.

STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

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

The Planning Commission had the following comments:

19-19 Bogdan V. or Alvina V. Sakhnyuk

The Planning Commission expressed concern about the applicant's desire to construct a 2000 square foot building for the business considering the size of the lot of 2.537 acres and the location of the property within an Agricultural Conservation Area of the Comprehensive Plan. The Planning Commission would encourage the BZA to carefully consider the size of the proposed building in relation to the lot size and location within an Agricultural Conservation Area.

B. SOLAR POWER GENERATION AND THE COMPREHENSIVE PLAN

Mrs. Tate stated she researched different localities to gather information on their policies regarding solar energy facilities.

The localities Mrs. Tate researched were Halifax County, Mecklenburg County, Culpeper County, Fauquier County, Accomack County, New Kent County, Spotsylvania County, and Butte County and Los Angeles counties, both of which are in California. [A copy of the presentation slides given are attached to the minutes].

Mrs. Tate encouraged the Commissioners, when considering revisions to the Comp Plan regarding solar energy facilities, to consider planning policy areas, existing and planned residential development, prime farmlands, entry corridors and scenic highways and byways, clustering, and extent. This is not an exhaustive list and other factors may also need to be considered.

The Commissioners agreed that changes need to be made to the Comp Plan regarding the siting of solar energy facilities in order to have better clarification for the property owners and those boards needing to make decisions.

Mr. Bridge referred to February's meeting where the Commission had to determine if the large solar energy system special use permit application was in substantial accord with the Comp Plan or "part thereof". He asked if a definition could be given to the Commission of what "part thereof" means in order to make their task of making recommendations easier in the future.

Mrs. Tate stated the County Attorney has mentioned that he feels "part thereof" refers to the part of the Comp Plan that speaks to the issue at hand.

Mr. Jennings stated the research Mrs. Tate has done will give the Commission an idea on how to start the process of revising the Comp Plan.


Mr. Bridge asked if the Comp Plan can prevent solar energy facilities in specific areas.

Mrs. Tate stated the Comp Plan could say that solar energy facilities would not be supported in certain areas, while being encourage or supported in other areas, such as agriculture or rural areas based upon certain factors.

Mr. Campbell asked if solar is currently the only alternative energy being used, or is wind energy still an option.

Mrs. Tate stated there is a State code section that says localities will create reasonable conditions for siting alternative energy. There is some mention of wind energy in that code section, but not as much as solar.

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



Chairman



Secretary

Solar Power Generation and the Comprehensive Plan

REVIEW OF LOCALITIES IN VIRGINIA AND BEYOND



Halifax County – Comp Plan

Land Use

- Promote the development of renewable energy resources, such as properly sited and developed facilities in the A-1 zoning district that generate electricity from wind or solar resources, and ensure the availability of an adequate supply of energy resources through properly sited and developed transmission and pipeline infrastructure, all in a manner consistent with the Commonwealth Energy Policy and the other provisions of the

Halifax County Comprehensive Plan



Halifax County – Comp Plan

Forestlands

Forestlands are perhaps the most important aesthetic, environmental, and economic resources of Halifax County. While their annual value as a cash crop can be determined, their economic value as the scenic backdrop of the County is incalculable. They provide most of the beauty which the County offers as a residential community and tourist attraction, and are of great importance in reducing soil erosion and in creating wildlife habitats. Major stands of trees that remain along traffic arteries and between or within smaller residential neighborhoods reduce noise levels, provide a sense of privacy, create scale, protect residential values, and make urban development less noticeable by isolating smaller units.

Halifax County – Comp Plan

The area's forest resources have a variety of potential uses, such as primary and secondary manufacturing, industrial energy, and construction. Other economic activities associated with the forest industry include harvesting, transportation, product development and marketing. Careful consideration should be given to permitting site sensitive businesses throughout forested areas, which include industrial scale solar facilities.



Halifax County – Zoning Ordinance

To preserve and protect county viewsheds and resources, to protect the health, safety, and welfare of the community, and to otherwise advance the purpose and intent of this article, the following non-exhaustive list of additional criteria may be considered by the planning commission and the board of supervisors in addressing whether to recommend or grant a permit, and what conditions to impose on any permit, for a large scale *solar* energy facility:

- (a) The topography of the site and the surrounding area.
- (b) The proximity of the site to, observability from, and impact on urban and residential areas.
- (c) The proximity of the site to, observability from, and impact on areas of historical, cultural, and archaeological significance.
- (d) The proximity of the site to other large scale *solar* energy facilities, other energy generating facilities, and utility transmission lines.
- (e) The proximity of the site to, observability from, and impact on areas of scenic significance, such as scenic byways, vistas, and blueways.

Halifax County – Zoning Ordinance

- (f) The proximity of the site to, observability from, and impact on public rights-of-way, including but not necessarily limited to highways, secondary roads, streets, and scenic byways.
- (g) The proximity of the site to, observability from, and impact on recreational areas, such as parks, battlefields, trails, lakes, rivers, and creeks.
- (h) The proximity of the site to airports.
- (i) The preservation and protection of wildlife and pollinator habitats and corridors.
- (j) The proximity of the site to any urban planning area or community planning area identified in the comprehensive plan.
- (k) The size of the site.




