

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

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

ABSENT:

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, March 12, 2024 at 3:00 p.m. in the Community Development 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:

Waynesboro B Solar, LLC
720 May Avenue
Waynesboro, VA 22980

Staff also presented the 2023 Annual Report for Planning Commission to be approved during the Planning Commission's regular meeting.

Chairman

Secretary

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

ABSENT:

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, February 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. Kyle Leonard moved to approve the minutes of the called and regular meeting held on February 13, 2024.

Mrs. Carolynne Bragg seconded the motion, which carried unanimously, 7-0.

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PUBLIC HEARINGS

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 Waynesboro B Solar. She reviewed the process for small energy system solar applications for everyone in the audience, stating

that the location, character, and extent of this proposed project has been reviewed by staff and various agency partners. This review is summarized in the staff report in your packets, which outlines the request's compliance with the Augusta County Comprehensive Plan. 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. 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 Comprehensive Plan. The Planning Commission is a recommending body, and their recommendation tonight will go to the Board of Zoning Appeals who has the authority to grant or deny Special Use Permits. When this 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.

This request is to construct and operate a small solar energy system (3 megawatts) on property owned by Kenneth R. Bradley (TMP 077 32) located at 720 May Avenue in Waynesboro in the Wayne Magisterial District.

Ms. Hensley presented the concept plan and aerial view of the site plan submitted by the applicant stating that the proposed fenced project area is approximately 23.5 acres on TMP 077 32 with a gravel access road extending through the adjacent parcel tax map number 48-2-1 located in the City of Waynesboro.

Ms. Hensley displayed the aerial map of the property, showing all of the parcels included in the request outlined in blue; a zoning map of the property, indicating that the parcel is currently zoned General Agriculture; the map of the Planning Policy Areas for the property, showing that the parcel is located within an Agricultural Conservation Area of the Comprehensive Plan, and the Future Land Use Map of the property, showing that, according to the Comprehensive Plan, the parcel is planned for General Agriculture.

Ms. Hensley stated that the applicant is present and has prepared a presentation, and asked if there were any questions from the Commission on the request.

Mr. Kevin Comer, Harrisonburg, a subcontractor from Startek for RWE. He said there were other team members that would be helping out with the presentation. He wanted to start out with the background on the landowner, Kenneth Bradley. The project had started with a lease option with the prior owner, but the lease expired. After Mr. Bradley purchased the land, he was approached by RWE, and was interested in having a solar farm hosted there. The property is very secluded and there are no plans for future development on the property. Mr. Bradley is the owner of Bradley Trucking on East side near the Speedway. His company has the capabilities to help with the construction of this project, and RWE is open to using them. Mr. Bradley is also open to sheep grazing, which was not included in the application as it is not a natural fit for the property, like

others where there was existing pastures. Finally, the solar project would provide extra income for him and his family.

Mr. Bryan Jake-Schoffman, Gainesville, Florida, a representative for RWE Clean Energy, affiliated with the Northern Virginia office. He explained a brief history of RWE and emphasized that the company liked to have a local presence and partnership with local companies. RWE currently has nine (9) gigawatts (GWs) already operating in the United States. They are subject matter experts in owning and operating projects like these, and they are the second largest owner/operator in the country.

Mr. Comer gave a summary of the project, stating that it was 3 MW ac, about 23.5 acres inside the fence area, and it is located on approximately 126 acres, the majority of which was forested. There is a power purchase agreement in place between RWE and Dominion Energy. The plan is to sell the energy back to Dominion, and the facility would produce enough energy to power the equivalent of approximately 550 VA homes. It is a uniquely low-visible site. The parcel is surrounded by agriculture land, a transmission line runs through the property, and it is forested land. It is only accessible through the City of Waynesboro so there is no direct access through the County. Mr. Comer briefly touched on concerns and sensitivity that have been in past projects on land disturbance. He stated they prioritized this in their project. Another added benefit for a project like this is that there are upgrades to local utility infrastructure.

Mr. Comer went over the site plan of the project, pointing out the entrance to the project, the end of the drive on May Avenue. The drive leads through a thick wooded area to a Dominion high voltage transmission line corridor. One of the longest borders of the project fence line runs along the Dominion transmission line. Mr. Comer explained if any of the project could be seen by the neighbors on May Avenue it would be on the north west corner of the project along the transmission line. He said they supported staff recommendations to mitigate those visual impacts. He also introduced Stephen Quina from VHB, who has done wetland delineations on the property and have identified a few wetlands. They are providing ordinance required additional setbacks from the wetlands. They are also trying to minimize how many trees they will have to cut down, stating that they will have to timber approximately 18 acres of forest on the property. Mr. Comer also touched on the location of the interconnection on Mr. Bradley's property.

Mr. Comer stated they had a community meeting with adjacent property owners. Mr. Comer also showed computer generated renderings and actual photos of different viewpoints from Google street view to illustrate the low visibility of the project. He showed four view points along May Avenue and on Skyline Drive at a popular overlook called McCormick Gap.

