

PRESENT: R. Harris, Chairman
W. Schindler, Vice Chairman
C. Bragg
L. Howdyshell
R. Thomas

J. Hensley, Planner II
K. Savage, Planner I
D. Wolfe, Director of Community Development
N. Price, Assistant County Attorney

ABSENT: K. Leonard
K. McComas

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, August 13, 2024 at 3:30 p.m. in the Board Conference Room, Augusta County Government Center, Verona, Virginia.

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The Planning Commission reviewed the following substantial accord request and traveled to the following site, which will be considered at the Public Hearing:

Fishersville VAA, LLC
121 Mule Academy Road
Fishersville, VA 22939

Staff also presented a report detailing the results of the previous Board of Zoning Appeals meeting.

Chairman

Secretary

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J. Hensley, Planner II
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D. Wolfe, Director of Community Development

ABSENT: K. McComas

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, August 13, 2024 at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

Mr. Randy Harris stated that there was a quorum.

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MINUTES

Mr. Larry Howdyshell moved to approve the minutes of the called and regular meeting held on July 9, 2024.

Ms. Carolyn Bragg seconded the motion, which carried unanimously, 6-0.

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PUBLIC HEARING

Mr. Harris stated that there was one (1) public hearing that evening.

Ms. Julia Hensley introduced the item as a substantial accord determination for a request to build a small energy system for Fishersville A Solar. She reviewed the process for small-scale solar applications for everyone in the audience. Ms. Hensley

stated that the location, character, and extent of the proposed project has been reviewed by staff and various agency partners. That review was summarized in the staff report included in Commissioner's packets, which outlined the request's compliance with the Augusta County Comprehensive Plan. The Comprehensive Plan was identified as the 20-year vision for land use and development in the County, as set forth by the Board of Supervisors and County residents.

Ms. Hensley stated that the Planning Commission will make a substantial accord determination pursuant to Virginia Code Section 15.2-2232. That determination identifies whether the proposed project is in compliance with the Comprehensive Plan. Ms. Hensley noted that the Planning Commission is a recommending body and their recommendation will go to the Board of Zoning Appeals, a voting body that has the authority to grant or deny the Special Use Permit. When the project is scheduled for a public hearing before the Board of Zoning Appeals, adjacent property owners will receive a letter, a new blue sign will be posted on the property, and public notice will be published in the Staunton News Leader and on the County website.

With specifics to the request, Ms. Hensley introduced the item as a request to construct and operate a small solar energy system (3 MWac) on property owned by Arehart Family Investment, LLC located at 121 Mule Academy Road in Fishersville in the Beverley Manor Magisterial District. The total parcel acreage is approximately 41.712 acres and the proposed acreage to be developed is approximately 22 acres within the fenced area.

Ms. Hensley explained that the property is currently zoned General Agriculture, planned for Community Mixed Use, located in an Urban Service Area, and located within an Urban Service Overlay District. Ms. Hensley illustrated those designations by presenting aerial, zoning, future land use, and planning policy area maps of the subject parcel.

Ms. Hensley invited the applicant to the podium.

Mr. Kevin Comer, of Harrisonburg, asked Ms. Hensley if there was a time constraint due to technological issues.

Ms. Hensley said there may be a time constraint.

Mr. Comer thanked the staff for their time and feedback. Mr. Comer introduced his colleague Bryan and stated that, in the interest of time, a high-level summary of the project would be provided.

Mr. Comer reiterated the project's size, a 3MWac energy system fenced within approximately 22 acres of an approximately 41.7-acre parcel. Mr. Comer stated that the project would produce enough energy to fully power approximately 500 residences in the county. With the project's proximity to Blue Ridge Lumber Co., LLC (hereafter referred to as "the lumber yard" or "Blue Ridge Lumber"), the power generated from the facility would help power the lumber yard and other nearby business.

Mr. Comer commented on the location of the proposed project, stating it is a low-visibility site. There would be minimal visual obstructions from the road (Mule Academy Road) as a result.

Mr. Comer made comments on the character of the surrounding environment, noting the adjacent Industrial zoned properties, the lumber yard, the rail road, and the forested land. Mr. Comer suggested that the existing character of the area serves the siting of the project well.

Mr. Comer suggested that the land could remain in agricultural use to some degree by replacing the cattle with sheep. Mr. Comer proposed sheep grazing within the project's fence line to replace the cattle that currently graze the land. Mr. Comer commented on the incompatibility cattle have with solar panels.

Mr. Comer stated that the Fishersville A Solar application was submitted prior to the December 13, 2023 ordinance change, which prohibits solar facilities within Urban Service Areas and within two (2) miles of any existing or approved solar facility. Mr. Comer stated that this would be the last project up for consideration in an Urban Service Area.

