

PRESENT: C. Bragg, Chairman
R. Harris, Vice Chairman
L. Howdyshell
R. Thomas
D. Henderson
K. Leonard

E. Goodloe, Planner I
D. Wolfe, Director of Community Development

ABSENT: B. Schindler

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, August 8, 2023 at 4:00 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

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The Planning Commission discussed the motion from the June meeting to suspend the second sentence of section 3-1 of the Planning Commission By-Laws until the August 2023 regular meeting and will be considered during the regular meeting.

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

Fishersville Road Solar Farm, LLC
74 J Ranch Lane
Fishersville, VA 22939

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Chairman

Secretary

PRESENT: C. Bragg, Chairman
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L. Howdyshell
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D. Henderson
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E. Goodloe, Planner I
D. Wolfe, Director of Community Development

ABSENT: B. Schindler

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, August 8, 2023 at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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DETERMINATION OF A QUORUM

Mrs. Carolyn Bragg stated that they were missing one (1) member, and there was a quorum.

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Before the Commissioners continued, Mrs. Bragg relinquished the Chair to Mr. Randy Harris in order to consider the motion made during the June 2023 Planning Commission Regular meeting that suspended Section 3-1 from the By Laws.

Mr. Henderson stated I have nothing but a great deal of respect that the current chair person has done. My concern is there are two different constituents when acting as a Board of Supervisor representing your district and Chair of the Planning Commission representing your district. While you personally may be able to navigate that, this change that we are proposing is a permanent one and the chairmanship is not. My concern is that some future supervisor, should they come into this as chair, may not be able to navigate those two roles. I am not in favor of making this change.

Mr. Kyle Leonard stated we had a Board of Supervisor that resigned, and Mrs. Bragg having the experience and the knowledge that she did was the best choice they thought

for the replacement. At that time, she has been serving on this Board. She has been one of the best chairs and puts her time and effort into this. She has kept us informed. I would not want to see a standing board be a board member. The Board of Supervisors appoint a person to serve on this committee. I think this is something that will not happen again. I would like to see the by-laws changed and that particular item taken out and Carolyn stay on. She is non-biased, very informed and active. She does a wonderful job and if necessary, I can make a motion.

Mr. Larry Howdyshell stated each one of us have a responsibility for each Board that we sit on. When she is at the Planning Commission meeting it is her duty, but when she is at the Board of Supervisors meeting that is her duty also. She does not mix the two and has done an outstanding job. I would like to see the part removed that has been a hindrance. No one even knew we had by-laws until we started digging into this. I am in favor of removing that part.

Mr. Robert Thomas stated I can see the concerns. We have previously suspended the by-laws from the last couple of months. It is better to amend the Bylaws than ignore them.

Mr. Leonard moved to take out then second sentence of paragraph 3-1 from the by-laws.

Mr. Howdyshell seconded the motion, which carried 5-1.

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MINUTES

Mr. Larry Howdyshell moved to approve the minutes of the called and regular meeting held on July 11, 2023.

Mr. Harris seconded the motion, which carried unanimously.

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PUBLIC HEARINGS

Mrs. Bragg stated that they had one public hearing.

Ms. Elizabeth Goodloe stated our public hearing for this evening is a substantial accord determination for ESA Solar requesting to build a small-scale solar facility. The name of this application is Fishersville Road Solar Farm. Before I review the details of the application, I will review the process for small-scale solar application. The location, character, and extent of this proposed project has been reviewed by staff and various agency partners. Based on that review, staff have generated the staff report in your

packets, which outlines staff's assessment of the request's compliance with the Augusta County Comprehensive Plan.

Tonight, the Planning Commission will make a substantial accord determination pursuant to Virginia State Code Section 15.2-2232. The purpose of this determination is to identify if the proposed project is in compliance with the Augusta County Comprehensive Plan. The Planning Commission's determination of the project is a recommendation to the Board of Zoning Appeals. If the Planning Commission determines the project to not be in substantial accord with the Augusta County Comprehensive Plan, the applicant has the opportunity to appeal the decision within ten (10) days to the Board of Supervisors or to move forward with the request to the Board of Zoning Appeals. If the request to appeal is submitted to the Board of Supervisors, the Board has sixty (60) days to hold a public hearing on this request. If this project is scheduled for a public hearing before the Board of Supervisors, the current sign will remain on the property, public notice will be published in the Staunton News Leader, and the project will be posted on the Agendas section of the County website. Regardless of the substantial accord determination, the Board of Zoning Appeals has the authority to grant or deny Special Use Permits, for small scale solar facilities, and to assign pre- and operating conditions to the 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 sign will be posted on the property, and public notice will be published in the Staunton News Leader.

This is a request for a substantial accord determination pursuant to Virginia State Code Section 15.2-2232 for the Fishersville Road Solar Farm Special Use Permit request to construct and operate a small-scale solar energy system (2 megawatts) on property owned by James W. or Kelly B. Curd (TMP 067 46A) located southeast of Long Meadow Road (Route 608) at 74 J Ranch Ln, near the intersection of Long Meadow Road and Jefferson Highway (US-250), in Fishersville in the Wayne Magisterial District. The proposed size of project under panel is approximately 10 acres of a 24-acre parcel. The parcel is located in the Urban Service Overlay, within an Urban Service Area of the Comprehensive Plan. In the Comprehensive Plan, the parcel is designated for Planned Residential.

