

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, May 14, 2024 at 1:00 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 requests for a Public Use Overlay and a substantial accord determination, and traveled to the following sites which will be considered at the Public Hearing:

Rezoning Request for a PUO
 Trustees of Crossroads Baptist Church
 TMP 066E (4) 2
 31 Crossroads Lane
 Fishersville, VA 22939

15.2-2232 Substantial Accord Determination
 Augusta Solar, LLC
 Stuarts Draft and Lyndhurst Areas

Chairman

Secretary

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ABSENT:

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, May 14, 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.

STAFF ANNOUNCEMENT

Ms. Julia Hensley stated that Ms. Elizabeth Goodloe, Planner I, has accepted an opportunity with another locality. She expressed appreciation for Ms. Goodloe’s work and service to the County. Mr. Harris echoed his appreciation for Ms. Goodloe’s service.

MINUTES

Mr. Bill Schindler moved to approve the minutes of the called and regular meeting held on March 12, 2024.

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

PUBLIC HEARINGS

Mr. Harris stated that there were two (2) public hearings that evening.

Trustees of Crossroads Baptist Church

Ms. Julia Hensley introduced the first item as a request to rezone from General Business to General Business with a Public Use Overlay for Trustees of Crossroads Baptist Church. The location of the request is 31 Crossroads Lane in Fishersville in the Beverley Manor Magisterial District. The property is located within an Urban Service Overlay District in an Urban Service Area of the Comprehensive Plan, planned for Business. The proposed usage of the property, in addition to maintaining current church services, is to add a Public Use Overlay over the church in order for Augusta Christian Academy to add high school grades.

Ms. Hensley displayed the aerial map of the property, showing the parcel included in the request outlined in blue; a zoning map of the property, indicating that the parcel is currently zoned General Business; the map of the Planning Policy Areas for the property, showing that the parcel is located within an Urban Service 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 Business.

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

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

Harold Munson, 69 Entrée Way, Churchville, VA 24421, a representative of the Board of Directors for Augusta Christian Academy, spoke in favor of the addition of a Public Use Overlay due to the growth the private school has seen over the last year. In the fall of 2024, the private school will be adding 9th grade students.

Mr. Schindler asked how many additional students would be enrolling next year. Mr. Munson stated they would not have that information until likely the end of July.

Mr. Schindler made the motion to approve the request stating that the request is compatible with the surrounding development and with the Comprehensive Plan's Future Land Use designation.

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

Augusta Solar, LLC

Ms. Hensley introduced the second item as a request for a substantial accord determination for a large solar energy system by Augusta Solar, LLC. Ms. Hensley reviewed the process for large solar energy systems, noting that the location, character, and extent of the project was analyzed by staff and agency partners and was included in the staff report in the agenda packet. Ms. Hensley noted that the Comprehensive Plan is the 20-year vision for land use used by staff to guide future development in the County as set forth by the Board of Supervisors and residents. This public hearing will result in the Commission making a substantial accord determination pursuant to Virginia State Code Section 15.2-2232. The purpose of the "2232 Review" is to determine a project's conformance with the Comprehensive Plan. Ms. Hensley noted that the Planning Commission is a recommending body, and the request will then go to the Board of Supervisors for final approval or denial. Once this request is scheduled to be seen by the Boards of Supervisors, adjacent property owners will be notified via a letter, a new blue sign will be posted on the properties, and public notice will be published in the Staunton News Leader and on the County website.

Ms. Hensley explained the history of the project, stating that this request was initially submitted to the County in 2019 by Community Energy Solar. At that time, it was a 125-megawatt (MW) project, with approximately 1,100 fenced acres. In 2023, a different company, AES, submitted a new application that reduced the megawattage to 102 MW within 612 fenced acres with 114 acres under panel. After receiving staff's draft report, AES further reduced the project to 90 MW within 470 fenced acres with approximately 131 acres under panel.

The request before the Commission is a request by Augusta Solar, LLC to construct and operate a large solar energy system (90 MW), on property owned by several landowners in Stuarts Draft and Lyndhurst in the South River Magisterial District. Ms. Hensley displayed a list of parcels to be included in the project, and noted that parcels with asterisks will not include photovoltaic panels but rather narrow easements for medium-voltage feeder lines that connect the sites to each other.

Ms. Hensley showed an aerial map of the parcels included in the request, maps of the parcels in the request with and without the landscape buffer, a current zoning map, a Future Land Use Map, and a Planning Policy Area map showing that the parcels located in the request are located either in an Urban Service or Community Development Area of the Comprehensive Plan.

Mr. Harris asked if the applicant had a presentation they would like to present.

Mr. Matt Hooper, 4200 Innslake Drive, Glen Allen, VA, Director of Development with AES Clean Energy, presented an overview of the request. Mr. Hooper thanked the Chair and members of the Commission for hearing the project, and thanked staff for working on the project.

Mr. Hooper reiterated that tonight's request was for a 2232 Review to determine the project's conformance with the Comprehensive Plan.

Mr. Hooper then detailed his company, AES, stating they are a developer and owner-operator. Headquartered in Virginia, AES owns assets across the United States with a total of 540 solar facilities that the company operates. This includes 660 MW in Virginia in three (3) separate projects.

