

# 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: December 31, 2020 SUBJECT: Regular Meeting

The regular meeting of the Augusta County Planning Commission will be held on **Tuesday, January 12, 2021 at 7:00 p.m.**, at the Augusta County Government Center, in the Main Board Meeting Room, 18 Government Center Lane, Verona, Virginia.

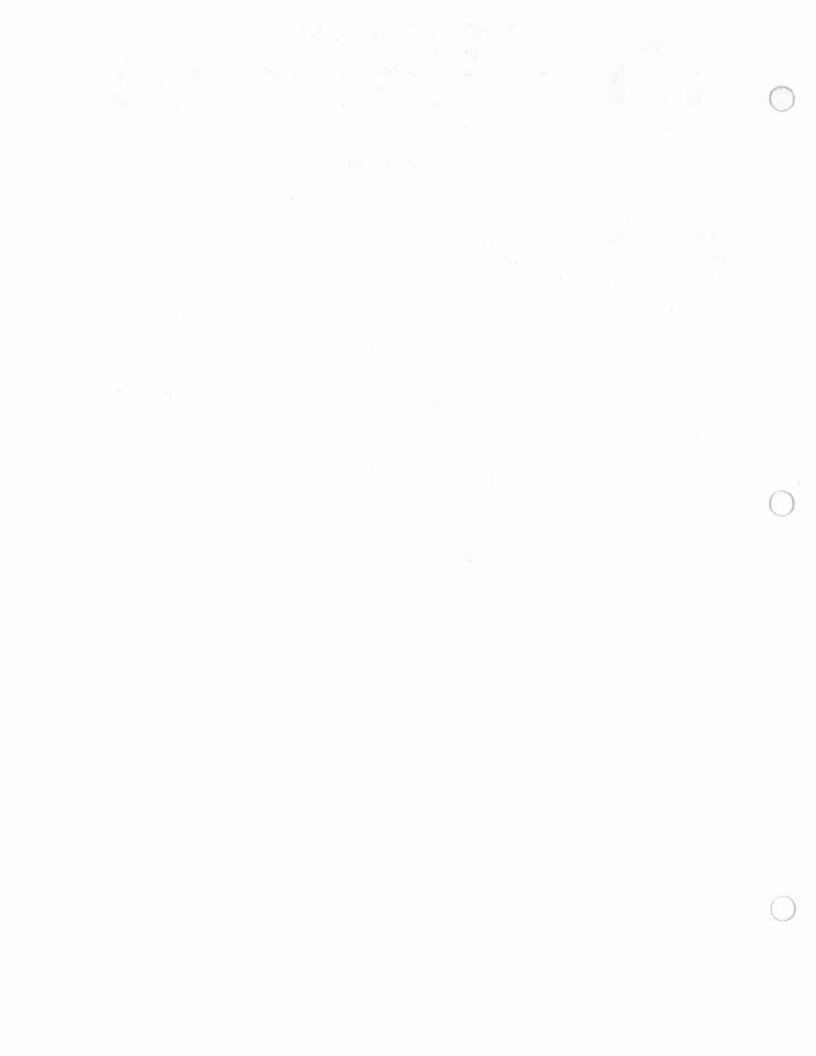
The Planning Commission will meet beginning at 3:00 pm in the Board of Supervisors' Conference Room (behind the Board Meeting Room) at the Augusta County Government Center to go on a viewing of the sites being considered at the public hearings. After returning from the viewing, the Planning Commission will have a staff briefing in the Board of Supervisors' Conference Room. We will have dinner in the Community Development Conference Room at 6:15.

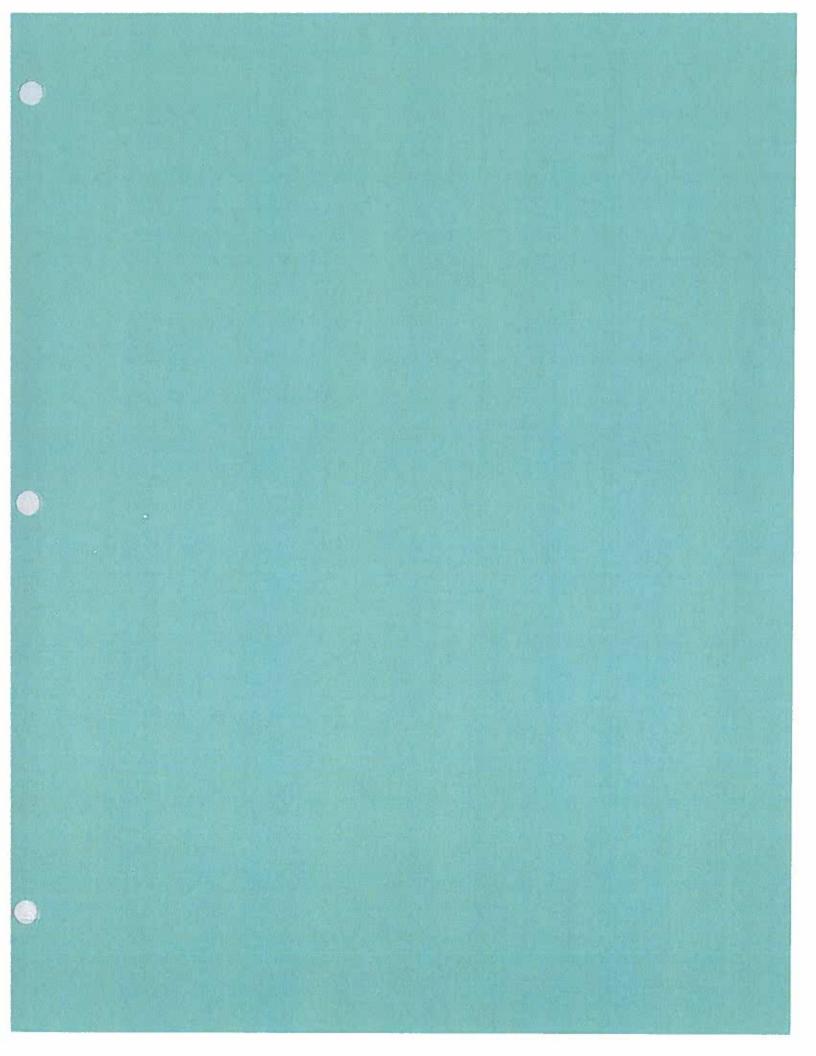
Attached are the agenda and meeting materials for Tuesday's meeting. In addition to the attached staff report and citizen comment letters for the Round Hill Solar project, we will be hand delivering a copy of the complete submittal package for the Round Hill Solar Project to you next week (January 5, 2021). You can also find an electronic copy of the complete submittal package at <a href="https://www.roundhillsolarproject.com/document-library/">https://www.roundhillsolarproject.com/document-library/</a>

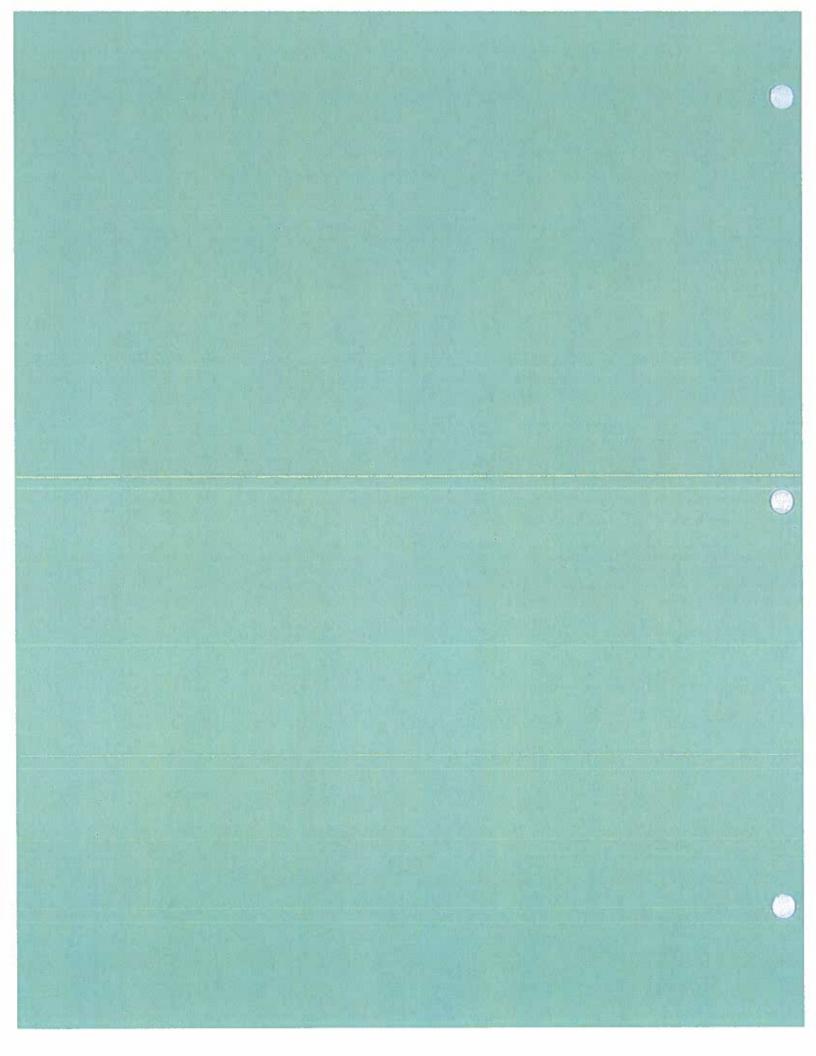
If you have any questions about any of the material, please feel free to contact me. If you won't be able to attend the meeting, please let Sara or me know as soon as possible. Please also let us know if you would like to make other arrangements to view the site.

LT/st









### AGENDA

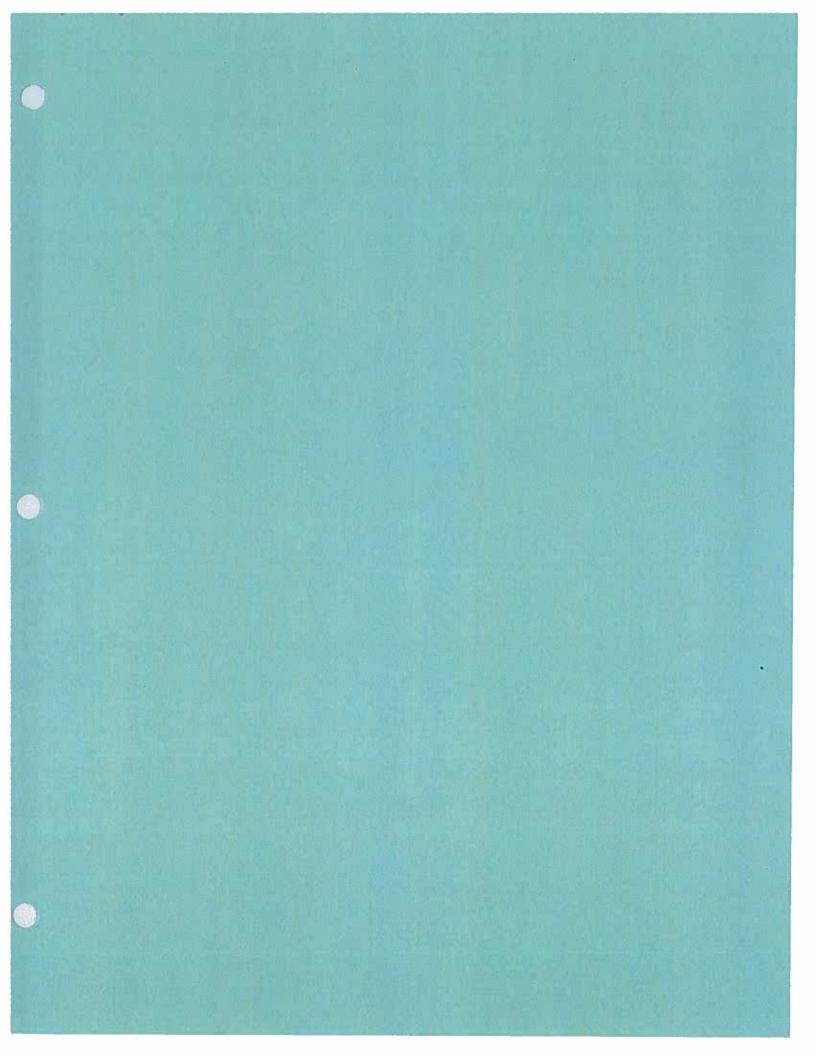
# Regular Meeting of the Augusta County Planning Commission

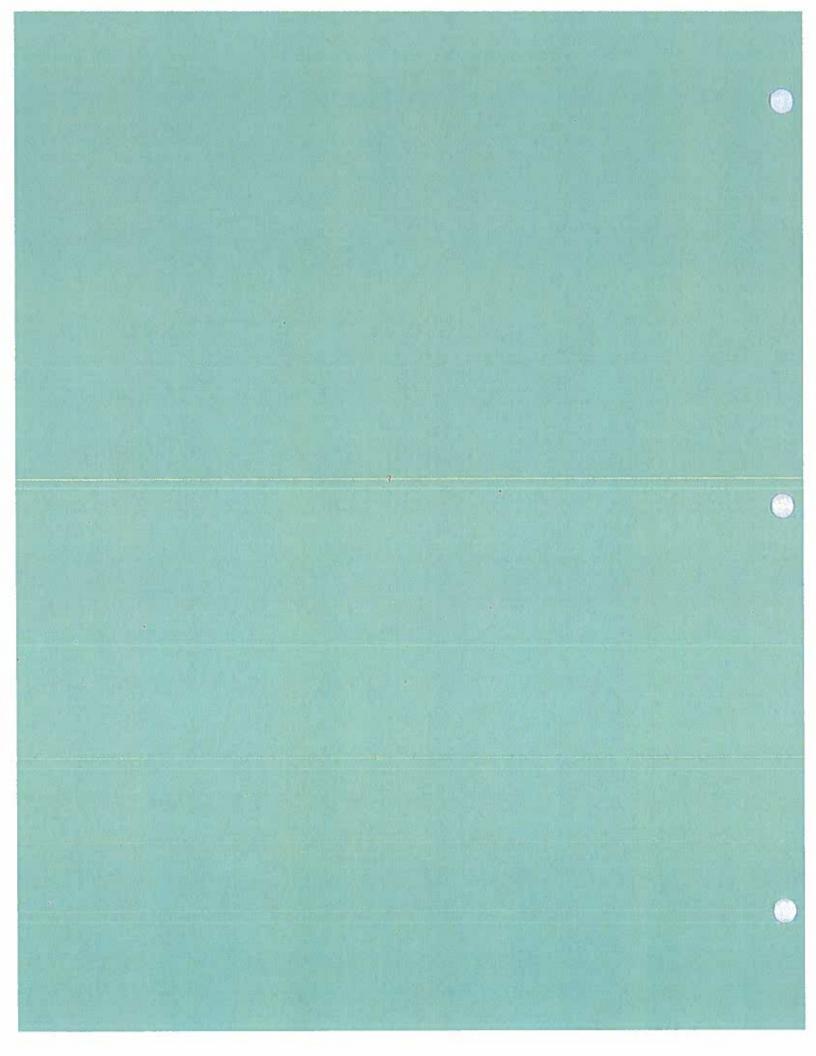
Tuesday, January 12, 2021 7:00 P.M.

- 1. CALL TO ORDER
- 2. ELECTION OF OFFICERS
- 3. DETERMINATION OF A QUORUM
- APPROVAL OF THE MINUTES
   A. Approval of the Regular and Called Meeting on November 10, 2020
- 5. PUBLIC HEARING
  - A. A request to rezone from General Agriculture to General Industrial with proffers approximately 108 acres owned by Leslie L. and Karen A. Bell (TMP 046 82) located on the north side of Woodrow Wilson Parkway (Rt. 262) approximately 0.5 miles southeast of the intersection of Woodrow Wilson Parkway (Rt. 262) and Lee Highway (U.S. Rt. 11) in Verona in the Beverley Manor District. The proposed general use of the property is industrial. The general uses of the property as stated in the Comprehensive Plan are Industrial, where industrial uses of varying scale and scope would be appropriate, and Community Mixed Use, which may include a variety of residential uses at a density of six to twelve dwelling units per acre and, on up to 40% of the total land area, retail and office uses and in some, but not all cases, industrial uses.
  - B. A request to rezone from General Agriculture to General Business with proffers (portion along Nursery Road and Mt. Torrey Road) and Single-Family Residential with proffers (portion along Lyndhurst Road, Lyndhurst Station Road, and Mt. Torrey Road) approximately 6 acres owned by Waynesboro Nurseries, Inc. (TMP 085A (2) 7, 9, 10) located in the triangular land created by Lyndhurst Station Road (Rt. 624), Mt. Torrey Road (Rt. 894), and Lyndhurst Road/Nursery Road (Rt. 664) in Lyndhurst in the South River District. The proposed general use of the property is business and residential. The general use of the property stated in the Comprehensive Plan is Low Density Residential, which may include detached residential units at a density of between one-half and one dwelling unit per acre.
  - C. A request for a substantial accord determination pursuant to Virginia State Code Section 15.2-2232 for the Round Hill Solar LLC Special Use Permit request to construct and operate a large solar energy system (83 MW) on property owned by the following landowners: Allen E. Bocock Jr. and Linda S. Bocock (TMP 075-9E, 075-5B, 075-4A, 075-2D, 075-5, 075-6, 075-4C, 075-4E, 074-139Y1, and 074-139Y) and Dennis Lee Bradley Sr. & Etal Trustee (TMP 075-8) A general description of the properties location is as follows: north and south of Guthrie Road (Route 652), east of White Hill Road (Route 654), and northwest

of Tinkling Spring Road (Route 608). The acreage for all parcels is approximately 880 acres and the proposed acreage to be developed with photovoltaic panels is approximately 560 acres. All properties are in the Riverheads District. Parcels included in this request are located in either Community Development Areas/Low Density Residential (1/2 to 1 unit per acre) or Agriculture Conservation Areas of the adopted Comprehensive Plan.

- 6. MATTERS TO BE PRESENTED BY THE PUBLIC
- 7. NEW BUSINESS
  - A. Meeting Schedule and Inclement Weather Resolution for 2021
- 8. OLD BUSINESS
- 9. MATTERS TO BE PRESENTED BY THE COMMISSION
- 10. STAFF REPORTS
  - A. Planning Commission 2020 Annual Report
  - B. Information for Commission Code of Virginia, Section 15.2-2310 (Board of Zoning Appeals Items)
- 11. ADJOURNMENT





		· Calculation as	
Agenda Item#	HA		
Date 1/12/2	1031		

PRESENT:	Greg Campbell,	Chairman
TILOLITI.	Cicg Campsen,	Chairnan

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, November 10, 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.

Staunton, VA		
Chairman	Secretary	_

PRESENT: G. Campbell, Chairman

L. Howdyshell, Vice Chairman

C. Bragg
T. Jennings
K. Leonard

K. Shiflett
R. Thomas

J. Wilkinson, Director of Community Development

L. Tate, Senior Planner

VIRGINIA: At the Regular Meeting of the Augusta County Planning

Commission held on Tuesday, November 10, 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 seven (7) members present, there was a quorum.

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# <u>Minutes</u>

Mrs. Shiflett moved to approve the minutes of the called and regular meeting held on October 13, 2020.

Mr. Leonard seconded the motion, which carried unanimously.

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### **Public Hearing**

Ms. Tate stated that there were two public hearings on the agenda.

The first item is 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.

Mrs. Tate mentioned that the request would add more townhouses, decrease the number of apartments, increase common area/open spaces, add new sidewalks, new mail kiosk, and a RV parking area.

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

Ed Blackwell of Blackwell Engineering spoke on behalf of the request. Mr. Blackwell stated that the townhouses were doing very well and they are a well-liked product they decided to add more. Mr. Blackwell stated they met with the HOA Board and had a community meeting about the mailbox kiosk. He stated that the location of the kiosk is up to the community board members and that since they were requesting to change the ordinances that they would add the kiosk in with the request. Mr. Blackwell mentioned that they are currently working on a location for RV parking.

