



**COUNTY OF AUGUSTA
FINAL STAFF REPORT
WEYERS CAVE VAA, LLC
SEPTEMBER 10, 2024**

PROPERTY OWNER

The Farm at Chapel Hill, LLC

APPLICANT

Weyers Cave VAA, LLC

NAME OF PROJECT

Weyers Cave A Solar

APPLICANT'S JUSTIFICATION

Request for a 3 MW (alternating current) small scale solar energy facility within approximately 24 acres of fenced area located on Tax Map Parcel No. 20-24 with a gravel access road extending to Chapel Hill Lane.

DEVELOPER

RWE Clean Energy

LOCATION OF PROPERTY

194 Chapel Hill Lane, Weyers Cave, VA 24486
TMP 020 24

MAGISTERIAL DISTRICT

Middle River

SIZE OF PROPERTY

Approximately 126.616 acres

SIZE OF FENCED AREA

Approximately 24 acres

VICINITY ZONING

General Agriculture (GA) to the south, east, and west of the property. Property located to the north of the property is located in Rockingham County and is also agricultural land.

PREVIOUS ZONING OR SPECIAL USE PERMIT

General Agriculture

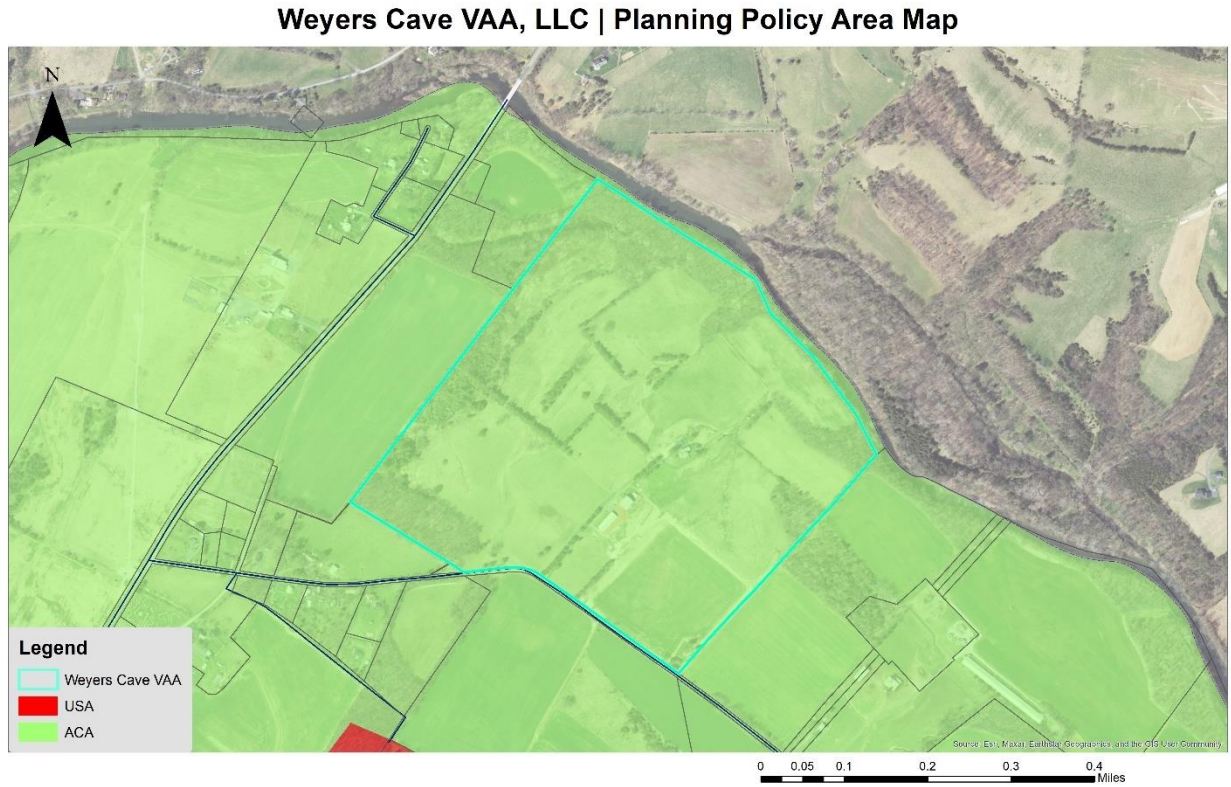
UTILITIES

There are no public water/sewer utilities in the area of the subject parcel.

LAND USE MAPS

Figure 1 indicates that the property lies within an Agricultural Conservation Area (ACA).

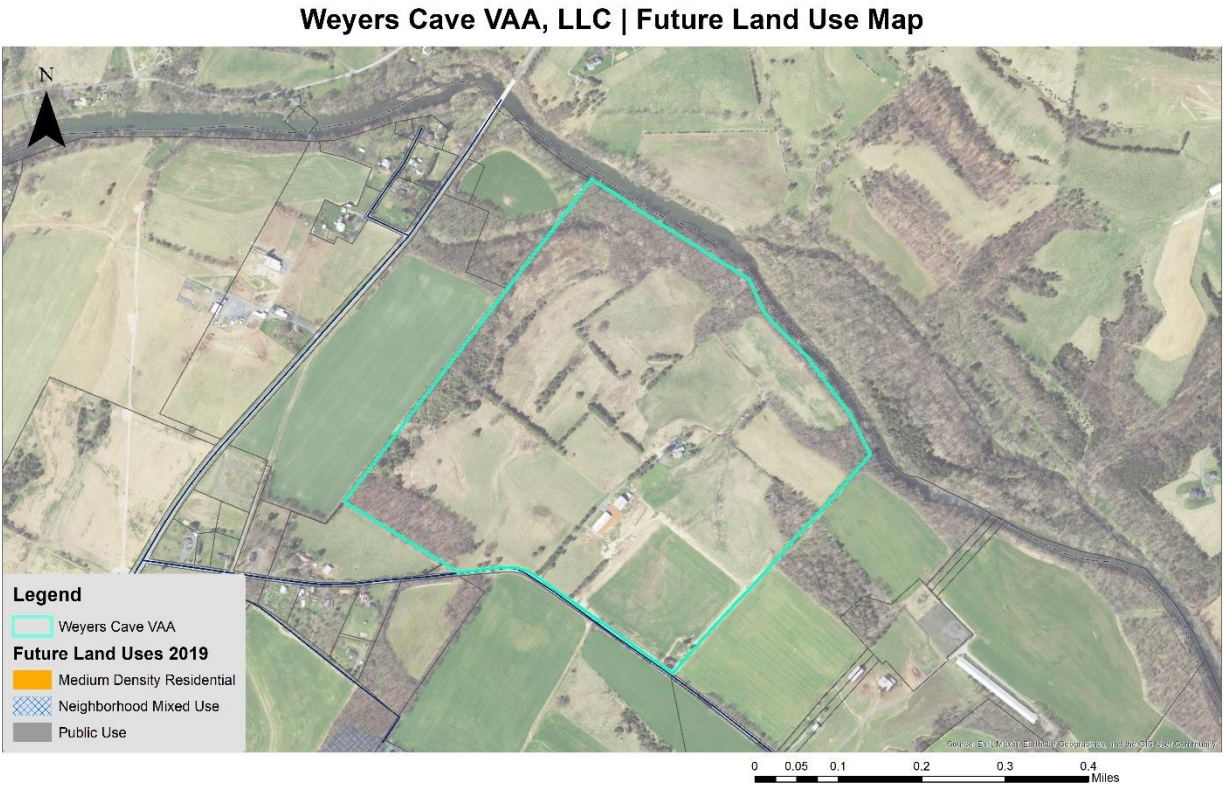
Figure 1. Planning Policy Area Map for Weyers Cave VAA, LLC



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The subject parcel shown in Figure 2 is planned for Agriculture in the Comprehensive Plan Future Land Use Map.

