

**COUNTY OF AUGUSTA
STAFF REPORT
Shenvalee Solar
Final Draft – June 6, 2023**

PROPERTY OWNER:

Beverly Hockman Broome Drell, Sherry Hockman Sumerliine, Martha Hockman Lubarsky

LOCATION OF PROPERTY:

TMP 084-38 (18.541 acres) and TMP 084-39 (32.819 acres); 265 Draft Avenue, Stuarts Draft, VA 24477

Solar energy facility will be accessed from Edgewood Drive, Stuarts Draft, VA 24477.

MAGISTERIAL DISTRICT:

Riverheads

SIZE OF PROPERTY:

Total acreage of both parcels is 51.36 acres:

- 26 acres to be within the fenced project area;
- 2.4 acres include the existing residence and associated storage sheds and yard;
- 9 acres of forested area that occupies the eastern half of TMP 084-38 is conserved with this project, with the exception of a gravel access road to be constructed;
- Approximately 14 acres will remain in agricultural use for grazing cattle.

SIZE OF SITE UNDER PANEL:

Approximately 26 acres.

VICINITY ZONING:

General Agriculture and Single Family Residential to the north, General Industrial and General Business to the south, General Industrial to the west, and General Business to the east.

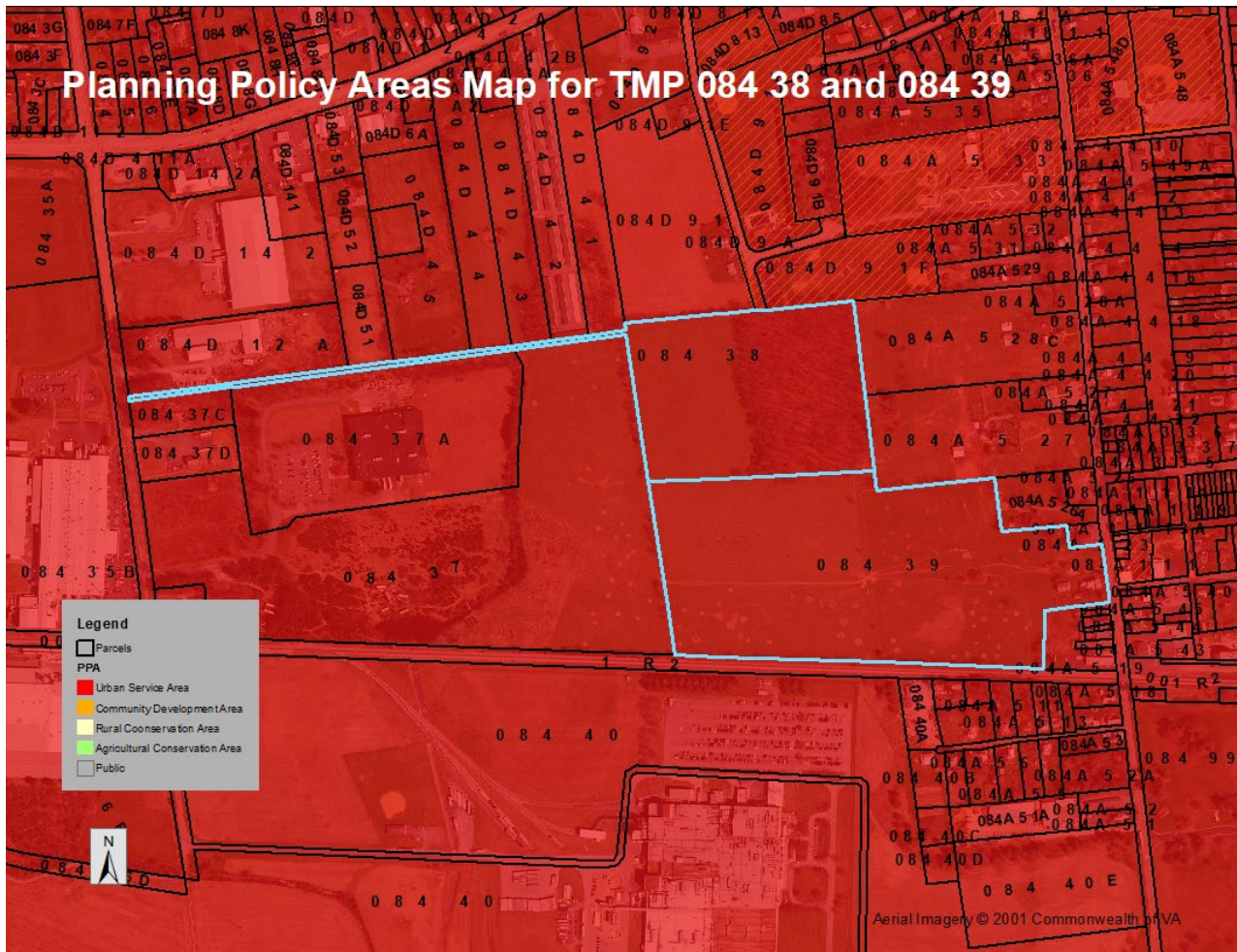
PREVIOUS ZONING OR S.U.P.:

Currently zoned General Agriculture (as of 12/1995), General Business (as of 03/1948), and General Industrial (as of 09/1976).