Donna Morrison, president of Lester Group stated if the RV parking area was to be located in the upper part of Spring Lakes, then access from within Spring Lakes would be almost impossible due to the topography. She stated that they are continuing to look for alternate locations. Ms. Morrison stated that the townhouse committee asked about relocating the existing mailbox kiosk stating the current ones are not in good condition.

Mr. Campbell asked if he was correct in understanding that if the ordinance amendment was to be approved that the mailbox kiosk could be relocated to any of the greenspaces.

Mr. Blackwell stated that the HOA and developers need to tell them where they want the kiosk to be located so that a site plan can be prepared and submitted to the county for approval.

Ms. Morrison stated that it was never the developers plan to build a new kiosk. The idea was presented to them by the townhouse committee. The developers added the kiosk to the amendment to save the townhouse committee the submittal fee.

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

Dan Fernez of 21 West Park View Ln. is concerned about the safety of the location of the mail kiosk. Mr. Fernez stated that the proposed area of the kiosk is the only green recreational area they have. He mentioned the number of cars that would be in the area.

Mr. Leonard asked if Mr. Fernez had voiced his opinion to the HOA.

Mr. Fernez stated that yes, his wife had given her opinion on the matter to the HOA.

Ms. Sheila Iberg of 89 Villa View Dr. stated that she agreed with Mr. Fernez. She stated that the reason she moved to the townhouses was because the green space would give her grandchildren a place to play. She stated that she wouldn't let the kids play with the road going through there.

Dean Stenzel of 77 Whispering Oaks Dr. mentioned the high volume of cars in the area if the kiosk were moved. Mr. Stenzel said that the current location of the kiosk is the proper location for it.

Cathy Ramsey of 45 Whispering Oaks Dr. stated that she is against the relocation of the kiosk. Ms. Ramsey mentioned that the reason that she moved to the area was for the green space. She stated that the green space is where she walks her dogs. Ms. Ramsey stated that there is no other green space available and that she believes the best place for the mailbox kiosk is the entrance to the neighborhood.

Mrs. Tate state that the Planning Commission had received approximately 10 letters concerning the mailbox location. The letters will be put into the record.

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

Mr. Howdyshell mentioned the emails he received from citizens who were not opposed to the development but opposed to losing the green space. Mr. Howdyshell stated that the kiosk would create a congestion nightmare with traffic. He stated that he cannot support the rezoning right now.

Mrs. Shiflett stated that she supported the townhouses, common areas, sidewalks, and walking trails. She stated that she had a problem with the mailbox kiosk and the RV parking areas. Mrs. Shiflett stated that there needs to be more clarity.

Mr. Blackwell said that adding the kiosk to the rezoning was done as a request by the community board. He stated that he would be willing to remove the kiosk from the rezoning request.

Mr. Jennings liked the development and rezoning request with the exception of the kiosk.

Mr. Jennings made a motion to approve the request on the conditions that the mailbox kiosk be removed as a permitted use in Area I Open Space and to add another area on the master plan within the rezoning documents specifically for mailbox kiosks for Area A, F-5, and G.

Mrs. Bragg seconded the motion which carried unanimously.

The next item on the agenda is a 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.

Mr. Jennings asked where the 50-acre threshold was determined.

Mrs. Tate stated that it came from state legislation.

Mrs. Bragg asked about ground water monitoring.

Mrs. Tate stated that it would only apply to the large-scale solar systems in this draft.

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

Sam Batton of 139 Teter Rd. stated that he had conversations with some solar companies and that nothing was ever mentioned about setback requirements. Mr. Batton stated that the tax payers are the ones paying for the grants.

Rick Pfizenmayer of 30 Round Hill Dr. stated that he urges the commission to adopt a setback requirement of a minimum of 1,000 feet for industrial scale solar projects when they are sited toward public roads.

Stan Sikorski of 169 Benz Rd. urged the planning commission of the current public health crisis. He felt that this was not a good time to make decisions related to utility scale solar development.

Nancy Sorrells of 3419 Cold Springs Rd. made some suggestions on changes to be made to the solar ordinance. A copy or Mrs. Sorrells comments can be found in the ordinance amendment file.

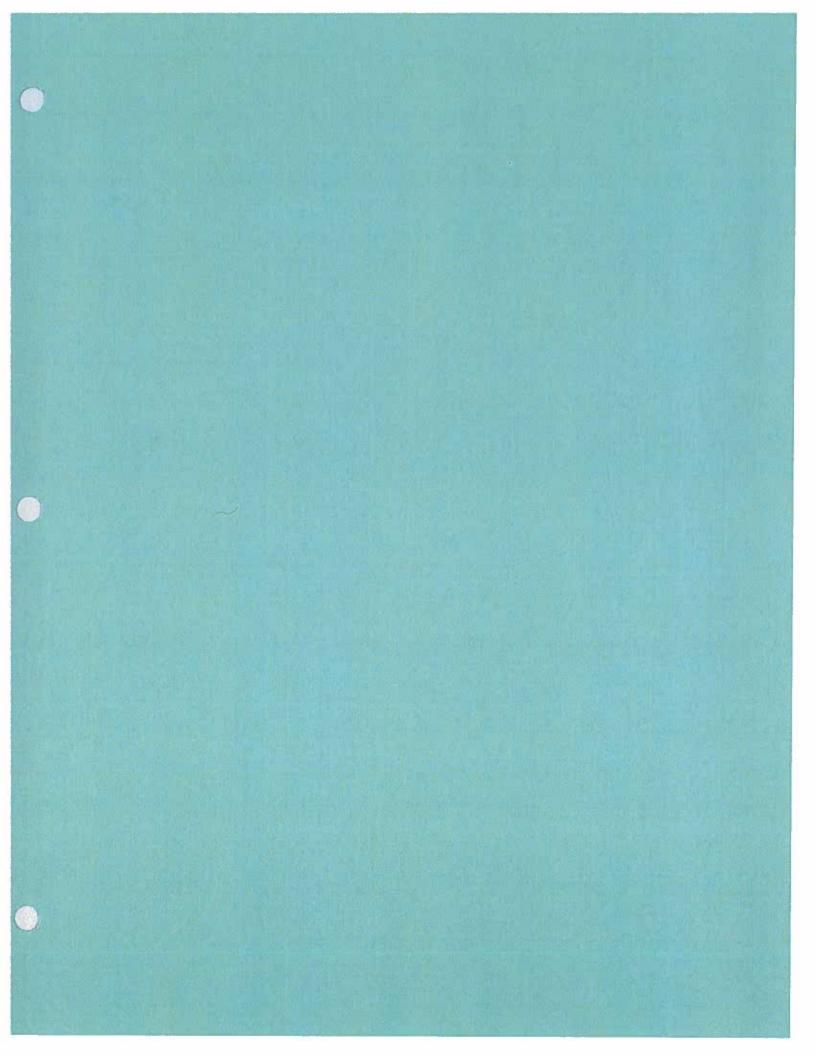
With no one else to speak Mr. Campbell closed the public hearing.

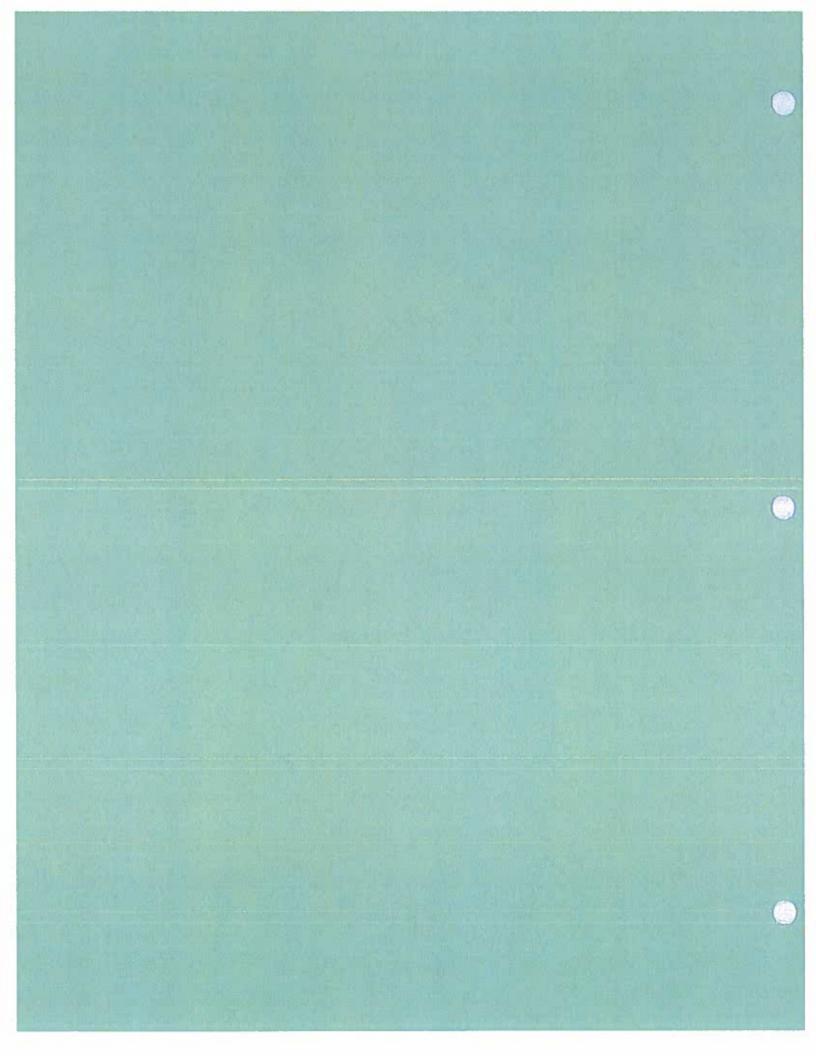
Mrs. Bragg stated she believes the Planning Commission needs to take a look at the existing document and what the intent was and what's important to the citizens. Mrs. Bragg mentioned that it is her understanding that county residents want to preserve the natural beauty of the area. Mrs. Bragg stated that she is concerned about the reduced setbacks along a public right of way. Mrs. Bragg stated that the community meeting notices should not be reduced from a 1-mile radius to a ½ mile radius.

Mr. Howdyshell stated that he felt like this was a good starting point. He stated that he liked what has been presented and supports it. Mr. Howdyshell mentioned that there will be amendments as time goes along.

Mr. Jennings stated that he agreed with Mr. Howdyshell in that ordinances change and that the meeting notification should stay at 1 mile. Mr. Jennings stated that lesser notification is never a good thing.

Mr. Howdyshell made a motion to approve the amendments, which includes a 50' setback from public right of ways that can be adjusted by the Board of Supervisors, with the exception of the amendment to reduce the community meeting notification from a 1 mile perimeter to a ½ mile perimeter.
Mr. Thomas seconded the motion.
The motion passed with a four in favor of vote.
Andrew Company of the
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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 December meeting.
Adjournment
There being no further business to come before the Commission, Mrs. Bragg made a motion to adjourn.
Mr. Jennings seconded the motion, which carried unanimously.
Chairman Secretary





# COUNTY OF AUGUSTA Date 1/12/2021 STAFF REPORT Leslie L. and Karen A. Bell Property January 12, 2021

SUMMARY OF REQUEST: A request to rezone from General Agriculture to General Industrial with proffers approximately 108 acres owned by Leslie L. and Karen A. Bell (TMP 046 82) located on the north side of Woodrow Wilson Parkway (Rt. 262) approximately 0.5 miles southeast of the intersection of Woodrow Wilson Parkway (Rt. 262) and Lee Highway (U.S. Rt. 11) in Verona in the Beverley Manor District. The proposed general use of the property is industrial. The general uses of the property as stated in the Comprehensive Plan are Industrial, where industrial uses of varying scale and scope would be appropriate, and Community Mixed Use, which may include a variety of residential uses at a density of six to twelve dwelling units per acre and, on up to 40% of the total land area, retail and office uses and in some, but not all cases, industrial uses.

**VICINITY ZONING:** General Agriculture to the east and north. Planned Commerce District to the north. City of Staunton to the west and south.

**CURRENT ZONING:** General Agriculture

### PROPOSED PROFFERS:

- 1. Uses permitted.
- A. Active and passive recreational facilities.
- B. Assembly, fabrication, processing, or packaging of products, including the further processing of meat products for human consumption, provided that, on the premises, no livestock, fish or poultry are killed. (Ord. 7/28/10)
- C. Call centers.
- D. Computer and data processing center and services.
- E. Contractors' offices, shops, and equipment and materials storage yards.
- F. Feed, grain, and fertilizer sales, storage, and handling facilities.
- G. Any industrial or manufacturing use except those listed in § 25-383 and 384.
- H. Machine workshops, including, but not necessarily limited to: tool and die, welding, and sheet metal shops.
- Laboratories.
- J. Parking lots or garages and park-and-ride lots.
- K. Postal service, including overnight courier collection and overnight mail distribution facilities.
- L. Printing service establishments, publishing plants and offices, and lithographing shops.
- M. Religious institutions.
- N. Research, experimental testing, or development activities.
- O. Sales and accessory service of motor vehicles, trucks, semi-trailers, heavy

construction machinery and equipment, and farm equipment.

- P. Sawmills.
- Q. Travel plazas and truck stops.
- R. Wholesale businesses, including wholesale greenhouses, mini-warehouses, warehouses, and distribution centers
- S. Public utility offices, shops and storage yards.
- T. Freight and truck terminals
- 2. Access to the site shall be through Mill Place Industrial Park through a private access drive to Centerview Drive. Prior to rezoning of TM# 046-80A, 046-81, 046-86A, or 046-112A, a Traffic Impact Analysis (TIA) shall be required and recommended improvements shall be the responsibility of the developer. If a portion of TMP 046-112A ever becomes property of Augusta County, then a rezoning of such portion shall not necessarily require the completion of a TIA.
- 3. The combined uses shall be limited to 1,500 Vehicles Per Day (VPD) using the access through Mill Place Industrial Park prior to a secondary connection being provided and completion of a TIA.
- 4. Buffers shall be provided in phasing as the development occurs against the property zoned GA parcels TM# 046-81, 046-86A, or 046-112A. Buffer shall consist of a thirty foot (30') wide strip of land with staggered evergreen trees planted 20 ft apart. Trees shall be 6 ft in height at time of planting.

COMPREHENSIVE PLAN PLANNING POLICY AREA/FUTURE LAND USE DESIGNATION: Community Development Area/Low Density 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.

Portions of this property drains to Lewis Creek which is listed on the Virginia DEQ 2018 and DRAFT 2020 Impaired Waters List. 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.

Portions of this property drain to Poague Run (a tributary of Lewis Creek) in the City of Staunton. The applicant is encouraged to contact the City for any requirements that they may have.

Portions of this property drain more directly to Middle River. This segment is included in the EPA approved Middle River bacteria TMDL which must be considered by the applicant. Federal TMDL ID # 24515

Additionally, the 2007 Augusta County Comprehensive Plan lists the Middle River – Falling Spring Run watershed, which drains the majority of the property, as a Priority Watershed for Groundwater Protection due to the presence of karst features and the location of Source Water Assessment Program zones.

Given the sensitive nature of the drainage areas, it is recommended that water quality treatment be provided onsite vs. purchasing offsite credits.

### Overlay Ordinance Considerations

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

This property lies within the Approach and Transitional Zones of the Airport Overlay District (APO) for the Shenandoah Valley Regional Airport. The lowest floor of the zone above the site is approximately 2118 Ft msl, and the highest grade on the site is approximately 1390 Ft msl, a difference of 728 Ft. No impacts are anticipated.

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. The rezoning proposal provides access from Mill Place Parkway. Though a connection to Mill Place Parkway would not have been required due to topographic challenges, the connection is desired by the applicant. This access to Mill Place Parkway does not preclude access from Country Club Road and connections from this parcel to adjacent uses that are not already substantially developed should be provided.

# 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.

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

COMMENTS FROM ZONING ADMINISTRATOR: If the proposed property is rezoned to General Industrial, the adjacent General Industrial zoned lots should not be impacted by this change. However, the residential development across the street could be negatively impacted by traffic congestion, noise, dust, odors, furnes, vibration, and the outdoor storage of equipment or raw materials which is permitted on industrial zoned lots. Staff would recommend that any industrial uses requiring outdoor storage be kept in areas adjacent to other industrial zoned property.

The Zoning Ordinance normally requires a buffer yard to be provided adjacent to any property not zoned business or industrial, however, due to the potential development being across a public street from the existing residential development, the "buffer yard' and screening requirements of Sections 25-387 and 25-38 will not apply. Staff would recommend a double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center along the property line adjacent to residential zoning in order to mitigate the impacts from permitted industrial uses.

Any development of an industrial zoned property will require submittal of a site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance. Outdoor lighting must meet all requirements of Article VI "Outdoor Lighting".

**COMMENTS FROM ACSA:** The Augusta County Service Authority has reviewed this rezoning request and has the following comment(s):

- 1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at http://www.acsawater.com/oppm.
- 2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
- 3. Investigation of available fire flow is recommended to ensure that 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 of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval. NOTE: This area is known to have available fire flow below the County Ordinance minimums.
- 4. There is an existing 6" waterline running through the subject parcel.
- 5. There is an existing 8" sewer line along Country Club Road approximately 1,990'± south of the subject property. This sewer line flows to a small sewer pump station, which would need to be evaluated with any proposed development plan. There is an existing 12" sewer line near Bells Lane. Capacity of this main may be more suitable for the proposed use, however, an extension of the line will be required.
- 6. There is a 20' waterline easement that has been conveyed to the Service Authority by Inst. No. 160009005, which runs through the northern portion of the subject parcel and travels east toward I-81. The waterline to improve water service to this area has not yet been built or included in any County or Service Authority budget plans.

**COMMENTS FROM HEALTH DEPARTMENT:** The Health Department has no issue with this rezoning request.

**COMMENTS FROM FIRE-RESCUE:** Fire-Rescue sees little to no impact on service delivery from this request. Fire-Rescue has no further comment.

## TRAFFIC: MANUAL MANUAL

# Rt. 901 Mill Place Parkway

-AADT: 950 vpd (2019)

-Peak Hour K-Factor: 0.113; Peak Hour Directional Factor: 0.731

-Posted Speed Limit: 40 mph

-Functional Classification: Minor Collector

### Centerview Dr.

-AADT: N/A

-Peak Hour K-Factor: N/A; Peak Hour Directional Factor: N/A

-Posted Speed Limit: Unposted, 25 mph design speed

-Functional Classification: Local Road

### **COMMENTS FROM VDOT:**

- 1. Based on the proffered conditions and restrictions of use, the proposed rezoning would not warrant a Chapter 527 Traffic Impact Analysis (TIA). However, a proffered condition #2 does commit to a potential future TIA if adjacent properties are rezoned. This rezoning is limited to accessing Mill Place Industrial Park via Centerview Drive, a recently constructed industrial access road (no current traffic data yet).
- VDOT recommends that consideration be given to edit the wording of proffer #3. As worded, the combined uses shall be limited to 1,500 Vehicles Per Day using the access through Mill Place Industrial Park. Typically, "Vehicles Per Day" is interpreted by the traffic industry as total cumulative vehicles entering and exiting. Additional clarification could be provided by using the term "vehicle trips per day".

**SCHOOL BOARD STAFF COMMENTS**: The request for a change of approximately 108 acres from General Agriculture to General Industrial with proffers would have <u>no impact</u> on these three (3) schools.

The table below indicates the enrollment as of December 14, 2020.

School	Enrollment	Capacity	
Wilson Elementary (WES)	686	834	
Wilson Middle (WMS)	676	750	
Wilson High (WMHS)	815	900	

### COMMUNITY DEVELOPMENT STAFF COMMENTS:

### **PROS**

- 1. Request is in an Urban Service Area where the County wants to encourage future growth.
- 2. Request is compatible with adjacent Planned Commerce zoning and industrial development to the north.

- 3. Public water and sewer are available to serve the property, although water line upgrades and sewer line extensions are needed.
- 4. Request is compatible with the Comprehensive Plan future land use designation for this parcel which is primarily industrial but also Community Mixed Use, which can include some industrial uses.