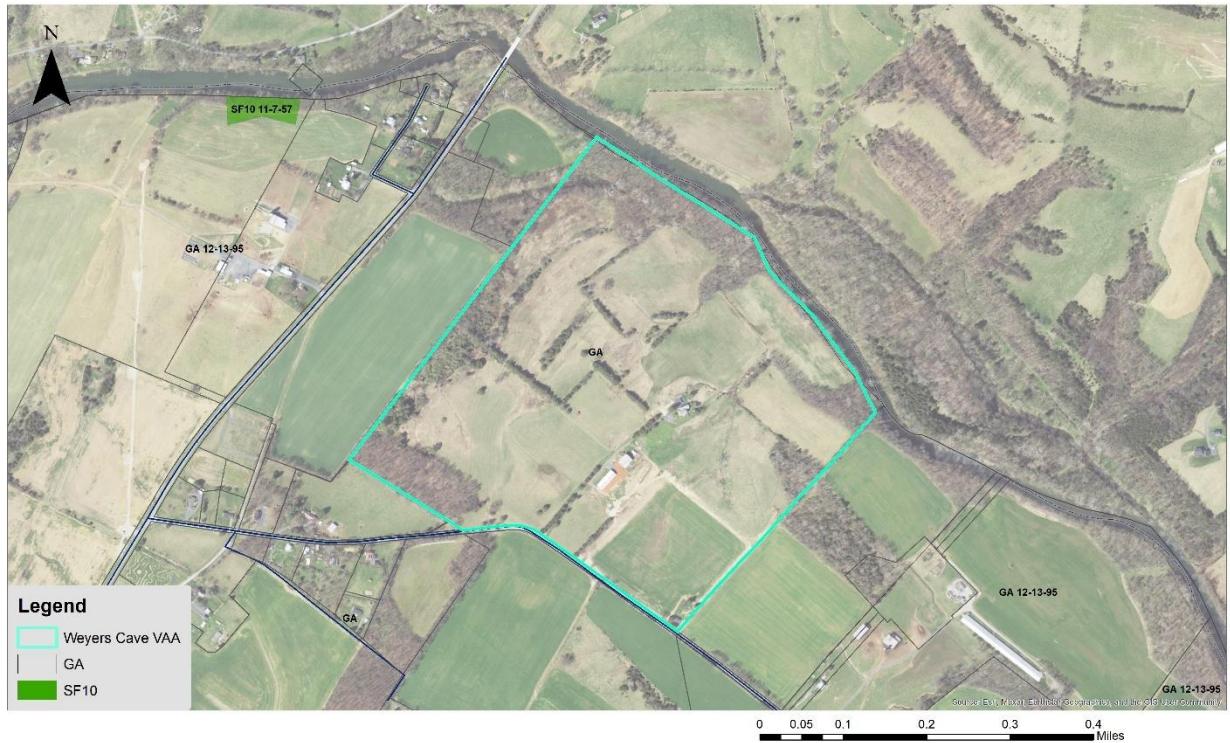
Figure 2. Future Land Use Map for Weyers Cave VAA, LLC



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Figure 3 shows properties to the east, west, and south are currently zoned General Agriculture. Property to the north of the subject parcel is located in Rockingham County.

Figure 3. Zoning Map for Weyers Cave VAA, LLC
Weyers Cave VAA, LLC | Zoning Map



SOILS

This parcel is in land use. Soil information is below.

Soils	Class I	Class II	Class III	Forest	Non-Qualifying Acreage
TMP 020-24	13	6	12	33	62.616

VDOT COMMENTS

TRAFFIC DATA:

Rte. 996 (Chapel Hill Ln)

-AADT: 80

-Speed Limit: 35 MPH (Unposted Statutory)

-Funct. Classification: Local

VDOT SITE SPECIFIC COMMENTS:

The parcel is served by an existing moderate volume commercial entrance for a brewery business. There are additional options for construction entrances. VDOT has no objections to the proposed use.

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.

Please feel free to contact 434-2587 with any questions or concerns.

HEALTH DEPARTMENT COMMENTS

There are no comments from the local health department on the proposed solar request. The applicant is advised to ensure that the installation not encroach upon any existing sewage disposal system that may exist at the property.

SCHOOL BOARD STAFF COMMENTS

Property Owner/Tax Map: The Farm at Chapel Hill, LLC/TMP 020-24

Schools: CLES, SMS, FDHS

Impact: The request to construct and operate a small-scale solar energy system (3MWac) on a parcel that is currently zoned General Agriculture planned for agriculture and is located in an Agricultural Conservation Area of the Comprehensive Plan would have no impact on these three schools.

The table below indicates the enrollment as of April 18, 2024.

School	Enrollment	Capacity
Clymore Elementary Schools (CLES)	798	834
Stewart Middle School (SMS)	524	720
Fort Defiance High School (FDHS)	715	900

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 540-245-5624.

AUGUSTA WATER COMMENTS

Augusta Water has reviewed this Special Use Permit application and has the following comment(s):

The subject property is located in an Agricultural Conservation Area. There are no public water/sewer utilities in the immediate area. Augusta Water has no comments regarding this application. The following are provided as general information.

1. There is no public water available in the area of the subject parcel.
2. There is an existing 15" sewer line approximately 1,172'± to the southeast of the subject parcel.

ENGINEERING COMMENTS

Weyers Cave VAA, LLC

TM 20-Parcel 24

Zoning: General Agriculture

Environment Ordinance Considerations

Request for a substantial accord determination for a Special Use Permit to construct and operate a small-scale solar energy system.

The applicant is advised to contact the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality for any requirements related to proposed work in wetland areas or adjacent to any streams.

This property drains to North River which is listed on the Virginia DEQ 2022 and DRAFT 2024 Impaired Waters List. This impaired segment extends from its confluence with Naked Creek downstream to its confluence with Middle River. The impaired use is aquatic life, the specific impairment is E. coli. The sources are On-site Treatment Systems (Septic Systems and Similar Decentralized Systems), Wildlife Other than Waterfowl, Non-Point Source and Agriculture. This segment is covered by approved TMDLs which must be

considered by the applicant. (Bacterial Federal TMDL ID # 23366, Benthic Federal TMDL ID # 9509 and 9510).

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. A full site plan will be required demonstrating E&SC and Stormwater compliance.

Overlay Ordinance Considerations

This property lies outside of the Source Water Protection Overlay (SWPO).

This property lies within the Conical Zone of the Airport Overlay District (APO) for the Shenandoah Valley Regional Airport. The floor of the zone above the site is approximately 1351 Ft msl, and the highest grade on the site is approximately 1158 Ft msl, a difference of 193 Ft. Placement of towers could be restricted.

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. Placement of fill in this area is discouraged. Any fill placed in this area could impact other properties and will require a detailed flood study and a Letter of Map Revision (LOMR) from FEMA. Overlay the actual baseflood elevation with ground contours.

This property lies outside of the Urban Service Overlay District (USO).

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 outside of the Urban Service Overlay and Community Development Areas thus no connections are required.