Mr. Comer provided an update on the project's development status, which included an interconnection study process with Dominion Energy. Mr. Comer also explained that RWE has made significant investments to start a business on the site and have signed a power purchase agreement with Dominion. Should Fishersville A Solar be denied and not produce electricity, Dominion has stiff penalties in place.

Mr. Comer stated that the project will use all terrain trackers to minimize grading, commenting on the property's terrain variations. Mr. Comer stated that this specific technology is best suited for the property.

Mr. Comer spoke to the unique shape of the project and its intent to work around the delineated wetlands on the property. With specifics to the project's build, Mr. Comer explained that the equipment for the project would include single axis solar trackers, which would be located to the north and south. While referencing pictures in the presentation, he also gave note to the stormwater control features and ditching leading to the storm water basin at the bottom of the property.

Mr. Comer noted that the entry road for the solar project would be the same as the current entry road for the farm off of Mule Academy Road. He continued to say that the road to access the northern part of the array would be along the eastern edge of the property. Mr. Comer explained that the proposed access roads made best use of existing infrastructure, followed the ordinance, and avoided wetlands.

Mr. Comer referenced a map to illustrate the location of the rail road and the lumber yard in comparison to the requested property.

Mr. Comer provided an update on the voluntary community meeting that was held for abutting neighbors. He noted good attendance. With reference to a map, Mr. Comer pointed out a gap between contacted residents and explained that the gap was due to a property owner with ownership of more than one parcel. Mr. Comer stated that they were successful in speaking with the neighbors that could not attend the meeting.

Mr. Comer then noted that a majority of neighbors were in support of the project as an alternative use for the land compared to more intense uses. Some neighbors, however, wanted extra details on the solar project and the future of the property.

Mr. Comer responded to staff's concerns with the noise level associated with the solar project by comparing it to the noise levels of the lumber yard during operation. Through decibel readings, Mr. Comer illustrated that the existing noise exposure, along with the noise exposure of future development, is greater than the noise that would generate from the solar facility. Mr. Comer stated that none of the noise levels are dangerous.

Mr. Comer reiterated the project's timeline, stating that it preceded the December 13, 2023 ordinance amendment. Mr. Comer stated that this would be the last application for the Fishersville area and in an Urban Service Area. He noted nearby existing and approved solar facilities, such as Augusta CSG, Waynesboro Bridge, and Elm Spring I.

Mr. Comer presented on the viewshed of the site, illustrating how well hidden the panels would be. Using viewshed renderings, Mr. Comer provided a view of the project from various points, showing what it would look like in full operation with mature vegetative buffering. In his presentation, Mr. Comer spoke to potential improvements to the proposed buffering and responded to buffering concerns where there are utility easements.

Mr. Comer provided visuals from Lifecore Drive, illustrating how far the project is from that location. He also noted that there are substantial existing vegetative buffers but that additional vegetation will be planted.

Mr. Comer showed examples of where sheep grazing is successful on other RWE solar projects, including images from facilities in California, Texas, and Georgia. Mr. Comer compared the property's cattle laying under trees to the images of the sheep using the panels for shade.

Mr. Comer, with respect to staff's economic concerns with the project, stated that the proposed solar facility will generate 51 to 72 times more revenue to the county compared to the existing taxation on the property's current use.

Mr. Comer concluded his presentation and made a humorous comment to the previously noted technology concern.

Mr. Harris thanked Mr. Comer for the site visit earlier that day and asked the Commissioners if they had any questions for the applicant on the request.

Seeing none, Mr. Harris thanked Mr. Comer for his presentation and opened up the Public Hearing.

Mr. Harris invited audience members who wished to speak for or against the request to come forward and to state their name and address.

Mr. Tom Sheets, 1087 Hermitage Road, Staunton, President of Blue Ridge Lumber, spoke in favor of the request. Mr. Sheets identified Blue Ridge Lumber as the largest neighbor that would be impacted by the request. He stated that the request would not be an impact.

Mr. Sheets stated that he has been with the lumber yard and at that location for 41 years and said that the only changes made to that immediate community were to the hospital and the road (Mule Academy Road). Mr. Sheets explained that the surrounding buildings, including his own, and character of the area have remained the same. Mr. Sheets reiterated to the Commissioners that he does not have any financial interest in the solar project. Mr. Sheets stated that he believes the project is a good use for the land and the landowners and will provide good revenue for the County.

