

PRESENT: J. Curd, Chairman  
T. Jennings, Vice Chairman  
G. Campbell  
L. Howdysshell  
K. Shiflett  
J. Wilkinson, Director of Community Development  
L. Tate Planner II and Secretary

ABSENT: S. Bridge  
K. Leonard

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, February 13, 2018, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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**DETERMINATION OF A QUORUM**

Mr. Curd stated as there were four (4) members present, there was a quorum.

(Mr. Campbell was not present at this time.)

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**MINUTES**

Mr. Jennings moved to approve the minutes of the called and regular meetings held on January 9, 2018.

Mrs. Shiflett seconded the motion, which carried unanimously.

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**Ordinance amendment - Chapter 25 of the Augusta County Code to add Article VI.D. Solar energy systems.**

Mrs. Tate reviewed the proposed ordinance information the Commissioner's received in the monthly packet mailing and as presented on PowerPoint.

Mr. Jennings asked where the noise limits and DBA came from.

Mrs. Tate stated there is a solar ordinance draft put together by those in the solar energy industry and from others with a local government perspective, and is the ordinance that a lot of localities adopt as a standard ordinance. The sound decibel amount was in that ordinance.

Mr. Jennings asked if ordinances in other localities were looked at for solar farms.

Mrs. Tate stated she did look at ordinances of other localities and while the setbacks are different than what is being proposed, the noise requirement came from a standard ordinance that other localities have adopted.

Mr. Jennings asked about the 15' height limit.

Mrs. Tate stated Staff went and viewed a large solar energy project. Looking at the standard height they would not be higher than that, and Staff believed a height limit should be set in case technology was changed in the future.

There being no further questions from the Commissioners, Mr. Curd opened the Public Hearing.

Wayne Nolde of 210 Cider Mill Rd., Mt. Sidney stated he does not represent any company nor does he have any vested interests that would be affected by the ordinance. He would like to encourage the Planning Commission to encourage solar systems. He has seen other developments that have large scale and small scale solar systems and he believes they can blend in with the agriculture heritage in Augusta County. He asked how the setbacks, height requirements, and ground water monitoring being proposed compare to what is already being permitted in general agriculture and general business and industrial districts. While the 15' height limit may work in other places, it may be too restrictive here. He stated he hopes the County will not be overly restrictive with the maximum height of the solar panels or with the setbacks. Solar panels are low maintenance, good for the ecology, and should not have any impact on ground water.

Roger Willets of 9092 Old Turnpike Road, Afton stated he owns property in Stuarts Draft that is zoned General Industrial. He has been working on installing a small scale solar system for two years or more on his property. When he started the project, Augusta County did not have an ordinance regarding solar panels. When starting this project, he referred to the ordinance Rockingham County has in place for solar energy systems and felt the project was worth pursuing based on Rockingham's ordinance. He has done all

the environmental studies. He has filed a permit to hook onto the substation and Ecoplex has posted 1.5 million dollar bond for the hookup and the upgrade of the station. Plans for the solar farm have been submitted to Dominion showing the location of all the panels. He understands the reasons for having setbacks and buffering from residential housing, however, the setbacks in the proposed ordinance will not allow him to complete his solar system. He suggested the County look at these projects on a case by case basis in determining setbacks and buffering. Setbacks for other businesses such as asphalt companies or slaughter houses only require a 500' setback. Unless there can be an alternative plan for buffering and the setbacks are reduced, he will be unable to complete his project. Solar energy projects are very competitive and companies will be looking for the best economical fit for them. Augusta County will be in competition with Rockingham County and other counties as companies such as Dominion look for the best place throughout the state to put solar farms. If the County doesn't place full value on the interests of the people, it will be hard to bring solar farms to Augusta County.

Mrs. Tate clarified that in general agriculture zoned districts asphalt plants, quarries, shooting ranges and other heavy uses require a 1000' set back from residentially zoned districts and a 200' setback from all other property lines. There is a provision allowing the BZA to reduce or eliminate the setback if they feel the adjoining property owners would still be protected. Junkyard and demolition facilities require a 1,000' setback from residentially zoned districts and a 200' setback from all other property lines and there is not a provision allowing the BZA to reduce or eliminate that setback.

Mr. Willetts asked if the Board of Zoning Appeals will be able to reduce the setbacks once the ordinance has been adopted.

Mrs. Tate stated if the ordinance is adopted, changes will not be allowed to the setbacks.

Mr. Willetts stated the majority of the issues people complain about, such as increase in traffic and overcrowding in schools, will not be present with solar systems. The solar farms should be adequately buffered from public view, therefore, a reduced setback should be acceptable.

Mr. Jennings asked Mr. Willetts if he sees any other problems with the proposal other than the setbacks.

Mr. Willetts stated he doesn't see any problems with the proposal other than what has been discussed.

Mr. Nolde stated the setbacks seem excessive with other businesses in the same zoning that make more noise than a solar farm.