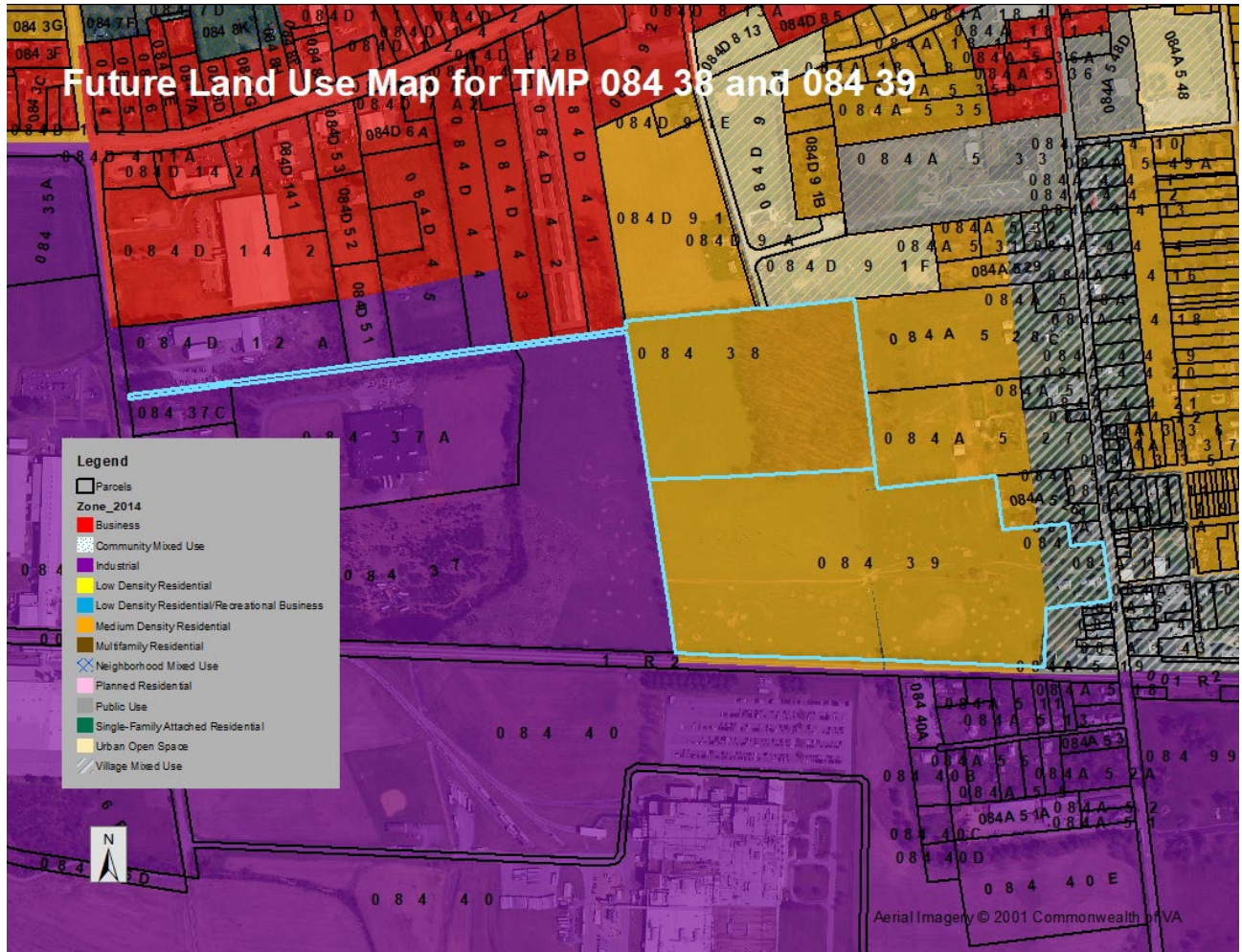
LAND USE MAPS

The proposed project lies within in the **Urban Service Area** of the Comprehensive Plan, planned for **medium density residential development**. 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 south by an existing Norfolk-Southern railroad right-of way.