In regards to Augusta Solar, the proposed project is a 90 MW facility that would produce enough power to offset 14,500 homes annually. Mr. Hooper indicated that the project would be located in Stuarts Draft and Lyndhurst on 470 acres within the fenced area, with a project life of 30 to 35 years. At the end of the project's lifespan, the entire project would be removed from the land as part of decommissioning.

Mr. Hooper detailed why AES chose to request to site in Stuarts Draft. The primary reasoning for this location is the presence of a Dominion 115 kilovolt (kV) transmission line through the Stuarts Draft area. AES tried to site project in close proximity to existing infrastructure to avoid constructing additional power lines to connect to said infrastructure. The line AES is proposing to interconnect to has been studied extensively and has been found to have additional capacity for the project to be able to connect to. Connecting to this transmission line would prevent the need to upgrade to bigger or more numerous lines. PJM, the regional transmission operator, has also determined this capacity availability.

Although this project is within 470 fenced acres, the project consists of a series of pods, or solar arrays, that are spread out and are therefore connected mostly through underground infrastructure (medium-voltage feeder lines). The power generated from each of these pods would flow to a central substation, where it then connects to the electrical grid. Mr. Hooper indicated that this project was designed to fit with the terrain in this part of Virginia, and would minimize the need for grading, impacts on neighbors, and the visual impacts of rural viewsheds. This was also called out in the staff report.

Mr. Hooper discussed how the project is proposing to site in the Urban Service and Community Development Areas. As noted earlier, the current project proposed has been reduced significantly (by about 60%) from previous iterations. Specifically, land north of Target and the McKee Foods facilities has been removed from the project. In addition, the project has been designed to accommodate future utility expansions within setbacks and gaps in existing corridors.

Mr. Hooper further discussed siting in Urban Service and Community Development Areas, and noted that the Urban Service Area consists of approximately 40,000 acres. The proposed project would comprise approximately 276 acres within the Urban Service Area, or less than 1% of the total land area within this Planning Policy Area. In addition, the Community Development Area is approximately 36,000 acres. This project is proposing to site on approximately 193 acres within the Community Development Area, or approximately .005%. That said, Mr. Hooper acknowledged that AES understands the

community concern, and that the company has responded by moving away from key future development areas of Stuarts Draft such as north of the railroad along Wayne Avenue. Mr. Hooper also noted that solar development would not require any additional services from the County.

Mr. Hooper touched on the project's compliance with the Comprehensive Plan. First, the proposed project is non-permanent, and will last 30 to 35 years with the facility specifically designed to be removed at the end of its life. Mr. Hooper then discussed the economic impacts the project would result in. Construction would provide temporary employment and apprenticeships which can be beneficial to young people in the area. In addition, local business would be impacted by the construction period as AES intends to utilize local businesses. Lastly, the County would benefit from increased taxes compared to the revenue received from the properties' current taxation.

Mr. Hooper states that another benefit of the project is its temporary nature, as the land would be preserved for a future development whether that be farming, industry, or community.

In regards to visual impact, Mr. Hooper stated that AES has exceeded ordinance standards for buffering and screening in an effort to reduce any visual impacts to surrounding neighbors. This enhanced buffering using additional vegetation would adequately screen the project.

Mr. Hooper added that the land used for the solar energy system is leased, not purchased, and that the remaining parcel acreage would still be able to be utilized by landowners for uses such as farming and agricultural practices. Mr. Hooper stated that this in effect creates a transition zone, which could allow the preservation of open space between future residential developments or further buffering between future industrial development and existing residential development.

Mr. Hooper then detailed components of the proposed project that the applicant indicates meet the Comprehensive Plan, including: the inclusion of native plant species and pollinators in proposed plantings, wildlife corridors, and that the fragmentation of the proposed array pods give off the look and feel of several small-scale projects, but with the economic benefits of a large project. He also stated that this design fits in with the other small solar energy system projects that have been approved in the area.

Mr. Hooper then introduced Mr. Scott Foster.

Mr. Foster introduced himself a land use attorney with the firm Gentry Locke representing AES. Mr. Foster thanked staff for their staff reports. He stated that he wanted to speak on the legal side of the 2232 Review as it applies to the standards and approach to the analysis of the project's design and features. Mr. Foster mentioned that the 2232 Review is also known as an SIA review for substantial accordance. He indicated that this review is for public utilities, streets, parks, buildings, and structures, and public service corporations; other types of development are not put through this review process. Solar

facilities built by private developers, such as AES, are considered public utilities in Virginia State Code, and thus are subject to this public facilities review. Mr. Foster detailed how even public facilities such as schools, when not shown on the Comprehensive Plan Future Land Use Map, are subject to the same review. The purpose of this process is to allow Planning Commissions to evaluate the proposal to ensure that its general location, character, and extent are in substantial accord with the Comprehensive Plan.

Mr. Foster then detailed his analysis of the proper 2232 Review process. First, he stated that, in this context, the term “substantially” has been interpreted to mean largely, but not wholly, in accord with the Comprehensive Plan. Rather than a strict compliance test, this review does not need to be in complete alignment with every stated goal and/or policy within a locality’s Comprehensive Plan in order for the Commission to make a positive finding that the project is in substantial accord. Mr. Foster further stated that that level of specificity and analysis is reserved for whether or not the project complies with zoning ordinance and is a separate and distinct analysis that is taken up by the body that ultimately determines approval or denial of the project. In Augusta County, the Board of Supervisors makes that determination. Mr. Foster reiterated that the 2232 is more of a balancing test, and that positive findings of substantial accord only requires that the general or approximate location, character, and extent of the proposed public facility be substantially in accord with the plan. That is, not every feature of the project, and not every portion of the project area, and not every portion of the plan has to strictly conform to the letter of the Comprehensive Plan.