Here is an aerial map showing the property included in the request outlined in red. Here is a zoning map of the property, indicating that the parcel is currently zoned General Agriculture. Here is the Future Land Use Map of the property, showing that, according to the Augusta County Comprehensive Plan, the parcels in question are planned for Planned Residential. Here is the map of the Planning Policy Areas for the property, showing that the parcels are located within the Urban Service Area of the Comprehensive Plan. Here is the site plan provided by the applicant, showing the proposed fenced project area of approximately 10 acres. And here is a close-up view of the proposed fenced project area.

Are there any questions from the Commission about the process, before I review this request?

Mrs. Bragg asked the Commission if there were any questions regarding the request.

The Commissioners did not have any questions.

Mrs. Bragg opened the public hearing, asking if anyone was here to speak for or against the request.

Ms. Cara Romaine stated ESA has 20+ years in solar development and engineering and 22+ states across the United States. We have been heavily involved in the Virginia solar market for community solar projects around the state. Tonight, Wes and I stand in front of you to request that the Planning Commission determines that our project is in substantial accord or parts thereof the Augusta County Comprehensive Plan. This project is intended to be part of the Virginia Shared Solar Program. In this instance Dominion customers can subscribe to a solar project like this and receive electric bill savings. We are seeing about 10% of savings throughout the state. The site plan has changed throughout the project. Staff notified concerns with the view sheds with some of the neighbors. In working with the neighbors, we substantially increased the setbacks from their homes (well over 100' away and we doubled the buffer area near their homes). We have received letters of support from those neighbors. We use wildlife friendly fences for our projects. We will also use string inverters. We held a meeting on June 27th at the Fishersville Library and it was well attended by community members. Overall folks left feeling comfortable with our small ten acre project. We get involved and support local non-profits. This project represent a benefit and will bring an investment of \$4.6 million that will go back into the area. We will pay the County yearly for the lifetime of the project \$169,000. We may have to upgrade \$1.1 million lines and substation upgrades. We aim to comply with the local code and be good community partners.

Mr. Wes Schaffer stated the Virginia State Code Section 15.2-2232 does provide some guidance, Goal 3 of the Comprehensive Plan which outlines the 12 Policies that we use to determine the capability of solar projects, and the Zoning Ordinance 25-70 which outlines the development standards for solar projects. This does recognize that this project does adhere to the Zoning Ordinance. If we are compatible with the Zoning Ordinance perhaps there is compatibility with the Comprehensive Plan as well. The project is a different scale and different function because it is intended to distribute this locally. The staff report states this project adheres with 7 of the 12 Policies. I would like to discuss the 5 Policies. Location: There are many substations within the Urban Service Area. Combined with substations these facility are reliable, clean energy. This project bumps up against the railway. This will not impact pedestrian orientation or road network connectivity. Policy 12: Cluster and Co-location – This project is located on a parcel that is contiguous for an existing project. The Planning Commission voted to approve Elm Springs about a mile away from here. This could be a precedent that potentially one mile is a reasonable distance and that regard our project being one mile away is a reasonable distance. Character: We hope to have taken as many steps to keep the character. There will be no views obstructed. There is a lot of vegetation on the site already which will be maintained. Policy 6: The landowner has a rational interest in holding this

property. The property owner does not anticipate using it for housing or selling it off. The addition of this 10 acre project is minimal to the impact of the land availability.

Ms. Romaine stated this project is a small 10 acre project that is expected to bring economic benefits as well as benefits to residents in a way of electric bill savings. The project's location, character and extent does match the area and Augusta County's Comprehensive Plan.

Mr. Leonard asked what part of the \$4.6 million will come back to the community. There will need to be people with experience to do this type of installation.

Ms. Romaine stated machinery and tools will be purchased in the Virginia region and as locally as possible, but that she could not guarantee where they would be purchasing the materials from. Laborers we advertise and create a running log for jobs for a project like this.

Mr. Leonard asked what is the life of the project.

Ms. Romaine stated 35-40 years.

Mr. Leonard asked what is that payment based on.

Ms. Romaine stated it is a substantial cash payment that the County is conditioning us to which we are happy to make. It is \$1,400 per megawatt. This is standard across any County.

Mr. Leonard asked if you pay taxes on the infrastructure that you pay in.

Mr. Romaine stated we do but taxes of this size are taxed with machinery and tools, however, County have ability to require the machinery and tools tax or we can do the substantial cash payments yearly and that is what the County is asking us to do.

Mr. Leonard stated we have had solar projects in more rural areas bigger than this and I remember them saying that they did not need a substation to operate. How is your project different than that and from what you said you have to have a substation which is something that we have never heard from a small scale project.

Ms. Romaine stated the only way that they make sense economically and the way community solar works is that it makes more sense to be located within 3 miles of a substation. I have never heard that from another community solar project than the way that I have seen all across the United States.

Mr. Leonard questioned if this will not just benefit Augusta County residents but all of Dominion customers.

Ms. Romaine stated we can just allow this to Augusta County residents for a certain period of time before allowing others.

Mr. Leonard stated you install it and then Dominion finds the people that sign up. Is the infrastructure of upgrading the power lines Dominion's responsibility or yours?

Ms. Romaine stated it is our responsibility but Dominion will do the upgrades but we pay for it.

Mr. Leonard asked if the substation they have is not suitable for what you need.

Ms. Romaine stated any newer technology you have to have some upgrades to it.

