

AUGUSTA COUNTY PLANNING COMMISSION



2021

Annual Report

AUGUSTA COUNTY PLANNING COMMISSION

ANNUAL REPORT

MEMBERSHIP

Larry Howdysshell, Chair
North River

Robert Thomas III, Vice-Chair
Wayne

Gregory W. Campbell
Beverley Manor

Kitra A. Shiflett
Middle River

Gordon Kyle Leonard, Jr.
Riverheads

E. Thomas Jennings, Jr.
Pastures

Carolyn Bragg
South River

Leslie C. Tate
*Community Development, Secretary to the
Commission*

Mrs. Kitra Shiflett retired from the Commission in November following 25 years of public service. Mr. Randall Harris was appointed to succeed her and will begin service in January 2022.

Thank you to the Planning Commission for their continual service and leadership to the people of Augusta County.

MEETINGS

In 2021, the Planning Commission held twelve (12) regular meetings. The Commission had strong attendance at all meetings. Larry Howdysshell, Carolyn Bragg, and Kitra Shiflett attended all twelve meetings. Greg Campbell missed only one meeting, and Robert Thomas missed only two 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 a diverse workload in 2021. The Commission had ten (10) rezoning requests and two (2) Comprehensive Plan amendment requests come before them in 2021, as well as a request to amend the concept plan and proffers for County-owned Mill Place Commerce Park and a request to amend the proffers for County-owned Natural Chimneys Park. Both of the Comprehensive Plan amendment requests were for the purposes of amending the Future Land Use designation of two properties in Community Development Areas from Low Density Residential to Urban Open Space for the purposes of facilitating the placement of conservation easements on both properties.

The Commission also had five requests to review solar energy facilities to determine compliance with the Comprehensive Plan or parts thereof, as mandated for public utility applications in Virginia State Code section 15.2-2232. One of the solar energy facilities under consideration was an approximately 550 acre facility, and the four other solar energy facilities were under 50 acres in area. A chart further detailing each proposed solar energy facility and the outcomes of public hearings can be reviewed on page 10 of this report.

The heavy increase in solar energy facility review was accompanied by the consideration of a request to amend the policies in the Utilities section of the Comprehensive Plan that address siting and design of solar energy facilities. The Commission considered the addition of a twelfth policy that supported the siting of solar energy facilities on contiguous parcels and stated that solar facilities constructed in distinct phases should be considered to be separate facilities. The other proposed amendments added language to the existing policies that strongly discouraged a photovoltaic panel coverage of more than 200 acres, facilities that were sited in close proximity to existing solar facilities, or facilities that proposed siting on non-contiguous parcels. The Planning Commission recommended denial of all proposed amendments to the Board of Supervisors; however, the Board voted to approve all amendments.

Ordinance amendments comprised a significant portion of the Planning Commission's workload. The Commission considered twenty (20) amendments to the County's Zoning and Subdivision Ordinance. This represents an increase from 2020, where fifteen (15) amendments were considered, all of these being to the County's solar energy facility ordinance. The Commission recommended approval of all amendments, and all amendments were adopted by the Board of Supervisors. Further information regarding the ordinance amendments can be reviewed on pages 7 and 8 of this report.

The Commission reviewed the Capital Improvements Plan and Budget in May 2020 and unanimously voted to accept the plan and budget.

REZONING OF LAND

Seven (7) of the ten (10) requests were recommended to the Board of Supervisors to be approved. A request to rezone from General Agriculture to Single-Family Residential was recommended to the Board for denial based on issues with water quality in the area, a request to rezone from Rural Residential to General Agriculture was recommended to the Board for denial based on a lack of compatibility with the Comprehensive Plan and with surrounding land uses, and a request to rezone from General Agriculture to General Business that was recommended to the Board for denial based on a lack of compatibility with

adjacent single-family residential uses. All three of these requests withdrew prior to the Board of Supervisors public hearing. Table 1 shows a breakdown of the Planning Commission’s actions on all the requests for rezoning by magisterial district.