Mr. Foster stated that the question is rather whether the project is more in conformity than not, and if so, whether it is sufficiently conforming to reach the level of substantial, or largely, in accord with the relevant parts of the plan. Mr. Foster stated that in making this determination, the Planning Commission is legally required to account for the actual facts on the ground as they exist today along with reasonable projections about future growth and change. He further stated that speculative hypothetical scenarios cannot be the basis for a decision on a specific project. Mr. Foster then read from the Augusta County Zoning Ordinance: “The Comprehensive Plan is general in nature, serving as an advisory guide to the general or approximate location, character, and extent of each feature shown on the plan. It is a general program for the physical development of the county, intended to provide advance planning effectively and fairly. However, application of the Comprehensive Plan to specific situations requiring decisions under this chapter must reasonably account for the existing nature of the community and must reasonably anticipate the nature and extent of future growth and change.”

Mr. Foster then evaluated the project as it complies with the aforementioned mandate. He indicated that not all localities in Virginia have adopted solar siting guidance into their respective Comprehensive Plans; however, Augusta County has done so through the solar policies. These policies are highly relevant to this particular 2232 Review. Mr. Foster stated that the staff report tracks with the various tenants of the policies, and the summary of the report identifies six (6) pros and four (4) cons.

Mr. Foster then detailed staff comments in the report. Policy number six (6), balanced land uses, mentions Urban Service and Community Development Areas. Mr. Foster stressed the word “balance.” He stated that policy six (6) directs the County to balance utility scale solar land use with other important and valuable land uses for our citizens. The staff report detailed concerns with removing key areas of the Urban Service Area thereby depriving the County of the ability to use that area for other types of development. Mr. Foster stated that applying the standard of review that he just outlined requires the need to look at whether the location of this project within the Urban Service Area would substantially compromise the intent of the Urban Service Area. Mr. Foster indicated that in this case, the parcels south of the railroad tracks are an ideal location for solar. In his view, these parcels occupy less than 1% of the Urban Service Area. In AES’ view, this will not compromise the purpose and intent of the Urban Service Area and is in keeping with the balance concept as required by the Comprehensive Plan. Furthermore, using 1% of the Urban Service Area for solar is 100% in compliance with a directive of balancing urban utility scale solar land use with other types of development. Mr. Foster further stated that solar is an impermanent use, and the associated land, once the project is decommissioned, will be repurposed and ready for any future use, whether that is agricultural, industrial, or otherwise. Mr. Foster stated that if the Commission was reviewing a mega solar array on contiguous parcels with thousands of acres of panels taking up prime industrial parcels, he would argue it would not be in substantial accord with the Comprehensive Plan. He indicated that this project is the opposite of that type of project being that it is thoughtfully designed, avoids parcels with the highest development potential, and places a small amount of panels on the most appropriate parcels leaving surrounding land open for development. He stated that in his opinion, that is not only in substantial accord with the plan, but spot-on with the plan.

Mr. Foster went on to state that Policies seven (7) and twelve (12) relate to the same issue, with how the project has been designed with multiple small, noncontiguous pods in a development area. He stated that the project’s dispersed design is more in conformity with the Comprehensive Plan on those two points than if it had been one contiguous scheme of development. He mentioned that the policy looks unfavorably on clustering of solar projects; a comment on this project as it relates to other projects that have been approved along Wayne Avenue, yet is also faulted for being fragmented. Mr. Foster stated that this fragmentation avoids clustering, and improves viewsheds by allowing the individual arrays to be sited on the best parcels out of sight and away from residences and sensitive areas. This would ultimately allow for the maintenance of rural character preservation of trees and open space, as well as infill development in the right areas that is in keeping with the mission of the Urban Service Area.

In regards to the policy involving rural viewsheds, Mr. Foster stated that the site areas still look and feel very rural, with the exception of the parcels near existing industrial development. Mr. Foster detailed that the plan encourages higher intensity development, including residential development, in the area where this project is proposing to locate. He reiterated that this solar project is an impermanent use. If the goal is preserving rural viewsheds, Mr. Foster stated that project parcels areas will be well buffered. This impermanent use would eventually be decommissioned, which would allow for the land

to be returned to farmland or whatever the future use may be. In his position, this project strikes the right balance and does a good job harmonizing the plan's competing policy goals. Mr. Foster made a final point in regards to Site Areas 1 and 3, which are located in the Urban Service Area, and the relationship with the Augusta County Service Authority (now Augusta Water). He mentioned that it has been mentioned that the project's utilization of 1% of the Urban Service territory would inevitably lead to Service Authority investments being wasted. He detailed that in the Service Authority's comments, it was mentioned that other than the presence of sewer mains in Area 1, and undefined long-term system master planning for Area 3 for potential and unbudgeted future water main system across the frontage of that parcel, having solar in these areas does not interfere with any infrastructure or public infrastructure necessary for the development of the remainder of the Urban Service Area.

