



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



MEMORANDUM

TO: Augusta County Planning Commission
FROM: Leslie Tate, Senior Planner
DATE: Aug. 11, 2020
SUBJECT: Regular Meeting

The regular meeting of the Augusta County Planning Commission will be held on **Tuesday, Aug. 11, 2020 at 7:00 p.m.**, at the Augusta County Government Center, in the Main Board Meeting Room, 18 Government Center Lane, Verona, Virginia.

The Planning Commission will meet beginning at **6:15 p.m.** in the **Board of Supervisors' Conference Room** (behind the Board Meeting Room) at the Augusta County Government Center for a staff briefing.

Attached are the agenda and meeting materials for Tuesday's meeting.

If you have any questions about any or the material. Please feel free to contact me. If you won't be able to attend the meeting, please let Sara or me know as soon as possible.

Due to state and local guidance we ask that you please wear a mask to the meeting. Any public wishing to speak, will also be asked to wear a mask. Thank you for your understanding and cooperation.

LT/st

AGENDA

Regular Meeting of the Augusta County Planning Commission

Tuesday, August 11, 2020 7:00 P.M.

1. CALL TO ORDER
2. DETERMINATION OF A QUORUM
3. APPROVAL OF THE MINUTES
 - A. Approval of the Regular and Called Meeting on July 14, 2020
4. PUBLIC HEARING
 - A. A request to withdraw approximately 75 acres of land from the Middle River Agricultural and Forestal District owned by Buddy L., or Misty D. Shaver (TMP 38-53), located in the southeast quadrant of the intersection of Cline River Road and Craig Shop Road in Weyers Cave in the Middle River District.
 - B. Comprehensive Plan amendments related to the incorporation of considerations for the siting of utility scale solar. A summary of the amendments are as follows: recognition of importance of distributed and utility scale solar to achieve renewable energy goals, recognition of employment opportunities and economic diversification associated with solar projects, protection of rural viewsheds and agriculture as a predominant component of economy, projects should not have an undue adverse impact on nearby development or surrounding neighborhoods with regards to project size, clustering, or fragmentation, project location should take into account the effects on the agricultural economy, consideration of Agricultural and Forestal districts and prime farmland, consideration of visual impacts and appropriate buffering, especially through the utilization of existing vegetation where possible, consideration for balancing utility scale solar with other important land uses, projects should not detract from compact, interconnected, pedestrian-oriented development pattern in certain Planning Policy Areas, support projects that create opportunities for natural open space and wildlife corridors, and consideration of important natural, scenic, and cultural resources.
5. MATTERS TO BE PRESENTED BY THE PUBLIC
6. NEW BUSINESS
7. OLD BUSINESS
8. MATTERS TO BE PRESENTED BY THE COMMISSION
9. STAFF REPORTS
 - A. Information for Commission – Code of Virginia, Section 15.2-2310
(Board of Zoning Appeals Items)
10. ADJOURNMENT

**COUNTY OF AUGUSTA
STAFF REPORT
SHAVER REQUEST TO WITHDRAW FROM
MIDDLE RIVER AG-FORESTAL DISTRICT
August 11, 2020**

PROPERTY OWNER REQUEST: To withdraw approximately 75 acres of land from the Middle River Agricultural and Forestal District owned by Buddy L., Jr. or Misty D. Shaver (TMP 38-53), located in the southeast quadrant of the intersection of Cline River Road and Craig Shop Road (Route 775) in Weyers Cave in the Middle River District.

SUMMARY OF REQUEST: Mr. Shaver has indicated his desire to build a home on the property within the next few years. In order to build any non-agricultural structure, the property has to be farmed and the landowner has to earn a substantial portion of their livelihood from farming the property, which they do not. Mr. Shaver purchased the property from Jane Fulton on 11/26/2019. In his previous purchase negotiations with Ms. Fulton, he had asked her not to renew the parcel of land (TMP 38-53) back in to the district during the 2018 renewal process, but Ms. Fulton kept it in. Mr. Shaver currently owns other property located in the Middle River Agricultural and Forestal District. He is requesting to remove the aforementioned 75 acres in order to build a home on the property.

Mr. Shaver's plans do not comply with the current stipulations of the Middle River Ag Forestal District which were reapproved as part of the renewal process in 2018. Those conditions are:

- A. Subdivision of land should only be permitted in accordance with the current zoning and subdivision ordinance provisions for family members. Only lots that are solely for the purpose of gift from a member or members of the immediate family of the grantee or grantees, as defined in such ordinance, shall be permitted.
- B. No new non-agricultural or non-forestal buildings, and/or uses including dwellings, shall be permitted except that the construction of a dwelling for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of the immediate family of the owner is permitted.
- C. All included tracts shall be shown as separate parcels on the County Real Estate records.

The district will not expire until November 2028.

STAFF COMMENTS: The Planning Commission is charged in the State Code with conducting a public hearing on any request to withdraw from an agricultural and forestal district and making a recommendation to the Board of Supervisors on the matter. The Commission is also to consider the recommendation of the Agricultural and Forestal District Committee, directed to meet and consider the request. As background, staff would offer several pieces of information.