Mr. Leonard stated this is quite an investment.

Mr. Henderson asked if the project is for 30 years.

Ms. Romaine stated 35-40.

Mr. Henderson asked, what happens at the end of that with the restoration of land?

Ms. Romaine stated it is part of the agreement with the landowner but also a requirement for the County to submit a decommissioning plan (which we have done) prepared by a licensed engineer. We will restore the site back to its original state and it also provides the cost to be and there is an inflation cost built in. In addition to that we will submit a decommissioning bond with the County.

Mr. Henderson asked what would be a situation that this would terminate? Would you not install newer panels?

Ms. Romaine stated that is a possibility. It does depend on the technology in the future, the project's economics at the time, and it depends on the landowner. As time goes on we may upgrade the panels.

Mr. Henderson asked if they lose efficiency overtime.

Ms. Romaine stated a little bit but not much.

Mr. Howdyshell asked, out of the 24 acres, you will use 10 acres of it.

Ms. Romaine stated yes.

Mr. Howdyshell stated this is a very good size field. How many houses would the 10 acres serve?

Ms. Romaine stated about 40.

Mr. Howdyshell stated if each house buys in, it would be 5,000 kw hours.

Ms. Romaine stated yes.

Mr. Howdyshell asked where are the panels made.

Ms. Romaine stated we do not know exactly where the panels are going to be acquired from as of yet. Substantial manufacturing is occurring in the United States. Most likely we will get the panels from Georgia.

Mr. Howdyshell asked if these panels will absorb energy on both sides.

Ms. Romaine stated one side, fix tilt panels.

Mr. Howdyshell stated this project will connect to the substation and adjacent to another project that is going on. When you cross the railroad there will be a lot of challenges. Do you foresee that you will partner with the other project and do a joint venture to the substation?

Ms. Romaine stated no. They are likely already received their interconnection agreement. They are a little bit ahead of ours. They have already paid for some upgrades to the substation. This is two separate requests.

Mr. Howdyshell stated I am talking about the two steel lines that are the railroad. They can be more than challenging to cross their tracks.

Mr. Schaffer stated we will be interconnecting with infrastructure that has made the crossing. We do not have to add new crossings or make a new crossing over the railway. The line follows along Long Meadow Road.

Mrs. Bragg asked, when you get into signing up people, is there eligibility requirements for that? Is it an income thing?

Ms. Romaine stated it is supposed to be accessible to people who cannot have solar on their roof or for whatever reasons, businesses and low to moderate income residents who need help saving on their electricity bill. Virginia has a minimum bill that makes it difficult for anyone besides low to moderate income to subscribe to this solar farm. The fee would be \$50 to subscribe to this solar farm. This project would be for low to moderate income residents.

Mrs. Bragg stated what is the range for low to moderate residents.

Ms. Romaine stated about median income of the County.

Mrs. Bragg asked if the subscription fee is annual or monthly.

Ms. Romaine stated it is monthly but low to moderate income would not have to pay that fee. In Virginia, specifically it does not make sense. We are fighting to make that minimum bill go away. In Virginia, it makes sense for the low to moderate income residents.

Mrs. Bragg asked the applicant to give information about string inverters.

Ms. Romaine stated central inverters are used on large scale utility projects. String inverters more commonly used for small projects like this one as you do not have as much energy that you need to get into one location. For a site like this we would have 15 of them. They are small and are substantially quieter than the central inverters.

Mrs. Bragg asked how close are these to the residential areas.

Ms. Romaine stated we can position them away from residential houses. The sound that you might hear (wrestling leaves) is about 70' away from where the string inverters are located. If they are more in the middle of the site it will be hundreds of feet away.

Mrs. Bragg stated the houses across the road do look down in this whole area. Is there extra buffering on that side because they will see it?

Mr. Schaffer stated there is a combination of existing vegetation from Long Meadow along with the topography. The hill does a lot to buffer it from the residents.

Mrs. Bragg stated I was talking about the property west of Long Meadow Road.

Ms. Romaine stated we have buffered around the entire projects. In the form of planted buffer which will be tall evergreens. They will be 6' at planting and grow 20' tall.

Mr. Schaffer stated the townhouses will not be able to see anything.

Mrs. Bragg asked if the buffering of the trees is on the landowner's side or the adjacent property?.

Ms. Romaine stated those are the adjacent property owners but we are planting trees on the landowner's property.

Mrs. Bragg stated the adjacent trees do not count because you have no right to those.

Ms. Romaine stated that is why we doubled the buffer area from those key areas.

Mr. Leonard stated all of the trees that we see are not on the landowner's property.

Ms. Romaine stated they are not but we are planting more trees on James and Kelly's property as well. If the adjacent landowners do cut those trees down, we have trees on the Curd property.

Mr. Leonard stated all of the pictures that you have shown us has somebody else's trees as a buffer.

Ms. Romaine stated currently yes but we are planting more trees.

Mrs. Bragg asked if the landowners would like to speak.

Mr. James Curd stated we are the landowners of this parcel. We own about 24 acres. The trees/vegetation are right on our property. They are right on the property line. We have added some on our own property. I do not think there is a requirement to improve the roads. It is impossible to buffer from everywhere. Beauty is in the eye of the beholder. Before those houses were in this area, I could see the mountains. They have impeded my view because I cannot see the mountains anymore. People own their land and they have the right to do what they want. It is impossible no matter what you build to block the view.