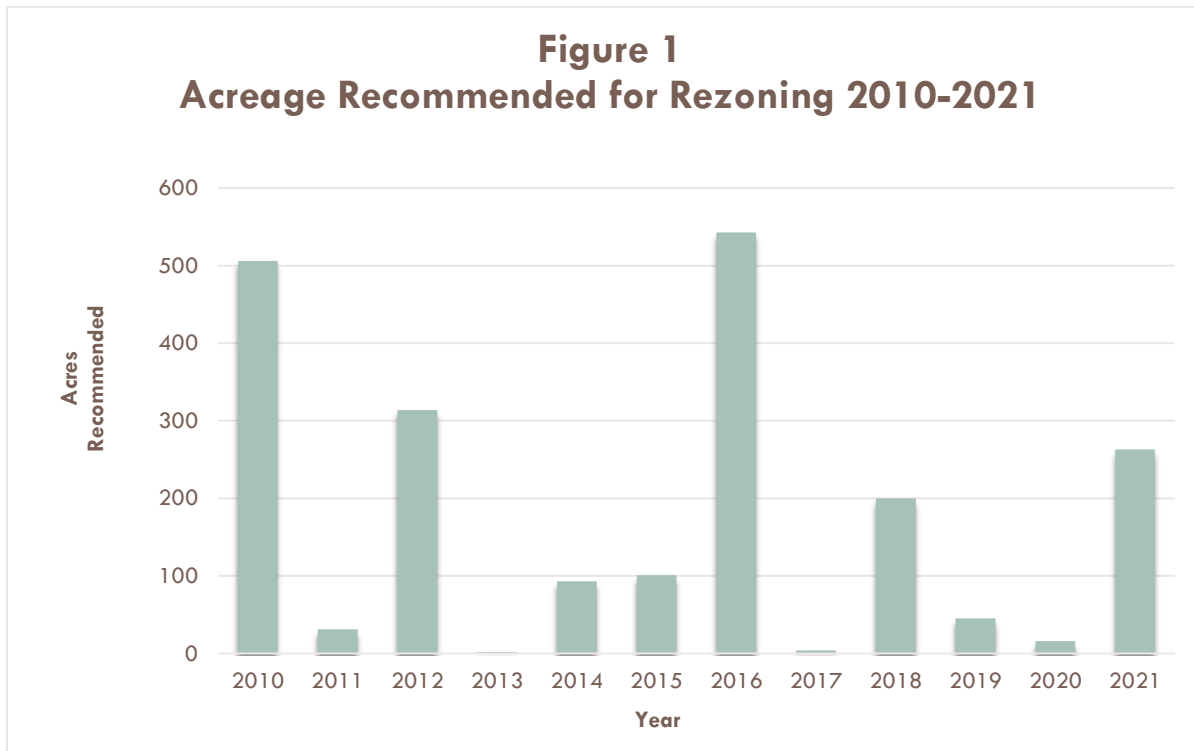
TABLE 1
 RECOMMENDATIONS ON REQUESTS FOR REZONING
 BY THE PLANNING COMMISSION
 BY MAGISTERIAL DISTRICT

DISTRICT	RECOMMEND APPROVAL	RECOMMEND DENIAL	TABLED	TOTAL
Beverley Manor	5	0	0	5
Middle River	0	1	0	1
North River	1	1	0	2
Pastures	0	0	0	0
Riverheads	0	0	0	0
South River	1	1	0	2
Wayne	0	0	0	0
TOTAL	7	3	0	10

The number of rezoning requests in 2021, ten (10) reflected an increase in rezoning request activity, as there were five (5) requests heard in 2020. One potential reason for the doubling of rezoning requests could be the economic rebound of Virginia and the Valley region following the height of the COVID-19 pandemic in 2020. For the purposes of this report, only the rezoning requests will be considered and not the Comprehensive Plan amendments or the two requests to amend existing proffers for two County-owned properties. The Board of Supervisors followed the recommendations of the Planning Commission in all of the rezoning cases in 2021. Three rezoning requests were withdrawn by the applicant prior to consideration by the Board; all three of these requests had been recommended for denial by the Planning Commission.

