

PRESENT: C. Bragg, Chairman
R. Harris, Vice Chairman
L. Howdyshell
K. Leonard
B. Schindler

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

ABSENT: R. Thomas
D. Henderson

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, June 13, 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 reviewed the following substantial accord request and traveled to the following site, which will be considered at the Public Hearing:

Shenvalee Solar, LLC
265 Draft Ave
Stuarts Draft, VA 24477

Mr. Randy Harris moved to suspend the second sentence of section 3-1 of the Planning Commission By-Laws until the August 2023 regular meeting. Mr. Bill Schindler seconded the motion. The motion carried unanimously.

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Chairman

Secretary

PRESENT: C. Bragg, Chairman
R. Harris, Vice Chairman
L. Howdyshell
K. Leonard
B. Schindler

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

ABSENT: R. Thomas
D. Henderson

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, June 13, 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, as there were five (5) members present, 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 May 9, 2023.

Mr. Harris seconded the motion, which carried unanimously.

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PUBLIC HEARINGS

Ms. Alidia Vane introduced the first agenda item as a request for an ordinance amendment to Section 25-4, Definitions. Ms. Vane stated that the request was the first of two proposed ordinance amendments which address the requirements for extended-stay RV parks. The amendment updates the definition for extended-stay recreational vehicle parks to clarify that the limit on occupancy refers to guest occupancy, not vehicles occupying sites. The amendment codified an existing interpretation. In addition, the current language regarding occupancy times was unclear and had created confusion; therefore, the amendment would clarify the occupancy time limits.

Mrs. Bragg asked if there were any questions from the Commissioners. Being none, Mrs. Bragg opened the Public Hearing regarding the request.

Seeing no speakers, Mrs. Bragg closed the Public Hearing regarding the request.

Mr. Harris moved to recommend approval of the request as presented.

Mr. Howdyshell seconded the motion, which carried unanimously, 5-0.

Ms. Vane introduced the next agenda item as a request for an ordinance amendment to Section 25-74, Uses permitted by Special Use Permit in General Agriculture districts.

Ms. Vane explained that the request was the second addressing the requirements for extended-stay RV parks. Ms. Vane stated that the amendment changed the requirements for extended-stay recreational vehicle parks to match the current definition of a recreational vehicle park.

Mrs. Bragg opened the Public Hearing regarding the request.

Seeing no speakers, Mrs. Bragg closed the Public Hearing regarding the request.

Mr. Howdyshell moved to recommend approval of the request as presented.

Mr. Kyle Leonard seconded the motion, which carried unanimously, 5-0.

Ms. Vane introduce the next agenda item as a request for an ordinance amendment to Section 25- 4, Definitions. Ms. Vane stated that the request was the first of two proposed ordinance amendments which address recycling plants. Ms. Vane explained that currently, there was not a definition for a recycling plant in the County Code, so the proposed ordinance amendment would add a definition. Ms. Vane reminded the Commission that there was currently a definition of a recycling center in the County Code. Ms. Vane stated that a recycling plant was different from a recycling center as a recycling center was a place for citizens to drop off recyclable materials, while a recycling plant was a place where recyclable materials were converted into a new product.

Mrs. Bragg opened the Public Hearing regarding the request.

Seeing no speakers, Mrs. Bragg closed the Public Hearing regarding the request.

Mr. Howdyshell stated that further study needed to be done, and he made the motion to table the request to a further date.

Mr. Harris seconded the motion, which carried unanimously, 5-0.

Ms. Vane introduced the next agenda item as a request to a proposed ordinance amendment to Section 25-492, Additional Uses permitted within a Public Overlay District. Ms. Vane stated that the request is the second addressing recycling plants, and that the request adds recycling plants as a permitted use within a Public Use Overlay district. Ms. Vane also noted that the proposed amendment would have no effect on properties with an existing PUO, it would only allow future applicants to request a PUO for a recycling plant.

Mrs. Bragg opened the Public Hearing regarding the request.

Seeing no speakers, Mrs. Bragg closed the Public Hearing regarding the request.