We want to lease about 10 acres for a small scale community solar project. We have no desire at this time to develop the property for residentially for various reasons and we have no desire to sell to a developer. This property has been zoned General Agriculture and we have farmed it. The low level farming that we have been doing is challenging and it is not sustainable. We have no intention of putting a bunch of housing there. In the current Comprehensive Plan (which will be updated soon) is part of the Urban Service Area with a land designation of Planned Residential which would allow 4-8 housing units per acre. We will live and we have no desire to turn this into a residential development and there are many houses in the area already. There are many areas that are better suited for residential with me knowing the area. The small scale solar project on 10 acres makes the most sense to everyone. The precedent has already been set with the approval of the contiguous project and also the Elm Spring project. We feel the project is in substantial accord with the Comprehensive Plan and parts thereof.

The Comprehensive Plan Objective C – It is encourage distributing solar as a means of achieving renewable energy goals. This small scale community project provides a clean renewable energy source that lessens our reliance on fossil fuels and causes the least impact to the land. The federal, state, and our local government all recognize the importance of solar and particularly small scale solar as a way of achieving renewable energy goals. Although this 10 acre project is small it will bring huge benefits not only to the County but to our community. Through the community shared solar program the people who sign up for it can benefit from renewable clean energy and lower tax bills without having to spend a dime on it of their own money.

If you go through the policies most are met. A couple of them do not apply. Policy 1 – Economic Opportunities – This project will provide economic benefit not only to the

County but to the taxpayers, provide employment opportunities to the local workforce, and economic boost to the local hotels, restaurants, and building material stores. The County will have an economic boost, even more than what was pointed out due to the rollback taxes by removing the parcel in land use taxation and the County is going to reassess the property with about 400% increase in tax revenue from what it is currently receiving and from what it is likely to receive for the next 30 years. The applicant will make a substantial cash payment to the County of approximately \$170,000 which is extra revenue. That money is designated by VA Code. The applicant will be making three local donations to non-profits. How many builders or developers do that?

Policy 2 – Rural View Sheds and Agriculture Production – The project will maintain the agriculture uses and view sheds on the remaining 14 acres. Keep the land viable for future agriculture purposes. It gives the soil the rest that it needs and it also preserves it for future residential development. We have no plans for residential development or selling out but our kids might when this project is done. This allows that to happen and go back to agriculture if we want. The property is not a rural view shed or in the sight line of a rural view shed. This was stated already by the County staff with my father's project and 11 acres of this property was my dad's property before we switched some things around. This project will not impeded anyone's view of anything other than our own property. It will not inhibit future residential development and not inhibit future agriculture development.

Policy 3 – Agricultural Landscape, Agriculture Economy in the Area – This project has no negative effects on the parcels with agriculture economy nor on the surrounding agriculture economy because if its miniscule agriculture production, small scale but it does have some very small positive effects for the local economy that has already been pointed out. We have 24 acres and we will keep 14 open and take 10 acres of which we probably farm 7 or 8 due to the soil and nature of the land. The effect on the agriculture economy in a negative way is miniscule or non-existent. Policy 4 – Prime Farm Land and Agricultural and Forestal Districts – This parcel has zero Class 1 soils. 1 acre – Class 2 and about 5 acres a Class 3 and 4 acres about a Class 6 or 7. As you all know Class 3 soils have severe limitations on farming. Class 6 and 7 are basically un-farmable. This is not prime farmland.

Policy 5 – Mitigation on a Visual Impact – The County recognizes that there will be some sort of visual impact since anything that someone puts on their property will have some sort of visual impact to somebody somewhere. Policy 5 does not require complete and total screening which is entirely impossible. It does not require the project to be totally screened from view but it does talk about the goals and plans that mitigate that impact by using buffers and existing vegetation which we have a lot and even if the neighbors decide to cut their trees down on their end, it will still be a lot. This project not only utilizing the existing vegetation but it adds to it. This will substantially increase the setbacks and buffers that are far in excess of any County ordinance. It states that projects should not cover more than 200 acres. This site contains about 9 acres of panels and completely hidden from view. It is completely hidden from view from Railroad Station Lane residents, Fishersville Road residents, and we are over 1,000' away from Long Meadow Road. The

people up in Teaverton and along Barrenridge Road they can see it but they cannot see what I have in the field except for the corn. General Agriculture land has no setbacks and this project is giving a lot of setbacks.

Policy 6 – Balanced Land Uses and Urban Service Areas – This policy as written really only applies to utility scale and the size and the extent of that. The small scale solar project accomplishes the goal of Policy 6. It is small, covers 10 acres, it is contiguous or next to another small scale solar project. Both projects combine contain less than 22 acres. When considering the existence of the Augusta Water infrastructure and being in an Urban Service Area the proposed site represents 2/100 or a percent of all Urban Service Area of the County. There is no lost revenue from Augusta Water. This property is not zoned residential. It is a fault analysis to project possible lost revenue to Augusta Water. It is silly because it would be like my saying I just lost \$1.2 billion because my Powerball ticket did not hit. If the property was zoned residential and we wanted to take it out of residential and build a bunch of homes this than yes but the property is not zoned residential. The Comprehensive Plan is a plan and it does not matter what the Comprehensive Plan says if the landowner has no desire to do that. We have made an investment onto our property too; Augusta Water is not the only party that made an investment. Our responsibility is not to make money for Augusta Water.