The acreage recommended for rezoning increased significantly from what was recommended in 2020, going from approximately 15.75 acres in 2020 to approximately 261.21 acres in 2021. This number does

not reflect the three requests that were recommended for denial. Figure 1 below shows the acres recommended for rezoning from 2010 to 2021.



* Note: This table does not include rezoning requests recommended for denial by the Commission, Comprehensive Plan amendments, or proffer amendments.

As shown in Figure 1 above, the acreage recommended for rezoning in 2021 reflects an overall increase in acreage recommended for rezoning since 2013 and is significantly higher than the acreage recommended in both 2019 and 2020. However, it should be noted that the increase in 2021 is partially attributable to one request to rezone approximately 108 acres from General Business and Multi-Family Residential to General Industrial. It is also 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 2021 were distributed over four (4) of the seven (7) magisterial districts. The Beverley Manor district had five (5) requests. The South River and North River districts both had two (2) request. The Middle River district had one (1) request. There were no rezoning requests made in the Wayne, Middle River, or Riverheads districts in 2021.

Approximately forty-one percent (41.4%) of the land recommended for rezoning in 2021 – approximately 109 acres – was from General Agriculture. This is reflective of an increased interest in new development in the County, rebounding from low levels of interest in 2020, when only 6.33 percent of the land recommended for rezoning was from General Agriculture. All other rezoning requests that were recommended for approval were requests to rezone from General Business or General Industrial to Multi-

Family Residential, Village Mixed Use, or General Industrial. This is indicative of a statewide and nationwide trend of increasing mixed use developments and industrial uses.

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

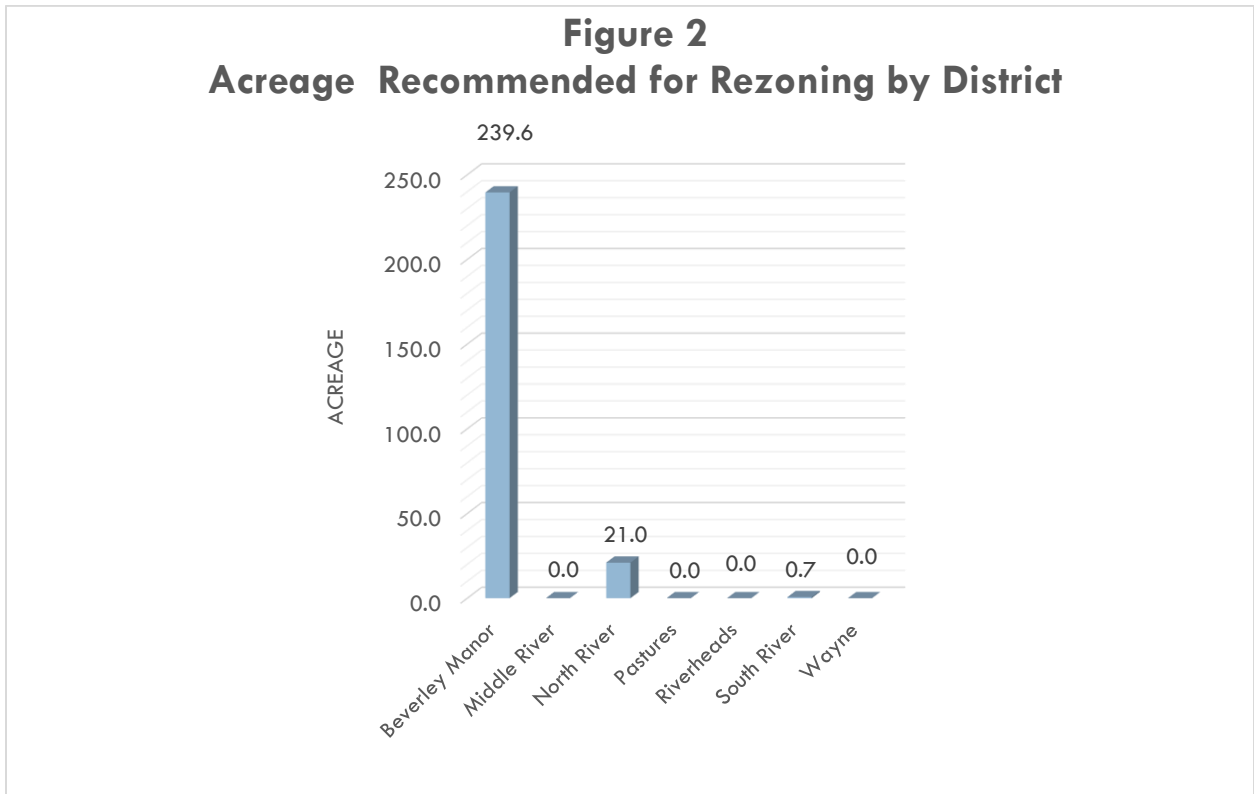
ZONE	Beverly Manor	Middle River	North River	Pastures	R'heads	South River	Wayne	TOTAL
General Agriculture	0	0	0	0	0	0	0	0
Rural Residential	0	0	0	0	0	0	0	0
Single-Family Residential	0	0	0	0	0	0	0	0
Manufactured Home Park	0	0	0	0	0	0	0	0
Multi-family Residential	13.8	0	0	0	0	0	0	13.8
Attached Residential	8.6	0	0	0	0	0	0	8.6
Airport Business	0	0	0	0	0	0	0	0
General Business	4.16	0	0	0	0	0.65	0	4.81
Planned Commerce	0	0	0	0	0	0	0	0
General Industrial	213	0	0	0	0	0	0	213
Planned Unit Developments	0	0	0	0	0	0	0	0

