

PRESENT: J. Curd, Chairman  
T. Jennings, Vice Chairman  
S. Bridge  
G. Campbell  
L. Howdysshell  
K. Shiflett  
J. Wilkinson, Director of Community Development

ABSENT: K. Leonard  
L. Tate, Planner II

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, June 12, 2018, at 6:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

Mr. Curd called the meeting to order.

Mr. Wilkinson reviewed with the Commissioners the items coming before the BZA in July.

Mr. Wilkinson reviewed with the Commissioners the ordinance changes which will be considered at the Public Hearing.

- 1. An ordinance to amend Section 25-303H. Apartments not on the ground floor of the Augusta County Code.**
- 2. An ordinance to amend Chapter 25 of the Augusta County Code to add Article VI.D. Solar energy systems.**

Mr. Wilkinson reviewed the recommendations made by the Commission in March in regards to the solar energy systems ordinance and the changes the Board of Supervisors recommended at their meeting also held in March.

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Chairman

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Director

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L. Howdysshell  
K. Shiflett  
J. Wilkinson, Director of Community Development

ABSENT: K. Leonard  
L. Tate, Planner II

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, June 12, 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 six (6) members present, there was a quorum.

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**MINUTES**

Mr. Jennings moved to approve the minutes of the called and regular meetings held on May 8, 2018.

Mr. Bridge seconded the motion, which carried unanimously.

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**NEW BUSINESS – Capital Improvement Plan**

Jennifer Whetzel, Deputy Administrator for Augusta County stated it is a requirement by the State that the Capital Improvement Plan (CIP) be presented annually to the Planning Commission regarding the five year plan. She stated the CIP offers a systematic

approach to planning and financing capital improvements. It correlates projects with community goals and financial capabilities, and facilitates opportunity for grants and regional efforts. It also facilitates private sector improvements consistent with the Comp Plan. She stated the CIP plan is a five year plan but is reviewed annually to determine what has changed within the community and what needs to be updated within the plan. Annually the Board of Supervisors is required to put a minimum amount into the CIP. Approximately \$1.7 million of the 2018 tax increase went into the plan. If the departments within the county do not spend all of the money in the general operating fund by the end of the year, the remaining balance is typically transferred into the Capital Improvements Fund and allocated to projects within the fund. County projects are also funded from state and federal grants. The Board of Supervisors approved the budget on April 25, 2018. Included in the budget was \$6.7 million in appropriations to the CIP fund, which comes from all revenue created in the capital budget.

Mr. Curd referred to page 10 regarding recreational facilities and asked if the increase in requests for the use of the facility was in reference to the Stuarts Draft recreation center.

Mrs. Whetzel stated it was in regard to the Stuarts Draft facility and the Fishersville gym.

Mr. Curd asked what the status is of the revised Master Plan.

Mrs. Whetzel stated it has been a work in progress and hopefully it will be completed in 2018.

Mr. Jennings asked if the School Board's Capital Improvement Plan is merged into the County's.

Mrs. Whetzel stated the School Board has their own CIP and separate allocations.

Mr. Jennings asked why the school board CIP is not merged with the County's since the School Board has no way to raise revenue.

Mrs. Whetzel stated the School Board's budget is appropriated along with the County's budget and that would include the CIP for the schools. There is very little revenue that goes into the school's account. Most of the schools projects, such as new schools and renovations, are debt funded and only comes up when there are major projects.

Mr. Jennings stated the purpose of the CIP is planning and he asked if the School Board budget is not part of the County's planning.

Mrs. Whetzel stated it is part of the County's planning and referred to the section that addresses the five phases of the CIP. The School Board is at the end of the five phases and they will have a new set come forward in the future. The only allocation within the CIP for schools is their year end fund balance which rolls into an account within the CIP and is used to fund the School Board's debt.

Mr. Howdyshell stated the tax ticket is now 9% more than in previous years and is causing a hardship on the general public. The County needs to be conscientious of what they are spending money on.

There being no further questions or comments from the Commissioners, Mrs. Shiflett moved to recommend approval of the Capital Improvement Plan. Mr. Bridge seconded the motion, which carried unanimously.

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## **PUBLIC HEARING**

- A. An ordinance to amend Section 25-303H of the Augusta County Code. Apartments not on the ground floor of the Augusta County Code. To clarify that no more than one (1) floor of apartments may be added above a business, and add that additional floors may be permitted only by a Special Use Permit approved by the Board of Supervisors.**

Mr. Wilkinson explained the amendment as presented on PowerPoint. He stated this is in the General Business section of the ordinance. Currently, by Administrative Permit, an apartment may be added above a business as long as there is a business on the ground floor. This amendment will continue to allow a one floor apartment through an Administrative Permit approved by staff and add additional floors by a Special Use Permit approved by the Board of Supervisors.

Mr. Jennings asked why this amendment is needed.

Mr. Wilkinson explained that it allows business owners to have additional apartments above a business with a Special Use Permit.

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

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

Mr. Bridge moved to recommend approval of the amendment. Mr. Howdyshell seconded the motion, which carried unanimously.

- B. 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. Wilkinson explained the request as presented on PowerPoint and focused on the main bullet points of the amendment which were previously heard and discussed at the February Planning Commission meeting. He referenced the changes suggested by the Board of Supervisors at their March meeting.