### CONS

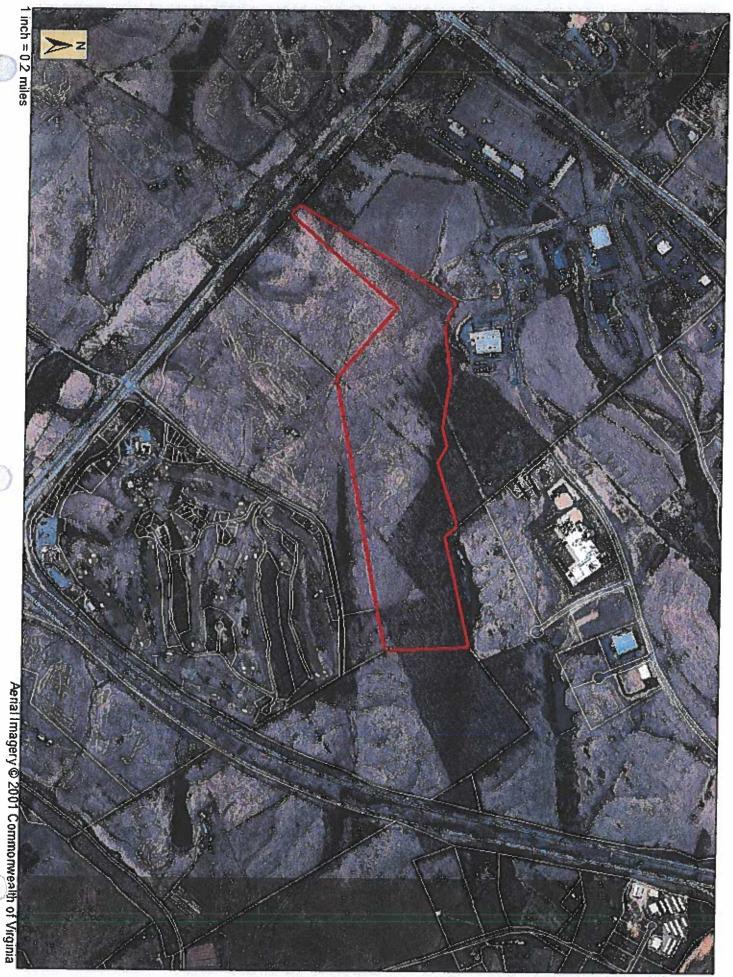
- 1. The rezoning request does not include a phased rezoning exhibit/plan for adjacent property under the same ownership.
- 2. The area may not have the adequate fire flow for the proposed use.

# **COMMUNITY DEVELOPMENT STAFF RECOMMENDATION:**

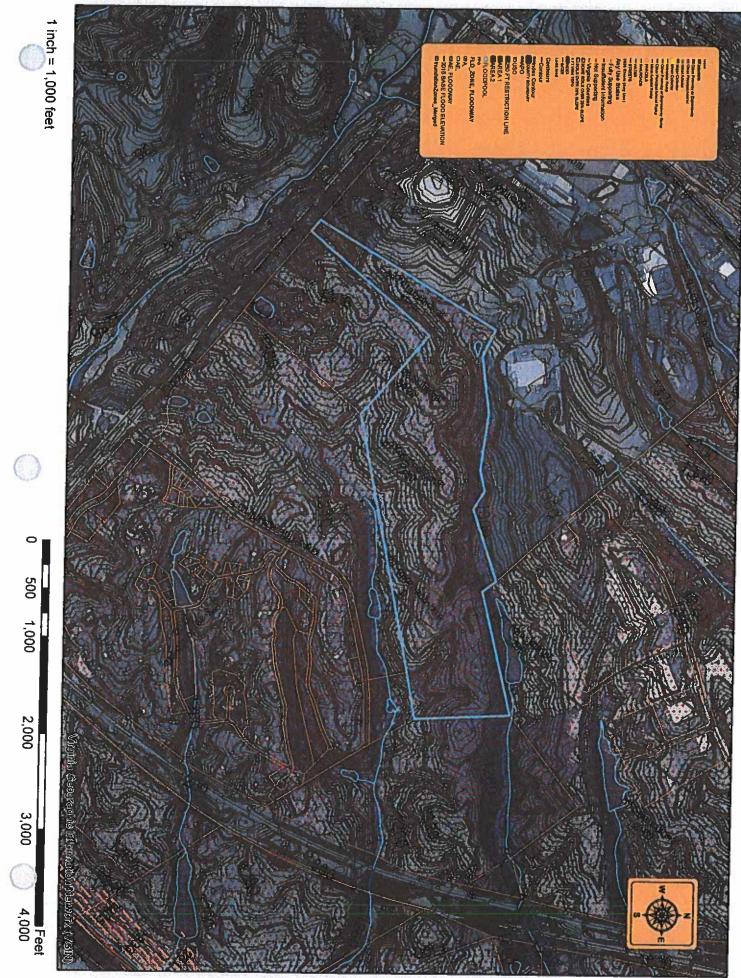
As noted in Augusta County Service Authority comments, this parcel could potentially have issues regarding sufficient fire flow for the proposed use of the property. The existing waterline easement that runs through the northern portion of the parcel will also need to be taken into consideration during development plans.

However, the request is consistent with adjacent land uses both in the City of Staunton and Augusta County. The request is also in compliance with the Comprehensive Plan's proposed future land use designation of industrial and community mixed-use land uses on this property. The proposed proffers would prevent any high-impact industrial uses from siting on the property, therefore alleviating adverse impacts of industrial operations on nearby residential development. The proposed proffers also include provisions for buffering in anticipation of future residential development on adjacent parcels. For the above reasons, staff recommends approval of the request.

# Leslie L. and Karen A. Bell



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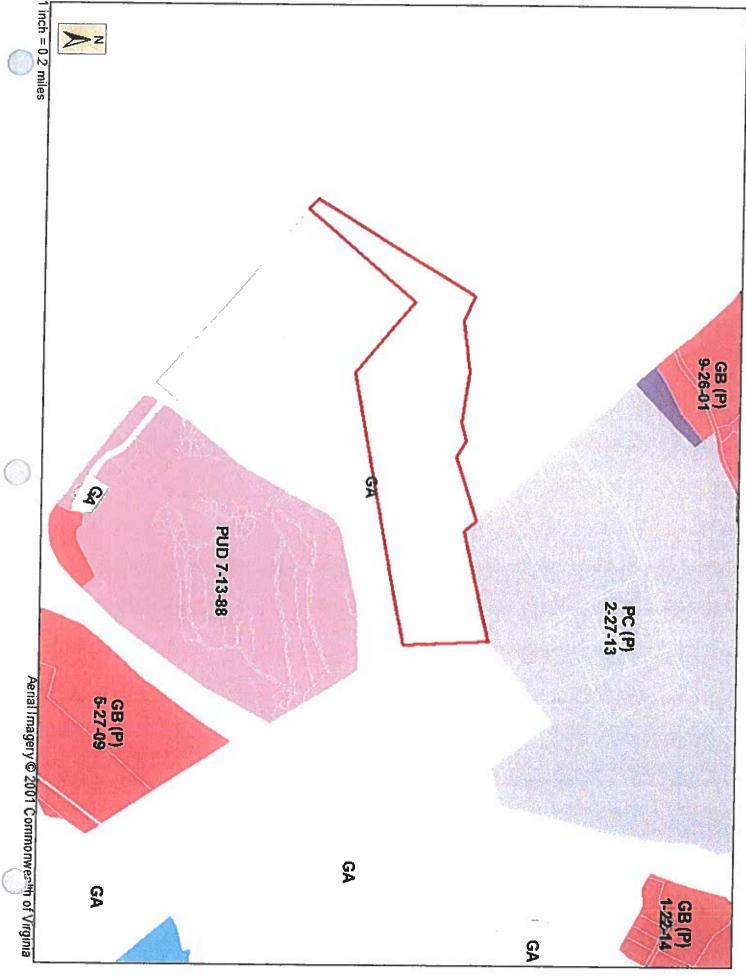
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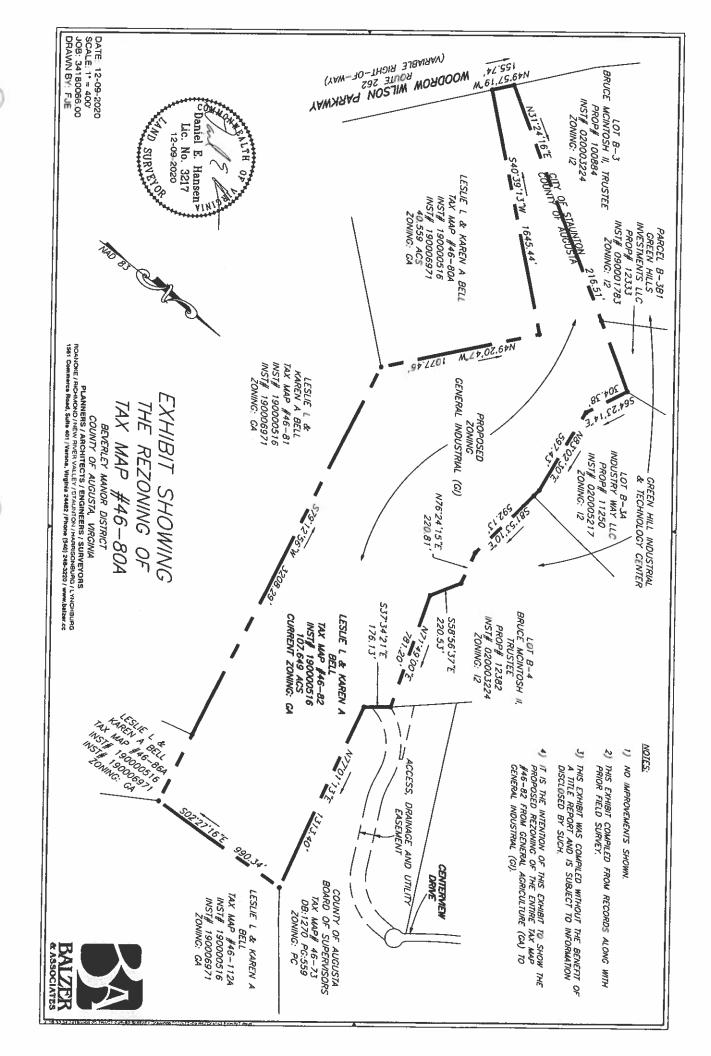
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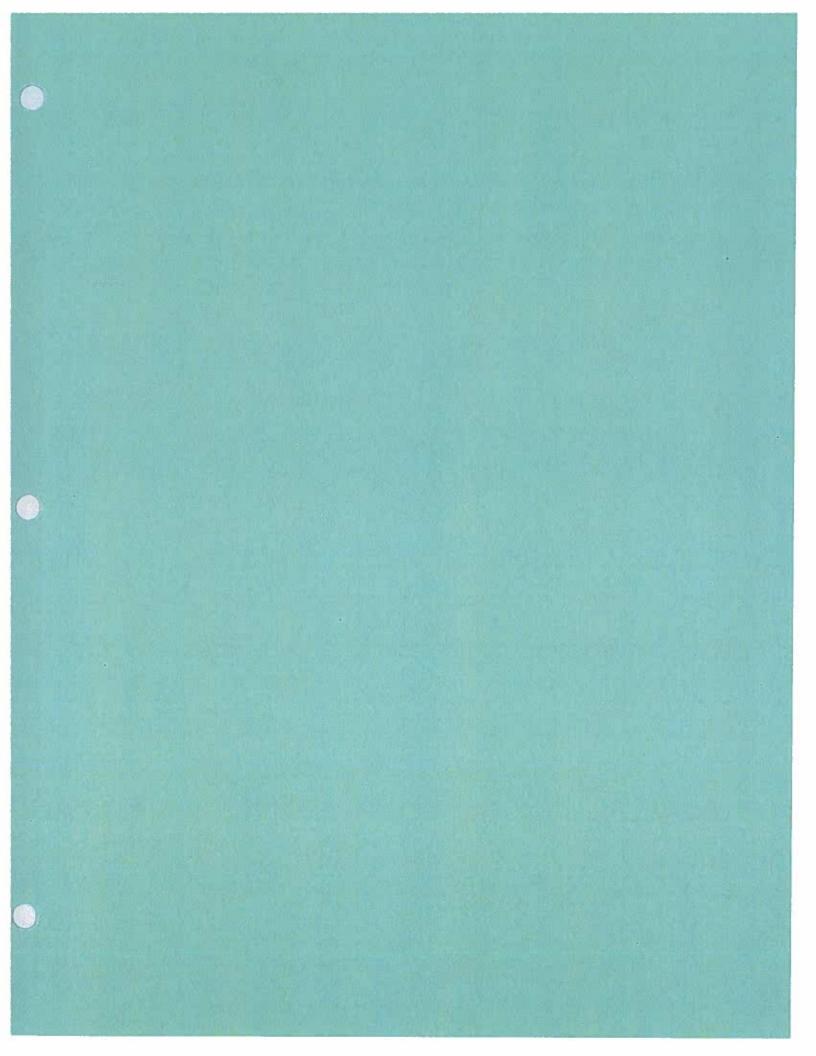
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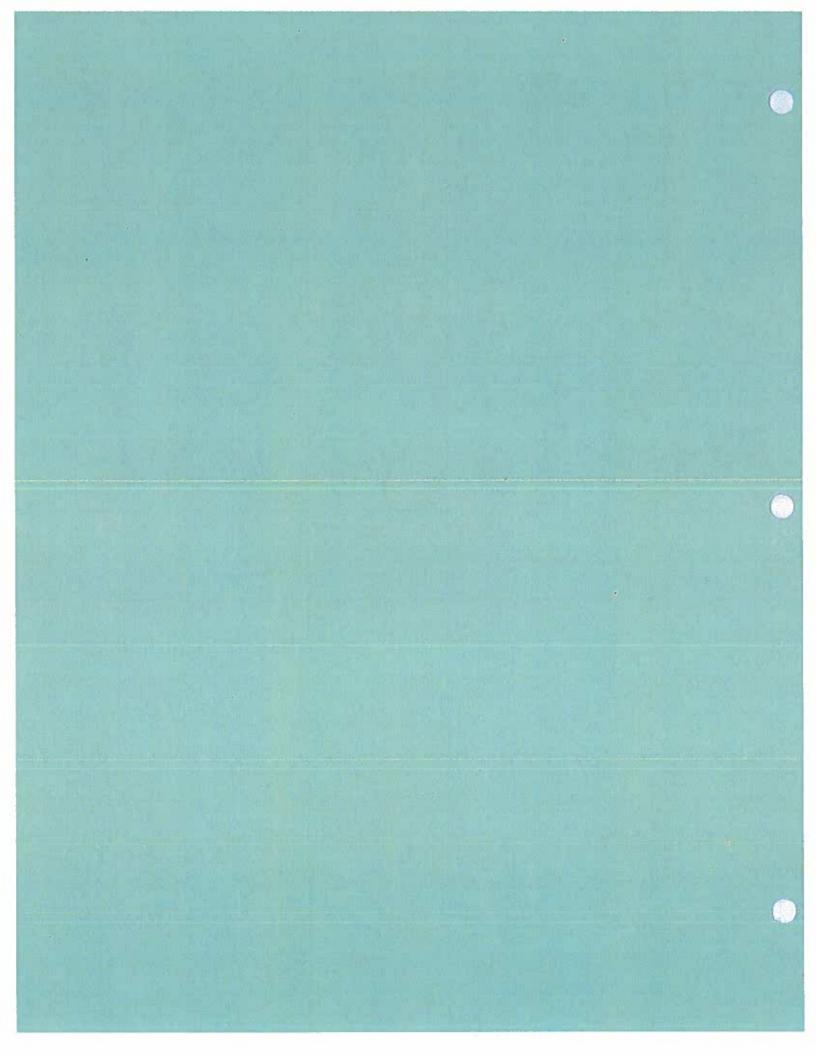
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# Leslie L. and Karen A. Bell









# Date 1/12/2021

# COUNTY OF AUGUSTA STAFF REPORT Waynesboro Nurseries, LLC Property January 12, 2021

SUMMARY OF REQUEST: A request to rezone from General Agriculture to General Business with proffers (portion along Nursery Road and Mt. Torrey Road) and Single-Family Residential with proffers (portion along Lyndhurst Road, Lyndhurst Station Road, and Mt. Torrey Road) approximately 6 acres owned by Waynesboro Nurseries, Inc. (TMP 085A (2) 7, 9, 10) located in the triangular land created by Lyndhurst Station Road (Rt. 624), Mt. Torrey Road (Rt. 894), and Lyndhurst Road/Nursery Road (Rt. 664) in Lyndhurst in the South River District. The proposed general use of the property is business and residential. The general use of the property stated in the Comprehensive Plan is Low Density Residential, which may include detached residential units at a density of between one-half and one dwelling unit per acre.

VICINITY ZONING: General Agriculture to the north, south, and west. Single Family Residential 10 zoning to the east.

**CURRENT ZONING:** General Agriculture

### PROPOSED PROFFERS:

# Proffers for GB zoning:

- 1. The following uses shall NOT be permitted within the GB zoning.
  - A. Adult businesses, as regulated in §25-310 and chapter 6-41 of the code. (Ord. 04/23/08)
  - B. Agricultural related uses, including, but not limited to: plant nurseries, tree farms, greenhouses open to the public, lawn and garden and farm supply centers, feed and fertilizer facilities, and landscape supply centers.
  - C. Animal care facilities, including, but not limited to: kennels, veterinary clinics and hospitals, and animal shelters without outside runs.
  - E. Construction support businesses, including, but not necessarily limited to: sales and storage of building materials, cabinets, carpentry, electrical, plumbing, and similar shops, and contractor offices.
  - F. Eating and drinking establishments, including, but not necessarily limited to: fast food restaurants, restaurants, and cafes.
  - G. Entertainment, Indoor, including, but not necessarily limited to: bowling alleys, indoor firing ranges, pool halls, theatres and auditoriums, membership clubs and lodges, gymnasiums, fitness centers and health clubs, fortune telling, video amusements, and indoor theaters.
  - H. Government facilities, including, but not necessarily limited to: libraries, post offices, and public safety facilities.
  - I. Hospitals and residential care facilities.

- J. Industry support businesses, but not necessarily limited to: welding and machine shops, laboratories, and prototype production plants.
- K. Media Related Businesses, including, but not necessarily limited to: printing and publishing businesses, radio, television and movie studios, cable TV offices, but excluding onsite towers, antennas, and other accessory equipment in excess of seventy-five feet (75') in height.
- N. Overnight accommodations, including, but not limited to: bed and breakfast inns, hotels, and motels.
- O. Parking Garages; park and ride lots.

Liver street

- P. Active and passive recreational facilities.
- R. Sales and Service, including, appliance repair, artist studios or galleries, flea markets or auction houses, funeral homes or mortuaries, gasoline retail outlets, gunsmith shops, tanning booths, headstone, monument, or vaults, laundry or dry cleaning pick-up, and upholstery shops.
- S. Transportation related uses, including, but not limited to: bus and railroad stations and taxi services.
- T. Vehicle Service, including, but not limited to: car washes, vehicle and boat repair, and vehicle and boat parts.
- U. Wholesale and resale businesses where goods are normally sold or leased.
- V. Administrative Permits or Special Use Permits, as permitted within GB §25-303 and §25-304.
- General business structure shall be limited to retail and discount stores and be no more than 9,500 sq. ft. in size and one story with a maximum height of 30 ft.
- 3. Commercial entrance serving the GB zoning shall be located on Nursery Road opposite Lyndhurst Road.
- 4. Delivery trucks and trash removal shall be limited to the hours between 7 am and 7 pm.
- 5. A landscape buffer consistent with §25-308 Alternate 1 (A ten foot (10') wide strip of land with a eight foot (8') opaque privacy fence, wall, berm, or combination thereof) shall be installed on the side and rear yards where the GB is adjacent to the SF zoning.
- 6. A landscape buffer consistent with §25-308 Alternate 2 (A twenty foot (20') wide strip of land with 2 evergreen trees, 2 canopy trees, 2 understory trees and 24 shrubs planted per one hundred linear feet (100') of buffer) shall be installed on the front yards where the GB is adjacent public right of way in addition to a 3-4 ft tall berm.

