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: November 3, 2020
SUBJECT: Regular Meeting

The regular meeting of the Augusta County Planning Commission will be held on **Tuesday, November 10, 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 **5:15 pm** in the **Board of Supervisors' Conference Room** (behind the Board Meeting Room) at the Augusta County Government Center for a staff briefing and to go on viewings. We will have dinner in the Community Development Conference Room at 6:15.

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

LT/st

A G E N D A

Regular Meeting of the Augusta County Planning Commission

Tuesday, November 10, 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 October 13, 2020

4. PUBLIC HEARING

   A. A request to rezone Spring Lakes at the Woodlands (TMP 055 76, 055G 3 A, 055G 6 A, 055G 6 A1, 055G 7 A and 055G1 1 B), owned by Woodlands Associates, LLC % George Lester and Woodland Spring Lakes at Woodlands Property Owners Association, by amending the Master Plan and zoning regulations. Amendments to the Master Plan include the following: an increase in Townhouse units from 290 to 389 and a decrease in apartment units from 213 to 0, a decrease in gross density from 2.9 units per acre to 2.69 units per acre, increase common area open space from 47.4 acres to 53.97 acres, sidewalks included along certain roadways, townhouse lot layout proposed for Area A (74 -94 units – range depends on Single Family vs. Townhouse development), Area F-5 (15-42 units), and Area G (114 to 139), mailbox kiosks shown on certain open space areas, and a note stating that natural surface walking trails shall be constructed when 20 new lots have building permits issued subsequent to the approval date of the revised zoning ordinance. Amendments to the Spring Lakes zoning regulations include removing several permitted uses in Area A, specifically apartments among others, establishing similar use, setback, and accessory standards for Area F-5, A, and G that are permitted under existing provisions for Area F-2 and F-3, and adding mailbox kiosks as a permitted use in Area I Open Space. Spring Lakes is located on the eastern side of Old Greenville Road (Route 613) just south of the Route 262 interchange in Staunton in the Beverley Manor District. The proposed general use of the property is residential (single family and townhouse). The proposed general use of the property stated in the Comprehensive Plan is Planned Residential, which may include a variety of residential uses at a density of 4 to 8 residential units per acre.

   B. An ordinance to amend Chapter 25. Zoning. Division A. In General. Article VI.D. Solar Energy Systems.

Amendments include: amend definition of small (less than 50 acres) and large (greater than 50 acres) solar energy systems, add buffering, bonding, site plan submittal and decommissioning requirements for small solar energy systems, clarify existing use of consultant language, reduce notification perimeter for large solar energy systems community meeting, clarify existing cost benefit analysis

language, leave setbacks as currently adopted, but add language concerning standards or topic considerations for reduced setbacks, amend fencing requirements for greater flexibility – to be determined as a part of the special use permit, add language concerning exclusion of salvage value in bond

C. MATTERS TO BE PRESENTED BY THE PUBLIC

D. NEW BUSINESS

E. OLD BUSINESS

F. MATTERS TO BE PRESENTED BY THE COMMISSION

G. STAFF REPORTS

A. Information for Commission – Code of Virginia, Section 15.2-2310 (Board of Zoning Appeals Items)

H. ADJOURNMENT

Agenda Item # 3A

Date Nov. 10, 2020

PRESENT: Greg Campbell, Chairman
L. Howdyshell, Vice Chairman
C. Bragg
K. Shiflett
R. Thomas
J. Wilkinson, Director of Community Development
L. Tate, Senior Planner

ABSENT: K. Leonard
T. Jennings

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, October 13, 2020 at 5:15 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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Ms. Tate discussed the items on the agenda for the upcoming BZA meeting.

The Planning Commission reviewed the following rezoning request and traveled to the following site, which will be considered at the Public Hearing.

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Jordan Enterprises, LLC
Intersection of Village Green Dr. and Misty Dawn Ln.
Staunton, VA

Chairman

Secretary

PRESENT: G. Campbell, Chairman
L. Howdyshell, Vice Chairman
C. Bragg
K. Shiflett
R. Thomas
J. Wilkinson, Director of Community Development
L. Tate, Senior Planner

ABSENT: K. Leonard
T. Jennings

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, October 13, 2020, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

Mr. Campbell stated as there were six (5) members present, there was a quorum.

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Minutes

Mr. Howdyshell moved to approve the minutes of the called and regular meeting held on August 11, 2020.

Mrs. Bragg seconded the motion, which carried unanimously.

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Public Hearing

Ms. Tate stated that there was only one request on the agenda for public hearing. A request to rezone from General Agriculture with proffers to Single Family Residential approximately 1 acre (TMP 054A 5 A1) owned by Jordan Enterprises, LLC located approx. 185 ft. west of the intersection of Village Green Drive and Misty Dawn Lane in Staunton in the Pastures District. The proposed general use of the property is residential. The general use of the property stated in the Comprehensive Plan is Medium Density Residential, which may include detached residential units at a density of 3-4 units per acre. Mrs. Tate showed a zoning of the property and surrounding area.

Mrs. Tate mentioned that the property was rezoned in 2009 form Single Family Residential to General Agriculture in order to create a lot through family member exemption without having to bring Misty Dawn Lane up to public street standards. Mrs. Tate stated that the current owner would like to rezone the lot back to Single Family Residential so that the lot can be further subdivided. Mrs. Tate stated that the ordinance requires Misty Dawn Lane be extended through the property to the adjacent property. Mrs. Tate stated that with the extension of Misty Dawn Lane as a public road to the adjacent property boundary and the utilization of public water and sewer, staff supports the rezoning request as it complies with the Comprehensive Plan future land use designation.

Mr. Campbell asked if the applicant was present and wished to speak.

Brad Long owner of Jordan Enterprises stated that he would like to change the zoning back to what it originally was. Mr. Long mentioned that his plan is to build two houses on the property.

Mr. Howdyshell asked if the homes were to be stick built.

Mr. Long stated they would be stick built.

Mrs. Bragg asked what the size of the homes would be.

Mr. Long stated that the sizes of the homes would be comparable to the existing homes in the area which are around 1,200 to 1,300 square feet.

Mr. Campbell opened the public hearing asking if anyone wished to speak on the request.

With no one to speak, Mr. Campbell closed the public hearing.

A motion was made to approve the rezoning request by Mrs. Bragg.

Mr. Howdyshell seconded the motion, which carried unanimously.

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STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

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

Mrs. Tate gave an update on the Mill Place Commerce Park. She stated that there is a draft for the new master plan that redesignates some of the permitted uses areas.

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Adjournment

There being no further business to come before the Commission, Mrs. Shiflett made a motion to adjourn.

Mr. Howdyshell seconded the motion, which carried unanimously.

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Chairman Secretary

Agenda Item # 4a

Date Nov. 10, 2020

COUNTY OF AUGUSTA
STAFF REPORT
Woodlands Associates LLC % George Lester
Woodlands Associates LLC
Spring Lakes at the Woodland Property Owners
Spring Lakes at the Woodlands Property Owners Association
November 10, 2020

SUMMARY OF REQUEST: A request to rezone Spring Lakes at the Woodlands (TMP 055 76, 055G 3 A, 055G 6 A, 055G 6 A1, 055G 7 A and 055G1 1 B), owned by Woodlands Associates, LLC % George Lester and Woodland Spring Lakes at Woodlands Property Owners Association, by amending the Master Plan and zoning regulations. Amendments to the Master Plan include the following: an increase in Townhouse units from 290 to 389 and a decrease in apartment units from 213 to 0, a decrease in gross density from 2.9 units per acre to 2.69 units per acre, increase common area open space from 47.4 acres to 53.97 acres, sidewalks included along certain roadways, townhouse lot layout proposed for Area A (74 -94 units – range depends on Single Family vs. Townhouse development), Area F-5 (15-42 units), and Area G (114 to 139), mailbox kiosks shown on certain open space areas, and a note stating that natural surface walking trails shall be constructed when 20 new lots have building permits issued subsequent to the approval date of the revised zoning ordinance. Amendments to the Spring Lakes zoning regulations include removing several permitted uses in Area A, specifically apartments among others, establishing similar use, setback, and accessory standards for Area F-5, A, and G that are permitted under existing provisions for Area F-2 and F-3, and adding mailbox kiosks as a permitted use in Area I Open Space. Spring Lakes is located on the eastern side of Old Greenville Road (Route 613) just south of the Route 262 interchange in Staunton in the Beverley Manor District. The proposed general use of the property is residential (single family and townhouse). The proposed general use of the property stated in the Comprehensive Plan is Planned Residential, which may include a variety of residential uses at a density of 4 to 8 residential units per acre.

VICINITY ZONING: Single Family and General Agriculture zoning to the north, Single Family and Business zoning to the east, General Agriculture and Rural Residential zoning to the south, and Single Family and General Agriculture zoning to the west.

CURRENT ZONING: Planned Unit Development

COMPREHENSIVE PLAN PLANNING POLICY AREA/FUTURE LAND USE DESIGNATION: Urban Service Area/Planned Residential

COMMENTS FROM ENGINEER:

Environment Ordinance Considerations

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.

This property drains to Lewis Creek which is listed on the Virginia DEQ 2008 Impaired Waters List, the 2018 and Draft 2020 303D lists. This impaired segment extends from south of the Staunton City boundary near the power line crossing downstream to its confluence with Middle River. The impaired uses are recreation, aquatic life and fish consumption, the specific impairments are E. coli, General Benthics standard, and PCBs in fish tissue. The sources are municipal (Urbanized High Density Area), non-point sources, and wildlife other than waterfowl for the E. coli impairment, non-point sources for the benthic impairment, and inappropriate waste disposal and municipal (Urbanized High Density Area) for the fish consumption impairment. TMDLs are approved for the bacterial and benthic impairments and must be considered by the applicant. (Federal TMDL ID # 7677 for bacteria and TMDL ID # 7676 for benthics)

Overlay Ordinance Considerations

This property lies outside of the Source Water Protection Overlay (SWPO).

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

This property lies within Zone X on the FEMA FIRM and therefore is outside the Special Flood Hazard Area and not subject to the Floodplain Overlay (FPO) Ordinance.

This property lies within of the Urban Service Overlay District (USO) and is therefore subject to the limitations on access to public streets contained in that ordinance.

Subdivision Ordinance Considerations

§21-9.1 Subsection B of the County Subdivision Ordinance addresses street layout and access to adjacent property. Development is required to connect to existing or planned streets and must also provide for access to adjacent property that is located with areas designated in the Comprehensive Plan as Urban Service or Community Development Areas. This property is master planned as a Planned Unit Development and additional street connections are not required, however a bicycle / pedestrian connection to Orchard Road along the current access to the water tank is encouraged.

Natural Resources Recommendations from the Comprehensive Plan

The 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.

Portions of the site may contain slopes in excess of 25%. In Urban Service Areas, the Comprehensive Plan recommends avoidance of slopes >25%, especially associated with stream valleys.

Wetlands may or may not exist on the site. For Wetland areas, the Comprehensive Plan recommends provision of a 35 foot buffer from the edge of wetlands.

COMMENTS FROM ZONING ADMINISTRATOR: If the approved Master Plan is amended to increase the townhouse units from 290 to 389 and decrease the apartment units from 213 to 0 and place mailbox kiosks within designated green spaces should not have a negative impact on the neighboring properties.

COMMENTS FROM ACSA:

1. The overall change in density is minor and will not result in a significant impact on the public water and sewer systems. If the changes could result in higher fire flow requirements the developer is responsible for ensuring the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.

2. The note regarding the new water tank access should refer to Note 4, not Note 3.

3. As development of the area around the tank progresses, there needs to be adequate drainage provided for the tank to allow for it be drained for maintenance/repair.

COMMENTS FROM HEALTH DEPARTMENT: The Health Department has no issues with the request. Public water and sewer to serve.

COMMENTS FROM FIRE-RESCUE: Fire-Rescue concerns have been addressed; Fire-Rescue has not further comment.

TRAFFIC:

COMMENTS FROM VDOT:

Rt. 613 Old Greenville Rd
-AADT: 450 vpd (2019)
-Speed Limit: 35 mph
-K-factor: 0.11; Dir. Factor: 0.576
-Funct. Class.: Minor Collector

1. The requested zoning (amendment) would not have a substantial impact to existing roadways and would therefore not warrant a Chapter 527 Traffic Impact Analysis. VDOT does not object to the master plan amendment proposed.

2. The proposed public streets will be designed to the applicable VDOT standards at time of construction plan review.

3. Any entrance/intersection to an existing state maintained roadway must be designed and constructed in accordance with VDOT requirements in Appendix F of the Road Design Manual.

SCHOOL BOARD STAFF COMMENTS: The change (increase in townhouse units with the decrease in apartment units) will have little impact on these three (3) schools. However, the overall Master Plan of 389 townhouse units may have more impact of these three schools upon completion of the Master Plan.

The table below indicates the enrollment as of October 26, 2020.

School	Enrollment	Capacity
Riverheads Elem (RES)	669	834
Beverley Manor (BMMS)	666	800
Riverheads High (RHS)	467	600

COMMUNITY DEVELOPMENT STAFF COMMENTS:

PROS

1. Request is in an Urban Service Area where the County encourages 80% of residential development.
2. Public water and sewer are available to serve the property.
3. Request is for a decrease in density.

CONS

1. Master Plan amendment does not address need for an RV designated parking area.

COMMUNITY DEVELOPMENT STAFF RECOMMENDATION: Staff has been working with the developer to amend the Spring Lakes Master Plan and associated zoning documents to show the lot layout for Area A, Area F-5, and area G. An earlier plan for Area A included apartments with separate recreational amenities. This Master Plan amendment, shifts away from apartments and proposes townhouses as was developed in previous sections. Other issues identified during this amendment process were the locations of mailbox kiosks for existing and future townhouse development and the creation of a recreational vehicle parking area to serve the community. The requested amendment to the zoning documents permits mailbox kiosks as a permitted use in the open space areas of the Master Plan. The Master Plan amendment shows mailbox kiosk locations for undeveloped areas of the community. With the zoning document amendment permitting mailbox kiosks in open space areas, a mailbox kiosk could be moved from one location to another without future zoning approval.

In one Master Plan amendment submittal reviewed by staff, the applicant showed a recreational vehicle parking area in the Open Space area closest to the Jolivue Subdivision. Staff had concerns with access for such area coming through an adjacent subdivision and encouraged the developers to access the area through the Spring Lakes community. Based on topography concerns, the developer removed the recreational vehicle parking area from the Master Plan amendment. Staff feels that a recreational vehicle area should be part of this master planning process before more of the community is built out.

Staff appreciates the developers desire to amend the Master Plan and associated zoning documents to move forward with townhouse development of Area – A in the near future; however, staff does have some concerns with the lack of planning for a recreational vehicle parking area during this public hearing process.

The Master Plan amendment and associated zoning documents provide for a residential density that is less than the future land use designation of the Comprehensive Plan and less than the currently approved zoning. Staff also feels that the addition of proposed sidewalks along some subdivision streets and the development of the trail network after 20 new lots have building permits issued subsequent to this proposed amendment, provides valuable pedestrian accommodations envisioned in Urban Service Areas of the Comprehensive Plan. Staff would encourage the developer to continue to work with the community regarding the placement of mailbox kiosks as well as a location for a recreational vehicle parking area. Staff recommends approval of the Master Plan amendment and associated zoning documents.

2020 REVISED ZONING ORDINANCE
FOR SPRING LAKES AT THE WOODLANDS
(OLD GLEN BURNIE)

Areas B, C, D & E (No Change in 2020)

Permitted Uses:

The following uses shall be permitted:

1. Churches and other places of worship, parish houses and church school building located not less than fifty feet from any other lot in any residential district.
2. Customary incidental home occupations such as dressmaking, hairdressing, manicuring, laundering, preserving and home cooking, provided, that such occupation shall be engaged in only by residents on the premises, that not more than the equivalent of the areas of one floor shall be used for such occupations, that no display of products made shall be visible from the street, that no stock in trade is kept or products sold except such as are made on the premises.
3. The office of the resident member of a recognized profession, provided that the office is located in a dwelling.
4. Signs as regulated in the County zoning ordinance in effect at the time building permits are issued.
5. Single-family dwellings.

Accessory uses:

All use or structure customarily accessory and incidental to a permitted principal use.

Prohibited uses:

All uses except those listed above are specifically prohibited.

Setback:

No building shall be erected, altered, or enlarged nearer to a street lot line than 25 feet. Minimum setback shall be noted on each final plat submitted for approval.

Side yards:

The aggregate of the two side yards shall be not less than twenty percent of the lot width at the setback line; provided, that in no case shall any side yard be less than eight feet.

On a corner lot the minimum side yard adjacent to the street shall be twenty feet.

Rear yards:

The minimum rear yard depth shall be twenty-five feet.

Height regulations:

No building or structure shall be erected or materially altered to exceed two and one half stories or thirty five feet in height; except, that a public or semipublic building such as a church or other place of worship or school, may be erected to not more than fifty feet in height; provided, that the portion of such building more than thirty five feet in height shall set back from all required front side and rear yards, one foot for each two feet of such additional height.

Lot coverage:

The maximum lot coverage shall be forty percent for all uses.

Off-street parking and loading:

Off street parking and loading will be subject to the applicable zoning requirements for parking in

effect at the time building permits are issued.

Accessory buildings:

Accessory buildings can be in rear yards only, with a minimum set back of 5 feet from all property lines. These buildings shall not exceed twenty five percent of the dwelling size.

Lot area, lot width and floor space requirement minimums:

Area	Lot area	Lot width at setback line	Floor Space
B	10,000 sq. ft.	80 ft.	1,200 sq. ft.
C	12,000 sq. ft.	90 ft.	1,300 sq. ft.
D	13,000 sq. ft.	100 ft.	1,400 sq. ft.
E	13,000 sq. ft.	100 ft.	1,500 sq. ft.

The minimum lot width at the street lot line shall be forty feet for all areas.

All lots are to be provided with community water and sewer.

Streets:

The minimum width of street right of ways shall be 50 feet. Street grades shall comply with Virginia Department of Transportation requirements.

Exceptions:

Glen Burnie – Unit 1 is to become a part of the planned Community while maintaining all requirements of R-15 as it is presently zoned.

Area A (Changed in 2020) – Single Family Residential or Townhouses and Duplexes

A. Area A - General
   1) Area A shall be developed either (i) all as Single family Residential, or (ii) all as Townhouse and Duplexes.
   2) In the event Area A is developed as Townhouse and Duplex, the provisions set forth under Paragraph B below shall apply and the maximum number of lots shall be 94.
   3) In the event Area A is developed as Single Family, the provisions for Single Family set forth under Paragraph C below shall apply and the maximum number of lots shall be 74.
   4) No private streets are planned in Area A. However, if a private street is proposed for site plan development, it shall meet all requirements delineated in Area A below.

B. Area A - Townhouse and Duplex:
   1) Firewalls shall be constructed between individual units.
   2) Permitted Uses:
      a) Townhouses having a minimum finished floor space of 900 square feet
      b) Duplexes having a minimum finished floor space of 900 square feet.
      c) Home occupations by a resident located in the dwelling.
      d) Office of a resident member of a recognized profession located in the dwelling.
   3) Accessory Uses:
      a) All uses or structures customarily accessory and incidental to a permitted use.
   4) Prohibited Uses:
      a) All uses except those listed above are specifically prohibited.
      b) All signs except for: (i) a sign advertising the property 'For Sale' not to exceed 4 square feet in dimension and not more than 1 sign per lot: and, (ii) signs identifying the Development Spring Lakes at the Woodlands and subsections to be designed and

constructed by the Developer.

c) Parking of multi or dual axle motor vehicles or oversized motor vehicles such as tractor-trailer trucks, buses, and recreational vehicles on any lot or on the street in front of any lot.

5) Setbacks:
   a) The front set back: No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right of way line of the public street on which it fronts than 25 feet and 10 feet from the right of way line of a public street adjacent to the side yard. If the building or structure fronts on a private street, the front set back from the right of way line of the private street shall be reduced to 20 feet and 10 feet from the right of way tine of a private street adjacent to the side yard.
   b) The rear yard setback: No principal building or other structure. shall be erected, altered, located, reconstructed or enlarged nearer to the rear property line of any lot than 15 feet. Accessory structures shall not be nearer to the rear line than 5 feet.
   c) The side yard setback: There shall be no set back requirement for interior lots. No building or other structure, shall be erected, altered, located, reconstructed or enlarged nearer to a side yard at the end of the principal structure than 6 feet except that side yards that abut common areas containing alleys shall be reduced to 5 feet.
   d) Accessory structures shall be limited to 200 square feet of gross floor area.
   e) Fences and Walls: The setback requirements shall not apply to fences and walls.
6) Lot Size:
   a) The minimum lot size shall be 2,000 square feet.
   b) The minimum lot width at any point shall be 18 feet.
7) Density: There shall be no more than 94 lots in Area A.
8) Streets:
   a) All street right of ways shall have a minimum width of 50 feet and shall be constructed to the then existing standards established by the Virginia Department or Transportation for inclusion in the state highway system or,
   b) Private streets that will be owned and maintained by the POA and will have a minimum of 24 feet of pavement. The structural cross section of private streets shall meet the Virginia Department of Transportation standards for streets in a residential district for inclusion in the state highway system. Street grades shall not exceed 12%. No request shall be made to have any private street taken into the state highway system until it has been brought up to the then current standards for public streets at no cost to the County or the Virginia Department of Transportation.
9) Maintenance:
   a) All private streets shall be maintained by the POA as a neighborhood community. Private alleys need not meet VDOT standards but shall be constructed by Developer and maintained by the POA.
   b) All yards and street lighting shall be maintained by the POA as a neighborhood community.

C. Single Family Residential:
   1) Permitted uses:
      a) Single-family dwellings having a minimum finished floor space or 1200 square feet. Manufactured homes are prohibited.
      b) Home occupations by a resident located in the dwelling.
      c) Office of a resident member or a recognized profession located in the dwelling.
   2) Accessory Uses:

a. All uses or structures customarily accessory and incidental to a permitted use.

3) Prohibited Uses:
   a) All uses except those listed above are specifically prohibited.
   b) All signs except for: (i) a sign advertising the property For Sale not to exceed 4 square feet in dimension and not more than 1 sign per lot; and, (ii) signs identifying the Development Spring Lakes at the Woodlands and subsections to be designed and constructed by the Developer.
4) Setbacks:
   a) The front set back: No building or other structure shall be erected. altered, located, reconstructed or enlarged nearer to the right of way line of a public street than 30 feet.
   b) The rear set back: No principal building or other structure, shall be erected, altered, located, reconstructed, or enlarged nearer to the rear properly line on any lot than 25 feet.
   c) The side set back: The aggregate of the two side yards shall be not less than twenty percent of the lot width at the setback line; provided, that in no case shall any side yard be less than eight feet.
   d) Fences and Walls: The setback requirements shall not apply to fences and walls.
5) Streets: All street right of ways shall have a minimum width of 50 feet and shall be constructed to the then existing standards established by the Virginia Department of Transportation for inclusion in the state highway system.
6) Sewer and Water: All uses shall be connected to public sewer and water.
7) Off Street Parking: All single-family lots shall have a minimum of two off street parking spaces (including garage spaces). All other uses will be subject to the applicable zoning requirements for parking in effect at the time the building permit is issued.
8) Lot Size:
   a) The minimum lot size shall be 7,000 square feet
   b) The minimum lot width at the street line shall be 30 feet.
   c) The minimum lot width at the setback line shall be 60 feet.
   d) The minimum lot width at the rear line shall be 30 feet)
9) Density: The maximum number of single-family lots in Area A shall be 74.

Area F-2 (No Changes in 2020) – Townhouses and Duplexes

A. Area F-2 Townhouse and Duplex:
   1) Firewalls shall be constructed between individual units.
   2) Permitted Uses:
      a) Townhouses having a minimum finished floor space of 900 square feet
      b) Duplexes having a minimum finished floor space of 900 square feet.
      c) Home occupations by a resident located in the dwelling.
      d) Office of a resident member of a recognized profession located in the dwelling.
   3) Accessory Uses:
      a) All uses or structures customarily accessory and incidental to a permitted use.
   4) Prohibited Uses:
      a) All uses except those listed above are specifically prohibited.
      b) All signs except for: (i) a sign advertising the property 'For Sale' not to exceed 4 square feet in dimension and not more than 1 sign per lot: and, (ii) signs identifying the Development Spring Lakes at the Woodlands and subsections to be designed and constructed by the Developer.
      c) Parking of multi or dual axle motor vehicles or oversized motor vehicles such as tractor-trailer trucks, buses and recreational vehicles on any lot or on the street in front

of any lot.

5) Setbacks:
   a) The front set back: No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right of way line of the public street on which it fronts than 25 feet and 10 feet from the right of way line of a public street adjacent to the side yard. If the building or structure fronts on a private street, the front set back from the right of way line of the private street shall be reduced to 20 feet and 10 feet from the right of way tine of a private street adjacent to the side yard.
   b) The rear yard setback: No principal building or other structure. shall be erected, altered, located, reconstructed or enlarged nearer to the rear property line of any lot than 15 feet. Accessory structures shall not be nearer to the rear line than 5 feet.
   c) The side yard setback: There shall be no set back requirement for interior lots. No building or other structure, shall be erected, altered, located, reconstructed or enlarged nearer to a side yard at the end or the principal structure than 6 feet except that side yards that abut common areas containing alleys shall be reduced to 5 feet.
   d) Accessory structures shall be limited to 200 square feet of gross floor area.
   e) Fences and Walls: The setback requirements shall not apply to fences and walls.
6) Lot Size:
   a) The minimum lot size shall be 2,000 square feet.
   b) The minimum lot width at any point shall be 18 feet.
7) Density: There shall be no more than 71 lots in Area F-2.
8) Streets:
   a) All street right of ways shall have a minimum width of 50 feet and shall be constructed to the then existing standards established by the Virginia Department or Transportation for inclusion in the state highway system or,
   b) Private streets that will be owned and maintained by the POA and will have a minimum of 24 feet of pavement. The structural cross section of private streets shall meet the Virginia Department of Transportation standards for streets in a residential district for inclusion in the state highway system. Street grades shall not exceed 12%. No request shall be made to have any private street taken into the state highway system until it has been brought up to the then current standards for public streets at no cost to the County or the Virginia Department of Transportation.
9) Maintenance:
   a) All private streets shall be maintained by the POA as a neighborhood community. Private alleys need not meet VDOT standards but shall be constructed by Developer and maintained by the POA.
   b) All yards and street lighting shall be maintained by the POA as a neighborhood community.

Area F-3 (No Change in 2020) – Single Family, Townhomes and Duplexes

A. Area F-3 - Single Family. Townhouses and Duplexes:
   1) General:
      a) Area F-3 shall be developed either (i) all as Single family Residential, or (ii) all as Townhouse and Duplexes.
      b) In the event Area F-3 is developed as Single Family, all of the provisions for Single Family set forth under Paragraph 2 below shall apply and the maximum number of lots shall be 30.
      c) In the event Area F-3 is developed as Townhouse and Duplex, all the provisions set forth under Paragraph A above (in Area F-2) shall apply and the maximum number

of lots shall be 44.

d) All lots that abut Route 613 shall use the new street to be constructed within the development as access.

e) No building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to Route 613 than 35 feet except for fences and walls for which there is no set back requirement.

2) Single Family Residential:

a) Permitted uses:

1. Single-family dwellings having a minimum finished floor space or1200 square feet. Manufactured homes are prohibited.
2. Home occupations by a resident located in the dwelling.
3. Office of a resident member or a recognized profession located in the dwelling.

b) Accessory Uses:

1. All uses or structures customarily accessory and incidental to a permitted use.

c) Prohibited Uses:

1. All uses except those listed above are specifically prohibited.
2. All signs except for: (i) a sign advertising the property For Sale not to exceed 4 square feet in dimension and not more than 1 sign per lot; and, (ii) signs identifying the Development Spring Lakes at the Woodlands and subsections to be designed and constructed by the Developer.

d) Setbacks:

1. The front set back: No building or other structure shall be erected. altered, located, reconstructed or enlarged nearer to the right of way line of a public street than 30 feet but no closer to the street right of way line of Route 613 than 35 feet.
2. The rear set back: No principal building or other structure, shall be erected, altered, located, reconstructed or enlarged nearer to the rear properly line on any lot than 25 feet but no closer to the street right of way line of Route 613 than 35 feet. Accessory structures shall not be nearer to the rear line than 5 feet.
3. The side set back: The aggregate of the two side yards shall be not less than twenty percent of the lot width at the setback line; provided, that in no case shall any side yard be less than eight feet.
4. Accessory structures shall be limited to 200 square feet of gross floor area.
5. Fences and Walls: The setback requirements shall not apply to fences and walls.
6. No building or structure other than a sign constructed by the Developer to identify the Development shall be constructed closer to Route 613 than 35 feet.
7. All lots on Route 613 shall be deemed to front on Route 613 even though access to the lots may be from another street.

e) Streets: All street right of ways shall have a minimum width of 50 feet and shall be constructed to the then existing standards established by the Virginia Department of Transportation for inclusion in the state highway system.

f) Sewer and Water: All uses shall be connected to public sewer and water.

g) Off Street Parking: All single-family lots shall have a minimum of two off street parking spaces (including garage spaces). All other uses will be subject to the applicable zoning requirements for parking in effect at the time the building permit is issued.

h) Lot Size:

1. The minimum lot size shall be 7,000 square feet
2. The minimum lot width at the street line shall be 30 feet.
3. The minimum lot width at the setback line shall be 60 feet.
4. The minimum lot width at the rear line shall be 30 feet)

i) Density: The maximum number of single-family lots in Area F-3 shall be 30.

Area F-5 (Added in 2020) – Single Family, Townhomes and Duplexes

A. Area F-5 - Single Family. Townhouses and Duplexes:

1) General:

a) Area F-5 shall be developed either (i) all as Single family Residential, or (ii) all as Townhouse and Duplexes.

b) In the event Area F-5 is developed as Single Family, all of the provisions for Single Family set forth under Paragraph 2 below shall apply and the maximum number of lots shall be 15.

c) In the event Area F-5 is developed as Townhouse and Duplex, all the provisions set forth under Paragraph A above (in Area F-2) shall apply and the maximum number of lots shall be 42.

d) No private streets are planned in Area F-5. However, if a private street is proposed for site plan development, it shall meet all requirements delineated in Area F-5 below.

2) Single Family Residential:

a) Permitted uses:

1. Single-family dwellings having a minimum finished floor space or1200 square feet. Manufactured homes are prohibited.
2. Home occupations by a resident located in the dwelling.
3. Office of a resident member or a recognized profession located in the dwelling.

b. Accessory Uses:

1. All uses or structures customarily accessory and incidental to a permitted use.

c. Prohibited Uses:

1. All uses except those listed above are specifically prohibited.
2. All signs except for: (i) a sign advertising the property For Sale not to exceed 4 square feet in dimension and not more than 1 sign per lot; and, (ii) signs identifying the Development Spring Lakes at the Woodlands and subsections to be designed and constructed by the Developer.

d. Setbacks:

1. The front set back: No building or other structure shall be erected. altered, located, reconstructed, or enlarged nearer to the right of way line of a public street than 30 feet.
2. The rear set back: No principal building or other structure, shall be erected, altered, located, reconstructed, or enlarged nearer to the rear properly line on any lot than 25 feet. Accessory structures shall not be nearer to the rear line than 5 feet.
3. The side yard setback: The side set back: The aggregate of the two side yards shall be not less than twenty percent of the lot width at the setback line; provided, that in no case shall any side yard be less than eight feet.
4. Accessory structures shall be limited to 200 square feet of gross floor area.
5. Fences and Walls: The setback requirements shall not apply to fences and walls.

e. Streets:All street right of ways shall have a minimum width of 50 feet and shall be constructed to the then existing standards established by the Virginia Department of Transportation for inclusion in the state highway system.

f. Sewer and Water: All uses shall be connected to public sewer and water.

g. Off Street Parking: All single-family lots shall have a minimum of two off street parking spaces (including garage spaces). All other uses will be subject to the applicable zoning requirements for parking in effect at the time the building permit is issued.

h. Lot Size:

1. The minimum lot size shall be 7,000 square feet
2. The minimum lot width at the street line shall be 30 feet.
3. The minimum lot width at the setback line shall be 60 feet.
4. The minimum lot width at the rear line shall be 30 feet)

i. Density: The maximum number of single-family lots in Area F-3 shall be 15.

Area G (Changed in 2020) - Single Family Residential or Townhouses and Duplexes

A. Area G – Single Family Residential or Townhouses and Duplexes

1) General:

a) Area G shall be developed either (i) all as Single family Residential, or (ii) all as Townhouse and Duplexes.

b) In the event Area G is developed as Single Family all the provisions for Single Family set forth under Paragraph 3 below shall apply and the maximum number of lots shall be 114.

c) In the event Area G is developed as Townhouse and Duplex all the provisions set forth under Paragraph 2 below shall apply and the maximum number of lots shall be 139.

d) No private streets are planned in Area G. However, if a private street is proposed for site plan development, it shall meet all requirements delineated in Area G below.

B. Area G - Townhouse and Duplex:

1) Firewalls shall be constructed between individual units.

2) Permitted Uses:

a) Townhouses having a minimum finished floor space of 900 square feet.

b) Duplexes having a minimum finished floor space of 900 square feet.

c) Home occupations by a resident located in the dwelling.

d) Office of a resident member of a recognized profession located in the dwelling.

3) Accessory Uses:

a) All uses or structures customarily accessory and incidental to a permitted use.

4) Prohibited Uses:

a) All uses except those listed above are specifically prohibited.

b) All signs except for: (i) a sign advertising the property 'For Sale' not to exceed 4 square feet in dimension and not more than 1 sign per lot: and, (ii) signs identifying the Development Spring Lakes at the Woodlands and subsections to be designed and constructed by the Developer.

c) Parking of multi or dual axle motor vehicles or oversized motor vehicles such as tractor-trailer trucks, buses, and recreational vehicles on any lot or on the street in front of any lot.

5) Setbacks:

a) The front set back: No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right of way line of the public street on which it fronts than 25 feet and 10 feet from the right of way line of a public street adjacent to the side yard. If the building or structure fronts on a private street, the front set back from the right of way line of the private street shall be reduced to 20 feet and 10 feet from the right of way tine of a private street adjacent to the side yard.

b) The rear yard setback: No principal building or other structure. Shall be erected, altered, located, reconstructed or enlarged nearer to the rear property line of any lot than 15 feet. Accessory structures shall not be nearer to the rear line than 5 feet.
c) The side yard setback: There shall be no set back requirement for interior lots. No building or other structure, shall be erected, altered, located, reconstructed or enlarged nearer to a side yard at the end or the principal structure than 6 feet except that side yards that abut common areas containing alleys shall be reduced to 5 feet.
d) Accessory structures shall be limited to 200 square feet of gross floor area.
e) Fences and Walls: The setback requirements shall not apply to fences and walls.

6) Lot Size:
   a) The minimum lot size shall be 2,000 square feet.
   b) The minimum lot width at any point shall be 18 feet.
7) Density: There shall be no more than 139 lots in Area G.
8) Streets:
   a) All street right of ways shall have a minimum width of 50 feet and shall be constructed to the then existing standards established by the Virginia Department or Transportation for inclusion in the state highway system or,
   b) Private streets that will be owned and maintained by the POA and will have a minimum of 24 feet of pavement. The structural cross section of private streets shall meet the Virginia Department of Transportation standards for streets in a residential district for inclusion in the state highway system. Street grades shall not exceed 12%. No request shall be made to have any private street taken into the state highway system until it has been brought up to the then current standards for public streets at no cost to the County or the Virginia Department of Transportation.
   c) Maintenance:
      1. All private streets shall be maintained by the POA as a neighborhood community. Private alleys need not meet VDOT standards but shall be constructed by Developer and maintained by the POA.
      2. All yards and street lighting shall be maintained by the POA as a neighborhood community.

C. Area G - Single Family Residential:
1) Permitted uses:
   a) Single-family dwellings having a minimum finished floor space or 1200 square feet.
   b) Manufactured homes are prohibited.
   c) Home occupations by a resident located in the dwelling.
   d) Office of a resident member or a recognized profession located in the dwelling.
2) Accessory Uses:
   a) All uses or structures customarily accessory and incidental to a permitted use.
3) Prohibited Uses:
   a) All uses except those listed above are specifically prohibited.
   b) All signs except for: (i) a sign advertising the property For Sale not to exceed 4 square feet in dimension and not more than 1 sign per lot; and, (ii) signs identifying the Development Spring Lakes at the Woodlands and subsections to be designed and constructed by the Developer.
4) Setbacks:
   a) The front set back: No building or other structure shall be erected. altered, located, reconstructed or enlarged nearer to the right of way line of a public street than 30 feet.
   b) The rear set back: No principal building or other structure, shall be erected, altered,

located, reconstructed, or enlarged nearer to the rear properly line on any lot than 25 feet.

c) The side yard setback: The aggregate of the two side yards shall be not less than twenty percent of the lot width at the setback line; provided, that in no case shall any side yard be less than eight feet.

d) Accessory structures shall be limited to 200 square feet of gross floor area.

e) Fences and Walls: The setback requirements shall not apply to fences and walls.

5) Streets: All street right of ways shall have a minimum width of 50 feet and shall be constructed to the then existing standards established by the Virginia Department of Transportation for inclusion in the state highway system.

6) Sewer and Water: All uses shall be connected to public sewer and water.

7) Off Street Parking: All single-family lots shall have a minimum of two off street parking spaces (including garage spaces). All other uses will be subject to the applicable zoning requirements for parking in effect at the time the building permit is issued.

8) Lot Size:

a) The minimum lot size shall be 7,000 square feet

b) The minimum lot width at the street line shall be 30 feet.

c) The minimum lot width at the setback line shall be 60 feet.

d) The minimum lot width at the rear line shall be 30 feet)

e) Density: The maximum number of single-family lots in Area G shall be 114.

Area I - Open Space (Changed in 2020)

A. Area I – Open Space

Walking Trails within Area I shall be constructed when 30 new lots have building permits issued subsequent to the approval date of the 2020 Revised Zoning Ordinance For Spring Lakes At The Woodlands.

1) Permitted Uses:

a) Common open space.

b) Recreational facilities.

c) Public utility uses.

d) Mailbox Kiosks.

2) Accessory Uses:

a) All uses or structures customarily accessory and incidental to a permitted use.

3) Property Owners Association:

a) The Developer shall create a Property Owners Association (POA) whose membership shall consist of all lot owners in the Development known as Spring Lakes at the Woodlands, except the lot owners in Units I, II, III and IV.