Policy 7 – Compact Inter-connective Residential and Commercial Development – This project is certainly compact with 10 acres, and it is inter-connected to the contiguous solar site of 12 acres. It leaves about 41 acres untouched between the two sites. Back in 2021, County staff recognized that in 12 acres the adjoining small solar project, it recognized it as being compact and correctly admitted that the surrounding area. Although it is in the Urban Service Area it is not representative of compact inter-connective or pedestrian oriented development. Maybe some of that money could be spent on sidewalks along Long Meadow Road. Maybe if you have tried to walk or ride your bike along Long Meadow Road \$169,000 would get you 12' of sidewalk, but it is better than what it is now. Policy – 8 Seems to support projects that create open space. We are not creating open space but we are leaving majority of the project as open space. Even though staff pointed out that this policy is not applicable project but we will maintain open space on majority of the main property. We will preserve and enhance the existing landscape and vegetation. Policy 9 – Interconnectivity to Adjacent Residential Development Public Spaces – Staff points out that this policy is not applicable to this project. The project is not near or adjacent to or near any public parks or spaces or near any residential development.

Policy 10 – Seeks to encourage projects that protect and preserve the County's natural and scenic and cultural resource. A) Including streams, rivers, and wetlands and the proposed project preserves the stream and the wetlands near the site. We are not going to touch it. B) Fertile soils. There are no fertile soils on the property. The project preserves the soil and gives it much needed rest and become fertile in 20-30 years down the road. C) Habitats – The project is going to preserve all of the natural habitats which are all along the property boundaries. That is where the vegetative coverings are. They are going to add to it. D) Native Vegetation – Projects are going to be planted using a

variety of native grasses and vegetation. E) Forests – There is no forests on the property but it is going to preserve all of the trees.

Policy 11 – County seeing value in and encouraging projects that create additional natural resource benefits between the use of natural vegetative, creation of wildlife corridors, and the use of pollinator species in buffer areas and underneath panels. This project does all of those. The use of pollinator species in and around panels, increase setback and buffers, the use of agriculture fencing as opposed to chain-link fence or barbwire allows smaller animals to do whatever they want. If you are concerned about the deer, you cannot do anything about the deer because they are going to go where they want to go. They jump over our 10' fence no problem. Policy 12 – Clustering and Co-location – It really only applies to projects over 50 acres. This project even with a continuous project is less than 22 acres.

Policy 12 as it is written is confusing. It reads: The County should support projects that site on contiguous parcels. Contiguous means being in contact with, next to, or adjoining. Clearly this parcel is contiguous. Policy 12 wants to encourage contiguous projects. Also, it is not clustered. This is 10 acres and the other parcel is 12 and together it is 22 acres and there remains 40 acres of open land between the two sites. It is not compact – Policy 7 wants and not clustered like Policy 12 wants. According to his policy if a project is not contiguous to another parcel it should be located in a reasonable distance away from another solar project. This project is contiguous to another solar project and it is also within a reasonable distance from another solar project that has already been determined. The location of these has to be by the nature and economics of the whole thing have to be located near substations. They are not going across the railroad track. They do not need to. This will help everyone in the community. The power lines will be upgraded.

In closing, regarding impacts. If we were to develop this residentially, the impacts on the schools, roads and emergency services and not to mention increased taxes would be far worse than what this does. If we were to go with our by-right uses without permission, we could build a wall or a fence along our property lines up to 75' tall. Poultry houses, swine barns, cattle, slaughter facilities, manure basin treatment facilities, group homes, racetracks, drag strips, dirt bike parks, junkyard, commercial fertilizer, dog kennel, mini-warehouses, asphalt plant, rock quarry, campground, mobile home park, parked school buses can be done. In Agriculture land, there are no setbacks. We are talking about impacts and all of these could be a huge impact. If you take a bigger view of what could happen on this property that would come to the conclusion that the proposed usage here is less impactful than the alternatives make the most sense. No noise, dust, etc. This benefits the taxpayers and County.

Mr. Leonard asked if the future land taxes would be paid for by the developer.

Mr. Curd stated if we pay, we will be reimbursed by the developer. My point was not to who pays it but the benefit to the County.

Mr. Leonard stated they are not paying taxes on the infrastructure they are putting in but just on the land tax. How is the value or how do they reassess the land once the solar is there?

Mr. Schaffer stated the \$4.6 million would become the basis for a real estate assessment and the rate is defined by the County itself. That becomes part of the schedule over the course of the project. In the first few years, I think it is 80% exempt based on the statute. Over time it drops by 10% every five years. There is also a depreciation schedule.

Mr. Leonard stated that is a substantial amount of taxes that someone is paying.

Mr. Curd stated when my father put the cell tower on his property they were taxed. The question would be for the Real Estate Assessors office. I would like to know myself. My father's property went from being worth nothing to millions of dollars. The taxes went up substantially.

Mrs. Bragg opened the public hearing. An individual will speak for three minutes and if your speaking for a group you will have five minutes.

Ms. Nancy Sorrells, 3419 Cold Springs Road, Greenville, stated tonight's decision really should be an easy one. Ten acres of solar panels on a 24 acre parcel that is zoned General Agriculture. This is a revenue positive project generating clean energy with minimal impact. The County needs clean energy projects such as this to balance the huge impact created by companies like Amazon with its 1,000,000 square foot distribution center. The visual impact issue continues to be a red herring. Policy 2 talks about rural view sheds. This is in an Urban Service Area so what rural view sheds are you protecting. Does a subdivision not effect that rural view shed more than a fully buffered site with panels that are lower than a house. This would not result in adverse impacts to the surrounding neighborhood or any more that the neighbors all painted their houses pink which is their right.