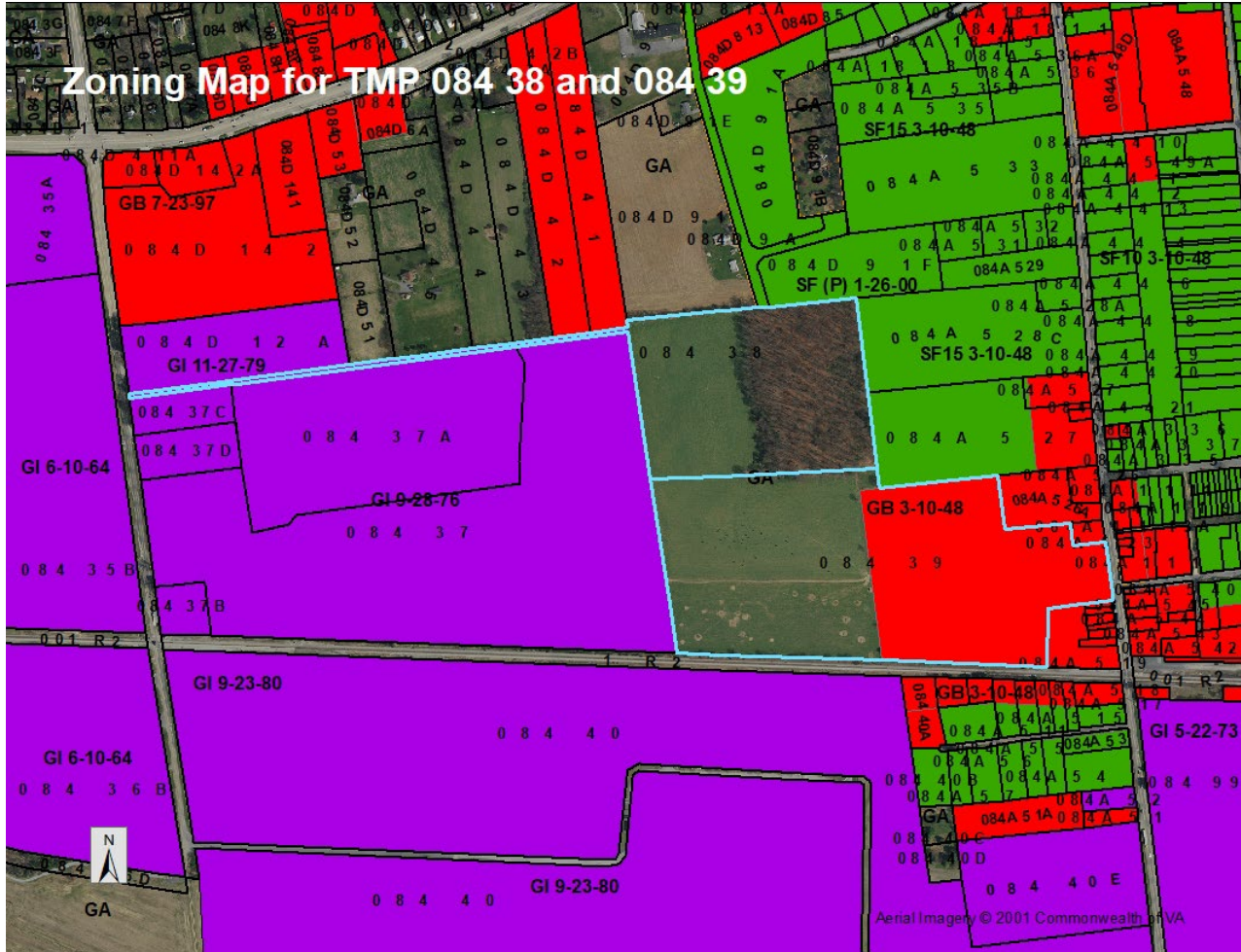
Comprehensive Plan Planning Policy Area (PPA) Map for TMP 084-38 and 084-39:



Comprehensive Plan Future Land Use Map (FLUM) for TMP 084-38 and 084-39:



Zoning Map for TMP 084-38 and 084-39:



VDOT COMMENTS:

Traffic Data: **Rte. 1562 (Edgewood Ln)**
-AADT: 210 (2019)
-Speed Limit: 25 MPH
-K-factor: N/A, Dir. Factor: N/A
-Funct. Class.: Local Road

1. Traffic generation is expected to be very minimal in build-out conditions. A peak of traffic is expected during construction of the solar facility. The proposed access location shown at the end of Rte. 1562 (Edgewood Ln) is acceptable; however, the entrance connection will be discussed in more detail at the site plan stage.

SCHOOL BOARD STAFF COMMENTS:

The request for approximately 26 acres for a 3 MW small scale solar energy facility will have no impact on these three (3) schools.