Natural Resources Recommendations from the Comprehensive Plan

The Augusta County Comprehensive Plan recommends performance standards to protect natural resources. For Agricultural Conservation Areas, a riparian buffer of 100 feet on either side of a stream or the limit of the floodplain (wider of the two) is encouraged, and stormwater should not be piped through in a manner to short-cut the buffer. Additionally, there should be no development or filling in floodplain areas and reforestation is encouraged.

For Wetland areas, the Comprehensive Plan recommends provision of a 100-foot buffer from the edge of wetlands and enhanced water quality treatment for any water discharging to the wetlands.

For unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends provision of open space amenities through development of layout and lot sizes, as well as maximizing continued use of active agricultural and forestry areas.

ZONING ADMINISTRATOR'S COMMENTS

Installing solar panels on approximately 24 acres within a 126.62-acre parcel could have a negative visual impact on the surrounding General Agriculture zoned properties containing single family dwellings. A Special Use Permit meeting the Zoning Ordinance requirements of Section 25-70.4 prior to development of a small-scale solar facility will need to be approved by the Board of Zoning Appeals.

The Zoning Ordinance requires a buffer yard be provided and maintained and landscaped adjacent to all property lines. The applicant feels the existing topography and vegetation along with supplemental plantings will help mitigate any negative visual impacts.

A site plan meeting the requirements of Article LXVII "Site Plan Review" including supplemental plans shall be submitted for review prior to Special Use Permit approval.

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.

SUMMARY OF APPLICANT'S RESPONSE

The Project will serve to benefit the local economy in several ways. Construction of the project will create a need for materials such as gravel, riprap, plantings, and seed that can be sourced from the local area to the greatest extent practical. Once the facility is operational, seasonal maintenance services such as vegetation management (mowing) will be required, which can similarly be serviced by a local contractor.

The proposed Project is to be developed via a Power Purchase Agreement (PPA) with Dominion Energy. Local solar projects are part of the energy mix, reducing the dependence on any single source of electricity generation by providing home-grown electricity. These projects help keep electric costs down by providing a hedge against the rising costs of commodity fuels. These local power generation projects also benefit their host communities by improving the resiliency of the local electric grid, supplying power locally

and offsetting power supplies that would otherwise be required from distant power plants.

STAFF ANALYSIS

The applicant stated that the Weyers Cave A solar project would make an economic contribution to the County during the construction phase and through the ongoing operation of the energy system. The applicant has detailed such contributions through a fiscal impact analysis prepared by Mangum Economics as follows:

Construction Phase

- Nine (9) direct, indirect, and induced jobs.
- \$0.5 million in associated wages and benefits.
- Estimated \$1.5 million in economic output.

Operational Phase

- Less than one (1) direct, indirect, and induced job.
- \$17,200 in associated wages and benefits.
- \$47,200 in economic output.

Staff notes that there is a discrepancy in the project's narrative as the applicant states that a 3MW facility would consist of approximately 50 workers during the construction phase, while the fiscal impact report states that there will be nine (9) direct, indirect, or induced jobs created.

The construction phase will last approximately 3 to 4 months, and will provide a need for local materials such as gravel, riprap, plantings, seed, and timber fencing. The applicant has stated that they can use local materials and workers to the greatest extent. Staff encourages a clearer intention to use local materials and workers, but acknowledges that not all resources and materials utilized by a solar facility are produced or manufactured in the county.

Staff notes that there is an additional discrepancy in the project's narrative compared to the fiscal impact analysis on the purchase of locally sourced capital. The analysis assumes that no capital equipment would be purchased from vendors in Augusta County and fails to make any other assumptions regarding locally-sourced capital investment costs. Staff then assumes all capital investment costs will be excluded from the County.

The fiscal impact analysis states that the project will encompass approximately 22 acres of vacant land with a proposed 20 acres of active use. This is different than the rest of the application's narrative, which states that the project will encompass approximately 24 acres.

The applicant states that solar project would have a significantly greater fiscal impact than the property's current use. The project is estimated to generate between \$134,300 and \$217,500 in cumulative county revenue over the facility's

estimated 25-year lifespan, compared to the \$5,030 of revenue over 25-years with the current use. Staff are unclear on the derivation of the \$5,030 value and request details on how you arrived at that value.

This project is expected to be developed under Dominion's Shared Solar Program. Should the project be admitted into the program through a first-come-first-serve subscription, nearby residents would have the opportunity to subscribe into the program for discounted energy rates. Thirty-percent (30%) of subscribers are to satisfy a low-to-moderate income requirement. Staff acknowledges that the project could contribute to the County both monetarily and by increasing resiliency to the local electrical grid.

APPLICANT SUPPLEMENTAL RESPONSE

A recently-updated economic impact analysis report is entitled "Weyers Cave A Solar Economic and Fiscal Contribution to Augusta County, Virginia" was prepared by Mangum Economics and is attached as Appendix A.

Acreage Discrepancy:

The 2023 Mangum report was based on a preliminary design. The revised July 2024 report included as Appendix A is based on approximately 24 fenced-in acres.

Clarification on Workers Employed During Construction Period:

The revised project narrative describes the project's total direct impact of 40 to 50 direct construction jobs over the 4- to 6-month construction period. The comparable 12-month employment figure for total direct construction employment over a 12-month period would be 19 total direct construction workers.

Explanation of current property revenue: In the 2023 Mangum report, the current use revenue of approximately \$5,030 was calculated as the 2022 land use assessment value of the affected acreage of \$31,900 (\$1,450 per acre times 20 acres) times the 2023 local real estate tax rate of \$0.63 per \$100 times 25 years.

In the revised July 2024 Mangum report, the current use revenue of approximately \$6,700 is calculated as the 2024 land use assessment value of the affected acreage of \$36,700 (\$1,530 per acre times 24-acres) times the current local real estate tax rate of \$0.52 per \$100 times 35 years.

STAFF SUPPLEMENTAL ANALYSIS

The applicant provided clarification on the discrepancy between the average demand for 50 workers on the construction of a 3MW solar project versus the 9 direct and indirect workers the project expects to employ. The applicant also provided an explanation for the calculation of the current property revenue value for the next 35 years.

As it relates to the number of full-time equivalent workers assumed for the duration of the project, the applicant and Mangum provided clarification on the economic contributions to Augusta County during an estimated one-time pulse of economic activity during the project's construction phase.

Although the clarifications supported staff's analysis of potential economic benefits to the County, staff does not find the economic and employment opportunities to be significant enough to adhere to Policy 1, despite the calculated values being greater than the values at its current and existing use.

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.

SUMMARY OF APPLICANT'S RESPONSE

This project is not utility scale solar development, as is referenced in this Policy #2. It is small scale solar, or "distributed" solar. The specific location of the proposed solar array within the larger host parcel was carefully designed so to minimize visibility from nearby residents, public roadways and preserve the existing rural viewshed. To the east and west, the project is buffered with substantial setbacks that consist of existing vegetation and supplemental plantings. This will preserve the viewshed for any future development on the abutting GA zoned parcels that are not currently occupied and exist as forested land and maintained pasture. Viewshed screening to the north, where the facility abuts the North River and unoccupied parcels, will be upheld with existing vegetation and topography, and will leave no view of the facility. The adjacent properties to the south will be buffered with existing vegetation that is to be supplemented with additional plantings as necessary to satisfy the Alternative 2 buffering requirement in Zoning Ordinance Article VI.D Section 25-70.4.C.9. With the proposed screening, there will be no view of the facility from Chapel Hill Lane and the three GA zoned parcels beyond Chapel Hill Lane. The proposed Project will have virtually no impact whatsoever on the surrounding neighborhood.

STAFF ANALYSIS

Staff acknowledges that this project is not utility scale; however, rural viewshed is taken into consideration regardless of the project size.

