Augusta County Planning Commission
Planning Commission
Tuesday, October 10, 2023 – 7:00 PM

MEMO

October 10, 2023 Meeting Notice
0A- October_PC_Note.pdf
0B- October_Agen2023.pdf

1. **CALL TO ORDER**

2. APPROVAL OF THE MINUTES
   A. Approval of the Regular and Called Meeting on September 12, 2023
      3A- September 12, 2023 Planning Commission Meeting Minutes.pdf

3. PUBLIC HEARING
   A. A request for a substantial accord determination pursuant to Virginia State Code Section 15.2-2232
      4A 1- Wayne Ave Solar 2 LLC - Exec Summary.pdf
      4A 2- Wayne Solar 2, LLC Final Staff Report.pdf
      4A 3- (Tabloid) Wayne Ave 2 Solar LLC Maps.pdf
      4A 4- Wayne Ave Solar 2 Project Sumary.pdf
      4A 4a- Wayne Ave Solar 2 Response to County Comments_2023 0818_Final.pdf
      4A 4b- Wayne Ave Solar 2 - Site Plan.pdf
      4A- 4c Wayne Avenue Photo Simulations 18SEP23.pdf
      4B- Wayne Avenue Solar 2 Memo to Augusta County Planning Commission - Final.pdf
   B. A request to renew the North River Agricultural and Forestal District
      4C-North River Ag Forestal District PC Memo.pdf

4. **MATTERS TO BE PRESENTED BY THE PUBLIC**

5. **NEW BUSINESS**

6. **OLD BUSINESS**

7. **MATTERS TO BE PRESENTED BY THE COMMISSION**

8. STAFF REPORTS
   A. Comprehensive Plan and Strategic Economic Development Action Plan- Project Kickoff and Existing Conditions Research Phase
   B. Information for Commission- Code of Virginia, Section 15.2-2310 (Board of Zoning Appeals Items)

9. **ADJOURNMENT**

COUNTY OF AUGUSTA
STAFF REPORT

AGENDA SECTION: MEMO

DEPARTMENT: Planning and Community Development

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:
Consider

EXECUTIVE SUMMARY:

ATTACHMENTS:
0A- October_PC_Note.pdf
0B- October_Agen2023.pdf

COUNTY OF AUGUSTA

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590

MEMORANDUM

TO: Augusta County Planning Commission
FROM: Elizabeth Goodloe, Planner I
Julia Hensley, Planner II

CC: Timothy Fitzgerald, County Administrator
Doug Wolfe, Director of Community Development

DATE: October 3, 2023
SUBJECT: October Regular Meeting

The regular meeting of the Augusta County Planning Commission will be held on **Tuesday, October 10, 2023 at 7:00 p.m.**, at the Augusta County Government Center, in the Board Meeting Room, 18 Government Center Lane, Verona, Virginia.

The Planning Commission will meet beginning at **3:30 p.m.** for a staff briefing and for a viewing of the site being considered during the public hearing. In addition to the items on the enclosed agenda, the Planning Commission and staff will discuss further developing the solar policies currently in the Augusta County Comprehensive Plan.

After the staff briefing, the Planning Commission will have dinner in the Community Development Conference Room at 6:15 p.m.

Attached are the agenda and meeting materials for this meeting. If you have any questions about any of the materials, please feel free to contact us. If you won't be able to attend the meeting, please let us know as soon as possible.

EG/JH

A G E N D A

Regular Meeting of the Augusta County Planning Commission

Tuesday, October 10, 2023 7:00 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. APPROVAL OF THE MINUTES
   A. Approval of the Regular and Called Meeting on September 12, 2023

4. PUBLIC HEARING
   A. A request for a substantial accord determination pursuant to Virginia State Code Section 15.2-2232 for the New Leaf Energy, Inc. Special Use Permit request to construct and operate a small-scale solar energy system (3 MW) on property owned by Ellen B. Fitzgerald, David W. Fitzgerald, and Laura M. Fitzgerald (TMP 084 101C) located within the field to the north of the house at 147 Wayne Ave, south of the railroad that parallels Wayne Ave. in Stuarts Draft in the South River Magisterial District. The project is on approximately 36.5 acres and the proposed acreage to be developed within the fenced area is 23 acres. This request is located within an Urban Service Area of the Comprehensive Plan, planned for Industrial.

   B. A request to renew the North River Agricultural and Forestal District. The proposed district encompasses approximately 4500 acres of land generally lying south of Reeves Road (Route 766), east of North River Road (Route 730), west of Spring Hill Road (Route 613) and north of Moffett Branch Road (Route 739) in the North River District. Any landowner may withdraw their land from the district at the owner's discretion by filing a written notice with the Board of Supervisors at any time before the Board of Supervisors acts on the request. All interested parties are invited to be present.

5. MATTERS TO BE PRESENTED BY THE PUBLIC

6. NEW BUSINESS

7. OLD BUSINESS

8. MATTERS TO BE PRESENTED BY THE COMMISSION

9. STAFF REPORTS
   A. Comprehensive Plan and Economic Development Strategy – Update

   B. Information for Commission – Code of Virginia, Section 15.2-2310 (Board of Zoning Appeals Items)

10. ADJOURNMENT

COUNTY OF AUGUSTA
STAFF REPORT

AGENDA SECTION: APPROVAL OF THE MINUTES

DEPARTMENT: Planning and Community Development

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:
Approval of the minutes

EXECUTIVE SUMMARY:

ATTACHMENTS:
3A- September 12, 2023 Planning Commission Meeting Minutes.pdf

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

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, September 12, 2023 at 4:00 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

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The Planning Commission was updated with the resignation of Mr. David Henderson from the Commission. Ms. Julia Hensley, Augusta County's new Planner II, was formally introduced to the Planning Commission.

Staff briefly went over the information the Planning Commission asked staff to gather on the twelve (12) Solar Policies in the Comprehensive Plan, and stated that they would be going over the research during October's Staff Briefing for the Planning Commission.

George Price and Nancy Varner from the Commissioner of Revenue's Office came to speak to the Commissioners to go over how agriculture land is assessed once it is taken out of land use for a solar facility to be constructed.

Finally, staff reviewed the Ordinance amendments to be considered for public hearing.

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Chairman

Secretary

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

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

ABSENT:

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, September 12, 2023 at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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DETERMINATION OF A QUORUM

Mrs. Carolyn Bragg stated that there was a quorum. She stated she had a couple of notes to make. Mr. Henderson had stepped down so they had one position to be filled. She also introduced Julia Hensley, the new Planner for Augusta County.

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MINUTES

Mr. Larry Howdyshell moved to approve the minutes of the called and regular meeting held on August 8, 2023.

Mr. Randy Harris seconded the motion, which carried unanimously, 6-0.

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PUBLIC HEARINGS

Mrs. Bragg stated that they had two public hearings this evening.

Ms. Elizabeth Goodloe stated that the first requests were two proposed ordinance amendments to Section 25-70.5 Applications and Procedures for Small Energy Systems. The first amendment added the requirement for an applicant or representative to hold a conference with the Community Development Department prior to the formal submission of an application for a Special Use Permit for a Small Energy System.

Ms. Goodloe explained that a similar pre-application meeting is required prior to a rezoning request. Staff find that the pre-application meeting helps explain the staff process in evaluating requests, the public hearing process, and to discuss how to mitigate any concerns that may arise. Also, staff have come across several instances where solar companies have filled out the application incorrectly, sometimes causing a delay in the public hearing process in order for the applicant to correct the errors.

Ms. Goodloe stated that the second amendment was a housekeeping amendment that revised the incorrect reference to the Decommissioning section of the Solar Energy Systems Ordinance.

She asked if there were any questions from the Commission regarding the request.

Seeing none, Mrs. Bragg opened the public hearing for the request.

Mrs. Bragg asked the gentlemen in the audience if they understood the request and went on to introduce the one as a student from Riverheads present for school.

Mrs. Bragg closed the public hearing.

Mr. Robert Thomas made the motion to approve the changes.

Mr. Kyle Leonard seconded the motion, which carried unanimously, 6-0.

Ms. Goodloe stated that the second request is for two proposed ordinance amendments to Section 25-70.7 Applications and Procedures. The first amendment added the requirement for an applicant or representative to hold a conference with the Community Development Department prior to the formal submission of an application for a Special Use Permit for a Large Energy System.

Ms. Goodloe explained that this amendment was similar to the previous one, but for large energy systems. She stated that the second amendment was also a housekeeping amendment that revises the incorrect reference to the Decommissioning section of the Solar Energy Systems Ordinance.

She asked if there were any questions from the Commission regarding the request.
Seeing none, Mrs. Bragg opened the public hearing for the request.

Seeing none, Mrs. Bragg opened the public hearing for the request.

Mrs. Bragg closed the public hearing.

Mr. Howdyshell made the motion to approve the amendment to Section 25-70.7.

Mr. Harris seconded the motion, which carried unanimously, 6-0.

Mrs. Bragg then explained the role of the Commission and the next steps for amendment process.

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NEW BUSINESS

Mrs. Bragg stated that the bus trip to Charles County will be October 9th, and that three of the Commissioners will be going (and possibly a fourth member). Mrs. Bragg also stated that an invitation to members of the Board of Supervisors would be extended.

Mr. Leonard asked if they were going to meet with any of the planners from the locality.

Mrs. Bragg said staff would check on that.

Mr. Leonard stated that its always good to hear how it ended up and how it is going.

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STAFF REPORTS

Ms. Goodloe introduced the first staff report as an update for the Comprehensive Plan and Economic Strategic Plan RFP and stated that both plans had their kick-off meetings last week; the Economic Development meeting was held on Tuesday, September 5 and the COMP Plan meeting was held Friday, September 8. Both were productive and were a good start to this 18-month journey. During the Comprehensive Plan kick-off meeting, staff went through a couple of group exercises with Hill Studio. These included identifying potential stumbling blocks for the project, and creating goals and metrics to use to measure progress during the process. Hill Studio plans on repeating these group exercises with the Board of Supervisors when they meet at the end of the month.

Ms. Goodloe also stated a couple of notes from the meeting on Friday that the Community Input meetings would begin in October at each of the high schools. The Steering Committee for the Comprehensive Plan will begin meeting in early Spring of 2024. Another committee, the Project Action Committee, is comprised of County staff and will meet a minimum of once a month. Hill Studio is currently gathering background documents from staff, along with GIS data, to get a complete look at where they County

is now. The larger Comp Plan Committee will meet (tentatively) in March 2024, June 2024, and September 2024.
She asked if there were any questions from the Commission regarding the status of the Comprehensive Plan?

Mrs. Bragg stated that she had thought the Steering Committee would meet in October and November; what had changed?

Mr. Doug Wolfe stated that at the next Board of Supervisors meeting, the Board will decide if they want the Steering Committee to come to the work session where they will be charged and will meet at a minimum of quarterly.

Mrs. Bragg asked which committee was meeting next year?

Ms. Goodloe stated the Steering Committee that meets every three months.

Mr. Wolfe stated staff is meeting with the consultant at a minimum, monthly, at a staff level.

Ms. Julia Hensley stated that there are two committees. One is a staff/consultant committee where staff checks in with the consultant on a monthly basis, sometimes bi-weekly. The other one is tentatively being called the Steering or Project Action Committee, and that is the community level committee. Since a lot of the Public Engagement process is beginning first, we are not technically scheduled to meet with them until March, that entire committee, but we want to have them well informed and keep them updated throughout that process. We can find a way to integrate the public committee into monthly meetings if that is what the Commission would like.

Mr. Wolfe stated we are asking each Steering Committee member to attend at least one community input session at a minimum, and to attend the quarterly meetings. Staff will provide the Steering Committee information every month, and will review where we are and get feedback from them and from the citizens they have interacted with.

Ms. Goodloe reviewed the agenda items with the Commissioners for the October 2023 Board of Zoning Appeals meeting.

For the Verizon Wireless Special Use Permit Request and Request for a Variance-

Mr. Larry Howdyshell stated that the area needs cell service.

Mrs. Bragg stated that they would like their support passed onto the Board of Zoning Appeals.

For the Fishersville Road Solar Special Use Permit Request-

Mr. Leonard asked where the request was going now even though they had recommended it down.

Mrs. Bragg explained that they had recommended that it not be approved, but it is a special use permit and still goes to the deciding body, the BZA, who will have the final determination.

Mr. Wolfe stated staff will pass their recommendation that it was not in conformance with the Comprehensive Plan, that will be passed to the BZA.

Wawa Inc, Special Use Permit Request and Request for a Variance

Mr. Leonard asked if this was the first Wawa in the area?

Mr. Wolfe stated that it was, and the reason that they needed to request for the special use permit was because they wanted four of their pumps to be diesel fuel, and the County ordinance defines anything with four or more diesel pumps as a travel plaza. They have asked for all of their pumps have diesel so that you can drive up to the pump, and it will have two handles, the regular black handle for three types of fuels and then the diesel pump. The orientation of the lot and the size of the lot makes it to where you cannot really get big rigs in there, so we do not anticipate having large trucks trying to get in.

Mr. Leonard said we did not anticipate large trucks coming into Pilot in Greeneville, but it happens all the time.

Mr. Wolfe explained that the Wawa does not have an actual truck stop behind it, but point taken.

Mr. Leonard asked if they had a conceptual plan.

Mr. Wolfe showed Mr. Leonard the plan and showed him where the entrances would be.

Ms. Goodloe explained that this had been a rezoning to amend the proffers.

Mr. Leonard said the concept plan looked good.

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

Mr. Howdyshell seconded the motion, which carried unanimously. 6-0.

Chairman

Secretary

COUNTY OF AUGUSTA
STAFF REPORT

AGENDA SECTION: PUBLIC HEARING

DEPARTMENT: Planning and Community Development

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:
Substantial accord determination.

EXECUTIVE SUMMARY:
A request to construct and operate a small-scale solar energy system (3 MW) on property owned by Ellen B. Fitzgerald, David W. Fitzgerald, and Laura M. Fitzgerald (TMP 084 101C) located within the field to the north of the house at 147 Wayne Ave, south of the railroad that parallels Wayne Ave. in Stuarts Draft in the South River Magisterial District. The project is on approximately 36.5 acres and the proposed acreage to be developed within the fenced area is 23 acres. This request is located within an Urban Service Area of the Comprehensive Plan, planned for Industrial.

ATTACHMENTS:
4A 1- Wayne Ave Solar 2 LLC - Exec Summary.pdf
4A 2- Wayne Solar 2, LLC Final Staff Report.pdf
4A 3- (Tabloid) Wayne Ave 2 Solar LLC Maps.pdf
4A 4- Wayne Ave Solar 2 Project Sumary.pdf
4A 4a- Wayne Ave Solar 2 Response to County Comments_2023 0818_Final.pdf
4A 4b- Wayne Ave Solar 2 - Site Plan.pdf
4A- 4c Wayne Avenue Photo Simulations 18SEP23.pdf
4B- Wayne Avenue Solar 2 Memo to Augusta County Planning Commission - Final.pdf

COUNTY OF AUGUSTA

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590

MEMORANDUM

TO: Carolyn Bragg, Augusta County Board of Supervisors
Augusta County Planning Commission
Augusta County Board of Zoning Appeals
FROM: Elizabeth Goodloe, Planner I
CC: Julia Hensley, Planner II
Timothy Fitzgerald, County Administrator
Doug Wolfe, Director of Community Development

DATE: October 3, 2023
SUBJECT: Executive Summary for Wayne Ave Solar 2, LLC

The Augusta County Planning Commission will conduct a public hearing at **7:00 p.m., Tuesday, October 10, 2023** to consider a request for a substantial accord determination pursuant to Virginia State Code Section 15.2-2232 for Special Use Permit request for **Wayne Ave Solar 2**. This request is to construct and operate a small scale solar energy system (3 MW, approximately **23 acres in the fenced project area**) on property owned by Ellen B. Fitzgerald, David W. Fitzgerald, and Laura M. Fitzgerald (TMP 084 101C) located within the field to the east of the house at 147 Wayne Ave, south of the railroad that parallels Wayne Ave in the **South River Magisterial District**.

Please find below a summary of this request's adherence to the 12 policies addressing solar energy facilities in the Augusta County Comprehensive Plan. For more details regarding this request and its adherence to each policy, please review the staff report.

PROS:

1. **Policy 2: Rural Viewsheds:** Given the project site's natural buffer of the Norfolk Southern Railroad, the distance from the single-family neighborhood to the north, the topography of the land where the solar panels would be situated below the railroad, the extent of the project being approximately 6 acres under panel, find that this project will not affect the rural viewshed from the Blue Ridge Mountains or other parcels zoned General Agricultural surrounding the proposed site.
2. **Policy 3: Agricultural landscape and economy:** The landowner intends to continue using the remaining property for agricultural operations, and a possible pilot program is proposed to graze sheep within the fence.
3. **Policy 6: Balanced Land Uses:** While the proposed project is in close proximity to dense residential and commercial development, staff find that the unique topography of this site and the barriers to these parcels' development as a residential property make it suitable for small-scale solar development.

4. **Policies 8 and 9: Open Space and Interconnectivity:** The applicant has agreed to collaborate with County stakeholders on a potential walking path connecting Stuarts Draft Park to the existing sidewalk network.
5. **Policy 10: Resource considerations:** No significant adverse impacts are expected to streams, rivers, wetlands; habitats; native vegetation; or forests**. Anticipated impacts to fertile soils and historic resources can be mitigated through compliance with staff recommendations, including operating condition #14 and the recommended additional buffer plantings.**
6. **Policy 11: Natural resource benefits:** The applicant has proposed planting native ground cover and maintaining most of the existing forested area.
7. **Adherence to County Zoning Ordinance:** The proposed project meets the minimum setback and buffering requirements, as required by the Ordinance.

CONS:

1. **Policy 7: Compact, interconnected development**: This project is located in the Urban Service Area. **The Comprehensive Plan strongly discourages solar facilities in this area**, where the County's infrastructure is located. Given existing infrastructure, Augusta Water has estimated a net revenue loss of $800,000 over 35 years arising from the approval of this project.
2. **Policy 12: Clustering and Colocation:** This project is located adjacent to the approved Wayne Ave East project. **The Planning Commission and Board of Zoning Appeals will need to determine if this qualifies as "a reasonable distance away" for the purposes of this policy.**

ISSUES TO BE ADDRESSED:

1. **Policy 5: Visual Impact:** The applicant has been encouraged to provide additional landscaping in front of the 6' timber privacy fence facing Draft Ave to mitigate potential adverse visual impacts associated with the project, particularly to the adjacent two-story historic home. **The Planning Commission and Board of Zoning Appeals will need to decide if this supplemental planting will be required to sufficiently mitigate the project's visual impacts.**

STAFF RECOMMENDATION: Given the compatible adjacent land uses and specific topography of this site, staff find that this location is suitable for small-scale solar development. In addition, the character and extent of the project has been tailored to suit the surrounding area. Therefore, **staff find this proposal to be in substantial accord with the Comprehensive Plan**.

If the Planning Commission finds this proposal to be in substantial accord with the Comprehensive Plan and the Board of Zoning Appeals desires to approve the project, **staff recommend the pre-conditions and operating conditions in the staff report**.

COUNTY OF AUGUSTA
STAFF REPORT
WAYNE AVE SOLAR 2, LLC
FINAL STAFF REPORT

PROPERTY OWNER:
Ellen B. Fitzgerald, David W. Fitzgerald, and Laura M. Fitzgerald

APPLICANT:
Wayne Ave Solar 2, LLC

APPLICANT'S REQUEST:
To construct a 3 megawatt (MW) solar facility on the property south of the railroad within the existing agriculture field on approximately 31.5 acres of a 36.5-acre parcel.

DEVELOPER: New Leaf Energy, Inc.

LOCATION OF PROPERTY:
TMP 084 101C
Located within the field to the east of the house at 147 Wayne Ave, south of the railroad that parallels Wayne Ave.

MAGISTERIAL DISTRICT:
South River

SIZE OF PROPERTY:
Subject parcel contains approximately 36.5 acres

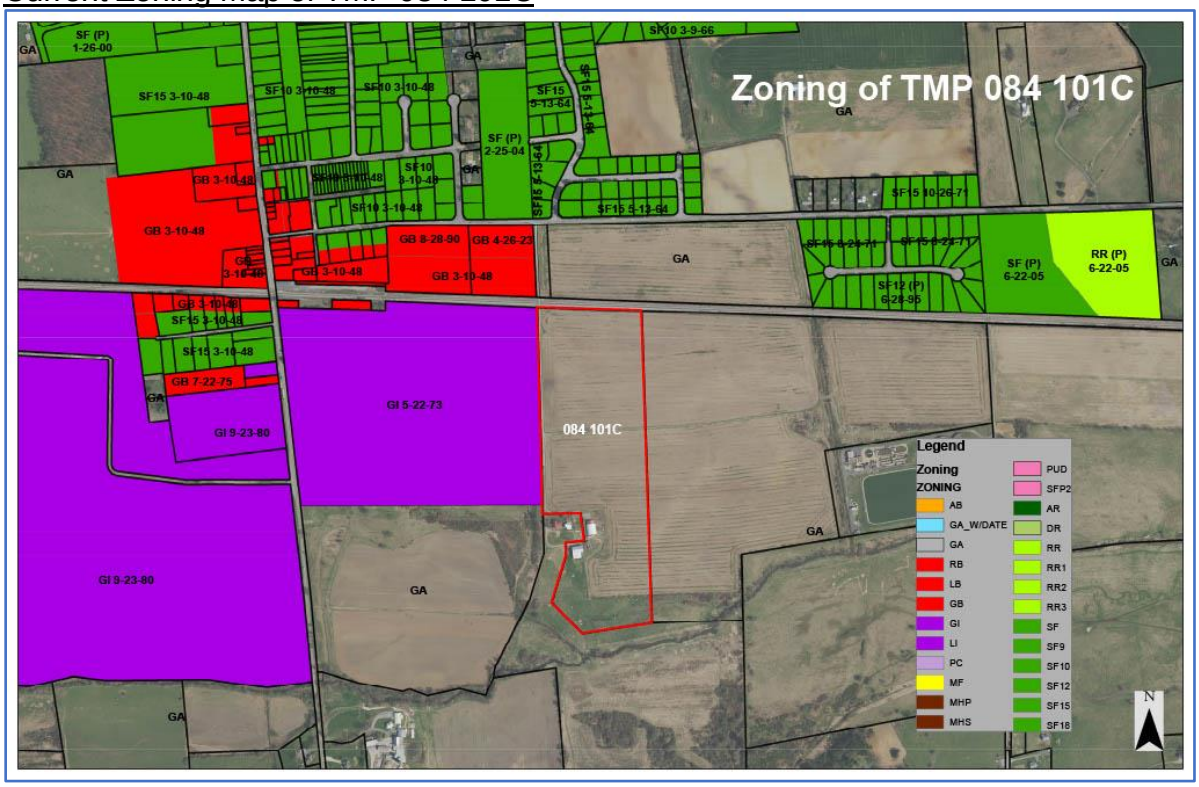
SIZE OF SITE UNDER PANEL:
23 acres fenced (**6 acres** of the fenced area are under the panels)
9 acres for stormwater controls and the access road
2 acres for landscaping

VICINTY ZONING:
General Agriculture (GA) to the north, east, and south, General Business GB) to the north, General Industrial (GI) to the west, and Single Family Residential to the northeast

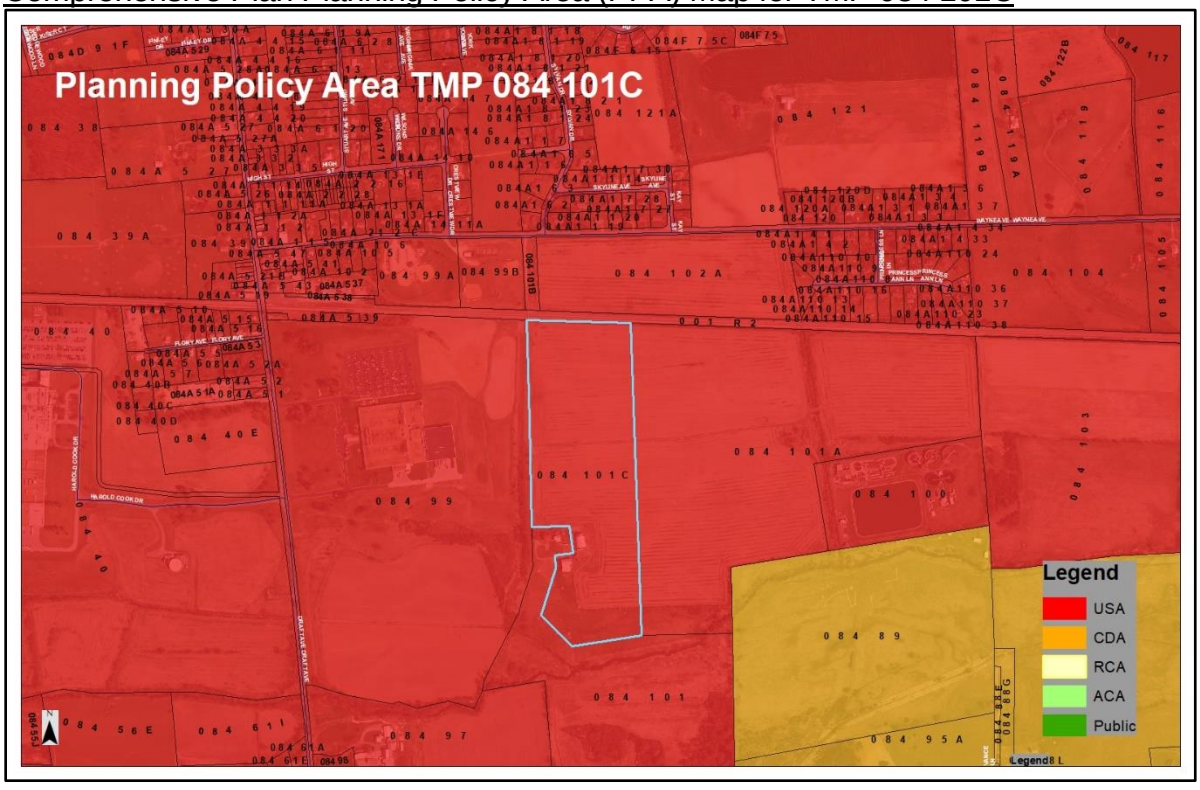
PREVIOUS ZONING OR S.U.P:
Currently zoned General Agriculture

LAND USE MAPS:
The proposed project lies within in the **Urban Service Area** of the Comprehensive Plan, planned for Industrial. Adjacent properties are a mixture of different land uses, including medium density residential, agricultural, business, and industrial land use types. The property is bordered to the north by an existing Norfolk-Southern railroad right-of way.