Policy 6 is talking about temporary land use and what does temporary construction and dust have to deal with under this policy. Construction is not a land use, solar arrays are a land use that produce no noise, lighting or dust. By putting houses on this property is also a land use. That can cause noise, lighting and traffic issues. This project guarantees that none of that will happen for the next three decades. In addition, staff states that this project could negatively impact the agriculture production of the soils. I have failed to see that the County can argue that this project should not be built because it is in an Urban Service Area with a potential future land use of Planned Residential and this project should not be built because the soils here are good for farming and the project could impact those. I think by putting houses on the property would be far worse for agricultural production.

Policy 7 – This refers to what needs to be adhered to if the land is rezoned in order to fill the future land use maps expectations. That is not the case here. There is no County ordinance that forces a person to change the underline zoning of their land and make

them develop it. Clustering and Co-location do not even make sense to me. Do we keep subdivisions or gas stations a mile apart? Or factories or poultry houses. We do not live in Kansas and we cannot see projects from a mile away. The Comprehensive Plan is not an assumption that every bit of planning policy area should or would be built out to the highest use. This is a guide about where to encourage or direct appropriate land use if a landowner decides to change the current use of his land. Property rights are important in our County. If you do not own the land than you do not own the view.

The Comprehensive Plan protects property owners' rights. You cannot expect someone to farm and you cannot expect someone to develop their land either because that is what other people want to see. This is a positive project for the County and the landowner without money going out for services. This should be a dream come true for this Board and all of their citizens.

Ms. Cathy Weiss, 80 Joy Lane, Fishersville, stated I am concerned about looking down on solar panels. I am in favor of renewable energy with solar panels. I also think that we have to develop a really great Comprehensive Plan future vision for the County which includes residential areas. I would love to see this project move just a little further out and away from residential development. I heard that we can locate the noise makers in the middle of the project. We can source materials and equipment locally. But that does not mean that they will. We can hire project managers and construction engineers locally and probably they are going to be from northern Virginia. There are significant negative aspects of the project. I prefer that you do not approve this.

Ms. Deb Barnes, 49 Joy Lane, Fishersville, stated I have lived here for 17 years and I see Mr. Curd's house from my deck. I will see all of that hillside. I have done some research and have found that there is usually a decrease in property values (1.5 to 5%) once you are within ½ a mile from the solar panel which we will be. There is also metals that are an issue with groundwater.

Mr. John Meade, 375 Kiddsville Road, Fishersville, stated I farm the property. I do not have a view of this property. The Comprehensive Plan was put together many years ago and it was designated years ago as Fishersville being the growth area of the County. It has proven to be as such with subdivisions well planned. When you start putting this kind of stuff in, you are hurting your plan. Why go against the plan? If you approve this, where do you stop? The next person wants to do their project and then the next. When you approve this, you will set a precedent that I do not think you could back up on. I have appraised land and you cannot tell me that his will not affect property values. A house next to a solar project will need to be reduced substantially in value when it goes up for sale. Marketability will be impacted. This will impact their property values and their view shed. I will be long gone before any vegetation would be high enough to hide the panels. What if some of them die, who will replace them? Most of the people in Emerald Hills have Shenandoah Valley Electric Cooperative. We will not even get an opportunity to sign up for this for the savings. Think about property owners.

Ms. Patty Borrowman, 327 Wyndham Hill Drive, Fishersville, stated I bought a home with solar and I am right next to Emerald Hills. The solar is not worth anything. When the tornado hit a year ago it took it down. 11 months later it got up and running. You will need to investigate everybody that is involved in this. These people who sell this and say it is good for the community, it is not. I will never make up the money I paid the woman who put it in before more and paid \$24,000. This is the biggest, crooked operation going on. We do need our representatives to really do your homework. I cannot enforce it enough. I would like to know how much they are making for renting their land. That makes it positive for them but the rest of us who are not going to even be able to collect that money because we are with another electric company. The roads are going to be damaged. Trucks damage the roads. I am getting landscaping done now and my driveway got torn up by the truck. We have to live on those roads and they are rural. There is no place to pull off if there is a problem. We are not prepared for something of this nature unless your prepared to invest a lot of money geographically in the area to maintain it. The contractors are not local. I had a hard time getting someone to work on the solar panels. I really warn you to do your homework. This is not what it looks like.

Mr. Rick Pfizenmayer, 30 Round Hill Drive, Stuarts Draft, stated in the staff report it states that this is not in substantial accord with the Comprehensive Plan. The reasons from the staff recommendation are reasons from Policy 2, 6 and 12 relates to proximity to existing solar facilities and clustering. Also, Policy 7, in a Community Development Area and Urban Service Area. I sat in every meeting of the Board of Supervisors Ordinance Committee meeting where these very specific provisions were developed and approved. They were designed to address those issues that the applications raised. Discussions around these new provisions made it clear that they were intended to put future applications on notice of what projects that would not likely happen and provide guardrails to keep solar projects within acceptable bounds. The bottom line is not whether you are pro or against solar. It is whether the various revisions of the Comprehensive Plan have purpose and meaning or not and the precedent you will set. The staff recommendation properly interprets the revised solar policies in the Comprehensive Plan approved in 2021 to address applications similar to what is before you tonight. Please keep in mind the staff report recommendation that this is not in substantial accord with the Comprehensive Plan.