The applicant has chosen Alternative 2 for buffering, which entails a twenty foot (20') wide strip of land with 2 evergreen trees, 2 canopy trees, 2 understory trees and 24 shrubs planted per fifty linear feet (50') of buffer. The trees shall be a minimum of six feet (6') at the time of planting and the shrubs shall be a minimum of eighteen inches (18") at the time of planting. Staff notes that Alternative 2 is required even if there is existing native

vegetation. The applicant has provided a site plan with buffering along the majority of property lines as required by the Ordinance § 25-70.4.C.10.

Staff notes that the site plan has incorrectly illustrated an existing buffer to the south of the property alongside Chapel Hill Lane. There is not enough existing vegetation on that portion of the property line to constitute as a buffer. Staff recommends amending the site plan to accurately match the current vegetative state of the property and to provide for additional plantings.

Staff disagrees that even with the proposed screening and existing topography, there will be no view of the facility from Chapel Hill Lane. Staff would recommend preserving the existing vegetation with the addition of new plantings for the buffer, adhering to Alternative 2.

Staff acknowledges the presence of existing vegetation alongside the north and east side of the property line, including the property line paralleling the river. Alternative 2, however, would still be required along all property lines unless the BZA determined a buffer was not necessary to mitigate any impacts.

The applicant has stated that the proposed project would have virtually no impact on the surrounding neighborhood. Staff recommends the applicant discuss the proposed buffering with surrounding General Agriculture zoned property owners.

APPLICANT SUPPLEMENTAL RESPONSE

Appendix B contains updated site plans, revised per discussions with County staff and per requests from County staff. The updated site plans show Alternative #2 Vegetative Buffers along the entire perimeter of the parcel. Those buffers are shown in yellow along parcel lines in Exhibits 1 and 2 below and in Appendix B. Exhibit 2 and the corresponding site plan sheet (C301) in Appendix B show the site plan overlaid with recent satellite imagery to show the site and the existing perimeter and interior vegetation. Exhibit 3 and Page C200 in Appendix B also show existing tree canopy areas on the property.

The applicant will be hosting a voluntary community meeting prior to the planning commission hearing, with invitations sent to all adjacent landowners. Several of the adjacent agricultural landowners have already been notified about the solar project and each of those landowners is supportive / not opposed. Prior to the Planning Commission hearing, in-person visits with each of the five adjacent general agricultural landowners will be offered and attempted at their homes or other locations as appropriate.

RWE has ordered visual renderings from the viewpoints identified in Exhibit 4 and those will be available at the Community Meeting (targeted for September 24th) and the Planning Commission hearing. Exhibits 5, 6, and 7 show Line-of-Sight

maps and analyses from three offsite areas of interest. Each of those Exhibits illustrates that vegetative buffers can obscure views of the solar equipment from those and other nearby viewpoints. There are no other viewpoints in the area from which the public will be able to see the solar equipment, due to terrain-related buffering or thick existing vegetation that is located on the project parcel.

STAFF SUPPLEMENTAL ANALYSIS

After review of the applicant's updated site plans with Alternative #2 Vegetative Buffers along the entire perimeter of the parcel, staff are satisfied with the project's adherence to Policy 2.

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.

SUMMARY OF APPLICANT'S RESPONSE

The fenced Project area is approximately 24 acres in size and will be developed on a single contiguous parcel (Tax Map No. 20-24) that is privately-owned by The Farm at Chapel Hill, LLC. The privately-owned host parcel is approximately 126.62 acres in size with 34 acres being forested and the remainder being predominantly maintained pasture for agriculture. Adjacent to the project to the east and west are parcels (Tax Map No. 20-13E and 20-25B) that are largely used for agriculture and will not be impacted by this development. This small-scale solar project has a minimal development impact and upon decommissioning returns the affected land back to its current condition, or to potential agricultural use. The Project will financially benefit the landowner by providing fixed revenue over the lease period. Unlike commercial and residential development, the proposed solar facility development requires minimal land disturbance and impervious surfaces are limited to gravel access roads, small concrete equipment pads and pile supported racks. The use of driven steel piles for support of the racking system significantly reduces impacts to surface soils when compared to the affected footprint of structural concrete foundations associated with most commercial and residential development. Therefore, the proposed development's minimal land disturbance leaves surface soil largely intact and preserves the existing soils for future use as forestry or agriculture. Following construction, the ground underneath the panels will be reseeded using low growth, native pollinator species. Throughout the operation of the Project this native meadow will be maintained and serve not only to stabilize the soils but also to provide ample foraging habitat for native pollinators such as butterflies and bees, benefiting the surrounding farms and gardens.

STAFF ANALYSIS

The host-parcel is 126.62 acres in size with approximately 33 acres being forested. The proposed project is approximately 24 acres in size with a limited plan to clear only 2 acres of forested land.

The applicant states that the project will have minimal disturbance of just 7.3 acres out of the 42.1 acres (or approximately 17.3%) of prime farmland on the 126.6-acre parcel.

The applicant states that the ground beneath the panels will be reseeded with pollinator-friendly species. The applicant has indicated they will leave surface soil largely intact, there will be limited impact on the agricultural landscape, and the land can be easily restored to agricultural use following the decommissioning process.

The applicant intends to continue agricultural use and grazing operations within the solar project's fenced area. The remainder of the property is predominantly maintained pasture for agriculture with an area dedicated to The Alpine Goat Brewery.

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.

SUMMARY OF APPLICANT'S RESPONSE

The United States Department of Agriculture Natural Resource Conservation Service (USDA NRCS) Web Soil Survey was used to determine the extent of Prime Farmland within an Area of Interest (AOI) consisting of the proposed Project footprint (fenced area). The following soils were identified:

Table 1. Soil Composition

MAP UNIT SYMBOL	MAP UNIT NAME	ACRES IN AOI	PERCENTAGE OF AOI	FARMLAND CLASSIFICATION
6	Aquents, loamy-skeletal	2.5	10.5%	Not Prime Farmland
11A	Buchanan fine sandy loam, 0 to 2 percent slopes	0.0	0.0%	Not Prime Farmland
11B	Buchanan fine sandy loam, 2 to 7 percent slopes	7.4	31.2%	Not Prime Farmland
18	Chagrin loam	0.0	0.1%	All Areas Are Prime Farmland
39	Fluvaquents, nearly level	0.9	4.0%	Not Prime Farmland

81	Tioga fine sandy loam	0.0	0.0%	Farmland of Statewide Importance
91B	Wheeling slit loam, 0 to 7 percent slopes	7.7	32.5%	All Areas Are Prime Farmland
91C2	Wheeling slit loam, 7 to 15 percent slopes	5.2	21.7%	Farmland of Statewide Importance
Total		23.7	100%	

The proposed siting of the Project minimizes the overlap into soils designated as Prime Farmland to approximately 33%. As previously mentioned in “Site Grading”, the stripped and excavated soils are to be spread out adjacent to the fenced project area upgradient of silt fence and immediately seeded and mulched. This soil will then be available in the future to accommodate filling of these excavated stormwater measures and regrading back to a predevelopment condition with decommissioning. Also, site grading design is endeavoring for minimal disturbance of the existing surface soil to ensure prompt establishment of permanent stabilizing grasses following installation of equipment.