Mr. Howdyshell stated that this request went along with the previous request. Mr. Howdyshell made a motion to table the request to a later date.

Mr. Harris seconded the motion, which carried unanimously, 5-0.

Ms. Vane introduced the final agenda item as a substantial accord determination for a request to build a small-scale solar facility, Shenvalee Solar.

Ms. Vane reviewed the process for small-scale solar applications for everyone in the audience, stating that the location, character, and extent of this proposed project had been reviewed by staff and various agency partners. That review was summarized in the staff report in the Commission's packets, which outlined the request's compliance with the Augusta County Comprehensive Plan. Ms. Vane explained that the Comprehensive Plan is the 20-year vision for land use and development in the County, as set forth by the Board of Supervisors and County residents.

Ms. Vane explained that the Planning Commission would be making a substantial accord determination pursuant to Virginia State Code Section 15.2-2232. The purpose of this determination was to identify if the proposed project was in compliance with the Comprehensive Plan. If the Planning Commission determined the project to be in substantial accord with the Comprehensive Plan, the application would then be sent to the Board of Zoning Appeals for a public hearing. The Board of Zoning Appeals has the authority to grant or deny Special Use Permits. If this project were scheduled for a public hearing before the Board of Zoning Appeals, adjacent property owners would

receive a letter, a new blue sign will be posted on the property, and public notice would be published in the Staunton News Leader and on the County website.

Ms. Vane went on to state that if the Planning Commission determined the project to not be in substantial accord with the Augusta County Comprehensive Plan, the applicant would have 10 days to request an appeal of that decision to the Board of Supervisors. If that appeal was requested, the Board of Supervisors had 60 days to hold a public hearing on the request. If the project was scheduled for a public hearing before the Board of Supervisors, the current red sign would remain on the property and public notice will be published in the Staunton News Leader and on the County website.

Ms. Vane stated that the request was for a substantial accord determination pursuant to Virginia State Code Section 15.2-2232 to construct and operate a small-scale solar energy system (3 megawatts) on property owned by Beverley Hockman Broome Drell, Sherry Hockman Sumerline, and Martha Hockman Lubarsky (TMPs 084 38 and 084 39), located on Draft Ave in Stuarts Draft in the Riverheads Magisterial District.

Ms. Vane presented the concept plan submitted by the applicant, describing the proposed fenced project area as approximately 26 acres on TMP 084 39 with a gravel access road extending through the adjacent parcel TMP 084 38. Ms. Vane also showcased the aerial, zoning, Planning Policy Areas, and Future Land Use maps of the property, explaining the relevant designations and their meanings.

Mrs. Bragg asked if the applicant would come forward to speak.

Mr. Kevin Comer of 144 Diamond Court, Harrisonburg, VA introduced himself and the other members of their team from ConEdison Clean Energy and VHB.

Mr. Comer explained that his company, Antares Group, started on the project five (5) or six (6) years ago. He said previous efforts to develop a larger solar project on the property did not work out. He then met with the owner of the property who wanted to work with a local firm. The owner, Sherry Sumerlin, grew up on one side of the property and her grandparents lived on the other side. She did not want her grandfather's farm to develop into dense residential housing, she wanted to improve the financial operation for the family without negative economic consequences for her existing tenant farmer, who Mr. Comer said was present at the hearing.

Mr. Comer went on to describe the project as a distributed solar project, which is encouraged by the Comprehensive Plan, not a utility scale project. Mr. Comer noted that ConEdison Clean Energy Business, now RWE Clean Energy, joined the project to foot the bill and to operate the project moving forward.

Mr. Jeff Lord introduced himself as Vice President of Project Development for RWE Clean Energy. Mr. Lord gave a brief explanation their company and how the companies merged in March, but explained that ConEdison Clean Energy still exists under a new corporate parent. RWE Clean Energy is a subsidiary of RWE Group, one of the largest renewable

energy companies in the US. Mr. Lord gave a brief history the company and explained that they are the second largest owner/operator of solar projects in the US.