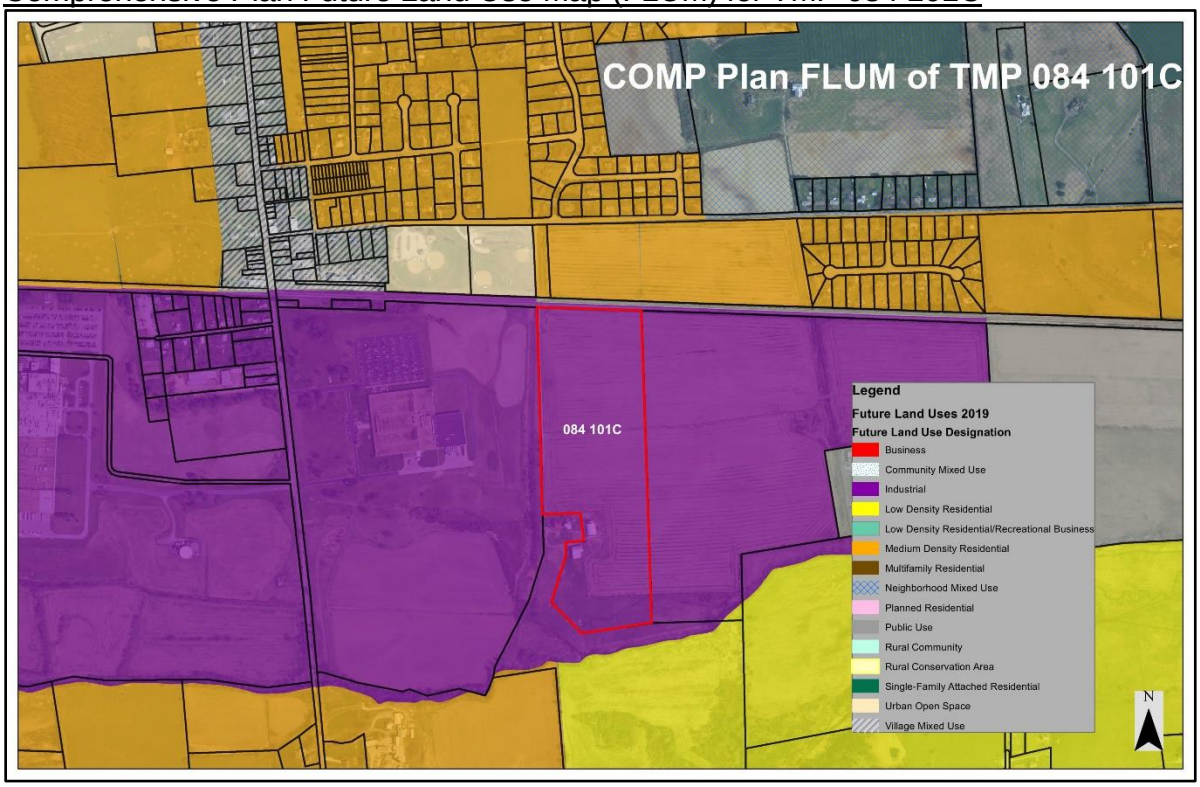
Current Zoning Map of TMP 084 101C



Comprehensive Plan Planning Policy Area (PPA) Map for TMP 084 101C



Comprehensive Plan Future Land Use Map (FLUM) for TMP 084 101C



AGENCY COMMENTS

Traffic Data: **Rte. 639 (Wayne Ave)**

-AADT: 1,300 (2021)
-Speed Limit: 35 MPH
-K-factor: 0.094, Dir. Factor: 0.619
-Funct. Class.: Minor Collector

VDOT COMMENTS:

VDOT Site Specific Comments:

The site's only access appears to be via a private lane from Rte. 639 (Wayne Ave) that crosses the railroad. This same entrance on Wayne Ave has recently been approved for access to the first Wayne Ave Solar, LLC project. The entrance will be adequate for the proposed request as well. In general, a solar facility may generate an initial peak of construction traffic but is expected to generate very little traffic once in operation.

VDOT General Comments:

Should the safety, use, or maintenance level of any existing or proposed entrance to a VDOT maintained highway change in the future, VDOT reserves the right to require additional modifications as warranted by the site-specific conditions.
If any work is required on VDOT right-of-way, a VDOT Land Use Permit is required. The permit is issued through the Harrisonburg Residency office.

HEALTH DEPARTMENT COMMENTS:
The Health Department advises the applicant to research any sewage disposal systems or private well approvals on the parcels and ensure they are not encroached upon or damaged. Solar panels should not be placed over existing drainfields or reserve areas.

For questions or for additional information, the applicant should contact the Central Shenandoah Health District at cshdinfo@vdh.virginia.gov.

Applicant's Response: *The applicant referred to a report by AES Consulting Engineers, who conducted a physical survey onsite on July 24th of 2020 documenting all public and private utilities present on the site. The applicant has also confirmed with the property owner that there are no drain fields or reserve areas present on site.*

SCHOOL BOARD STAFF COMMENTS:

The request for a change of approximately 35 acres from General Agriculture to Special Use Permit for a small scale solar energy system would have no impact on these three (3) schools.

The table below indicates the enrollment as of May 18, 2023

School	Enrollment	Capacity
Stuarts Draft Elem SDES	593	834
Stuarts Draft Middle SDMS	495	960
Stuart Draft High SDHS	692	940

FIRE-RESCUE COMMENTS:

- Prior to activating the site, all Augusta County Fire and Rescue Departments shall be provided emergency response training by the owner or operator. This training and education must include documentation of onsite material and equipment, proper firefighting and lifesaving procedures, and material handling procedures.

- Solar sites should have adequate methods for system shutdown of the electrical equipment to be reviewed by the Fire Chief or his designee. All main power disconnects, as well as all system components that require special attention during an emergency, shall be clearly and consistently labeled on the preliminary site plan submitted with the SUP application and all subsequent site plans.

- A knox box or key box shall be provided at all access gates shown on the site plan to be reviewed by the Fire Chief or his designee.

- All tracking rows must be a minimum of 15' apart at highest tilt for emergency vehicles and responders to have access.

- A Site Maintenance Plan must be provided including the following: weed control methods, routine mowing and trimming, and other general site maintenance.

If you have further questions, please contact me at 540-245-5624.

Applicant's Response: *Applicant states that they will coordinate with Fire and Rescue in providing emergency response training prior to the activation of the site, along with an Emergency Response Plan. Applicant states that they will coordinate with the Fire Chief for review of all methods of system shutdown, will provide a Knox box or key box at all access gates, agrees to provide 15' of interrow spacing to allow for Emergency vehicle and responder access, and agrees to provide a Site Maintenance Plan.*

AUGUSTA WATER COMMENTS:

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Augusta Water Policy. Augusta Water's Policies and Procedures can be found at http://www.acsawater.com/oppm.

2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Augusta Water review and approval.

3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Augusta Water review and approval.

4. There is an existing 6" waterline approximately 1,330'± to the east of the subject parcel.

5. There is an existing 21" sewer line approximately 291'± to the south of the subject parcel.

6. There is an existing 6" PRIVATE sewer force main running through the southern portion of the subject parcel.

NOTE: Without a detailed review of the project site, it appears Augusta Water utilities are well positioned to provide water and sewer service to this property in conformance with the Augusta County Comprehensive Plan. The above comments do not include any analysis concerning Augusta County's Comprehensive Plan or the potential economic impact to Augusta Water. Additional comments will be provided to the Augusta County Board of Zoning Appeals under separate cover prior to this application being considered.

ENGINEERING COMMENTS:

Environment Ordinance Considerations

The county will consider all areas under panel to be impervious, though we will consider site specific calculations demonstrating some level of infiltration and/or treatment of runoff in the area underneath of the panels and surrounding areas.

This property drains to South River which is listed on the Virginia DEQ 2022 Impaired Waters List. This impaired segment extends from its confluence with Stony Run downstream to its confluence with the Back Creek. The impaired use is recreation, the specific impairment is E. coli., The sources of the impairment are wildlife other than waterfowl, non-point sources and agriculture. Numerous TMDLs have been approved for this segment for each of the impairments and must be considered by the applicant.

Additionally, the Augusta County Comprehensive Plan lists the South River – Canada Run watershed as a Priority Watershed for Groundwater Protection due to the presence of karst features and the location of Source Water Assessment Program zones. While infiltration BMPs may not be advised due to the prevalence of karst, it is recommended that water quality treatment be provided onsite vs. purchasing offsite credits.

Overlay Ordinance Considerations

Portions of this property lie within Zone AE on the FEMA FIRM. Any development on this portion of the property must meet the provisions of the Floodplain Overlay (FPO) Ordinance. New lots must contain a “Buildable Area” outside of the floodplain.

This property lies within of the Urban Service Overlay District (USO) and is therefore subject to the limitations on access to public streets contained in that ordinance.

Portions of this property lie within Area 2 of the Source Water Protection Overlay (SWPO) District. All provisions of the Source Water Protection Ordinance (SWPO) must be satisfied. Additionally, for Source Water & Recharge Areas, the Comprehensive Plan recommends restriction of land uses that pose a contaminant threat. Additionally, stormwater practices that infiltrate or can contaminate groundwater should be avoided. Water quality treatment and revegetation are recommended.

This property lies outside of the Airport Overlay District (APO).

Subdivision Ordinance Considerations

§21-9.1 Subsection B of the County Subdivision Ordinance addresses street layout and access to adjacent property. Development is required to connect to existing or planned streets and must also provide for access to adjacent property that is located with areas designated in the Comprehensive Plan as Urban Service or Community Development Areas. This property is in the Urban Service Area, with a Future Land Use of Industrial. As developed, this property is expected to connect to the adjacent solar facility and

ultimately, after decommissioning, planned industrial parcels south of the RR and north of the river.

Natural Resources Recommendations from the Comprehensive Plan

The Augusta County Comprehensive Plan recommends performance standards to protect natural resources. For Urban Service Areas, a riparian buffer of 35 feet on either side of a stream is encouraged, and where feasible, stormwater should not be piped through in a manner to short-cut the buffer. Additionally, floodplain areas should have no habitable structures, but should instead be utilized for greenways & recreation areas.

For unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends to tie these features in with greenways, active and passive recreation areas and flood plain preservation areas.

ZONING ADMINISTRATOR'S COMMENTS:

Installing solar panels on approximately twenty-two (22) acres of the property could have a negative visual impact on the single family residential zoned property to the north containing single family residences, and the surrounding General Agriculture zoned property. Staff does not feel the adjoining General Business and General Industrial zoned properties will be negatively impacted.

A Special Use Permit meeting the ordinance requirements outlined in **Section 25-70.4** is required prior to development of a small scale energy project.

The Zoning Ordinance requires a buffer yard to be provided and maintained and landscaped adjacent to any property line. A site plan meeting submittal requirements of Article LXVII "Site Plan Review" including supplemental plans shall be submitted for review prior to Special Use Permit approval.

Applicant's Response: *Applicant states that they will provide buffering to match or be similar to the approved Wayne Ave Solar 1, LLC buffering plan to provide a cohesive viewshed along the northern portion.*

COMPREHENSICVE PLAN CONSIDERATIONS:

OBJECTIVE C: Encourage distributed solar and carefully sited utility scale solar as a means of achieving renewable energy goals.

Policy 1: **Economy. Recognize the employment opportunities, especially for distributed solar, and economic diversification opportunities that utility scale solar provide.**

STAFF ANAYLSIS: The applicant has stated that the project is a distributed solar project, which provides renewable energy to the local utility system. The applicant has

provided an “Economic Impact Assessment” as well as an estimated financial analysis reviewing additional taxes to the County. Under Virginia State Code Section 58.1-3660 (D), solar projects equal to or less than 5 MW in localities without a revenue share ordinance have a 100% exemption from taxes if the initial interconnection request was made on or after January 1, 2019 and approved by the locality before July 1, 2022. For projects approved by the locality on or after July 1, 2022, the exemption decreases to 80% of the assessed value in the first 5 years of service after commencement of commercial operation, 70% in the second 5 years, and 60% for the remaining years in service [VA Code section 58.1-2606.1] Real Estate Tax and personal property tax are factored in to come up with the total estimate. Rollback taxes are included as a portion of the land will be taken out of land use with an estimated one-time payment of $4,600.00. The real estate tax is estimated at $1,483.02 annually, while personal property tax is calculated with the following values depending on years assessed: year 1-5 (80% exemption) at $1,764.60; year 6-10 (70% exemption) at $2,646.90; and year 11 to the end of the life of the facility (60% exemption) at $3,529.20. The estimated cumulative tax for the lifespan of the small solar energy system is $191,854.15.

If the Special Use Permit is approved, the Commissioner of the Revenue will determine what acreage will be subject to removal from land use assessment and subsequent rollback taxation, depending on the property’s overall compliance with the requirements of the land use program. The applicant has stated that New Leaf, Inc has contacted the Commissioner of Revenue, and that the cost estimate provided is subject to change.

The assessment noted that 30 to 40 individuals are anticipated to be make up the labor force during the construction phase, while 4 to 6 individuals will be hired during the operational phase of the system, including, a local landscape company, technician, and operator. The applicant states the installation of the panels and equipment will be from labor outside of the County as it is often specialized work, but the project will utilize a local landscaping company, for the clearing of the site and the maintenance of the site once in operation. The majority of materials for the project will be purchased from manufacturers outside of the county, but the applicant states that some materials will be locally sourced such as gravel, concrete, topsoil, and other miscellaneous materials for construction. The applicant adds that local trucks will be used to import the materials. The estimated value for the construction materials has not been provided by the applicant at this time.

The applicant also emphasizes that while the project will remove a portion of the agriculture fields from further use, it will not eliminate any jobs currently on the parcel. A family member of the Fitzgerald’s will continue to farm the surrounding fields. The applicant is looking into having sheep within the fenced area of the solar site, that would be managed by a local farmer. The applicant has been in contact with Augusta County’s Animal Science Extension agent who has reached out to two local sheep producers that have expressed interest in the possibility of grazing sheep for this solar project.

Policy 2: **Rural Viewsheds. Desire to maintain rural viewsheds and agriculture as a predominant component of our economy, but sees synergy among agricultural and rural land development and utility scale solar development so long as the clustering, size, or fragmentation of such facilities does not have undue adverse impact on the surrounding neighborhoods.**

STAFF ANALYSIS: The project is located in Stuarts Draft, a major growth area for the county. The applicant acknowledges that the parcel is currently zoned General Agriculture, and points out that the Comprehensive Future Land Use Map designates this parcel for future Industrial. The applicant makes the argument that the solar project would consist of lower heights compared to an industrial sized building which would potentially impact the residents to the north's view of the Blue Ridge Mountains. The solar project is sited behind the railroad, which the applicant states provides a natural rural berm from the residents to the north.

This site is located immediately adjacent to an approved community scale solar facility. Staff are concerned that the siting of two (2) solar facilities this close to one another could be in conflict with this policy and being in close proximity to another approved solar project could result in undue adverse visual impacts on rural viewsheds for the neighborhood to the north. However, staff takes into consideration the natural buffer of the railroad, the distance from the single-family neighborhood to the north, the topography of the land where the solar panels would be situated below the railroad, and the extent of the project being approximately 6 acres under panel, and find that this project will not affect the rural viewshed from the Blue Ridge Mountains or other parcels zoned General Agricultural surrounding the proposed site.

Policy 3: **Agricultural landscape and economy. Siting of projects should evaluate the agricultural landscape of the project area and surrounding area to assess the effects of a project on the agricultural economy.**

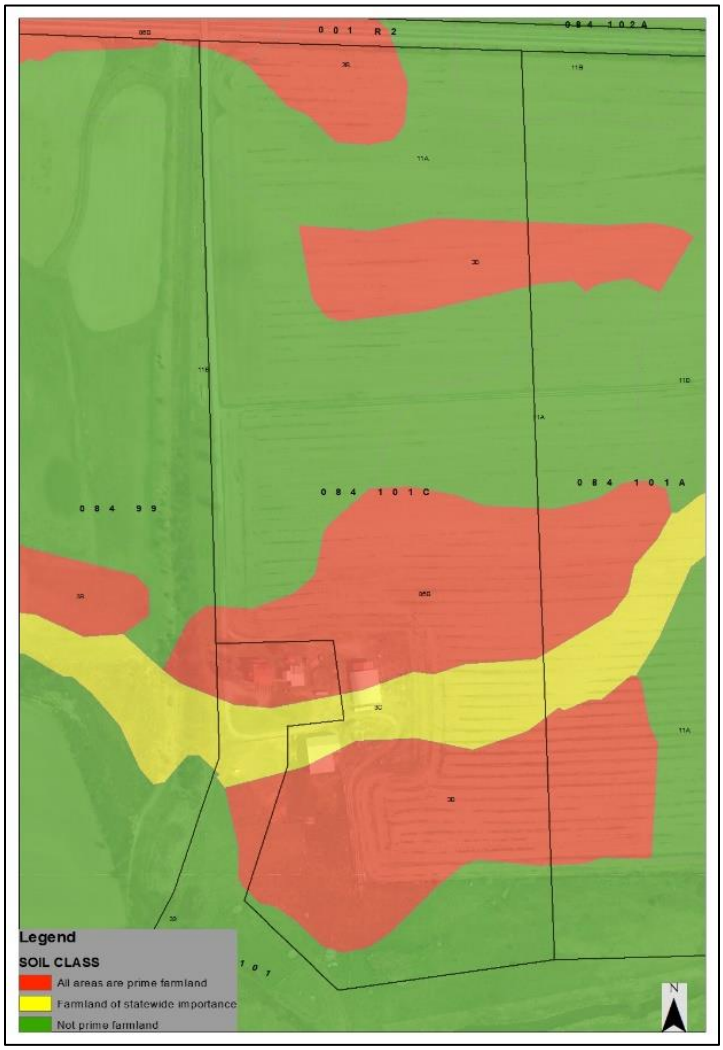
STAFF ANALYSIS: The proposed parcel is currently cleared and actively being used for agricultural purposes, and is adjacent to general agriculturally zoned land to the north, west, and south, and an approved small energy system solar facility to the east. The applicant states that approximately 31.5 acres of land being used for agriculture would be taken out of agriculture use, but the surrounding land would continue to be utilized for farming by a relative of the landowner. Out of the 31.5 acres, 22.32 acres will be fenced and approximately 6 acres of the fenced area under panels**,** 7.96 acres will be used for stormwater controls and the access road, and 1.22 acres for the landscape buffer. The applicant notes that the project will be decommissioned so that the landowner can choose to continue farming after if they wish, or because the land has been preserved for 40 years, it could turn into an Industrial Development.

The applicant states the project will have minimal impact on the agricultural economy of Stuarts Draft since the parcel is planned for Industrial use, and that any future Industrial use would take away from the Blue Ridge Mountain Horizon and the land out of

agriculture use. Stuarts Draft is set apart as an area in the County that is expected to grow and have industry mixed in with the agricultural economy. The extent of the project being approximately 31.5 acres of Augusta County's agricultural land, is taken into consideration as an impact to the agricultural economy of the area, as Stuarts Draft is predominately agriculture, contributing to Augusta County being second in the state of Virginia for agricultural production. However, staff feel it will have little impact to the agricultural economy of the area as the parcel is planned for Industrial, and it is expected for the land use of this property to shift from agriculture uses.

Policy 4: **Prime farmland and Agricultural and Forestal Districts. Siting of projects in Agricultural and Rural Planning Policy Areas should consider the presence of prime farmland producing soils and/or adjacent Agricultural and Forestal Districts.**

TAX MAP	TOTAL ACREAGE	CLASS 1	CLASS 2	CLASS 3
084 101C	36.469	0	34.469	2.0



STAFF ANALYSIS: SOILS: Class 1, 2, and 3 soils are considered the best for farming purposes. Land use taxation data, presented above, states that the majority of this parcel is classified as Class 2 soils with 2 acres as Class 1. Class 2 soils are defined by the USDA NRCS as having "moderate limitations" for farming; however, are still considered to be ideal for agricultural production. Soil Map TMP 084 101C

Majority of the map in green show that the land is considered not prime farmland, with some areas being prime farmland in red, and a small portion to south, in yellow, being of statewide importance. From the applicant's site plan, the majority of panels will be located in the areas designates as not prime farmland and prime farmland While the project will remove the field from agricultural operations, the applicant intends to leave all subsoil and top soil onsite at decommissioning, and states that

the landowner will have the ability to return the land to agricultural use. One of the conditions of the Special Use Permit in the operating conditions is prohibiting topsoil from being removed from the site (see recommended Operating Condition #14). The intention of the applicant to leave all subsoil and topsoil onsite at decommissioning would fulfill this condition.

Agricultural and Forestal Districts: The parcel is not located in an Agricultural and Forestal District.

Policy 5: **Visual impact. Siting of projects should take into consideration surrounding neighborhood developments and how visual impacts to those neighborhoods can be mitigated through appropriate buffers. Siting and design of projects should strive to utilize existing vegetation and buffers that exist naturally when adjacent to public rights of way or other adjacent property. In order to design and integrate buffers that succeed in mitigating the visual impact of a project on nearby development, projects should cover no more than 200 acres with photovoltaic panels.**

STAFF ANALYSIS: The applicant is proposing an enhanced forty-foot (40') wide buffer along the Norfolk Southern Railroad, along with a twenty foot (20') buffer along the western property line. An alternative compliance from the County Ordinance is also being proposed along the east side where the project would sit adjacent to an approved solar facility. The applicant has stated they will be providing photo simulations and digital renderings to the County prior to the Planning Commission meeting. Applicant believes that screening between the two solar projects is not required as the facility is unmanned and shares the same property line. Minimum required setbacks from public right of ways and adjacent properties have been provided. The site lies seven hundred feet (700') from the public road.

The applicant states that the project will sit in low-lying land below the railroad which provide a natural rural berm from the site. The applicant has also stated that after feedback from a neighbor across the railroad, they have decreased the proposed panel height from fifteen feet (15') to ten feet (10') to further reduce visibility from the single family residential neighborhood across Wayne Ave, in addition to the enhanced buffering along the railroad. The applicant emphasizes that there will not be any visual impacts on the view of the Blue Ridge Mountains. The sight will also be surrounded by a security fence and the panels constructed will have an anti-glare coating on them to mitigate any reflection towards the surrounding properties.

As the project sits behind the Norfolk Southern Railroad, and with the additional buffering of landscape and reduction of panel height, staff do not anticipate that the project will have a visual impact to the surrounding development.

Policy 6: **Balanced land uses. Desire to balance the utility scale solar land use with other important and valuable land uses for our citizens. The size/extent of projects should be considered in proximity to other developed land uses so as not to have undue adverse impacts on the existence of nearby developed residential, commercial or mixed-use communities. The County strongly discourages projects that have a photovoltaic panel coverage of more than 200 acres, and projects should not site on non-contiguous parcels or in close proximity to existing solar facilities. Consideration of existing Augusta County Service Authority infrastructure should be made.**

STAFF ANALYSIS: According to the Comprehensive Plan Future Land Use Map, the parcel is planned for Industrial. **This parcel is located within the Urban Service Area, where** Augusta Water has invested in infrastructure to support future anticipated residential, commercial, and industrial development. The project is also located less than a mile from the historic downtown of Stuarts Draft.

The Stuarts Draft area is one of the most industrialized areas in the County, mixed with the agriculture economy. The two uses characterize Stuart Draft. While this project is being sited directly adjacent to an approved solar facility in an Urban Service Area, both facilities would be less than 50 acres under panel, Wayne Ave Solar 1 being approximately 23.3 acres and Wayne Ave Solar 2 being approximately 6 acres under panel. Staff feel that the location for the two facilities would not change the character of the community as industrial is planned for these two parcels.

Policy 7: **Compact, interconnected development. Projects are strongly discouraged from siting partially or fully within Urban Service or Community Development areas in order to recognize the County's vision for compact, interconnected, and pedestrian-oriented residential and commercial development in these areas.**

STAFF ANALYSIS: This project is located entirely in an Urban Service Area. **The County and Comprehensive Plan strongly discourage development of solar facilities in Urban Service Areas.** Stuarts Draft is considered one of the County's two major growth areas, where significant residential, business, and industrial growth is anticipated. A major objective for Stuart Draft and for the County is to be interconnected and to create communities that have a sense of place. One way to do so is to develop the area in a planned and coordinated way. Wayne Ave is one of the main corridors and source of connection in Stuarts Draft. The Transportation Plan of The Stuarts Draft Small Area Plan designates an area for a future shared greenway as a plan of action to implement the small area's vision for interconnectivity. The greenway is proposed to encompass parcels along the railroad, including 084 101C. While the proposed greenway is presently a concept, if solar were to be developed there, it could alter the location of the proposed greenway, delaying construction.

Applicant Response: *The applicant acknowledges that there are conceptual plans for a Greenway along Wayne Ave, but the applicant also states that the proposed solar*

facilities' improvements leave an approximate 40-foot-wide corridor between the designated project area and the Norfolk Southern Railroad Right-of-Way, which is also being provided with the approved Wayne Ave Solar 1, LLC SUP 21-64. The applicants also notes that the property owners are also agreeable to providing a greenway through their property and will work with the County on the plan.

Policy 8: **Open space. Support projects that seek to actively create opportunities and partnerships that provide for natural open spaces and outdoor recreational activities such as pedestrian corridors, wildlife watching areas, and fishing areas, especially in publicly accessible land and rights-of-ways.**

STAFF ANALYSIS: Wayne Ave is one of Stuarts Draft corridors and is a targeted area to create interconnectivity through sidewalks and walking trails. The applicant states that while the site is on private property, the landowner would be open to working with the County on siting a portion of the walking trail, if the project moves forward, as a way to support open space.

Policy 9: **Interconnectivity. For projects that are adjacent to public spaces or other planned developments, encourage projects that provide for trails and linkages to adjacent land planned for or already developed.**

STAFF ANALYSIS: Please see Policy 7 and 8 for staff comments on providing trails and open spaces.

Policy 10: **Resource considerations. Projects should be designed, sited, and constructed in a way that protects and preserves the County's natural, scenic, and cultural resources including:**

STAFF ANALYSIS:

a. Streams, rivers, wetlands: An aquatic resource delineation was performed, and no resources were identified. The project will not impact the streams, rivers, and wetlands.

b. Fertile soils: The project will maintain the fertile soils onsite throughout the life of the project by stockpiling and any excess topsoil onsite and separation of the subsoil and topsoil during construction.

c. Habitats: The existing habitat consists of agricultural rotational fields comprised of soybeans, corn and similar cash crops. The project will temporarily retire the agricultural field by reverting the land to native vegetation that will be maintained and promote wildlife and pollinators. Upon the project reaching the end of its life cycle the site's soil can be turned and returned to agricultural use.

d. Native vegetation: The project will utilize native vegetation, including pollinator plants to promote wildlife.

e. **Forests:** The project is sited within an existing agricultural field and tree clearing or fragmentation of existing forests will occur as a result of the project.

f. **Historic and archaeological resources:** The applicant's consultant, LaBella & Associates, performed a preliminary cultural resources assessment of this and the abutting eastern parcel and concluded that there are no eligible recorded archaeological sites on-site. The Virginia Department of Historic Resources, DHHR, have recommended the Miss Hannah Forrer house located at 147 Wayne Ave as potentially eligible for the National Register List. The site is also less than a mile from the historic downtown of Stuarts Draft.

   Applicant Response: *The applicant states that they have spoken to the property owners about mitigation efforts to protect their potentially eligible historic home, and that additional trees and shrubs will be planted along portions of the property line at the property owner's discretion.*

Policy 11: **Natural resource benefits. The County sees value in projects that create additional natural resource benefits through the use of native vegetation, the creation of wildlife corridors, and the use of pollinator species in buffer areas and underneath panels.**

STAFF ANALYSIS: The project proposes the use of native vegetation and pollinator species in the buffer areas and underneath the panels. The applicant states that the perimeter of the panels is similar to pasture where wildlife will follow the fence line and other birds and small animals can coexist within the fenced area with less interaction with predators.

Policy 12: **Clustering and Colocation. Support projects that site on contiguous parcels. Strong consideration should also be given to siting projects a reasonable distance away from existing solar facilities so as not to significantly alter existing community character or create undue impact on nearby neighborhood development. Solar facilities that are sited on the same parcel or contiguous parcels, but are constructed in distinct phases, should be considered to be separate facilities for purposes of fully and accurately evaluating the potential impact on the surrounding community.**

STAFF ANALYSIS: While both sites combined would be under 50 acres, having two solar facilities adjacent to each other, such as the proposed Wayne Ave Solar 2 and the adjacent, approved Wayne Ave Solar 1 solar facility, may be in conflict with this policy. Staff do not believe that this policy is intended to support separate solar facilities being added adjacent to existing, approved facilities at a later date. However, staff feel that due to the parcel's characteristics and limitations for future industrial development and the similar footprint of the approved solar facility adjacent to it, that it would be appropriate to site two separate facilities adjacent to each other, in this case. The siting of two facilities could produce a patchwork effect, but because the two projects are homogenous in design, staff feel that the facilities together would not have undue impact of future surrounding development or alter existing community character. The

Planning Commission and Board of Zoning Appeals will need to determine if this request is in compliance with this policy.

STUART DRAFT SMALL AREA PLAN CONSIDERATIONS:

While not explicitly related to guiding future solar development in the County, the Stuarts Draft Small Area Plan is an extension of the Comprehensive Plan and therefore must also be taken into consideration during review of this project, as it more specifically details future investment and growth in the Stuarts Draft area. A copy of the Small Area Plan can be found on the Planning page of Community Development on the County Website. A link is also provided. Stuarts Draft Small Area Plan.

The Stuarts Draft Small Area Plan encourages as much development as possible to occur in Urban Service Areas in order to preserve the natural and rural character of Rural Conservation Areas and Agricultural Conservation Areas in the Stuarts Draft area. In addition, one of the central tenets of the plan is encouraging pedestrian oriented and interconnected development, with heavy investment in bicycle and pedestrian infrastructure being a central tenet of realizing a more interconnected Stuarts Draft. The transportation chapter of the plan has proposed a future greenway as one primary method of realizing this goal and has designated a portion of the greenway to run not only through this property, but through the area included in the proposed project site. The transportation chapter also includes corridor improvements on Wayne Avenue as a goal to be reached within the twenty-year timeframe of the plan.