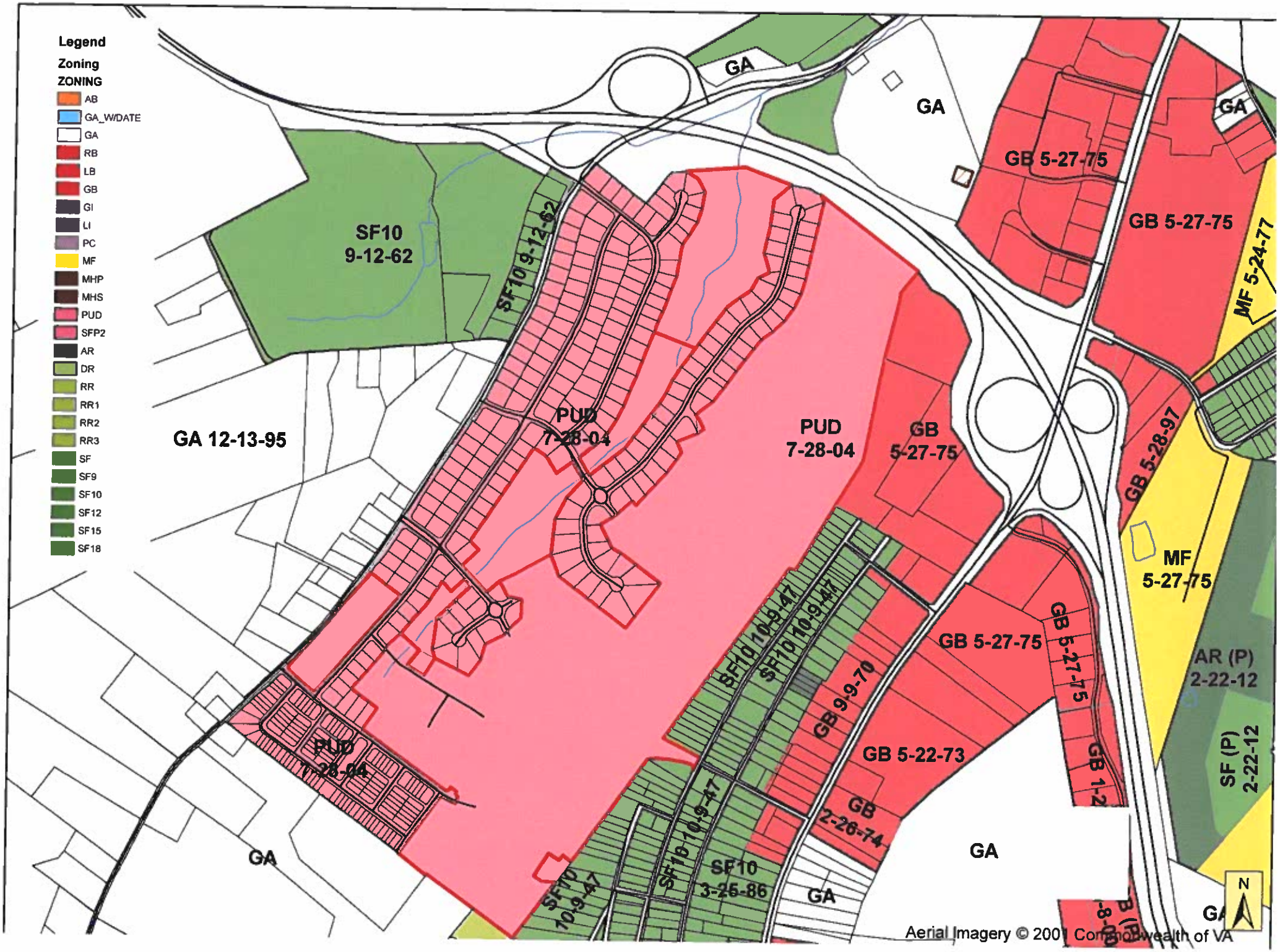
b) The Developer shall cause to be recorded the Protective Covenants and Restrictions as approved by the Board setting forth the responsibilities of the Developer and the POA.

c) All alleys and the open space are to be maintained as neighborhood community by the POA.

d) The responsibility of the POA to maintain the open space shall not begin until after Area I is conveyed to the POA.

4) The maintenance of this open space and the construction, maintenance and repair of any recreational facility located within the open space and the enforcement of any rules and regulations with respect to the open space shall be the responsibility of the Spring Lakes At The Woodlands Homeowner's Association, Inc., its successors or assigns.

Spring Lakes at the Woodlands Planned Unit Development



Spring Lakes at the Woodlands Planned Unit Development

Agenda Item # 4b

Date Nov. 10, 2020

COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Chapter 25. Zoning
Division A. In General
Article VI.D. Solar Energy Systems
November 10, 2020

An ordinance to amend Chapter 25. Zoning. Division A. In General. Article VI.D. Solar Energy Systems.

Amendments include: amend definition of small (less than 50 acres) and large (greater than 50 acres) solar energy systems, add buffering, bonding, site plan submittal and decommissioning requirements for small solar energy systems, clarify existing use of consultant language, reduce notification perimeter for large solar energy systems community meeting, clarify existing cost benefit analysis language, leave setbacks as currently adopted, but add language concerning standards or topic considerations for reduced setbacks, amend fencing requirements for greater flexibility – to be determined as a part of the special use permit, add language concerning exclusion of salvage value in bond

PROPOSED ORDINANCE TEXT:

CHAPTER 25. ZONING
DIVISION A. IN GENERAL.
OF THE AUGUSTA COUNTY CODE

ARTICLE VI.D. Solar energy systems.

§ 25-70. Purpose
§ 25-70.1 Definitions.
§ 25-70.2 Applicability
§ 25-70.3 Use of Consultant
§ 25-70.~~4~~3 Uses permitted by Special Use Permit by the Board of Zoning Appeals.
§ 25-70.5 Applications and Procedures for Small Energy Systems
§ 25-70.~~5~~4 Uses permitted by Special Use Permit by the Board of Supervisors.
§ 25-70.~~6~~5 Applications and Procedures for Large Energy Systems
§ 25-70.~~7~~6 Location, Appearance and Operation of a Project Site
§ 25-70.~~8~~7 Safety and Construction
§ 25-70.~~9~~8 Decommissioning
§ 25-70.~~10~~9 Bonding

CHAPTER 25. ZONING
DIVISION A. IN GENERAL.
OF THE AUGUSTA COUNTY CODE

ARTICLE VI.D. Solar energy systems.

§ 25-70. Purpose

§ 25-70.1 Definitions.
§ 25-70.2 Applicability
§ 25-70.3 Use of Consultant
§ 25-70.4~~3~~ Uses permitted by Special Use Permit by the Board of Zoning Appeals.
§ 25-70.5 Applications and Procedures for Small Energy Systems
§ 25-70.6~~4~~ Uses permitted by Special Use Permit by the Board of Supervisors.
§ 25-70.7~~5~~ Applications and Procedures for Large Energy Systems
§ 25-70.8~~6~~ Location, Appearance and Operation of a Project Site
§ 25-70.9~~7~~ Safety and Construction
§ 25-70.10~~8~~ Decommissioning
§ 25-70.11~~9~~ Bonding

§ 25-70. Purpose
The purpose of this ordinance is to provide for the siting, development and decommissioning of solar energy systems, as a principal land use in Augusta County, subject to reasonable conditions that promote and protect the public health, safety and welfare of the community while promoting development of renewable energy resources.

§ 25-70.1 Definitions.
Applicant means the owner or operator who submits an application to the locality for a permit to install a solar energy system under this ordinance.
Disturbance Zone means the area within the site directly impacted by construction and operation of the solar energy project.
Integrated PV means photovoltaics incorporated into building materials, such as shingles.
Landowner means the person who owns all or a portion of the real property on which a solar energy project is constructed.
Non-participating landowner means a person who owns real property that may be affected by a solar energy project and is not under lease or other property agreement with the owner or operator of the solar energy system.
Operator means the person responsible for the overall operation and management of a solar energy system.
Owner means the person who owns all or a portion of a solar energy system.
Photovoltaic or PV means materials and devices that absorb sunlight and convert it directly into electricity by semiconductors.
Rated capacity means the maximum capacity of a solar energy project based on the sum total of each photovoltaic system's nameplate capacity.
Site means the area containing a solar energy system.
Small solar energy system. An energy conversion system, operating as a principal land use, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware occupying less than 50 ~~one-half~~ acres of total land area.
Large solar energy system. An energy conversion system, operating as a principal land use, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware occupying greater than 50 acres~~one-half acre or more of~~ total land area. Also known as solar energy arrays or solar energy farms.

§ 25-70.2 Applicability
This ordinance applies to all ground-mounted solar energy systems, operating as principal land uses, proposed to be constructed after the effective date of this ordinance. Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.

§25-70.3. Use of consultant.
The County reserves the right to employ the services of consultants ~~an energy consultant~~ to review all applications and to enforce county and state requirements if the solar energy system is approved. All applicable costs will be the responsibility of the applicant. Consultants may include, but shall not be limited to, the following: economic and fiscal impact assessments, groundwater monitoring assessments, erosion and sediment control and stormwater management. The recommendations of the consultants will be considered by the Board of Supervisors in making their decision as to whether or not to issue a Special Use Permit for a solar energy system.

§ 25-70.~~4~~3 Uses permitted by Special Use Permit by the Board of Zoning Appeals.
The uses listed in this section shall be permitted within the General Agriculture, General Business, and General Industrial zoning districts only upon the issuance of a Special Use Permit by the Board of Zoning Appeals pursuant to the provisions of ARTICLE LVIII of this chapter.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.