The table below indicates the enrollment as of December 6, 2022:

School	Enrollment	Capacity
Stump Elem (SES)	455	456
Stuarts Draft Middle (SDMS)	496	960
Stuart Draft High (SDHS)	702	940

FIRE-RESCUE COMMENTS:

After review of the above project, the Augusta County Fire-Rescue Department provides the following:

- 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 any other general site maintenance.

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

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.

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 Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at <http://acsawater.com/oppm>.
2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority 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 Service Authority review and approval.

The proposed use doesn't appear to require water/sewer utilities; however, the following comments are provided for consideration:

4. There is an existing 10" waterline along Johnson Drive. There is an existing 8" waterline along Johnson Drive which also runs through Tax Map # 84-37. Access to this existing 8" waterline would need to be maintained for maintenance/replacement.
5. 265 Draft Avenue (Tax Map # 84-39) is an existing Augusta Water water customer. If the use of this existing structure would change as part of the change in use, a meter sizing form would need to be completed and submitted to the Augusta Water Engineering Department. To increase the meter size, additional fees will be required in accordance with Augusta Water's current Rate Schedule and Policy.
6. There is an existing 10" sewer line along Johnson Drive. There is an existing 12" sewer line across the railroad to the south of the subject property. There is an existing 10" sewer line along Draft Avenue which also runs through Tax Map # 84-39.

NOTE: The above comments do not include any analysis concerning Augusta County's Comprehensive Plan or the potential economic impact to Augusta Water. Additional comments have been provided to the Augusta County Board of Zoning Appeals and the Augusta County Planning Commission under separate cover.

ENGINEERING COMMENTS:

Environment Ordinance Considerations

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: On-site Treatment Systems (Septic Systems and Similar Decentralized Systems), Wildlife Other than Waterfowl, Non-Point Source, Livestock (Grazing or Feeding Operations), 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.

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. The SUP application package shows a large stormwater basin by the RR track and there is no mention of infiltration practices. The applicant is encouraged to thoroughly investigate stormwater options specific to their anticipated runoff chemical characteristics as we discourage infiltration in SWPO areas as noted below.

There is some history of localized flooding downstream of the site off the western end of Flory Ave. The applicant is advised that some downstream work may be required in this area.

Overlay Ordinance Considerations

This property lies 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).

This property lies within Zone X on the FEMA FIRM and therefore is outside the Special Flood Hazard Area and not subject to the Floodplain Overlay (FPO) Ordinance.

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.

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 lies off the end of a platted Right of Way (Edgewood Ln) that could potentially serve other properties and/or eventually connect back to Draft Avenue and/or Johnson Drive. The project as conceived does appear to limit the extent of the future roadway networks, but is not wholly incompatible with the ordinance requirement for access to adjacent property. The 20 ft wide sliver of property that extends west to Johnson Drive is not of sufficient width to be a viable interconnection for the purposes of this ordinance.

ZONING ADMINISTRATOR'S COMMENTS:

Installing a small-scale solar facility on approximately twenty-six (26) acres could have a negative visual impact on the adjoining General Agriculture and Single Family Residential zoned properties. Staff does not feel the request would have a negative impact on the adjoining General Business zoned properties.

COMPREHENSIVE 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 ANALYSIS: The applicant has stated that they will use local labor and services “wherever practical and feasible.” The applicant has also provided the “Economic & Fiscal Contribution Report” generated by Magnum Economics. According to the report, the proposed project would support approximately 9 direct, indirect, and induced jobs during construction. After construction, estimated annual operational costs of the facility would equal \$40,000, with a total estimated economic output of \$37,000 to Augusta County.

Finally, there is a potential for local Dominion Energy customers to have lower electric bills through voluntary participation in Dominion’s Shared Solar program, which this project would be included in if developed.

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 character of this area is mixed use with agriculture, medium density residential, business, commercial, and industrial uses, all in relatively close proximity. The majority of the project will not be seen by the public due to the increased setbacks, opaque fencing, relatively flat land, existing forested area to be preserved, and the Norfolk Southern Railroad. However, some properties on the east side of Draft Ave, on the north side of Wayne Ave, and south of the adjacent railroad may have some visibility. Please see Policy 5 for additional analysis and staff recommendations regarding this potential visual impact.

A land lease that only applies to a portion of the property permits the landowner to continue passive agricultural operations on the remainder of the property. The applicants have additionally submitted a proposal to maintain the land inside the fenced area as grazing land for sheep through a pilot program. **Staff feels that**

continuing some agricultural operation on the property meets Policy 2 by balancing land use between agricultural and solar energy production on the contiguous parcels. Please see Policy 3 for additional information regarding the potential impacts of this project on the 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.