Halifax County – Zoning Ordinance

- (l) The proposed use of available technology, coatings, and other measures for mitigating adverse impacts of the facility.
- (m) Any other criteria addressed in sections 53-157 and 53-158 of this article.
- (n) The preservation and protection of prime farmland in the county, provided that:
 - (1) "Prime farmland" shall have the meaning assigned to it by the Natural Resource Conservation Service of the United States Department of Agriculture, except that lands established in silviculture shall not be considered prime farmland;
 - (2) If no more than ten percent of the site is prime farmland, this consideration will be waived;
 - (3) If more than ten percent of the site is prime farmland that is not contiguous, this consideration may be waived;
 - (4) If more than ten percent of the site is prime farmland that is contiguous, the prime farmland can be removed from the project area; and
 - (5) The board of supervisors may waive any or all of the foregoing.

The enumeration of these criteria shall not prohibit the planning commission or board of supervisors from considering other factors deemed relevant to a specific conditional use permit application based on the details of the application. Nothing herein shall limit in any manner the nature and scope of reasonable conditions that may be recommended by the planning commission or imposed by the board of supervisors.

Mecklenburg County

The following recommendations are derived from the *Solar Facility Impacts Analysis* report and can help mitigate the impacts of utility-scale solar facilities on County land use patterns as part of the evaluation of a Special Exception Permit (SEP) application:


- Should be located on brownfields or near existing industrial uses (but not within growth boundaries);
 - Should be located adjacent to, or in close proximity to, existing electric transmission lines;
 - Avoid or minimize impact to prime farmland or farmlands of statewide importance as defined by the USDA and Commonwealth of Virginia;
 - Should be located outside of any identified growth boundary and not within one mile of any town boundary;
 - Should be located outside of the viewshed of any scenic, cultural, or recreational resources
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Mecklenburg County

- The permitted size and scale of a proposed utility-scale solar facility may vary based on the proposed location and the character of the area and the extent of the facility. If the proposed location is near a town or visible from a major road, then a smaller size or additional screening and buffering provisions may be appropriate. If a proposed location is not near a town, not visible from a major road, or if the facility will occupy only a relatively small portion of a larger site, then a larger size and scale of the proposed facility may be appropriate but as a guide:
 - The area within which all construction, materials storage, grading and related activities for a utility scale facility will occur should be less than 500 acres; and
 - A utility-scale solar facility should not be located within two miles of another approved or constructed utility-scale solar facility to mitigate the impacts related to the scale of the use

Culpeper County

Utility Scale Solar Facility Development Policy:

- Conditional Use Permit in the Agriculture and Rural Areas zoning districts
 - Consistent with and furthers the goals of the Comprehensive Plan
 - Protection of historic properties and resources
 - Among other things size and scale of a renewable energy generation facility should strongly be considered in order to maintain the County's rural viewshed and character.
 - Siting of a facility on prime agricultural soils is discouraged. Non-agricultural producing lands or land which is of lower agricultural value should be explored first.
 - Mass grading of sites shall be limited to the extent possible.
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Culpeper County

Utility Scale Solar Facility Development Policy:

- Facilities on or adjacent to agricultural and forestall district properties shall take into account the impact upon such districts, if any.
- A plan should be developed with any proposal to minimize any negative visual impact to the greatest extent possible.
- Culpeper County desires to protect and enhance its economic and employment producers.
- Culpeper County desires to protect its interests at the Culpeper Regional Airport.
- All solar panels will be designed to minimize the reflection of light.
- Applicant shall provide information demonstrating the local economic benefits of the project.

Culpeper County

Utility Scale Solar Facility Development Policy:

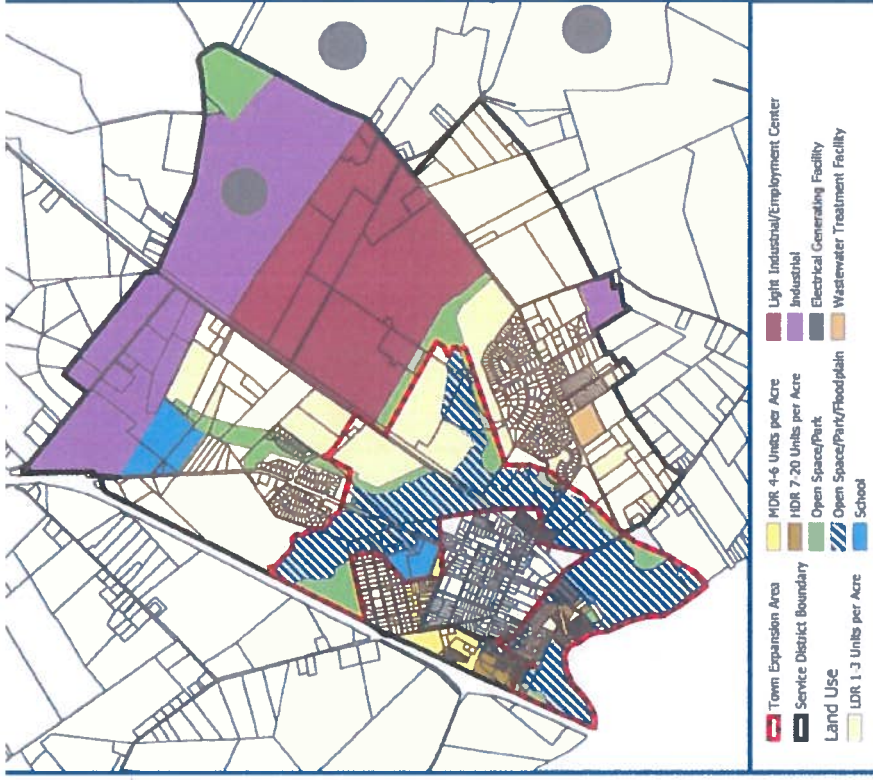
- Documentation from the electric company regarding the capacity of the transmission lines.
 - Decommissioning Plan
 - Applications for utility scale solar facilities shall address noise, traffic, and other construction related impacts.
 - Site Plan, Building Permit, Plan Review, and other associated fees will be collected based upon the County fee schedule.
 - No facility shall be located on a property designated by the Virginia Department of Historic Resources.
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Fauquier County