Mr. Phil Martin stated I am the Executive Director of Augusta Water. The Augusta Water Board of Directors have asked me to come tonight and address the Planning Commission concerning the proposed Fishersville Road solar project. It is part of our Mission to support the Augusta County Comprehensive Plan. The Comprehensive Plan states this property is in an Urban Service Area and it has a future use as Planned Residential. In accordance with our Mission and the Comprehensive Plan sewer service is available to the property and water service would require an extension to the property if it were to be developed as envisioned in the Comprehensive Plan. Drinking water would be provided to the area by the South River zone. There is a 12" water main that exists along Long Meadow Road and that would need to be extended approximately 1,000 feet to this site if development envisioned in the Comprehensive Plan was pursued. Sewer is treated at the Fishersville Wastewater Treatment Plant which is a 4 million gallon plant and is

currently running at 1.5 million gallons a day so there is ample capacity there. The Comprehensive Plan addresses Utilities – They want us to develop water sources to meet the current and future County demand. They want us to develop wastewater treatment systems that meet the current and future County demands. Public water and sewer facilities should be designed and sized to serve full development of the entire planning area or the sub area.

When the Plan refers to Urban Service Areas, as far as utilities, it states as far as development occurring in these areas are expected to utilize public water and sewer and should develop at densities commensurate of what is recommended in the plan. Designated Urban Service Areas are the first priority location for the provision expansion of public water and sewer facilities. We have worked to get water and sewer available out in this area. Our rate payers have funded projects to make water and sewer services available in this area. Wastewater treatment plants costs millions of dollars to build. If it was developed as it is envisioned in the Comprehensive Plan, we looked at six units per year constructed beginning in year 15 and if we look at that we project the potential impact to our rate payers we may \$360,000 over the 35 years. That equates to around \$10,300 a year. Our Mission Statement includes supporting the County's Comprehensive Plan. We need to make decisions on where we are going to provide services based on the Comprehensive Plan. We made those decisions and invested those rate payer funds. We have invested in good faith and we ask the County to consider that when approving projects.

Mrs. Bragg closed the public hearing.

Ms. Romaine stated we have submitted a property value report for this project. The findings of this property appraisal are that there will be no negative impact to surrounding properties and this is the finding that we are seeing across the solar industry for projects in Virginia and across the United States. When you look at things that will decrease property values, you will look at things like odor, traffic, noise, etc. all of which solar panels do not do. The property appraisal did note the close proximity to one of the houses but did note that there would be no impacts to that house. The concern with leaching comes from a panel type called thin film panels. That is only one type of solar panel that one manufacturer uses. We will not be using that type of panel. We will use polysilicon panels that are not toxic and do not contain toxic hazards. We recognize there might be some visual impacts for a small amount of time given the life of the project. These panels are fixed tilt and will be facing north to south. The panel itself will face away from the Teaverton area so that combined with the evergreen trees that are expected to grow very tall. It will be about 3,000 feet away from those houses. We are working to minimize the concerns as much as possible.

Mrs. Bragg stated when we see projects they sell it to someone else throughout the process. Do you maintain ownership or do you turn it over to someone else?

Ms. Romaine stated our company assist other operational companies. We are working with a Virginia based company to maintain this project. While it is not finalized yet

because we still have ownership of this project. We have full capability of building a project like this. Yes, we might sell but it is still under our ownership.

Mrs. Bragg stated the probability of it being sold is typically what the model is.

Ms. Romaine stated yes.

Mr. Howdysshell stated the panels will be stationary.

Ms. Romaine stated yes.

Mr. Thomas stated I understand all of the concerns about the views and beauty. We as people like to control our land and what to do with it. Right now Mr. Curd can go and fill this property with poultry houses and there is nothing anybody here could do. The roads have survived the building in Teaverton and Emerald Hills. This is not that big of a construction project. The County voted into the Comprehensive Plan that we want houses here. I can say that if Mr. Curd wanted to put houses on the property, I can say that the fight would be just as big if not more. People will say that I do not want more houses. With the water and sewer lines, it is kind of like how much money does the government have to spend before we lose our property rights. Just because it is in the ground does not mean that he has to develop this property. We have looked at the site. We have to make a decision if this is in substantial accord. What does substantial mean. I think that this is in substantial accord with the Comprehensive Plan because if he wants to look at solar panels instead of corn that is his business. I would like to make a motion that this is in substantial accord with the Comprehensive Plan.

Mr. Leonard stated I do not think it is fair for the developer to say that it will help the community because that is not what it is designed for. This being in substantial accord is a judgement call to some extent. Staff goes through and look at it in detail and rely on staff, and I trust them. The clustering thing bothers me the most. We turned one down in Stuarts Draft which we considered clustering. The fact that these two parcels were one time one parcel. Now there are two different landowners with two parcels and they are too close together for me to not consider a cluster. The one that is a mile away while it is not clustering, it is pretty close. There was only one person tonight speak in favor of the project and they live many miles away. The community is affected. It would be the same if we were considering the developing of the site. We are not singling out solar. I am not opposed to it. If we can find the right location for it. This is not prime farmland. There are other things that staff has pointed out that I cannot support this being in substantial accord with the Comprehensive Plan. I would like to know how other areas assess these panels.