Mr. Foster reiterated that the site selection, particularly under the revised project, was deliberate and thoughtful in this regard. Even if there is some speculative loss of future Urban Service Area customers that would come with other uses such as home or industrial facilities, AES said they are willing to mitigate that impact by offering an upfront payment of five million dollars (\$5,000,000.00) along with annual payments equivalent to solar revenue share which escalates annually. These payments are permitted by statute, whether as a condition to the Special Use Permit, or the Virginia State Code 15.2-2288.8 fee, or as a term of a siting agreement if the Board chooses to negotiate one. AES' proposed condition mirrors that \$5,000,000 language. Mr. Foster indicated he believes this is a good deal for the County, since the County would receive the revenue associated with those higher intensity uses, but without the negative impacts of a higher intensity use. He stated there would be no noise, no fumes, no traffic, and no people. He believes this is a positive outcome that strikes a balance between renewable energy, future growth and development, and private property rights while strengthening the economy for Augusta County citizens. AES' goal for this project is to be an exemplar of utility scale solar done right, providing the community with the economic benefits of a large project, while maintaining a scale and design that has the look, feel, and function of a few carefully sited small projects.

Mr. Foster stated that when the Comprehensive Plan is applied fairly to all, and when it is interpreted in a way that is also consistent with the County's ordinance, it is clear that the project as a whole is in substantial accord with the Comprehensive Plan. Mr. Foster noted that he and Mr. Hooper are available to answer any questions from Commissioners, and thanked the Commission for their time.

Mr. Hooper also thanked the Commission for their time, and shared a slide with a review of the project's overall vision.

Mr. Harris thanked the applicant, and asked the Commissioners if there was any discussion or questions for the applicant.

Mr. Kyle Leonard indicated he had a question for Mr. Hooper. Mr. Leonard stated early on in the presentation, Mr. Hooper detailed the number of acres in the Urban Service

Area and Community Development Area. Mr. Leonard asked if that number was the number of acres under panel, number of acres fenced in, or total parcel acreage.

Mr. Hooper indicated that number was referring to acres within the fence, and the remainder of those parcels would still be available.

Mr. Leonard asked if the remainder of those parcels were wetlands that couldn't be used or for the buffer area, meaning they couldn't be used. Mr. Leonard asked if that was correct or if they could be used.

Mr. Hooper indicated that the wetland areas in the Urban Service Area would not be able to be developed, but would still be able to be utilized for farming. Mr. Hooper indicated that there would be area within the buffers in addition to area outside of the buffers that could still be used. Mr. Hooper also mentioned that in some areas, they are planning additional buffering, but that the area between the buffers could be used for development.

Mr. Leonard asked if Mr. Hooper had the total parcel acreage that were discussed.

Mr. Hooper indicated that he only had the acreage within the fence as that is what would be taken up by the facility.

Mr. Leonard stated that a lot of the remaining land on the parcels could not be used either, and that they would be affected as well.

Mr. Harris asked if any other Commissioners had questions or comments. Seeing none, he opened the public hearing.

Mr. Bob Baumler, of 52 Canada Court, Stuarts Draft, VA 24477, spoke in opposition of the request. Mr. Baumler indicated that he lives in the Hamptons neighborhood off of Patton Farm Road, and that his yard is adjacent to the proposed solar site. He stated that he lives in a community with retired and elderly residents who signed a petition opposing the solar site. He indicated that members of his neighborhood wanted to participate in the public hearing, but instead signed the petition. Mr. Baumler stated that Stuarts Draft is a retirement area for a quieter, simpler life, which is one of the reasons he bought a house in this neighborhood. When considering a project that will affect large amounts of the population for generations to come, we must be absolutely sure of the effects of this decision. Mr. Baumler stated that if approved, residents would have to deal with one (1) year of construction, composed of noise, dust, and glare from the panels Monday through Saturday from 7:00 AM to 8:00 PM. He reiterated that his property is directly adjacent to the project, and would result in a change of lifestyle. Mr. Baumler expressed concern regarding the composition of the panels. Focusing on short-term financial benefits without considering long-term consequences by putting industrial power plants on agricultural land is irresponsible. Mr. Baumler stated that farmland lost is farmland lost forever.

Mr. Roger Hendricks, of 241 Cherokee Drive, Stuarts Draft, VA 24477, spoke in favor of the request. Mr. Hendricks stated that he does not see a problem with the request. He

mentioned that the project would be buffered and screened from view. Mr. Hendricks also detailed how the project would add revenue to the County, which it could probably use to alleviate or offset property taxes that have basically doubled. The additional revenue from this project could be used to help lower the tax rate. Mr. Hendricks indicated that the tax assessment on his property went from \$370,000 to \$680,000, which is over double what it will now cost him in terms of taxes owed. Any time we can approve something that is not emitting things into the environment, is going to generate revenue, is in line with the progress in the world today, is avoiding tearing up the ground or fracking the ground, and will be dismantled almost as quickly as it goes up, Mr. Hendricks has no problem with.