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ZONE	Beverley Manor	Middle River	North River	Pastures	R'heads	South River	Wayne	TOTAL
Village Mixed Use	0	0	21	0	0	0	0	21
TOTAL*	239.56	0	21	0	0	0.65	0	261.21

* Note: This table does not include rezoning requests recommended for denial by the Commission, Comprehensive Plan amendments, solar energy facility requests, or proffer amendments.

Figure 2 graphically illustrates the geographic location of the acreage recommended for rezoning. Approximately ninety-one percent (91.7%) of the land recommended for rezoning was in the Beverley Manor district. Approximately eight percent (8.04%) of the land recommended for rezoning was in the North River district. The remaining 0.26 percent was in the South River district.



* Note: This table does not include rezoning requests recommended for denial by the Commission, Comprehensive Plan amendments, solar energy facility requests, or proffer amendments.

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 2021, all ten (10) requests for rezoning were in either the Urban Service or Community Development Areas, totaling approximately 309.63 acres. This number includes the request from General Agriculture to Single-Family Residential that was recommended to the Board for denial, the request to rezone from Rural Residential to General Agriculture that was recommended to the Board for denial, and the request to rezone from General Agriculture to General Business that was recommended to the Board for denial.

It is important to note that one of the requests for rezoning within a Community Development Area was a request to rezone out of Rural Residential into General Agriculture, which is not a request in compliance with the Comprehensive Plan guidelines for Community Development Areas. The request to rezone the property back to General Agriculture was made so the property owner could subdivide their property into more lots than permitted under Rural Residential zoning. Staff recommended the denial of the rezoning request as the intent of General Agriculture zoning districts is not to be able to heavily subdivide property, and as agricultural zoning would not be compatible with neither the Comprehensive Plan nor surrounding Rural Residential zoning. The Planning Commission also recommended the denial of the request to the Board.

Of the land being recommended for rezoning out of General Agriculture, approximately 78.6 acres were requested to be rezoned for some type of residential use.