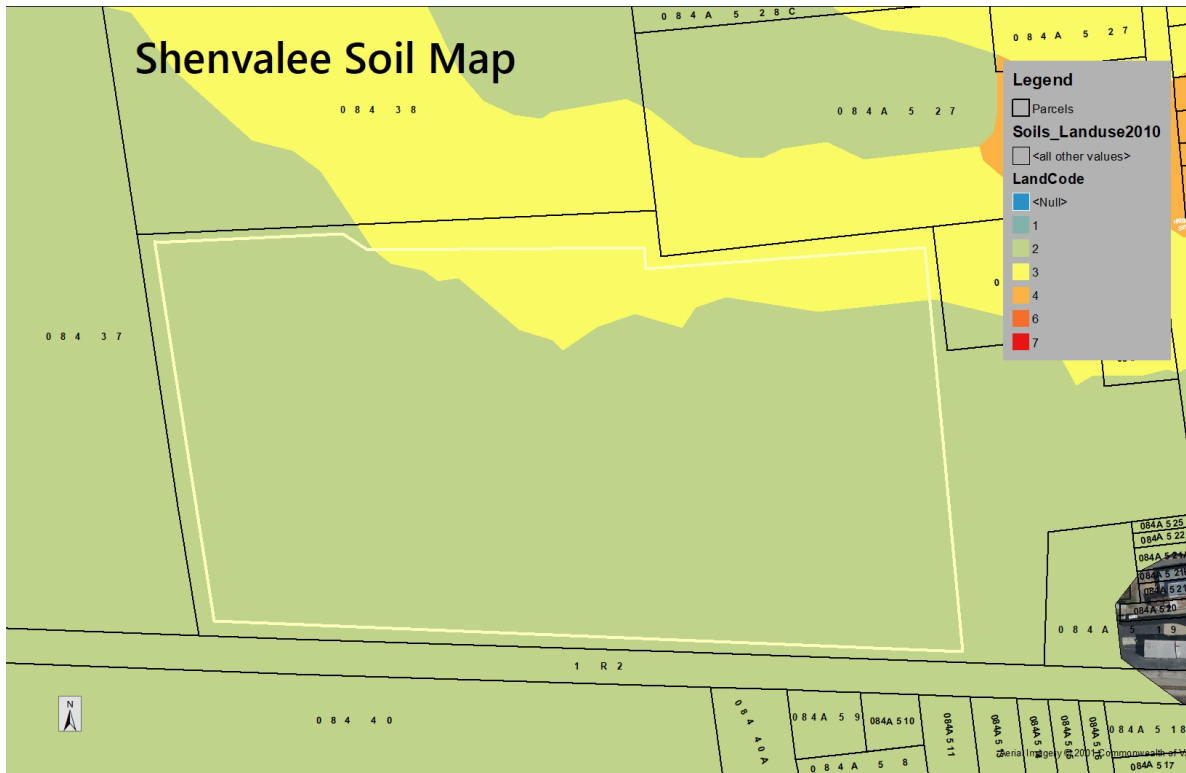
STAFF ANALYSIS: During staff's site visit, it appears the property is primarily used for pasture and cattle grazing. While the proposed project would remove these twenty-six (26) acres from the current cattle grazing operation, it is unlikely that the presence of this project, if properly screened and buffered, would have a significant adverse impact on the agricultural economy of the area. In addition, the applicants have submitted a proposal to maintain the land inside the fenced area as grazing land for sheep through a pilot program. Finally, approximately nine (9) acres of the subject parcels are forested. Other than a gravel access road to be constructed, this forested area will be preserved. For the reasons above, **staff feel that compliance with Policy 3 has been met.**

While the above considerations indicate that a minimal direct impact is expected to the agricultural economy of the area, staff still have concerns about the impacts of this proposed project on soils that are ideal for agricultural production. Please see Policy 4 for additional information and staff recommendations about impacts on soils.

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.

STAFF ANALYSIS

Soils Map for Proposed Project Area:



Land Use Taxation Data for TMP 084-39	
Class II (C-II) Soils	27.500 acres
Class III (C-III) Soils	4.000 acres

Land Use Taxation Data for TMP 084-38	
Class II (C-II) Soils	2.490 acres
Class III (C-III) Soils	6.000 acres
Forest – Good (FOR-G)	9.000 acres

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. 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 as is evidenced by a majority of the fenced project area being designated as either prime farmland or farmland of statewide importance. Given the importance of these soils, **staff would recommend that the Planning Commission and Board of Zoning Appeals include as a condition of the Special Use Permit an operating condition prohibiting topsoil from being removed from the site (see recommended Operating Condition #14).**

With that being said, USDA data shows that a far majority of the soils in Augusta County are designated as either prime farmland or farmland of statewide importance. Therefore, the relatively small extent of the project – about twenty-six (26) acres of Augusta County’s agricultural land – should also be taken into consideration when evaluating whether or not the project is substantially in accord with this particular policy. It is also important to note that the remainder of the property will remain in forest and/or agricultural operation, and that the applicant may pursue having livestock graze within the parcel area.