Mr. Sheets provided the Commissioners with a brief anecdote on the price of white oak falling in Asia and Europe to say that assumptions made on the future of the land are not the right path forward. Mr. Sheets, specifically referencing the nearby Hoy property, explained that assumptions made on the future of the land with no evidence anything will actually happen is only relevant to and at the hands of the landowner.

Mr. Sheets stated that he recently reacquainted himself with the Planning Commission, with the exception of Mr. Kyle Leonard, and identified them all as people with integrity and high intellect. Mr. Sheets stated that he will accept any decision the Commissioners come to but asked them to consider the project. He stated that powering 550 homes may equate to powering the hospital and himself (Blue Ridge Lumber). Mr. Sheets explained that he is not a "green" person but spoke to the benefits it could bring to his company in an international market. Mr. Sheets stated that the County should not try to control the land, explaining that if untouched, it would remain in agriculture use with higher tax rates, and should instead vote in favor of the project.

Mr. Harris thanked Mr. Sheets.

Mr. Harris asked if there was anyone else who wished to speak for or against the request.

Mr. Jack Barber, of 169 Windsor Drive, Fishersville, stated that he frequently drives by the property in question and believes a solar facility is a great use for the property. Mr. Barber stated that the property is not well suited for other development due to the topography and delineated wetlands. Mr. Barber thanked the Arehart family for letting

this sort of project come forward. He stated that solar facilities are the new farming commodity and spoke in favor of the request.

Mr. Harris asked if anyone else wished to speak for or against the request. Seeing none, Mr. Harris closed the public hearing.

Mr. Harris asked if there was any discussion from the Commissioners or if there was a motion.

Mr. Bill Schindler made a motion to approve the Special Use Permit request based on policies two (2) and five (5). Mr. Schindler referenced rural viewsheds and stated that because the project is located within an Urban Service Area planned for future compact, interconnected development, the maintenance of rural viewsheds of the property is less applicable.

Mr. Schindler also considered the property's surrounding character. He noted that the site is adjacent to existing industrial and heavy commercial uses that already affect visual aesthetics. Given that context and the applicant's proposed sufficient buffering, Mr. Schindler found good reason to recommend approval of the Special Use Permit request.

Ms. Hensley asked Mr. Schindler to amend his motion to find the request in substantial accord.

Mr. Schindler restated the motion to find the request in substantial accord.

Mr. Robert Thomas seconded the motion.

Mr. Harris asked if the Commissioners were ready to vote or if there was any discussion.

Ms. Bragg stated that she put a lot of thought into the request. Ms. Bragg commented on her protectiveness over the county's development, specifically in Urban Service Areas. She cited previous comments made that spoke to the preservation of agriculture and stated that preserving agriculture is not relevant in Urban Service Areas.

Ms. Bragg stated that she places higher standards on projects that take land out of potential development, comparing the projects to the Comprehensive Plan and its vision for the county. Ms. Bragg commented on the available water line near the property but notes the absence of a sewer line.

Ms. Bragg commented on the nearby existing and approved solar projects and the Fishersville A Solar's siting in an Urban Service Area, where solar is strongly discouraged. Ms. Bragg says that, in spite of that, she reviewed the project holistically, looking at the location, character and extent of the request. Ms. Bragg stated that the property is planned for Community Mixed Use, which does not limit the property to a

finite number of possibilities. Ms. Bragg commented that the slope of the property would hinder residential development and that the wetlands would make it more difficult to navigate other types of development.

Ms. Bragg strongly encouraged additional buffering at the entrance of the property and encouraged there be an opportunity for connectivity between the property and the adjacent “Hoy” property, should it ever be developed. Ms. Bragg commented on the desire for connectivity in Urban Service Areas. Ms. Bragg expressed her support for the project.

Mr. Harris thanked Ms. Bragg for her comments.

Mr. Kyle Leonard argued the applicability of comments on agricultural use for the property. Mr. Leonard explained that this property is not a host for viable agriculture or farming. He noted that the best use of the property would be for mixed residential to provide the most income to the county. Mr. Leonard made a comment on the property’s proximity to Lifecore Drive. Mr. Leonard stated that the landowner’s wishes, however, are to develop a small-scale solar facility. Mr. Leonard expressed his differences with that being the best use for the land but ultimately does not see the request as a problem, especially without sewer available.

Mr. Leonard continued to express his disagreement with the comments made on the solar facility’s positive relationship with agriculture and farming. Mr. Leonard, however, stated his support for the request.

Mr. Howdyshell made a comment on the difference between evaluating the project’s merits on paper versus in-person. Mr. Howdyshell stated that reviewing the character of the project by being “boots on the ground” redirected his vote. Mr. Howdyshell stated that due to the location of the property, he believes the property is the best spot for the proposed solar project.