- Comprehensive Plan Amendment from Park/Open Space/Floodplain to Industrial.
- Rezone from Agriculture to Industrial
- Special Exception Permit for electrical generation facility.



Fauquier County



Fauquier County



Accomack County

APPENDIX C

AMENDMENT ADOPTED: OCTOBER 17, 2018

Alternative Energy Sectors:

There are growth opportunities in certain sectors; however, they may conflict with other values and community priorities. These areas are in the green energy sectors for wind and solar farms.

The County has approved two solar farm projects: Eastern Shore Solar (shown to the right), a 2,859 acre property comprised of 44 parcels on Withams Road in Oak Hall with the developed project acre of 965 of an 80 megawatt solar farm; and Sun Tech, a 600 acre property near Tasley for a 20 megawatt solar farm. These large utility scale solar farms are allowed by special use permit by the County, are governed by Permit by Rule by the Virginia Department of Environmental Quality, and are desirable by the traditional energy sector companies to assist in diversification of their energy portfolio. The County will need to evaluate the dedication of formerly active agricultural land to a 30 year lease for solar farm development against other community priorities to determine its position on additional utility scale solar projects.




Accomack County

On January 5, 2017, Accomack County removed utility scale solar and wind projects from consideration in the Agricultural Zoning District. There were several reasons for this action; however, one of the primary reasons was the local tax revenue implications caused by Virginia Code §58.1-3660 which has exempted 80% of the assessed value of utility scale “certified pollution control equipment facilities” greater than 20 megawatts ; solar energy equipment and facilities are included in the definition of “certified pollution control equipment facilities”. This law does have a sunset clause for the 20 megawatt or greater projects with the exemption ending for projects that have not begun construction as of 1/1/2024.

New Kent County

Objective F: Support and promote sustainable alternative energy sources and production.

Strategies:

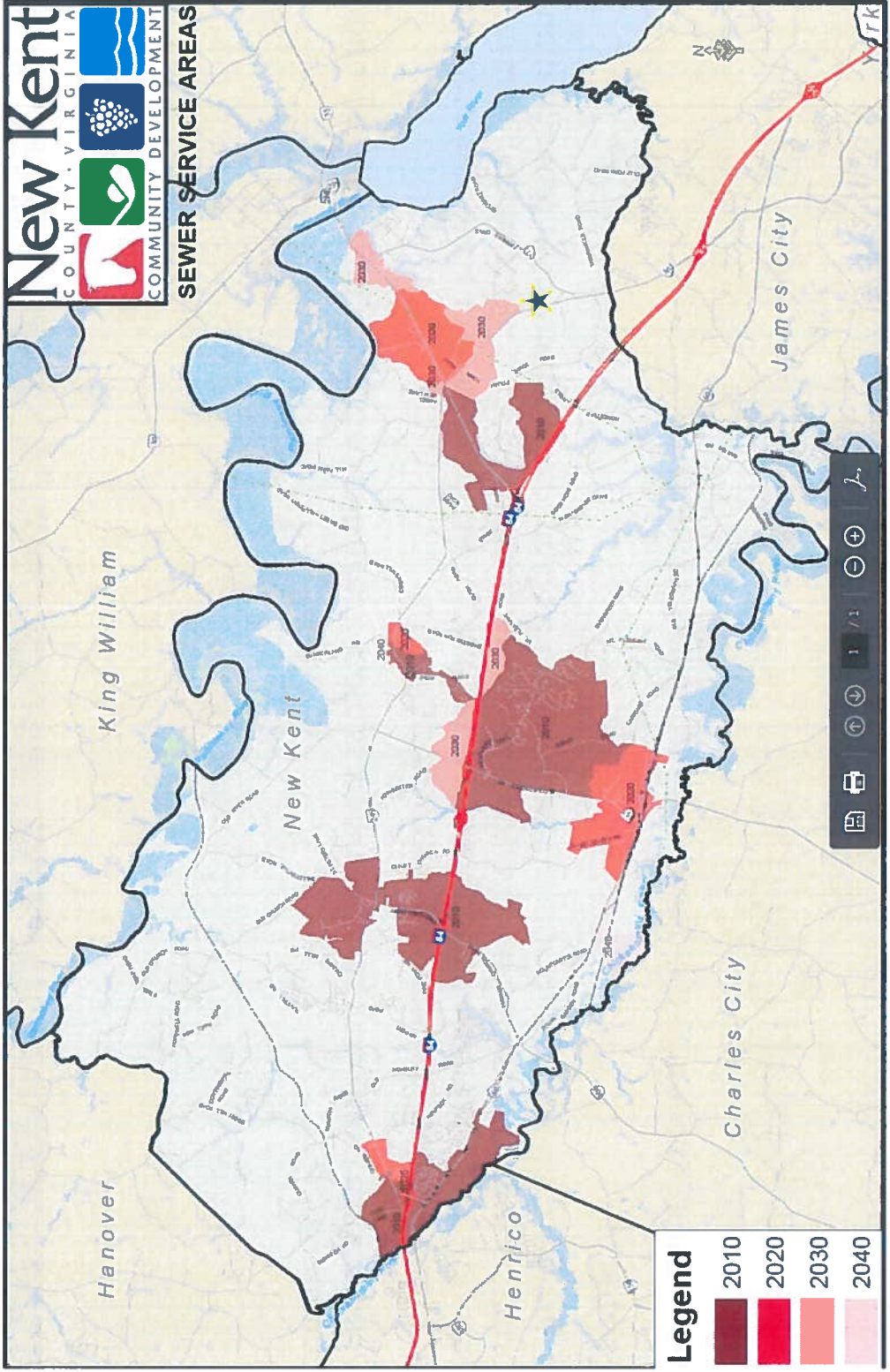
1. Encourage the production and refining of biomass fuels, especially those which do not utilize food and feed crops; allow such uses as a matter of right in appropriate areas subject to meeting reasonable performance standards.
 2. Consider developing policies and regulations that allow for small-scale wind and solar energy projects as a matter of right subject to meeting reasonable performance standards.
 3. Consider developing policies and regulations that allow for designated parking areas for electric vehicle (EV) charging.
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New Kent County

Objective C: Encourage the use of “green” building techniques.

Strategies:

1. Promote energy conservation measures and green building techniques in rehabilitation projects and new residential developments by encouraging participation from builders in green certification programs such as EarthCraft, LEED ND, LEED for Homes, or the National Association of Home Builders’ National Green Building Program.
2. Encourage consideration of solar access (both active and passive) in the design of residential communities.

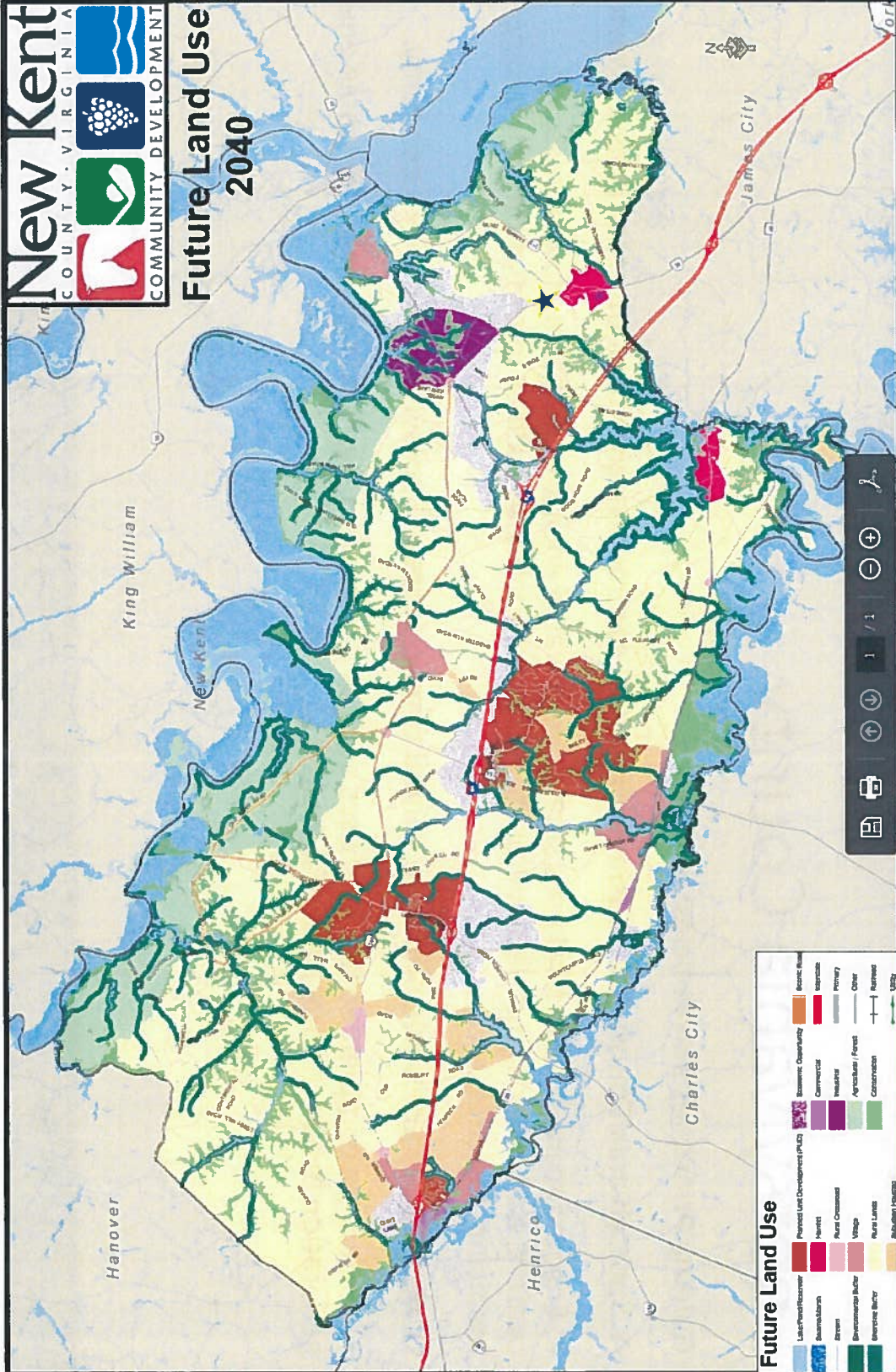


Legend

2010	2020	2030	2040
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**Future Land Use
 2040**



Future Land Use

Urban Core	Forest Land Development (PUD)	Business Community	Arctic Area
Suburban	Residential	Commercial	Recreation
Enterprise	Light Commercial	Industrial	Priority
Enterprise Rural	Single	Agriculture / Forest	Other
Enterprise Rural	Rural Land	Conservation	Reserve
Enterprise Rural	Suburban Village		1:50,000

Map navigation controls including a home button, a print button, a search icon, a zoom in (+) button, a zoom out (-) button, a zoom reset (0) button, a scale bar, and a north arrow.

Spotsylvania County

Guiding Principles and Policies:

- A. Spotsylvania County is a “business friendly” community and local job creation is a priority.**
- 4. Encourage innovative land uses such as renewable energy generation, data processing centers, and other industries leveraging technology in fields such as information technology, medicine, logistics, etc.
- D. Agriculture and silviculture are valued components of Spotsylvania County’s economy.**
- 7. Encourage complementary land uses such as agritourism, agribusiness, and renewable energy generation in agricultural and rural areas.



Spotsylvania County

Land Use Categories

Land use categories are described in this section along with policies associated with each land use. The land use categories as shown on the Future Land Use Map depict the long range recommendations for the general development of Spotsylvania County as is required by the Code of Virginia §15.2-2.2223.

Land Use Policies Applicable to All Land Uses:

Renewable energy generation facilities, such as solar, geothermal, or wind, should be sited and designed to minimize detrimental impacts to neighboring properties, uses, and roadways.

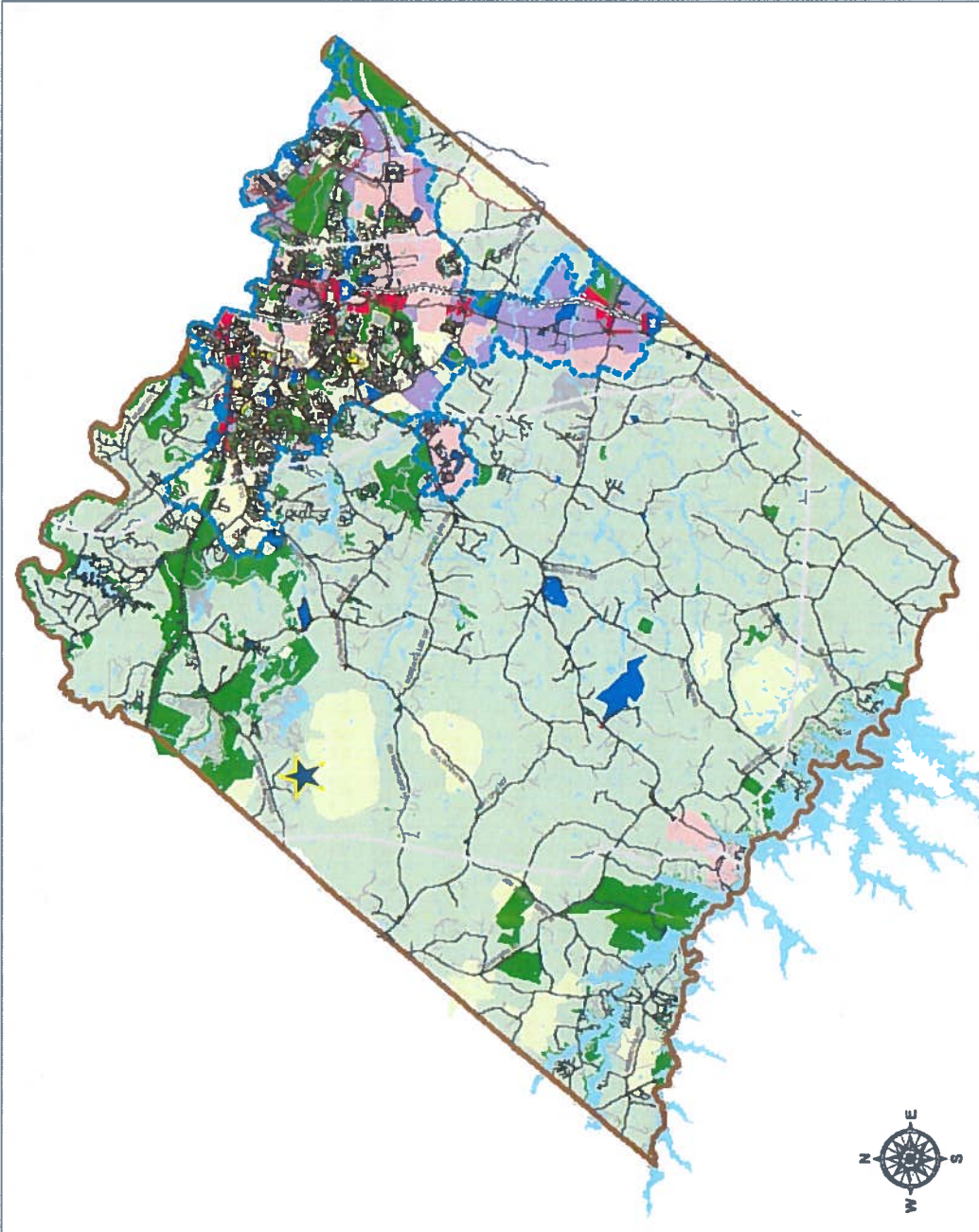
Spotsylvania County Future Land Use



- Legend**
- Primary Development Boundary
 - Water
 - Land Use Designations**
 - Open Space
 - Institutional
 - Commercial Land Use
 - Employment Centers
 - Mixed Land Use
 - High Density Residential Land Use
 - Low Density Residential Land Use
 - Rural Residential Land Use
 - Agricultural and Forestal Land Use

0 1.25 2.5 5 Miles
1 inch = 2.7 miles

Map Approved: November 14, 2013



Butte County – California – Utility Scale Solar Guide

Organized as a guide, this document is intended to provide constructive information to support the responsible development of utility-scale solar facilities in Butte County in a manner which is sensitive to local contexts, settings, and the environment. The proposed Guide does not authorize any development or guarantee that any site can ultimately be permitted to develop. All utility-scale solar facilities will continue to be subject to a Conditional Use Permit in accordance with the Butte County Zoning Ordinance.



Butte County – California – Utility Scale Solar Guide

The overarching Vision Statement developed through public outreach and Board of

Supervisors direction for this project states the following:


Butte County is a place for clean, abundant, and renewable energy supported by technological innovation. Energy generated within the County contributes to economic development, environmental protection, reduced dependence on fossil fuels, and lower greenhouse gas emissions. Locally-produced clean energy also supports an affordable and reliable power network for local residences, businesses, and agricultural operations as well as throughout the state. Utility-scale solar facility development complements the County's scenic qualities, avoids impacts to agricultural resources, and is sited and designed in harmony with Butte County's communities, residential neighborhoods, and cities.

https://www.buttecounty.net/Portals/33/SolarZone/03_Development_and_Design_Guidelines.pdf



Butte County – California – Utility Scale Solar Guide

GIS Mapping tool –

- Transmission lines and substations
 - Proximity buffer to transmission lines and substations
 - Opportunity Areas
 - Solid Waste Management Facility Overlay Zone
 - Contaminated sites
 - Urban permit areas
 - Constraint Areas
 - Land Use compatibility
 - Proximity buffer to parcels with a residential General Plan
 - Agricultural Resources
 - Natural Resources
 - Slopes of 30% or greater
- 

Butte County – California – Utility Scale Solar Guide

GIS Mapping tool –

- Unsuitable Areas
 - Important farmland
 - Urban Residential and Planned Unit Development
 - Airport land use compatibility
 - Important biological resources
 - State, federal, Tribal and Municipal lands

▪ Created a suitability model layer – methodology described at the link below

▪ <https://www.buttecounty.net/Portals/33/SolarZone/WeightedRasterOverlayModel.pdf>

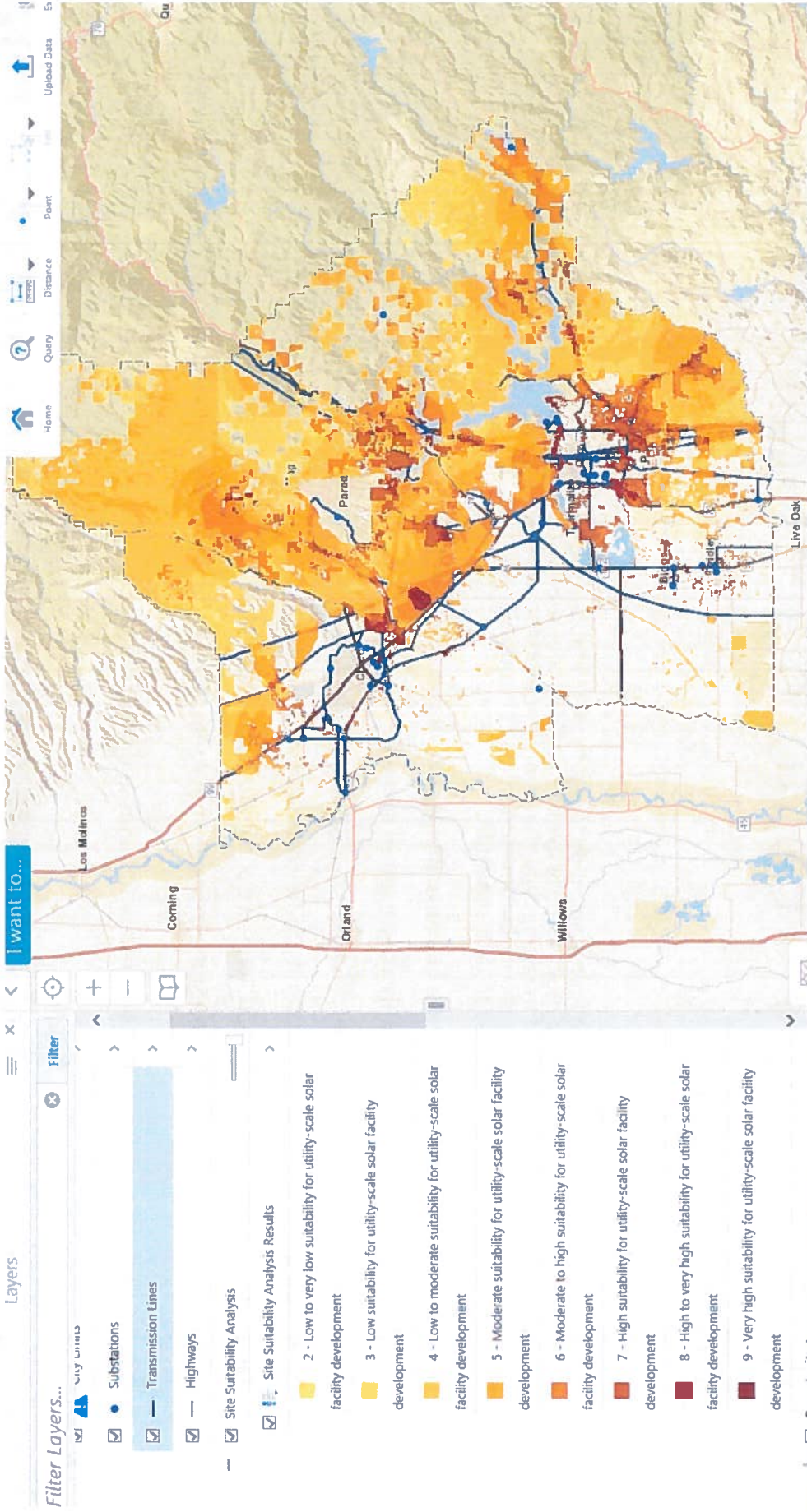


Butte County – California – Utility Scale Solar Guide

Suitability Model

The suitability model is an important component included in the Mapping Tool, and discussed in the proposed Guide. This “weighted raster” model (i.e. a multi-criteria overlay analysis tool used for site selection and suitability models) takes into account seven “layers” of mapping data that are combined for the user and that display all areas of the County in terms of its suitability for Utility-Scale Solar development. The model also shows areas of the County that are unsuitable for development. The seven layers include:

- 1. Unsuitable Areas:** Prime Farmlands, Sensitive Biological Areas, and Residential Zones;
- 2. Farmland Categories:** Grazing Lands are weighted as highly constrained.
- 3. Constrained Areas:** Wetlands, Oak Woodlands, Migratory Deer Range, Natural Hazards, Land Use Compatibility.
- 4. Constrained Buffers:** Areas in proximity to Residential and Scenic Highway General Plan Designations.
- 5. Parcel Size:** Parcels greater than 20 acres are considered most feasible.
- 6. Opportunity Areas:** Contaminated Sites, Urban Permit Areas, Neal Road Recycling, Energy, and Waste Facility Overlay Zone, Large Rural Parcels.
- 7. Opportunity Buffers:** Proximity to transmission lines and substations.



Los Angeles County - California

The Renewable Energy Ordinance (REO) was adopted by the Los Angeles County Board of Supervisors on December 13, 2016, and becomes effective on January 12, 2017.

The REO updates the County's [planning and zoning code](#) for the review and permitting of solar and wind energy projects. The ordinance helps California meet its goals for renewable energy generation and greenhouse gas reduction, while minimizing environmental and community impacts.

The purpose and goals of the REO include:

Incentivizing small-scale and structure-mounted projects through a streamlined review process, thereby reducing dependence on ground-mounted utility-scale projects; and

Regulating ground-mounted utility-scale projects to better address community concerns and minimize environmental impacts.

Los Angeles County - California

Small-Scale

The REO incentivizes small-scale solar and wind projects that generate energy for on-site use, and structure-mounted projects such as on rooftops and over parking lots.

Utility-Scale

The REO provides comprehensive regulations for ground-mounted utility-scale solar facilities, which reflect the need for careful review of these projects in order to minimize environmental and community impacts.

The standards and conditions established by the REO, along with existing processes and policies, will give the County the tools to effectively regulate utility-scale projects, while providing clear expectations to applicants and the public on project outcomes.

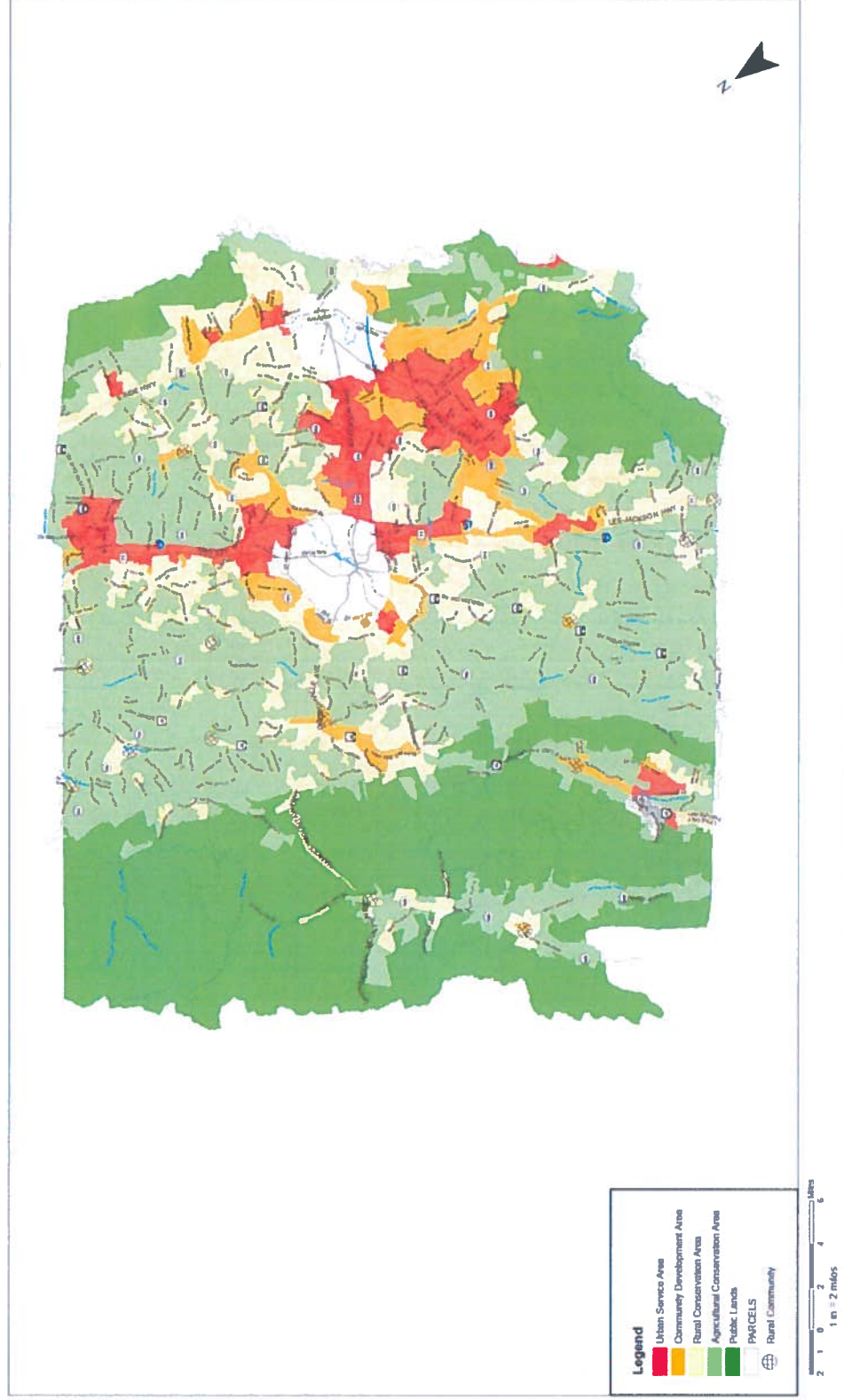
In addition, the REO prohibits ground-mounted utility-scale solar facilities in the [Significant Ecological Areas \(SEAs\)](#) and Economic Opportunity Areas (EOAs) designated in the County's [General Plan](#) and [Antelope Valley Area Plan](#).

Things to Consider

- Planning Policy Areas
- Existing and planned residential development
- Prime farmlands
- Entry corridors and scenic highways and byways
- Clustering consideration
- Extent consideration



Planning Policy Area Map Adopted August 26, 2015



Future Land Use Map Adopted August 26, 2015