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

Tom Anderson with Community Energy Solar in Radnor, PA stated he supports the ordinance but has some suggested provisions. He stated the recommended setbacks are not consistent with the setbacks that had been recommended previously by the Planning Commission. At the March 13<sup>th</sup> meeting the Commission recommended a 50' setback for the solar panels and he supported that recommendation. The 1000' setback now being recommended is extreme.

He stated he appreciates the County's desire to protect the groundwater environment, however, solar panels are planted in grasses and are a healthy use of land. DEQ reviews the applications for solar panels and have never required groundwater monitoring. He asked the Commission to consider removing the groundwater requirement from the ordinance.

He stated he has not seen a standard regarding topography like the one being proposed in the ordinance. He stated this is an area better defined between the project developer and the landowner.

Regarding the buffering of solar panels he stated certain buffering works with certain projects. Developers work with neighbors, landscape architects, and Staff during the site plan approval process to determine buffering requirements.

Mr. Anderson stated he supports owners of industrial properties to be allowed to have solar panels on their industrial zoned property.

Mrs. Shiflett asked how the solar panels are maintained and cleaned.

Mr. Anderson stated they are washed once a year with high pressure misting techniques.

Roger Willets of 9092 Old Turnpike Rd, Afton, VA stated he owns 44 acres on Johnson Drive in Stuarts Draft that is zoned as industrial. He referred to the March Planning Commission meeting and stated what the Commission recommended then is not what is being proposed now. His property has been taxed based on a land value of \$25,000 an acre for 12 years and does not qualify for land use. He is paying higher taxes because it is zoned industrial. He feels solar power generated systems are an industrial use and his property would be an ideal location. Solar farms are a passive use and would not affect the community.

James Kindig of 3546 Stuarts Draft Highway asked what the cost benefit analysis is for that is being proposed as part of the ordinance. He stated setbacks are greater than what

is normally required for residential and feels the setbacks should be decreased. He stated groundwater monitoring is not necessary as there is no additional runoff from what is currently there. He does not understand why the interconnection agreement would be required in the ordinance, as that would be required by the power company before the project could begin. He stated solar panels should be allowed in industrial districts, as there does not seem to be any other uses interested in industrial land currently.

Sam Hopkins of 1253 Old Windmill Circle, Harrisonburg stated he works for Paradise Energy Solutions. He is interested in the parcel size requirement for solar energy farms, particularly the one-half acre lot requirement.

Mr. Wilkinson stated this is a draft ordinance that was presented before the Planning Commission in March for recommendation and then was passed to the Board of Supervisors for a final decision. The Board sent it back to the Planning Commission with changes for further review and recommendations. The Board will make the final decision at the public hearing on June 27<sup>th</sup>. The half-acre was taken from ordinances of other localities and is open to the Commission for recommendations.

Mr. Hopkins stated if someone wants to use an unproductive area of a farm for solar energy use and that particular area is greater than one-half acre, it would be difficult for the owner to have solar energy as personal or agriculture use.

Mr. Wilkinson stated this ordinance does not address that type of use, as that would be an accessory use to the property being used by the property owner.

Wayne Nolde of 210 Cider Mill Road referred to Section 25-70.4B of the proposed ordinance and asked the why the County cares who buys the electricity.

Mr. Wilkinson stated they are trying to define an accessory use for personal use versus panels used to generate electricity for sale which would be considered business use.

Mr. Nolde asked what costs and benefits are being considered under the cost benefit analysis. Is it for economic cost benefit analysis or is it for the financial analysis the landowner is going through to decide if he can afford it. The cost benefit analysis is very vague and does not give much criteria. He is unclear why a decommissioning plan is necessary. Does the County have a decommissioning plan for other uses?

Mr. Wilkinson stated they have a similar decommissioning plan in place for cell towers because the property could be used later for other uses. If something happens that the company that owns the panels would go out of business, it should not be the tax payer's responsibility to pay to have the panels removed.

Mr. Nolde asked why the panels would need to be removed and why would it be any different from having a warehouse that that has been vacant for many years.

He stated groundwater monitoring is not necessary, as panels will not affect groundwater and DEQ should be the ones to regulate that.

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

The Commissioner's agreed among themselves that the proposed ordinance was not welcoming or attractive. They also agreed a 50' setback would be more reasonable, with the Board of Supervisors having the ability to change as necessary. They agreed that solar energy farms should be allowed in industrial zoned districts, and that the Traffic Impact Analysis and Cost Benefit Analysis should not be included as a requirement. Groundwater monitoring and decommissioning of the panels should also be deleted from the ordinance.

Mr. Jennings asked why the County wants to have a Cost Benefit Analysis for solar panels.

Mr. Wilkinson stated it will be beneficial for the County in order to compare the cost benefit of solar panels versus the cost benefit of other uses.

Mrs. Shiflett moved to recommend the following changes to the proposed ordinance: Solar energy farms be allowed in industrial zoned districts; the setbacks have a 50' minimum from the property lines and right-of-way, with the Board of Supervisors having the ability to increase on a case by case basis; and the Cost Benefit Analysis, Traffic Impact Analysis, groundwater monitoring and community meeting regulations be removed. Restoration of topography of property, physical removal of below grade structures, and decompaction issues are to be agreed upon by the landowner and developer.

Mr. Bridge seconded the motion, which carried unanimously.

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## **STAFF REPORTS**

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

Mr. Wilkinson reviewed with the Commissioners the requests coming before the BZA at the July meeting.

The Planning Commission took no action on the BZA items.

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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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Director