Mr. Eric Martin, of 18 Laurel Street, Harrisonburg, VA 22801, spoke in favor of the request on behalf of Ruth Martin and Martin Family Farms, who own property north of the Target Distribution facility. Mr. Martin indicated that their farmland was once part of the project, but has since been removed. Although disappointed to have had to remove these parcels, Mr. Martin is still in favor of the project. Since the initial application in 2019, the project has been reduced by more than half the size. Mr. Martin stated that the Planning Commission voted to approve the previous project, and the Board of Supervisors denied it. Mr. Martin stated that his family continues to support the project for environmental, regional, and local reasons. Mr. Martin noted that the need for power continues to grow throughout Virginia, and large scale, sustainable energy meets the spirit of the Comprehensive Plan's principal of balance. He stressed that the Comprehensive Plan and Planning Commission are in place to ensure the long-term common good of the community is kept in balance with the individual rights of property owners.

Ms. Jane Gunter, of 402 Shalom Road, Waynesboro, VA 22980, spoke in opposition of the request. Ms. Gunter lives across the road from one of the proposed parcels in the request. Ms. Gunter indicated she does not believe the project is incompatible with surrounding development. Ms. Gunter detailed how the previous project's planting and buffers were redesigned to allay her concerns. She shared landscape design plans from the previous project and current project. Ms. Gunter said that she reached out to the current developer, and did not receive a reply. She indicated that it has been stated that potentially more undesirable uses could be approved if this request is denied. Ms. Gunter would prefer a neighborhood environment or the continuation of farming practices on the aforementioned parcel. Ms. Gunter would not object to the project if the following were met: the panels were set back 1,000 feet from the road; and the panels were screened with taller plantings that screened them from her property.

Mr. Rick Pfizenmayer, of 30 Round Hill Drive, Stuarts Draft, VA 24477, spoke in opposition to the request. Mr. Pfizenmayer stated that he is a member of the Comprehensive Plan Steering Committee, and that this request is not in substantial accord with the plan. He noted that the project was fragmented, and located in the Urban Service and Community Development Areas, and as a result was not compliant with a number of policies in the Comprehensive Plan. Mr. Pfizenmayer noted that the staff report calls out the following: clustering and fragmentation would affect the rural character of the County, clustering of previously approved solar facilities along Wayne Avenue, and a negative impact on the rural viewshed. Mr. Pfizenmayer reiterated that for these reasons,

the Commission has justification to find the request not in substantial accord with the Comprehensive Plan. Mr. Pfizenmayer also stated that there are higher and better uses for these parcels, including housing. He stated that given the planned future uses, this project does not belong in Stuarts Draft or Lyndhurst. Mr. Pfizenmayer stated that the proposed buffers and discussion of a possible greenway do not resolve the conflicts of the project, or mitigate the impacts on surrounding properties.

Mr. David Smith, of 131 Hampton Drive, Stuarts Draft, VA 24477, spoke in opposition of the request. Mr. Smith stated that tonight's presentation was overwhelming to the average citizen. He indicated that his biggest concern was having to drive past the proposed project daily. Mr. Smith stated that he is not against solar usage. He did not feel that the presentation spoke to any direct benefits to the community.

Mr. Dean Anderson, of 28 Queens Court, Stuarts Draft, VA 24477, spoke in opposition of the request. Mr. Anderson indicated that the proposed project is not a farm, but rather a plant that renders farmland useless. He stated that solar panels do not produce energy at night, and are subject to damage from severe weather. In his opinion, panels should be located in drier, sunnier areas. Mr. Anderson also is against siting solar facilities adjacent to housing developments like the Hamptons. Mr. Anderson stated he disagrees with how panels are manufactured. He indicated that solar technology is difficult to recycle due to the low number of recycling facilities.

Ms. Lisa Burns, of 9 Canada Court, Stuarts Draft, VA 24477, spoke in opposition of the request. Ms. Burns stated that she does not believe the project is in substantial accord with the Comprehensive Plan. She reiterated that the plan is a long-term guide, and that the rural viewshed is a treasured part of the plan. Ms. Burns stated that siting in the Urban Service and Community Development Areas are contrary to the balanced uses in the plan. She indicated that this proposal is counter to the balance of future planned residential uses on many of the subject parcels. Ms. Burns added that existing resources and previous investment in the County would be wasted if the project were approved. She stated she does not think this request is sensitive to the surrounding properties. She also stated that two (2) of the five (5) sites in the request are not in substantial accord due to their proximity to already approved solar facilities. She reiterated that the proximity to existing residential development would have an adverse effect on the character of the neighborhoods. Ms. Burns stated that the plan uses the language, "undue adverse impact" multiple times. She also stated that the plan advocates for the protection and preservation of natural resources and open spaces.

Ms. Rebecca Early, of 2400 Stuarts Draft Highway, Stuarts Draft, VA 24477, spoke in opposition of the request. Ms. Early mentioned the chemical composition of the panels. She also detailed incidences of weather damaging panels. She stated that she would prefer alternative methods of electric generation to solar panels. She noted that alternative generation methods create more jobs than solar generation.

Mr. Stan Sikorski, of 169 Benz Road, Waynesboro, VA 22980, spoke in opposition of the request. Mr. Sikorski detailed how previous larger scale projects led to the solar update

of the Comprehensive Plan in 2021. He also reiterated concerns that the local community will not benefit from the project. Mr. Sikorski mentioned that he had concerns about the local environment, and whether projects like these could lead to battery storage projects in the County. He also shared his concerns about who will pay for the decommissioning of the project. Mr. Sikorski would prefer that the Planning Commission focus on residential growth and growth in enterprise.