The Stuarts Draft Small Area Plan recognizes the importance and growing trend of diversification of power portfolios to include more renewable energy, but under Policy 1 of Objective A under Electricity, Stuart Draft supports renewable energy as accessory to by-right established uses. Land used for a solar facility, planned for Industrial use could inhibit economic growth generated by targeted industrial uses. One of the Stuarts Draft Small Area Plan's objectives is to create economic growth by way of preserving industrial lands Identified on the Future Land Use Map (FLUM) to create employment growth.

REMAINING ISSUES TO BE CONSIDERED DURING THE PLANNING COMMISSION:

Adherence to Policy 1, Economy- The applicant is encouraged to offer the estimated value of the construction materials to be obtained locally.

Adherence to Policy 6, Balanced Land Uses- This project is sited directly adjacent to an approved small energy system, Wayne Ave Solar 1. This policy states that projects should not be sited in close proximity to existing facilities. However, this project combined with Wayne Ave Solar 1 would be less than 50 acres, approximately 29.3 acres combined, still meets the definition of a small scale solar energy system facility as defined by the County Ordinance. Staff feels that because of the location of these

parcels as well as the extent of the project, the two solar facilities would contribute to the balance of land uses in the area.

Adherence to Policy 7, Compact, interconnected development- This solar facility is sited in the Urban Service Area, where solar facilities are strongly discouraged to locate. Facilities are not prohibited in the Urban Service Areas but are discouraged as these areas are our growth areas for residents and future development. This project does not meet this policy, and in general, unless a developer is to partner with the County to provide walking trails and wildlife corridors, solar facilities are most likely not going to help with interconnection in the Urban Service Area. Staff also understand the need for solar facilities to be located near infrastructure already in place.

Adherence to Policy 12, Clustering and Colocation- While this project would be next to an already approved solar facility, staff do not feel this constitutes as clustering as they are located on contiguous parcels and would be homogenous in design, that together still meet the definition of a small scale facility.

COMMUNITY DEVELOPMENT STAFF RECOMMENDATION:

An evaluation of this project's conformance with the twelve policies in the Comprehensive Plan and its overall location, character, and extent are both crucial in determining whether this project is in substantial accord with the vision for land use on this property as identified by the Augusta County Comprehensive Plan.

As required under Virginia State Code Section 15.2-2232, the location, character, and extent of the project were considered in the review process:

> **LOCATION:** While the proposed solar project is in an Urban Service Area, where solar facilities are strongly discouraged in the Comprehensive Plan, the proposed solar energy facility is located immediately adjacent to another small-scale solar facility, adjacent to an industrial site, and in close proximity to the waste water treatment plant. The parcel is planned for future industrial, but due to lack of access for a road across the railroad, staff do feel that this proposed solar facility would be an appropriate location for a small scale energy system. For these reasons, the location of this proposed facility is in substantial accord with the Comprehensive Plan.
>
> **CHARACTER:** Staff feel that the proposed native plantings would be aligned with the character of this area. The additional landscaping and buffering provided by the applicant to match the approved Wayne Ave 1 landscape and height reduction of the panels could alleviate some of the anticipated visual impacts to nearby properties. Therefore, staff find the character of this proposal to be in substantial accord with the Comprehensive Plan.
>
> **EXTENT:** Staff find the extent of the proposal, with 6 acres under panel, to be in substantial accord with the Comprehensive Plan.

Staff find that the proposal is in substantial accord with the Comprehensive Plan. While the project does not meet every policy, as listed above, given the access challenges for the site for more intensive development and being adjacent to the railroad to the north, Industrial to the west, and a Wastewater Treatment Facility to the east, the location is appropriate. The approved Wayne Ave Solar 1 project combined with this project would be less than fifty (50) acres under panel. Staff feel that the extent of the two facilities will not have adverse impacts on rural viewshed, especially of the Blue Ridge Mountains. The applicant has proposed adequate buffering to mitigate any additional visual impacts on surrounding properties. While infrastructure is in place for an industrial development, due to access issues, future development is limited across the railroad. Part of the land not included in the project will still be in agriculture use, with the possibility of sheep grazing under the panels. For these reasons, **staff recommend that this project is in substantial accord with the Comprehensive Plan and recommend approval of this project**.

If the Planning Commission finds this proposal to be in substantial accord with the Comprehensive Plan and the Board of Zoning Appeals desires to approve the project, staff would recommend the following conditions:

Applicant's Response: *Applicant has provided modifications to a few of the pre-conditions and operating conditions below, in red. It will be up to the Board of Zoning Appeals to Approve these changes.*

Pre-Conditions:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents," Section 25-70.4.C "Standards applicable to small solar energy systems," and Section 25-70.5 "Applications and Procedures for Small Energy Systems" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.

2. The Facility shall not commence commercial operations until final site plan approval is first obtained from the Zoning Administrator or his/her designee, and all pre-conditions of approval have been met.

3. In consultation with site plan review, wetlands shall be inventoried and delineated, and no construction of panels or access roads shall be permitted within 35 ft. of the delineated wetland. All operations and infrastructure of the Facility shall additionally maintain a 35 ft. riparian buffer from all streams.

4. The Facility shall not obtain final site plan approval until evidence has been given to the County that an electric utility company has signed an interconnection agreement with the permittee.

5. Landscaping Plan. The Applicant shall submit a proposed landscaping plan for each perimeter of the Facility (outside all fenced areas) to the Zoning Administrator

and/or his/her designee for review and approval as part of the full site plan, which shall be in general conformance with the landscaping plan submitted with the Concept Site Plan. The following conditions shall govern the installation of landscaping in accordance with the landscaping plan:

a. All landscaping shown on the landscaping plan shall be installed at the heights specified on the Concept Site Plan and shall be in good condition prior to the commencement of commercial operations.

b. In the event that the Applicant requires a minor deviation from the approved landscaping plan or full site plan, such deviation shall be provided on a revised plan sheet for review and approval by the Zoning Administrator and/or his/her designee. Minor deviations shall not include changes to the proposed install heights of landscaping.

c. In areas where there is an existing timber buffer remaining on the Facility parcel that provides at least the equivalent buffer benefits as the buffer proposed on the Concept Site Plan, then the existing timber buffer shall be retained as the perimeter landscaping. Hand-clearing of trees within the existing timber buffer for purposes of safety or removal of dead trees is permitted, so as long as the Applicant plants appropriate replacements in accordance with ordinance standards. All existing timber buffers, which may require supplementation with planted trees or shrubs if the existing buffer consists of a relatively thin block of trees or lacks significant understory, are subject to review and approval by the Zoning Administrator and/or his/her designee. The use of existing timber and natural screening is preferable.

d. In areas where sufficient existing timber does not remain, the landscaping requirements shall conform to the Concept Site Plan. The trees shall be planted during the appropriate time of year, subsequent to the completion of construction.

e. A surety agreement for landscape maintenance in a form acceptable to the County Attorney shall be submitted and approved prior to the issuance of any building permits. The amount of the surety shall be determined by an independent landscape architect selected and reasonably compensated by the Applicant but approved by the Zoning Administrator and/or his/her designee. The amount of the surety shall be equal to a reasonable estimate of the amount needed to establish, and following establishment, to maintain the landscaping required by the approved landscaping plan for two (2) years after initial installation. Once the landscaping has been successfully established, the surety amount will be reduced to that amount required for two (2) years of maintenance thereafter. ~~The surety will be released only after decommissioning is complete.~~ The surety will be released only after four (4) years of maintenance is completed.

f. All landscaping will be reviewed by the Zoning Administrator and/or his/her designee following installation, at one-year following installation, and as necessary thereafter to ensure the landscaping is being maintained.

g. The Applicant shall work with the County to identify the species that will provide the best aesthetic and environmental benefit, while also considering market availability.

h. The use of herbicides for perimeter landscaping shall be minimized to the greatest extent reasonably practicable.

6. Decommissioning Plan. Concurrent with the submittal of the final site plan, the owner of the Facility shall produce to the County a Decommissioning Plan as outlined in the Augusta County Code Section 25-70.10, as amended. Any structure or equipment associated with the Facility that is not operating for a continuous period of 12 consecutive months shall be subject to decommissioning, per Augusta County Code Section 25-70.10, as amended. Within 365 days ~~6 months~~ of the date of abandonment or discontinuation, the owner or operator shall complete the physical removal of the solar energy project and site restoration. This period may be extended at the request of the owner or operator, upon approval of the Board of Zoning Appeals. Periods during which the Site is not operational for maintenance, repair, or due to catastrophic events beyond the control of the Applicant, during which the Applicant works diligently to return the Site to full operating status, shall not trigger the Decommissioning requirements herein. The Applicant must provide written notice and evidence of the above to the Zoning Administrator during the period in which the Solar Facility is not fully operational. Such notice shall identify the last day on which the Site was fully operational. Regardless of the efforts of the Applicant to return the Solar Facility to full operational capacity, if the Solar Facility does not operate as a solar energy facility collecting and storing energy and transferring and distributing it to the Grid after the catastrophic event, for a period of two (2) years the Special Use Permit shall be rendered void and the Applicant shall commence Decommissioning no later than the 730th day after the last day the Site was fully operational.

7. A letter of acceptance from a landfill shall be provided with the submittal of the Decommissioning Plan.

8. Decommissioning Estimate. Concurrent with the submittal of the final site plan, the owner of the Facility shall produce to the County an estimate of the decommissioning costs as outlined in the Augusta County Code Section 25-70.10, as amended, and/or detailed below (the more stringent shall apply), by line item and the surety guaranteeing the payment of those costs and the decommissioning work. The estimate shall be signed and sealed by a third-party engineer licensed in Virginia. The decommissioning cost estimate shall include, at least, the following delineated by line item:

a. Total cost related to complying with all the decommissioning work required by this Special Use Permit.

b. Costs related to creating, maintaining, and re-stabilizing any construction entrances identified on the Property, with a separate line item for each such construction entrance, unless written waiver to the Board of Zoning Appeals is requested by the landowner.

c. Costs for mobilization.

d. Costs for removal and disposal of all materials, line itemed by category of facility. For example, “cost to remove conduit,” “cost to remove panels,” “cost to remove panel support structure,” cost to remove inverters,” etc.

e. Costs to de-compact soils and reestablish topsoil.

f. Costs to stabilize land disturbed by the decommissioning work.

g. Costs of trucking, hauling and equipment use.

h. Costs for removal of any landscaping in buffer zones, setback areas, or under panels

i. Costs of landfill fees associated with the disposal of commercial and industrial waste

j. Costs of all labor and estimated man hours to perform the decommissioning work.

k. Costs must assume an increase in labor and equipment costs of two percent (2%) a year every year until the completion of decommissioning and must assume commencement of decommissioning after year ~~thirty-five (35)~~ forty (40) of operation.

l. Costs must include a 25% contingency of the total estimate.

m. The certification of a third-party engineer licensed in Virginia affirming that the owner/operators’ cost estimate is sufficient to satisfy the decommissioning required herein. The estimated amount for the salvaged materials shall not be part of the consideration in the decommissioning cost estimate.

n. Should the funds guaranteed for the Decommissioning Activities for any reason not be sufficient for the County to complete the Decommissioning Activities as allowed for herein and as set forth in the Decommissioning Plan, the Applicant shall be and shall remain liable to the County for the

difference between the guaranteed funds and the amounts required to Decommission the Solar Facility and shall pay the difference to the County upon demand. The County shall not be liable to any party in any way for the funds drawn pursuant to the conditions set out herein and expended in relation to Decommissioning.

9. Decommissioning Bonding. Prior to the issuance of final site plan approval for the Facility, the applicant shall submit a bond, irrevocable letter of Credit, or other appropriate surety acceptable to the County in accordance with Augusta County Code Section 25- 70.11, as amended.

10. Panel Specification and Composition. At the time of site plan review the Applicant shall provide to the Zoning Administrator, a written panel specification disclosure document that includes the composition, toxicological information, and the physical and chemical properties of all of the solar panels, including coatings, being utilized for the Facility. The Applicant shall utilize crystalline solar panels for the Project. The Applicant shall not utilize any panels that of the type known as thin-film panels, including but not limited to not utilizing panels manufactured with or coated using lead, the GenX chemical, amorphous silicon (a-Si), cadmium telluride (CdTe), copper indium gallium selenide (CIS/CIGS), organic photovoltaic cells (OPC) panels, and/or any other material prohibited by state or federal law for use in solar photovoltaic panels. Moreover, to the extent any panel utilized has a Safety Data Sheet associated therewith under 29 CFR 1910.1200(g) and its Appendix D, the Safety Data Sheet shall be disclosed, as well.

11. The Facility, including, but not limited to, all areas covered by photovoltaic panel, any and all landscape or fencing buffer areas, any and all setback areas, any and all support equipment, and any and all access roads, shall be removed from Land Use Assessment and therefore subject to a rollback tax paid to the County for the difference between land use tax and the fair market value for each of the five most recent complete tax years. The remainder of the property not included in the Facility shall continue to meet current requirements for the County's Land Use Assessment program in order to remain included in the program, as determined by the Commissioner of the Revenue upon approval of the Special Use Permit.

12. The applicant shall disclose to the Augusta Water if corrosion control systems are part of the Facility.

13. Augusta Water Infrastructure.
    a. Ground surface elevations shall not be changed, and no water shall be impounded over any existing water/sewer infrastructure without written consent of Augusta Water.
    b. No panels and/or appurtenances, including fences and landscaping shall be installed within 20 feet each way of the centerline of any existing water or sewer main to ensure adequate space for future operations and maintenance.

c. Where public water/sewer utilities are located on the same property as the Facility, Augusta Water shall have the right to utilize access roads constructed for the project or be provided with reasonable access to the utilities by truck.

14. The Applicant must obtain site plan approval within 24 months of the issuance of the Special Use Permit and shall substantially complete construction within 36 months of the issuance of final site plan approval. Notwithstanding the foregoing, the Board of Zoning Appeals may approve an extension of any deadline herein for good cause.

Operating Conditions:

1. This Special Use Permit ("Permit") is granted solely for the subject property for operation of a small solar energy system (the "Facility"). This Permit shall be binding on Wayne Ave Solar 2, LLC and any successor-in-interest, including but not limited to any current or future owner, lessee, sub-lessee, and permitted assignee ("Applicant").

2. The Permit shall not be assignable by Wayne Ave Solar 2, LLC to a third party absent the written consent of the Board of Zoning Appeals of Augusta County.

3. Any document memorializing or relating to the establishment of any successor-in-interest, e.g., lessee, sub-lessee, future owner, permitted assignee, etc., between Wayne Ave Solar 2, LLC or business entity, shall include a recital as to the existence of the Permit, and the duties and obligations of the third party and now successor-in-interest thereunder the Permit, to ensure that successors-in-interest are on written notice of the Permit and its terms and conditions. A copy of these conditions shall be recorded in the clerk's office of the Circuit Court for the County of Augusta, Virginia.

4. The Facility, including but not limited to, fence line boundary, access roads (unless otherwise required by VDOT), and setbacks (unless otherwise determined by the Board of Zoning Appeals), shall be constructed and operated in substantial conformance with the approved Site Plan prepared by New Leaf Energy, Inc. dated [No Date].

5. All bonding or posting of sureties for the project shall at all times be by and in the name of the owner of the Facility and its successors and assigns.

6. All non-operational, non-electrical site features along the perimeter of the Facility, such as landscaping and fencing, shall be properly maintained throughout the life of the Permit. Fencing shall be maintained in good repair and landscaping shall be

maintained so as to provide the desired buffer benefits. Maintenance of such features shall be guaranteed by the surety agreement and surety as provided below. If the Zoning Administrator and/or his/her designee determines that site features identified are not being properly maintained, as described herein, then the Applicant shall be given a notice to remedy as is the standard zoning violation policy of Augusta County.

7. Setbacks, either as shown on the Concept Site Plan, or set by the Board of Zoning Appeals during their review, shall be measured from the property line and/or VDOT Right of Way to the fence line of the Facility.

8. The Applicant shall not add additional photovoltaic panel areas, change the entrance locations of access roads (unless otherwise required by VDOT in a written statement), or revise the height, placement, or design of landscaping buffer elements without prior approval by the Augusta County Board of Zoning Appeals.

9. The Zoning Administrator or any other parties designated by the Zoning Administrator shall be allowed to enter the property at any reasonable time to check for compliance with the provisions of this Permit, with at least 24 hours of advance notice and subject to the security, health and safety standards and regulations that apply to the Facility.

10. The Applicant shall preserve and maintain existing forest/vegetation where it serves to meet buffer standards or standards for alternative compliance as required by ordinance from adjacent property and public right of ways, and is not in conflict with the solar panels, as indicated on the Concept Site Plan. See 5.C and 5.D in the pre-conditions of this Special Use Permit.

11. All construction and decommissioning activities shall be limited to the hours of 7:00 a.m. to 8:00 p.m., Monday through Saturday, and will be prohibited on Sundays. These conditions shall apply to noise generated during the construction of the Facility and to any construction needed during replacement, repair, or maintenance activities during the ongoing operation of the Facility. Replacement, repair, and maintenance activities conducted at nighttime and not involving construction shall comply with all applicable noise standards.

12. The Facility shall not be lit during ongoing operations, unless as required by the Uniform Statewide Building Code. Lighting used during construction shall be downward facing and shall be located at least 500 feet from any adjacent residential property.

13. All solar panels shall use anti-reflective coatings.

14. All topsoil shall not be removed from the site.

15. The Applicant shall implement the following additional measures during construction:

    a. Maintain all construction-related vehicles in good working order.

    b. Designate a specific individual and provide that individual's name and contact information to the Zoning Administrator and/or his /her designee, to which questions, complaints, or concerns during construction may be directed.

    c. Prior to the initiation of construction, mail a notice of construction activity to all property owners whose properties are adjacent to areas on which the Facility will be constructed. The notice shall summarize upcoming construction activities, describe the areas in which construction will occur, including the main routes of delivery, and provide the name and contact information of the Facility representative to whom any complaints, concerns, or comments may be addressed.

    d. Provide adequate portable sanitation facilities that are located in a manner that facilitates ease of disposal but that are not within one hundred and fifty (150) feet of any property boundary of a parcel on which a home is located and whose owner is not participating in the Facility.

    e. Prohibit any personnel associated with the construction of the Facility from overnight lodging at the site.

16. The construction protocol will be designed to ensure that ground cover is expeditiously established, and appropriate site stabilization achieved throughout construction, and the approved construction phasing plan shall be implemented during construction.

17. Any electrical wiring used in the system shall be underground except where wiring is brought together for inter-connection to system components and/or at the project substation and switchyard for interconnection the local utility power grid. Electrical distribution lines between the inverters and the point of interconnection shall be underground except where crossing creeks, floodplains, wetlands, and at the point of interconnection. Nothing in this condition shall prevent the ability to utilize underground boring technology.

18. This Permit shall be valid from the time of issuance and thereafter for a period of 40 years from the start of commercial operations of the Facility, which shall be the date on which the Facility first delivers non-test energy to the high-voltage transmission system, or until this Permit is lawfully terminated or terminated as a matter of ordinance or other law prior to the natural expiration date, whichever is sooner. At the end of the 40 year period, unless such period is otherwise extended by the Board, or unless decommissioning is required sooner pursuant to the

conditions herein, the Facility shall be deemed to have reached the end of its lifespan and decommissioning shall begin pursuant to the conditions herein.

19. Solar Panels will be constructed, maintained, and operated in accordance with national industry standards and regulations including the National Electrical Code, International Fire Code of the International Code Council and the National Fire Protection Association Fire Code, as provided in Va. Code 15.2-2286. In the event of a conflict between the national industry standards and these Conditions, the national industry standards shall control.

20. Corporate Structure, Associations, and Information. Applicant and all successors-in-interest, including current and future owners, lessees, sub-lessees, and permitted assignees shall provide the Zoning Administrator, with a copy to the County Attorney, written notice of changes of ownership of the solar facility within thirty (30) days thereof.

21. Any substantial upgrades or changes made to the design or operation of the Facility that are planned shall be disclosed to the Zoning Administrator and/or his/her designee at least ninety (90) days before the intended implementation of the upgrades or changes – except as provided herein. Any substantial upgrades and/or changes resulting solely from a bona fide emergency and force majeure event shall be disclosed no later than (sixty) 60 days thereafter.

22. Prior to the activation of the Facility, Wayne Ave Solar 2, LLC, shall provide training to the Augusta County Fire Rescue and Augusta County Sheriff's Office. This training and education shall include documentation of onsite material and equipment, proper firefighting and lifesaving procedures, and material handling procedures.

23. Local Subscribers – *If the project secures a place in the Shared Solar program, p*~~P~~rior to beginning commercial operation of the utility-scale solar facility, the Applicant shall work in good faith and use its best efforts to identify residents of Augusta County, Virginia and its incorporated towns to voluntarily subscribe to its community solar program ("Local Subscribers"). Outreach efforts to Local Subscribers may include, among others, advertising in a local newspaper of record and hosting informational community meetings. The Applicant will give notice of such informational community meetings to the County Administrator.

24. Contribution for Public Improvements – The Applicant, and if different than the Applicant, the facility owner and/or operator, shall provide annual substantial cash payments for substantial public improvements in accordance with the provisions of Virginia Code § 15.2-2288.8. The amount of such annual substantial cash payment shall be equal to $1,400 per megawatt as measured in alternating current (AC) generation capacity of the facility as listed in the Applicant's executed Interconnection Agreement with the interconnecting utility ("Contribution Amount"). The Applicant and the County acknowledge and agree that the County may identify

in future budget years qualifying substantial public improvements that will be funded by the annual substantial cash payments to be provided by the facility owner and/or operator. The Contribution Amount will increase annually by two percent (2%), beginning on the first anniversary of the first payment of the Contribution Amount. The first payment will be due on or before the date that is 90 days following the commencement of commercial operation of the solar facility. Subsequent payments will be due on each anniversary of the commercial operation date until the solar facility is decommissioned as required by these Conditions. The Applicant, facility owner and/or operator shall provide written notice to the Zoning Administrator within ten (10) business days of when the solar facility commences commercial operation. The payment by the Applicant, facility owner, and/or operator of all annual substantial cash payments until the decommissioning of the solar facility is complete shall be a condition of this permit. The Applicant, facility owner and/or operator shall be jointly and severally responsible for the payment of all annual substantial cash payments required by this condition.

Applicant would like to replace #24 with the following condition:
Contribution for Public Improvements – The Applicant, or, if different from the Applicant, the facility owner and/or operator, shall provide to the County a one-time cash payment in the amount of $50,000 on or before the date that is 90 days following the commencement of commercial operation of the solar facility. This payment is provided in accordance with the provisions of Virginia Code § 15.2-2288.8. B. The Applicant, facility owner and/or operator shall provide written notice to the Zoning Administrator within ten (10) business days of when the solar facility commences commercial operation. The Applicant, facility owner and/or operator shall be jointly and severally responsible for the payment of the cash payment required by this condition.

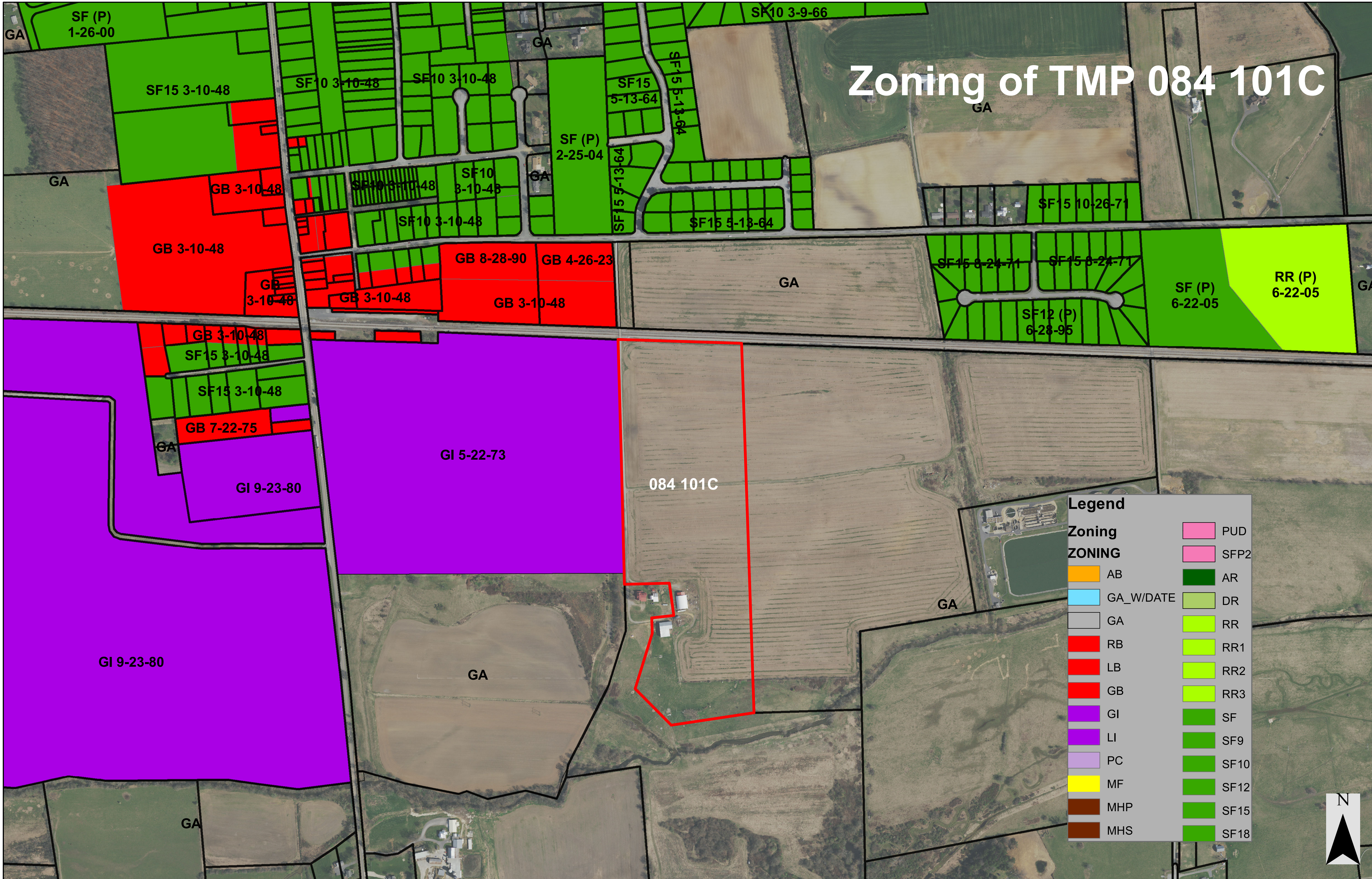
25. Any infraction of the above-mentioned conditions, or any Zoning Ordinance regulations, may lead to a stop work order and revocation of the Special Use Permit by the Board of Zoning Appeals.