A detailed grading plan will be developed in coordination with County staff as part of the Site Plan approval process if the project is approved by the Board of Zoning Appeals. Grading activities will be minimized at the site, and no topsoil will be removed from the site during the construction process. The project owner proposes to install solar trackers that are designed to minimize the requirement for grading and soil disturbances within the solar array areas. In areas where grading may be required (primarily for stormwater management features), topsoil will be re-distributed on site during the construction process. At the end of the project’s operational period, the project owner will collaborate with the landowner to determine the landowner’s desired restoration of the solar project area. The landowner’s preference may likely be to return the project area to an agricultural use. The project owner will work with the landowner to establish the desired future land use in the project area, at the expense of the project owner within the bounds of re-establishing pasture or another agricultural use.

The Project lies within the County’s Agricultural Conservation Area (ACA) and has a 100-foot buffer from streams, wetlands and floodplains as shown on the SUP Site Plan. The proposed solar facility encroaches within this buffer and the Applicant is requesting an exception be made to permit the development of this Project. There are approximately 13 acres of fenced area within this 100-foot buffer. The proposed developed buffer conditions will be very similar to existing buffer conditions, which exist primarily as

maintained pasture. The proposed development within the buffer will consist of security fencing, stormwater management measures, and driven steel piles to support the tracking solar panels. The majority of these buffer areas are currently maintained pasture grasses, and following project development will be stabilized with native grasses. The landowner and Applicant also want to explore the potential of maintaining these grassed areas with grazing from sheep and occasional seasonal mowing. All project equipment maintains a minimum 35-foot setback from these natural resources and the only proposed wetland impact is on the eastern portion of the facility.

STAFF ANALYSIS

The entirety of the proposed solar project lies within an Agricultural Conservation Area (ACA). The project’s impact on the agricultural economy of the area is taken into consideration as this parcel contributes to Augusta County being second in the Commonwealth of Virginia for agricultural production. Staff feels this project will have impact on the agricultural economy of the area.

Soils	Class I	Class II	Class III	Forest	Non-Qualifying Acreage
TMP 020-24	13	6	12	33	62.616

Class I and II soils are considered optimal for farming. Land Use Taxation data, presented above, states that approximately 19 acres of this parcel are classified as optimal farmland. Staff requests analysis of the impacted prime farmland compared to the total acreage of prime farmland on the parcel.

For Wetland areas, the Comprehensive Plan recommends a 100-foot riparian buffer from the edge of wetlands and enhanced water quality treatment for any water discharging to the wetlands. The applicant is requesting an exception be made by the BZA. Staff recommends that the applicant provide an additional site plan that adheres to all-natural resource buffering requirements to supplement the current site plan.

Staff notes that more than 50% of the acreage of the proposed project (approximately 13 acres) are within the desired 100-foot buffer or directly on identified wetlands. The applicant should explain why the project cannot be located outside of the 100-foot buffer. Staff also notes that it is not advisable for concentrated stormwater to discharge directly into a floodplain.

Staff strongly recommends that the applicant contact the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality for any requirements related to proposed work in wetland areas or adjacent to any streams.

The proposed project is approximately 24 acres in size, and staff would like to know how many acres will be deforested in order to construct the proposed solar energy system.

APPLICANT SUPPLEMENTAL RESPONSE

Exhibit 1 and sheet C300 in Appendix B show the prime farmland acres on the property and in relation to the planned solar project areas. There is a total of 42.1 acres of prime farmland on this 126.6-acre parcel. The project Area of Influence impacts about 7.3 acres of prime farmland. One of the key factors the project team considered when planning the fenced-in areas for the solar project was avoidance, to the extent possible, of prime farmland acres, in particular those acres that have recently been actively farmed for annual crops. It should be noted that most of the impacted prime farmland acres are currently pastureland used for grazing and haying for livestock. RWE and the landowner plan to continue agricultural use inside the fence of the solar project by grazing sheep, contracting the sheep grazing operations to a sheep farmer in the County. So, the primary agricultural use of those acres will not be changing if the solar project is constructed, but the livestock grazing those acres will be changed from horses and goats to sheep.

About 2 acres of currently forested land will be cleared during construction of the planned solar project (as indicated in the Project Development Data table on sheet C100 in Appendix B). Exhibits 1, 2 and 3 (sheets C300, C301, and C200 in Appendix B, respectively) show existing forested areas and tree lines on the property in relation to the planned solar project areas.

STAFF SUPPLEMENTAL ANALYSIS

Staff are satisfied with the project's adherence to Policy 4, especially given that the project is not located near an existing Agricultural and Forestal District. This satisfaction is further supported by the project's limited plan to clear only 2 acres of forested land and its minimal disturbance of just 7.3 acres out of the 42.1 acres (or approximately 17.3%) of prime farmland on the 126.6-acre parcel.

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.

SUMMARY OF APPLICANT'S RESPONSE

The proposed small-scale solar facility was carefully designed so to minimize visibility from nearby residents and public roadways. The selected

location makes use of existing forest and topography to diminish any viewshed from existing surrounding properties. Setbacks and vegetation, both existing and proposed, minimize the visual impact from Chapel Hill Lane and properties to the south. Viewshed screening to the east and west of the solar array is proposed by preserving established mature vegetation outside of the project fence and supplemental plantings where existing vegetation is not sufficient. With no occupants on the abutting properties to the east and west, the project siting will allow for contiguous maintained pasture to exist and preserve the viewshed from Kezletown Road and adjacent properties. Existing vegetation is to be supplemented with additional plantings where called out on the site plan as necessary to satisfy the Alternative 2 buffering requirement in Zoning Ordinance Article VI.D Section 25-70.4.C.9 and will create no visual impact to the surrounding community.

STAFF ANALYSIS

All property lines must be screened through buffering. Any deviations using alternative compliance, such as the use of existing vegetation, will need to be determined by the BZA.

Staff notes that the site plan has incorrectly illustrated an existing buffer to the south of the property alongside Chapel Hill Lane. There is not enough existing vegetation on that portion of the property line to constitute as a buffer. Staff recommends amending the site plan to accurately match the current vegetative state of the property.

Staff disagrees that even with the proposed screening and existing topography, there will be no view of the facility from Chapel Hill Lane. Staff would recommend preserving the existing vegetation with the addition of new plantings for the buffer, adhering to Alternative 2.

Staff acknowledges existing vegetation alongside the north and east side of the property line, including the property line paralleling the river. Alternative 2, however, would still be required along all property lines unless the BZA determined a buffer was not necessary to mitigate any impacts.

APPLICANT SUPPLEMENTAL RESPONSE

Appendix B contains updated site plans, revised per discussions with County staff and per requests from County staff. The updated site plans show Alternative #2 Vegetative Buffers along the entire perimeter of the parcel. Those buffers are shown in yellow along parcel lines in Exhibits 1 and 2 below and in Appendix B. Exhibit 2 and the corresponding site plan sheet (C301) in Appendix B show the site plan overlaid with recent satellite imagery to show the site and the existing perimeter and interior vegetation. Exhibit 3 and Page C200 in Appendix B also show existing tree canopy areas on the property.

The applicant will be hosting a voluntary community meeting prior to the planning commission hearing, with invitations sent to all adjacent landowners. Several of the adjacent agricultural landowners have already been notified about the solar project and each of those landowners is supportive / not opposed. Prior to the Planning Commission hearing, in-person visits with each of the five adjacent general agricultural landowners will be offered and attempted at their homes or other locations as appropriate.

RWE has ordered visual renderings from the viewpoints identified in Exhibit 4 and those will be available at the Community Meeting (targeted for September 24th) and the Planning Commission hearing. Exhibits 5, 6, and 7 show Line-of-Sight maps and analyses from three offsite areas of interest. Each of those Exhibits illustrates that vegetative buffers can obscure views of the solar equipment from those and other nearby viewpoints. There are no other viewpoints in the area from which the public will be able to see the solar equipment, due to terrain-related buffering or thick existing vegetation that is located on the project parcel.