Ms. Carrie Eheart, of 940 Patton Farm Road, Stuarts Draft, VA 24477, spoke in opposition to the request. She indicated that she lives across the road from the Hamptons neighborhood, and supports any opposition from residents of that community. Ms. Eheart mentioned that solar development fractures farmland in the community. Ms. Eheart stated that she is not opposed to solar in general or property owners choosing what to do with their land. She also stated that her neighborhood's rights matter in addition to the landowners in the project. Ms. Eheart noted that the electricity generated will not benefit the community directly. She stated she does not believe this project fits in with the Comprehensive Plan.

Mr. Leonard Poulin, of 195 Woodland Place, Lyndhurst, VA 22952, spoke in favor of the request. He noted that his property abuts up to the Waynesboro Nurseries property. Mr. Poulin indicated that he looks at this request from an objective standpoint. Mr. Poulin mentioned the property owners associated with the project, and how they have been contributing to the local economy for generations. Mr. Poulin stated that property rights need to be taken into consideration, and this project would allow property owners to generate passive income and retain the land for future generations. He stated that he believes a solar facility is similar to other farming practices. Mr. Poulin indicated that there are a number of issues that are driving solar development, including phones that, through apps in the cloud, utilize large amounts of electricity. Mr. Poulin also noted that alternatives to solar are minimal. He stated that it is counterintuitive to want to develop residential and industrial uses, but not utilize solar as a means to offset the increased energy needs those uses would generate.

Ms. Jackie Brady, of 48 Kennedy Ridge Court, Stuarts Draft, VA 24477, spoke in opposition of the request. Ms. Brady is concerned with runoff and contamination of topsoil. She also noted concerns regarding the visual impacts of the project, and wildlife concerns. She also questioned what occurs after decommissioning, and expressed concerns about property value impacts to adjacent and nearby properties.

Mr. Bobby Whitescarver, or 164 Whiskey Creek Road, Churchville, VA 24421, spoke in favor of the request. Mr. Whitescarver stated that he strongly believes that this project is in substantial accord with the Comprehensive Plan. He indicated the proposed project is a carefully sited renewable clean energy generation plant. He stated that the Comprehensive Plan is a guide, not an ordinance, and this project is in substantial accord. Mr. Whitescarver noted that, according to the American Planning Association, the Chesapeake Bay Foundation, the Alliance for the Shenandoah Valley, and other organizations, this project meets all the requirements of a well sited solar facility. In addition, this project honors the property rights of landowners.

Mr. Steve Morelli, of 104 Fall Ridge Drive, Stuarts Draft, VA 24477, spoke in opposition of the request. Mr. Morelli stated that the plan uses the words strongly discourage, and that this project does not meet the plan. Mr. Morelli mentioned that good soil is prevalent in Stuarts Draft, and we should not take up the best farmland for solar. Mr. Morelli mentioned several sites throughout Virginia that have had issues with approved solar facilities.

Mr. Randall Wolf, of Courtney Woods Lane, Stuarts Draft, VA 24477, spoke in favor of the request. Mr. Wolf stated that he thought AES was successful in demonstrating a number of positive impacts the proposed project would have on the community. The first was revenue the County would receive. He also indicated that the landowners are multigenerational, and are interested in remaining in the area. Mr. Wolf stated that the land proposed to be developed in this project won't necessarily preserve farmland, since many of the project parcels are planned for future residential development. He also stated that solar development would preserve open space. Mr. Wolf said that poultry houses could be built within 50 feet of existing residential development without having to have a public hearing. He indicated that the nearby industrial uses produce noise and odor pollution, and can be heard from residential properties located close to the facilities. Mr. Wolf stated that he felt that an industrial building interferes with the rural viewshed more than solar development. He also indicated that other uses pollute waterways more than the proposed solar project would.

Ms. Jennifer Vela, of 203 Hampton Drive, Stuarts Draft, VA 24477, spoke in opposition of the request. Ms. Vela indicated that she grew up in Augusta County, moved away as an adult, and then moved back when it was time to raise a family. She noted concerns about viewsheds if the project were to be developed. She also expressed doubt that the land outside of the fenced area will continue to be farmed. She noted that the approximately \$10 million (\$10,000,000) in revenue that the project is proposing would amount to roughly \$300,000 per year, and questioned whether that money was worth the development of the solar facility.

Ms. Nancy Sorrells, of 3419 Cold Springs Road, Greenville, VA 24440, spoke in favor of the request. Ms. Sorrells stated that she supports the project, and that it is in substantial accord with the Comprehensive Plan. Ms. Sorrells detailed her background in service to the County. Ms. Sorrells stated that, although the parcels are currently zoned agriculture, they could be developed into higher intensity uses due to planned future uses and being located in a significant growth area of the County. Ms. Sorrells noted that the Comprehensive Plan's purpose is to inform the decision-making process on rezoning and development applications. Ms. Sorrells stated that this request is neither, but rather a long-term temporary request that would retain the underlying zoning designation. She further stated that the project could assist in preserving open space, and noted that the applicant has carefully designed the project to minimize the impact on rural viewsheds. In addition, Ms. Sorrells stated that the applicant has made efforts to ensure the protection of water and soil on the subject parcels. Ms. Sorrells noted that the applicant has recognized that this project would be sited in the Urban Service Area, and has proposed

walking trails to connect area neighborhoods. The project also intends to contribute financially to the County over its lifespan without an impact on public services. Ms. Sorrells mentioned hearing wishes for the proposed subject parcels to remain farmland; however, noted that the Future Land Use Map calls for future residential development. She also stated that Augusta Water has indicated preference for the land to be rezoned to uses that would increase their customer base. Ms. Sorrells stated her belief that the proposed project is the best use of the land in this area if the intent is to preserve agricultural land. Ms. Sorrells stated that this project would be good for the landowners, the environment, the County budget, and the citizens.

Mr. Wayne Nolde, of 210 Cider Mill Road, Mount Sidney, VA 24467, spoke in favor of the request. Mr. Nolde mentioned that approval of the project would create an income stream for the County. Any residential development on these parcels would increase the need for public services, and potentially increase taxes. Mr. Nolde noted that although he does not live adjacent to the project, he believes the applicant has done due diligence in reducing the scope of the original project and to provide buffering, setbacks, and other mitigating factors to make this project in substantial compliance with the Comprehensive Plan. Mr. Nolde also noted that if this land were to remain undeveloped for thirty (30) years, other areas in the County would develop thereby impacting Augusta Water. Mr. Nolde stated that in his conversations with staff, they have indicated that all areas of the Urban Service Area are not expected to be entirely built out over the next thirty (30) years. He noted that if it were, taxes would substantially increase in order to cover the costs of an increased need in services. Mr. Nolde further stated that if this project were to be approved, the County would receive additional revenue without having to provide those aforementioned services. Mr. Nolde mentioned that the reason for siting the project in Stuarts Draft ultimately has been driven by the existence of an available transmission line. He also noted that in his assessment, locating the facility on the proposed project parcels would not prevent Augusta Water from expanding infrastructure. In addition, the temporary nature of this project would preserve farmland and rural character, and could remain available for future housing development in the future.

Mr. Harris asked if there was anyone in the audience that did not sign up that would like to speak.

Mr. Jacob Cook, of 1482 Stuarts Draft Highway, Stuarts Draft, VA 24477, spoke in favor of the request. He stated that approval of this project would save necessary parts of the economy and culture of the area. Mr. Cook indicated there are two (2) options for this land: a solar development that would bring in annual revenue which would preserve farmland, the culture, and natural beauty of the area; or the development of factories and housing that are more permanent. Mr. Cook mentioned that there have been a number of arguments regarding solar panels, and stated that some are valid and some are misconceptions. Mr. Cook outlined multiple technologies that can assist in the recycling or disposal of panels. He also noted that waste from solar panels was less significant than waste from some agricultural practices. Mr. Cook acknowledged the preference to preserve farms; but spoke to the infeasibility of preserving them indefinitely. He reiterated

previous comments that if not approved, these parcels could be developed into industrial, residential, or other uses that would increase the need for public services.

Mr. Matthew Owen, of 330 Shalom Road, Waynesboro, VA 22980, spoke in opposition of the request. Mr. Owen spoke on behalf of his wife, who could not attend the public hearing. Mr. and Mrs. Owen own approximately 50 acres on Shalom Road, which was purchase at market value. Mr. Owen stated that they bought the land with the Comprehensive Plan in mind, knowing that the adjacent property was planned for residential and not industrial. Mr. Owen indicated that they first received a mailing regarding this project in 2019, and have been discouraged by the project ever since. Mr. Owen stated they have driven by existing solar developments in the County, and are dissatisfied with the aesthetics. Mr. Owen stated concerns that an adjacent solar development would affect their property values. Mr. Owen noted that the discussion of property rights goes both ways. Mr. Owen indicated his hope that the Commission would oppose the project.

Mr. David Fitzgerald, of 147 Wayne Avenue, Stuarts Draft, VA 24477, spoke in favor of the project. Mr. Fitzgerald detailed his employment background. Mr. Fitzgerald spoke about industrial voltaics. He stated that he expected to see solar panels being utilized in a number of different ways in the future due to the expected increase in the number of electric vehicles. Mr. Fitzgerald also stated that he would like to see Augusta County continue to look forward.

Mr. Max Quillen, of 73 Hibernia Circle, Lyndhurst, VA 22952, spoke in favor of the request. Mr. Quillen stated that this project is in substantial accord with the Comprehensive Plan, specifically noting balance. Mr. Quillen quoted the 2014/2015 Comprehensive Plan update, which stressed the importance of balancing the common good of the community with future development and the rights of individual landowners. He noted several other sections of the Comprehensive Plan that stress property owner rights. Mr. Quillen noted that his rights as a property owner include the right to keep land within the family, and how the project would enable his family to do so. The family would prefer to keep the land rather than sell it for industrial or residential development. Mr. Quillen further stated that owners should be able to determine the best use of their property, especially when within current zoning regulations. Mr. Quillen also noted that farmers do not practice agricultural for the visual benefit of neighbors, but rather do so as a business operation. He added that he has spoken with multiple property owners nearby the project who are in support of the project. He noted that this project would not require water and sewer infrastructure, generate additional jobs, and increase the tax base. Mr. Quillen reiterated his belief that the project is balanced, and has been reduced significantly from the original proposal, which was previously approved by the Planning Commission. Mr. Quillen asked that the Commission vote that the project is in substantial accord with Comprehensive Plan.