Four of the five solar energy facilities considered by the Planning Commission during 2232 reviews were located in either the Urban Service Area or the Community Development Area. While these areas are explicitly stated to be reserved for development, staff recommended substantial accord for three of these projects, as the proposed projects were located in areas that were infeasible for development due to factors such as floodplain, inadequate transportation infrastructure, or topographical constraints; areas that had a significant amount of previously existing natural buffering; or were in areas that were primarily surrounded by agricultural uses and had not yet fulfilled the Comprehensive Plan's vision of development.

ORDINANCE AMENDMENTS

In 2021, the Commission considered the following amendments to the Augusta County Code and recommended all for approval:

1. Allow passive and active recreation as permitted uses in Planned Commerce zoning districts
2. Addition of the definitions of brewery and microbrewery to the County Code
3. Allow brewpubs and microbreweries as by-right, permitted uses in General Business zoning districts
4. Allow microbreweries as by-right, permitted uses in General Industrial zoning districts
5. Create parking regulations for brewpubs and microbreweries
6. Updates of the wireless telecommunications facilities ordinance to be in compliance with new regulations in the Virginia State Code
7. Clarification of the definitions of junkyard, vehicle sales lot, and inoperable motor vehicle; addition of the definition of motor vehicle impoundment lot to the County Code
8. Renaming of inoperable motor vehicle impoundment yard to motor vehicle impoundment lot and add new regulations for operations of motor vehicle impoundment lots
9. Clarification that vehicle sales lots do not include vehicles incapable of passing a Virginia state inspection in their current condition
10. Clarification to the definition of bunkhouses; addition of the definition of temporary seasonal farm worker housing to the County Code
11. Allow bunkhouses as an accessory use in General Agriculture zoning districts with an administrative permit, provided the lot or parcel contains at least six acres and the number of guests to be housed at any point in time does not exceed six
12. Allow temporary seasonal farm worker housing and bunkhouses in General Agriculture zoning districts with a Special Use Permit
13. Correction of a typo in the solar energy facilities ordinance to state that the Board of Zoning Appeals is the body tasked with reviewing matters of alternative buffering compliance for small-scale solar energy facilities
14. Updates of permitted uses in Village Mixed Use zoning districts
15. Clarification of the definition of junkyard to include vehicles in the list of items considered to be a junkyard
16. Clarification of the definition of accessory building or use
17. Correction of a typo in the definition of group homes to state a correct Virginia State Code reference
18. Removal of a requirement that an apartment being considered as an attached accessory dwelling unit be legally established with an Administrative Permit or Special Use Permit
19. Allow a facility operator to personally reside on a parcel immediately adjacent to or directly across the street from the parcel on which a short-term rental, B&B, or vacation rental is located
20. Addition of regulations for a tent, camper, or recreational vehicle for personal use on a vacant lot

The Board of Supervisors approved all of the ordinance amendments listed above.

PUBLIC USE OVERLAYS

The Commission heard one request to amend the proffers for an existing Public Use Overlay at Natural Chimneys Park to add weddings, stages, and pavilions as permitted uses in the park. The Planning Commission recommended approval and recommended the addition of language that clarified that the

size of weddings must be tied to the capacity of existing shelter space on park property. The Board of Supervisors approved the proffer amendment, which included the language proposed by the Planning Commission.

AGRICULTURAL AND FORESTAL DISTRICTS

The Commission did not hear any requests to add or withdraw land from one of the County’s Agricultural and Forestal Districts.

SOLAR ENERGY FACILITIES

Pursuant to the Virginia State Code section 15.2-2232, which mandates that localities must review proposed public utility projects that are not designated in the locality’s Comprehensive Plan and determine whether the proposed projects are in substantial accord with the Comprehensive Plan or “parts thereof,” the Planning Commission reviewed five solar energy facilities in substantial accord determinations. These substantial accord determinations were preceded by two staff reports with staff recommendations, and included public hearings. The Planning Commission recommended that four of the five proposed solar energy facilities were in substantial accord with the Comprehensive Plan or parts thereof. The solar energy facility that was not recommended to be in substantial accord withdrew before its public hearing before the Board of Supervisors. The four other solar energy facilities were reviewed by the Board of Zoning Appeals – the body authorized by County Code to review and make a final determination on solar energy facilities under 50 acres – and subsequently issued final approval. It is important to note that although four projects have obtained zoning approval from the County, whether or not these projects will be ultimately constructed is determined by Dominion Energy upon consideration of numerous external factors.