Agricultural and Forestal Districts: The parcels are 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: Based on site visits, staff observed that the topography of the project site is relatively flat, which would make the proposed project less visible than if it were located higher on the hillside or a rolling landscape. The existing natural forested area and topography to the north of the project, along with the proposed 20-foot-wide vegetative landscaping buffer, should be sufficient in screening most of the project from Stuarts Draft Park and other properties to the north.

To the east, the project site is naturally buffered from vehicles traveling along Draft Ave by the existing residential, business, and agricultural buildings, along with the flat topography of the project site. The applicant has additionally proposed to mitigate visual impacts with a 6-foot privacy fence that will be placed immediately adjacent to the project perimeter on the sides of the project area

that front Draft Avenue, which satisfies the Alternative 1 requirement of the Zoning Ordinance. However, staff have outstanding concerns regarding this project's visual impact on the residential properties along Draft Ave, and particularly the two-story historic house located at 265 Draft Ave. **While not required by ordinance, staff would recommend additional landscape plantings in front of the fence facing Draft Ave, which would provide significant visual benefits for properties to the east of the proposed project site, particularly the two-story historic house on the parcels in question.** In response to this recommendation, the applicant notes that the current owner of this house has not requested supplemental plantings. However, staff note that the house is currently owned by the landowners for the project, and that the house is currently listed for sale. These recommended plantings would provide significant visual benefits for the future residents of this and adjacent residences, and would increase this project's compatibility with the character of the surrounding community. 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.

While buffering is not required by Zoning Ordinance along railroad right-of-ways, staff note that there are existing residential homes directly across the railroad from eastern portions of the affected parcels. **Staff have recommended supplementation of the existing landscaping along this portion of the railroad right-of-way, to mitigate potential visual impacts on those residential homes. The applicant has agreed to provide a 20' wide supplemental landscape buffering in this area, and has adjusted their site plan accordingly.** Across the railroad from parcels zoned General Industrial, the existing buffering is sufficient, and staff do not feel that additional buffering is needed along this portion of the railroad right-of-way.

Given the specific topography of the area, **conditional on compliance with the staff recommendation presented above, staff would feel that compliance with Policy 5 is met.**

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: While the proposed project is in close proximity to residential and commercial development to the east and north of the site, **staff do feel that the unique topography of this site makes it suitable for small-scale solar development, despite its location near downtown Stuarts Draft.** The site parallels the existing railroad to the south and is surrounded by industrial uses to the west and south. For these reasons, residential or commercial development of these parcels is not anticipated in the near future.

The proposed project is located behind businesses and some residential homes along Stuarts Draft Ave, which is considered downtown Stuarts Draft. However, staff feel that the site will have minimal visibility from the road due to the topography of the area, the proposed buffering, and the buffering provided by the existing buildings. If the applicant agrees to comply with the staff recommendation presented in Policy 5, visual impacts would be even further mitigated. In addition, VDOT comments note that the proposed solar project would have minimal traffic generation and Zoning Administrator comments indicate that no adverse impact is expected to nearby General Business-zoned properties. For the reasons above, conditional on compliance with the staff recommendation and Pre- and Operating Conditions recommended herein, **staff feel that this project would not have undue adverse impacts on nearby communities as defined by Policy 6.**

The Planning Commission and Board of Zoning Appeals will have to determine if a small-scale solar facility is a suitable land use that balances the existing and planned development and infrastructure in this area of Stuarts Draft.

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 in an Urban Service Area, planned for Community Mixed Use. The County's Urban Service Areas in total consist of approximately 39,391 acres, meaning that the proposed project site occupies .066% of the County's Urban Service Area land area. **The County and the Comprehensive Plan strongly discourages development of solar facilities in Urban Service Areas**, where the County's infrastructure is located. Stuarts Draft is one of the County's two major growth areas, where significant residential and business growth is anticipated.

However, while the proposed project is sited in the Urban Service Area, a railroad right-of-way and industrial uses border the project to the south and west. Staff do feel that a small scale solar project could be compatible with those adjacent uses. Please see Policy 6 for additional staff comments on balanced and compatible land uses.

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: Given the 9-acre forested area and remainder of the property left as agriculture, the project should not significantly impede the movement or activity of wildlife on or around this property. However, the project is adjacent to Stuarts Draft Park, where citizens enjoy bird watching and other wildlife observation, including deer. The project site is also approximately 0.6 miles from the South River. For these reasons, **staff and the applicant have discussed opportunities for creating an outdoor recreational activity for citizens, in compliance with Policy 8.** Please see Policy 9 for additional details regarding this proposal.