Aerial of TMP 084 101C

084 101C

Legend

N


Zoning of TMP 084 101C
084 101C
SF (P) 1-26-00
GA
SF15 3-10-48
SF10 3-10-48
SF10 3-10-48
SF (P) 2-25-04
SF15 5-13-64
SF15 5-13-64
SF10 3-9-66
GB 3-10-48
SF10 3-10-48
SF10 3-10-48
SF10 3-10-48
SF15 5-13-64
SF15 5-13-64
SF15 10-26-71
GB 3-10-48
GB 3-10-48
GB 8-28-90
GB 4-26-23
GB 3-10-48
GB 3-10-48
SF15 8-24-71
SF15 8-24-71
SF12 (P) 6-28-95
SF (P) 6-22-05
RR (P) 6-22-05
GB 3-10-48
SF15 3-10-48
SF15 3-10-48
GB 7-22-75
GI 5-22-73
GI 9-23-80
GI 9-23-80
Legend
Zoning
ZONING
AB
GA_W/DATE
GA
RB
LB
GB
GI
LI
PC
MF
MHP
MHS
PUD
SFP2
AR
DR
RR
RR1
RR2
RR3
SF
SF9
SF10
SF12
SF15
SF18
N

COMP Plan FLUM of TMP 084 101C

084 101C

Legend

Future Land Uses 2019

Future Land Use Designation

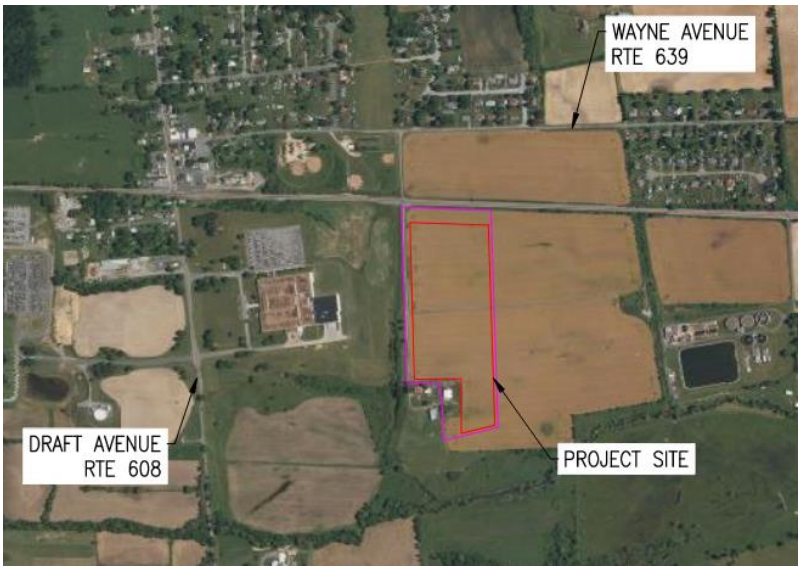
- Business
- Community Mixed Use
- Industrial
- Low Density Residential
- Low Density Residential/Recreational Business
- Medium Density Residential
- Multifamily Residential
- Neighborhood Mixed Use
- Planned Residential
- Public Use
- Rural Community
- Rural Conservation Area
- Single-Family Attached Residential
- Urban Open Space
- Village Mixed Use

N

EXECUTIVE SUMMARY

Wayne Ave Solar 2, LLC (Wayne Ave Solar) selected Tax Parcel 084-101C on the lands now or formerly of Fitzgerald et al within Augusta County's General Agricultural District as the ideal location for a 3-MW Solar System. The parcel consisting of ±36 acres is currently cleared and actively used for agricultural purposes. The proposed facility will be situated near the northern portion of the parcel consisting of approximately 31.5 acres and the remaining property will remain unchanged.

The project will utilize an existing private **drive** from Wayne Ave and the electricity generated will interconnect into the existing line on the adjacent property east of the site. The point of interconnection on the adjacent eastern property will be accessible along the driveway/access for a similar previously permitted small solar facility (SUP# 21-64).



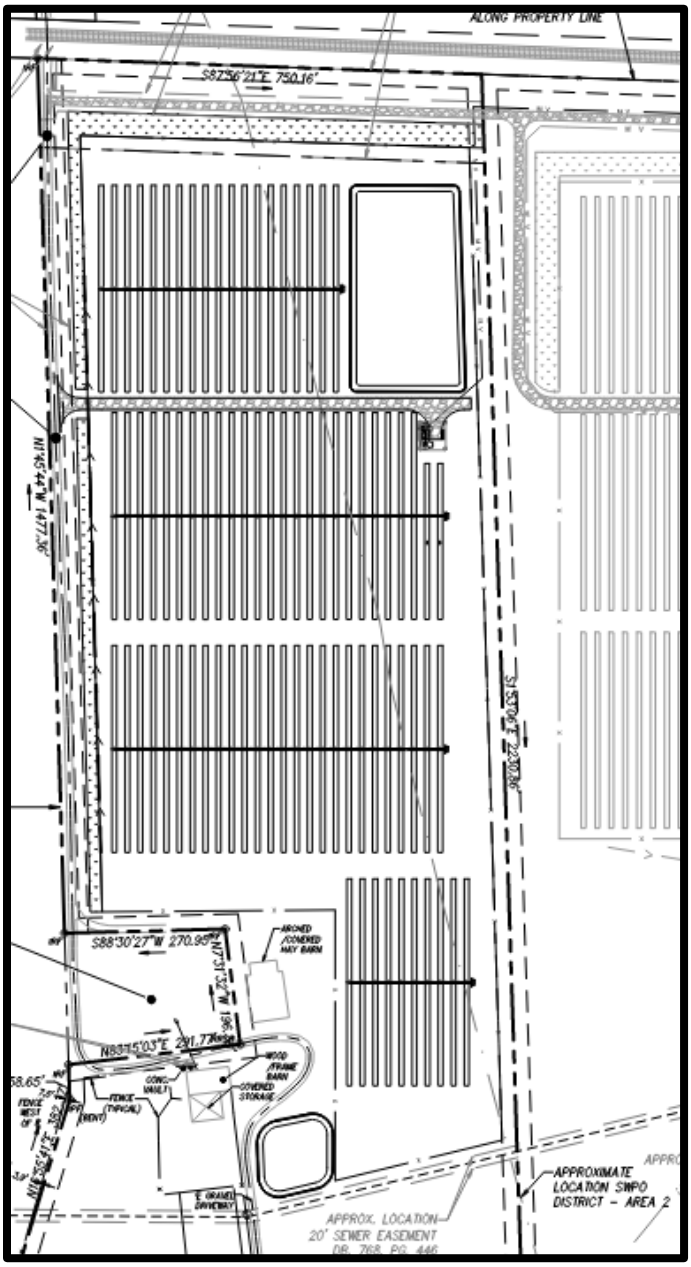
A comprehensive environmental resource assessment was performed for the site, rendering no wetlands or streams identified within the project area. The review also included a review of State and Federal databases for threatened or endangered species; no known species are sited within or close proximity to the site that requires any further coordination. Historic resources were evaluated by a third-party cultural resource firm and no known archaeological/architectural resources were identified within the project limits.

The project proposes an enhanced landscape buffer along the northern portion or the subject parcel abutting the Norfolk Southern Railroad ROW, facing Wayne Ave, with a typical buffer implemented along the western portion. The enhanced buffer along the northern portion of the subject parcel (NF Railroad ROW) was a result of New Leaf Energy's (NLE) community outreach where we had received visual/screening concerns from community members. One of the residents in opposition resides directly across the road from the facility, resulting in the enhanced landscaping and illustrating a visual landscape exhibit to depict the landscape impairing the resident's view of the facility. In addition to the enhanced landscape buffer, an Ocular Impact Study was performed and concluded that no glare is expected.

SMALL SOLAR ENERGY SYSTEM – Application & Procedures

The following addresses Chapter 25 Article VI.D outline as discussed within Augusta County's Zoning Ordinance for Small Solar Energy Systems. The applicant also included portions within the Large Solar Energy Systems Sections under §25-70.7-11.

§25-70.4C. – Standards Applicable to Small Solar Energy Systems



The project is located along Wayne Avenue, south of Route 340. The project consists of a Small-Scale solar site on adjacent property to the previously approved Wayne Ave East project (SUP# 21-64). Per Augusta County Geographical Information System (GIS) website, the parcel (84-101C) is approximately 36 acres and is zoned as General Agriculture (GA). This project is nearly identical in nature to SUP# 21-64 and has been entered into the interconnection queue with the local utility (Dominion). The facility will capture and convert UV rays to electricity and convey the renewable electricity into the local utility system.

The site is setback at least 25 feet from the side and rear with the front being setback at least 50 feet from the property line/right-of-way. The maximum height of the panels will not exceed 15 feet and the system will be designed in accordance with Virginia Uniform Statewide Building Code and any applicable Federal and State regulations/standards.

The site will be surrounded by a security fence and no signs or advertising will be posted unless required by the State and Federal agency. The solar panels are constructed with an anti-glare coating to mitigate PV reflection from the panels towards adjoining properties or roads that may create a nuisance or safety hazard; please refer to the Ocular Impact Study in **Appendix H**.

The project will be buffered utilizing an enhanced 40-foot-wide buffer along the front of the subject parcel between the site and the NF Southern RR ROW. Additionally, a 20-foot-wide buffer along the western side of the site as outlined in Alternative 2, will be implemented. Alternative compliance is being utilized along the east where it abuts a previously permitted and approved small solar facility (SUP# 21-64) and will utilize the existing vegetation of the final approved site plan by the County.

COMPREHENSIVE PLAN COMPATIBILITY

August County amended their "Comprehensive Plan - 0. Utility" section on July 28, 2021, which included "Objective C: Encourage Distributed Solar and Carefully Sited Utility Scale Solar as a Means of Achieving Renewable Energy Goals". Objective C includes a subset of 12 policies to achieve the County's goal. Each policy is listed below in *ITALICS* and responses are **BOLD** text.

Policy 1: Economy. Recognize the employment opportunities, especially for distributed solar, and economic diversification opportunities that utility scale solar provide.

The Fitzgerald family has farmed the property for corn, soybeans and similar cash crops for generations. The project's extents were reviewed and accepted by the property owner. The property's future use was determined by the County as Industrial, however limited access from Wayne Ave over the existing railroad is considered a liability for ingress/egress of industrial sites. The Fitzgerald family has consulted industrial parties in the past regarding development on-site, but the truck volume required to cross the railroad halted conversations. The property does not support common industrial development. While the project will remove a portion of the agricultural fields from further cultivation, this will not eliminate any jobs, as the Fitzgerald's brother will continue to farm the surrounding fields.

New Leaf Energy expects the project to create two to four long-term local jobs for grass maintenance and electrical maintenance. New Leaf is interested in having sheep within the fenced solar site, managed by a local sheep farmer, for maintaining the grasses on-site. This is new to New Leaf, so we are still exploring what this looks like. NLE spoke with John Benner, the Augusta County Animal Science Extension Agent, about this possibility for the project. Benner spoke with two local sheep producers who expressed interest in working with us.

Solar projects less than 5MW are not exempt from taxes, and the proposed solar project will generate an estimated $63,920.90 for Real Estate tax and $127,933.35 for Personal Property Tax for a total of $191,854.15 in additional taxes to the County over the expected lifespan of the system (20 years with option to extend in 5 year

increments up to 40 years total). This estimate will become more refined once we finish working with the Commissioner.

Policy 2: Rural viewsheds. Desire to maintain rural viewsheds and agriculture as a predominant component of our economy, but sees synergy among agricultural and rural land development and utility scale solar development so long as the clustering, size, or fragmentation of such facilities does not have undue adverse impact on the surrounding neighborhoods.

The project is sited within the General Agricultural Zone and the Comprehensive Plan lists this property's future use as being utilized for Industrial Development. As previously discussed in Policy 1, the property owner has been unsuccessful with securing industrial developments due to the property's ingress/egress across an active railroad and the associated liability with each vehicle crossing. The property owner and applicant foresee this solar project meeting the proposed future use. The proposed solar facility consists of heights significantly lower than those associated with industrial use buildings and the project maintains the existing rural characteristic by positioning the site behind the railroad tracks, which is elevated above the surrounding properties and provides a rural berm. The site is positioned within the lower portion of the property and will be merely a sliver along the horizon when viewing the Blue Ridge Mountain range. The proposed project, while adjacent to a previously approved solar facility, properly clusters the use while minimizing the overall visual effect by incorporating the existing topography of the railroad tracks and proposed landscape buffer to maintain the existing views without causing an adverse impact on surrounding neighborhoods.

As mentioned in Policy 1, New Leaf is exploring working with a local sheep producer to have sheep on-site for vegetation management, which would also maintain the agriculture character of the site and agricultural economy.

Policy 3: Agricultural landscape and economy. Siting of projects should evaluate the agricultural landscape of the project area and surrounding area to assess the effects of a project on the agricultural economy.

The proposed project will remove approximately 31.5 acres of land from being utilized as agricultural. The project and surrounding parcels are currently zoned General Agricultural, but the future use is Industrial. These parcels are adjacent residential neighborhoods, a park, an existing industrial facility, and wastewater treatment facility. The proposed project will have a minimal effect on the agricultural landscape since the County is forecasting these areas for industrial use and pushing agricultural use further from the town. The project will be decommissioned so that the landowner can choose to continue farming after the

project lifetime if they wish. This project will provide increased taxes to the County, diversify the landowner's income and generally preserve the property for future industrial development upon the end of the project's life cycle without overburdening the abutting/neighboring parcels with a true industrial development. True industrial development on this parcel as seen with the adjacent Hollister Incorporated and Hershey facilities, include (but are not limited to), increased traffic, noise, light pollution, construction of buildings that would take away from the Blue Ridge Mountain range horizon.

Policy 4: Prime farmland and Agricultural and Forestal Districts. Siting of projects in Agricultural and Rural Planning Policy Areas should consider the presence of prime farmland producing soils and/or adjacent Agricultural and Forestal Districts.

The project is not sited within Agricultural or Forestal Districts of the County, but is situated within existing agricultural fields. The County's Comprehensive Plan marking this parcel for industrial use implies that the parcel was considered an acceptable loss of agricultural soil for future development. While the proposed project will remove agricultural fields during the project lifetime, the landowner will have the ability to return the land to agricultural use after the project's life cycle ends. The applicant intends to leave all subsoil and topsoil on site as part of the decommissioning and may incorporate the material into the landscaping buffer in the form of a berm.

Policy 5: Visual impact. Siting of projects should take into consideration surrounding neighborhood developments and how visual impacts to those neighborhoods can be mitigated through appropriate buffers. Siting and design of projects should strive to utilize existing vegetation and buffers that exist naturally when adjacent to public rights of way or other adjacent property. In order to design and integrate buffers that succeed in mitigating the visual impact of a project on nearby development, projects should cover no more than 200 acres with photovoltaic panels.

The project is sited about 700 feet from the public road and will utilize an enhanced landscape buffer, including the potential for a berm for any excess cut. The project is situated within a general low-lying area and the existing railroad grade provides a rural berm to initially shield a portion of the site. After hearing feedback from a neighbor across the street regarding visibility, the New Leaf team dropped the proposed panel height from 15 feet to 10 feet to further minimize visibility from surrounding homes. While the site may not be completely shielded as part of the landscaping from all angles/elevations, the project should not have an adverse impact on the Blue Ridge Mountain range.

Appendix D provides cross-section views of the project with landscaping at planting and mature height from several perspectives including from Wayne Avenue and two nearby residential lots. New Leaf is also working with a third party to put together additional visual simulations of the site from the Mill Mar Estates (Princess Anne neighborhood), Schneider Park and several neighboring homes.

New Leaf plans to hold a second community meeting in-person in the County before the first hearing to continue soliciting feedback from neighbors on how the visual impact can be best mitigated.

Policy 6: Balanced land uses. Desire to balance the utility scale solar land use with other important and valuable land uses for our citizens. The size/extent of projects should be considered in proximity to other developed land uses so as not to have undue adverse impacts on the existence of nearby developed residential, commercial or mixed-use communities. The County strongly discourages projects that have a photovoltaic panel coverage of more than 200 acres, and projects should not sit on non-contiguous parcels or in close proximity to existing solar facilities. Consideration of existing Augusta County Service Authority infrastructure should be made.

Wayne Ave West remains a Small solar energy system with cumulative acreage (~31.5 AC) significantly less than the recommended 200 acres panel coverage maximum within the comprehensive plan. The proposed project is adjacent to an approved project (Wayne Ave Solar 1, LLC (SUP# 21-64), which also meets the County's definition of Small solar energy system, occupying less than 50 acres of total land area. Even if the approved and proposed project acreages were considered together, they are far below the 200-acre maximum.

The proposed project is a distributed generation project, interconnecting to Dominion's local distribution grid. The site is situated within an area designated for future industrial uses but is positioned away from residential neighborhoods along Wayne Ave, locating the facility behind the existing railroad grade to provide an existing berm and also situated behind an existing industrial facility. The project will not impair the County's infrastructure since the facility will not require any public services. The project will enhance the local distribution circuit as Dominion will require New Leaf to make upgrades to the line, improving the reliability of the circuit for the community.

Policy 7: Compact, interconnected development. Projects are strongly discouraged from sitting partially or fully within Urban Service or Community Development areas in order to recognize the County's vision for compact, interconnected, and pedestrian- oriented residential and commercial development in these areas.

The project is not sited within the Urban Service or Community Development areas.

Policy 8: Open space. Support projects that seek to actively create opportunities and partnerships that provide for natural open spaces and outdoor recreational activities such as pedestrian corridors, wildlife watching areas, and fishing areas, especially in publicly accessible land and rights-of-ways.

The project is sited entirely on private property. The County has expressed interest in building a walking trail that runs along Wayne Ave through landowners' property. The landowner is open to working with the County on siting a portion of the trail through their parcel if the solar project moves forward as a way to support Open Space.

Policy 9: Interconnectivity. For projects that are adjacent to public spaces or other planned developments, encourage projects that provide for trails and linkages to adjacent land planned for or already developed.

As mentioned in Policy 8, the landowner is open to working with the County on siting a portion of a walking trail through their parcel.

Policy 10: Resource considerations. Projects should be designed, sited, and constructed in a way that protects and preserves the County's natural, scenic, and cultural resources including:

a. *Streams, rivers, wetlands*

   An aquatic resource delineation was performed, and no resources were identified. The project will not impact the streams, rivers, and wetlands.

b. *Fertile soils*

   The project will maintain the fertile soils onsite throughout the life of the project by stockpiling and any excess topsoil onsite and separation of the subsoil and topsoil during construction.

c. *Habitats*

   The existing habitat consists of agricultural rotational fields comprised of soybeans, corn and similar cash crops. The project will temporarily retire the agricultural field by reverting the land to

native vegetation that will be maintained and promote wildlife and pollinators. Upon the project reaching the end of its life cycle the site's soil can be turned and returned to agricultural use.

d. *Native vegetation*

The project will utilize native vegetation, including pollinator plants to promote wildlife.

e. *Forests*

The project is sited within an existing agricultural field and tree clearing or fragmentation of existing forests will occur as a result of the project.

f. *Historic and archaeological resources*

The applicant's consultant, LaBella & Associates, performed a preliminary cultural resources assessment of this and the abutting eastern parcel and concluded that there are no eligible recorded archaeological sites on-site. The study has been submitted for your review, see Appendix F

Policy 11: Natural resource benefits. The County sees value in projects that create additional natural resource benefits through the use of native vegetation, the creation of wildlife corridors, and the use of pollinator species in buffer areas and underneath panels.

The applicant intends to utilize native vegetation with pollinator plants to enhance the natural resources within and surrounding the project. The project is on a significantly smaller scale compared to typical Large solar energy systems. The project's perimeter of the panels is similar to a pasture, in which wildlife will typically follow the outside of the fence line and smaller animals/birds can co-existing within the fenced area with minimal interference from larger predators.

Policy 12: Clustering and colocation. Support projects that site on contiguous parcels. Strong consideration should also be given to siting projects a reasonable distance away from existing solar facilities so as not to significantly alter existing community character or create undue adverse impact on nearby neighborhood development. Solar facilities that are sited on the same parcel or contiguous parcels, but are constructed in distinct phases, should be considered to be separate facilities for purposes of fully and accurately evaluating the potential impact on the surrounding community.

The project fits within the County's future use plan for the industrial development while maintaining the agricultural character with pollinator plantings and plans for

sheep on-site. This Small solar energy system and the adjacent previously approved Small solar energy system are far less than the County's desired maximum of 200 acres. The panels of the proposed project are approximately 200 feet from the approved project. The project's panels themselves cover 5.23 acres, within a total fenced area of 22.3 acres. The site is situated within an area designated for future industrial uses but is positioned away from residential neighborhoods along Wayne Ave locating the facility behind the existing railroad grade to provide an existing berm and also situated behind an existing industrial facility. The project will not impair the County's infrastructure since the facility will not require any public services.

Environmental Inventory

A "Waters of the U.S. Study" (WOUS) was performed by ECS Mid-Atlantic, LLC (ECS) dated September 9, 2020, and a supplemental report by Labella Associates, D.P.C. (Labella) on March 13, 2023. The studies have been submitted for your review, see **Appendix E**. No wetlands and streams were identified within the project's area, or immediate vicinity.

Additionally, a "Phase I Environmental Site Assessment" was performed ECS dated September 24, 2020, for the site. The assessment concluded that there is no evidence of recognized conditions for the site.

Labella also performed a Threatened and Endangered (T&E) Species database review dated April 2023 for the site. Based on the results on this Environmental Protected Resources Desktop Assessment Northern long-eared bat may periodically occupy the Study Area. As part of the Interim Consultation Framework process which fulfills Section 7 consultation requirements for Northern Long-Eared Bat, on behalf of Wayne Avenue Solar 2, LLC. LaBella answered questions through the IPaC determination key (**Appendix A**). Based on the answers provided, the determination of Project activities "may affect, but not likely to adversely affect" northern long-eared bats. Unless USFWS comments within 15 days of the issued determination key letter, the Project is not likely to result in unauthorized take of northern long-eared bats.

No DWR state-listed species' observations were identified within a 2-mile radius of the Study Area. Adverse risk and impacts to state-listed species or habitats for DWR and DCR resources as well as bald eagle nests appear low at this time. The studies mentioned have been submitted for your review, see **Appendix F**.

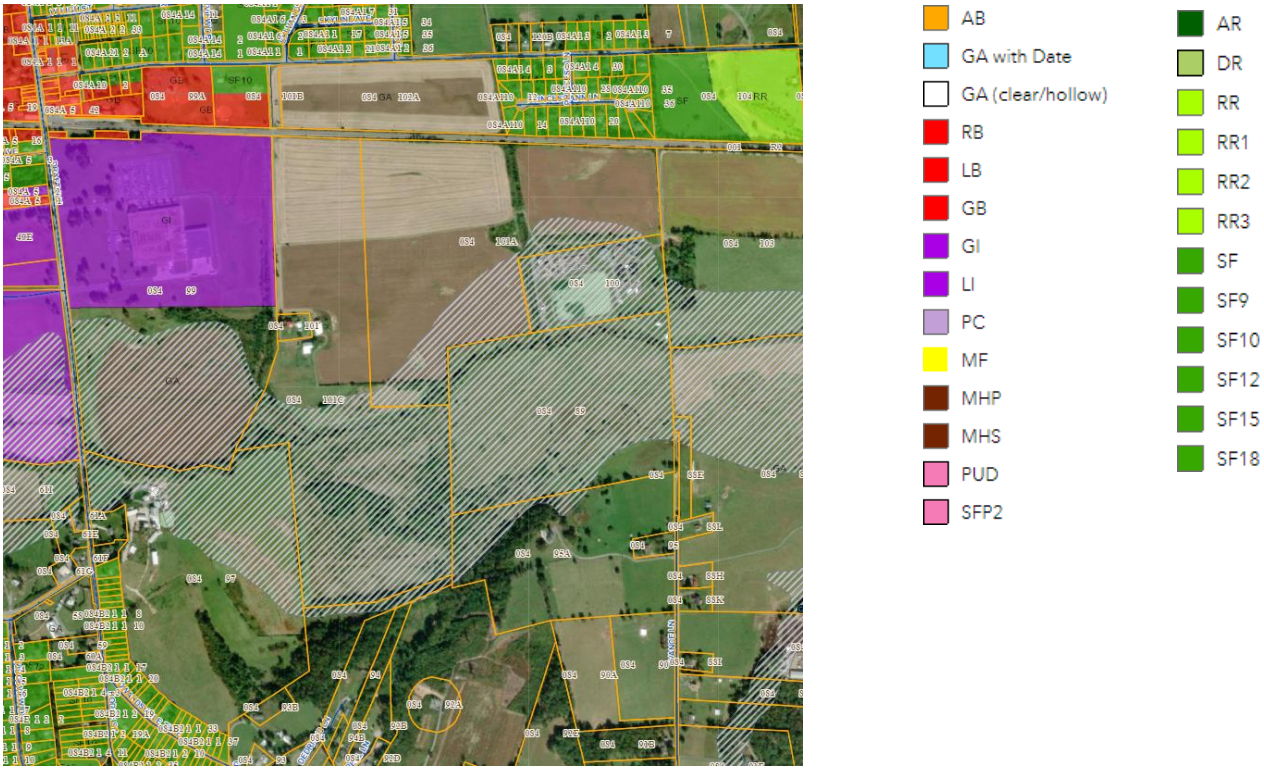
Federal Management Agency (FEMA) mapping indicates the site is located within Map ID 51015C0519D. The map indicates that the southern portion of the property along the river is within the floodplain area. The floodplain limits are identified on the civil drawings included with this application. Development is not proposed within the floodplain areas. LaBella performed a preliminary cultural resources assessment of this and the abutting eastern parcel and concluded that there are no eligible recorded archaeological sites on-site. The study has been submitted for your review, see **Appendix F**.

Overlay Districts and Comprehensive Plan

The project falls under the Floodplain Overlay District, Storm Water Protection Overlay District, and Urban Service Overlay District. The purpose of the ***Floodplain Overlay District*** is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, the impairment of the tax base, and to qualify Augusta County properties for the national Flood Insurance Program. The lots are not entirely encompassed by the Floodplain Overlay District, and the intent is to propose development outside of the overlay district. Development is not proposed within the floodplain areas.

The purpose of the ***Urban Service Overlay District*** is to recognize those areas in which the county has a substantial investment in facilities and other resources to provide an urban level of public service to its citizens. The development will have little to no impact in the Urban Service Overlay District because no new access is proposed on to a public street.

The purpose of the ***Storm Water Protection Overlay (SWPO) District*** is to protect public health, safety and welfare by preventing adverse impacts due to contamination of water or loss of water in aquifers which currently serve as groundwater supply source. The western portion of the Site is mostly affected by the SWPO District, and it falls under area 2. Per section 25-515 and 517 the proposed use is neither explicitly allowed nor prohibited. The existing use of the site is agricultural (actively cultivated). The proposed solar use will function in a similar manner. The solar panels will be elevated several feet above the ground and a low-level ground cover planting will be allowed to grow beneath them. Stormwater will be allowed to run freely beneath the panels and into the soil. There will be a minimal amount of grading associated with the solar farm, essentially to facilitate necessary stormwater and erosion control items in accordance with state and local regulations.



ording to the USDA Natural Resources Conservation – National Cooperative Soil Survey, the majority of the site doesn't lie within ***Prime Farmland***. 65% of the land does not have soil associated with prime farmland. While the project will involve the addition of solar panels, it is intended to be a temporary land use for the term of its lease. Upon completion of its useful life, the solar farm will be decommissioned and the land restored to its original pre-project condition. Refer to the section Decommissioning Plan below for additional information.

Fiscal Impact Analysis

The proposed solar facility will be constructed using private funds and there is no public infrastructure required to support the facility. As such, there will be no capital, operations, maintenance, or replacement costs for public facilities needed to service the project.

The project will not displace/terminate any current employment directly associated with the installation of the project on the property. The remaining areas and abutting fields owned by the landowner will continue to operate. The project will generate some temporary employment within the region during construction and a few long-term opportunities associated with operation and maintenance of the facility.

In 2022 the General Assembly of Virginia adopted § 58.1-2606.1, so Virginia Counties, including Augusta County, can assess solar projects 5 MW or less for real estate tax and personal property tax through either M&T step down or Revenue Share. Currently, projects will be assessed by M&T step down as the County does not have Revenue Share adopted in the ordinance. The proposed solar project will generate an estimated $191,854.15 in additional taxes to the County over the expected lifespan of the system. New Leaf has contacted the Commissioner of Revenue to confirm our calculations, so this estimate may become more refined. The increased taxes come from the rollback payment, real estate taxes with the solar project and personal property taxes on the solar project. The personal property tax assessment is currently an estimate.

Visual Analysis / Community Meetings

The project is intended to minimize ***Visual Impacts*** to the surrounding community. The solar farm has been sited approximately 700 feet away (south) from Wayne Avenue and over 1,000 feet from the Princess Ann Lane residential properties, south of the existing railroad tracks, and behind the Hollister Incorporated industrial plant. **Appendix C** summarizes our Community Outreach efforts. We intend to hold a second community meeting in person before the first public hearing. We have received both support and opposition for the project. One of the residents in opposition resides across the street from the project, along Wayne Ave. The Landscape Visual Exhibit Section B-B within **Appendix D** depicts how the project's proposed landscape buffer/screening will impair the resident's view of the project while maintaining the view of the Blue Ridge Mountains. The project is situated lower than the residence and the Blue Ridge Mountains are situated above the resident's horizon, which will allow for our landscape to adequately screen the panels without obscuring her intended view of the mountain range with the sky as the background.

The project's landscape buffer will be provided on the north and west sides of the solar farm. The eastern side does not include landscaping since it will abut the previously approved Wayne Ave East Solar Facility and it meets the Alternative compliance section under Buffer section. The buffering will be designed in coordination with local guidelines and staff input utilizing native species. Pollinator species will be considered within buffering and ground cover beneath panels where feasible.