Tom Anderson with Community Energy Solar in Radnor, PA stated his experience is that solar farms can be developed successfully. He agreed with the concerns of Mr. Willetts and Mr. Nolde regarding the excessive 1000' setbacks. He stated that is not the standard setback even for larger projects and asked the Commission to consider reducing the

setbacks. Because the projects are largely built on what will become grass fields and a vegetated buffer scheme will be put up to help protect neighbors from the view shed, this should allow for the reduction of setbacks. Solar projects make very little noise and he feels the 60 decibel limit proposed in the ordinance is acceptable. The panels are low sitting and the suggested 15' height restriction is sufficient. He stated the buffering requirements seem to be overly prescriptive. Heavily vegetated buffering seems to draw more attention of drivers to solar panels and other alternatives may be more appropriate. He has never seen groundwater monitoring with solar system projects and believes there would be no reason to monitor the groundwater, as there is nothing hazardous about solar projects. He suggested the groundwater monitoring section of the proposed ordinance be removed. The removal and decommissioning plan is sufficiently thorough. With respect to assessment of cost and posting of the surety bond, it has become an industry standard to ask for and be granted that the scrap value and recycling value of the equipment be incorporated into the equation that ends up resulting in the bond that gets placed. He pointed out that he has not seen a topo reconfiguring requirement before. Putting earth back to the way it was at the beginning of the project is not practical. In the end it is a flatter surface and is a surface that has had natural grasses and vegetation growing on it for 30 or 35 years so there is a healthy base of topsoil. If a landowner wanted to turn this surface into farming land, it would be easy to do. He asked the Commission to reconsider this provision or make it possible for the landowner to sign a waiver.

Mrs. Tate stated there is a provision for the landowner to request a waiver, but the Board of Supervisors would have to grant the waiver.

There being no one further to speak in favor of or in opposition to the request, Mr. Curd closed the Public Hearing.

Mr. Howdyshell asked if gravel could be used instead of grass on the solar farms for reduced maintenance.

Mr. Anderson stated it is extremely rare and only for small projects that the ground surface would be completely graveled.

Mr. Wilkinson stated the ordinance does not prevent gravel, however, stormwater and water quality control measures would increase because it would be left as entirely impervious surfaces.

Mr. Anderson stated gravel surfaces would be almost impossible to maintain.

Mr. Howdyshell stated smaller solar systems should have a safety provision and there would be a need to work closely with the utility company to make sure that provision is in place.

Mr. Wilkinson stated the safety provision should be between the provider and the utility corporation accepting that power.

Mr. Howdyshell stated there should be a statement in the provision that safety regulations of the utility company would have to be abided by.

Mrs. Tate stated there is a provision that says they shall meet or exceed all applicable federal and state standards and regulations.

Mr. Howdyshell stated the 1000' setback requirement is excessive. The solar systems do not make any noise, they do not impact schools or roads. He feels a good buffer around the project would be sufficient. He stated most sub-stations are placed closely to the road. If the larger setback is required, it will be costly to connect to the sub-station. He does not agree with going into the ground 3' deep to decommission the solar system. He feels the Commission needs to look at the ordinance more closely and revisit some of the issues within the ordinance before making a recommendation. So far, solar energy projects have been developed in the state without being government mandated. There is a possibility there would be a mandate requiring a certain number of renewables. If that were to happen, the ordinance would have to be revised later on, if it is adopted as it is written now.

Mr. Curd agrees with the concerns of Mr. Howdyshell and the other speakers. If the County wants to be solar friendly, the proposed ordinance will need some work. Just because it is agriculturally friendly does not mean it is not farmer friendly. He believes the groundwater monitoring is too restrictive. The setbacks are extremely excessive and the decommissioning should be the landowner's decision to a certain degree.

Mr. Howdyshell brought up the fact that the County put too many restrictions on cell towers when they started to develop within the county. The restrictions on cell towers have hurt the rural communities. He moved to table the amendment until the ordinance can be further reviewed and discussed.

Mr. Jennings suggested the Commission plan a work session to review the ordinance. He seconded Mr. Howdyshell's motion, which carried unanimously.

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## **STAFF REPORTS**

### **A. CODE OF VIRGINIA – SECTION 15.2-2310**

Mrs. Tate reviewed with the Commissioners the requests coming before the BZA at the March meeting.

The Planning Commission took no action on the BZA items.

B. Stuarts Draft Small Area Plan

Mrs. Tate gave an update on the Stuarts Draft small area plan. June 8<sup>th</sup> of 2017 was the public kick off meeting for the process. The Advisory Committee meets monthly and has been working on the vision statement for the plan. Timmons Group has been retained as the transportation consultant for the plan. The next Advisory Committee meeting is scheduled for February 26<sup>th</sup>. The transportation consultant will be bringing some recommendations and initial findings to present to the committee. The next public meeting will be March 15<sup>th</sup> to present drafts of the vision statement, goals, objectives, policies and proposed future land use maps, as well as the transportation recommendations.

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There being no further business to come before the Commission, the meeting was adjourned.

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Chairman

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Secretary