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: The affected parcel TMP 084 38 immediately adjoins Stuarts Draft Park to the northeast. While the fenced project area is set back within the parcel, which is privately owned, staff have suggested that the applicant consider opportunities for interconnectivity, such as by partnering with Augusta County Parks and Recreation to develop extended walking or nature viewing trails around the proposed project site. The creation of a trail around the proposed project site could also be a critical element of the creation of a park-to-park trail connecting Stuarts Draft Park to Schneider Park.

The applicant has expressed their interest in developing such a walking trail, and has submitted a concept plan. This proposed path would require review and approval by various stakeholders, which will occur at site plan stage. Given this proposal, **staff find this project to be conditionally in compliance with Policy 9.**

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** – Photovoltaic panels will not be located near existing water bodies on the property.
- b. **Fertile soils** – The project would be locating on fertile soils. Please refer to Policy 4 for staff analysis regarding soils and prime farmland on this property.
- c. **Habitats** – Staff is unaware of any endangered or threatened species or any critical habitats on or near this property that would be adversely impacted by the presence of photovoltaic panels.
- d. **Native vegetation** – The applicant has proposed planting a variety of native grasses and clovers on the project to stabilize ground cover. Development of the project also should not lead to any adverse impacts on native vegetation on the property or nearby.
- e. **Forests** – This project is proposing to clear cut a portion of the forested area for 160 feet for the proposed access road. However, the site will not primarily locate in the forested area, and a majority of the 9 forested acres will remain forested. There are no Agricultural-Forestal Districts on the property or nearby.
- f. **Historic and archaeological resources** – An Architectural Survey Form provided by the applicant states that the primary residence on this property

(Alexander House, located at 265 Draft Ave) has been identified as a historic structure and is eligible for the National Register of Historic Places. As previously noted in Policy 5, **staff recommends that landscaping be provided in front of the timber privacy fence to the east of the proposed project site to provide additional mitigation of visual impacts for adjacent properties, especially the Alexander House.**

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 applicant has proposed to plant native pollinator species underneath the area covered by photovoltaic panel. Existing forested area on the site is also preserved, with the exception of an access road, which will allow wildlife refuge. In addition, wildlife should be able to move freely around the fenced project area due to the large setbacks and remaining open, agricultural use of the property. Therefore, staff believes **compliance with Policy 11 is met.**

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: There is an existing, approved solar facility within 0.6 miles of the proposed facility. While the two projects cannot be seen from one another due to the topography of the area, staff are concerned that siting projects within 0.6 miles of each other could set a negative precedent for clustering of solar facilities. However, **staff feel that the adverse impacts on community character will be mitigated by the existing topography and buffering, along with the proposed buffering.** The Planning Commission and Board of Zoning Appeals will need to determine if this distance qualifies as “a reasonable distance away” for the purposes of this policy.

COMMUNITY DEVELOPMENT STAFF RECOMMENDATION: The applicants are proposing a small-scale solar facility sited on 26 acres located on TMP 084 38 and 084 39. **The proposed project meets the buffering and setback requirements of the County Zoning Ordinance.** After a review of the project's conformance to the twelve policies outlined in the Comprehensive Plan, staff find that the proposed project also meets the following policies:

- Policy 2: Rural Viewsheds: The majority of the project will not be seen by the public due to the increased setbacks, opaque fencing, relatively flat land, existing forested area to be preserved, and the Norfolk Southern Railroad. Therefore, staff feel that **compliance with Policy 2 has been met.**
- Policy 3: Agricultural Landscape and Economy: The proposal of the project states that the remainder of the property will remain in forestry or continue to be used for agricultural purposes. In addition, the applicants have proposed a pilot program to explore sheep grazing within the fenced project area. Given these considerations, and the small project footprint, staff feel that **compliance with Policy 3 has been met.**
- Policy 4: Prime farmland and Agricultural and Forestal Districts: Though the project is proposing to locate on Class 2 soils, staff feel that, given the small project size and intention for the remainder of the property to remain in agricultural use, **compliance with this policy can be met, by the applicant's compliance with Operating Condition #14 as recommended below.**
- Policy 5: Visual Impacts*: Given the site topography and existing forest, the proposed project site is naturally buffered from the north. To the west, industrial uses will not be negatively impacted by the proposed project. The southern property line parallels an existing railroad right-of-way, and the applicant has provided additional landscaping along a portion of the railroad right-of-way that faces businesses and residential homes. Additional buffering is not needed along the portion of the right-of-way that faces industrially-zoned properties. Finally, to the east, while some properties may have visibility, this can be mitigated by the addition of supplemental landscape plantings in front of the proposed project fence, as recommended in Policy 5. The existing buildings will serve as a natural buffer to drivers along Draft Ave. **Conditional on compliance with the staff recommendation as presented above, this project should not have undue adverse visual impacts on the surrounding community.**
- Policy 6: Balanced land uses: Despite the proposed project being located near residential and business development, staff do feel that the unique topography of these parcels makes this site suitable for solar development, and that **this project, conditional on compliance with the staff recommendations and Pre- and Operating Conditions recommended herein, would not have undue adverse impacts on nearby communities as defined by Policy 6.**
- Policies 8 and 9: Open Space and Interconnectivity: The applicant has agreed to collaborate with County stakeholders on a walking path connecting Stuarts Draft Park to the existing sidewalk network around the proposed project site. The