Decommissioning Plan

Concurrent with the submittal of the final site plan, the owner of the Facility shall submit to the County an estimate of the decommissioning costs as outlined in Augusta County Code

Section 25-70.10, as amended. The costs will be based on an Engineer's Opinion of Probable cost, which incorporates labor, equipment, mileage, and haul rates based on VDOT Bid Price List and Wage Rates Index for the State of Virginia. Before pulling the building permit, Wayne Ave Solar 2, LLC will post the Decommissioning bond for the County approved amount. Upon the project reaching the end of its life cycle/lease term, initial 20 years with option for 5-year incremental extensions for up to a total of 40 years the project's improvements will be removed and the land will be reverted to its pre-construction condition/use. The landscape buffer within the field areas will be cut and stumps removed. The foundations, subsurface utility lines, poles, concrete pads, electrical lines, fencing and access road will be removed and recycled or disposed of in accordance with waste management regulations. Please refer to the attached Decommissioning Plan and Estimate within **Appendix H** for an analysis of our estimate on the total cost of decommissioning the site and restoring it to pre-construction conditions based on the Zoning Plans.

Estimated Construction Schedule

If the Special Use Permit is granted by the County, Wayne Ave West proposes to submit ministerial permit applications by Q3 2024, aiming to have permits in hand by Q2 2025. The facility would be constructed and commissioned by Q4 2025 and fully operational by the end of 2025.

DATE: August 18, 2023

TO: Elizabeth M Goodloe, Planner 1
Community Development Department
Augusta County
P.O. Box 590
Verona, VA 24482
Phone: 757.357.9206

RE: Response to County of Augusta Staff Report - Wayne Ave Solar 2, LLC
Staff Draft Report: 8-9-23
Wayne Ave Solar 2, LLC
Stuarts Draft, Virginia

Dear Ms. Goodloe,

We are in receipt of the Staff Draft Report dated August 9, 2023, for Wayne Ave Solar 2, LLC – Augusta County – VA DG. The Staff Report are presented below in *ITALICS* and our responses/supplemental information to the comments are presented in **BOLD** text.

New Leaf Energy

Applicant has rearranged our response letter to address the section "Issues That Need To Be Addressed" on Page 15 of the Staff Report first, followed by our suggested red lines to the Pre-Conditions and Operating Conditions on Page 21. The remainder of the letter is responses/supplemental information to provide further clarity to the Staff's Analysis.

ISSUES THAT NEED TO BE ADDRESSED

Staff encourage the applicant to address the below issues in their application prior to final submission of the project for public hearing.

- *Adherence to Policy 1: Economy- The applicant is encouraged to offer additional information demonstrating how many of the construction and maintenance jobs associated with this project will be filled with local workforce and the estimated value of the construction materials to be obtained locally.*
    - **See Enclosure – Economic Impact Assessment**
    - **This section of the report noted that certain solar energy facilities under 5 MW are eligible for an exemption from state and local taxation. The applicant wanted to clarify that the Tax Code was amended in 2022 and per § 58.1-2606.1, solar projects of 5 MW or less are subject to personal property tax in addition to real estate tax and rollback payments.**

- *Adherence to Policy 5: Visual Impact- With regard to the proposed alternative compliance from the County Ordinance along the east side where the project would sit adjacent to an approved solar facility, the Planning Commission and Board of Zoning Appeals will need to decide if this will be sufficient to mitigate the project's visual impacts.*
    - **Applicant will provide Photosimulations and Digital Renderings to the County prior to the first Planning Commission meeting in October to accurately illustrate the landscape buffering, which should mitigate the project's visual impacts. Applicant believes screening between the two solar projects is not required as the facility is unmanned and shares the same property line. This will not have an effect on the non-participating adjoining parcels since screening is provided along the outsider perimeter of the projects. Additionally, applicant anticipates to mimic Wayne Ave Solar 1, LLC's (SUP 21-64) approved landscape screening & buffering features to ensure continuity with both projects to further enhance uniform screening.**
- *Adherence to Policy 7: Compact, interconnected development- The Transportation Plan of The Stuarts Draft Small Area Plan designates an area for a future shared greenway as a plan of action to implement the small area's vision for interconnectivity. The greenway is proposed to encompass parcels along the railroad, including 084 101C. While the proposed greenway is presently a concept, if solar were to be developed there, it could alter the location of the proposed greenway, delaying construction.*
    - **Applicant acknowledges that while the Greenway Plan is still conceptual in nature, the applicant's proposed facilities improvement's leave an approximate 40-foot-wide corridor between the designated project area and the Norfolk Southern Railroad ROW, which is consistent with the width provided on the previously approved Wayne Ave Solar 1, LLC (SUP 21-64). Additionally, Fitzgerald's are agreeable to providing a greenway thorough their property and working with the County on the proposal.**
- *Adherence to Policy 10: Resource considerations, f. Historic and archaeological resources- The Virginia Department of Historic Resources, DHHR, have recommended the Miss Hannah Forrer house located at 147 Wayne Ave as potentially eligible for the National Register List. The applicant is encouraged to provide ways to mitigate any effects towards the eligible house for future landowners.*
    - **Applicant has conferred with Fitzgerald's regarding historic mitigation measures for their potentially eligible home (147 Wayne Ave). The parcel has recently been subdivided, and the potentially eligible home is on an adjacent property, outside of the project's area, and will not directly affect the outbuildings of the potentially eligible home. To mitigate any potential indirect effects to the potentially eligible home and/or future owners of the residence. The applicant consulted with Fitzgerald's (resident of the home), and additional trees/shrubs will be planted along portions of the property line at their discretion.**

New Leaf Energy

In a means to provide ease of navigation and conciseness of the Staff Draft Report, NLE will be solely addressing the areas that require clarification under the *Pre-Conditions* and *Operating Conditions*. It is to be understood that NLE concurs with the provided Staff recommendation of conditions if no amendment to the condition(s) is provided below.

Pre-Conditions:

1. *Landscaping Plan. The Applicant shall submit a proposed landscaping plan for each perimeter of the Facility (outside all fenced areas) to the Zoning Administrator and/or his/her designee for review and approval as part of the full site plan, which shall be in general conformance with the landscaping plan submitted with the Concept Site Plan. The following conditions shall govern the installation of landscaping in accordance with the landscaping plan:*

    e. *A surety agreement for landscape maintenance in a form acceptable to the County Attorney shall be submitted and approved prior to the issuance of any building permits. The amount of the surety shall be determined by an independent landscape architect selected and reasonably compensated by the Applicant but approved by the Zoning Administrator and/or his/her designee. The amount of the surety shall be equal to a reasonable estimate of the amount needed to establish, and following establishment, to maintain the landscaping required by the approved landscaping plan for two (2) years after initial installation. Once the landscaping has been successfully established, the surety amount will be reduced to that amount required for two (2) years of maintenance thereafter. The surety will be released only after* **four (4) years of maintenance is completed** ~~*decommissioning is complete.*~~

    Applicant notes that the requested change above is consistent with the approved condition for Wayne Ave Solar 1, LLC.

2. *Decommissioning Plan. Concurrent with the submittal of the final site plan, the owner of the Facility shall produce to the County a Decommissioning Plan as outlined in the Augusta County Code Section 25-70.10, as amended. Any structure or equipment associated with the Facility that is not operating for a continuous period of 12 consecutive months shall be subject to decommissioning, per Augusta County Code Section 25-70.10, as amended. Within* ~~*6 months*~~ **365 days** *of the date of abandonment or discontinuation, the owner or operator shall complete the physical removal of the solar energy project and site restoration. This period may be extended at the request of the owner or operator, upon approval of the Board of Zoning Appeals. Periods during which the Site is not operational for maintenance, repair, or due to catastrophic events beyond the control of the Applicant, during which the Applicant works diligently to return the Site to full operating status, shall not trigger the Decommissioning requirements herein. The Applicant must provide written notice and evidence of the above to the Zoning Administrator during the period in which the Solar Facility is not fully operational. Such notice shall identify the last day on which the Site was fully operational. Regardless of the efforts of the Applicant to return the Solar Facility to full operational capacity, if the Solar Facility does not operate as a solar energy facility collecting and storing energy and*

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newleafenergy.com

transferring and distributing it to the Grid after the catastrophic event, for a period of two (2) years the Special Use Permit shall be rendered void and the Applicant shall commence Decommissioning no later than the 730th day after the last day the Site was fully operational.

Applicant notes that the requested change above is consistent with the approved condition for Wayne Ave Solar 1, LLC.

3. *Decommissioning Estimate. Concurrent with the submittal of the final site plan, the owner of the Facility shall produce to the County an estimate of the decommissioning costs as outlined in the Augusta County Code Section 25-70.10, as amended, and/or detailed below (the more stringent shall apply), by line item and the surety guaranteeing the payment of those costs and the decommissioning work. The estimate shall be signed and sealed by a third-party engineer licensed in Virginia. The decommissioning cost estimate shall include, at least, the following delineated by line item:*

    k. Costs must assume an increase in labor and equipment costs of two percent (2%) a year every year until the completion of decommissioning and must assume commencement of decommissioning after year ~~thirty-five (35)~~ **forty (40)** *of operation.*

Operating Conditions:

1. *Local Subscribers –* **If the project secures a place in the Shared Solar program, p**~~*P*~~*rior to beginning commercial operation of the utility-scale solar facility, the Applicant shall work in good faith and use its best efforts to identify residents of Augusta County, Virginia and its incorporated towns to voluntarily subscribe to its community solar program ("Local Subscribers"). Outreach efforts to Local Subscribers may include, among others, advertising in a local newspaper of record and hosting informational community meetings. The Applicant will give notice of such informational community meetings to the County Administrator.*

2. *This Special Use Permit ("Permit") is granted solely for the subject property for operation of a small solar energy system (the "Facility"). This Permit shall be binding on ~~New Leaf Energy, Inc~~* **Wayne Ave Solar 2, LLC** *and any successor-in-interest, including but not limited to any current or future owner, lessee, sub-lessee, and permitted assignee ("Applicant").*

3. *The Permit shall not be assignable by ~~New Leaf Energy Inc.~~* **Wayne Ave Solar 2, LLC** *to a third party absent the written consent of the Board of Zoning Appeals of Augusta County.*

4. *Any document memorializing or relating to the establishment of any successor-in-interest,e.g., lessee, sub-lessee, future owner, permitted assignee, etc., between ~~New Leaf Energy.~~* **Wayne Ave Solar 2, LLC**, *and any such individual or business entity, shall include a recital as to the existence of the Permit, and the duties and obligations of the third party and now successor-in-interest thereunder the Permit, to ensure that successors-in-interest are on written notice of the Permit and*

its terms and conditions. A copy of these conditions shall be recorded in the clerk's office of the Circuit Court for the County of Augusta, Virginia.

23. *Upon completion of the installation of the Facility, ~~Augusta CSG, LLC~~* **Wayne Ave Solar 2, LLC** *shall establish contacts with Augusta County Fire Rescue and Augusta County Sheriff's Office and provide both with an emergency management plan.*

~~*25. Contribution for Public Improvements – The Applicant, and if different than the Applicant, the facility owner and/or operator, shall provide annual substantial cash payments for substantial public improvements in accordance with the provisions of Virginia Code § 15.2-2288.8. The amount of such annual substantial cash payment shall be equal to $1,400 per megawatt as measured in alternating current (AC) generation capacity of the facility as listed in the Applicant's executed Interconnection Agreement with the interconnecting utility ("Contribution Amount"). The Applicant and the County acknowledge and agree that the County may identify in future budget years qualifying substantial public improvements that will be funded by the annual substantial cash payments to be provided by the facility owner and/or operator. The Contribution Amount will increase annually by two percent (2%), beginning on the first anniversary of the first payment of the Contribution Amount. The first payment will be due on or before the date that is 90 days following the commencement of commercial operation of the solar facility. Subsequent payments will be due on each anniversary of the commercial operation date until the solar facility is decommissioned as required by these Conditions. The Applicant, facility owner and/or operator shall provide written notice to the Zoning Administrator within ten (10) business days of when the solar facility commences commercial operation. The payment by the Applicant, facility owner, and/or operator of all annual substantial cash payments until the decommissioning of the solar facility is complete shall be a condition of this permit. The Applicant, facility owner and/or operator shall be jointly and severally responsible for the payment of all annual substantial cash payments required by this condition.*~~

25. Contribution for Public Improvements – The Applicant, or, if different from the Applicant, the facility owner and/or operator, shall provide to the County a one-time cash payment in the amount of $50,000 on or before the date that is 90 days following the commencement of commercial operation of the solar facility. This payment is provided in accordance with the provisions of Virginia Code § 15.2-2288.8.B. The Applicant, facility owner and/or operator shall provide written notice to the Zoning Administrator within ten (10) business days of when the solar facility commences commercial operation. The Applicant, facility owner and/or operator shall be jointly and severally responsible for the payment of the cash payment required by this condition.

Applicant states that for background on the redlines to #25: In 2022, a new tax code was adopted requiring small-scale solar projects (5 MW or less) to pay personal property tax in addition to real estate tax. The requested $1,400/MWac annual payment matches the Revenue Share tax structure. Counties now receive personal property tax from solar projects 5 MW or less through either M&T Tax or Revenue Share. The Revenue Share must be adopted via the ordinance, otherwise personal property tax payments default to M&T tax. Augusta County has not adopted Revenue

Share in the ordinance, so the County will receive personal property tax payments from this project as M&T tax. Therefore, this Revenue Share condition would essentially be a second tax on the project (in addition to M&T) and Wayne Ave Solar 2, LLC could not financially sustain this. However, Wayne Ave Solar 2, LLC can offer an upfront payment of $50,000 - this would be on top of the Real Estate Tax, M&T Tax and rollback payment coming to the County. The updated tax law is here: https://law.lis.virginia.gov/vacode/58.1-2606.1/

AGENCY COMMENTS

VDOT COMMENTS:

VDOT Site Specific Comments:

- *The site's only access appears to be via a private lane from Rte. 639 (Wayne Ave) that crosses the railroad. This same entrance on Wayne Ave has recently been approved for access to the first Wayne Ave Solar, LLC project. The entrance will be adequate for the proposed request as well. In general, a solar facility may generate an initial peak of construction traffic but is expected to generate very little traffic once in operation.*
    - **Understood by applicant – no action required.**

VDOT General Comments:

- *Should the safety, use, or maintenance level of any existing or proposed entrance to a VDOT maintained highway change in the future, VDOT reserves the right to require additional modifications as warranted by the site-specific conditions. If any work is required on VDOT right-of-way, a VDOT Land Use Permit is required. The permit is issued through the Harrisonburg Residency office.*
    - **Understood by applicant – no action required.**

HEALTH DEPARTMENT COMMENTS:

- *The Health Department advises the applicant to research any sewage disposal systems or private well approvals on the parcels and ensure they are not encroached upon or damaged. Solar panels should not be placed over existing drainfields or reserve areas.* For questions or for additional information, the applicant should contact the Central Shenandoah Health District at cshdinfo@vdh.virginia.gov.
    - **Applicant's consultant, AES Consulting Engineers, conducted a physical survey onsite, dated July 24th, 2020, with all public and private utilities located and documented. No public and/or private utilities have been encroached upon or are anticipated to be damaged. Applicant has also verified with the Fitzgerald's (landowners) that there are no drainfields or reserve areas present on site.**

SCHOOL BOARD STAFF COMMENTS:

- *The request for a change of approximately 35 acres from General Agriculture to Special Use Permit for a small scale solar energy system would have no impact on these three (3) schools.*
    - **Understood by applicant – no action required.**

FIRE-RESCUE COMMENTS:

- *Prior to activating the site, all Augusta County Fire and Rescue Departments shall be provided emergency response training by the owner or operator. This training and education must include documentation of onsite material and equipment, proper firefighting and lifesaving procedures, and material handling procedures.*
    - **Applicant anticipates this as a condition of approval and will coordinate with the Augusta County Fire and Rescue Department Training Division. Additionally, a draft Emergency Response Plan will be provided to the county during Site Plan Approval process. A final / approved Emergency Response Plan and training will be provided before commissioning the facility. This will allow for any minor modifications and inclusion of SDS sheets for the installed equipment.**
- *Solar sites should have adequate methods for system shutdown of the electrical equipment to be reviewed by the Fire Chief or his designee. All main power disconnects, as well as all system components that require special attention during an emergency, shall be clearly and consistently labeled on the preliminary site plan submitted with the SUP application and all subsequent site plans.*
    - **Applicant will coordinate with the Fire Chief for review of all methods for system shutdown of the electrical equipment. All main power disconnects as well as system components that require special attention during an emergency are generally co-located on the Electrical Equipment Pad (See Sheet C-2.0). These components will be depicted and labeled on subsequent plans for review. Applicant requests to address this comment in further detail during Site Plan Approval with additional Fire-Rescue coordination.**
- *A knox box or key box shall be provided at all access gates shown on the site plan to be reviewed by the Fire Chief or his designee.*
    - **Applicant agrees to provide a knox box or key box at all access gates shown on the site plan. Applicant anticipates further coordination with the Fire Chief or his designee for review during Site Plan Approval.**
- *All tracking rows must be a minimum of 15' apart at highest tilt for emergency vehicles and responders to have access.*
    - **Applicant agrees to provide 15' of interrow spacing throughout the site for Emergency Vehicle and Responder Access. Applicant anticipates further coordination with the Fire Chief or his designee for review during Site Plan Approval.**

- *A Site Maintenance Plan must be provided including the following: weed control methods, routine mowing and trimming, and other general site maintenance.*
    - **Applicant agrees to provide a Site Maintenance Plan. Applicant anticipates further coordination with the Fire Chief or his designee for review during Site Plan Approval.**

AUGUSTA WATER COMMENTS:

1. *Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Augusta Water Policy. Augusta Water's Policies and Procedures can be found at http://www.acsawater.com/oppm.*
    - **Understood by applicant – Applicant will not require utilization of any of the County's Public Water and Sewer Utilities**
2. *Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Augusta Water review and approval.*
    - **Understood by applicant – Applicant will not require utilization of any of the County's Public Water and Sewer Utilities.**
3. *Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Augusta Water review and approval.*
    - **Understood by applicant – Applicant will not require utilization of any of the County's Public Water and Sewer Utilities.**
4. *There is an existing 6" waterline approximately 1,330'± to the east of the subject parcel.*
    - **Understood by applicant – No action required. The waterline is outside of the projects area.**
5. *There is an existing 21" sewer line approximately 291'± to the south of the subject parcel.*
    - **Understood by applicant – No action required. The sewer line is outside of the projects area.**
6. *There is an existing 6" PRIVATE sewer force main running through the southern portion of the subject parcel.*
    - **Understood by applicant – No action required. The sewer line is outside of the projects area.**

- *NOTE: Without a detailed review of the project site, it appears Augusta Water utilities are well positioned to provide water and sewer service to this property in conformance with the Augusta County Comprehensive Plan. The above comments do not include any analysis concerning Augusta County's Comprehensive Plan or the potential economic impact to Augusta Water. Additional*

comments will be provided to the Augusta County Board of Zoning Appeals under separate cover prior to this application being considered.

- **Understood by applicant – The facility will not support human habitation, and the applicant will not require water or sewer services. Applicant is requesting the County to allow the applicant an opportunity to review and respond to any further comments, questions or concerns provided by Augusta Water to the Planning Department and Boards.**

ENGINEERING COMMENTS:

Environment Ordinance Considerations

The county will consider all areas under panel to be impervious, though we will consider site specific calculations demonstrating some level of infiltration and/or treatment of runoff in the area underneath of the panels and surrounding areas.

- **Understood by applicant – The stormwater associated with the development of the site will comply with the Virginia Stormwater Management Act, including any applicable memorandums/guidance from Virginia Department of Environmental Quality (DEQ). The site's stormwater design will focus on the pre-development vs. post-development rates for various storm events and water quality to ensure the proposed improvements and associated runoff is designed to prevent increased rates to downstream properties/streams. Applicant acknowledges additional coordination with the Engineering department may be required during Site Plan Approval.**

This property drains to South River which is listed on the Virginia DEQ 2022 Impaired Waters List. This impaired segment extends from its confluence with Stony Run downstream to its confluence with the Back Creek. The impaired use is recreation, the specific impairment is E. coli., The sources of the impairment are wildlife other than waterfowl, non-point sources and agriculture. Numerous TMDLs have been approved for this segment for each of the impairments and must be considered by the applicant.

- **Understood by applicant – Applicant will design the facility and its ancillary stormwater BMPs to meet DEQ's requirements within this section of South River to ensure compliance as part of the project's stormwater management plan.**

Additionally, the Augusta County Comprehensive Plan lists the South River – Canada Run watershed as a Priority Watershed for Groundwater Protection due to the presence of karst features and the location of Source Water Assessment Program zones. While infiltration BMPs may not be advised due to the prevalence of karst, it is recommended that water quality treatment be provided onsite vs. purchasing offsite credits.

- **Understood by applicant – Applicant offers that conceptual BMPs located on site are not anticipated to be designed as infiltration basins and will pursue in good faith efforts to address water quality with onsite BMPs in lieu of purchasing offsite credits. The Stormwater BMPs will be designed in accordance with Virginia Stormwater BMPs and will obtain the necessary permits prior to construction.**

Overlay Ordinance Considerations

Portions of this property lie within Zone AE on the FEMA FIRM. Any development on this portion of the property must meet the provisions of the Floodplain Overlay (FPO) Ordinance. New lots must contain a "Buildable Area" outside of the floodplain.

- **Understood by applicant – The project area is situated outside of the Zone AE FEMA Floodplain. No development is proposed on this portion of the property.**

This property lies within of the Urban Service Overlay District (USO) and is therefore subject to the limitations on access to public streets contained in that ordinance.

- **Understood by applicant – no action required.**

Portions of this property lie within Area 2 of the Source Water Protection Overlay (SWPO) District. All provisions of the Source Water Protection Ordinance (SWPO) must be satisfied. Additionally, for Source Water & Recharge Areas, the Comprehensive Plan recommends restriction of land uses that pose a contaminant threat. Additionally, stormwater practices that infiltrate or can contaminate groundwater should be avoided. Water quality treatment and revegetation are recommended.

- **Applicant anticipates the County to find the project in substantial compliance with the standards outlined in Article LI. Source Water Protection Overlay (SWPO) Districts of the Zoning Ordinance. The conceptual BMPs located on site are not anticipated to be designed as infiltration basins. Additionally, a well may be proposed to accommodate sheep during Site Plan Approval, however, the proposed well for livestock will not exceed 10,000 gallons / day (300,000 gallons / month).**

This property lies outside of the Airport Overlay District (APO).

- **Understood by applicant – no action required.**

Subdivision Ordinance Considerations

§21-9.1 Subsection B of the County Subdivision Ordinance addresses street layout and access to adjacent property. Development is required to connect to existing or planned streets and must also provide for access to adjacent property that is located with areas designated in the Comprehensive Plan as Urban Service or Community Development Areas. This property is in the Urban Service Area, with a Future Land Use of Planned Residential. As developed, this property is expected to connect to the adjacent solar facility and ultimately, after decommissioning, planned industrial parcels south of the RR and north of the river.

- **Applicant has reviewed the Comprehensive Plan and the subject parcel is designated as Industrial for Future Land Use 2015. Applicant is requesting the county to re-review and advise (if necessary) based on Future Land Use.**

Natural Resources Recommendations from the Comprehensive Plan

The Augusta County Comprehensive Plan recommends performance standards to protect natural resources. For Urban Service Areas, a riparian buffer of 35 feet on either side of a stream is encouraged, and where feasible, stormwater should not be piped through in a manner to short-cut the buffer. Additionally, floodplain areas should have no habitable structures, but should instead be utilized for greenways & recreation areas.

- **Understood by applicant – As submitted, the site is situated away from all natural resources. Similarly, the project area is situated outside of the Zone AE FEMA Floodplain and does not facilitate any habitable structures.**

For unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends to tie these features in with greenways, active and passive recreation areas and flood plain preservation areas.

- **Understood by applicant – no action required.**

ZONING ADMINISTRATOR'S COMMENTS:

Installing solar panels on approximately twenty-two (22) acres of the property could have a negative visual impact on the single family residential zoned property to the north containing single family residences, and the surrounding General Agriculture zoned property. Staff does not feel the adjoining General Business and General Industrial zoned properties will be negatively impacted.

- **Understood by applicant – Applicant plans to provide buffering matching or similar to the approved Wayne Ave Solar 1, LLC (SUP 21-64) buffering plan in a good faith effort to provide a cohesive viewshed mitigation measure along the northern portion of the project area from the single family residential zoned properties to the north.**

A Special Use Permit meeting the ordinance requirements outlined in Section 25-70.4 is required prior to development of a small-scale energy project.

- **Understood by applicant – no action required.**

The Zoning Ordinance requires a buffer yard to be provided and maintained and landscaped adjacent to any property line. A site plan meeting submittal requirements of Article LXVII "Site Plan Review" including supplemental plans shall be submitted for review prior to Special Use Permit approval.

- **Understood by applicant – Applicant anticipates submitting Photosimulations and Digital Renderings prior to the first Planning Commission meeting in October. Applicant offers that if Staff, Planning Commission and/or Board of Zoning Appeals do not feel that the above referenced Photosimulations and Digital Renderings satisfy the additional requirements of the "Site Plan Review", we would request that Wayne Ave Solar 1, LLC (SUP 21-64) be approved prior, as the proposed (Wayne Ave Solar 2, LLC) project will incorporate the approved landscape screening & buffering features on the adjacent solar facility to maintain continuity across the front of both projects. Applicant also requests that any further details regarding landscape screening & buffering be addressed during Site Plan Approval.**

Enclosed for your review is the Economic and Fiscal Contribution Report that directly addressed "*Adherence to Policy 1, Economy*" based on additional discussion/clarification. Please do not hesitate to contact me should you have any questions or require any additional information at 757.377.2405 or via email at qwood@newleafenergy.com

Sincerely,

New Leaf Energy
Quentin J. Wood, P.E.
Civil Project Engineer II

Enclosures:

Economic Impact Assessment

Economic Impact Assessment
ISSUES THAT NEED TO BE ADDRESSED

- *Adherence to Policy 1, Economy- The applicant is encouraged to offer additional information demonstrating how many of the construction and maintenance jobs associated with this project will be filled with local workforce and the estimated value of the construction materials to be obtained locally.*

New Leaf Energy:

The Fitzgerald family has farmed in August County for 70 years and have farmed the subject property on Wayne Avenue, Stuarts Draft, VA 24477 (Parcel 084 101C) for 47 years. The property is farmed by the property owner's brother, who rotates between corn and soybeans. In early 2023, the landowner subdivided the property from 89 acres to 36 acres.

In 2022 as an 89 acre parcel, the property generated $685 in real estate tax for the County, or $7.69/acre. Applying this logic, in 2023 as a 36 acre parcel at $7.69/acre, this parcel would generate $277 total in taxes to the County.

The proposed 3 MW solar project will generate an **estimated $241,854 in <u>additional</u> taxes** to the County over the expected lifespan of the system. This is through increased taxes from removal of the Land Use exemption for the buffer area and additional real estate taxes on the solar project ($63,921 total), additional personal property taxes for the solar project ($127,933), and a voluntary payment of $50,000 as part of the SUP conditions. These numbers are currently estimates and were sent to the Commissioner of Revenue for confirmation.

The solar project will not require nor impact additional County services in terms of water/sewer, school or housing.

<u>Local Labor and Materials:</u>

Over the life of the project, local labor, materials, and other goods will be needed. As early as construction, it is common to often utilize local contractors for the clearing/landscaping, as they often transition to maintaining the landscape and vegetation in and surrounding the site once operational. While the bulk of materials is sourced from larger manufacturers and the installation of the panels/equipment is often specialized work, the project will still secure some locally sourced materials Gravel, concrete, fill/topsoil material is typically sourced locally and often utilizes local trucks to import the materials to the site. In addition, it is common practice to buy local for miscellaneous materials during construction/operation. Out of the area workers will often stay and eat near the construction site, supporting local businesses.

In general, during construction we anticipate approximately 30-40 individuals to make up the labor force associated with the project. Upon commissioning the site, the permanent labor force will drop to four to six, consisting of a local landscape company, technician and operator. The technician and operators are often local and in general close proximity to the project. In addition, we are exploring having sheep grazing on-site, which would conservatively employ at least one local farmer for the length of the project.