2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

B. **SMALL SOLAR ENERGY SYSTEMS**~~Small solar energy systems~~ shall be permitted in General Agriculture (GA), General Business (GB), and General Industrial (GI) zoning districts subject to compliance with this article.

C. **Standards applicable to small solar energy systems~~-~~.**

1. Setbacks. All equipment and accessory structures associated with the small solar energy system shall be setback twenty five (25') feet from side and rear property lines and fifty (50') feet from the right of way of any public or private street, unless the Board of Zoning Appeals determines that a greater setback would more adequately protect adjoining land uses.

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

along all property lines of those properties remaining within the project and which are adjacent to a parcel which has been removed.

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

3. Site control. The applicant shall submit documentation of the legal right to install and use the proposed system at the time of application.

4. Solar energy systems shall meet or exceed all applicable federal and state standards and regulations.

5. Signs. No signs or advertising of any type may be placed on the small solar energy system unless required by any state or federal agency.

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

7. Any glare generated by the system must be mitigated or directed away from an adjoining property or from any road when it creates a nuisance or safety hazard.

8. The parcel shall have frontage on a state maintained road or the expected traffic on a legal right of way can be accommodated by the intersection with the state maintained road per approval by the Virginia Department of Transportation.

9. Buffering.

A buffer yard shall be provided and maintained adjacent to any property line, except those property lines interior to the solar energy system, and landscaped in one (1) of two (2) ways. If a property ceases being used for the solar energy system, buffering will be required along all property lines adjacent to the property which has been removed.
Alternative 1: A ten foot (10') wide strip of land with a six foot (6') opaque privacy fence, wall, berm or combination thereof. Opaque privacy fences shall be construction of good quality materials such as vinyl, pressure treated lumber, brick, stone, or similar materials approved by the Zoning Administrator. For the purposes of this chapter tarps, car covers tents, fabric, chain link fences with slats, or similar materials shall not be deemed to satisfy the requirements of opaque fencing.
Alternative 2: A twenty foot (20') wide strip of land with 2 evergreen trees, 2 canopy trees, 2 understory trees and 24 shrubs planted per fifty linear feet (50') of

buffer. The trees shall be a minimum of six feet (6') at the time of planting and the shrubs shall be a minimum of eighteen inches (18'') at the time of planting.

A. The applicant is free to choose from Alternatives 1 or 2. Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two (2) understory trees per required canopy tree.

B. Plant and structure location within buffer. The placement of required plants and structures shall be the decision of the applicant; however, they shall be located so as to achieve the maximum level of protection. Plant material shall meet the buffer requirements every fifty feet (50'). Buffer areas not retained in native habitat shall be seeded or sodded with lawn and maintained at a height of no more than 15 inches, established with ground cover, or mulched with organic mulch. Inorganic ground cover shall not exceed fifty percent (50%) of the total required area of the buffer.

C. Where a fence or wall is used as part of a buffer, the decorative side of the fence or wall shall be faced to the adjacent property.

D. Permitted structures in buffer area.

a. Where walls are placed within any required buffer area:
   i. No walls of exposed concrete block are permitted, whether painted or not.
   ii. The applicant shall be required to demonstrate provisions for access and maintenance of landscaping and the wall structure at the time of site plan approval.
   iii. Breaks in the wall may be provided for pedestrian and vehicular connections to adjacent developments.

b. Where berms are placed within any required buffer area:
   i. A berm or combination of materials such as a berm and a fence shall be a minimum six feet (6') in height.
   ii. Berms shall have slopes of not less than three feet (3') horizontal for each one foot (1') vertical.
   iii. Slopes in excess of three feet (3') horizontal for each one foot (1') vertical may be permitted if sufficient erosion control methods are taken and deemed by the Zoning Administrator to be maintainable.

c. Where opaque privacy fences are placed within any required buffer area:
   i. No reduction in buffer width shall be provided based on the provision of a chain-link fence.
   ii. Fences shall be a minimum of six feet (6') in height unless paired with a berm and in such case the combination of

berm and fence shall be a minimum of six feet (6') in height.

iii. Breaks in the fence may be provided for pedestrian and vehicular connections to adjacent developments.

iv. Fences shall be maintained in a structurally safe and attractive condition and with finished faces located towards the adjacent property.

E. Permitted use of buffer area. A buffer area shall not be used for anything except:

a. Passive recreation and picnic facilities, including pedestrian and bike trails.

b. Other appurtenances which require high visibility and easy access, such as fire hydrants and utilities, public and emergency telephones, mail boxes, and bus shelters, or benches, are also permitted in a buffer. No screening of such appurtenances shall be required or permitted.

c. Access ways when necessary to provide access to adjacent properties.

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

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

a. The buffer is parallel and adjacent to an existing utility or drainage easement of at least one hundred feet (100') in width.

b. The buffer is between uses that are to be developed under a common development plan or series of development plans.

c. The buffer is parallel and adjacent to an existing railroad right-of-way;

d. The topography of the parcel is such that buffering would not be effective;

e. The property is adjacent to an established industrial use;

f. There is existing vegetation either on this lot or the adjacent lot to provide the required buffer benefits.

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

~~a.~~

§ 25-70.5 Applications and Procedures for Small Energy Systems

1. Site plan.

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

a. Property lines and setback lines.

b. Existing and proposed buildings and structures, including location(s) of the proposed solar equipment.

c. Existing and proposed access roads, drives, turnout locations, and parking.

d. Location of substations, electrical cabling from the solar systems to the substations, accessory equipment, buildings, and structures, including those within any applicable setbacks.

e. Additional information may be required, as determined by the Zoning Administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.

f. Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.

g. The application shall include a decommissioning plan and other documents required by Section 25-70.8 of this ordinance.

h. The application shall include bonding as required by Section 25-70.11 of this ordinance.

§ 25-70.64 Uses permitted by Special Use Permit by the Board of Supervisors

The uses listed in this section shall be permitted within the General Agriculture and General Business zoning districts, **and not** in the General Industrial zoning districts, only upon the

issuance of a Special Use Permit by the Board of Supervisors pursuant to the provisions of ARTICLE LVIII of this chapter.

A. General standards applicable to all Special Use Permits.

No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.

2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

B. **LARGE SOLAR ENERGY SYSTEMS**~~Large Solar Energy Systems~~ shall be permitted by a Special Use Permit provided that:

1. The primary use of the system is electrical generation to be sold to the wholesale electricity markets and not used primarily for the onsite consumption of energy by a dwelling or commercial building.

§ 25-70.7~~5~~ Applications and Procedures

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

A. Community Meeting

Prior to submittal of an application, the applicant shall hold a meeting to inform the community about the planned solar energy system installation. Said meeting shall be open to the public. Notice of the date, time, and location of the meeting, as well as a contact name and phone number of the project representative and a summary of the request, shall be delivered by first class mail to all property owners as noted in the Augusta County tax records within one half (1/2)~~(1)~~ mile of the perimeter of the project. Such notice shall be mailed so as to be delivered at leave five (5) and no more than twenty-one (21) working days prior to the community meeting. Upon conclusion of the community meeting, a mailing list of property owners notified, a sign-in sheet from the meeting, an agenda from the meeting~~s~~, and a written summary of the meeting shall be included with the application.

B. Project description

A narrative identifying the applicant and describing the proposed solar energy system, including an overview of the project and its location; approximate rated capacity of the solar energy system; the approximate number, representative types and expected footprint of solar equipment to be constructed; and a description of ancillary facilities, if applicable.

C. Submission of a Cost Benefit Analysis

~~An assessment of the impact on the immediate vicinity of the proposed solar energy system as well the greater Augusta County community shall be submitted by a professional. (Recommended by Planning Commission and Ordinance Committee)~~ The applicant shall submit an economic and fiscal impact assessment that addresses both the initial construction of the project and continued operations of the project. The submitted analysis shall provide a detailed assessment of land use taxation as it relates to the acreage of the parcel(s) under panel and the acreage of the parcel(s) to remain in agriculture use. The analysis shall also include a detailed assessment of how the project may impact the County's Composite Index.

D. Site plan.

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

1. Property lines and setback lines.

2. Existing and proposed buildings and structures, including location(s) of the proposed solar equipment.

3. Existing and proposed access roads, drives, turnout locations, and parking.

4. Location of substations, electrical cabling from the solar systems to the substations, accessory equipment, buildings, and structures, including those within any applicable setbacks.