STAFF SUPPLEMENTAL ANALYSIS

After review of the applicant's updated site plans with Alternative #2 Vegetative Buffers along the entire perimeter of the parcel, staff are satisfied with the project's adherence to Policy 5.

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 Water infrastructure should be made.

SUMMARY OF APPLICANT'S RESPONSE

This project is not "utility scale solar land use", as is referenced in this Policy #6. It is small scale solar, or "distributed" solar. The "size and extent" of this project is utilizing approximately 19% of the total land area of the host parcel, leaving approximately 81% of the host parcel in its existing use, which is the Alpine Goat Brewery surrounded by forest and pasture. Due to its scale and compact design, small scale solar is the most compatible land use that can be deployed in this area without impacting the character of the surrounding community. The acreage of land required for development is a small fraction of that typical of utility scale solar, allowing the project to be designed and sited away from parcel boundaries and residential properties. In comparison to traditional commercial or residential development, a small-scale solar project has far fewer adverse impacts on the land. The project will require no major grading, limited land disturbance and minimal new

impervious surface. The ground cover underneath the solar panels will be planted with low-growing native pollinator species, and the existing land surrounding the fenced solar facility may continue to be in its natural condition.

As compared to alternate forms of development, a small-scale solar project will not be invasive or bothersome to the existing character of the community. Once constructed, the Project will be naturally buffered/screened from view and create no noise above existing background levels. The Project will also create no strain on County services such as water, sewer, waste, schools, and emergency services. Once operational, the site will be monitored remotely, require limited operational inspections, seasonal maintenance, and have no real impact on local traffic. The project will have no adverse impacts on the existence of nearby developed residential, commercial, or mixed-use communities. The applicant believes this solar project can be considered low-intensive land use, appropriately combining the small-scale power generation with continued forestry/agricultural land use

STAFF ANALYSIS

While this is not a utility scale project, staff compare all proposed solar energy systems with all surrounding land uses. The proposed solar project would exist on private land, currently zoned General Agriculture and located in an Agricultural Conservation Area. This parcel and all abutting properties are not planned for development and are expected to remain in Agriculture.

The project's photovoltaic coverage will be less than 200 acres, is sited on a contiguous parcel, and is not in close proximity to existing solar facilities. The installation of a solar energy system would have no undue adverse impacts relevant to this policy.

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.

SUMMARY OF APPLICANT'S RESPONSE

The proposed Project is not located within an Urban Service Area or Community Development Area. Since the project site is located interior to a larger privately-owned property and setback significantly from public roadways, development of this Project will not interfere with or impact pedestrian use of the surrounding areas.

STAFF ANALYSIS

The proposed project is not located within an Urban Service Area or a Community Development Area. This policy is not applicable to this project.

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.

SUMMARY OF APPLICANT'S RESPONSE

The proposed Project is to be developed on private property which is currently publicly accessible for the Alpine Goat Brewery, however the facility will not have any public access and the security fence will remain locked while in operation. A low impact development design approach was implemented with land use that encourages natural landscapes and effectively preserves the space for future use. The proposed Project will include native pollinator species and preservation of existing native vegetation, which will maintain a diverse foraging habitat. The wetlands, except for the portion impacted in the east, will be conserved for the entirety of the project's lifespan which provides a natural habitat for surrounding wildlife that is internal to the project parcel.

As opposed to more intensive forms of land development, small scale solar projects leave the underlying landscape relatively unchanged. The Project's Decommissioning Plan specifies adequate removal of the facility at the end of project life, ensuring the land will be returned to predevelopment conditions. After the Project is decommissioned, the land can then either revert to continued agricultural use or developed for other purposes, which could include potential outdoor recreational uses.

STAFF ANALYSIS

Though the property does have frontage on the North River, the proposed project is not located along a pedestrian corridor, near any public land, or areas that are common places for fishing and wildlife observation. This policy is not applicable to this project.

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.

SUMMARY OF APPLICANT'S RESPONSE

The Project is not located adjacent to public spaces or planned developments. The Project is located interior to a larger privately-owned property that will continue to be a private property.

STAFF ANALYSIS:

The proposed project is located on a privately-owned parcel. This policy is not applicable to this project.

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**
- b. Fertile soils**
- c. Habitats**
- d. Native vegetation**
- e. Forests**
- f. Historic and archaeological resources**

SUMMARY OF APPLICANT'S RESPONSE

A wetland delineation was performed by VHB in January 2023, February 2024, and is pending confirmation of state surface water determination. Waters regulated under Section 404 of the Clean Waters Act are located on this site and wetland/waters impacts are proposed with this Project. The appropriate permitting for these impacts will be submitted at the time of site plan approval.

The USDA NRCS Web Soil Survey was analyzed during the project's due diligence to assess the site for Prime Farmland. Within the approximately 24 acres of proposed project development area, there is approximately 7.8 acres (33%) designated as prime farmland soil and approximately 5.3 acres (22%) of this area designated as farmland of statewide importance. However, this impact is minimal considering the project is leaving 81% of the host parcel in its existing condition, which is predominantly forest and pasture. All vegetative clearing is limited to the approximately 24-acre project area and the majority of the habitat and forests existing at the site will be unaffected by the temporary presence of the solar project. The soil on the site will be maintained, and once the facility is removed, the same soil will be available for future forestry and/or agriculture. The pollinator seed mix that will be planted in any disturbed areas of the site will support local agriculture resources, both on site and in the surrounding community.

A cultural resources assessment was performed using the Virginia Department of Historic Resources statewide electronic cultural resources GIS and database (VCRiS) for the project parcel. A copy of the VCRiS results map and database search of potential architectural resources in the area are included in Appendix F. As proposed, the Project will have no adverse impact to cultural or architectural resources.

STAFF ANALYSIS

a. Streams, rivers, wetlands

A wetland delineation was performed by VHB in January 2023 and February 2024. Confirmation of this delineation has not been completed. The United States Army Corps of Engineers have not been contacted. Given the extent of wetlands and their potential impact to the project, staff strongly

recommends the applicant contact the agency for any requirements related to proposed work in wetland areas or adjacent to any streams.

For wetland areas, the Comprehensive Plan recommends a 100-foot riparian buffer from the edge of wetlands and enhanced water quality treatment for any water discharging to the wetlands. The applicant's proposed site plan assumes that approximately 13 acres of the solar facility would not adhere to that recommendation. The BZA is the formal body that would approve an exception to that rule. Staff recommends the applicant provide an additional site plan that adheres all natural resource buffering requirements.

b. Fertile soils

Based on the USDA NRCS Web Soil Survey, 7.8 acres (33%) of designated prime farmland and approximately 5.3 acres (22%) of farmland of statewide importance exist within the approximately 24 acres of proposed project development area. The applicant has provided a plan to maintain the soil onsite during the life of the project and a decommission plan to restore the site back to agricultural use.

c. Habitats

The applicant has stated that a chain link fence would be utilized to secure the solar facility. Staff recommends using a wildlife friendly fence instead.

d. Native Vegetation

The applicant has proposed a pollinator seed mix that will be planted in the disturbed area of the site. Subject to providing additional buffer plantings as recommended, this project should not lead to adverse impacts on native vegetation on the property or neighboring properties.

e. Forests

This project is proposing to locate on a parcel with approximately 33-acres of forested land. Staff would like to know how many acres will be deforested in order to construct the proposed solar energy system.

f. Historic and archaeological resources

A cultural resources assessment was performed using the Virginia Department of Historic Resources statewide electronic cultural resources GIS and database (VCRiS) for the project parcel. The Project will have no adverse impact to cultural or architectural resources.