Mr. Comer went over the twelve (12) policies in the Comprehensive Plan, stating that three (3) of them were not applicable, the project was not located in an Urban Service Area and that the property was on private property and would not be used for open space. He went over the policies staff had found in compliance with the Comprehensive Plan. He pointed out that Policy 5, Visual Impact and Policy 10, Natural Resources,

were not listed as adhering to the Comprehensive Plan but that from the report it seemed like they had and that it might have been an oversight, as this project has no visual impact to neighboring properties.

Mr. Comer went over the issues that in some areas they were not setback as far enough from the wetlands as the Comprehensive Plan prefers. He said the solar equipment are 75 feet from the wetland areas. If it is a critical issue, they can move the equipment around, but they are trying to balance multiple factors, including trying to stay away from Mr. Bradley's cabin and to try to be as close as possible to the transmission line corridor. Mr. Comer emphasized that the staff had recommend the project is in substantial accord with the Comprehensive Plan. There was one policy listed as a con and that one was on concerns with grading the topsoil and site restoration. Their team has been planning and thinking about best management practices for this very thing for years. One of the things they are planning to do is install all-terrain trackers. There are multiple versions from different manufacturers. The goal of them is to minimize the grading that occurs at the site. The land disturbance occurs at the stormwater features and the grading for the road, not at the array area with these types of trackers. They are seeking best management practices from the Great Plains Institute. Mr. Comer displayed for the Commission the all-terrain tracking system, explaining the mechanics of the system and showed an example in Virginia where the all-terrain technology is being utilized with terrain like in the Shenandoah Valley with no land disturbance. He showed three maps related to the Waynesboro B Solar Site illustrating the slope of the terrain and showing the use of two different products that could be used and the probability, depending on which one was used, that grading would have to be done. With the all-terrain tracking system, there are zero segments out of spec for this project, so that means there is a high probability that this project would significantly minimize grading for this site.

Mr. Comer went on to explain they that they looked at the cultural and historical resources in the surrounding area of the project, and the result is that the there are no historical, cultural, architectural resources that would be negatively impacted from this site.

Mr. Jake-Schoffman touched based on the third-party consultant results. He stated that the first third-party consultant works with a local, independent economic analysis firm in the Richmond area that provided the economic impact analysis report in the application. They used the 25 year operational life of the project, which is what they have under contract as the lease agreement with the property owner, to analyze the economic output for the project. He explained the current value of the land and what the machine and tools tax model would provide, and then the alternative payments option. He also explained the contribution during the construction phase of the project as well as the economic contribution during the operational life of the project which would include landscape maintenances and electrical work, which would most likely come from local jobs. He went over the environmental health and safety report from an expert based in North Carolina, Tom Cleveland. He concluded that this project would not have any negative impacts to public health and safety; the project will not increase temperatures

in the area; and the project will not create any noise or odors. The real estate impact analysis was done by Chris Kala, a realtor from the Fredericksburg area. His main conclusion was that there will be no adverse effects on any of the adjoining properties to the project.

Mr. Jake-Schoffman stated that this is distributed energy which the Comprehensive Plan encourages. This project will not use additional resources of the County like water, sewer, school buses, and there will not be additional costs to the County. He described the project as its own agricultural land banking; it is a temporary use. After the decommissioning process, the land can go back to its current use, and the project will not have long term damages to the property or around it.

Mr. Harris asked the Commissioners if they would like to discuss or had questions for staff or the applicant.

Mrs. Bragg asked about the all-terrain trackers, if there are specific panels made for them?

Mr. Comer explained that they are made to host a variety of solar panels. The one product he mentioned has a post that has the ability to bend to follow the terrain.

Mrs. Bragg asked if RWE was going to maintain the project?

Mr. Jake-Schoffman stated that that was the plan. They have it under contract with Dominion to purchase the power.

Mrs. Bragg asked if the fencing will be wildlife friendly?

Mr. Comer said they usually use a chain link fence, but that is not the only option. They can use wildlife or livestock fencing. There are two primary goals when it comes to fencing: one being it must meet the National Electric Code, which limits their choices, but there are fences that are compliant with the code.

Mrs. Bragg asked if that is something they are considering?

Mr. Comer said that is something they are absolutely considering, if that is what the County wanted and was acceptable to the land owner.

Mrs. Bragg asked about the buffering of the one section along the transmission side of the project?

Mr. Comer stated that fortunately Mr. Bradley owns both parcels on either side of the transmission line and they could provide the buffer on either side. His personal preference would be to keep the vegetation as far away from the solar equipment and would put it on the other side of the transmission line.

Mrs. Bragg asked about the project in New Market and asked how they could go a see it?

Mr. Comer said they could take them there and get them in the fenced in area.