5. Additional information may be required, as determined by the Zoning Administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.

6. Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.

7. The application shall include a decommissioning plan and other documents required by Section 25-70.8 of this ordinance.

8. The applicant shall provide proof of adequate liability insurance for a large solar energy system at the time of application.

§ 25-70.8~~6~~ Location, Appearance and Operation of a Project Site

~~1.~~2. Visual impacts

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

~~2.~~3. Ground-mounted systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

~~3.~~4. Signage.

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

~~4.~~5. Noise.

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

~~5.~~6. Setbacks.

All equipment, accessory structures and operations [access roads?] associated with a large solar energy system shall be setback at least 50' from public right of ways, two-hundred feet (200') from all other property lines and ~~at least~~ one thousand feet (1,000') from any residentially zoned properties; **unless the Board of Supervisors is satisfied that different setbacks, either less or greater, are necessary~~adequate~~ to protect neighboring properties.** The siting of large solar energy systems is conditional and through this ordinance is viewed on a case by case basis. Setbacks will be decided through the conditions of the Special Use Permit. Considerations for different setbacks than outlined above may include, but shall not be limited to:

A. Enhanced screening/buffering than the ordinance standard
B. Existing vegetation that effectively screens the project
~~A.~~C. Existing topography

1. Setbacks shall be kept free of all structures and parking lots.

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

~~6.~~7. Ocular impact study.

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

~~7.~~8. Buffering.

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

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

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

~~A.~~G. The applicant is free to choose from Alternatives 1 or 2. Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two (2) understory trees per required canopy tree.

~~B.~~H. Plant and structure location within buffer. The placement of required plants and structures shall be the decision of the applicant; however, they shall be located so as to achieve the maximum level of protection. Plant material shall meet the buffer requirements every fifty feet (50'). Buffer areas not retained in native habitat shall be seeded or sodded with lawn and maintained at a height of no more than 15 inches, established with ground cover, or mulched with organic mulch. Inorganic ground cover shall not exceed fifty percent (50%) of the total required area of the buffer.

~~C.~~I. Where a fence or wall is used as part of a buffer, the decorative side of the fence or wall shall be faced to the adjacent property.

~~D.~~J. Permitted structures in buffer area.

a. Where walls are placed within any required buffer area:
    i. No walls of exposed concrete block are permitted, whether painted or not.

ii. The applicant shall be required to demonstrate provisions for access and maintenance of landscaping and the wall structure at the time of site plan approval.

iii. Breaks in the wall may be provided for pedestrian and vehicular connections to adjacent developments.

b. Where berms are placed within any required buffer area:

i. A berm or combination of materials such as a berm and a fence shall be a minimum six feet (6') in height.

ii. Berms shall have slopes of not less than three feet (3') horizontal for each one foot (1') vertical.

iii. Slopes in excess of three feet (3') horizontal for each one foot (1') vertical may be permitted if sufficient erosion control methods are taken and deemed by the Zoning Administrator to be maintainable.

c. Where opaque privacy fences are placed within any required buffer area:

i. No reduction in buffer width shall be provided based on the provision of a chain-link fence.

ii. Fences shall be a minimum of six feet (6') in height unless paired with a berm and in such case the combination of berm and fence shall be a minimum of six feet (6') in height.

iii. Breaks in the fence may be provided for pedestrian and vehicular connections to adjacent developments.

iv. Fences shall be maintained in a structurally safe and attractive condition and with finished faces located towards the adjacent property.

~~E.~~K. Permitted use of buffer area. A buffer area shall not be used for anything except:

a. Passive recreation and picnic facilities, including pedestrian and bike trails.

b. Other appurtenances which require high visibility and easy access, such as fire hydrants and utilities, public and emergency telephones, mail boxes, and bus shelters, or benches, are also permitted in a buffer. No screening of such appurtenances shall be required or permitted.

c. Access ways when necessary to provide access to adjacent properties.

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

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

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

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

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

~~H.~~N. Fencing.

While recognizing that fencing is an industry standard for utility scale solar projects, the style and type of fencing shall be a condition of the Special Use Permit process.~~All property containing panels must be enclosed with chain link fencing seven feet (7') tall, topped with barbed wire, and secured with gates~~. Fencing shall be constructed on the panel side of the buffer area.

§ 25-70.9~~7~~ Safety and Construction

A. Design

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

B. Construction and installation

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

C. Ground water monitoring

Ground water monitoring to assess the level of groundwater contamination shall take place prior to and upon completion of construction of the project throughout the area of the solar energy system. Ground water monitoring shall take place every five (5) years of the operation of the project, and upon completion of decommissioning. Results from said monitoring shall be delivered to the Virginia Department of Health, Augusta County Department of Community Development and the Augusta County Service Authority. **Any adverse impacts identified will be mitigated by the owner of the solar energy facility to the property owner's satisfaction.**

D. Traffic Impact Statement and/or Analysis

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

§ 25-70.108 Decommissioning

A. Decommissioning plan

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

B. Discontinuation or Abandonment of Project

1. Thirty (30) days prior to such time that a large solar energy system is scheduled to be abandoned or discontinued, the owner or operator shall notify the Director of Community Development by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Any solar project that has been inoperable or unutilized for a period of 12 consecutive months shall be deemed abandoned and subject to the requirements of this section.

2. Within 365 days of the date of abandonment or discontinuation, the owner or operator shall complete the physical removal of the solar energy project and site restoration. This period may be extended at the request of the owner or operator, upon approval of the Board of Supervisors.

3. Decommissioning of discontinued or abandoned large solar energy systems shall include the following:

   a) Physical removal of all solar energy equipment and above-ground appurtenant structures from the subject property including, but not limited to, buildings, machinery, equipment, cabling and connections to transmission lines, equipment shelters, security barriers, electrical components, roads, unless such roads need to remain to access buildings retrofitted for another purpose, or the landowner submits a request to the Board of Supervisors that such roads remain.

   b) Below-grade structures, such as foundations, underground collection cabling, mounting beams, footers, and all other equipment installed with the system shall be completely removed: however, these structures may be allowed to remain if a written request is submitted by the landowners and a waiver is granted by the Board of Supervisors.

   c) Compacted soils shall be decompacted as agreed to by the landowner.

   d) Restoration of the topography of the project site to is pre-existing condition, except that any landscaping or grading may remain in the after-condition if a written request is submitted by the landowner and a waiver is granted by the Board of Supervisors.

   e) Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local, state, and federal solid waste disposal regulations.

§ 25-70.119 Bonding

Prior to the issuance of a Building Permit for a solar energy system, the applicant shall:

A. Submit to the Zoning Administrator an itemized cost estimate of the work to be done to completely remove the entire solar energy system plus twenty-five percent (25%) of said estimated costs as a reasonable allowance for administrative costs, inflation, and potential damage to existing roads or utilities. The cost estimate shall not include a reduction as it relates to the salvage value of the solar energy system.

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

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

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

C. The applicant will ensure the bond, irrevocable Letter of Credit, or other surety shall remain in full force and effect until the Community Development Department has inspected the site and verified that the solar energy system has been removed. At which time the Community Development Department shall promptly release the bond, irrevocable Letter of Credit, or other surety.

COMMUNITY DEVELOPMENT STAFF COMMENTS: Since the adoption of the Solar Energy Systems ordinance, we have reviewed a 125 MW project for a large solar energy system and are in the process of reviewing an 83 MW projects for a large solar energy system. Based on Dominion procurement programs and recent state legislation changes, we are also seeing an interest for smaller scale solar projects than what we have reviewed to date. Dominion's procurement for Community Solar and Small Scale Solar Request for Proposals (RFP's) is driving this interest. The programs yield projects that may range in size from 10 acres to under 50 acres. For that reason, a substantive change of this ordinance amendment re-defines a small solar energy system as any project less than 50 acres, adding a site plan, buffering, and decommissioning requirement for such projects. The other proposed amendments are mostly born out of lessons learned from drafting an ordinance prior to reviewing a specific project and clarifying language to better identify County purpose and intent with specific provisions including use of consultant, cost-benefit analysis, fencing standard, setbacks, and bonding related to salvage value. Staff recommends approval of the amendments.