APPLICANT SUPPLEMENTAL RESPONSE

VHB Senior Scientist, Tim Davis, coordinated with the U.S. Army Corps of Engineers (USACE) and the Virginia Department of Environmental Quality (DEQ) to determine if regulatory permitting will be needed for the installation of solar panels in non-tidal emergent wetlands. For this proposed solar project, we're proposing that no grading disturbance will occur within the wetland limits, aside from the penetration of the steel support piles, and

ground protection matting will be used to prevent vehicular rutting or damage during the temporary pile and panel installation. The USACE will not require a permit, as the pile penetrations are not considered a fill impact. The senior permit writer at VDEQ would not commit and instead recommended the developer submit a Joint Permit Application (JPA) for review to be safe. A similar land-use by comparison would be a boardwalk having temporary construction impacts with only pilings as the permanent structure placed in the wetland. VHB has designed and submitted JPAs for dozens of boardwalks over the years, and each time we have received determinations from the USACE and DEQ that no permits are required because they view the impact as de minimis. We expect a similar determination for this project, considering the proposed solar array will have a pile-penetration area of less than 10 SF (0.0002 acre) to be distributed across approximately 0.47-acre of emergent wetland and wetland vegetation beneath the panels is to remain.

As described above, long-term disturbances to any wetland areas will be limited to pile penetrations for the tracking equipment. There will also be pile penetrations within some of the 100-foot buffers around wetland areas, and there are also limited encroachments into the 100 ft wetland buffers for short sections of project roads. Because of the nature of this property with farmed wetland areas in various locations throughout the property, the presence of a flood plain along the North River, consideration of desired setbacks from the public road, avoidance of additional prime agricultural soils, and other existing or planned future land uses for the property, it is not possible for RWE to completely avoid encroachment into the 100-foot ACA buffer. As mentioned above however, precautions will be taken during construction to minimize vegetation disturbance within these areas. RWE also plans to use all-terrain single axis tracking equipment which will further reduce ground disturbance within the array areas of the solar project. In terms of future ground cover and agricultural land use within the fenced areas for the proposed project, the future conditions land use will be similar to current uses.

RWE is certainly open to using wildlife friendly fencing instead of chain link fencing for the project. Because sheep grazing is planned for inside-the-fence areas of this solar project, and because some portions of this property experience public visitations due to the farm brewery operation on the property, we would like for the preferences of the sheep farmer and the landowner to be taken into consideration in the selection of perimeter fencing. Based on the feedback we've obtained to date from the sheep farmer and the landowner, we believe the wildlife friendly fencing will be their preferred fencing option and RWE is supportive of that.

This 126-acre parcel contains approximately 33-acres of forested land, and approximately 2-acres of forested area will be cleared during the construction of the planned project.

STAFF SUPPLEMENTAL ANALYSIS

Staff are satisfied with the project's plan to clear only 2 of 33-acres of forested land and the applicant's intent to use wildlife friendly fencing in the event the sheep farmer and landowner deem this type of fencing sufficient for their operations.

Staff understands it is not possible for the applicant to completely avoid encroachment into the 100-foot ACA buffer recommended by the Comprehensive Plan. While staff finds improvements to the avoidance of impact to wetlands in the supplemental response, there will be a direct encroachment on delineated wetlands. Due to this encroachment, staff recommends the applicant provide documentation that speaks to the USACE not requiring a permit for this particular impact.

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.

SUMMARY OF APPLICANT'S RESPONSE

The Project will preserve existing forested vegetation to naturally buffer the facility view from adjacent property owners and in adherence to Zoning Ordinance Article VI.D Section 25- 70.4.C.9. The Project is utilizing 19% of the host parcel, leaving approximately 81% of the host parcel in its existing condition, which is predominantly forest and pasture. Outside of the project fence, the forested land and wetlands will be conserved and provide a natural corridor for surrounding wildlife for the entirety of the project's lifespan. The portion used for the Project will be seeded with low-growing native pollinator species throughout to stabilize disturbed areas between array rows, along fence and underneath the solar panels. The use of low-growing native pollinator vegetation within the facility will also provide foraging habitat for local native pollinators, which will have an overall positive impact on surrounding natural resources. A small scale solar project provides a source of locally produced, clean, renewable electricity, and an opportunity for the community to become stewards of their environment, protecting natural resources both locally and globally.

STAFF ANALYSIS

The project proposes planting low-growing native pollinator species throughout the site to stabilize disturbed areas. The applicant states local native pollinators will have a positive impact on the surrounding natural resources.

Although no wildlife corridors are proposed, due to the size of the project and the surrounding pasture, native wildlife should be able to navigate around the fenced area. Therefore, staff recommends a wildlife friendly

fence if fencing will be utilized for this project. Please see Policy 2 and 5 for buffering comments and requirements.

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.

SUMMARY OF APPLICANT'S RESPONSE

The proposed Weyers Cave A Solar is to be developed in a single construction phase on approximately 24 acres interior to the privately-owned host parcel. Approximately 81% of the host parcel will remain undisturbed in its current condition. The project's location and existing topography will prevent visibility of the proposed facility from neighboring parcels and the surrounding area. The project is not proximal to any other existing solar facilities.

STAFF ANALYSIS

The proposed project will be developed in a single construction phase on a privately-owned parcel. Staff disagrees that this project's location and existing topography will prevent visibility from all neighboring parcels and the surrounding area. See Policy 2 and 5 for buffering comments and requirements. The project is not in close proximity to any other existing or pre-operational solar facilities.

ISSUES THAT HAVE BEEN ADDRESSED:

Adherence to Policy 1, Economy

The applicant provided clarification on the discrepancy between the average demand for 50 workers on the construction of a 3MW solar project versus the 9 direct and indirect workers the project intends to employ. The applicant also provided an explanation for the calculation of the current property revenue value for the next 35 years.

As it relates to the number of full-time equivalent workers assumed for the duration of the project, the applicant and Mangum provided clarification on the economic contributions to Augusta County during an estimated one-time pulse of economic activity during the project's construction phase.

Although the clarifications supported staff's analysis of potential economic benefits to the County, staff does not find the economic and employment opportunities to be significant enough to adhere to Policy 1, despite the calculated values being greater than the values at its current and existing use.

Adherence to Policies 2 and 5, Rural viewsheds and Visual impact

The applicant has provided updated site plans with Alternative #2 Vegetative Buffers along the entire perimeter of the parcel and has provided and ordered additional visual renderings to support the project's adherence to Policy 2.

The applicant also intends to host a voluntary community meeting to discuss the project and any buffer concerns with neighboring GA zoned owners.

Adherence to Policy 4, Prime Farmland and Agricultural and Forestal Districts

The applicant provided prime farmland data for the entire parcel analysis that indicates 7.3 acres of 42.1 acres (or 17.3%) of prime farmland on the 126.6 parcel will be disturbed. Staff does not find this to be a significant disturbance to prime farmland. Additionally, staff are satisfied with the project's adherence to Policy 4, given the applicant's intent to continue agricultural use and grazing operations within the solar project's fenced area. This satisfaction is further supported by the project's limited plan to clear only 2 acres of forested land.

Adherence to Policy 10, Resource Considerations

The applicant provided details on the extent in which wetlands need to be disturbed for the viability of the project, while emphasizing their intent to minimally disturb the land from the penetration of the steel support piles. While staff finds improvements to the avoidance of impact to wetlands, there will be a direct encroachment on delineated wetlands. Due to this encroachment, staff recommends the applicant provide documentation that speaks to the USACE not requiring a permit for this particular impact.

The applicant also provided data from a parcel analysis that indicates only 2 of 33-acres of forested land will be cleared. Staff does not find this to be a significant clearing of forested land.

The applicant stated that RWE and the landowner intend to use wildlife friendly fencing around the photovoltaic panels. Staff are satisfied with this effort.

POLICIES NOT APPLICABLE

- Policy 7. Compact, interconnected development.
- Policy 8. Open space.
- Policy 9. Interconnectivity.

COMMUNITY DEVELOPMENT STAFF RECOMMENDATIONS

The applicant has proposed to construct a small solar energy system sited on approximately 24 acres located on Tax Map 020 Parcel 24. The proposed project meets the setback requirements as set by the Augusta County Zoning Ordinance. After review of the project's conformance with the twelve (12) policies outlined in the Comprehensive Plan, staff finds the project meets the following policies:

Policies 2 and 5. Rural viewsheds and Visual impact. The applicant provided staff with updated site plans that show Alternative #2 Vegetative Buffers along the entire perimeter of the parcel.

Policy 3. Agricultural landscape and economy. The applicant states that the project will have minimal impact on the agricultural landscape, stating that the land can be easily restored to agricultural use following the decommissioning process.

Policy 4. Prime farmland and Agricultural and Forestal districts. The project will not significantly disturb prime farmland or farmland of statewide importance, nor will it significantly clear forested land. The project will encourage the continuation of agricultural use in and around the fenced project area.

Policy 6. Balanced land uses. The project's photovoltaic coverage will be less than 200 acres, is sited on a contiguous parcel, and is not in close proximity to existing solar facilities. The installation of a solar energy system would have no undue adverse impacts relevant to this policy.

Policy 11. Natural resource benefits. The project proposes planting low-growing native pollinator species throughout the site to stabilize disturbed areas. The applicant states local native pollinators will have a positive impact on the surrounding natural resources.

Policy 12. Clustering and colocation. The proposed project will be developed in a single construction phase on a privately-owned parcel. The project is not in close proximity to any other existing or pre-operational solar facilities.

The following policies were found to be not applicable:

Policy 7. Compact, interconnected development. The proposed project is not located within an Urban Service Area or a Community Development Area. This policy is not applicable to this project.

Policy 8. Open space. Though the property does have frontage on the North River, the proposed project is not located along a pedestrian corridor, near any public land, or near areas that are common places for fishing and wildlife observation. This policy is not applicable to this project.

Policy 9. Interconnectivity. The proposed project is located on a privately-owned parcel. This policy is not applicable to this project.

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

An evaluation of this project's overall location, character, and extent are additional crucial factors in determining whether this project is in substantial accord with the vision for land use on this property as identified by the 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

The solar project is proposed in an Agricultural Conservation Area, where small solar energy systems are permitted per Section 25-70.4 “Uses permitted by Special Use Permit by the Board of Zoning Appeals” of the Augusta County Zoning Ordinance. The majority of the surrounding area is agricultural land and is planned to remain in agriculture. This location encourages small solar energy systems per the Comprehensive Plan.

The solar facility’s photovoltaic coverage will be less than 200 acres, is sited on a contiguous parcel, and is not in close proximity to existing solar facilities. This project would exist on private property that is not expected to develop, much like the surrounding area.

CHARACTER

Additional landscaping will serve to alleviate the visual impacts of photovoltaic panels as seen from neighboring parcels and Chapel Hill Lane. Staff feel that the proposed and existing vegetative buffer and ground cover helps to preserve the character of the County.

The solar energy facility is not expected to negatively impact adjacent properties in terms of noise pollution, dust, noxious odors, environmental pollution, or light pollution. Staff found that aside from an initial pulse of activity during the short duration of the construction period, the proposed energy system should not add any additional negative impacts to traffic in the area compared to the existing use of the property.

EXTENT

The size of the project is approximately 24 acres. This has been in line with the majority of small energy system applications the County has received. The project is a distributed solar project through Dominion Energy. The County encourages distributed solar through the Comprehensive Plan in an effort to help achieve the County’s renewable energy goals.

The project would be constructed on approximately 7.3 acres of prime farmland. Staff feel the project would have minimal impact on the agricultural economy of Augusta County. Not every policy is applicable in this project, such as Policies 7-9. The applicant does take surrounding natural resources into consideration and provides natural benefits by planting native pollinators to help nourish the ground as well as attract a variety of wildlife.

While staff finds improvements to the avoidance of impact to wetlands, there will be a direct encroachment on delineated wetlands. Due to this encroachment, staff recommends the applicant provide documentation that speaks to the USACE not requiring a permit for this particular impact.

Due to the above cited reasons and the project’s adherence to Policies 2, 3, 4, 5, 6, 11, and 12, staff finds the project **in substantial accord with the Comprehensive Plan**.

If the Board of Zoning Appeals desires to approve the project, staff would recommend the following conditions:

PRE-CONDITIONS

1. The applicant shall submit a 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 solar energy system 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 wetland impacts shall be permitted except as shown on the Site Plan prepared by VHB and RWE Antares, dated July 25, 2024.
4. The solar energy system shall not obtain final site plan approval until evidence has been given to the County that the permittee has obtained an interconnection approval by a regional transmission organization or electric company.
5. Landscaping Plan. The Applicant shall submit a proposed landscaping plan for each perimeter of the solar energy system (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 solar energy system 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.
 - 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 solar energy system 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 solar energy system 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 energy system 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 energy

system to full operational capacity, if the solar energy system does not operate as a solar energy system collecting 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 solar energy system 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 energy system 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 solar energy system, 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 solar energy system. 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 solar energy system, 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 solar energy system 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 County Service Authority if corrosion control systems are part of the solar energy system.

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 solar energy system, 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. This Permit shall be binding on Weyers Cave VAA, 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 Weyers Cave VAA, 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 Weyers Cave VAA, 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.
4. The solar energy system, 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 and RWE Antares, dated July 25, 2024.
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 solar energy system and its successors and assigns.

6. All non-operational, non-electrical site features along the perimeter of the solar energy system, 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 solar energy system.
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 solar energy system.
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. Burning of wood debris is not permitted.
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 solar energy system and to any construction needed during replacement, repair, or maintenance activities during the ongoing operation of the solar energy system. Replacement, repair, and maintenance activities conducted at nighttime and not involving construction shall comply with all applicable noise standards.
12. The solar energy system 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. No topsoil shall 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 solar energy system 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 solar energy system 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 solar energy system.
 - e. Prohibit any personnel associated with the construction of the solar energy system 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 solar energy system, which shall be the date on which the solar energy system 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 solar energy system 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 solar energy system 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 solar energy system Weyers Cave VAA, 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 – 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.
24. Contribution for Public Improvements – The Applicant, and if different than the Applicant, the solar energy system owner and/or operator, shall provide an upfront payment of \$15,000 per megawatt along with 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 solar energy system 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 solar energy system 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 energy system. 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, solar energy system 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.

BE IT FINALLY RESOLVED that the Augusta County Board of Zoning Appeals' decision to approve this Permit is predicated on the Augusta County Board of Zoning Appeals' understanding that the above conditions the Augusta County Board of Zoning Appeals hereby imposes upon this Permit are valid, lawful, and shall apply to the approved use for the life of the use, provided, however, that if any provision of these conditions is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of these conditions and this Permit shall nonetheless remain in full force and effect.