Mr. Larry Howdyshell question the amount of kilowatts being produced to power 550 homes. He said 3MW is producing 3 million kilowatts.

Mr. Comer said he would have to look at that number but the average house uses 13 kilowatts per year, per home and that is the basis for the 550 homes.

Mr. Larry Howdyshell said that Dominion is only selling partial renewals. His theory is that it will go to about 300 homes.

Mr. Comer said looking at the total output of the project, it would produce the equivalent of 550 averaging producing homes over the course of a year.

Mr. Harris opened the public hearing asking if anyone wished to speak for or against the project.

Wayne Nolde, 210 Cider Mill Rd, Mounty Sidney, VA spoke in favor of the project.

Jack Barber, 169 Windsor Dr, Fishersville, VA spoke in favor of the project.

Andy Hershberger, 373 Franklin St., Harrisonburg, VA spoke in favor of the project.

Kenneth Bradley, 720 May Avenue, owner of the project, spoke in favor of the project.

Mr. Harris asked if there was anyone else to speak for or against this request, seeing none, he closed the public hearing.

Mrs. Brag asked Mr. Hershberger if he had built the solar systems at the schools in the County and asked if they were an all-terrain tracking system?

Mr. Hershberger stated that his company did build those, but they are on a fixed tilt system.

Mr. Robert Thomas said that this was in the Wayne district, and that it was an interesting site. Even if it is back there, no one would know it is back there. He said the applicant has addressed the issues especially with buffering. There are no residents around the property. He said it would probably not make any negative impact on the surrounding area. He made the motion to approve the project as being in substantial accord.

Mrs. Bragg seconded the motion, which carried unanimously, 7-0.

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MATTERS TO BE PRESENTED BY THE COMMISSION

Mr. Harris asked if there was anything anyone would like to present this evening.

Mrs. Bragg wanted to mention that the ground breaking for the new courthouse would be Friday, March 15th at 10:00 am.

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STAFF REPORTS

Ms. Hensley introduced the first staff report as the 2023 Annual Report. She said 2023 was a busy year for them. They saw six (6) rezoning requests, two (2) Overlay amendment requests, two (2) rezonings that were withdrawn before going to the Planning Commission, one (1) request regarding the renewal of an Agricultural and Forestal Districts and one (1) request regarding the withdrawal of approximately six (6) acres from an Agricultural and Forestal Districts, fourteen (14) Ordinance Amendments, five (5) Substantial Accord determinations- four (4) were for small solar energy systems and one (1) for a private line to connect to the Weyers Cave wastewater treatment plant.

Ms. Hensley displayed charts showing the four (4) rezonings were distributed across four (4) of the seven (7) magisterial districts. Table 1 shows which districts had rezonings, how many, and recommendation for them, with South River having the most rezoning requests. Table 2 illustrates the acreage for each rezoning in the different zoning classifications. Figure 1 shows the acreage for rezoning in each district. Pastures had the most acreage rezoned with 12.56 acres. Figure 2 shows the fluctuation over the years 2010-2023 for acreage rezoned. In 2022, there were approximately 39% more acreage rezoned than in 2023.

Ms. Hensley explained that the Planning Commission recommended for approval for twelve (12) out of fourteen (14) amendments to the County Code. The Board of Supervisors approved all but two (2) of the fourteen (14) amendments. The amendments that were not approved were related to adding recycling plants to the Public Use Overlay Ordinance and adding a definition for recycling plans to the County Code.

The two overlay requests were to put a Public Use Overlay Over property zoned Single Family Residential 15 (SF-15) in order to relocate a school and over property zoned Single Family Residential 10 (SF-10) in order to relocate a municipal animal shelter.

The Planning Commission reviewed four (4) small energy system applications for the 2232 substantial accord determination to find if the energy system met the Comprehensive Plan or parts thereof. The Planning Commission recommended one small energy system to be in substantial accord, which was approved by the BZA; the Planning Commission recommended that two (2) were not in substantial accord with the

Comprehensive Plan which were denied by the BZA; and one of the applications the Planning Commission did not have a recommendation for and it was approved by the BZA. These were all under 5 MW projects.

Ms. Hensley went over the new lot creations from 2023 and stated that the vast majority of subdivisions occurred through the major subdivision process, which most of those were single lots followed by attached residential. The most minor subdivision were General Agricultural lots and those are usually created through the family member exception or through the existing dwelling lot provision.

Ms. Hensley stated that they needed commission action to whether or not they approve the 2023 Annual Report.

Mr. William Schindler made the motion to approve the annual report,

Mr. Howdysshell seconded the motion, which carried unanimously, 7-0.

Ms. Elizabeth Goodloe reviewed the agenda items with the Commissioners for the April 2024 Board of Zoning Appeals meeting.

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ADJOURNMENT

There being no further business to discuss, Mrs. Bragg made a motion to adjourn.

Mr. Schindler seconded the motion, which carried unanimously, 7-0.

Chairman

Secretary