applicant has submitted a concept plan, which will be further discussed and refined at site plan stage. **This proposal aligns closely with Policies 8 and 9.**

- **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 and archaeological resources can be mitigated through compliance with the staff recommendations**, including recommended Pre- and Operating Conditions, presented herein.
- **Policy 11: Natural resource benefits:** Staff feel that **compliance with Policy 11 is met by the proposal's use of native pollinator plantings and the preservation of the majority of the existing forested area.**

In addition, comments received from agency partners indicated that the small-scale solar facility would not have any significant negative impacts on Augusta County Schools, Augusta County Fire-Rescue, or the existing traffic network.

STUARTS 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.

The Stuarts Draft Small Area Plan encourages as much residential and business 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. While the proposed project is located in an Urban Service Area, staff feels the project is compatible with the surrounding industrial and railroad uses. In addition, while the Future Land Use Map designates these parcels for Medium Density Residential, staff feels there are significant barriers to developing this as a residential site. Therefore, staff feels that small-scale solar development could be a compatible land use.

One of the central goals of the Stuarts Draft Small Area Plan is encouraging pedestrian-oriented and interconnected development. **The proposed walking trail connecting Stuarts Draft Park to the existing sidewalk network would be closely aligned with this goal, and could create a needed recreational amenity for the residents of Stuarts Draft.**

After the above evaluation of the project's conformance with the twelve policies in the Comprehensive Plan and the Stuarts Draft Small Area Plan, **staff find that, conditional on the applicant satisfactorily addressing the one (1) issue below and complying with the Pre- and Operating Conditions as recommended below, this proposal is in substantial accord with the vision and objectives as identified in the Comprehensive Plan.**

VIRGINIA STATE CODE SECTION 15.2-2232 CONSIDERATIONS:

A separate staff evaluation of the location, character, and extent of the project is meant to provide additional analysis and guidance to the Planning Commission, as Virginia State Code Section 15.2-2232 identifies these three characteristics as required to be considered during review:

LOCATION: This site is challenged by its location in an Urban Service Area and proximity to an existing, approved solar facility. However, given the small project footprint, compatible adjacent land uses, proposed buffering plan, and specific topography of this site, staff find that this location is suitable for small-scale solar development.

CHARACTER: Staff feels that the proposed native vegetation to be used as buffer and ground cover for this project is aligned with the character of the County. The provision of additional landscape plantings in front of the timber privacy fence, as recommended above, would make this proposal more visually compatible with the character of the County. Finally, the proposed walking path around the project site could enhance the character of downtown Stuarts Draft.

EXTENT: The size of the project, with twenty-six (26) acres in the fenced project area, is aligned with the County's desire to balance land use.

Staff has determined that the proposed project is in substantial accord with the Comprehensive Plan and the three considerations above, and therefore, **conditional on the applicant satisfactorily addressing the one (1) issue below and complying with the Pre- and Operating Conditions as recommended below, recommend approval of this project as proposed.**

ISSUES THAT NEED TO BE ADDRESSED:

1. ***Adherence to Policy 5: Visual Impact:*** The applicant is encouraged to provide additional landscaping in front of the timber privacy fence to mitigate potential adverse visual impacts associated with the project, particularly to the adjacent historic home. Please see Policy 5 for additional details regarding this recommendation. **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.**

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 Name] will be filled in once updated application materials are received from the applicant.

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.
- 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.

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 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. 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) 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.
8. 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.

9. 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.
10. 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.
11. The applicant shall disclose to the Augusta County Service Authority if corrosion control systems are part of the Facility.
12. ACSA 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 the Augusta County Service Authority.
 - 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, the Service Authority shall have the right to utilize access roads constructed for the project or be provided with reasonable access to the utilities by truck.

13. 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.
14. Local Subscribers – Prior 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.

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 [Applicant Name] 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 [Applicant Name] 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 [Applicant Name], 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.
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 VHB, dated October 7, 2022.
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 8:00 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. Upon completion of the installation of the Facility, Augusta CSG, LLC shall establish contacts with Augusta County Fire Rescue and Augusta County Sheriff's Office and provide both with an emergency management plan.
23. 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.
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.