Mr. Lord explained that the average solar facility they operate is 5MW and that this project was smaller than average. He said that they thought that this site was a perfect site for solar and a good fit to provide a transitional use of the land without changing the existing soils. It would be a bridge between the surrounding industrial and the residential and commercial. The energy produced will go to the local distribution grid. Construction for this project will be procured with a preference for local contractors, and all contractors would be paid prevailing wage.

Mr. Comer stated the project would have 26 acres inside the fence, about 20 acres in the array areas, and 10 to 12 acres under panel; the land would be leased from the landowners. The project would produce enough electricity for about 650 residential houses. They have an interconnection agreement with Dominion to sell the power directly to Dominion and to connect to Dominion's grid on Draft Ave. This was one of the first two projects that was accepted by the State Utility Commission for approval, the other one was Elm Spring.

Mr. Comer explained that they held a community meeting even though County Code does not require a community meeting for small scale. He also explained that the property owner wants the property to remain in agricultural use, so this site would have a pilot program for sheep grazing, similar to Elm Spring Solar I.

Ms. Lindsey Nelson, one of the project developers for the state of Virginia, introduced herself and briefly explained the sheep grazing pilot program. She stated that they were working with the current tenant farmer who also raises sheep and is interested in participating in the grazing pilot program.

Ms. Nelson explained that this project was on a parcel that would require minimal grading, that allows them to retain the existing topsoil. There will be no pesticide or chemical herbicides used on the site. Ms. Nelson stated that, at the end of the solar facility's life, the soils would be able to return back to agricultural use or any other desired use.

Mr. Comer described the buffering plan, including that they would follow the staff recommendation to add additional buffering along the railroad across from the homes.

Mr. Stephen Quina of VHB spoke about the stormwater and erosion control system for the project. He stated that less water would be leaving the site than in previous conditions.

Mr. Comer described the eight renderings including where they were taken, if citizens would be able to see the panels from that location, and what buffering citizens would be able to see, if any. Citizens would mainly see the timber privacy fence. Only a small portion of the panels would be visible at highest tilt.

Mr. Comer addressed several points from the staff report. The first being that the project is sited in the Urban Service Area, which is discouraged by the Comprehensive Plan, but not prohibited. Mr. Comer noted that project development started years ago, and that the project was 26 acres out of the over 39,000 acres in the Urban Service Area.

The second item Mr. Comer addressed was clustering and colocation of projects. He noted that there is one other project about a mile away across the railroad tracks. Mr. Comer stated that there will be minimal to no opportunity to see this project from the other.

The final issue Mr. Comer addressed was the staff recommendation for additional buffering behind the house. Mr. Comer stated they have not proposed buffering, and that what they have proposed is in accordance with the solar ordinance. They worked with the current owner on the buffering plan and she would prefer the proposed wooden fence. If additional buffering was added and the buffering was taller than the privacy fence, Mr. Comer noted that it could obstruct the view of the properties along Draft Ave.

Mr. Comer concluded by summarizing the benefits of constructing this solar facility for the property owner, land, the County, and requested that the Planning Commission find this project in substantial accord with the Comprehensive Plan as the staff report did.

Mrs. Bragg asked if the Commissioners had any questions.

Mrs. Bragg asked if the house on the property had been sold or was under contract. She asked if the additional buffering would affect the new owners. She also asked if they had considered additional buffering on top of the hill along the north side of the property.

Mr. Comer said that they had considered additional buffering, but went with the privacy fence. He said they planned for the current use of the properties surrounding the project.

Mr. Lord said they care about being good neighbor and that they would not have a problem adding additional buffering.

Mr. Howdyshell asked where they were going to connect to the grid.

Mr. Comer said it was on Draft Ave., near the home.

Seeing no other comments or questions from the Commission, Mrs. Bragg opened up the public hearing.

Mr. Phil Martin, representing Augusta Water, had been asked by his Board to address the Planning Commission on the Shenvalee Project. He summarized Augusta Water's mission and how they support the County's Comprehensive Plan. He then stated water and sewer are available to serve this property. Mr. Martin went on to state that, if the parcel was not developed in accord with the Comprehensive Plan, the anticipated revenue loss for Augusta Water would be about \$800,000 over 35 years.

Dr. June Cohron of 211 Draft Ave in Stuarts Draft spoke against the request, stating this project went against the Comprehensive Plan.

Janet Rollings spoke on behalf of Tom and Leanne Musclemann, David Crow, Dave and Marsha Oaks, Brian and Joann Shirley, Jordan Hagg, Reynold Ranshaw, and Jen Alexander who were unable to attend the meeting. They are strongly opposed to the proposed project.

Rick Pfitzenmayer of 30 Round Hill Dr in Stuarts Draft, stated that the request is not in substantial accord with the Comprehensive Plan and that it would fundamentally change the character of the Stuarts Draft community.

John Kane of 649 Cold Springs Rd in Stuarts Draft stated that he would be able to see the panels from where he lived.

Wayne Nolde of 210 Cider Mill Rd in Mt. Sidney spoke about his understanding of what the County wanted for solar development versus what the project was proposing.

Judy Bienvenu of 211 Draft Ave in Stuarts Draft lives at the farm that overlooks the pasture. She said that we should follow the Comprehensive Plan.

Stevie Phillips of 213A Draft Ave in Stuarts Draft does not want to see a stockade fence.

Larry Cohron of 43 Finley Dr. in Stuarts Draft said that the project did not meet the Comprehensive Plan or Stuarts Draft Small Area Plan that they spent hours to produce. Mr. Korne also reminded everyone of the issues of coyotes in the area.

Jack Barber of 169 Winsor Dr. in Fishersville spoke in favor of the proposal. He stated it is a step up, a transitional use between land uses, which would benefit the county as a whole, including Stuarts Draft.

Steve Morelli of 104 Faol Ridge Dr. in Stuarts Draft spoke against the request. Mr. Morelli spoke about the types of soil in the County and how Stuarts Draft had prime agricultural soils. Mr. Morelli also mentioned the issue of the property rights of the community.

Riley Murray of 2084 Long Meadow in Waynesboro spoke in favor of the request. He has been a farmer for 40 years, including sheep. The last 6 years he has worked as an engineer for solar, and he has had successful sheep grazing programs.

Tony Smith of 219 Church Street in Staunton stated he was a solar developer who had done a project with Augusta County Public Schools. He spoke in favor of the request. He talked about the benefits of solar instead of medium density residential, such as keeping the land in agriculture.

Ashley Snyder of 79 Windmill Lane in Stuarts Draft spoke against the request. She spoke about the access road through Stuarts Draft Park and her concern about construction traffic near the elementary school.

Sherry Hockman Sumerlin, the landowner of the property, 265 Draft Ave in Stuarts Draft, stated that her ultimate goal was to keep this land in agriculture. She noted the development around her property was industrial and that it would continue.

Nancy Sorrells of 3419 Cold Springs Rd in Greenville spoke in favor of the request. Mrs. Sorrells spoke on the purpose of the Comprehensive Plan as a guide and the benefits of solar for the County.

Phyllis Cox of 654 Broadhead School Rd in Greenville spoke in favor of the request.

Mrs. Bragg stated that was everyone they had signed up for and asked if there was anyone else to speak on the request. Seeing none, Mrs. Bragg closed the public hearing.

Mrs. Bragg asked if the applicant would like to address anything said in the public hearing.

Mr. Lord stated that there would not be a new transformer constructed. He explained that the solar facility would connect to the existing distribution line, not a transmission line, and that the process would include a switch and a meter.

Mr. Lord addressed the issue of views. He stated that pastoral views would be eliminated with the residential development this parcel is planned for in the Comprehensive Plan. He stated that this project would maintain the meadows with agricultural use under the panels. There will be very little grading. They do not want to move the topsoil.

Mr. Lord stated that safety is critical and that they would expect a traffic management plan to be a condition set by the Board of Zoning Appeals.

Mr. Leonard asked why an access road was not considered through the industrial area near Johnson St.

Mr. Lord said there is not enough room, but it was considered as a potential access road.

Mr. Comer explained that there were other options that did not pan out, and that the access road through the park was the more preferable one.

Mrs. Bragg asked if the access road would also be used by farming equipment.

Mr. Comer was not sure how much traffic was generated with the current farming activity.

Mr. Leonard asked about water access for livestock once the house was sold.

Ms. Sumerlin stated that the buyer is working with the tenant farmer on that.

Mr. Comer addressed the views from the Blue Ridge Parkway, stating that the parkway is fourteen (14) miles away, so the facility would not likely be visible from the parkway.

Mr. Comer reiterated Mr. Lord's comments about the construction of a new transformer.

Mr. Comer also addressed grading, stating that this project would not require a significant amount of grading. The primary grading would be for the stormwater management features, which would actually create an improvement from the existing runoff.

Mr. Comer stated they were attracted to the property because it would not be visible and would not require significant amounts of grading. He said that trying to find a suitable solar site is like finding a needle in a haystack, and that this property was suitable.

Mrs. Bragg asked about the location of the taller fence behind the board fence.

Mr. Lord said that Ms. Nelson was referring to the project fence, and that based on the National Electric Safety Code, it would be 7ft.

Mrs. Bragg asked the Commissioners if they had any more questions or comments.

Mr. Schindler stated that he had heard points and counter points for each view. He has noticed that the Stuarts Draft community is an evolutionary community, it evolves. The project would tie up a significant piece of land that may or may not be developed. He is proud that the children that have grown up in Stuarts Draft seem to come back. He stated to take land and to hold it for so long without nourishing it may not be good.

Mr. Leonard stated that significant time was spent on the Stuarts Draft Small Area Plan, and that the residents are very proud of their town and want to see it flourish. He said that this was a unique location for a solar project which they have not seen before. He said that this is a very small community, and the project would affect all of the planning in that area. He believes it is clustering compared to the number of people in the area. Given those reasons, he stated that he could not support this project.

Mrs. Bragg explained to the audience there were 12 policies in the Comprehensive Plan. In regards to Economy, she stated that, during the construction phase, there would be 9 jobs and then after construction, there would be 1 job. Also, given Augusta Water's conservative estimate of a \$800,000 loss over the 35-year project, the \$135,300 in revenue that the facility would generate for the County would not balance that loss.

Mrs. Bragg went on to Policy 2, Viewshed, and stated that there was housing on three sides of the project.

Mrs. Bragg talked about the sheep grazing and said that it was intriguing, and that they also had a pilot program in Fishersville. She asked how they will know if the project works.

Mrs. Bragg described Policies 3-5. She also described Policy 6, Balanced Land Use, and stated that it requires consideration of Service Authority infrastructure.

Mrs. Bragg noted Policy 7, Interconnectivity, which she stated was referring to different communities having access to schools and parks. She said they had seen a mockup of the trail and asked if that was in the project proposal.

Mr. Lord answered that they were happy to engage with stakeholders in the County to investigate the trail, but that there would need to be other landowners involved.

Mrs. Bragg mentioned consideration of resources, and stated that the Alexander House is eligible for the National Register of Historical Places.

Mrs. Bragg also mentioned clustering with the approved facility on Wayne Ave, which is about 0.6 miles away and would be visible. She stated that having solar facilities on either side of the village would have a tremendous impact on downtown Stuarts Draft.

Mr. Harris said that they must consider what they have and that personally he could not support the project because it was located in the Urban Service Area where the County's infrastructure was located. He also stated concerns about Policy 12, Clustering, and that the project seemed to go against the Stuarts Draft Small Area Plan.

Mr. Howdyshell said that the clustering concerned him, and that the Small Area Plan is important to the citizens. He said that you have to have the citizen support to make things happen, and that he did not hear support for the project tonight.