- 7. The spillover of lighting from outdoor luminaires onto public streets and property within a residential or agricultural zoning district or used for residential or agricultural purposes shall not exceed 0.1 foot candle. Spillover shall be measured horizontally and vertically at the property line or limit of a right of way, whichever is closer to the light source.
- 8. The building structure shall be faced with brick on all sides.

# Proffers for SF zoning:

 The single-family zoned portion of the parcel shall be limited to 2 parcels as generally shown on Rezoning Exhibit titled "EXHIBIT SHOWING THE REZONING OF TAX MAP #85A-2-7, #85A-2-9, AND #85A-2-10" by Balzer and Assoc. dated 12-09-2020.

# COMPREHENSIVE PLAN PLANNING POLICY AREA/FUTURE LAND USE DESIGNATION: Community Development Area/Low Density Residential

### **COMMENTS FROM ENGINEER:**

**Environment Ordinance Considerations** 

Portions of this property drain to a public drainage easement north of the property (identified in pink on the attached map). Any flow to this easement will require adequate channel analysis downstream of the county channel. Drainage to the east along Rt 624 may encounter existing downstream inadequacies that can be addressed during design.

There is extensive karst activity in areas on the west side of Lyndhurst Rd. The applicant is advised to consult a geologist to determine the extent any karst and for a determination of the suitability of the site for development. Drainage calculations for any karst areas must conform to DEQ SWM Handbook Appendix 6-B, "Stormwater Design Guidelines for Karst Terrain in Virginia".

This property drains to Back Creek which is listed on the Virginia DEQ 2018 and Draft 2020 Impaired Waters List. This impaired segment extends from the headwaters downstream to its confluence with South River. The impaired uses are aquatic life and recreation, the specific impairment is violations of the general standard for benthics and E. coli. The sources are agriculture, non-point sources and wildlife other than waterfowl.

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

While infiltration BMPs may not be advised due to the prevalence of karst, it is recommended that water quality treatment be provided onsite vs. purchasing offsite credits.

# Overlay Ordinance Considerations

This property currently lies outside of the Source Water Protection Overlay (SWPO), the Airport Overlay District (APO), the Floodplain Overlay (FPO) district, and the Urban Service Overlay District (USO) district, and is therefore not subject to those ordinances.

COMMENTS FROM ZONING ADMINISTRATOR: If rezoned to General Business, the existing residential neighborhood and the adjoining agricultural zoned properties containing single family dwellings may be impacted by the traffic congestion, noise, lights, dust, odor, fumes and vibration, from permitted business uses such as retail sales establishments that may not be compatible with the residential character of the existing neighborhood. In addition, no matter which way a building would be oriented there will be existing homes looking at the back of a business building which may have heavy truck traffic or unloading activities. Due to the close proximity of the existing homes to the north and east, headlights from vehicles leaving the site or entering or leaving parking spaces facing those homes after dark would also impact those homes. Parking areas to the side or rear of the business adjacent to an established residential use in agriculture districts or residential zoned districts must be screened per the requirements of section 25-38. Outdoor lighting must meet all requirements of Article VI "Outdoor Lighting" including spillover of light onto public roads. All dumpsters should be complete screened from view. Due to the close proximity of existing homes, screening and buffers may not be enough to effectively mitigate the above impacts, and the best use of the site may be residential as planned.

**COMMENTS FROM ACSA:** The Augusta County Service Authority has reviewed this rezoning request and has the following comment(s):

- 1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at http://www.acsawater.com/oppm.
- 2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.

- 3. Investigation of available fire flow is recommended to ensure that 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 of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
- 4. There is an existing 12" waterline along Lyndhurst Station Road across from the subject parcels. There is an existing 6" waterline along Mt. Torrey Road across from the subject parcels. There is an existing 10" waterline along Nursery Road along the west side property line of TM #s 85A-(2)-9 and 10.
- 5. There is no public sewer available in the area of the subject parcels.

**COMMENTS FROM HEALTH DEPARTMENT:** The Health Department has no issue with this rezoning request.

**COMMENTS FROM FIRE-RESCUE:** Fire-Rescue sees little to no impact on service delivery from this request. Fire-Rescue has no further comment.

### TRAFFIC:

Rt. 664 Nursery/Lyndhurst Rd. (Mt. Torrey Rd. to Lyndhurst Station Rd.)

-K-Factor: 0.097, Dir. Factor: 0.567

-Posted Speed Limit: 35 mph

-Functional Classification: Major Collector

-AADT – 2800 vpd (2019)

# Rt. 624 Lyndhurst Station Rd.

-AADT - 1000 vpd (2019)

-K-Factor - 0.135, Dir. Factor: 0.715

-Posted Speed Limit: 35 mph

-Functional Classification: Major Collector

# Rt. 894 Mt. Torrey Road (From Nursery Rd. to Lyndhurst Station Rd.)

-AADT - 2700 (2019)

-K-Factor: 0.10, Dir. Factor: 0.663

-Posted Speed Limit: 35 mph

-Functional Classification: Major Collector

### **COMMENTS FROM VDOT:**

1. The requested zoning with proffered conditions is not expected to have a substantial impact to existing roadways and would not warrant a Chapter 527 Traffic Impact Analysis.

- 2. Access to any State maintained roadway must be in accordance with Appendix F of the VDOT Road Design Manual.
  - The proposed commercial entrance location as depicted in the concept plan may require a sight line easement across the portion of the property zoned residential. A sight line buffer may be required across the portion of the property zoned commercial. Proof of both will be required prior to site plan approval. The geometrics of the commercial entrance will likely need to be modified from what is depicted in the concept plan to include typical commercial entrance tapers and curbing at the radii.
  - Access to the residential parcel(s) will likely be limited to Lyndhurst Station Road and will be reviewed prior to any division or issuance of a VDOT land use permit for a private entrance.
- 3. Site specific development details will be reviewed during the site plan stage and/or prior to issuance of a VDOT land use permit.

**SCHOOL BOARD STAFF COMMENTS**: The request for approximately 6 acres from General Agriculture to General Business will have <u>no impact</u> on these three (3) schools.

The table below indicates the enrollment as of December 14, 2020.

School	Enrollment	Capacity	
Stuarts Draft Elem SDES	586	834	
Stuarts Draft Middle SDMS	497	960	
Stuart Draft High SDHS	711	940	

### **COMMUNITY DEVELOPMENT STAFF COMMENTS:**

### **PROS**

- 1. There is public water available to serve the property.
- The request to zone a portion of the property to Single-Family Residential for the creation of two residential lots is compatible with the Comprehensive Plan Future Land Use designation for this property, which is Low Density Residential.

### CONS

- 1. The request to zone property to General Business is not compatible with the Comprehensive Plan Future Land Use designation for this property, which is Low Density Residential.
- 2. Request is not compatible with the surrounding residential land uses.
- 3. Public sewer is not available to serve this property.

**COMMUNITY DEVELOPMENT STAFF RECOMMENDATION:** A retail sales use at this location could have negative impacts on surrounding single family development. The character of the immediate vicinity, surrounding this property, is

single family residential. Staff appreciates the submitted proffered conditions as a means of alleviating some of the negative impacts associated with business development at this location, but feels that even after taking the conditions into consideration, the request is not in keeping with the residential character of the area or the proposed low density residential land use designated in the County's Comprehensive Plan.

There are several other challenges that could inhibit both the proposed commercial and residential development at this time, including a lack of public sewer and the unknown extent of geologically sensitive karst activity. Existing concept plan will also need to be modified per VDOT standards. Sight line easements may be needed and entrance modifications made.

Staff feels that rezoning the entire property to Single-Family Residential would be a more appropriate land use, given the existing neighborhood character, lack of public sewer, and the proposed future land uses for the site as outlined in the County's Comprehensive Plan. The current Subdivision Ordinance prohibits new lots created in Single Family Residential zoning unless they front on an internal subdivision street. Since this property consists of 3 existing lots, they could potentially (depending on VDOT entrance locations and other Subdivision and Zoning Ordinance standards) be boundary line adjusted to create a maximum of 3 residential lots if the entire property was rezoned to Single Family Residential, which would be in keeping with the ½ to 1 unit per acre density envisioned in the Comprehensive Plan's Low Density Residential designation.

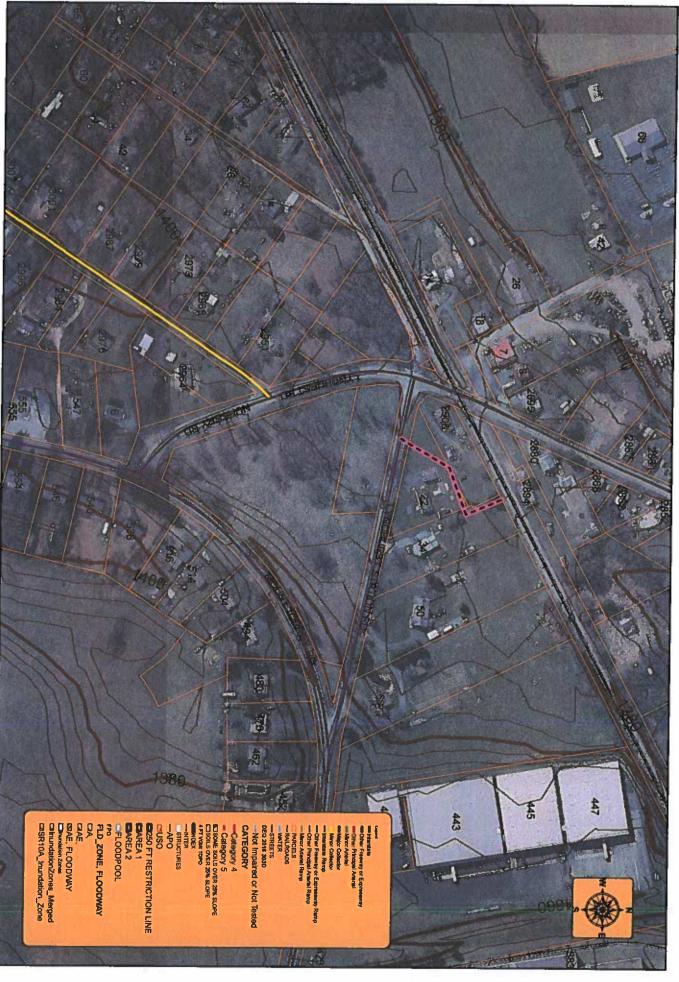
Ultimately, despite proffers that would serve to alleviate some of the adverse impacts of commercial activity at this location, staff recommends denial of the request.

# Waynesboro Nurseries, LLC

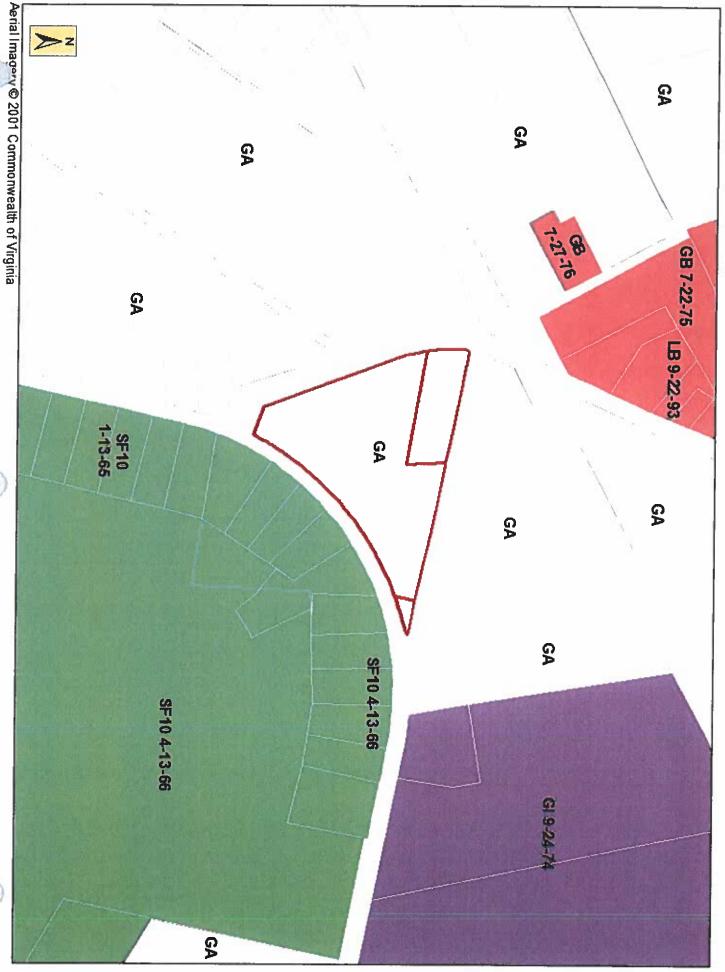


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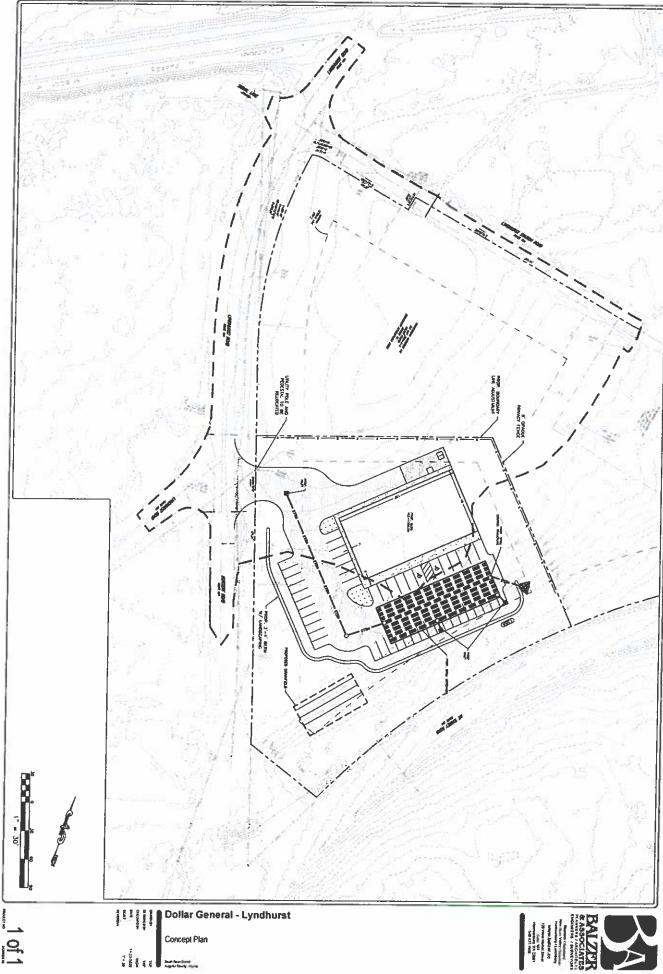
TM 85A (2) Parcels 7, 9 & 10



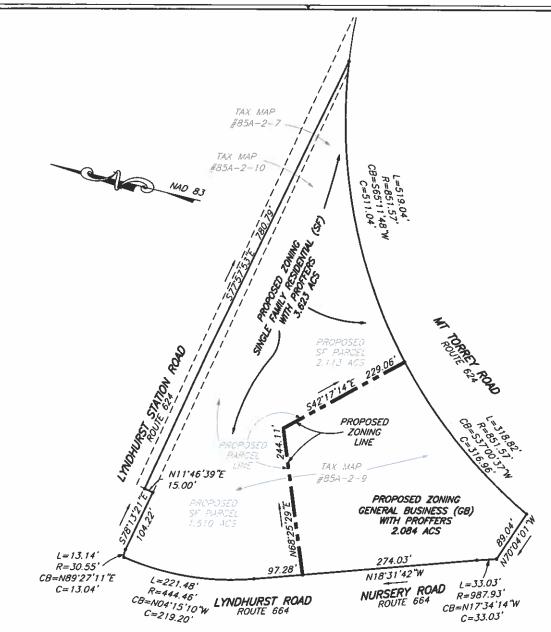
# Waynesboro Nurseries, LLC



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### NOTES:

- 1) NO IMPROVEMENTS SHOWN.
- 2) THIS EXHIBIT COMPILED FROM RECORDS.
- 3) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO INFORMATION DISCLOSED BY SUCH
- 4) IT IS THE INTENTION OF THIS EXHIBIT TO SHOW THE PROPOSED REZONING OF 2.084 ACRES OF TAX MAP #85A-2-9 FROM GENERAL AGRICULTURE (GA) TO GENERAL BUSINESS (GB) WITH PROFFERS, THE REMAINDER OF TAX MAP #85A-2-9 AND ALL OF TAX MAPS #85A-2-10, #85A-2-7, TOTALING APPROXIMATELY 3.623 ACS, FROM GENERAL AGRICULTURE (GA) TO SINGLE FAMILY RESIDENTIAL (SF) WITH PROFFERS.
- 5) PROPOSED SINGLE-FAMILY PARCEL LINES ARE FOR CONCEPT PURPOSES ONLY AND ARE SUBJECT TO CHANGE BASED ON AN UPDATED SURVEY, DELINEATION OF DRAINFIELDS, ETC.
- 6) OWNER INFORMATION:
  WAYNESBORD NURSERIES INC
  TAX MAPS \$85A-2-9, \$85A-2-10, AND
  \$85A-2-7
  DB:268 PG:233 AND DB:525 PG:351
  CURRENT ZONING: GA