To date, Augusta County has approved approximately 105 acres for solar energy facilities, which is 0.01% of all land area in the county. Approximately 40 acres are located in the Rural Conservation Area, approximately 10 acres are located in the Community Development Area, and approximately 55 acres are located in the Urban Service Area. All 105 acres are zoned General Agriculture.

A chart outlining the name, location, size, and recommendation of each project is shown below.

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PROJECT NAME	PROJECT SIZE	MAGISTERIAL DISTRICT	DATE RECEIVED	PLANNING COMMISSION RECOMMENDATION	BOARD OF ZONING APPEALS OR BOARD OF SUPERVISORS DECISION
Augusta Solar	125 MW 1000+ acres	South River	August 2018	In substantial accord with Comp. Plan	BOS - DENIAL
Round Hill Solar	83 MW 880 acres	Riverheads	July 2020	Not in substantial accord with Comp. Plan	<i>Applicant withdrew prior to BOS public hearing</i>
Waynesboro Bridge Solar	5 MW 40 acres	Wayne	February 2021	In substantial accord with Comp. Plan	BZA – APPROVED 8.5.21
Augusta CSG	3.88 MW 12 acres	Wayne	March 2021	In substantial accord with Comp. Plan	BZA – APPROVED 8.5.21
Buffalo Branch Solar	3 MW 50 acres	Pastures	March 2021	<i>Applicant withdrew prior to public hearing</i>	<i>Applicant withdrew prior to public hearing</i>
Wayne Avenue Solar I	3 MW 43 acres	South River	April 2021	In substantial accord with Comp. Plan	BZA – APPROVED 11.4.21
Wayne Avenue Solar II	3 MW	South River	April 2021	<i>Applicant withdrew prior to public hearing</i>	<i>Applicant withdrew prior to public hearing</i>
Shared Solar HoldCo	1 MW 10 acres	Beverley Manor	July 2021	In substantial accord with Comp. Plan	BZA – APPROVED 10.7.21

TOTAL ACREAGE APPROVED TO DATE: 105 acres

TOTAL ACREAGE DENIED TO DATE: Approx. 1,000 acres

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 2021, 64 new lots were created through the major subdivision process. This is an approximately twenty-five percent decrease (-25%) from 85 new major subdivision lots created in 2020. This marks a continued decrease in the number of major subdivision lots created annually since 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 2021, 102 total new lots

were created through the minor subdivision process. This number reflects an approximately thirty-two percent increase (+32.47%) from the number of total new lots created through the minor subdivision process in 2020, which was 77.

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 2021, 64 lots were created through the major subdivision process. The majority of lots created through the major subdivision process were in residential districts, although new lots were also created in Planned Commerce and General Business districts.

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 2021, twenty-eight (28) of the one hundred and two (102) lots – approximately 27.45 percent - created in General Agriculture districts were created using the Family Member Exception. This is consistent with 2020, when approximately 25.3 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. Three lots were created using this new exception in 2021. This is an increase from 2020 when no lots were created using this exception.

TABLE 3 | LOTS CREATED IN 2021

Zoning	Minor Subdivision Lots	Major Subdivision Lots	Total New Lots
Rural Residential	2	0	2
Single Family Residential	0	54	54
Attached Residential	0	0	0
Townhouse Residential	0	0	0
Master Planned Community (residential)	0	7	7
Multi-Family Residential	0	0	0
General Business	0	2	2
General Industrial	0	0	0
Planned Commerce	0	1	1
General Agriculture	100	0	100
TOTAL	102	64	166

* Note: This table does not include lots approved between December 28, 2021 and December 31, 2021.