Mr. Leonard made the motion to find the project not in substantial accord with the Augusta County Comprehensive Plan, because it is not in compliance with the vision set forth by the Comprehensive Plan or the Stuart Draft Small Area Plan. He noted that the project was not in accord with Policy 7, because it is located in an Urban Service Area where the Comprehensive Plan strongly discourages solar facilities, or Policy 12, because the project is located less than one mile from an approved solar project, which could have undue adverse impacts in the community. In addition, Mr. Leonard noted concerns related to Policy 5, Visual Impacts.

Mr. Harris seconded the motion, which carried unanimously, 5-0.

NEW BUSINESS

Ms. Vane introduced Mrs. Jennifer Whetzel, the County's Deputy Administrator, to present the Capital Improvements Plan (CIP) and Budget.

Mrs. Whetzel stated that she came annually to present the County's Capital Improvements Plan to the Planning Commission in accordance with the Virginia Code. She summarized the CIP and stated that it is a 5-year plan to identify needs, but the funds might not be available at that time. The CIP is funded through budget appropriation

through the Board of Supervisors. Mrs. Whetzel summarized the projects included in the CIP and their status.

Mrs. Bragg asked about the school projects.

Mrs. Whetzel said that the school projects would come out of the school debt fund, which she described.

Mrs. Whetzel stated that the following would be included in the CIP plan: Board infrastructure, Parks and Rec matching grants, depreciation specific accounts, capital projects such as the courthouse, debt service, reserves for the Children's Service Act in Social Services and for Middle Regional Jail, and regional projects, such as the design of the Verona Animal Shelter. The total for general appropriate funds was \$4.4 million.

Mr. Howdyshell asked if there were additional grants or funding for the courthouse,

Mrs. Whetzel said for road improvement they could look at VDOT funding and revenue sharing.

Mr. Howdyshell asked, of the \$4.4 million, how much was going to the courthouse.

Mrs. Whetzel said that out of the \$4.4 million, \$600,000 was going towards the savings account. She clarified that they have some money saved in cash to design the courthouse. The bulk of construction will have to be borrowed.

Ms. Vane asked Mrs. Whetzel if she needed a vote to approve the CIP Plan; Mrs. Whetzel said she did need a vote from the Commissioners.

Mr. Leonard moved to approve the Capital Improvements Plan as presented.

Mr. Howdyshell seconded the motion, which carried unanimously, 5-0.

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MATTERS TO PRESENTED BY THE COMMISSION

Mr. Leonard stated that the Comprehensive Plan is not specific on solar development. For example, there is no definition for clustering. Mr. Leonard moved to make a recommendation to pass to the Board of Supervisors to pass a moratorium on solar applications until there was a more definite plan on where solar should be developed and how to address relevant issues. He stated that this would give staff specific direction, rather than broad guidelines.

Mr. Howdyshell stated that Rockingham County has a maximum amount of solar they will approve for the County.

Mrs. Bragg added that Rockingham County has made a resolution to not accept any siting agreements, and explained that siting agreements allowed proposed solar projects to circumvent the process.

Mr. Harris said that he agreed with Mr. Leonard, that they needed more clear direction.

Mrs. Bragg asked if staff could send the recommendation to the Board.

Mr. Doug Wolfe stated that, as counsel was not present, they would get counsel's opinion on whether the Board could act on that recommendation.

Mr. Harris seconded Mr. Leonard's motion, which carried unanimously, 5-0.

STAFF REPORTS

Ms. Vane gave an update on the Comprehensive Plan and Economic Strategic Plan RFP. Four proposals were received, and the top three firms were extended offers to interview. The County has selected and is in the process of negotiations with the top firm. Once negotiations have been completed, a Notice of Intent to Award will be published naming the selected firm. Staff anticipated presenting a contract for approval to the Board of Supervisors at the June 26th Staff Briefing and June 28th Regular Meeting. The Planning Commission will continue to receive a full status update at each Planning Commission meeting for the lifetime of this project.

Mr. Howdyshell said he hoped that the consultant would have a clear knowledge of agriculture and that Augusta County is an agricultural county, second in the state.

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

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

Mr. Howdyshell seconded the motion which carried unanimously.

Chairman

Secretary