EXHIBIT SHOWING THE REZONING OF TAX MAPS #85A-2-7, #85A-2-9, AND #85A-2-10

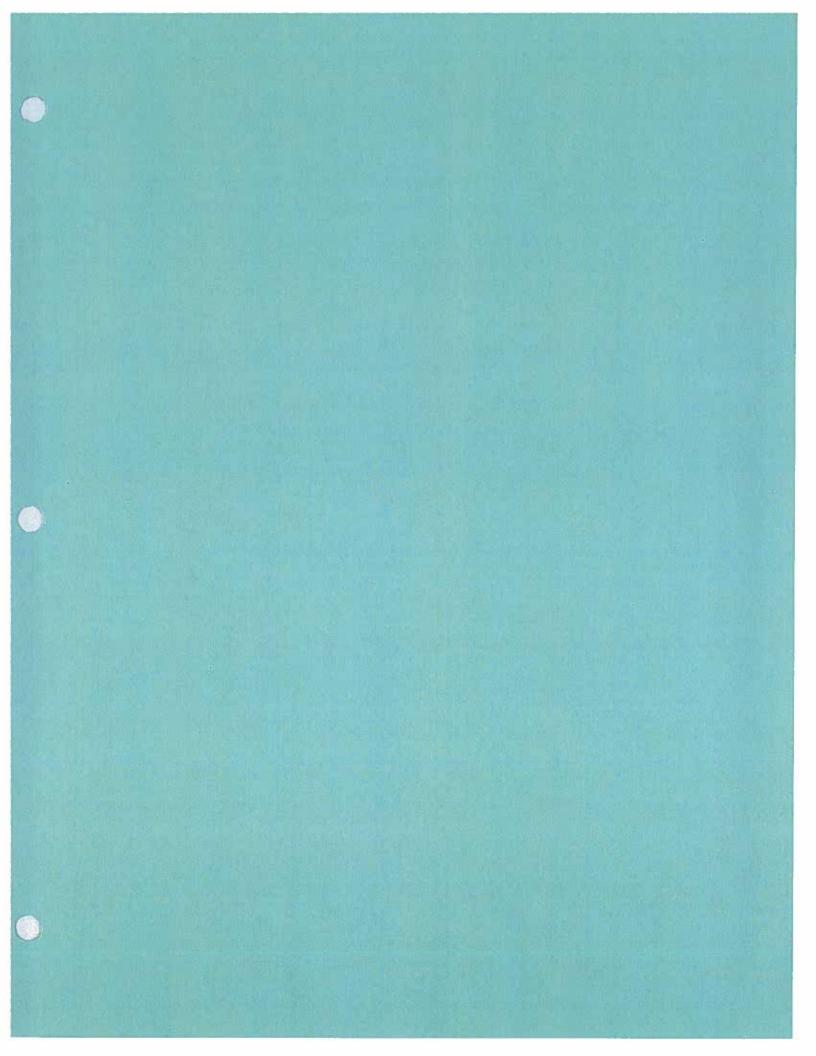
SOUTH RIVER DISTRICT

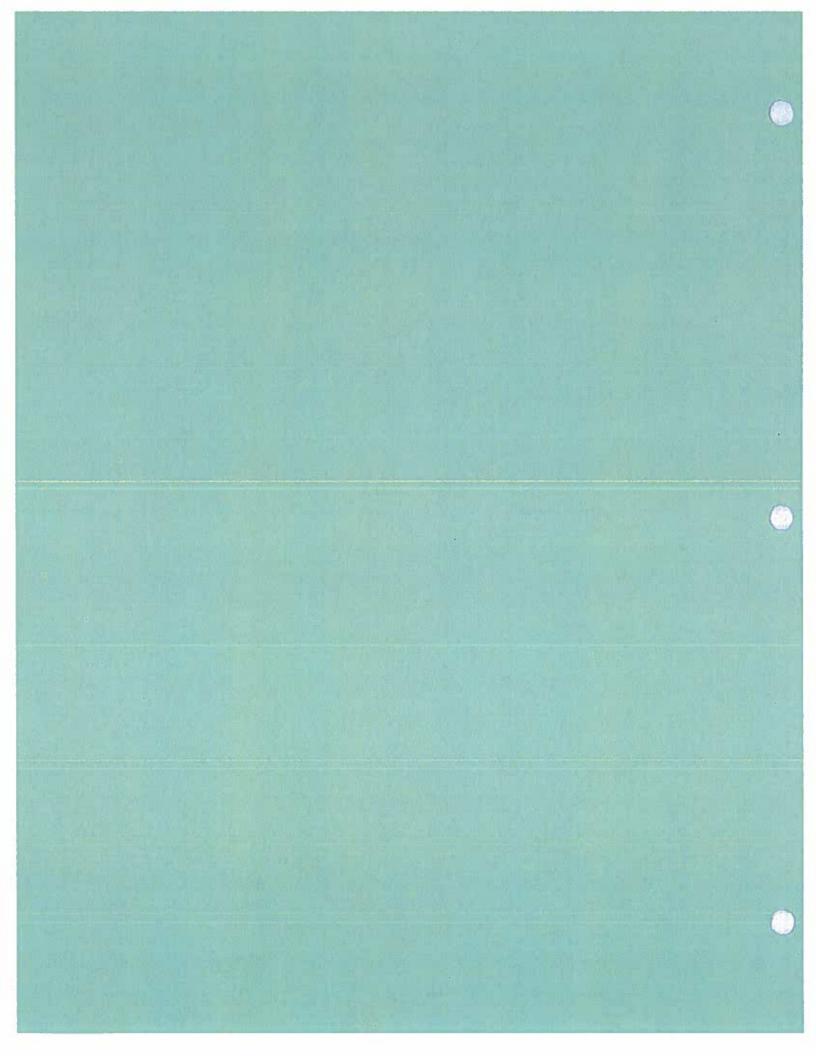
COUNTY OF AUGUSTA, VIRGINIA

PLANNERS / ARCHITECTS / ENGINEERS / SURVEYORS
ROANOKE / RICHMOND / NEW RIVER VALLEY | STAUNTON | HARRISONBURG | LYNCHBURG
1561 Commerce Read, Suite 401 / Yerona, Virginia 24482 / Phone (840) 246-3220 / www.balzer.cc









COUNTY OF AUGUSTA STAFF REPORT ROUND HILL SOLAR 15.2-2232 REVIEW January 12, 2020 Agenda Item # 5C

Date 1/12/2021

# **Community Development Staff Comments:**

Round Hill Solar LLC has proposed an 83 MW utility scale solar facility on approximately 880 acres of land approximately 1.5 miles north of Stuarts Draft in the Riverheads District, of which approximately 560 acres are proposed to be developed with solar photovoltaic (PV) panels.

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

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

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

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

# **LOCATION**

The Comprehensive Plan, amended August 26<sup>th</sup> 2020, incorporates 11 policies regarding utility scale solar development. The attached staff report evaluates the project's conformance with those 11 policies. Furthermore, the Comprehensive Plan specifies the expected growth pattern envisioned in the Community Development and Agriculture Conservation Areas of the County within which the project is proposed, which are summarized below.

Community Development Areas

"Community Development Areas are local community settlements which have existing public water or public sewer systems in place or which have relatively good potential for extensions of either of those utilities. These areas are appropriate locations for future low density, rural land uses based upon road access, the existing land use pattern, and proximity to existing public facilities and services, although they are planned to remain predominantly residential in character."

"The development that is expected to take place in the Community Development Areas is expected to be compact, interconnected, and pedestrian oriented while remaining sensitive to the context of the surrounding development as well as the surrounding natural features. Clustered developments would be encouraged in these areas.

As they are existing local community settlements and areas where the county wishes to continue to promote residential development, intensive agricultural operations would not be encouraged to locate or expand in the Community Development Areas.

Community Development Areas are priority locations for:

- Moderate amounts of small scale residential and employment growth at marginally higher densities than in the Rural Conservation Areas
- Limited expansions of public water or sewer service
- Local public facilities
- Small scale, low-intensity commercial and/or light industrial developments" (Comprehensive Plan Update 2014/2015. pg., 9-10).

## Agricultural Conservation Areas

"Agricultural Conservation Areas are areas which have mainly farm or forest uses and have generally the lowest overall density of residential uses, have no public water or sewer service, and have most of the county's intensive agricultural operations. These areas are planned to remain in predominantly agricultural and forestal uses with very little additional residential development.

Any development taking place in the Agricultural Conservation Areas would be expected to be sensitive to the context of the surrounding agricultural areas as well as the surrounding natural features. Such development would primarily be in the form of new dwellings on minor subdivision lots as well as business uses related to agriculture. Clustered developments would not be encouraged in these areas.

Agricultural Conservation Areas are priority locations for:

- Minimal, incremental amounts of very low density rural residential development on individual wells and septic fields
- A full range of long term agricultural, forestry and natural resource industry activities, including intensive agricultural operations" (Comprehensive Plan Update 2014/2015. pg., 11)

# **CHARACTER**

The surrounding character of the proposed request is predominantly agricultural and/or rural residential development on large farm acreages or smaller subdivided lots in General Agriculture zoning.

The proposed solar facility has frontage along the following public roads: White Hill Road (Route 654), Churchmans Mill Road (Route 651), Guthrie Road (Route 652), and Tinkling Spring Road (Route 608).

As identified above, the character of the majority of these roads, are representative of mostly rural landscapes and/or farming landscapes.

The area has a rolling topography, which makes vegetative buffering difficult in some locations. In other locations the placement of panels behind existing topographic knolls may help minimize the impact to adjacent property owners or the traveling public.

The proposed use, with regards to impacts, has two distinct phases. The construction phase and the ongoing operation phase. The construction phase, relatively short, will create a greater land use intensity than the ongoing operations. Staff recommended conditions aim to reduce the negative impacts during construction. As mentioned above the landscape/buffering and established setback may mitigate the ongoing visual impacts in some locations but not all.

While the majority of the project area is planned to remain in agriculture, the portion of the project between White Hill Road and Churchmans Mill Road is in a Community Development Area planned for Low Density Residential development on public water, which may not be compatible with a utility scale solar project. In addition, this portion of the project does present greater visual impacts to the traveling public than other areas of the project.

# **EXTENT**

The proposed facility will be placed on approximately 880 total parcel acres. Substantial accord review as it relates to the extent of the request is somewhat challenging with a solar generating use as proposed. The evaluation of public facilities, i.e. parks, schools, etc., as it relates to extent, is mostly focused on the size of the facility in comparison to the service area.

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

The Comprehensive Plan, as adopted, does not create a policy, limiting the scope of a single utility scale solar project. However, other than agriculture, there is no other single land use consisting of as many contiguous acres as this project.

# <u>SUMMARY</u>

The Comprehensive Plan, with August 26, 2020 amendments, incorporates policies specific to utility scale solar facilities. Based on the analysis of how this project conforms to those 11 policies, which are summarized in the attached staff report, staff feels that the majority of the project, within the Agricultural Conservation Area, is better aligned with those policies than portions of the project designated as Community Development areas, planned for low-density residential development on public water.

The majority of the project does not detract from the development pattern of nearby development areas. The project provides for buffering, although some visual impacts from adjacent property owners cannot be completely mitigated through buffers. The project does not create a significant imbalance of land uses within the immediate community, proposes the use of native vegetation and pollinator species for environmental and aesthetic benefits, and provides for construction jobs and economic diversification opportunities.

In contrast, the project will have an impact on rural viewsheds, especially with the inclusion of the portion of the project between White Hill Road and Churchmans Mill Road, and an impact on prime farmland and production agriculture. In addition, there are existing homes and several buildable lots along Brenneman Lane, east and west of White Hill Road, and north of Guthrie road that will be visually impacted by the project. The area of the project between White Hill Road and Churchmans Mill Road has adjacent low-density residential development, which the Comprehensive Plan envisions continuing along the road

towards the development area South of Staunton. The development of a solar project within this section could create a fragmented development pattern within the designated Community Development Area, impacting the Comprehensive Plan's vision for future development of this area.

# PROPERTY OWNER:

Allen E. Bocock Jr. and Linda S. Bocock Dennis Lee Bradley Sr. & Etal Trustee

### **APPLICANT:**

Round Hill Solar, LLC

### LOCATION OF PROPERTY:

North and south of Guthrie Road, east of White Hill Road, and northwest of Tinkling Spring Road in the Riverheads District

### SIZE OF PROPERTY:

Approximately 880 acres

# SIZE OF SITE UNDER PANEL:

Approx. 560 acres

VICINITY ZONING: General Agriculture zoning and Public Use Overlay (landfill) to the north, General Agriculture zoning to the east, south and west, General Industrial zoning to the south.

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

LAND USE MAPS: Property between White Hill Road and Churchmans Mill Road is in a Community Development Area of the Comprehensive Plan and designated for future low density residential land use. The other property comprising the project is in an Agriculture Conservation Area of the Comprehensive Plan, except for a small portion of TMP 075-8, directly north of Tinkling Spring Road, which is also in a Community Development Area designated for future low density residential development.

### TRAFFIC DATA:

White Hill Road: 6,600 ADT (from Churchmans Mill Road to Route 340)

<u>Guthrie Road:</u> 130 ADT (from White Hill Road to 1.75 miles North of Churchmans Mill Road and 140 ADT (from 1.75 miles North of Churchmans Mill Road to Tinkling Springs Road

<u>Tinkling Springs Road:</u> 6,800 ADT (from Route 340 to 0.8 miles North of Route 340) and 6,600 ADT (from 0.8 miles North of Route 340 to Christians Creek Road

### **VDOT COMMENTS:**

**VDOT Site Specific Comments:** 

The largest traffic impact is expected to be during construction of the new solar fields. Temporary Construction Entrances will be permitted only in areas approved by VDOT (sight distance and adjacent roadway conditions will be considered). Entrance size will depend on the size of the design vehicles used in construction. Drainage characteristics will be reviewed at site plan.

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

## **VDOT General Comments:**

Should the safety, use, or maintenance level of any existing or proposed entrance to a VDOT maintained highway change in the future, VDOT reserves the right to require additional modifications as warranted by the site specific conditions.

If any work is required on VDOT right-of-way, a VDOT Land Use Permit is required. The permit is issued through the Harrisonburg Residency office.

**HEALTH DEPARTMENT COMMENTS:** It is advised that any drainfields for homes on the properties be located to assure solar panels are not placed over them. If you have any questions please let me know.

SCHOOL BOARD STAFF COMMENTS: The request for a solar project on Guthrie Road (SR652) will have no significant impact on these three (3) schools.

The table below indicates the enrollment as of July 8, 2020

School	Enrollment	Capacity
Stuarts Draft Elem SDES	578	834
Stuarts Draft Middle SDMS	517	960
Stuart Draft High SDHS	731	940

**FIRE-RESCUE COMMENTS:** Fire-Rescue sees little to no impact on service delivery from this request.

### **SERVICE AUTHORITY'S COMMENTS:**

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at <a href="http://www.acsawater.com/oppm">http://www.acsawater.com/oppm</a>.

- 2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
- 3. Investigation of available fire flow is recommended to ensure that 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 of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.

4. There is an existing 12" waterline along White Hill Road across from Tax Map #s 74-139Y and 75-9E. There is an existing 4" waterline running through the southern tip of Tax Map # 75-8 along Tinkling Spring Road.

5. There is no public sewer available in the area of the subject parcels.

Because these properties are primarily located outside of the Urban Service and Community Development Areas, the Service Authority has not included these properties in any long-term planning. If considered for approval, the Service Authority requests that adequate space be provided for access to the existing water main on TM 75-8. Replacement/relocation of this water main closer to Tinkling Spring Road may be appropriate at some point, which may require additional easement area.

The Service Authority also requests that adequate space be provided along White Hill Road, on TM 74-139Y and TM 75-9E, in the event that the existing waterline would need to be replaced on the opposite side of the road.

### **ENGINEERING COMMENTS:**

# **Environment Ordinance Considerations**

Stormwater management must be addressed per the provisions of the Augusta County Stormwater Ordinance. The county will consider all areas under panel to be impervious, though we will consider site specific calculations demonstrating some level of infiltration and/or treatment of runoff in the area underneath of the panels and surrounding areas.

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 Christians Creek which is listed on the Virginia DEQ 2018 and DRAFT 2020 Impaired Waters List. This impaired segment extends from its headwaters downstream to its confluence with Folly Mills Creek. The impaired uses are recreation and aquatic life, the specific impairments are E. coli, fecal coliform and violations of the general benthics standard. The sources are municipal (Urbanized High Density Area), non-point sources and wildlife other than waterfowl. TMDLs are approved for the bacterial and benthic impairments and must be considered by the applicant. This segment is included in the EPA approved Christians Creek benthic TMDL (Federal

TMDL ID # 24514) and the EPA approved Christians Creek bacteria TMDL (Federal TMDL ID # 9480).

Additionally, the Augusta County Comprehensive Plan lists the Christians Creek – Folly Mills Creek watershed as a Priority Watershed for Groundwater Protection due to the presence of karst features and the location of Source Water Assessment Program zones.

## Overlay Ordinance Considerations

This property lies outside of the Source Water Protection Overlay (SWPO), Airport Overlay District (APO), and Urban Service Overlay Districts (USO).

Portions of this property lie within Zone AE on the FEMA FIRM. Any development on this portion of the property must meet the provisions of the Floodplain Overlay (FPO) Ordinance. Placement of fill in this area is discouraged. Any fill placed in this area could impact other properties and will require a detailed flood study and a Letter of Map Revision (LOMR) from FEMA. New lots must contain a "Buildable Area" outside of the floodplain.

## 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. As the majority of the proposed project lies within the Agricultural Conservation Area (ACA) and Guthrie Rd will remain a thru route, there is no connectivity impact. The area west of Churchman's Mill Road, however it is developed, should be developed with internal connectivity and consolidated entrance(s).

### Natural Resources Recommendations from the Comprehensive Plan

The majority of the project is located within the ACA. The Augusta County Comprehensive Plan recommends performance standards to protect natural resources. For Agricultural Conservation Areas, a riparian buffer of 100 feet on either side of a stream or the limit of the floodplain (wider of the two) is encouraged, and stormwater should not be piped through in a manner to short-cut the buffer. Additionally, there should be no development or filling in floodplain areas and reforestation is encouraged.

Portions of the site may contain slopes in excess of 25%. In Agricultural Conservation Areas, the Comprehensive Plan recommends no grading, roads or building sites on slopes >25% and ridgelines.

Wetlands may or may not exist on the site. For Wetland areas, the Comprehensive Plan recommends provision of a 100 foot buffer from the edge of wetlands and enhanced water quality treatment for any water discharging to the wetlands.

For unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends provision of open space amenities through development of layout and lot sizes, as well as maximizing continued use of active agricultural and forestry areas.

# COMPREHENSIVE PLAN CONSIDERATIONS -

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.

Staff Analysis: See completed Mangum Economics study entitled "Round Hill Solar Economic and Fiscal Contribution to Augusta County, Virginia," dated July 6, 2020

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.

Staff Analysis: General Agriculture zoning surrounds the project, with a General Industrial zoned property at the southern end of the project. The character of the area is representative of agriculture operations and low-density residential development amongst mostly agriculture fields. While there is some sparse, residential development adjacent to the project, it is not consistent with the development pattern of a traditional, subdivision neighborhood. The project is contiguous and does not fragment existing developed areas. The portion of the project between Churchmans Mill Road and Guthrie Road has a greater impact on rural viewsheds from public roadways than other portions of the project. The portion of the project along Tinkling Spring Road is setback over 700' from the roadway. Guthrie Road would also be visually impacted, although the ADT is under 150 trips as compared to over 6,500 for Tinkling Spring Road and White Hill Road.

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.

Staff Analysis: The majority of the project acreage is in cropland agriculture. There are silos and other farm structures on the properties north and south of Guthrie Road that would be removed to construct the solar project.

Based on land use taxation applications the land involved in this project produced cattle on 310 acres, soybeans on 315 acres, corn on 242 acres, alfalfa on 15 acres, and hay on 37 acres. This project includes approximately 560 acres of PV panels on a total 880 acre site. The development of a solar project at this location would lead to the loss of the aforementioned agricultural production for the next 35 years.

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.

Тах Мар	Total Acreage	Non- Qualifying	Class 1	Class 2	Class 3	Class 4-7	Forest
75-2D	9.02	0	0	7.	1	1.02	0
75-4A	236.525	1	0	44	103	64.525	24
75-4E	3.24	0	0	0	2	1.24	0
74-139Y	38.008	0	0	10	22.008	4.5	1.5
74-139Y1	29.523	0	0	12	17.523	0	0
75-4C	3.1	0	0	0	1.5	22 1 2 2	0.6
75-5	251.134	-1-	0	67	89.134	94	0
75-5B	1.893	0	0	1.893	0	0	0
75-6	95.241	0	0	22	61.241	12	0
75-9E	12.556	0	0	6	6.556	0	0
75-8	207.982	1	0	68	95	43.982	0
Totals	888.222	3	0	237.89	398.96	222.27	26.1

Staff Analysis: According to the above chart, there are approximately 885 acres that qualify for land use taxation out of the approximately 888 acres. Class 1, 2, and 3 soils are considered the best for farming purposes in the County based on soil data. Approximately 637 acres of those qualifying acres are within Class 2 or 3, which is approximately 72%. None of the acreage, qualifying for land use taxation, has Class 1 soils, which are the best for farming purposes. Approximately 25% of the acreage is within Classes 4-7 and a little under 3% is classified as forest. This project would have some impact on prime agricultural soils over the lifetime of the project.

There are no adjacent Agricultural and Forestal districts near the project.

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.

Staff Analysis: After an on-site review of the project boundaries, staff recognizes visual impacts to some surrounding residences including: the dwellings on the west side of White Hill Road, the church and dwelling to the north of Guthrie Road, and existing dwellings and building lots (one currently being built on) along Brenneman Lane. There is another house and farm located east of Churchmans Mill Road that would be visually impacted at the rear of their property, but the front and side yards are heavily wooded. The most robust buffer proposed is along White Hill Road and there is some existing vegetation along White Hill Road, but due to the topography and location of the residences west of White Hill Road, the existing vegetation and planted buffer will not fully address the visual impacts. The properties along Brenneman Lane, north of Guthrie Road, and east of Churchmans Mill Road will also be visually impacted.

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. Consideration of existing Augusta County Service Authority infrastructure be made.

Staff Analysis: With a county as large as Augusta County, an evaluation of a balance of land uses could be considered from a countywide perspective as well as an immediate community perspective. With no other currently approved utility scale solar projects in Augusta County, the former does not relate to this specific staff analysis. From a nearby community perspective, the majority of surrounding land is agricultural. The Stuarts Draft development area to the south, as designated in the Comprehensive Plan, is a little under 13,000 acres for either Urban Service Area or Community Development Area development patterns, ranging from more dense residential, business, and industrial development to low density residential development. Much of this acreage is still undeveloped. This project also sits to the southeast of the development areas South of Staunton to Greenville and southwest of the development area of Fishersville. While 880 acres is a significant size for a single land use, the Agricultural Conservation Area part of this project and in the middle of the three development areas described above represents 4,225 acres and the Rural Conservation Area within that same location represents 3,199 acres (See map below).