Mr. Edward Mullen, of 629 Churchville Avenue, Staunton, VA 24401, spoke in favor of the request. Mr. Mullen mentioned the presence of other industrial facilities in Stuarts Draft, and the potential effects of them going out of business. He noted that there have been incidences of industrial facilities closing and causing blight, such as DuPont. He

spoke on the possibility of a solar facility operator not removing panels, and indicated that the removal of panels is less of an effort than revitalizing a blighted industrial facility that has ceased operations.

Mr. Harris invited the applicant to return to the podium to address the comments during the public hearing.

Mr. Hooper thanked all of the speakers. He noted that they take feedback, both positive and negative, seriously, and are continually working to improve the project. Mr. Hooper addressed a number of different topics covered. First, he spoke about comments regarding toxicity of panels, stating that the number of solar panel manufacturers in the United States is increasing. He noted that panels that are imported into Virginia are required to meet high standards, and many of the concerns brought up during the public hearing are not applicable to the panels that would be utilized in this project. Mr. Hooper added that AES prefers to recycle panels, and that the average lifespan of the panels intended for use in this project is approximately thirty (30) to thirty-five (35) years. Mr. Hooper noted that over the course of the project's lifetime, the number of panel recyclers is expected to increase.

Mr. Hooper then touched on how the project parcels are intended for more intense uses, so would likely not remain agricultural land in the future. He further stressed the temporary nature of the project. In regards to fragmentation and clustering, Mr. Hooper stated that one 470-acre site would have more of a visual impact than the project as it is currently proposed. He noted that the intent of the design was to mitigate those visual impacts by effective siting and screening.

Mr. Harris then closed the public hearing.

Mr. Harris asked if there was any discussion from the Commissioners, or if there was a motion.

Mr. Schindler asked for a brief recess. Mr. Harris granted a five-minute recess.

Mr. Harris asked if there was any discussion from the Commissioners, or if there was a motion.

Mr. Larry Howdyshell indicated that the Commission is learning more about solar as time goes on. He stated that he does have concerns, and initially was concerned about the fracturing of the project. He also stated that, in his view, several of the pods did not meet the ordinance. Mr. Howdyshell noted that although he believes farmers should be able to do what they want with their land, he is concerned about the expedited loss of farmland in the County. Mr. Howdyshell stressed that productive agricultural land would result in more jobs than this solar project, which is anticipated to create approximately two (2) jobs. He also stressed that he is interested in doing what is best for Augusta County, and the electricity generated by this project would go to PJM rather than citizens.

Mr. Leonard thanked AES, specifically, Mr. Hooper and Mr. Foster, and echoed Mr. Howdyshell's comments that the Commission is consistently learning more about solar. Mr. Leonard questioned the income the County would receive from this project. He noted that residential development generates income, and that residential development also increases the workforce. Increasing the population increases revenue through the purchase of goods and services in the County. Mr. Leonard expressed speculation on the economic impact of solar development in general. Mr. Leonard noted that the reduced setbacks requested by the applicant did not meet the ordinance requirement of 1,000 feet from residentially zoned properties. Mr. Leonard noted that hearing from resident of adjacent neighborhoods raised concerns regarding proximity and whether the land was suitable if the developer was dependent on those reduced setbacks.

Mrs. Bragg thanked all of the speakers for voicing their opinions. Mrs. Bragg also thanked AES. She listed a number of concerns, including: the economic impact; the lack of consideration given to Augusta Water regarding the water and sewer infrastructure they have invested in; the lost opportunities for future industry and jobs for the County; the loss of future tax revenue compared to planned uses; the clustering, particularly on Wayne Avenue; the close proximity to existing residential developments; and the siting within Urban Service and Community Development Areas, which are strongly discourage by the Comprehensive Plan. Mrs. Bragg mentioned that the plan speaks to careful siting of solar projects, and how that should mean the County as a whole, and not just within a specific area of the County. Lastly, Mrs. Bragg noted the significant investment made on infrastructure in the Stuarts Draft area.

Mrs. Bragg made a motion that the Commission find the Augusta Solar project to be not in substantial accord with the Comprehensive Plan, and to recommend denial of the project. Mrs. Bragg noted that this recommendation is based on the acknowledgement that there are certain parcels in the project that may be more appropriate for solar development than others, but when viewed as a whole, the project does not adequately meet the guidelines as set forth by the Comprehensive Plan. Mrs. Bragg cited several Comprehensive Plan policies that she found out of compliance, including: Policy 1; Policy 2; Policy 5; Policy 6; Policy 7; and Policy 12. Mrs. Bragg also noted that she finds the character, location, and extent to be negatively affected by the project.

Mrs. Kristy McComas seconded the motion, which carried, 6-1.

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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.

Mr. Howdyshell stated why it was important to remember why we celebrate the upcoming Memorial Day holiday. Mr. Howdyshell encouraged the audience and Commissioners to thank any veterans they know for their service.

Mrs. Bragg thanked Ms. Goodloe for her service to the County.

Mr. Schindler thanked Ms. Goodloe for her service to the County. Mr. Schindler also thanked the speakers for their comments.

Mr. Harris acknowledged Ms. Goodloe’s service and thanked her for her work for the Commission.

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STAFF REPORTS

Ms. Hensley provided an update to the Comprehensive Plan process.

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

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ADJOURNMENT

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

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

Chairman

Secretary