Job Category	Job Type	In-state	Estimated Jobs
Development			
	Legal Support	Yes	2
	Utility Engineers	Yes	2
Pre-Construction			
	Local engineering firm for environmental/stormwater permits	Yes	2
	Land surveyor	Yes	3
	Geotechnical consultants	Yes	5
	Tile examiner (title refresh)	Yes	1
Construction			
	Civil Work	Yes	4
	Module Installation	Likely Yes	10-15
	Electrical work	Likely Yes	10
	Structural work	Likely Yes	8
	Fencing contractor	Yes	4
	Landscaping contractor	Likely Yes	2-3
	Tree removal services, if necessary	Yes	2-4
	Signage	Yes	1
	Traffic Control	Yes	2
	Equipment Storage	Likely Yes	~2
	Office Trailer Rental	Likely Yes	~2
	Dumpster Rental	Yes	~2
	Generator Rental	Yes	~2

	Bathroom and Wash station rental	Yes	~2
	Insurance	Possibly	1
	Performance Bonds company	Possibly	1
Long-Term O&M			
	Electrical contractor	Yes	2
	Landscaping (mowing)	Yes	2

SPECIAL USE PERMIT SET

147 WAYNE AVE, STUARTS DRAFT, VA 24477
3.00 MWAC RATED SOLAR ELECTRIC SYSTEM

GENERAL NOTES

1. THE SPECIAL USE PLAN DEPICTS THE PROPOSED SOLAR FACILITY LOCATION, PROPOSED IMPROVEMENTS WITHIN THE PROPERTY, IDENTIFY AND DEPICT ANY ENVIRONMENTAL RESOURCES THAT ARE AFFECTED OR ADJACENT TO THE FACILITY, AND DEPICT THE DIMENSIONAL REQUIREMENTS/SETBACKS/STANDARDS APPLICABLE TO THE ZONING DISTRICT IN RELATION TO THE PROPOSED IMPROVEMENTS. UPON RECEIVING THE CONDITIONAL USE APPROVAL A FORMAL DESIGN OF THE PROJECT WILL BE PREPARED AND SUBMITTED TO COMPLY WITH THE APPLICABLE REQUIREMENTS AND ANY CONDITIONS IMPOSED BY THE COUNTY AS PART OF THE SPECIAL USE PERMIT.
2. THE EXISTING FEATURES, TOPOGRAPHY, PROPERTY LINES OR BOUNDARIES IS FOR INFORMATIONAL PURPOSES, UNLESS INDICATED OTHERWISE.
3. THE EXISTING FEATURES SHOWN ON THIS PLAN ARE BASED AERIAL PHOTOGRAPHY OBTAINED FROM VIRGINIA GEOGRAPHIC INFORMATION NETWORK (VGIN) AND SUPPLEMENTED BY FIELD SURVEYS PERFORMED BY AES CONSULTING ENGINEERS, MARCH 2023.
4. THE PROPERTY LINES FOR THE SUBJECT PARCEL SURROUNDING THE PROJECT IS BASED ON A BOUNDARY SURVEY. ALL OTHER BOUNDARY LINES DEPICTED WERE OBTAINED FROM AUGUSTA COUNTY'S TAX PARCEL INFORMATION.
5. THE CONTOURS ARE SHOWN AT 2 FOOT INTERVALS AND WERE GENERATED FROM PUBLICLY AVAILABLE LIDAR DATA TO PREPARE A CONCEPTUAL SITE PLAN. THE INFORMATION SHOWN ARE FOR INFORMATIONAL PURPOSES AND WILL NOT BE USED FOR THE DESIGN, MODIFICATION OR CONSTRUCTION OF IMPROVEMENTS TO REAL PROPERTY.
6. A WETLAND AND STREAM INVESTIGATION WAS PERFORMED BY ECS MID-ATLANTIC, LLC SEPTEMBER 2020. A SUPPLEMENTARY WETLAND AND STREAM INVESTIGATION WAS PERFORMED BY LABELLA ASSOCIATES, D.P.C. MARCH 2023. WETLANDS, NO WETLANDS OR STREAMS WERE IDENTIFIED WITHIN THE PROJECT SITE. STREAM AND THEIR ASSOCIATED BUFFERS SHOWN BEYOND THE PROPERTY IS BASED ON GIS DATA OBTAINED FROM VIRGINIA GEOGRAPHIC INFORMATION NETWORK, WHICH INCORPORATE NATIONAL WETLAND INVENTORY AND FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) DATA.
7. THE HORIZONTAL AND VERTICAL DATUMS ARE AS FOLLOWS:
   HORIZONTAL: VIRGINIA STATE PLAN NAD 83 SOUTH ZONE US SURVEY FOOT
   VERTICAL: NAD83
8. UNLESS INDICATED AS EXISTING (E), ALL PROPOSED MATERIALS AND EQUIPMENT SHALL BE CONSIDERED TO BE NEW.
9. ALL EQUIPMENT AND COMPONENTS SHALL BE MOUNTED IN COMPLIANCE WITH THE MANUFACTURER'S REQUIREMENTS, CONSTRUCTION DETAILS, AND/OR PRUDENT INDUSTRY STANDARDS.
10. TO THE EXTENT THAT TRESS AND OTHER FEATURES AFFECT THE SYSTEM'S PRODUCTION, SUCH PRODUCTION MODELING IS BASED ON THE EXISTING APPROXIMATE HEIGHTS AND LOCATIONS RELATIVE TO THE SYSTEM AND MAY BE IMPACTED AS TREES GROW AND OTHER FEATURES CHANGE.
11. THE PROJECT WILL MEET ALL DESIGN STANDARDS AND CRITERIA WITHIN THE AUGUSTA COUNTY CODE – CHAPTER 25. ZONING – DIVISION B. –AGRICULTURE DISTRICTS – ARTICLE VII. – GENERAL AGRICULTURE (GA) DISTRICTS. AND THE AUGUSTA COUNTY COMPREHENSIVE PLAN – 0. UTILITIES (AMENDED JULY 28, 2021) AS OF APRIL 2023 .
12. EXISTING TREES/PROPOSED LANDSCAPING MAY BE FELLED/TRIMMED TO PREVENT SHADING ON THE PANELS. TREES/VEGETATION FELLED DURING OPERATION OF THE PROJECT WILL BE REPLACED IN KIND AT A 3:1 RATIO, OR IN ACCORDANCE WITH THE APPROVED LANDSCAPING PLAN.

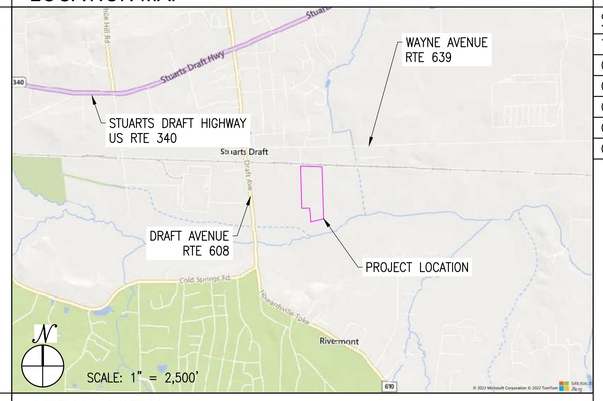
PROJECT SCOPE

THIS PROJECT CONSISTS OF THE INSTALLATION OF SOLAR MODULES PER THE SYSTEM DESCRIPTION, BELOW. THE MODULES WILL BE INSTALLED ON A ATI MOUNTED RACKING SYSTEM. THE MODULES WILL BE WIRED IN SERIES STRINGS AND CONNECTED IN PARALLEL TO THE INVERTER(S), WHICH CONVERT THE PHOTOVOLTAIC OUTPUT POWER FROM DC TO AC. THE SOLAR ELECTRIC SYSTEM WILL BE INTERCONNECTED WITH THE EXISTING SITE ELECTRICAL SYSTEM IN ACCORDANCE WITH THE APPLICABLE ELECTRICAL CODE AND DOMINION REQUIREMENTS.

SYSTEM DESCRIPTION

SYSTEM SIZE (DC STC)	4,517.66 kWDC	SYSTEM SIZE (AC)	3,000 kWAC
MODULES	BFM	INVERTERS(S)	(1) SC4000-UP-US (FACTORY LIMITED TO 3000KW)
STC RATING (W)	610 WDC	PITCH	7.10
MODULES PER STRING	23	AZIMUTH	180
# OF STRINGS	322	TILT ANGLE	±52
RACKING	[79] 4 STRING [2] 3 STRING – ATI DURATRACK HX V3.0	ESTIMATED FOUNDATIONS	~2200

LOCATION MAP



AERIAL VIEW



Sheet List Table

Sheet Number	Sheet Title
T-1	TITLE PAGE
CIVIL	
C-1.0	EXISTING CONDITIONS PLAN
C-2.0	LAYOUT AND MATERIALS PLAN
C-3.0	CIVIL DETAILS
C-4.0	DECOMMISSION PLAN

APPLICABLE CODES AND STANDARDS

2020 NATIONAL ELECTRICAL CODE
2021 INTERNATIONAL BUILDING CODE
2018 VIRGINIA CONSTRUCTION CODE
UL-1703 – SOLAR MODULES
UL-1741 – INVERTERS, COMBINER BOXES
UL-2703 – RACKING MOUNTING SYSTEMS AND CLAMPING DEVICES FOR PV MODULES

PROJECT DIRECTORY

PROPERTY OWNER
FITZGERALD, DAVID W AND ELLEN B
147 WAYNE AVE
STUARTS DRAFT, VA 24477

PROPERTY ADDRESS
147 WAYNE AVE
STUARTS DRAFT, VA 24477

SYSTEM / PROJECT OWNER
WAYNE AVE SOLAR 2, LLC.
55 TECHNOLOGY DRIVE, SUITE 102
LOWELL, MA 01851

AUTHORITY HAVING JURISDICTION
AUGUSTA COUNTY
18 GOVERNMENT CENTER LANE
VERONA, VA 24482

UTILITY
DOMINION

CIVIL ENGINEER
FIRM: NEW LEAF ENERGY, INC dba NEW LEAF ENERGY DEVELOPMENT, INC.
CONTACT: QUENTIN WOOD, PE
PHONE: 978-513-2608

DESIGN ENGINEER
FIRM: NEW LEAF ENERGY, INC dba NEW LEAF ENERGY DEVELOPMENT, INC.
CONTACT: BRUCE SOLOYNA
PHONE: 978-953-2056

GENERAL ABBREVIATIONS

(E)	EXISTING
AHJ	AUTHORITY HAVING JURISDICTION
AL	ALUMINUM
APPROX	APPROXIMATE
ARY	ARRAY
BLDG	BUILDING
BSS	BORREGO SOLAR SYSTEM
CL	CENTERLINE
DAS	DATA ACQUISITION SYSTEM
DIA	DIAMETER
DO	DITTO
EW	EAST-WEST
FBO	FURNISHED BY OTHERS
FF	FORWARD FACING
GALV	GALVANIZED
HDG	HOT DIP GALVANIZED
HVAC	HEATING VENTILATION AND AIR CONDITIONING
ID	INSIDE DIAMETER
MFR	MANUFACTURER
MOD	SOLAR MODULE
NS	NORTH-SOUTH
NTS	NOT TO SCALE
OAE	OR APPROVED EQUAL
OC	ON CENTER
OD	OUTSIDE DIAMETER
OFCI	OWNER FURNISHED CONTRACTOR INSTALLED
PV	PHOTOVOLTAIC
PVC	POLY VINYL CHLORIDE
SCH	SCHEDULE
SS	STAINLESS STEEL
SSS	SOLAR SUPPORT STRUCTURE
STC	STANDARD TEST CONDITIONS
TBD	TO BE DETERMINED
TP	TAMPER PROOF
TYP	TYPICAL
UON	UNLESS OTHERWISE NOTED
VIF	VERIFY IN FIELD
WP	WEATHER PROOF

REV 1.0

BOUNDARY & TOPOGRAPHIC SURVEY:
AES CONSULTING ENGINEERS
JUNE 2021

WETLAND STREAM AND DELINEATION REPORT:
ECS MID-ATLANTIC, LLC
SEPT 2020
LABELLA ASSOCIATES, D.P.C.
MARCH 2023

APPLICABLE BUILDING CODE:
2015 VIRGINIA CONSTRUCTION CODE

WIND CRITERIA:
EXPOSURE CATEGORY: C
WIND SPEED (V): 115 MPH
TOPGRAPHIC FACTORY (K_{zt}): 1.0

SNOW CRITERIA:
GROUND SNOW (P_g): 43 PSF
EXPOSURE FACTOR: (C_e): 1.0
LEADING EDGE HEIGHT 26"

SEISMIC CRITERIA
SITE CLASS: D
S_S: 0.153
S_1: 0.055
S_{DS}: 0.133
S_{D1}: 0.055

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WWW.NEWLEAFENERGY.COM

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QUENTIN JAMES WOOD
Lic. No. 0402064721
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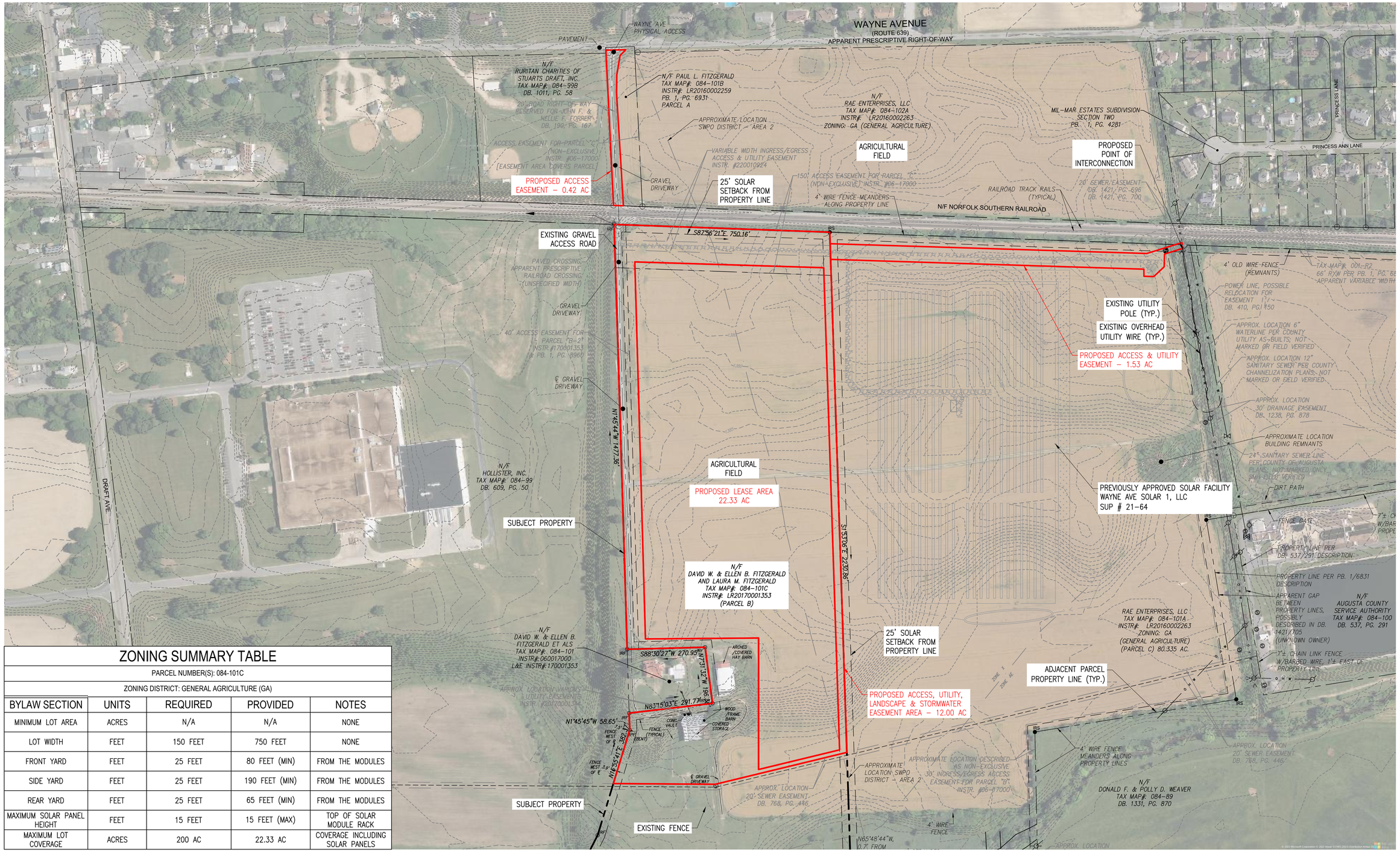
WAYNE AVE VA (WEST)
147 WAYNE AVE
STUARTS DRAFT, VA 24477

PROJECT NUMBER:
111-4613

REV	DATE	DRAWN	CHECKED	RELEASE LEVEL

SCALES STATED ON DRAWINGS ARE VALID ONLY WHEN PLOTTED ARCH D 24" X 36"

T-1
TITLE PAGE



ZONING SUMMARY TABLE

PARCEL NUMBER(S): 084-101C

ZONING DISTRICT: GENERAL AGRICULTURE (GA)

BYLAW SECTION	UNITS	REQUIRED	PROVIDED	NOTES
MINIMUM LOT AREA	ACRES	N/A	N/A	NONE
LOT WIDTH	FEET	150 FEET	750 FEET	NONE
FRONT YARD	FEET	25 FEET	80 FEET (MIN)	FROM THE MODULES
SIDE YARD	FEET	25 FEET	190 FEET (MIN)	FROM THE MODULES
REAR YARD	FEET	25 FEET	65 FEET (MIN)	FROM THE MODULES
MAXIMUM SOLAR PANEL HEIGHT	FEET	15 FEET	15 FEET (MAX)	TOP OF SOLAR MODULE RACK
MAXIMUM LOT COVERAGE	ACRES	200 AC	22.33 AC	COVERAGE INCLUDING SOLAR PANELS

EXISTING CONDITIONS PLAN

SCALE: 1" = 150'

0 150' 300'

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REV	DATE	DRAWN	CHECKED	RELEASE LEVEL

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C-1.0
EXISTING CONDITIONS PLAN

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STUARTS DRAFT, VA 24477

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111-4613

REV	DATE	DRAWN	CHECKED	RELEASE LEVEL

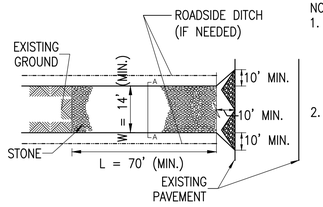
SCALES STATED ON DRAWINGS ARE VALID ONLY WHEN PLOTTED ARCH D 24" X 36"

C-2.0
LAYOUT AND MATERIALS PLAN

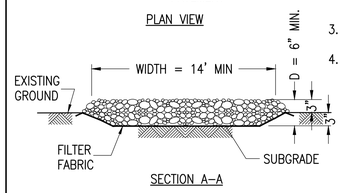
LAYOUT AND MATERIALS PLAN

SCALE: 1" = 150'

0 150' 300'



PLAN VIEW



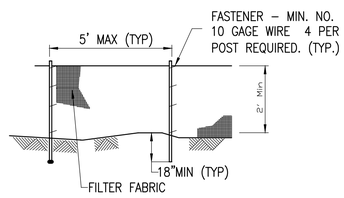
SECTION A–A

NOTES:

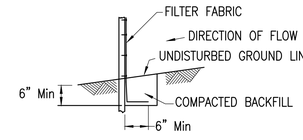
1. FILTER FABRIC SHALL MEET THE REQUIREMENTS OF MATERIAL SPECIFICATION 592 GEOTEXTILE, TABLE 1 OR 2, CLASS I, II OR IV AND SHALL BE PLACED OVER THE CLEARED AREA PRIOR TO THE PLACING OF ROCK.
2. ROCK OR RECLAIMED CONCRETE SHALL MEET ONE OF THE FOLLOWING IDOT COARSE AGGREGATE GRADATIONS, CA–1, CA–2, CA–3, OR CA–4 AND BE PLACED ACCORDING TO CONSTRUCTION SPECIFICATION 25 ROCKFILL USING PLACEMENT METHOD 1 AND CLASS III COMPACTION.
3. SEE PLANS FOR CONSTRUCTION ROAD LOCATION, D AND W DIMENSIONS.
4. MINIMUM WIDTH IS 14 FEET FOR ONE–WAY TRAFFIC AND 20 FEET FOR TWO–WAY TRAFFIC. TWO–WAY TRAFFIC WIDTHS SHALL BE INCREASED A MINIMUM OF 4 FEET FOR TRAILER TRAFFIC. DEPENDING ON THE TYPE OF VEHICLE OR EQUIPMENT, SPEED, LOADS, CLIMATIC AND OTHER CONDITIONS UNDER WHICH VEHICLES AND EQUIPMENT OPERATE AN INCREASE IN THE MINIMUM WIDTHS MAY BE REQUIRED.
5. ROADWAY SHALL FOLLOW THE CONTOUR OF THE NATURAL TERRAIN TO THE EXTENT POSSIBLE.

10 STABILIZED CONSTRUCTION ENTRANCE

SCALE: NTS



ELEVATION



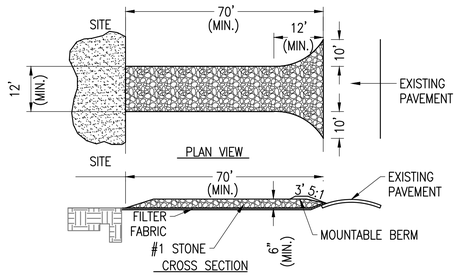
FABRIC ANCHOR DETAIL

NOTES:

1. TEMPORARY SEDIMENT FENCE SHALL BE INSTALLED PRIOR TO ANY GRADING WORK IN THE AREA TO BE PROTECTED. THEY SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND REMOVED IN CONJUNCTION WITH THE FINAL GRADING AND SITE STABILIZATION.
2. FILTER FABRIC SHALL MEET THE REQUIREMENTS OF MATERIAL SPECIFICATION I 592 GEOTEXTILE TABLE 1 OR 2, CLASS WITH EQUIVALENT OPENING SIZE OF AT LEAST 30 FOR NONWOVEN AND 40 FOR WOVEN.
3. FENCE POSTS SHALL BE EITHER STANDARD STEEL POST OR WOOD POST WITH A MINIMUM CROSS–SECTIONAL AREA OF 3.0 SQ. IN.

7 SILT FENCE

SCALE: NTS



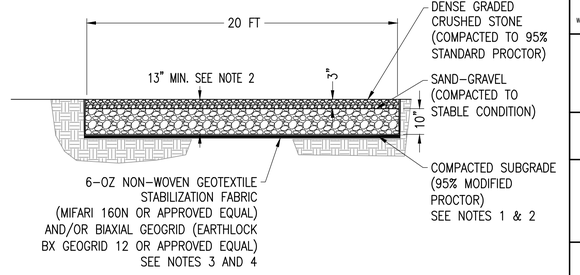
NOTES:

1. STONE SIZE – USE VDOT #1 COURSE AGGREGATE.
2. LENGTH– NOT LESS THAN 70 FEET.
3. THICKNESS–NOT LESS THAN 6 INCHES.
4. WIDTH–NOT LESS THAN 12 FEET WHERE MORE THAN ONE (1) ACCESS POINT TO THE SITE. WHERE ONE (1) ACCESS POINT A MINIMUM OF 24 FEET IS REQUIRED.
5. GEOTEXTILE–SHALL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
6. SURFACE WATER–SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCE SHALL BE PIPED BENEATH THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5: 1 SLOPES WILL BE PERMITTED.
7. MAINTENANCE–THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS–OF–WAY, ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS–OF–WAY SHALL BE REMOVED IMMEDIATELY.
8. WHEN WHEEL WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.
7. ALL ROADS ARE TO MEET VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK CHAPTER 3 STANDARDS.

4 STABILIZED CONSTRUCTION EXIT

SCALE: NTS

XD_CIVIL_TEMPORARY CONSTRUCTION_STABILIZED CONSTRUCTION EXIT_NY 2019–04–02

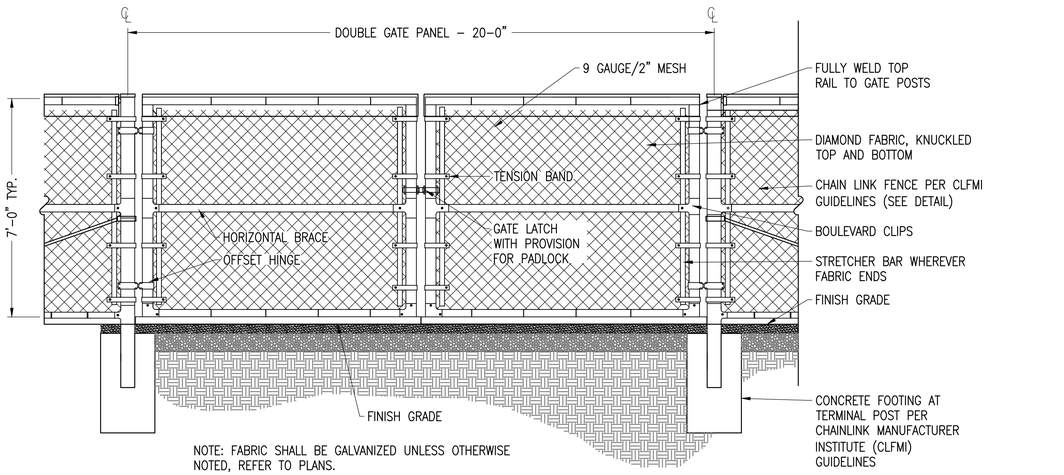


NOTES:

1. SUBCONTRACTOR SHALL EXCAVATE TO SUITABLE MATERIAL FOR SUBGRADE.
2. SUBCONTRACTOR SHALL COMPACT SUBGRADE TO PROVIDE SUITABLE SURFACE TO PLACE ROAD. REFER TO GEOTECHNICAL REPORT FOR SUBGRADE PREPERATION CRITERIA.
3. SUBCONTRACTOR SHALL FOLLOW MANUFACTURER INSTALLATION PROCEDURES.
4. WHERE OVERLAPPING OF GEOTEXTILE FABRIC IS REQUIRED, SUBCONTRACTOR SHALL OVERLAP A MINIMUM OF 24".
5. SUBCONTRACTOR SHALL INSTALL CONDUITS FOR ALL UTILITY CONDUITS, PIPES AND STORMWATER CULVERTS PRIOR TO INSTALLATION OF THE GEOGRID MATERIAL. THE GEOGRID SHALL NOT BE HORIZONTALLY CUT ONCE INSTALLED.
6. ALL ROADS ARE TO MEET VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK CHAPTER 3 STANDARDS.

1 GRAVEL ACCESS ROAD

SCALE: NTS

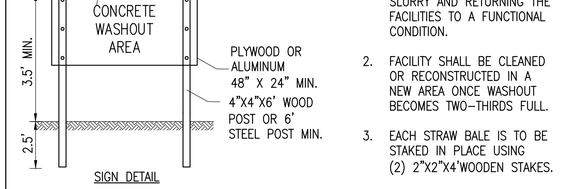


NOTE: FABRIC SHALL BE GALVANIZED UNLESS OTHERWISE NOTED, REFER TO PLANS.

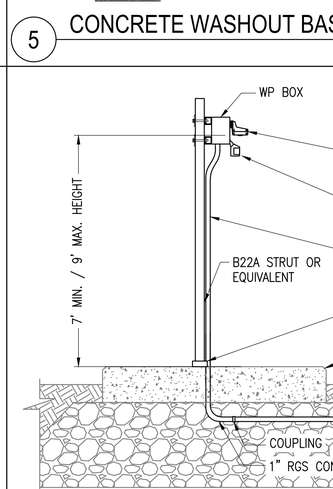
8 VEHICLE GATE

SCALE: NTS

XD_CIVIL_FENCE_VEHICLE GATE_7' OR 8' 07–25–2017



PLAN VIEW



SIGN DETAIL

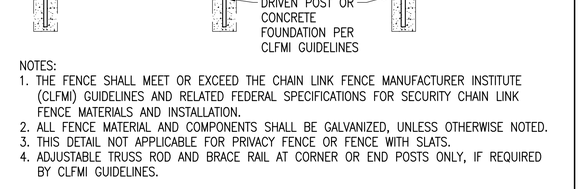
LINER ANCHOR
STRAW BALE ANCHOR SECTIONS

NOTES:

1. MAINTAINING TEMPORARY CONCRETE WASHOUT FACILITIES SHALL INCLUDE REMOVING AND DISPOSING OF HARDEN CONCRETE AND/OR SLURRY AND RETURNING THE FACILITIES TO A FUNCTIONAL CONDITION.
2. FACILITY SHALL BE CLEANED OR RECONSTRUCTED IN A NEW AREA ONCE WASHOUT BECOMES TWO–THIRDS FULL.
3. EACH STRAW BALE IS TO BE STAKED IN PLACE USING (2) 2"X2"X4'WOODEN STAKES.