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

Staff Analysis: The project is located almost entirely within an Agricultural Conservation Area of the Comprehensive Plan. However, there is a portion of the project that is within a Community Development area of the Comprehensive Plan due to existence of public water, along White Hill Road and to the south near Tinkling Spring Road. The area east and west of Churchmans Mill Road has low density residential lot divisions and development to the south and across White Hill Road. Staff feels that the majority of the project does not detract from the compact, interconnected, pedestrian-oriented development pattern because the project is sited mostly outside of the Planning Policy Areas, which envision such development. With the exception of the area between Churchmans Mill Road and White Hill Road.

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.

Staff Analysis: The project as proposed does include open space and wildlife corridors through the avoidance of wetlands and associated breaks in the fenceline boundary.

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.

Staff Analysis: The majority of the project is not adjacent to land already significantly developed or planned for development, except for the portion in the Community Development Area. As noted in the Engineering Department comments above, the area west of Churchmans Mill Road, however it is developed, should be developed with internal connectivity and consolidated entrance(s) due to planned low density residential development, on existing public water, along White Hill Road. Interconnectivity and the consolidation of entrances within an area planned for development, provides for a safer and more efficient transportation pattern.

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:

- Streams, rivers, wetlands The project avoids locating panels and other equipment within wetland areas.
- b. Fertile soils The project would be locating on soils that have been determined as fertile through soils classification data.
- c. Habitats While habitat will likely be affected, staff is not aware of any sensitive or endangered specifies that would be particularly affected by this project.
- d. Native vegetation The project proposes to utilize the Virginia Department of Virginia Conservation and Recreation Pollinator Smart Certification Program, which includes a point system for the use of native and pollinator vegetation in buffer areas and underneath panels. This certification program is a best management practice through VDCR and provides for aesthetic and environmental benefits.
- e. Forests The project is not densely wooded and would not cause the loss of significant forestland.
- f. Historic and archaeological resources The project does not affect any known historic or archaeological resources on the property

or nearby. The Permit By Rule process through the Virginia Department of Conservation and Recreation, does require more in depth studies and analysis regarding known historic or archaeological resources. There review and approval would be subsequent to approval at the local level.

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.

Proposed project conditions propose reaching a lifetime pollinator smart certification. Staff feels that such condition complies with the above policy.

## **Leslie Tate**

From: Rick Pfizenmayer < rickpfitz@barterbrookmanor.com>

Sent: Friday, November 27, 2020 10:36 AM

To: cbragg03@comcast.net; jenningsthom@gmail.com; gcampbell@flyshd.com;

skitra@hotmail.com; colebelle@msn.com

Cc: Sara Terry; John Wilkinson; Timothy Fitzgerald; Leslie Tate; Butch Wells; Gerald Garber;

Jeffrey Slaven; Michael Shull; Pam Carter; Scott Seaton; Steven Morelli

Subject: [EXTERNAL] Round Hill Solar Project--December 8 Planning Commission Meeting

Dear Members of the Planning Commission, Supervisors and Others--

Out-of-state interests promoting the industrial scale Round Hill Solar Project are rushing to secure Augusta County approval before affected citizens have a meaningful opportunity to express their concerns about a destructive project that will significantly change the character of the Stuarts Draft community and destroy the scenic pastoral view shed along Tinkling Spring Road (Route 608). The manner in which this is being handled is an outrage and a disservice to the citizens of Augusta County.

Late in the afternoon before Thanksgiving, the Planning staff advised members of the Planning Commission and others that a public hearing on a "substantial accord determination" for the Round Hill Solar Project would be held at its December 8 meeting. Links to some of the detailed information about the project were provided, but other important descriptive materials were mailed. Thus, during a pandemic and in the midst of the holidays, Planning Commission members and affected citizens are supposed to understand and evaluate a solar project that involves 880 acres of land near the intersection of Tinkling Spring Road (Route 608) and Round Hill Drive (Route 649). 560 acres will be covered with 12 foot high solar panels. A significant portion of the solar panel arrays will be on hillsides incapable of being affectively screened with landscape buffers. All of this affecting not only nearby citizens and their views and property values, but also the hundreds, if not thousands, of people who travel these roadways each day.

Most of the land is owned by an absentee out-of-state landowner who would be substantially enriched at the expense of nearby neighbors and the community. The developer, Strata Solar, is a North Carolina company that recently had an application for a large scale solar project denied by the Culpeper Planning Commission after neighbors intensely opposed it. See, <a href="https://starexponent.com/business/strata-solar-pulls-application-for-utility-scale-project-in-culpeper/article-6e5935ce-0d9c-5c49-a178-e11df39bf9c9.html#tracking-source=home-top-story-1.">https://starexponent.com/business/strata-solar-pulls-application-for-utility-scale-project-in-culpeper/article-6e5935ce-0d9c-5c49-a178-e11df39bf9c9.html#tracking-source=home-top-story-1.</a> Here, despite having assured citizens in an online community meeting in late June that the development process would take place 2019-2021 with construction Q4 2021-2022 and that the "review process will include multiple public hearings for citizen input", there have been no further community meetings. So much for Strata Solar reaching out to the community and trying to at least pretend it wants to be a good neighbor by keeping the community informed.

What we actually have is months of negotiations between Strata Solar and the Planning staff going on behind closed doors and now short notice of a public hearing with citizens having little chance to become informed and to organize to have meaningful input—all during a pandemic and during the holidays. How is this even close to the Planning Commission and Board of Supervisors looking after the interests of Augusta County citizens? How is this fair to neighbors and local citizens when the project involves an out-of-state developer that gives only lip service to working with the community, an absentee landowner, a project that will fundamentally change the character of the community and a planning staff all too eager to facilitate these projects while denying citizens information until a deal is in effect done?

At a minimum, the Round Hill Solar Project matter should be removed from the Planning Commission Agenda for scember 8 and not rescheduled until the community has had a meaningful chance to review the project as negotiated between Strata Solar and the staff. That should include public meetings where citizens have adequate notice, time to

review the application, a fair chance to have input into the design of the project similar to what was done in the case of the previously rejected Lyndhurst project and then to be able to effectively voice their views to decision makers. If the matter does remain on the Agenda, consideration of the application should be tabled indefinitely.

### **Leslie Tate**

rom:

Angela Michael

Sent:

Monday, December 7, 2020 10:43 AM

To:

Timothy Fitzgerald; Leslie Tate

Subject:

FW: [EXTERNAL] Solar Panel Farm proposal

Angie Michael, Executive Assistant Augusta County Administration P.O. Box 590 Verona, VA 24482 540-245-5618



From: Dennis Layman <denandvi@gmail.com>
Sent: Monday, December 7, 2020 10:40 AM
To: board <box>
board@co.augusta.va.us>

Subject: [EXTERNAL] Solar Panel Farm proposal

## To the Board of Supervisors:

Below is an email written by Tanya Brenneman. She stated her position clearly and I want to go on record that I am fully in agreement with her. This solar farm is a foolish and dangerous idea that will cause irreparable harm to the beautiful COUNTRYSIDE of Stuarts Draft. Please reject this proposal.

Sincerely,

Dennis Layman 102 Patton Farm Rd, Stuarts Draft, VA 24477

Date: December 8, 2020

To: Augusta County Board of Supervisors

From: Tanya Brenneman, 1289 White Hill Rd., Stuarts Draft, VA

Subject: Opposition to Round Hill Solar Farm Petition

I appreciate the opportunity to voice my thoughts to our elected representatives. I am speaking in opposition to the proposed special use permit for the Round Hill Solar Farm project. I am opposed for the reasons that follow:

# 1. This Site Does Not Meet The Requirements of Buffering.

My home is located on White Hill Road, at the top of the hill overlooking the farm plots being considered. These agricultural plots are the landscape of my life – from the stunning sunrises to the piercing evening sun drenched hours, I awaken, eat my meals, relax on my deck, take my morning exercise walks, wash my dishes, and read my Bible all in full view of this farm land.

I am not alone in this reality—the agricultural lots selected for the solar farm are at a lower elevation than almost all of the surrounding residences. And that creates a problem for the approval of this petition for special use. It is clearly stated that the petitioning solar company is required to provide buffering to hide the solar

panels from sight from the surrounding residences. Since buffering is not possible to hide the panels from residences at higher elevation, I posit that this site is not appropriate for a solar farm. The site needed to meet this requirement for solar farms is one which is level with the surrounding neighborhoods. I urge the Supervisors to enforce the requirements already laid out as conditions upon which a solar farm can be granted. This site does not meet the requirements of buffering.

# 2. This Change of Use Does Not Follow The Augusta County Comprehensive Plan of Supporting Production Agricultural Operations.

I agree with the County Comprehensive Plan's vision statement \_ "The Stuarts Draft Community is born of agriculture and agriculture still maintains a prevalent land use within the community." The stated goals of this County plan include to:

- Support the agricultural heritage of the Stuarts Draft Community
- Maintain the economic strength of existing agricultural operations.
- Proactively promote agriculture as the roots of the community to ensure all residents respect farmland and farming practices.
- Protect and support existing agricultural operations within and adjacent to the Stuarts Draft small area from conflicts with other land uses

The proposed solar farm contradicts every stated goal of this vision. Research shows that solar farms destroy agricultural land- "stripping and compaction removes topsoil, destroys healthy soil organisms and allows for invasion of exotic plants that choke out native species. It creates an ecological wasteland." "The steel platforms on which the panels rest oxidize over time and release zinc into the soil, which can be toxic to plants at certain levels. The lead, cadmium and other toxic chemicals inside the panels pose a threat to the soil if damaged by natural weather events." Clearly, these outcomes are the opposite of the County's Plan to support, maintain and promote agriculture in Stuarts Draft. I urge the Supervisors to uphold the goals and policies in place in the comprehensive plan by rejecting this request for changing the use of this agricultural land from agriculture to industrial.

### 3. Solar Farm Decommissioning Is An Environmental Disaster

According to researchers with Electric Power Research Institute, solar panel disposal is a major issue due to the toxicity of the panels, meaning that disposal in landfills is not appropriate. Once the solar panels are depleted for use, within 20-30 years, they must be removed from the agricultural land. But where will they be taken and stored? According to Director of Policy Research at the Committee for a Constructive Tomorrow, solar panels generate 300 times more toxic waste per unit of energy than nuclear power plants. They contain carcinogenic chemicals which rainwater washes into the soil in landfills. Therefore, they cannot be taken to landfills, leaving us with a huge problem to deal with. This is a devastating environmental disaster in the making. Therefore, I urge the Supervisors to vote no to the use of agricultural land for solar panels in order to prevent contributing to the problem of our landfills filling up with toxic, carcinogenic waste that contaminates our earth.

I thank the Supervisors for listening to the reasons I have cited to deny this use permit request -

- The impossibility of buffering on this site
- The destruction of the soil on our agricultural land
- The environmental threat of decommissioning the panels

lurge you to vote no to protect our soil, our agricultural heritage and our economy of production agriculture, and to protect our environment from toxic waste.

Tanya Brenneman

### \*\*\* VIRGINIA FREEDOM OF INFORMATION NOTICE \*\*\*

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Accordingly, the sender and/or recipient listed above may be required to produce this e-mail and any of its attachments to any requester unless certain limited and very specific exemptions are applicable.

### **Leslie Tate**

from:

Angela Michael

Sent:

Tuesday, December 8, 2020 2:03 PM

To:

Leslie Tate

Subject:

FW: [EXTERNAL] Round Hill Solar Farm

Angie Michael, Executive Assistant Augusta County Administration P.O. Box 590 Verona, VA 24482 540-245-5618



From: Bruce Hankee <brucehankee@hotmail.com>

Sent: Tuesday, December 8, 2020 12:58 PM

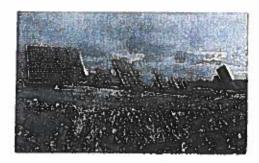
To: board <board@co.augusta.va.us>
Subject: {EXTERNAL} Round Hill Solar Farm

Pear Augusta County Board of Supervisors,

I understand that there is a proposed solar panel site being considered for Stuarts Draft called the Round Hill Solar Farm. I would like to offer a serious concern for you to consider the liability of such a project.

I like to be open to new energy producing possibilities and would like to be able to support another energy source, but I find in researching solar farms that there are more causes for alarm than excitement.

# https://www.cfact.org/2019/09/15/the-solar-panel-toxic-waste-problem/



# The solar panel toxic waste problem | CFACT

Duggan Flanakin. Duggan Flanakin is the Director of Policy Research at the Committee For A Constructive Tomorrow. A former Senior Fellow with the Texas Public Policy Foundation, Mr. Flanakin authored definitive works on the creation of the Texas Commission on

Environmental Quality and on environmental education in Texas.

### www.cfact.org

As you can see in this article, as well as many other articles that support this alarm about toxic waste, it appears that

the disposition of retired solar panels is a disaster waiting to happen. In the words of the expert Mr. Flanakin, "a ticking time bomb." I find this alarming and the only reason needed to stop such a potentially disastrous project

that will have ramifications for years to come for the next generation.

I also have concern for residents in the area where the solar farm is projected and also for the taking of precious

farmland that this planning commission has itself prioritized as important for the future of Augusta County. Let's

preserve the farmland for agriculture for future generations and say no to this "ticking time bomb."

Thank you for hearing my concerns.

Sincerely,

Bruce W. Hankee

27 Fall Ridge Drive Stuarts Draft, VA. 24477 540-256-1760 brucehankee@hotmail.com

\*\*\* VIRGINIA FREEDOM OF INFORMATION NOTICE \*\*\*

This e-mail and any of its attachments may constitute a public record under the Virginia Freedom of Information Act. Accordingly, the sender and/or recipient listed above may be required to produce this e-mail and any of its attachments to any requester unless certain limited and very specific exemptions are applicable.

December 8, 2020

Dear Members of the Augusta County Board of Supervisors and Planning Commission,

My name is Leland Brenneman. I reside on a property located at 1289 White Hill Road in the Riverheads magisterial district. This property is part of a small farm my father purchased in 1962. It overlooks the proposed site of the Round Hill Solar Project.

I take this opportunity to voice my opposition.

I oppose for many reasons, many of which are and have been expressed by others. I applaud their ability to express the various concerns regarding this proposal in an articulate manner. My primary concern is the removal of hundreds of acres of prime, fertile Augusta County land from any possibility of productive agriculture for many decades to come. From my understanding, which is backed by reviewing literature of similar projects, is that not only are there the 30-35 years of actual energy production to consider, but many additional years (depending on the degree of chemical leeching into the soil and the destruction of topsoil) to restore the land to current, productive viability. This may be as many as 50 years in total. We are gambling with a future that we cannot foresee. This is not my future—I will be dead. It is somebodies future including our grandchildren and great-grand children.

Instead of gambling with the precious and finite resource of verdant pasture and established crop land, should we not as clear thinking and reasonable individuals identify land that is marginal to productive agriculture—be it in Augusta County or elsewhere—that has limited agriculture potential on which to conduct these experiments? After all the energy produced will flow far from Augusta County anyway so this precise location is not at all critical. Let's not throw this precious and limited resource in Stuarts Draft under the bus for short-term economic gain.

I thank my supervisor, Michael Shull, his colleagues, and the members of the Planning Commission for continuing to make Augusta County a great place to call home! I also thank you for considering my opposition to the Round Hill Solar Project.

Sincerely,

Leland Brenneman librenneman@gmail.com 540-490-2475

## **Leslie Tate**

From:

Angela Michael

Sent:

Tuesday, December 8, 2020 2:03 PM

To:

**Leslie Tate** 

Subject:

FW: [EXTERNAL] Round Hill Solar Project/An Invitation

Angie Michael, Executive Assistant Augusta County Administration P.O. Box 590 Verona, VA 24482 540-245-5618



From: Tanya Brenneman <tjbrenneman@gmail.com>

Sent: Monday, December 7, 2020 5:12 PM
To: board <board@co.augusta.va.us>

Subject: [EXTERNAL] Round Hill Solar Project/An Invitation

Date: December 8, 2020

To: Augusta County Board of Supervisors

From: Tanya Brenneman, 1289 White Hill Rd., Stuarts Draft, VA

Subject: Round Hill Solar Farm/An Invitation

# Dear Supervisors,

I invite you to come to my home at 1289 White Hill Rd, Stuarts Draft to view the proposed site of the Round Hill Solar Project from a vantage point of many of the neighbors to this project. To schedule a visit, please call me at 540-490-2478. I believe this visit is very important for understanding the impact this project would have on many citizens.

I appreciate the opportunity to voice my thoughts to our elected representatives. I am speaking in opposition to the proposed special use permit for the Round Hill Solar Farm project. I am opposed for the reasons that follow:

# 1. This Site Does Not Meet The Requirements of Visual Buffering.

My home is located on White Hill Road, at the top of the hill overlooking the farm plots being considered (200 feet higher in elevation than the proposed site.) The agricultural plots under consideration are the landscape of my life – from the stunning sunrises to the piercing evening sun drenched hours, I awaken, eat my meals, relax on my deck, take my morning exercise walks, wash my dishes, and read my Bible all in full view of this farm land.

I am not alone in this reality—the agricultural lots selected for the solar farm are at a lower elevation than almost all of the surrounding residences. And that creates a problem for the approval of this petition for special use. (This problem is identified and recorded in the meeting notes of the Planning Commission in November of 2020.) It is clearly stated that the petitioning solar company is required to provide buffering to hide the solar panels from sight from the surrounding residences. Since buffering is not possible to hide the panels from residences at higher elevation, I posit that this site is not appropriate for a solar farm. The site needed to meet this requirement for solar farms is one which is level with the surrounding neighborhoods.

I urge the Supervisors to enforce the requirements already laid out as conditions upon which a solar farm can be granted. This site does not meet the requirements of buffering.

2. Residential Development Plots on Churchman's Mill Rd. Will Be Devalued. I agree with the Planning Commission's conclusions in their meeting of November 2020, that the 4 plots, which we co-own with Byron Brenneman, approved for low-density residential development on Churchman's Mill Rd, will be negatively impacted by visual disturbance. In addition to our 4 plots, the value of 3 other lots in this same location owned by our daughter, our niece and my mother-in-law would be equally diminished. The value of these lots is their beautiful mountain view, which will be destroyed by required buffering of the solar panels in the adjacent field. This disturbance of a designated area for low-density residential development is a second reason to decline the request to change land use.

3. This Change of Use Does Not Follow The Augusta County Comprehensive Plan of Supporting Production Agricultural Operations.

I agree with the County Comprehensive Plan's vision statement \_ "The Stuarts Draft Community is born of agriculture and agriculture still maintains a prevalent land use within the community." The stated goals of this County plan include to:

Support the agricultural heritage of the Stuarts Draft Community

Maintain the economic strength of existing agricultural operations.

Proactively promote agriculture as the roots of the community to ensure all residents respect farmland and farming practices.

Protect and support existing agricultural operations within and adjacent to the Stuarts Draft small area from conflicts with other land uses

The proposed solar farm contradicts every stated goal of this vision. Research shows that solar farms destroy agricultural land-"stripping and compaction removes topsoil, destroys healthy soil organisms and allows for invasion of exotic plants that choke out native species. It creates an ecological wasteland." "The steel platforms on which the panels rest oxidize over time and release zinc into the soil, which can be toxic to plants at certain levels. The lead, cadmium and other toxic chemicals inside the panels pose a threat to the soil if damaged by natural weather events." Clearly, these outcomes are the opposite of the County's Plan to support, maintain and promote agriculture in Stuarts Draft. This proposed use will not only remove 880 acres of prime farm land from active production for up to 50 years, it may leave it in a condition too expensive and time consuming to ever restore to agricultural use. I urge the Supervisors to uphold the goals and policies in place in the comprehensive plan by rejecting this request for changing the use of this agricultural land from agriculture to industrial.

4. Violation Of Conservation Agricultural Area. The extent of the proposed solar system does not follow the stated use for land designated as conservation agricultural areas. Conservation Agricultural Areas, as described in the County Comprehensive Plan, may be utilized by special use permit for "MINIMAL, INCREMENTAL amounts of very low density rural residential development, and a full range of LONG TERM agricultural, forestry and natural resource industry activities." The removal of this land from production agriculture for up to 50 years is not congruent with long-term agricultural activity, and the massive, immediate disruption of the agricultural use is not adhering to the comprehensive plan for incremental and minimal low-density residential development.