Mr. Harris stated that there was a properly seconded motion on the floor and asked for a vote.

The vote carried unanimously, 6-0.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Mr. Harris moved on to matters to be presented by the public, stating that there was one person signed up to speak.

Mr. Scott Cline provided the Commissioners with an update on his group, Augusta County Watch, highlighting the recent Facebook traffic from the July 9, 2024 Planning Commission meeting. Mr. Cline stated that the latest livestream of the regular meeting saw over 2,000 views with over 200 repeat viewers. He continued to share that there were almost 4,000 clicks interacting with the post in some capacity. Mr. Cline shared that 59.2% were male viewers and the average age was between 55 and 64 with accounts largely based in Virginia. Citing resident interest, Mr. Cline made another request to the Planning Commission to livestream the regular meetings. Mr. Cline concluded his presentation by thanking Ms. Bragg for her transparency on Facebook regarding the train accident that occurred near the Wayne Avenue I Solar site. Mr. Cline expressed his sympathies for the families experiencing that tragedy.

Mr. Harris thanked Mr. Cline and asked if anyone else wished to present matters by the public. Seeing none, Mr. Harris moved on to new business.

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NEW BUSINESS

Mr. Harris stated that there was no new business to discuss and moved on to the next agenda item.

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OLD BUSINESS

Mr. Harris stated that there was no old business to discuss and moved on to the next agenda item.

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MATTERS TO BE PRESENTED BY THE COMMISSION

Mr. Harris asked if there were matters to be presented by the Commission.

Ms. Bragg spoke highly of the Augusta County Fair that took place in July.

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STAFF REPORTS

Mr. Harris asked Ms. Hensley if she had an update on the Comprehensive Plan.

Ms. Hensley provided an update on the Comprehensive Plan by first stating that the first draft of the Strategic Economic Development Action Plan had been completed and is being reviewed by Economic Development staff.

Ms. Bragg expressed interest in receiving a copy of the Strategic Economic Development Action Plan.

Ms. Hensley continued to say that the background chapter drafts were still being reviewed by staff. Ms. Hensley offered to share these materials with the Commissioners.

Ms. Hensley shared a tool currently being used by staff to get feedback from the community on the future land use map. The tool is interactive and will allow residents to share what they want future zoning to look like.

Ms. Bragg asked if the tool is currently live.

Ms. Hensley stated that the tool is now live and gave a timeline of when staff expect to end community feedback on the map.

Ms. Hensley provided an update on staff's recent visioning and goal setting sessions, stating that all Steering Committee members were present. Ms. Hensley offered to share the notes from the sessions with the Commissioners.

Ms. Hensley provided an updated projected timeline for the rest of the Comprehensive Plan writing process. Ms. Hensley welcomed questions from the Commissioners.

Mr. Harris thanked Ms. Hensley for the update and asked Ms. Kaitlyn Savage if there were any Board of Zoning Appeals (BZA) items to review.

Ms. Savage provided an update on September BZA Special Use Permit requests. Ms. Savage shared that the first applicant is Wendy G. and Peter Carlson, located in a Rural Conservation Area within the South River Magisterial District. Ms. Savage noted that the property is located in Afton, and is zoned General Agriculture. The request is to have a short-term vacation rental. She provided an aerial and tax map view of the property.

Ms. Savage shared that the second applicant is William A. Dull, located in a Rural Conservation Area within the Pastures Magisterial District. Ms. Savage noted that the property is located in Staunton, and is zoned General Agriculture. The request is to construct a 195' telecommunications tower with a 4' lightning rod within a 50'x50' fenced compound. She provided an aerial and tax map view of the property.

Ms. Savage shared that the third applicant is Old Gray Mare's Acres, LLC, located in a Rural Conservation Area within the Riverheads Magisterial District. The property is located in Raphine, and is zoned General Agriculture. The request is to continue having horse and livestock shows, rodeos, bull riding, dog competitions, and food trucks. She provided an aerial and tax map view of the property.

Ms. Bragg asked about the building in the aerial view of the map.

Mr. Doug Wolfe indicated that the building was the former Lofton Corporation building.

Ms. Savage shared that the fourth applicant is Matthew H. Shover, located in an Urban Service Area within the Pastures Magisterial District, is located in Staunton, and is zoned General Agriculture. The request is to manufacture and sell firearms and to sell ammunition. She provided an aerial and tax map view of the property.

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ADJOURNMENT

Mr. Harris asked if there were any questions from the commissioners or if there was a motion to adjourn.

Mr. Howdyshell made a motion to adjourn.

Mr. Leonard second the motion, which carried 6-0.

Chairman

Secretary