5 CONCRETE WASHOUT BASIN

SCALE: NTS

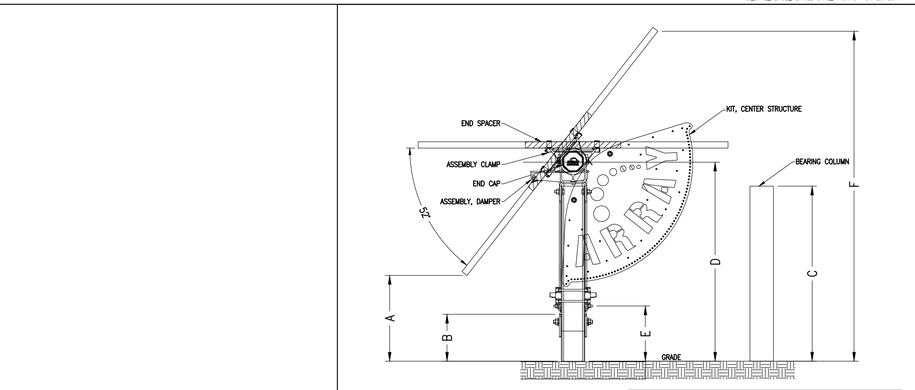


NOTES:

1. THE FENCE SHALL MEET OR EXCEED THE CHAIN LINK FENCE MANUFACTURER INSTITUTE (CLFMI) GUIDELINES AND RELATED FEDERAL SPECIFICATIONS FOR SECURITY CHAIN LINK FENCE MATERIALS AND INSTALLATION.
2. ALL FENCE MATERIAL AND COMPONENTS SHALL BE GALVANIZED, UNLESS OTHERWISE NOTED.
3. THIS DETAIL NOT APPLICABLE FOR PRIVACY FENCE OR FENCE WITH SLATS.
4. ADJUSTABLE TRUSS ROD AND BRACE RAIL AT CORNER OR END POSTS ONLY, IF REQUIRED BY CLFMI GUIDELINES.

2 CHAIN LINK FENCE

SCALE:



A BOTTOM EDGE OF 77" MODULE AT 52° (IN)	B GEARBOX COLUMN (IN)	C BEARING COLUMN HEIGHT (IN)	D CENTER OF ROTATION (IN)	E TO BOTTOM OF DRIVELINE (IN)	F TOP EDGE OF 77" MODULE AT 52° (IN)
32	22	54	60	24	94

NOTE: CLEARANCES HAVE ± INSTALL TOLERANCES.

9 VERTICAL MOUNT MOTOR CLEARANCES

SCALE: N.T.S.

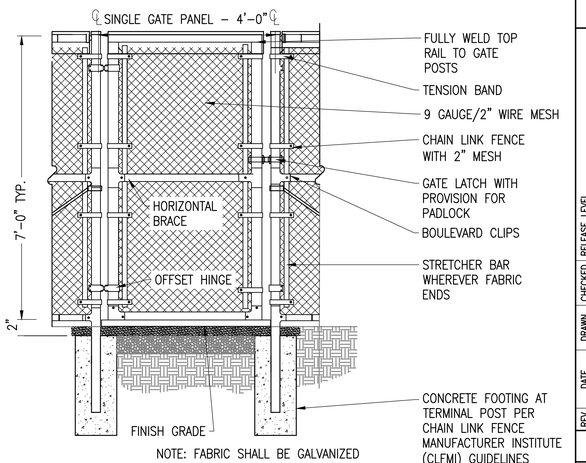
ATI

XD_STRUC_ATI_ARRAY_ELEVATION 2018–02–15

6 LIGHTING MOUNTING - DOWNLIGHT

SCALE: NTS

XD_ELEC_ LIGHT MOUNTING–DOWNLIGHT 2018–06–22 JPL



NOTE: FABRIC SHALL BE GALVANIZED

3 4' WIDE PERSONNEL GATE

SCALE: NTS

XD_CIVIL_SITE CONSTRUCTION_4' WALK THROUGH GATE 07–25–2017

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WWW.NEWLEAFENERGY.COM

COMMONWEALTH OF VIRGINIA
QUENTIN JAMES WOOD
Lic. No. 0402064721
PROFESSIONAL ENGINEER

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WAYNE AVE VA (WEST)
147 WAYNE AVE
STUARTS DRAFT, VA 24477

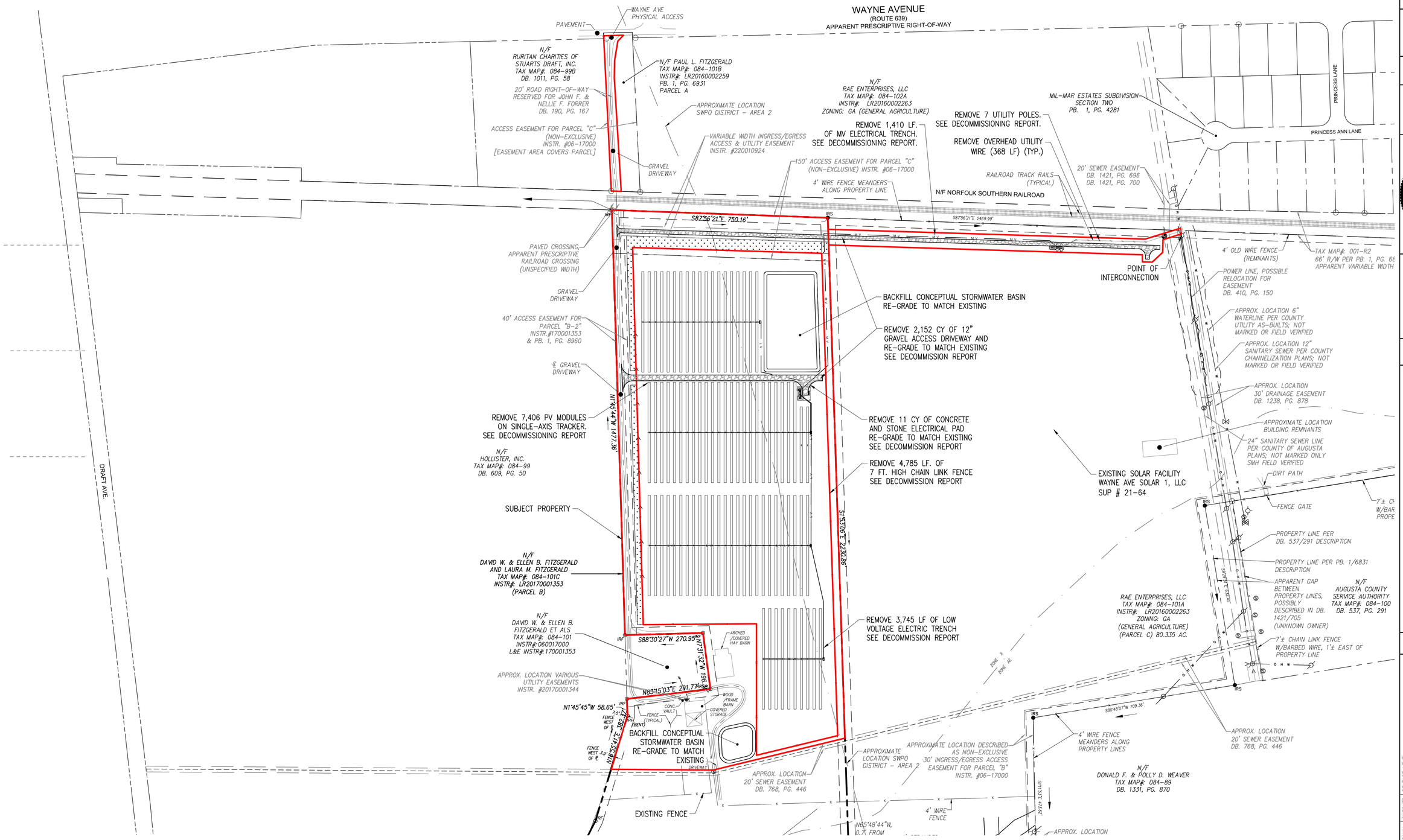
PROJECT NUMBER:
111–4613

REV	DATE	DRAWN	CHECKED	RELEASE LEVEL

SCALES STATED ON DRAWINGS ARE VALID ONLY WHEN PLOTTED ARCH D 24" X 36"

C-3.0

##########



DECOMMISSION PLAN

SCALE: 1" = 150'

0 150' 300'

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WAYNE AVE VA (WEST)
147 WAYNE AVENUE
STUARTS DRAFT, VA 24477

PROJECT NUMBER: 111-4613

REV	DATE	DRAWN	CHECKED	RELEASE LEVEL

SCALES STATED ON DRAWINGS ARE VALID ONLY WHEN PLOTTED ARCH D 24" X 36"

C-4.0
DECOMMISSION PLAN

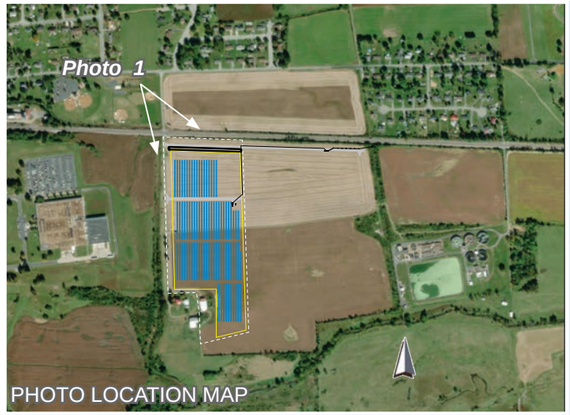


Photo 1 - Schneider Park - **Phase 2**
EXISTING CONDITION

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01’ 29.4907” N, 79° 01’ 38.4215” W
Time:	11:30 AM		
Focal Length:	50 mm	Distance to Fence:	690 feet
Camera:	Canon EOS Rebel T7		

SARATOGA ASSOCIATES

Figure 1
PHOTO SIMULATIONS
147 WAYNE AVENUE
STUART’S DRAFT, VA

new leaf energy

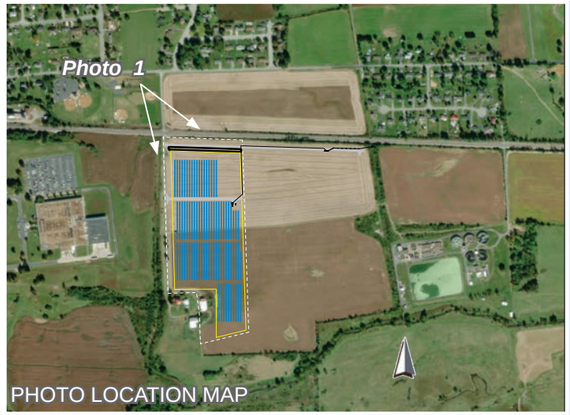


Photo 1 - Schneider Park - **Phase 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 1 GROWTH (TIME OF PLANTING)

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01’ 29.4907” N, 79° 01’ 38.4215” W
Time:	11:30 AM		
Focal Length:	50 mm	Distance to Fence:	690 feet
Camera:	Canon EOS Rebel T7		

SARATOGA ASSOCIATES

new leaf energy

Figure 2

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART’S DRAFT, VA

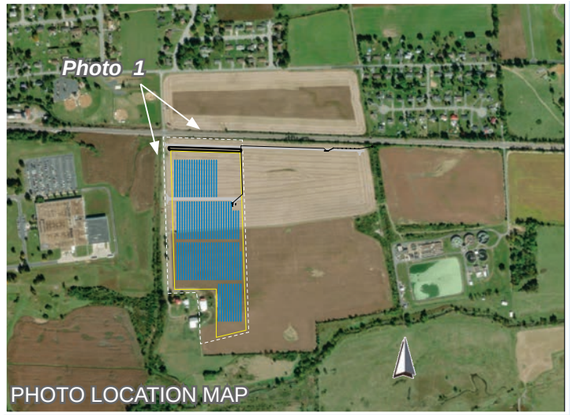


Photo 1 - Schneider Park - **Phase 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 5 GROWTH

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01’ 29.4907” N, 79° 01’ 38.4215” W
Time:	11:30 AM		
Focal Length:	50 mm	Distance to Fence:	690 feet
Camera:	Canon EOS Rebel T7		

SARATOGA ASSOCIATES

new leaf energy

Figure 3

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART’S DRAFT, VA

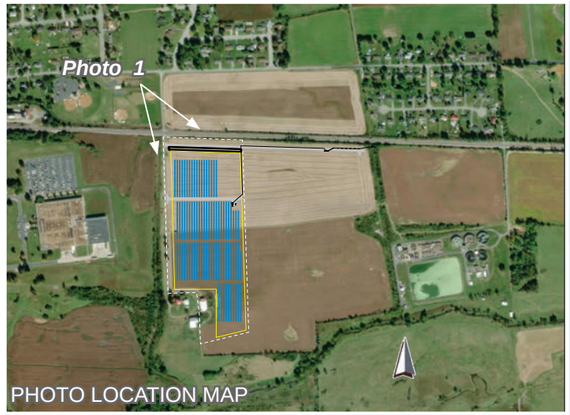


Photo 1 - Schneider Park - **Phase 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 10 GROWTH

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01’ 29.4907” N, 79° 01’ 38.4215” W
Time:	11:30 AM		
Focal Length:	50 mm	Distance to Fence:	690 feet
Camera:	Canon EOS Rebel T7		

SARATOGA ASSOCIATES

new leaf energy

Figure 4

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART’S DRAFT, VA

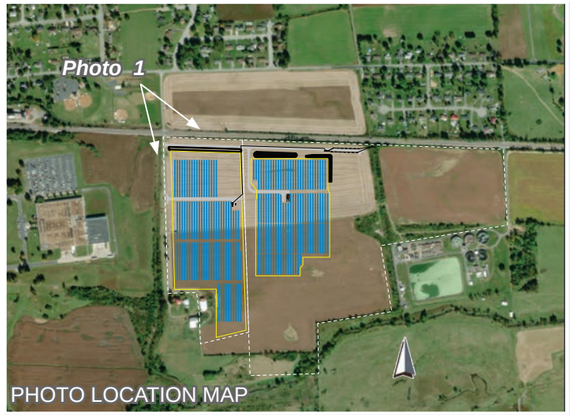


Photo 1 - Schneider Park - **Phases 1 and 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 1 GROWTH (TIME OF PLANTING)

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01’ 29.4907” N, 79° 01’ 38.4215” W
Time:	11:30 AM		
Focal Length:	50 mm	Distance to Fence:	690 feet
Camera:	Canon EOS Rebel T7		

SARATOGA ASSOCIATES

new leaf energy

Figure 5

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART’S DRAFT, VA

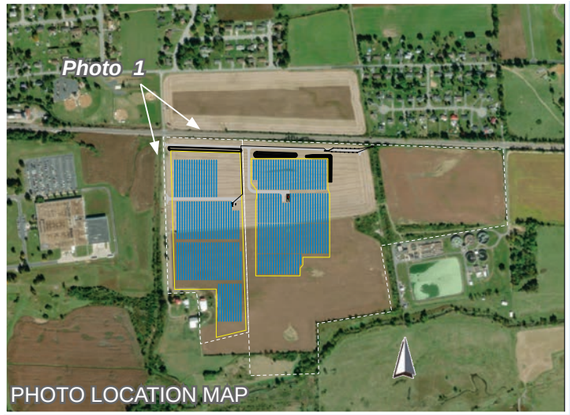


Photo 1 - Schneider Park - **Phases 1 and 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 5 GROWTH

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01’ 29.4907” N, 79° 01’ 38.4215” W
Time:	11:30 AM		
Focal Length:	50 mm	Distance to Fence:	690 feet
Camera:	Canon EOS Rebel T7		

SARATOGA ASSOCIATES

new leaf energy

Figure 6

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART’S DRAFT, VA

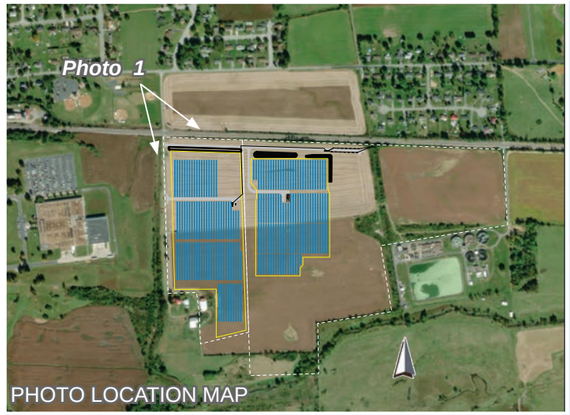


Photo 1 - Schneider Park - **Phases 1 and 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 10 GROWTH

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01’ 29.4907” N, 79° 01’ 38.4215” W
Time:	11:30 AM		
Focal Length:	50 mm	Distance to Fence:	690 feet
Camera:	Canon EOS Rebel T7		

SARATOGA ASSOCIATES

new leaf energy

Figure 7

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART’S DRAFT, VA

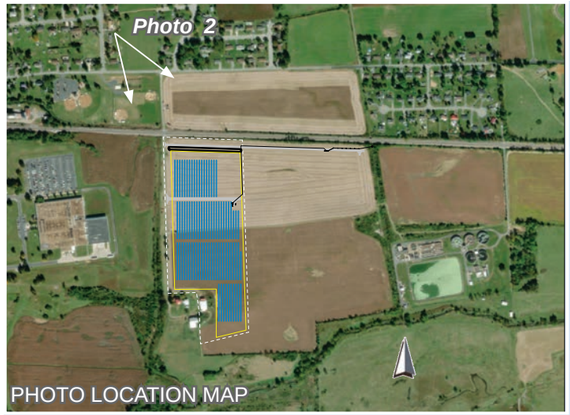


Photo 2- 33 Crestview Drive - Phase 2
EXISTING CONDITION

SARATOGA ASSOCIATES

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01’ 34.5484” N, 79° 01’ 41.7647” W
Time:	11:30 AM		
Focal Length:	50 mm	Distance to Fence:	1270 feet
Camera:	Canon EOS Rebel T7		

new leaf energy

Figure 1
PHOTO SIMULATIONS
147 WAYNE AVENUE
STUART’S DRAFT, VA

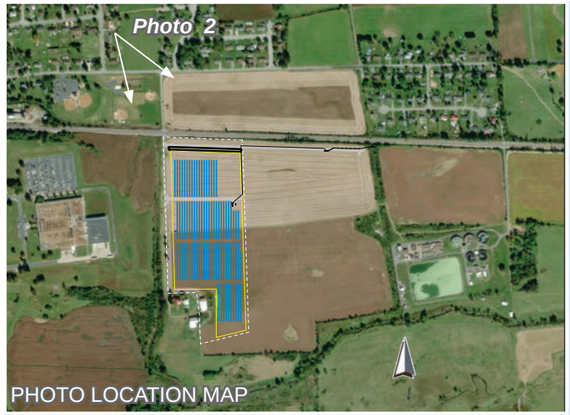


PHOTO LOCATION MAP

Photo 2- 33 Crestview Drive - **Phase 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 1 GROWTH

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01’ 34.5484” N, 79° 01’ 41.7647” W
Time:	11:30 AM		
Focal Length:	50 mm	Distance to Fence:	1270 feet
Camera:	Canon EOS Rebel T7		

SARATOGA ASSOCIATES

new leaf energy

Figure 1

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART’S DRAFT, VA

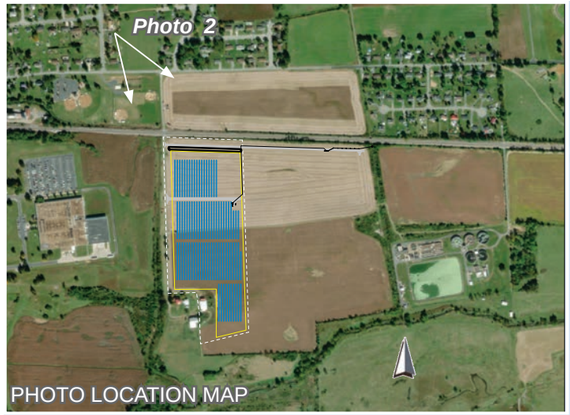


PHOTO LOCATION MAP

Photo 2- 33 Crestview Drive - **Phase 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 5 GROWTH

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01’ 34.5484” N, 79° 01’ 41.7647” W
Time:	11:30 AM		
Focal Length:	50 mm	Distance to Fence:	1270 feet
Camera:	Canon EOS Rebel T7		

SARATOGA ASSOCIATES

new leaf energy

Figure 1

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART’S DRAFT, VA

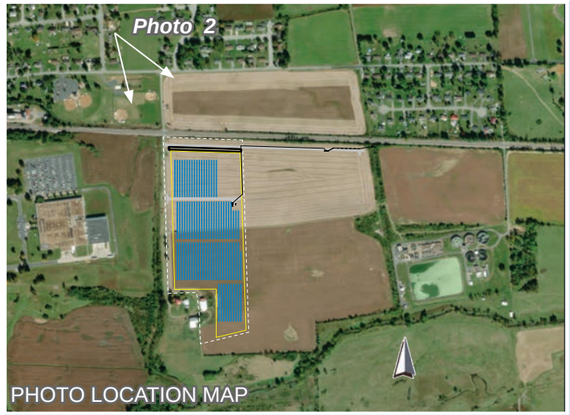


PHOTO LOCATION MAP

Photo 2- 33 Crestview Drive - **Phase 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 10 GROWTH

SARATOGA ASSOCIATES

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01’ 34.5484” N, 79° 01’ 41.7647” W
Time:	11:30 AM		
Focal Length:	50 mm	Distance to Fence:	1270 feet
Camera:	Canon EOS Rebel T7		

new leaf energy

Figure 1

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART’S DRAFT, VA



Photo 2- 33 Crestview Drive - Phases 1 and 2

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 1 GROWTH

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01’ 34.5484” N, 79° 01’ 41.7647” W
Time:	11:30 AM		
Focal Length:	50 mm	Distance to Fence:	1270 feet
Camera:	Canon EOS Rebel T7		

SARATOGA ASSOCIATES

new leaf energy

Figure 1

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART’S DRAFT, VA

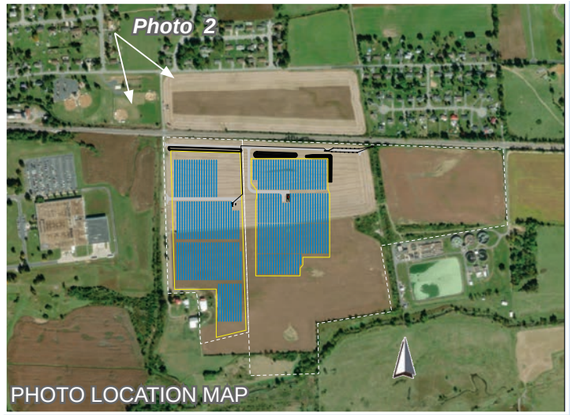


Photo 2- 33 Crestview Drive - Phases 1 and 2

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 5 GROWTH

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01’ 34.5484” N, 79° 01’ 41.7647” W
Time:	11:30 AM		
Focal Length:	50 mm	Distance to Fence:	1270 feet
Camera:	Canon EOS Rebel T7		

SARATOGA ASSOCIATES

new leaf energy

Figure 1

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART’S DRAFT, VA

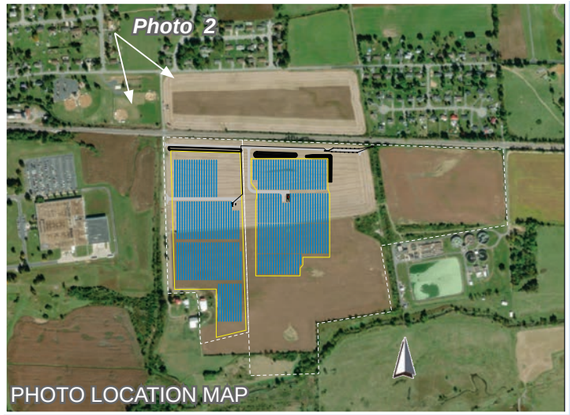


Photo 2- 33 Crestview Drive - Phases 1 and 2

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 10 GROWTH

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01’ 34.5484” N, 79° 01’ 41.7647” W
Time:	11:30 AM		
Focal Length:	50 mm	Distance to Fence:	1270 feet
Camera:	Canon EOS Rebel T7		

SARATOGA ASSOCIATES

new leaf energy

Figure 1

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART’S DRAFT, VA



Photo 3 - 170 Wayne Avenue - **Phase 2**
EXISTING CONDITION

SARATOGA ASSOCIATES

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01’ 30.6557” N,
Time:	12:00 PM		79° 01’ 32.6266” W
Focal Length:	50 mm	Distance to Fence:	750 feet
Camera:	Canon EOS Rebel T7		

new leaf energy

Figure 8
PHOTO SIMULATIONS
147 WAYNE AVENUE
STUART’S DRAFT, VA

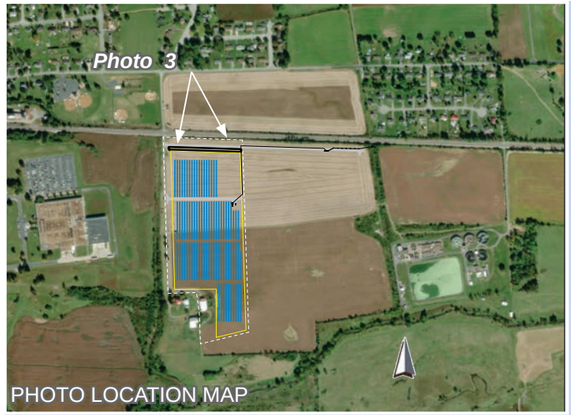


Photo 3 - 170 Wayne Avenue - **Phase 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 1 GROWTH (TIME OF PLANTING)

SARATOGA ASSOCIATES

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01′ 30.6557″ N,
Time:	12:00 PM		79° 01′ 32.6266″ W
Focal Length:	50 mm	Distance to Fence:	750 feet
Camera:	Canon EOS Rebel T7		

new leaf energy

Figure 9

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART'S DRAFT, VA

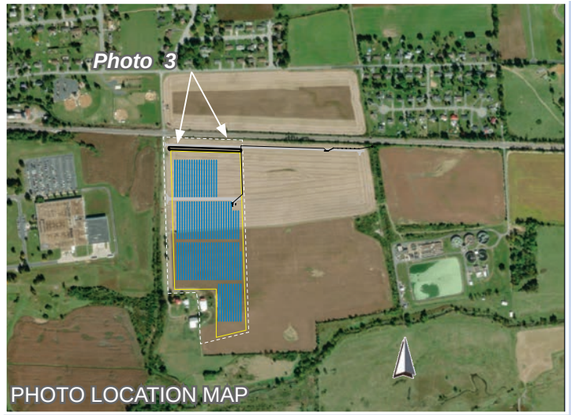


Photo 3 - 170 Wayne Avenue - **Phase 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 5 GROWTH

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01′ 30.6557″ N,
Time:	12:00 PM		79° 01′ 32.6266″ W
Focal Length:	50 mm	Distance to Fence:	750 feet
Camera:	Canon EOS Rebel T7		

SARATOGA ASSOCIATES

new leaf energy

Figure 10

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART'S DRAFT, VA

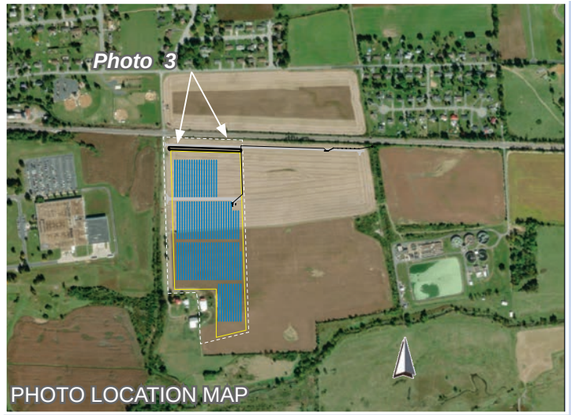


Photo 3 - 170 Wayne Avenue - **Phase 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 10 GROWTH