For these four reasons, I urge you to deny the proposed request for special use permit:

Impossibility of visual buffering for residences at higher elevations,

Devaluation of property designated for low-density residential development.

Violation of the County Comprehensive Development Plan to support, maintain and promote agriculture in Stuarts Draft,

Violation of the designated conservation agriculture zoning in place to promote long term agricultural use and only make changes that are minimal and done in increments.

Thank you for your careful consideration of these objections and may God guide you to make wise decisions for the good of our beautiful community. I look forward to seeing you soon!

Tanya Brenneman

Sent from my iPhone

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### **Leslie Tate**

rom:

Angela Michael

Sent:

Wednesday, December 9, 2020 12:30 PM

To:

**Leslie Tate** 

Subject:

FW: [EXTERNAL] Stuarts Draft Solar Project

Angie Michael, Executive Assistant Augusta County Administration P.O. Box 590 Verona, VA 24482 540-245-5618



From: Dana Stoltzfus <psalm139mine@gmail.com> Sent: Wednesday, December 9, 2020 12:18 PM

To: board <board@co.augusta.va.us>

Subject: [EXTERNAL] Stuarts Draft Solar Project

Dear Board Members.

I am writing today to voice my opposition to the solar project being planned for an 880 acre area of land between White Hill, Guthrie, and Tinkling Springs roads in Stuarts Draft.

I have lived in this area since I was 12. I am a nurse and have left many times for personal travel, and also for months at a time as a travel nurse. One thing that brings me home to this area is the agriculture and the scenery. It is peaceful here. Our earth is designed to regenerate us, and it cannot do that if it is not guarded and kept healthy.

I understand the need for clean energy, for the very reasons I listed above. However, I believe more would be lost than gained by using the proposed plot for solar. Zinc deposits and soil erosion are serious long term consequences and are not easily redeemed. Agricultural lands are already severely diminishing in our nation, and this has many consequences. The heart and soul of the Stuarts Draft area is largely the beauty and agriculture, and this will not be my home if that is lost.

Allowing this project to go forward is not in alignment with the vision statement of the County Comprehensive Plan. I urge you to honor the vision statement and the heart and history of Stuarts Draft, to support and advocate for the agricultural economy that is both past and current, and to deny the proposed request to use this land for this project.

Thank you for your time and leadership.

incerely,

Dana Stoltzfus

540-649-4740 2256 Lyndhurst Rd Waynesboro

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#### **Leslie Tate**

rom:

Angela Michael

Sent:

Monday, December 14, 2020 10:30 AM

To:

Leslie Tate

Subject:

FW: [EXTERNAL] Opposition to the Round Hill Solar Project

Angie Michael, Executive Assistant Augusta County Administration P.O. Box 590 Verona, VA 24482 540-245-5618



From: David Brenneman < dbrenneman@gmail.com>

Sent: Monday, December 14, 2020 10:13 AM

To: board <board@co.augusta.va.us>

Subject: [EXTERNAL] Opposition to the Round Hill Solar Project

TO: The Augusta County Board of Supervisors

December 12, 2020

KE: Opposition to the Round Hill Solar Project

I am David Brenneman, I live on Churchman's Mill Rd in Stuarts Draft. I purchased 9 acres that used to belong to my grandfather, then my father. I am the 3rd generation to live on the property. I recently acquired the land and built a new home for my wife and 4 kids. I plan to use the land to raise a few animals, run family pets and enjoy outdoor family hobbies. I am striving to use my land in accordance with county zoning and to further the goals set forth in the comprehensive plan, goals which I affirm. Thank you for your time and attention to faithfully protect these goals and our beautiful county.

I am opposed to the Round Hill Solar Project for 3 reasons. Firstly, the Round Hill Solar Project does not adhere to the goals set forth in the comprehensive plan\*. Secondly, the proposed visual buffer falls gravely short of being effective. Thirdly, the loss of productive agriculture land seems irresponsible.

The use of this land for a large scale solar project does not adhere to the comprehensive plan's stated goals. It is disconcerting to think of neighboring land being used for operations outside of the plan while my family and I seek to maintain the land in accordance with the goals set forth in the comprehensive plan. Purchasing land and building a home are tife decisions. Our decision to purchase family land and build a home on White Hill in Augusta County were made while considering things like land use for our own property and for neighboring property. The decision to deviate from the stated plan will certainly impact our home and family negatively.

Sadly, the proposed solar project cannot be buffered adequately for many of those neighboring the round hill site. My house sits roughly 100° above the project area. The proposed buffer is gravely inadequate to accomplish any type of visual buffering. The purpose and goal of visual buffering is to block the actual solar panels from sight. The reason visual buffering exists and is required is an admission that the panels are a visual disaster. Blocking the panels from sight cannot be accomplish on the proposed site.

Lastly, the removal of this land from productive agriculture is a misuse of the land and is an affront to the community. The land in question is productive, year after year. I believe that removing this land from productive agriculture is an irresponsible use of the land. The land will be removed for up to 50 years, albeit with many unknowns even then.

There must be other sites in the county that meet your goals of bringing green energy and increasing funding to the county, while also upholding the goals of county zoning and of the comprehensive plan. I urge the board to seek out locations that are not productively serving the citizens of the county and a site where visual buffering is possible.

Please deny the request for use of this land for the Round Hill Solar Project.

Respectfully.

David Brenneman 635 Churchmans Mill Rd. Stuarts Draft, VA 24477

\*The stated goals of the comprehensive plan plan are as follows: 1. To support the agricultural heritage of the Stuarts Draft community. 2. Maintain the economic strength of existing agriculture operations. 3. Protect and support existing agricultural operations within the Stuarts Draft area from conflicts with other land uses.

Sent from iPad

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Augusta County Planning Commission Augusta County Zoning Office 18 Government Center Lane Verona, Va. 24482

Augusta County Board of Supervisors Augusta County Zoning Office 18 Government Center Lane P O Box 590 Verona, Va. 24482

Re:

Round Hill Solar Project Special Use Permit

Dear Members of the Planning Commission and Board of Supervisors:

I am a longtime resident and landowner in Stuarts Draft. I am writing to offer this letter in full support of the Round Hill Solar Project. The solar project will allow me to utilize my land to its best use. A solar project is a silent, non-obtrusive use in keeping with the rural nature of Stuarts Draft. As a longtime owner of the land, I believe strongly in property rights and the ability to use one's land. This is no exception and it is a proper use that confirms with the County's comprehensive plan.

In addition to a property rights issue, I believe the Project will benefit Augusta County by providing short-term and long-term employment; and increasing tax revenue. I ask the Planning Commission and the Board of Supervisors to consider these benefits as they will make a positive impact for Augusta Gounty.

Specifically, the Project is a \$100 million investment in Augusta County. There are few, if any, companies providing this type of investment in our County. This will lead to jobs for our residents with about \$30 million expended during construction. It is estimated the construction will lead to 400 local construction jobs and when completed there will be 8 - 10 permanent, well-paying jobs.

Like most county's, Augusta could use the \$6 M in revenue and tax benefits that will be generated. Part that includes \$1 M in a siting contribution and \$4.1 M in revenue chare payments. The revenue can be used to help meet the County's capital improvement needs including broadband development.

Again, Turge the Planning Commission find that the Preject complies with the Ceneral Again, Turge the Planning Commission find that the Preject complies with the Ceneral Against Scompredensive, Plan The proposed solar preject solar property areas exceeding. County requirements. Cityen that, is will not distupt the turn many areas exceeding. County requirements. Cityen that, is will not distupt the turn many on the armounding properties.

I urge you to approve the Project's Special Use Permit and allow it to move forward toward completion.

Sincerely,

Dennis Lee Bradley, Sr.
P.O. Boy 1038

P O Box 1038

Stuarts Draft, VA. 24477



December 2, 2020

Augusta County Planning Commission Augusta County Zoning Office 18 Government Center Lane Verona, VA 24482 Augusta County Board of Supervisors Augusta County Zoning Office 18 Government Center Lane P.O. Box 590 Verona, VA 24482

Re: Round Hill Solar Project

Special Use Permit

Dear Members of the Planning Commission and Board of Supervisors:

I am writing on behalf of the Greater Augusta Regional Chamber of Commerce to express our support for Strata Solar's proposed Round Hill Solar Project. I have spoken with the Project representatives and received a thoroughly informative presentation about the Project.

Clean, renewable energy is important to Augusta County and the Commonwealth of Virginia. The proposed solar project is in the right location for this type of use as it is a silent, non-obtrusive use in keeping with the rural nature of Stuarts Draft.

As well, from the Chamber's perspective we are particularly encouraged with the \$100 million investment this will bring to Augusta County. This is significant for our County. The project will create 400 construction jobs as well as 8-10 well-paying permanent positions upon its completion.

Additionally, we understand Augusta County will benefit from more than \$6 million in revenue and tax benefits from the Project, including a \$1 million siting contribution, over \$4 million in revenue share payments, and more than \$1.3 million in potential increased tax payments. These revenue sources can help the County meet its broadband needs or other capital improvement needs.

The Chamber urges you to approve the Project's Special Use Permit and allow it to move forward toward completion.

Sincerely,

Courtney Thompson
President and CEO

12-01-20

RE: Round Hill Solar Project Special Use Permit

Dear Members of the Planning Commission and Board of Supervisors:

I am writing to you to express my support for the Round Hill Solar Project. While I now live and farm in Ohio, I grew up in Va. and I farmed in Augusta County and the Stuarts Draft area for 31 yrs. Although we love Ohio, we have many fond memories of Augusta County, and we still have many friends there. The Solar Project is to be built on some of the land I farmed and still own.

When Strata Solar contacted me about putting a solar installation on this site, I thought long and hard about it before I decided to say yes. I considered all the hard work I put in on this land and I considered the area and how it has grown since I left, and I considered the ever increasing demand for electricity in a modern society. After researching other solar installations, I came to the realization that solar has many similarities to agriculture. Like agriculture, solar is passive—in other words, it doesn't ask for much in the way of roads, utilities, or other improvements from the county. Actually, in some ways, solar is even more passive than agriculture. It does not have smells or odors. It does not have spray drift, or dust at harvest, or bawling cattle. In other words it is quiet, and like agriculture, it will be a good neighbor.

The Planning Commission will soon be making its determination as to whether or not the request by Round Hill Solar for this property is within the allowable uses in the Comprehensive Plan for Augusta County. I strongly urge the Planning Commission to find that this project complies with the General Agriculture uses permitted under the County Plan. The need for energy will only grow. This property has an almost ideal location for this type of project. It is off the main roads, and its developers are willing to include setbacks and buffers that in many areas exceed county requirements. This will minimize any disruption to the rural flavor of this area and to the surrounding property owners.

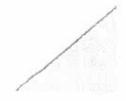
My family and I have owned this property for many years, and I believe strongly that I or anyone else, should be able to use their property for any reasonable purpose. This use is reasonable and it is well within the uses permitted by the Comprehensive Plan.

I also believe that this project will benefit Augusta County. I am told that there will be 100 million dollars invested here, of which 30 million will be for construction. This will bring approximately 400 construction jobs and 8-10 permanent jobs to the County along with approximately 6 million dollars in annual tax revenue. Very few business will bring so much while asking for so little.

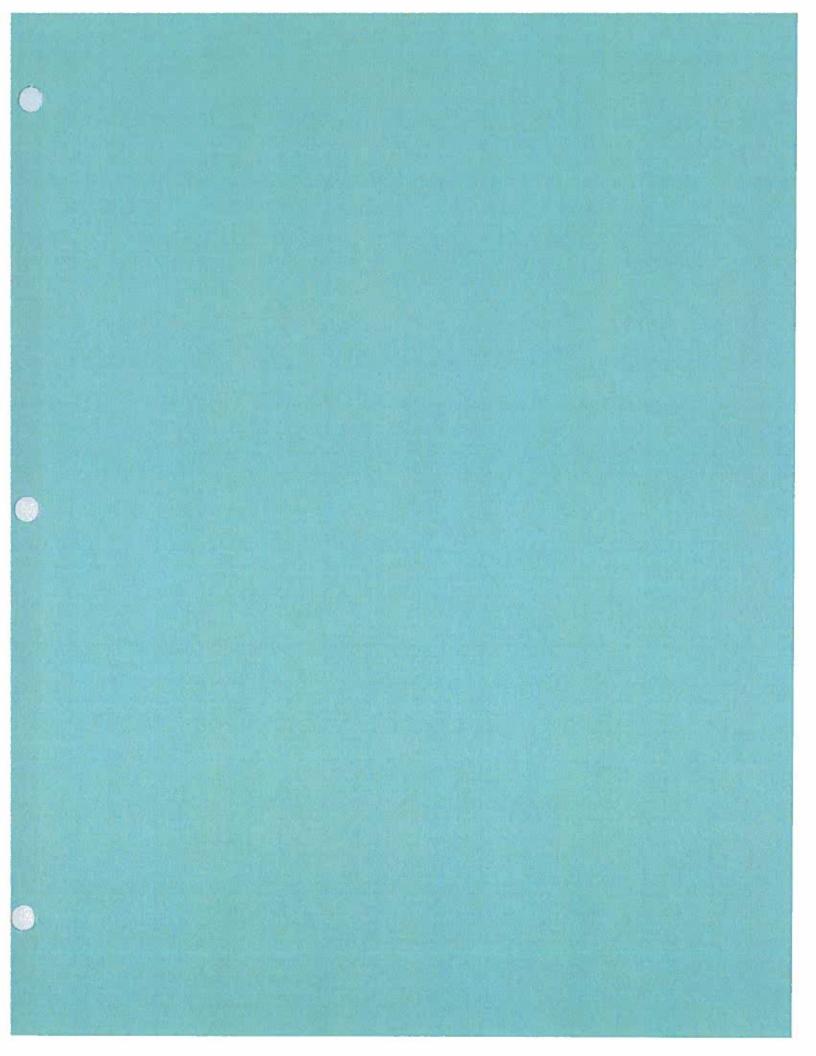
Because of all this, I am asking that you approve the Special Use Permit for this project so that it can go forward.

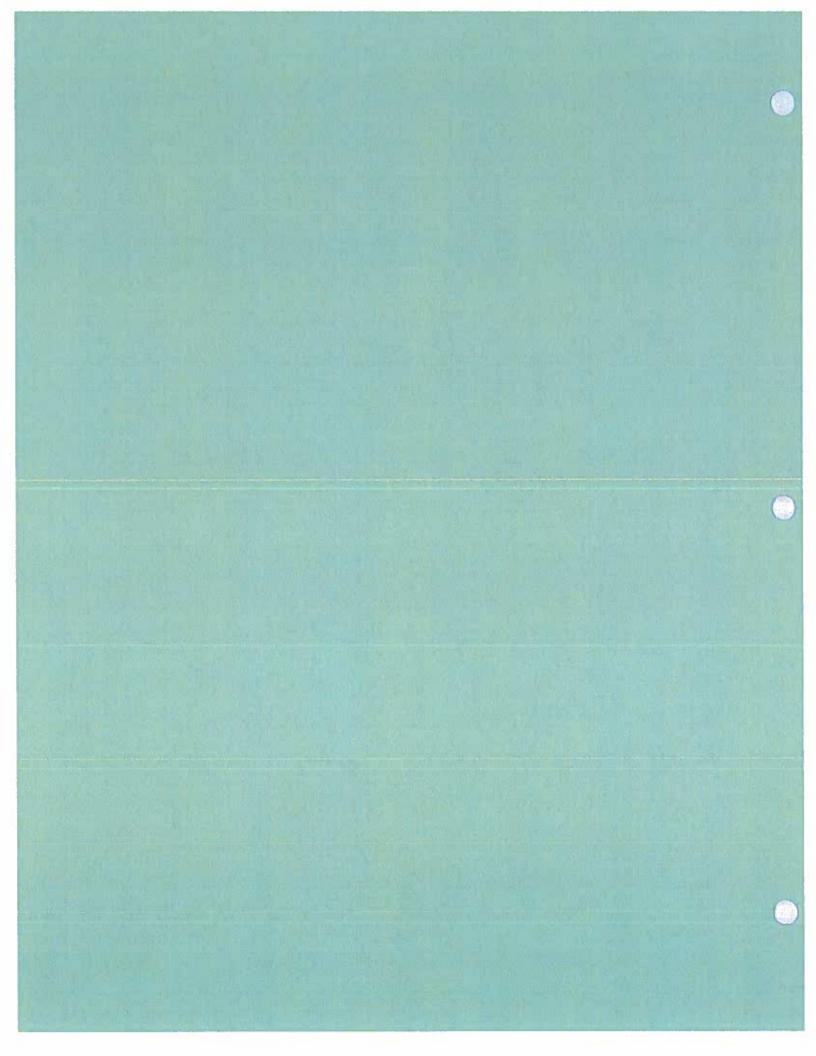
Sincerely

Allan and Linda Bocock



AND THE REPORT OF THE PARTY OF





# AUGUSTA COUNTY PLANNING COMMISSION REGULAR MEETING SCHEDULE AND INCLEMENT WEATHER RESOLUTION 2021

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

WHEREAS, the Planning Commission now desires to establish its schedule for regular meetings during calendar year 2021.

# BE IT RESOLVED BY THE AUGUSTA COUNTY PLANNING COMMISSION:

 The Planning Commission shall hold regular meetings during calendar year 2021, in the Board Meeting Room at the Augusta County Government Center, on the dates and at the times set forth below:

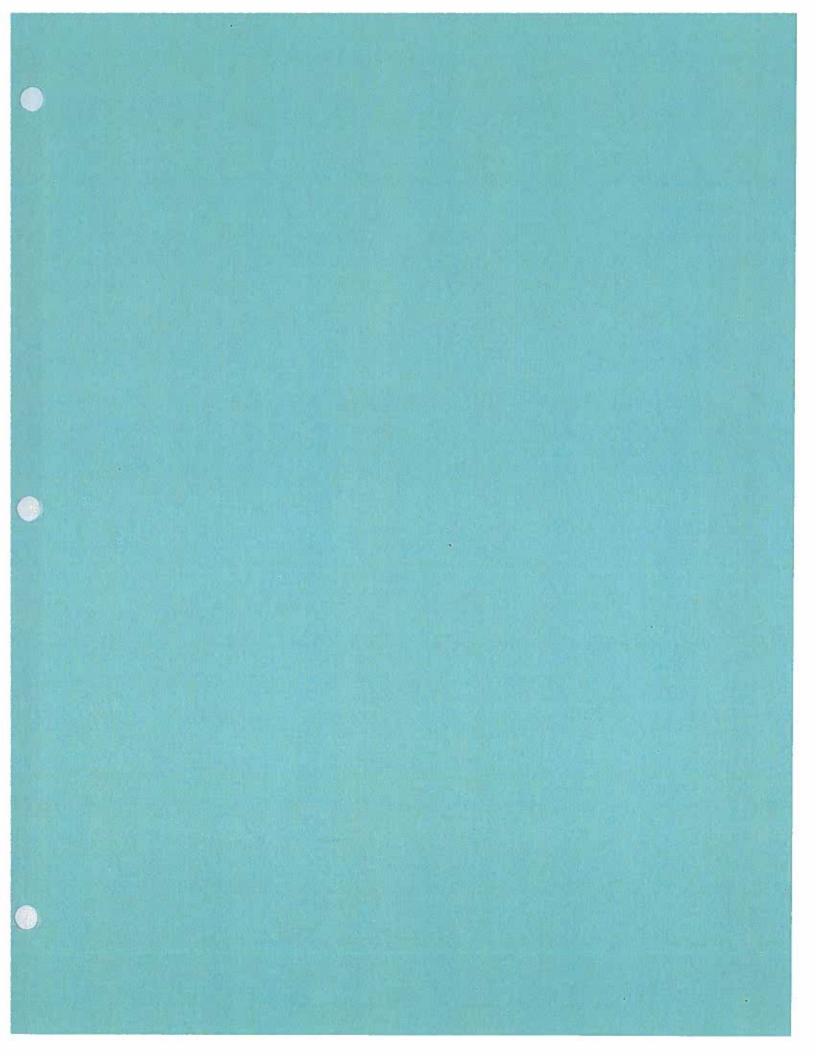
February 9, 2021	7:00 p.m.
March 9, 2021	7:00 p.m.
April 13, 2021	7:00 p.m.
May 11, 2021	7:00 p.m.
June 8, 2021	7:00 p.m.
July 13, 2021	7:00 p.m.
August 10, 2021	7:00 p.m.
September 14, 2021	7:00 p.m.
October 12, 2021	7:00 p.m.
November 9, 2021	7:00 p.m.
December 14, 2021	7:00 p.m.