1. The conditions for the district are set by the members of the district and not the county. The Board is asked to either approve or disapprove the request to establish or renew the agricultural and forestal district, but doesn't make the conditions.
2. The State Code outlines how land can be withdrawn from a district. Specifically, § 15.2-4314. A. reads, "At any time after the creation of a district within any locality, any owner of land lying in such district may file with the program administrator a written request to withdraw all or part of his land from the district for good and reasonable cause."
3. The State Code also speaks to the importance of agricultural and forestal districts in local planning and decision-making. Specifically, §15.2-4312. B. states "local ordinances, comprehensive plans, land use planning decisions, administrative decisions and procedures affecting parcels of land adjacent to any district shall take into account the existence of such district and the purposes of this chapter."

AGRICULTURAL AND FORESTAL DISTRICT COMMITTEE RECOMMENDATION:

Recommend removal of TMP 38-53, approximately 75.699 acres, from the district. The conditions listed in Augusta County Code §393 shall remain unchanged.

COMMUNITY DEVELOPMENT STAFF RECOMMENDATION: While staff finds it difficult to interpret what is meant in State Code §15.2-4314.A by "good and reasonable cause," staff sees no negative impacts to the integrity of the Middle River Ag-Forestal District if the property is removed.







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MEMORANDUM

TO: Planning Commission
FROM: Leslie Tate, Senior Planner *LT*
DATE: August 4, 2020
SUBJECT: Public Hearing on Utility Scale Renewable Energy Comprehensive Plan Amendment

Included in your packets, is a redline mark-up of the "Utilities" section of the Comprehensive Plan 2014/2015 Update. Staff felt it best to include all the policies related to utility scale solar within one location, making it easier on applicants, citizens, and staff to locate the considerations for utility scale solar projects.

At your meeting on August 11th, there will be a public hearing on the proposed draft amendments.

Please do not hesitate to contact me with any questions.

O. Utilities (Amended August 26, 2020)

Goal 1: Ensure that all county residents have access to a safe and adequate water supply and that private water and wastewater systems do not pose long-term public health or environmental threats to the county and its residents.

Objective A: The County should ensure that individual water and wastewater treatment systems do not pose long-term public health or environmental threats to the county and its residents.

Policy 1: Mandatory Maintenance. The county should coordinate with the Health Department to develop a strategy for the mandatory maintenance of all private sewage disposal systems.

Policy 2: Mandatory Pump-Out of Septic Systems. The county should consider a mandatory septic pump-out program adapted from the requirements of the Chesapeake Bay Preservation Act and Regulations.

Objective B: Develop public water supply sources to meet current and future county demands for a safe source of drinking water.

Policy 1: Source Water Protection. The county should continue to work with the Augusta County Service Authority to adopt new Sourcewater Protection Overlay districts as new public water supplies are actively developed and the hydrogeological studies defining the groundwater recharge areas for existing and future public water supplies are completed.

Policy 2: Exploration for Additional Sources. The Service Authority should continue its efforts to identify new sources that can be developed to meet the anticipated demands for public water.

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 these areas 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.

Designated Urban Service Areas are the first priority locations for the provision and expansion of public water and sewer facilities.

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 to these areas 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. Designated Community Development Areas are generally the second priority locations for the provision and expansion of public water service.

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 4: Utilization of small systems. Where water and sewer systems are limited in size, provisions should be made to encourage development to occur at the densities provided for with existing plant or source capacities and allowing remaining portions of the development area to occur on individual water and/or sewer systems once the public service capacities are reached.

Policy 5: Rural Areas. Public water and sewer facilities will 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.

Policy 6: Design and Sizing. Public water and sewer facilities should be designed and sized to serve full development of the entire planning area and/or subarea. The county should continue to work with the ACSA and private developers on funding mechanisms to achieve the increased capacity.

Policy 7: Weyers Cave Wastewater Treatment Plants. The county should work with the ACSA to upgrade and expand the Weyers Cave Wastewater Treatment Plant in accordance with current waste load allocations and anticipated future growth in the Weyers Cave area.

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.

Policy 9: Planning Commission Approval. Extensions or installations of new public utilities will require Planning Commission approval, pursuant to State Code §15.2-2232. Section 15.2-2232 requires the Planning Commission to determine whether or not a proposed public facility is in conformance with the adopted Comprehensive Plan. The review process may include a public hearing and is required to be completed within a 60 day period.

Policy 10: Ownership and Operation. All new public water and sewer facilities in the county must be owned and operated by the Augusta County Service Authority or another municipality. Private community water and sewer systems shall not be allowed.

Policy 11: Mandatory Connections. In areas where new public water and/or sewer facilities are provided, connections of structures to the system(s) should, in a manner provided for in the State Code, be mandatory.

Objective B: Ensure that sufficient fire flow is available throughout the public water system to permit public safety agencies to respond sufficiently to fires.

Policy 1: Water System Modeling and Improvements. The county should continue to work with the Service Authority in its efforts to model their water systems and to examine the steps that will be necessary to provide sufficient fire flow in all areas served by public water.

Goal 3: Ensure that solid waste disposal services and facilities are provided in an efficient and cost-effective manner.

Objective A: Continue to update, with public involvement, the county's Solid Waste Management Plan in order to ensure that solid waste disposal service is provided in a manner that is environmentally safe, adequate in capacity, and economical to local residents for the long-term.

Policy 1: Regional Landfill. Continue current plans for developing and using the expanded regional landfill site to meet short and medium term local solid waste disposal needs. Review and update those plans on a periodic basis, particularly in regards to the efficient use and accessibility of the landfill site and its access roads.

Policy 2: Solid Waste Collection Sites. The county should continue to study the current system of solid waste collection sites in order to determine the appropriate number and location of these sites. When necessary, provide additional convenience sites or expand existing sites and services to handle increasing volumes in high-growth areas. Ensure all sites are adequately positioned and screened and do not adversely impact surrounding properties.

Policy 3: Solid Waste Collection. The county should study the feasibility of a solid waste collection system for residents located in the Urban Service and Community Development Areas.

Policy 4: Recycling. Continue to promote and expand local recycling efforts for residential, business, and industrial users and continue to exceed the state's mandatory recycling rate. Consider options for expanding the list of materials that can be recycled at county recycling centers.

Policy 5: Household Hazardous Waste. Promote educational efforts regarding the safe and proper disposal of household hazardous waste materials. Continue support for annual collection efforts.

Goal 4: Coordinate with non-public utility providers including telephone, gas and electric services in order to ensure adequate provision of services.

Objective A: Achieve such coordination through the ongoing processes for Comprehensive Planning, CIP and land development project reviews.

Policy 1: Coordinated GIS Database System. Develop a coordinated GIS database system for mapping all applicable utilities, both public and private, located within the county.

Objective B: Improve the telecommunications infrastructure in the county to enhance economic growth, public safety, and communications services countywide.

Policy 1: Expand Broadband. Implement the recommendations of the county's telecommunications consultant to expand the broadband communications infrastructure to serve underserved areas. Consider public/private partnerships where beneficial.

Policy 2: Co-location. Ensure co-location opportunities are fully evaluated before permitting new wireless communications towers and require new towers to provide space for county emergency communication systems.

Objective C: Encourage distributed solar and carefully sited utility scale solar as a means of achieving renewable energy goals.

Policy 1: Economy. Recognize the employment opportunities, especially for distributed solar, and economic diversification opportunities that utility scale solar provide.

Policy 2: Rural viewsheds. Desire to maintain rural viewsheds and agriculture as a predominant component of our economy, but sees synergy among agricultural and rural land development and utility scale solar development so long as the clustering,

size, or fragmentation of such facilities does not have undue adverse impact on the surrounding neighborhoods.

Policy 3: Agricultural landscape and economy. Siting of projects should evaluate the agricultural landscape of the project area and surrounding area to assess the effects of a project on the agricultural economy.

Policy 4: Prime farmland and Agricultural and Forestal Districts. Siting of projects in Agricultural and Rural Planning Policy Areas should consider the presence of prime farmland producing soils and/or adjacent Agricultural and Forestal Districts.

Policy 5: Visual impact. Siting of projects should take into consideration surrounding neighborhood developments and how visual impacts to those neighborhoods can be mitigated through appropriate buffers. Siting and design of projects should strive to utilize existing vegetation and buffers that exist naturally when adjacent to public rights of way or other adjacent property.

Policy 6: Balanced land uses. Desire to balance the utility scale solar land use with other important and valuable land uses for our citizens. The size/extent of projects should be considered in proximity to other developed land uses so as not to have undue adverse impacts on the existence of nearby developed residential, commercial or mixed use communities.

Policy 7: Compact, interconnected development. Projects within Urban Service and Community Development Areas should not detract from the compact, interconnected, pedestrian-oriented development pattern.

Policy 8: Open space. Support projects that seek to actively create opportunities and partnerships that provide for natural open spaces and outdoor recreational activities such as pedestrian corridors, wildlife watching areas, and fishing areas, especially in publically accessible land and rights-of-ways.

Policy 9: Interconnectivity. For projects that are adjacent to public spaces or other planned developments, encourage projects that provide for trails and linkages to adjacent land planned for or already developed.

Policy 10: Resource considerations. Projects should be designed, sited, and constructed in a way that protects and preserves the County's natural, scenic, and cultural resources including:

- a. Streams, rivers, wetlands
- b. Fertile soils
- c. Habitats
- d. Native vegetation
- e. Forests
- f. Historic and archaeological resources

Policy 11: Natural resource benefits. The County sees value in projects that create additional natural resource benefits through the use of native vegetation, the creation of wildlife corridors, and the use of pollinator species in buffer areas and underneath panels.