Mr. Harris stated we have learned a lot tonight. Policy 7 – This is in an Urban Service Area. Policy 12 – Clustering – We have approved a site on the adjoining property. I have a hard time supporting this.

Mr. Howdyshell stated we have had a lot of solar projects but I have not seen any in Augusta County being built. Solar is wonderful in a way but you do not want to get into the position of brownouts and blackouts. If you have too much solar and not enough of everything else. The electric energy field needs a total mix of everything. Who has the expertise to build these things? The rotating panels you get the maximum sun rays. We do not know where the panels are being made. I support USA stuff. It is difficult thing but maybe we can be more informed but I have not seen one in Augusta County yet and we can keep on stacking these things up. I have to go along with staff and their recommendation.

Mrs. Bragg stated for me it is in the Urban Service Area and we have very limited Urban Service Area's set aside for future developments and according to the Comprehensive Plan which is what we are required to go by it says that it is strongly discouraged in Urban Service Areas. I do believe the investments Augusta Water made and the proposal is adjacent to another approved facility (which is specifically addressed in the Comprehensive Plan). I am concerned about multiple projects in close proximity to residential homes (screening, buffering).

Mrs. Bragg stated we have not had a second to Mr. Thomas' motion. The Commissioners will vote on the motion without a second. The motion had a 1-5 vote. The project is not recommended to be in substantial accord with the Comprehensive Plan.

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MATTERS TO BE PRESENTED BY THE COMMISSION

Mr. Leonard stated I would like clarification on something that Mr. Curd said. Mr. Curd said that Policy 12 supported adjoining projects.

Ms. Goodloe stated Mr. Curd did not read the entire policy. She read the entire policy to the Commissioners.

Mr. Leonard asked if a mile is enough.

Mrs. Bragg stated we will need to come up with a list that we want the Board to address and I think distance is one of them. The concern when we were looking at the bigger ones with multiple landowners to have them together. The intent is to not to clusters of panels.

Mr. Leonard asked staff to do a little research of how these solar panels will be assessed.

Mr. Wolfe stated I have a report on my desk from the Real Estate office as to how they are going to do future assessments with some explanation but to Mr. Howdyshell's point we do not have one yet. With Policy 12, under Page 14 Elizabeth notes that in his (James Curd) father's project when they talked about this policy they acknowledged that with the

first project they will need to consider the second one. They even acknowledged that in this very room when they were talking about the approval of the project.

Mr. Thomas stated we are making decision on items that are not real clear.

Mr. Leonard stated it is a lot better than when we started.

Mr. Thomas stated we have a long way to go.

Mrs. Goodloe stated with ordinances it simply states what you cannot do but with the policies there is an interpretation. I do think the policies we have do need to be cleared up and made clearer to follow.

Mr. Thomas stated from a public perspective vague policies are frustrating.

Mrs. Bragg stated the policies need to be clearer. When we make a motion, we need to be very clear on what policy and citing for legal reasons. As far as policies as we make a motion, we need to address for or against the reasons in the Comprehensive Plan. I would suggest that we as a Commission work on suggested corrections or things that we feel changing in each of the policies that would help us identify what is in or what is out.

Mr. Thomas stated some of the policies are vague.

Mrs. Bragg stated we could work on something and present to the Board so that we don't have to wait a year and a half.

Mr. Howdyshell stated the definition of what the Board has is passed down from the state.

Mrs. Bragg stated we can clarify the policies. Some of the stuff is state code so we have to keep that framework.

Mr. Thomas stated maybe we can email some ideas out to the group.

Mrs. Bragg stated then at some point have a worksession.

Mr. Wolfe stated we can take the presentation that Mr. Wilkinson did and look at this year's General Assembly and see what changes are made. There are also some good resources on solar. Every decision the Commissioners make is helping to build where you are and helping to define what these policies really mean. This is the first one that is right next door to another one and you have two more coming. They will be the same as this one but each one has different aspects.

Mrs. Bragg stated some properties may have agriculture in one spot and Urban Service Area in another. Each policy would have different thoughts because some have multiple things in one policy. Sorting it out would help a lot.

Mr. Thomas stated each criterion would be different in the different areas.

Mrs. Bragg stated this is a good idea.

Mr. Leonard stated with substantial accord, the one tonight checked enough boxes so that was not in substantial accord. If clustering in Urban Service Areas and you have 2 out of 12, I would consider it in substantial accord.

Mrs. Bragg stated that is what you weigh as a Commissioner and what is most impactful.

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STAFF REPORTS

Ms. Goodloe introduced the first staff report as an update for the Comprehensive Plan and Economic Strategic Plan RFP.

Staff now anticipate presenting the RFP to the Board of Supervisors at the August 21st Staff Briefing and August 23rd at the Regular Meeting. The Planning Commission will continue to receive a full status update at each Planning Commission meeting for the lifetime of the project.

Ms. Goodloe asked if the Commissioners had any questions regarding the status of the Comprehensive Plan.

The Commissioners did not have any questions.

Ms. Goodloe reviewed the agenda items with the Commissioners for the September 2023 Board of Zoning Appeals meeting. No comments were submitted.

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There being no further business to discuss, Mr. Howdlyshell made a motion to adjourn.

Mr. Harris seconded the motion, which carried unanimously.

Chairman

Secretary