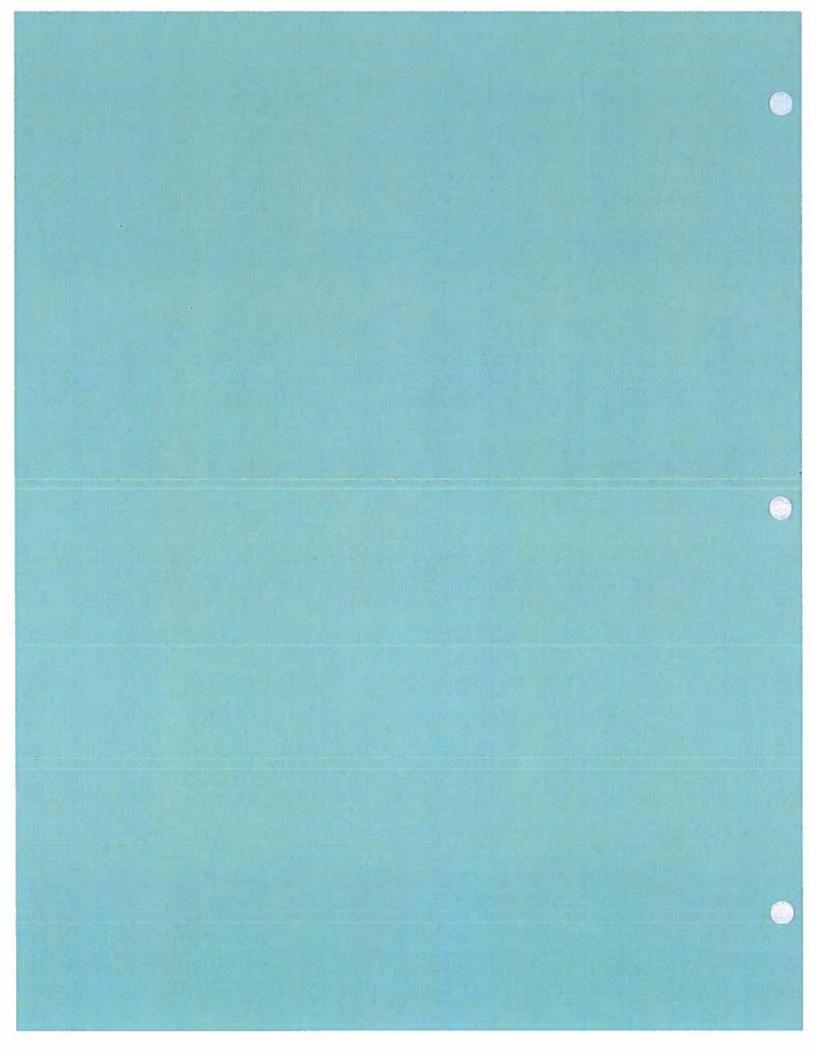
- 2. Prior to the regular meeting listed above, the Planning Commission may meet for a staff briefing, which are open to the public and shall be advertised in accordance with 2.2-3707 of the Code of Virginia.
- 3. The Planning Commission may also hold worksessions throughout the year on an as needed basis. The scheduling of such worksessions shall be in accordance with 15.2-2214 of the Code of Virginia. Worksessions are open to the public and shall be advertised in accordance with 2.2-3707 of the Code of Virginia.
- 4. In the event the Chairman of the Planning Commission, of the Vice Chairman of the Planning Commission, if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members of the Planning Commission to attend a meeting, such meeting shall be continued to the next Tuesday. Such finding and declaration shall be communicated to the members of the Planning Commission and the media as promptly as possible. All

hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

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

January 12, 2021	Ву:	The second of th		
	14 73	Chairman		
	CONTRACT OF A	Augusta County Planning Commission		





# AUGUSTA COUNTY PLANNING COMMISSION



# ANNUAL REPORT 2020

# AUGUSTA COUNTY PLANNING COMMISSION 2020 ANNUAL REPORT

### **MEMBERSHIP**

The Augusta County Planning Commission 2020 commissioners were: Gregory W. Campbell, Chair; Larry Howdyshell, Vice-Chair; Kitra A. Shiflett; Gordon Kyle Leonard, Jr.; and E. Thomas Jennings, Jr. Robert Thomas, III replaced James W. Curd in June 2020 representing the Wayne district. Carolyn Bragg replaced Stephen Neil Bridge in July 2020 representing the South River district. Leslie C. Tate continued to serve as Secretary to the Commission.

### **MEETINGS**

In 2020, the Planning Commission held seven (7) regular meetings. Four (4) meetings were cancelled due to state orders related to the novel coronavirus pandemic. One (1) meeting was cancelled due to no new business for the Commission. The Commission had strong attendance at all of their meetings. Greg Campbell and Larry Howdyshell attended all seven meetings. Kitra Shiflett missed only one meeting. Following their respective appointments to the Commission, Carolyn Bragg and Robert Thomas were present for all meetings, and prior to his term expiration and replacement, Steve Bridge was present for all meetings. The Commission continued their practice of meeting on the second Tuesday of each month and viewing the rezoning requests prior to the public hearings.

## **WORKLOAD**

The Commission had five (5) rezoning requests and two (2) Comprehensive Plan amendment requests come before them in 2020, as well as one (1) request to withdraw land from the Middle River Agricultural and Forestal District and one (1) request to amend a master plan and zoning regulations for a Planned Unit Development, Spring Lakes in the Beverley Manor district.

One of the two Comprehensive Plan amendment requests was related to the Transportation Chapter of the Comprehensive Plan. This amendment sought to add several priority transportation projects in locations throughout the County following an increase of regional and local transportation analyses. The amendment was unanimously approved by the Commission. The second Comprehensive Plan amendment request was related to the Utilities section of the 2014-2015 Comprehensive Plan Update. Eleven policy considerations were added for design and siting for utility scale solar energy projects. The amendment was approved 4-2 by the Commission, following the Commission's addition to Policy 6 to include consideration of existing Augusta County Service Authority infrastructure.

The Commission also considered Zoning and Subdivision Ordinance amendments to the solar energy systems ordinance, representing a significant decrease from the fifteen (15)

amendments heard by the Commission in 2019. These amendments included revising the definition of small and large solar energy systems, adding buffering, bonding, and site plan submittal and decommissioning requirements for small solar energy systems, clarifying existing use of consultant language, reducing the perimeter for notifying community members of large solar energy systems, clarifying existing cost benefit analysis language, leaving setbacks as currently adopted but adding language concerning standards or topic considerations for reduced setbacks, amending fencing requirements for greater flexibility – to be determined as a part of the special use permit, adding language concerning exclusion of salvage value in bond. The Commission recommended approval of all amendments, with the exception of the amendment to reduce the community meeting notification from a 1 mile perimeter to a ½ mile perimeter.

The Commission also approved the Stuarts Draft Small Area Plan with a 5-1 vote at the January 2020 meeting following a three-year planning effort.

The Commission unanimously voted to accept and pass the Capital Improvements Plan and Budget along to the Board of Supervisors in June 2020.

## **REZONING OF LAND**

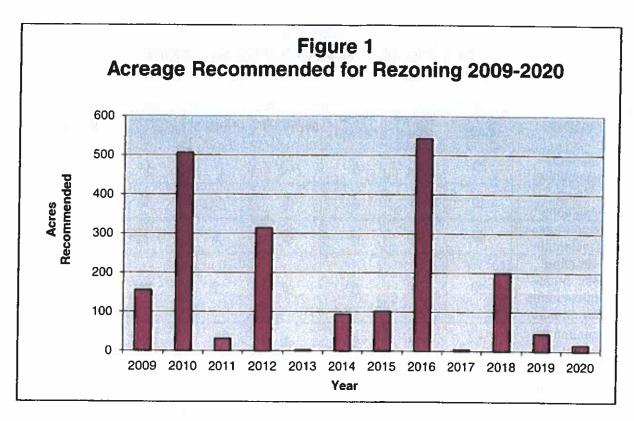
Three (3) of the five (5) requests for rezoning were recommended to the Board to be approved. A request to rezone from General Agriculture to General Business was recommended to the Board for denial based on inadequate property acreage for the proposed use, impacts of the proposed use to adjacent property, and a lack of compliance with the Comprehensive Plan. A request to rezone from Single-Family Residential to General Agriculture was recommended to the Board for denial based on a lack of compliance with the Comprehensive Plan. Table 1 shows a breakdown of the Planning Commission's actions on all the requests for rezoning by magisterial district.

# TABLE 1 RECOMMENDATIONS ON REQUESTS FOR REZONING BY THE PLANNING COMMISSION BY MAGISTERIAL DISTRICT

DISTRICT	RECOMMEND APPROVAL	RECOMMEND DENIAL	TABLED	TOTAL
Beverley Manor	0	0	0	0
Middle River	0	0	0	0
North River	0	0	0	0
Pastures	1, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		0	2
Riverheads	11 0 15 22 23	0	0	0
South River	71	1	0	2
Wayne	1	0	0	1
TOTAL	3	2	0	5

The number of rezoning requests in 2020, five (5), reflected consistency in rezoning request activity, as there were also five (5) requests heard in 2019. For the purposes of this report, only the rezoning requests will be considered and not the Comprehensive Plan amendments, the request to withdraw land from the Middle River Agricultural and Forestal District, or the request to approve Planned Unit Development zoning and master plan amendments. The Board of Supervisors followed the recommendations of the Planning Commission in all of the rezoning cases in 2020, with the exception of approving one request that the Commission had recommended for denial. One request was withdrawn by the applicant prior to consideration by the Board.

The acreage recommended for rezoning decreased by about two-thirds of what was recommended in 2019, going from approximately 45.08 acres in 2019 to approximately 15.75 acres in 2020. This number does not reflect the approx. 0.5 acre request and the approx. 10.5 acre request that were recommended for denial. Figure 1 below shows the acres recommended for rezoning from 2009 to 2020.



<sup>\*</sup> Note: This table does not include requests to add to PUO, withdraw from Agricultural and Forestal Districts, and amend Planned Unit Development zoning and master plan designations.

As shown in Figure 1 above, the acreage recommended for rezoning in 2020 reflects an overall increase in acreage recommended for rezoning since 2013. However, 2020 does reflect a continued drop in acreage recommended for rezoning since 2018 and is substantially lower than 2019. It is important to note that the unique increase in 2016 was mostly attributable to one request to rezone approximately 515 acres from General Agriculture to General Industrial with a portion to Airport Business at the recommendation of the Board of Supervisors.

The rezoning requests in 2020 were distributed over three (3) of the seven (7) magisterial districts. The South River and Pastures districts had two (2) requests. The Wayne district had (1) request. There were no rezoning requests made in the Beverley Manor, North River, Middle River, or Riverheads districts in 2020.

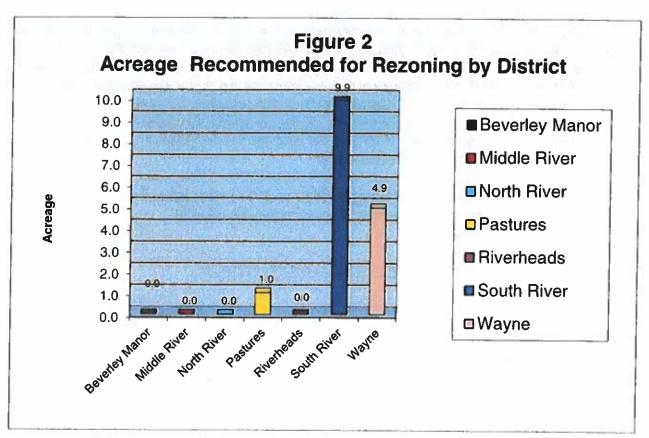
Only 6.33 percent of the land recommended for rezoning in 2020 was from General Agriculture. In addition, 9.85 acres, representing approximately 62 percent of land recommended for rezoning, was recommended for rezoning from Single Family Residential to General Agriculture. 4.9 acres, representing approximately 31 percent of land recommended for rezoning, was recommended for rezoning from General Business to Multi-Family Residential. Table 2 lists the acres recommended for rezoning by zoning classification and magisterial district.

# TABLE 2 ACREAGE RECOMMENDED FOR REZONING BY ZONING CLASSIFICATION AND MAGISTERIAL DISTRICT

ZONE	Beverley Manor	Middle River	North River	Pastures	R'heads	South River	Wayne	TOTAL
General Agriculture	0	0	0	1.0	0	0	0	1.0
Rural Residential	0	0	0	0	0	0	0	0
Single-family Residential	0	0	0	0	0	9.85	0	9.85
Attached Residential- Duplexes and Townhouses	0	0	0	0	0	0	0	0
Manufactured Home Park	0	0	0	0	0	0	0	0
Multi-family Residential	0	0	0	0	0	0	0	0
Airport Business	0	0	0	0	0	0	0	0
Limited Business	0	0	0	0	0	0	0	0
General Business	0	0	0	0	0	0	4.9	4.9
Planned Commerce	0	0	0	0	0	0	0	0
General Industrial	0	0	0	0	0	0	0	0
Planned Unit Developments	0	0	0	0	0	0	0	0
TOTAL*	0	0	0	1.0	0	9.85	4.9	15.75

<sup>\*</sup> Note: This table does not include rezoning requests recommended for denial by the Commission.

Figure 2 graphically illustrates the geographic location of the acreage recommended for rezoning. The South River district had approximately 62.5 percent of the acreage recommended for rezoning. The Wayne district had approximately 31 percent of the acreage recommended for rezoning. The Pastures district had approximately 6.35 percent of the acreage recommended for rezoning.



<sup>\*</sup> Note: This table does not include requests to add to PUO, withdraw from Agricultural and Forestal Districts, and amend Planned Unit Development zoning and master plan designations.

# RELATIONSHIP TO THE COMPREHENSIVE PLAN

One of the goals of the Augusta County Comprehensive Plan, affirmed by the 2014-2015 Update, is to target the County's growth to those areas with the public services designed to accommodate the development. The Plan recommends that 80 percent of the County's future residential growth be located in the Urban Service Areas, while Community Development Areas are planned to accommodate up to 10% of the future residential growth. Rural Conservation Areas and Agricultural Conservation Areas are each expected to accommodate less than 5 percent of the future residential development, with Rural Conservation Areas expected to accommodate the majority of the rural residential development in the County.

One way to track how well the Comprehensive Plan is being implemented is to view the number of rezonings being sought by Comprehensive Plan Planning Policy Area. In 2020, all five (5) requests for rezoning were in either the Urban Service or Community Development Areas, totaling approximately 26.75 acres. This number includes the request to rezone from General Agriculture to General Business that was recommended to the Board for denial based on the property being too small in acreage for the proposed use, as well as the request to rezone from Single-Family Residential to General Agriculture that was recommended to the Board for denial based on a lack of compliance with the Comprehensive Plan.

It is important to note that one of the requests for rezoning within an Urban Service Area was a request to rezone out of Single-Family Residential into General Agriculture, which is not a request in compliance with the Comprehensive Plan guidelines for Urban Service Areas. However, staff recommended the approval of the rezoning request because the rezoning would make the zoning classification of the property the same as all surrounding property, and because of the proximity of the property to national forest land. The Commission unanimously recommended the rezoning to the Board for approval, and the Board unanimously approved the rezoning.

Of the land being recommended for rezoning out of General Agriculture, approximately 1 acre was requested to be rezoned for Single Family Residential.

## **ORDINANCE AMENDMENTS**

In 2020, The Commission considered the following amendments to the solar energy systems ordinance:

- Clarification in the definition of small solar energy systems and large solar energy systems, with small solar energy systems defined as occupying less than 50 acres of total land area and large solar energy systems defined as occupying greater than 50 acres of total land area
- 2. Adding buffering, bonding, and site plan submittal and decommissioning requirements for small solar energy systems
- 3. Clarifying existing use of consultant language and the relationship between County and consultant
- 4. Reducing the notification perimeter for large solar energy systems community meetings from 1 mile to ½ mile
- 5. Clarifying existing cost benefit analysis language
- 6. Leaving setbacks as currently adopted, but adding language concerning standards or topic considerations for reduced setbacks
- 7. Amending fencing requirements for greater flexibility, and stating that this is to be determined as a part of the special use permit
- 8. Adding language concerning exclusion of salvage value in bond.

The Board of Supervisors approved all of the ordinance amendments listed above which were recommended for approval by the Commission. The Board of Supervisors did not approve the amendment reducing the notification perimeter for community meetings related to large solar energy systems from 1 mile to ½ mile, which was also not recommended for approval by the Commission.

## **PUBLIC USE OVERLAYS**

The Commission heard one (1) request to add approximately 6.33 acres to the Public Use Overlay (PUO) in 2020. The County pursued the request in consultation with County

purchase of the property through DuPont mercury settlement funds. This request was for a proposed public recreation facility along the South River in the Wayne District. The Commission recommended approval of the request.

# AGRICULTURAL AND FORESTAL DISTRICTS

The Commission heard one (1) request to withdraw approximately 75 acres in Weyers Cave in the Middle River district from the Middle River Agricultural and Forestal District in 2020. The request was recommended for approval by the Agricultural and Forestal District Committee and the Commission.

## **LOT CREATION**

There are two ways to create lots in Augusta County. The major subdivision process is the typical way lots get created in residential, business, or industrial zoning. In 2020, 85 new lots were created through the major subdivision process. This is a slight decrease from 104 new major subdivision lots created in 2019. The other way lots can be created in the County is through the minor subdivision process. This process allows a single lot, zoned agriculture, to be created off a larger tract of land and approved administratively by the County Subdivision Agent. In most cases, these lots are created to be sold and houses to be built on them. Up to two lots zoned residential, industrial or business can also be created in this manner, although the minor subdivision process is most frequently used in the agricultural areas. In 2020, 77 total new lots were created through the minor subdivision process. This number is a significant increase from the number of total new lots created through the minor subdivision process in 2019, which was 36.

To get a clearer picture of the number of residential lots being created in Augusta County in any given year, you must analyze both the minor and major subdivision plats being approved in the County (Table 3). In 2020, 85 lots were created through the major subdivision process, all for some type of detached or Planned Unit Development residential. In 2020, one (1) lot zoned Single Family Residential and one (1) lot zoned Planned Unit Development were created through the minor subdivision process. All other lots created through the minor subdivision process were zoned General Agriculture.

New lots created in the County are required to have frontage on a public road. One exception to that is in the General Agriculture districts where it is possible to create a lot without road frontage, but meeting all other lot requirements, and convey it to a family member. In 2020, nineteen (19) of the seventy-three (75) lots (25.3 percent) created in General Agriculture districts were created using the Family Member Exception. This is consistent with 2019, when approximately 25 percent of lots created in General Agriculture districts were created using the Family Member Exception. An ordinance amendment from 2018 created another exception for a one-time subdivision without road frontage for the purpose of subdividing an existing dwelling. No lots were created using this new exception in 2020.

TABLE 3

LOTS CREATED IN 2020

Zoning	Minor Subdivision Lots	Major Subdivision Lots	Total New Lots	
Rural Residential	0	0	0	
Single Family Residential	5-50 Hill Jan 5-5	56	57	
Attached Residential	0	0	0	
Townhouse Residential	0	0	0	
Master Planned Community (residential)	. 1	29	30	
Multi-Family Residential	0	0	0	
General Business	0	0	0	
General Industrial	0	0	0	
Planned Commerce	0	0	0	
General Agriculture	75	0	75	
TOTAL	77	85	162	

Figure 3 below graphically depicts the total number of lots created, both from major and minor subdivisions, from residential zoning districts (52.47%) and the General Agriculture zoning district (47.53%) in 2020.