Figure 3 below depicts the total number of lots created, both from major and minor subdivisions, from 2016 through 2021.

FIGURE 3
MAJOR VS. MINOR SUBDIVISION LOTS 2016-2021

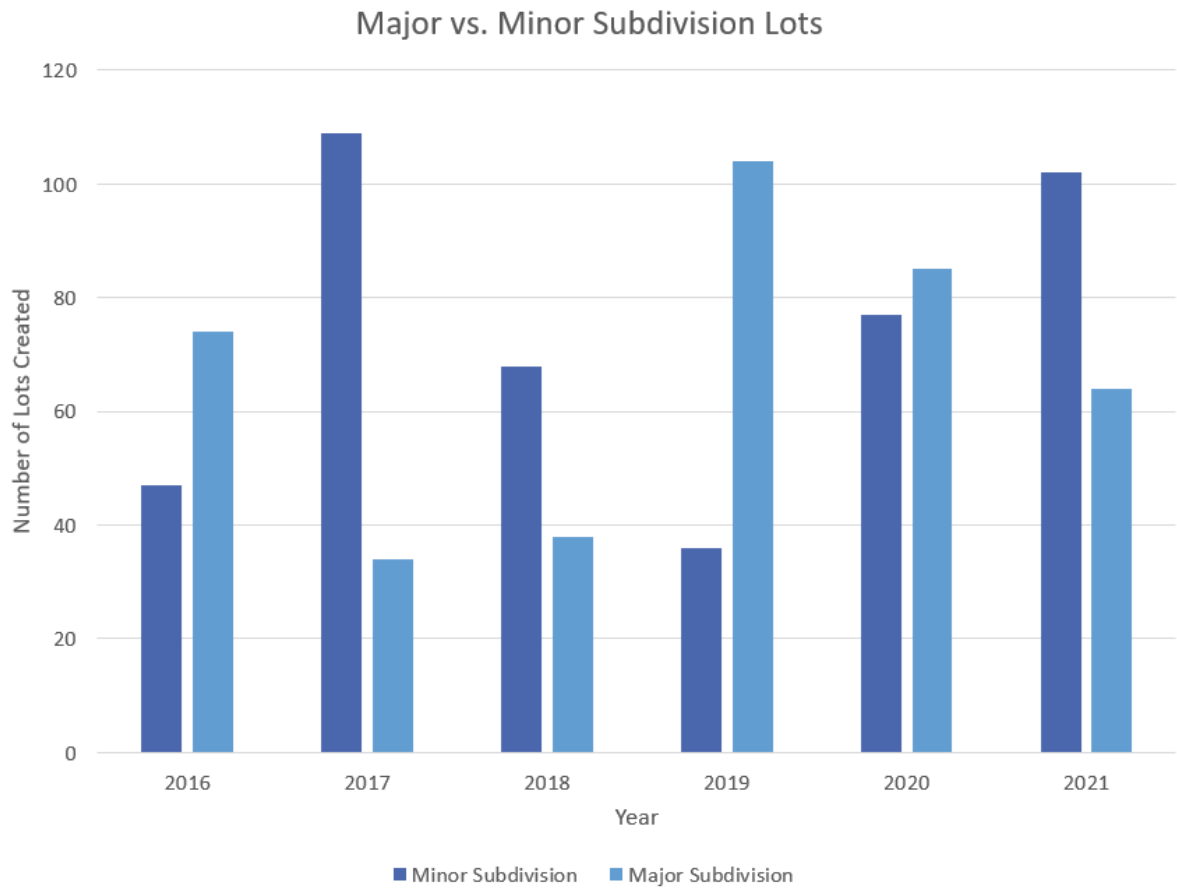


Figure 4 below graphically depicts the total number of lots created, both from major and minor subdivisions, from residential zoning districts (38.65%) and the General Agriculture zoning district (61.35%) in 2021.