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01′ 30.6557″ N,
Time:	12:00 PM		79° 01′ 32.6266″ W
Focal Length:	50 mm	Distance to Fence:	750 feet
Camera:	Canon EOS Rebel T7		

SARATOGA ASSOCIATES

new leaf energy

Figure 11

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART'S DRAFT, VA



Photo 3 - 170 Wayne Avenue - **Phases 1 and 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 1 GROWTH (TIME OF PLANTING)

SARATOGA ASSOCIATES

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01′ 30.6557″ N,
Time:	12:00 PM		79° 01′ 32.6266″ W
Focal Length:	50 mm	Distance to Fence:	750 feet
Camera:	Canon EOS Rebel T7		

new leaf energy

Figure 12

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART'S DRAFT, VA



Photo 3 - 170 Wayne Avenue - **Phases 1 and 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 5 GROWTH

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01′ 30.6557″ N,
Time:	12:00 PM		79° 01′ 32.6266″ W
Focal Length:	50 mm	Distance to Fence:	750 feet
Camera:	Canon EOS Rebel T7		

SARATOGA ASSOCIATES

new leaf energy

Figure 13

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART'S DRAFT, VA



Photo 3 - 170 Wayne Avenue - **Phases 1 and 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 10 GROWTH

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01′ 30.6557″ N,
Time:	12:00 PM		79° 01′ 32.6266″ W
Focal Length:	50 mm	Distance to Fence:	750 feet
Camera:	Canon EOS Rebel T7		

SARATOGA ASSOCIATES

new leaf energy

Figure 14

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART'S DRAFT, VA



Photo 4 - 179 Sylvan Drive - **Phase 2**
EXISTING CONDITION

SARATOGA ASSOCIATES

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01’ 32.3397” N, 79° 01’ 34.6687” W
Time:	12:00 PM		
Focal Length:	50 mm	Distance to Fence:	930 feet
Camera:	Canon EOS Rebel T7		

new leaf energy

Figure 8
PHOTO SIMULATIONS
147 WAYNE AVENUE
STUART’S DRAFT, VA



Photo 4 - 179 Sylvan Drive - **Phase 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 1 GROWTH (TIME OF PLANTING)

SARATOGA ASSOCIATES

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01′ 32.3397″ N,
Time:	12:00 PM		79° 01′ 34.6687″ W
Focal Length:	50 mm	Distance to Fence:	930 feet
Camera:	Canon EOS Rebel T7		

new leaf energy

Figure 9

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART'S DRAFT, VA



Photo 4 - 179 Sylvan Drive - **Phase 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 5 GROWTH

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01′ 32.3397″ N, 79° 01′ 34.6687″ W
Time:	12:00 PM		
Focal Length:	50 mm	Distance to Fence:	930 feet
Camera:	Canon EOS Rebel T7		

SARATOGA ASSOCIATES

new leaf energy

Figure 10

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART'S DRAFT, VA



Photo 4 - 179 Sylvan Drive - **Phase 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 10 GROWTH

SARATOGA ASSOCIATES

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01′ 32.3397″ N,
Time:	12:00 PM		79° 01′ 34.6687″ W
Focal Length:	50 mm	Distance to Fence:	930 feet
Camera:	Canon EOS Rebel T7		

new leaf energy

Figure 11

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART'S DRAFT, VA



Photo 4 - 179 Sylvan Drive - **Phases 1 and 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 1 GROWTH (TIME OF PLANTING)

SARATOGA ASSOCIATES

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01′ 32.3397″ N,
Time:	12:00 PM		79° 01′ 34.6687″ W
Focal Length:	50 mm	Distance to Fence:	930 feet
Camera:	Canon EOS Rebel T7		

new leaf energy

Figure 12

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART'S DRAFT, VA



Photo 4 - 179 Sylvan Drive - **Phases 1 and 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 5 GROWTH

SARATOGA ASSOCIATES

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01′ 32.3397″ N,
Time:	12:00 PM		79° 01′ 34.6687″ W
Focal Length:	50 mm	Distance to Fence:	930 feet
Camera:	Canon EOS Rebel T7		

new leaf energy

Figure 13

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART'S DRAFT, VA



Photo 4 - 179 Sylvan Drive - **Phases 1 and 2**

SIMULATED CONDITION - LANDSCAPE MITIGATION: YEAR 10 GROWTH

SARATOGA ASSOCIATES

Photograph Information

Date:	May 31 2023	Photo Location:	38° 01′ 32.3397″ N,
Time:	12:00 PM		79° 01′ 34.6687″ W
Focal Length:	50 mm	Distance to Fence:	930 feet
Camera:	Canon EOS Rebel T7		

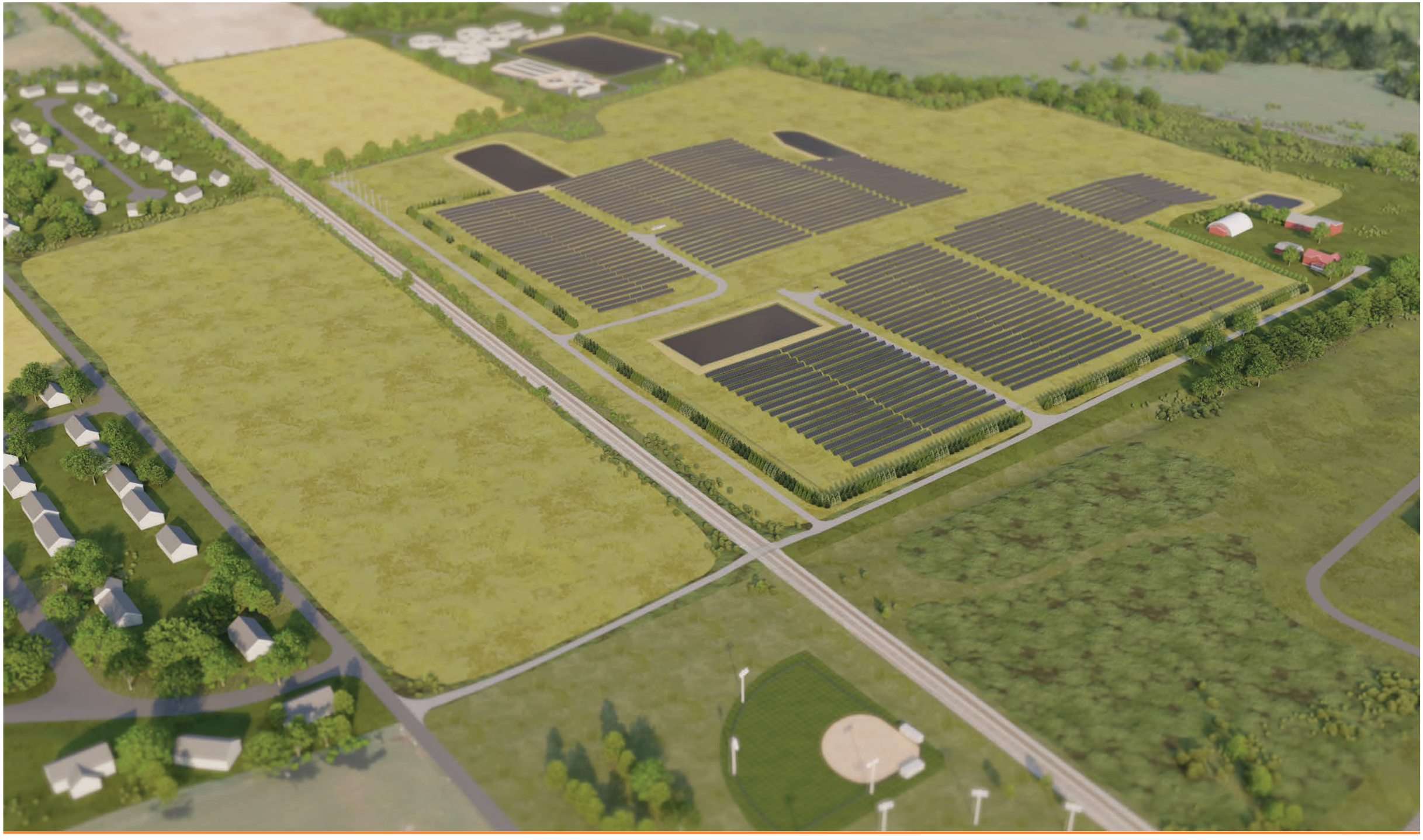
new leaf energy

Figure 14

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART'S DRAFT, VA



Simulated Aerial View

SARATOGA ASSOCIATES

new leaf energy

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART'S DRAFT, VA



Simulated Aerial View

SARATOGA ASSOCIATES

new leaf energy

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART'S DRAFT, VA



Simulated Aerial View

SARATOGA ASSOCIATES

new leaf energy

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART'S DRAFT, VA



Simulated Aerial View

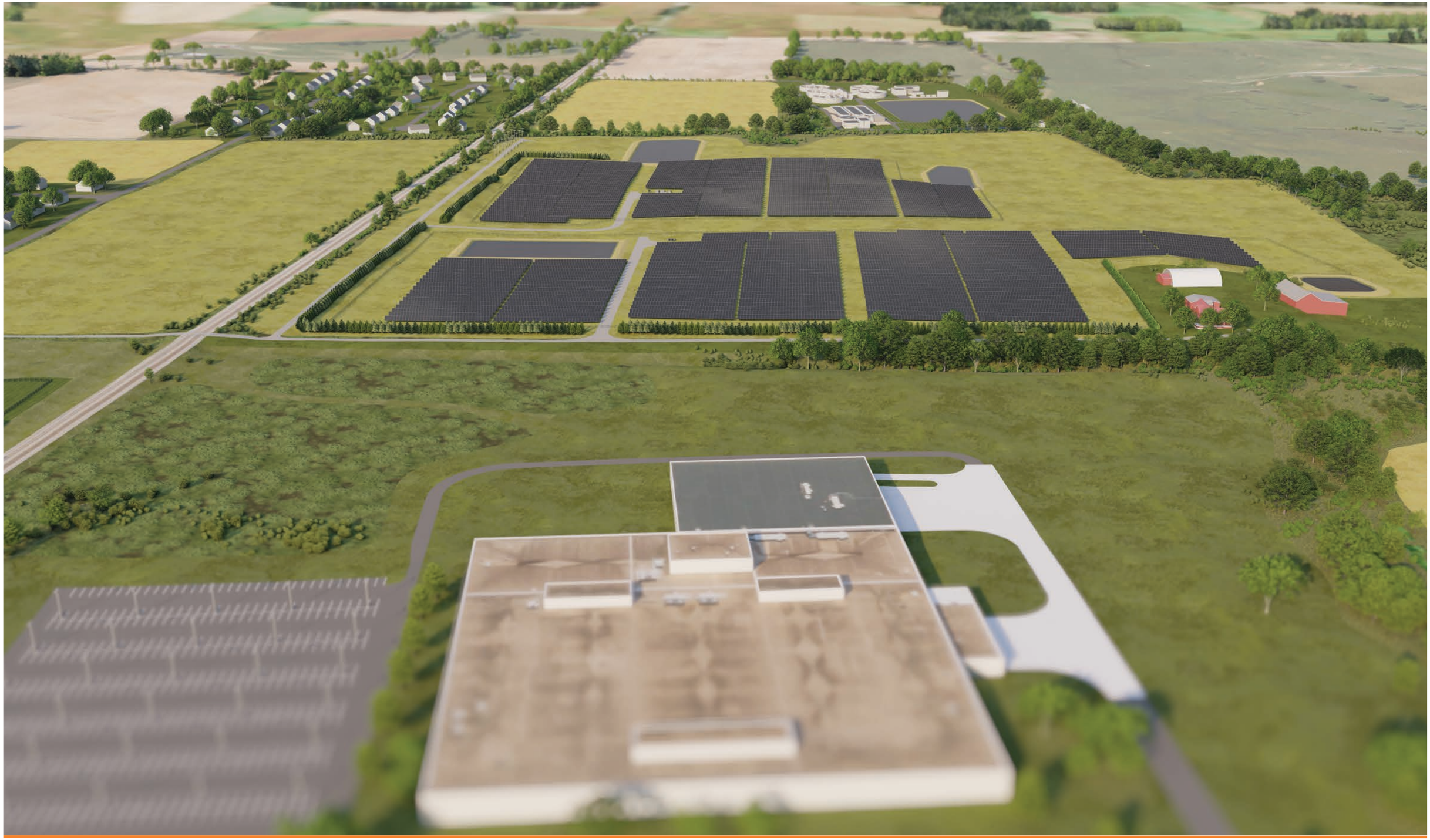
SARATOGA ASSOCIATES

new leaf energy

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART'S DRAFT, VA



Simulated Aerial View

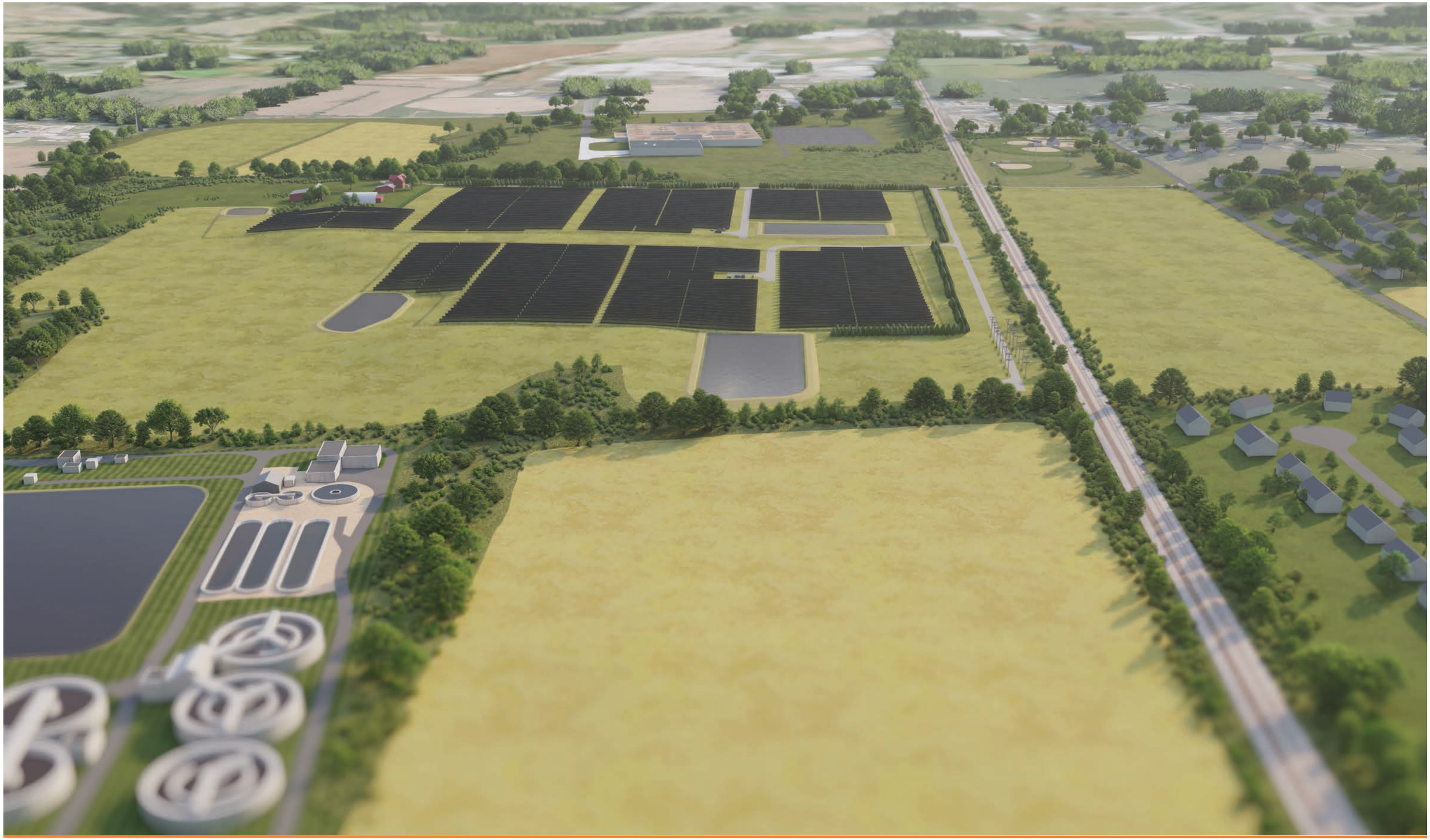
SARATOGA ASSOCIATES

new leaf energy

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART'S DRAFT, VA



Simulated Aerial View

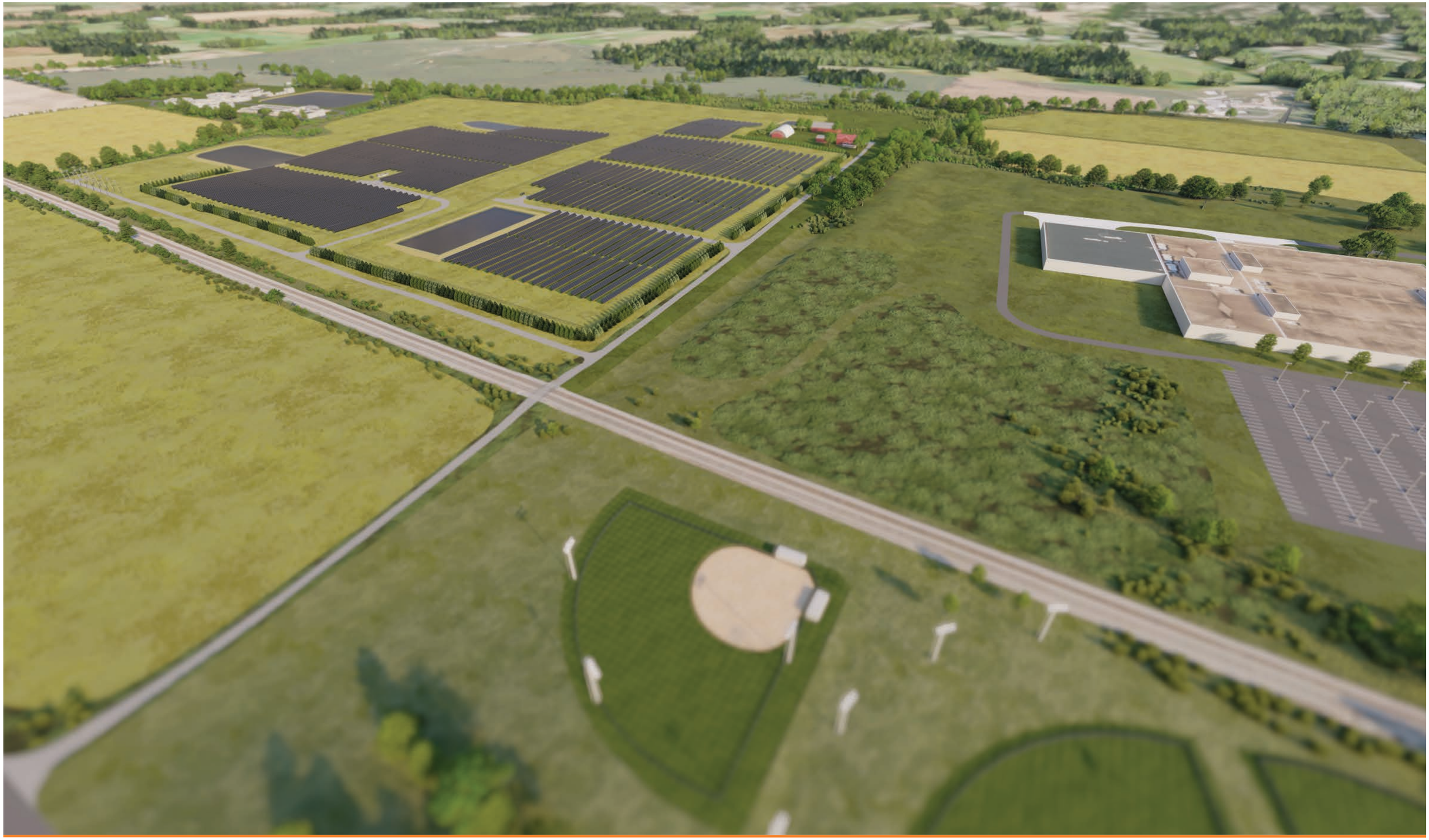
SARATOGA ASSOCIATES

new leaf energy

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART'S DRAFT, VA



Simulated Aerial View

SARATOGA ASSOCIATES

new leaf energy

PHOTO SIMULATIONS

147 WAYNE AVENUE

STUART'S DRAFT, VA

Department of Administration
Memorandum

To: Augusta County Planning Commission
Augusta County Board of Zoning Appeals

Cc: Timothy Fitzgerald, Augusta County Administrator
Augusta Water Board of Directors
Doug Wolfe, Director of Community Development
Julia Hensley, Senior Planner
Elizabeth Goodloe, Planner I

From: Phil Martin, Executive Director PM

Date: October 2, 2023

Subject: Potential Impact of Proposed Wayne Ave Solar 2, LLC Project on Augusta Water Rate Payers

Augusta Water offers the following comments on the request for a Special Use Permit by Wayne Ave Solar 2, LLC to construct and operate a solar energy system (Project) south of Wayne Avenue in the Stuarts Draft Area in an Urban Service Area. Water and sewer infrastructure are located approximately 1,300' to the east on the adjacent property and would require an easement. A 6" water main carries water supplied from the South River zone which has multiple sources, and a 24" sewer main runs to the Stuarts Draft Wastewater Treatment Plant, which has ample unused capacity to handle additional wastewater.

The proposed Project could have a long-term economic impact to the rate-payers of Augusta Water. We have conducted an analysis of this potential impact due to a proposed reduction in future industrial properties available for industrial development and connection to public water and sewer infrastructure over the duration of the project.

Our understanding of the proposed project is that it would remove from potential Industrial development approximately 36.5 acres of property that is currently designated as Urban Service Area. Approximately 1.2 acres of this parcel lies within the 100-Year Floodplain. Approximately 22.3 acres of the parcel are proposed to be within the lease area.

Industrial development creates water and sewer customers for which public water and sewer is currently or can readily be made available. Augusta Water's previous and continued investments in making service available to these properties and maintaining that service, including the 2010 major expansion to the Stuarts Draft Wastewater Plant, are in support of the County's Comprehensive Plan. The aforementioned plant expansion cost our ratepayers $6.3 million, of which approximately $3 million are part of the bond debt that we are still paying off. These investments were made with the projection that water and sewer customers would locate on properties within the relevant service area, thereby recuperating, in part, the ratepayers' investments. Given the size, cost and time of expansions like this, it is imperative that Augusta Water base them on planned land use as envisioned in the Comprehensive Plan.

In analyzing the potential impact to Augusta Water rate-payers, we contrasted potential net revenue if the Special Use Permit for the Project were approved against potential net revenue if this parcel was to be developed as envisioned in the Comprehensive Plan.

Clearly, if the Special Use Permit for the Project is approved, we would expect no new water or sewer customers on this property and therefore no revenue would be generated from water and sewer connections on this property over the next 35 years.

If the Special Use Permit for the Project is not approved, the parcel remains available for development as envisioned in the Comprehensive Plan. As with any projection of future growth, there is the possibility that no development would otherwise occur on this property during the next 35 years. If there is no industrial development on this property during the next 35 years, there would be no revenue and therefore no difference in impact on Augusta Water rate-payers.

However, if industrial development were to occur on this property at any time during the next 35 years (as is anticipated in the Comprehensive Plan), Augusta Water projects that this could generate net revenue of approximately $750,000, depending on when the development occurs. This figure was derived by assuming a customer utilizing a 4" water meter would locate on this property 15 years from now and this customer would use 11,687,000 gallons of water per year for the following 20 years. This usage is based on the average annual usage of all our industrial customers.

Therefore, our analysis indicates the potential impact to Augusta Water rate-payers could be net revenue loss of as little as $0 or as much as $750,000 (or more depending upon then-applicable rates) over 35 years (or roughly $21,430 per year) depending on whether and/or when the parcels are developed as envisioned in the Comprehensive Plan.

In deliberations on the Special Use Permit requested by Wayne Ave Solar 2, LLC, Augusta Water requests the Augusta County Planning Commission and Augusta County Board of Zoning Appeals consider the potential future financial impacts to the rate-payers of Augusta Water as identified in this memorandum.

Best regards

COUNTY OF AUGUSTA
STAFF REPORT

AGENDA SECTION: PUBLIC HEARING

DEPARTMENT: Planning and Community Development

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:
Accept as information

EXECUTIVE SUMMARY:
The proposed district encompasses approximately 4500 acres of land generally lying south of Reeves Road (Route 766), east of North River Road (Route 730), west of Spring Hill Road (Route 613) and north of Moffett Branch Road (Route 739) in the North River District. Any landowner may withdraw their land from the district at the owner's discretion by filing a written notice with the Board of Supervisors at any time before the Board of Supervisors acts on the request. All interested parties are invited to be present.

ATTACHMENTS:
4C-North River Ag Forestal District PC Memo.pdf

MEMORANDUM

TO: Planning Commission

FROM: Michele L. Astarb, Subdivision Administrator

DATE: October 2, 2023

SUBJECT: North River Agricultural and Forestal District - 2023 Renewal

This memo is in reference to the North River Agricultural and Forestal District. The district is set to expire October 22, 2023.

North River Agricultural and Forestal District

The district that we are reviewing presently contains approximately 4,500 acres. Below is the listing of property owners that have requested to be renewed to be in the district:

Daniel and Sarah Hadacek Acres: 183.25	Dallas and Leanna Lam Acres: 112.23
Jerry Beckley Acres:29.830	Props Farm Land, LLC Acres: 398.22
Earl and Jessie Reeves Acres:329.527	Austine Roudabush Acres: 5.480
John K. Roudabush, Jr. Acres: 6.920	Daniel and Carol Kelley Acres: 107.158
Davis/Wine Acres: 50.320	Scenic Hillside Farm, LLC Acres: 136.460
Ernest Reeves Family Acres: 1,430.884	Robbie and Lisa Reeves Acres: 276.905
Rebecca Barlow Acres: 25.025	

The following property owners have requested not to be included in the renewed district. Those property owners are:

At this point I have not had any property owners request to be removed from the district.

The following property owners never responded to renew or be removed:

Aubrey Fuller 123.648 acres
Brian and Krista Rawley 49.144 acres
Franklin and Joyce Evers 143.872 acres
Belle Meade Enterprises 184.833 acres
Alma Humphries, Etal. 202.034 acres
David Gay and Ellen Rawley 48.000 acres
Donald Hall and Susan Medlin 10 acres
Ross and Lydia Good 68.250 acres
Jerry and Louella Martin 3.220 acres
Fay Swope (Life) 279.542 acres
Timothy and Jennifer Rhodes 34.208 acres

Agricultural and Forestal District Advisory Committee Recommendation: Recommend the North River Agricultural and Forestal District be approved with the following parcels being added to the district as requested by the respective property owners:

- Add in 10-79D, 17-26, 17-26M, and 10-59. All parcels are within a mile of the core area and do qualify to be added.
- Recommend that the district be renewed for another 10 year term.
- Adopt the following conditions to the district which contain no changes and read as follows:

The North River Agricultural and Forestal District is created subject to the following conditions:

A. Subdivision of land should only be permitted in accordance with the current zoning and subdivision ordinance provisions for family members, including, without limitation, the provisions applicable to “family member exception lots.” Only lots that are solely for the purpose of sale by or gift from a member or members of the immediate family of the grantee or grantees, as defined in such ordinance, shall be permitted.

B. Included tracts may be sold to a grantee who is not a member of the immediate family of the grantor.

C. No sale, transfer or conveyance of an included tract, without more, shall establish “good and reasonable cause” for purposes of withdrawal of such included tract from the district.

D. No new non-agricultural or non-forestal buildings or uses, including dwellings, shall be permitted; provided that the construction of a dwelling for persons who earn a substantial part of their livelihood from agricultural or forestal operation on the same property, or for members of the immediate family of the owner, shall be permitted.

E. All included tracts shall be shown as separate parcels on the county real estate records.

Planning Commission Recommendation: