

PRESENT: J. Curd, Chairman
T. Jennings, Vice Chairman
S. Bridge
G. Campbell
L. Howdysshell
K. Leonard
K. Shiflett
Leslie Tate, Planner II & Secretary
John Wilkinson, Director of Community Development
Carolyn Bragg, Board of Supervisor – South River District

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Friday, March 2, at 3:00 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

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The Planning Commission assembled in the Augusta County Government Center to discuss an ordinance to amend Chapter 25 of the Augusta County Code to add Article VI.D. Solar energy systems. The proposed ordinance regulates solar energy systems operating as principal land uses.

Mr. Curd called the meeting to order.

Mrs. Tate reviewed with the Commissioners the special use conditions for an approved solar project in Buckingham County. She stated Culpeper County does not have an adopted ordinance for solar projects and are currently working through the process. Rockingham County does have an ordinance for solar energy systems which are permitted through a special use permit with certain supplemental standards in some districts. Mrs. Tate also showed the Commissioners an aerial photograph from a constructed solar project in Southampton County.

Mrs. Tate stated the proposed ordinance allows for a 200' setback from all property lines and a 1000' setback from any property line that is adjacent to a residentially zoned property. She referred to the regulations in the Commissioner's packet for solar energy systems that are in place in Buckingham County as an example for setbacks and buffering. She reiterated that there is a difference between setbacks and buffering.

Mrs. Tate reviewed the draft Special Use Permit conditions for Culpeper County as found in the Commissioner's packet and stated it is similar to Buckingham County's Special Use Permit conditions.

The group discussed the financial feasibility of solar energy systems. The draft ordinance does not have a requirement for a cost economic benefit analysis. Mrs. Tate stated some other localities have included it in their ordinances and it is a way to look at the cost benefit analysis of a project when it is taking land out of farming or other uses.

Mrs. Bragg stated the cost benefit analysis should be a big consideration. The Comprehensive Plan needs to be looked at and focus needs to be on areas that were planned for growth and how those areas will be affected economically if the land is used for solar energy projects. The economic impact for solar energy is not great. Legislators are pushing to make solar farms tax free. The land uses will change once a solar energy farm is developed.

Mr. Howdysshell asked when large scale solar farms are developed, will the State Corporation Commission regulate them and assess the land value and the solar projects.

Mr. Wilkinson stated currently they are taxed as real estate and the tax increase would be associated with the change in land use from agriculture and/or land use to an industrial land use.

Mr. Leonard asked if the value of the solar panels that are on the land is included in taxing or only the value of the land.

Mr. Wilkinson stated there are real estate taxes on all land. Currently there is a taxable option to tax for the value of solar panels on site. Mrs. Bragg thought that such taxation for the value of the panels was currently set at 80% for large solar projects and legislation has been introduced to reduce and/or eliminate the ability to tax the equipment.

Mrs. Tate stated if a solar energy farm was developed in an industrial district, the economic benefit would likely be less than an industrial business would be.

Mr. Leonard stated if the County has invested in infrastructure of an area to get the highest potential return, it doesn't seem solar farms should be an option for that area as an investment. There is no advantage from the County's revenue standpoint to have a solar farm.

Mrs. Shiflett stated most of the parcels in industrial districts are ones that can be served with a minimum of a hardship on the County.

The group discussed setbacks and buffering for solar energy projects and the decommissioning of them. Mrs. Tate reminded the Commissioners of the setback requirements in the draft ordinance. If the required setbacks can be met, a public use overlay will be permitted. If the setback requirements cannot be met, a special exception will need to be applied for with the Board of Supervisors who can waive the required setbacks based on specific criteria.

Mrs. Bragg stated since the County has not had any experience with solar energy systems and the effects of them are unknown, they called for the broader setbacks in the draft

ordinance to take into consideration anything unexpected. The whole county has to be considered and not just part of the county.

Mr. Howdyshell stated he is not for or against solar energy projects but believes the 1000' setback requirement is too extreme and believes the property owner's rights should be taken into consideration. He thinks buffering requirements are more important than setbacks. The solar projects are only going to be developed where the substations are. He stated he does not believe the 3' decommissioning requirement is practical and should be the decision of the property owner. He stated there should be a requirement that the local utility company needs to be notified when a solar energy system is developed and the system be inspected by the utility company to make sure safety standards are being met.

Mr. Leonard stated he believes the larger setbacks are important and should be taken into consideration for neighboring properties.

Mr. Bridge asked if the purpose of the setbacks was for view shed, glare, and noise.

Mrs. Bragg stated the solar systems are very quiet so the setback would be more for the view shed and glare.

Mrs. Shiflett stated she believes there needs to be some modification allowed for setbacks because there are so many different land variations within the county. She agreed that the decommissioning should be the decision of the property owner and that a cost benefit analysis should be required in the ordinance.

Mrs. Tate addressed the safety standard concerns and stated it is being proposed in the draft ordinance that the applicant provide proof of an interconnection agreement for development on properties great than half an acre. Proof of interconnection on properties less than half an acre would not be required.

Mrs. Tate discussed groundwater monitoring. After completing some research, there is no evidence to confirm solar systems will cause any damage to the groundwater. She spoke with Southhampton County and the reason they have it in their draft ordinance is because farming is a big part of their community and there are concerns there could be leaching from the panels that could possibly change the quality of the soils to make farming unviable on the larger acres of land. Also, damage to the panels could possibly create leaching. Also, steel leaching could create higher zinc levels in the soil which may or may not affect crops. Deconstruction of the system should also be taken into consideration and how it will affect groundwater.

Mr. Jennings asked if Mrs. Tate had consulted with DEQ and the Service Authority regarding groundwater monitoring.

Mrs. Tate stated she will make contact with both agencies to get their input regarding groundwater monitoring for solar systems at both the construction stage and the decommissioning stage.

Mrs. Bragg stated the Ordinance Committee suggested groundwater monitoring be required because of the millions of dollars that have been spent on monitoring and protecting the County's water supply and because of the degree of protection already required for the water that goes out of Augusta County.

Tom Anderson with Community Energy Solar in Radnor, PA was present at the meeting and stated he does not believe groundwater monitoring is necessary. Any projects less than 150 megawatts is required to get a permit from DEQ. All divisions within DEQ evaluate the project before the permit is issued. Solar panels have been subjected to hazardous waste leaching testing and no leaching has been found. Leaching of zinc and other metallic components are not recognized as an environmental hazard.

The Commission discussed their desired changes to the draft ordinance. Mr. Leonard stated he agrees with the proposed 1000' setback in residentially zoned districts with the ability to decrease it on a case by case basis. He stated the proposed setbacks in agriculture districts and industrial districts could be decreased to 50', as long as there is no residence on the agriculture property. Mr. Howdysshell stated if the setbacks are reduced in agriculture districts, the County will need to work with VDOT and consider potential road improvements, as a 50' setback may not be enough. He feels the setbacks should be reduced to 200' in all districts with proper buffering. Mrs. Shiflett, Mr. Bridge, Mr. Jennings, and Mr. Campbell stated the proposed setbacks should be reduced to a maximum of 500' in residentially zoned districts, with the ability for the Board of Supervisors to reduce them based upon certain criteria, and a maximum of 100' for other zonings with the ability to reduce. Conditions of the setbacks would be based upon buffering, existing timber, existing uses, and natural topography. They also proposed a cost benefit analysis be provided by the applicant, the de-compaction of soils as part of decommissioning be excluded, and proof of interconnection to the grid be added.

There being no further discussion by the Commission, Mr. Curd adjourned the meeting.

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Chairman

Secretary