



Minutes
Louisa County Planning Commission
Thursday, February 25, 2021
7:00 PM
Louisa County Public Meeting Room

CALL TO ORDER

Ms. Reynolds called the February 25, 2021 meeting of the Planning Commission to order at 7:00 p.m.

ROLL CALL

Attendee Name	Title	Status	Arrived
Gordon Brooks	Commissioner	Present	
Holly Reynolds	Chairman	Present	
Ellis Quarles	Commissioner	Present	
Cyrus Weaver	Commissioner	Present	
George Goodwin	Commissioner	Present	
John Disosway	Vice Chairman	Present	
Tommy J. Barlow	Board of Supervisors Liaison	Present	
H. Manning Woodward	Commissioner	Present	
Ed Jarvis	Town of Mineral Representative	Absent	
Garland Nuckols	Town of Louisa Representative	Absent	

Others present - Helen Phillips, County Attorney; Robert Gardner, Director; Tom Egeland, Planning Associate; Renee Mawyer, Administrative Assistant

INVOCATION

Mr. Weaver led the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Quarles.

CONSENT AGENDA

APPROVAL OF AGENDA

APPROVAL OF PLANNING COMMISSION MINUTES

Mr. Woodward stated in the minutes he is listed as present for the January meeting but he participated remotely.

On the motion of Mr. Brooks, seconded by Mr. Quarles, which carried a vote of 7-0, the Commission approved the consent agenda, including the approval of agenda and the January 14, 2021 minutes with corrections.

PUBLIC ADDRESS

Ms. Reynolds opened the public address period and asked if anyone wished to speak on issues not on this evening's agenda. There being no one present who desired to speak, Ms. Reynolds closed the public address period.

UNFINISHED BUSINESS

None.

PUBLIC HEARINGS

Capital Improvements Plan FY2021-2040

Wanda Colvin, finance director, presented to the Commission the Capital Improvement Plan. She stated she is available to answer any questions.

Mr. Weaver asked if the transportation funds included electric buses.

Ms. Colvin stated she understands this plan is for regular buses.

Mr. Quarles asked if the pool facility would be a different location than the proposed pool enclosure.

Mr. Colvin stated yes, this would be a facility that the schools could use.

Ms. Reynolds confirmed that a location has not yet been chosen.

Ms. Colvin stated to my knowledge a location has not been selected.

Discussion ensued in reference to the Shannon Hill Business Park and how much it would cost to build the roads, etc. and how much money should really be set aside for the business park if it is unknown exactly how much everything will cost.

There was further discussion in reference to utilities and exactly where the utilities were going to be run and which growth areas will be served with these utilities.

Ms. Reynolds opened the public hearing. There being no one present to desired to speak, Ms. Reynolds closed the public hearing.

On the motion of Mr. Disosway, seconded by Mr. Brooks, which carried a vote of 6-1, with Mr. Woodward voting against, the Commission voted to forward the application to the Board of Supervisors with the recommendation of approval.

CUP2020-06 Apple Grove Solar, LLC, Applicant

Mr. Gardner presented to the Commission the application CUP2020-06 Apple Grove Solar, LLC, Applicant; Seth Maughan, Agent; Robert Bunting III & GPS Property, Inc., Owners, applying for a new Conditional Use Permit for a solar facility based on a substantially different application revisions from CUP2020-03 previously denied by the Board of Supervisors. A summary of the substantial different application revisions includes:

1. Reducing the facility generation capability from 20MW to 15MW, a 25% decrease.
2. Reducing the entire development envelope from 138.5 acres to 111 acres, a 20% decrease.
3. Reducing the estimated fenced-in footprint from 118 acres to 88 acres, a 25% decrease.
4. Providing six new field documents gathered from recent surveys and studies including the locations of wetland areas on amended Preliminary Concept Plan.
5. Increasing setback areas illustrated on concept plan sheets:
 - a. Between adjacent property lines and solar equipment from 125 to 150 feet, an increase of 17%.
 - b. Between public rights-of way and solar equipment from 250 to 300 feet, an increase of 17%.
 - c. Surrounding an on-site cemetery from 25 to 100 feet, an increase of 75%.
6. Substantial area of “no disturbance” shown north of parcel 83-4, preserving additional vegetation as setbacks, and leaving half of parcel 83-1 to the north for the current owner to use.
7. Establishing three rows of evergreen trees in areas shown on plan sheets.
8. Creating noise suppression by keeping construction laydown or equipment yards a minimum of 500 feet from adjacent property and 1,000 feet from neighboring dwellings.

Apple Grove Solar, LLC, Applicant; Seth Maughan, Agent; Robert Bunting III & GPS Property, Inc., Owners is requesting approval of the following:

- A. Determination that the proposed *utility service, major* solar facility is substantially in accordance with the 2040 Louisa County Comprehensive Plan for the 225 acres under option to lease or purchase
- B. Issuance of a Conditional Use Permit for a *utility service, major* in accordance with Section 86-64.3 Permitted uses - With conditional use permit in the Agricultural (A-2) zoning district and Sec. 86-61.3. - Permitted uses-With conditional use permit in the Agricultural (A-1) zoning district for a 35 to 50 year solar project with a combined acreage of 225 acres, 111 acres of which could produce up to 15 Megawatts of Alternating Current (MW AC). The Project’s solar arrays and ancillary equipment will occupy approximately 88 acres of the 111 acres.

Seth Maughan, representing the applicant, addressed the Commission and gave a short presentation. Mr. Maughan discussed the changes from the original application CUP2020-03 which include:

- 15MW vs. 20MW;
- 111 acre development vs. 138.5 acre development;
- 100 foot setback from cemetery vs. 25 foot;
- 88 acres fenced in vs. 118 acres fenced in;
- Larger buffer area, defined planting, and larger setback along ROW and neighboring properties;
- Defined uses for non-buffer area setback;
- Additional commitments to include:
 - \$5,000 towards bringing fiber to Louisa (in addition to easement commitments already made by the landowner)

- 5 acres of setback dedicated to Pollinator Habitat
- “No disturbance area” well in excess of setback minimums in many areas.
- Setbacks to construction laydown/equipment yards (500 feet from perimeter or 1,000 from dwelling)

Mr. Maughan listed the following requested corrections to conditions:

- Condition 1:
 - Currently worded in a way that indicates that they project, itself may be 225 acres (which is the total acreage of the parcels and well in excess of our requested development envelope)
 - Currently notes the “informational only” estimate of 88 acres for fenced-in with no condition attached to it. Number two lists the “development envelope” (111) which we will be conditionally bound to.
 - Request rewording to clarify the 225 number, and removing of the 88 number, as it is not associated with a condition and may create confusion with Condition 2.
 - Also, “buffer” is not within fenced-in.
- Condition 12:
 - As written, confuses “setback” (distance to solar panels) with “buffer” (area w/in setback to contain measures designed to obscure visual impact)
 - Setback will generally be vegetated, but we cannot commit to not removing existing vegetation - doing so would remove the distinction between “setback” and “buffer”
 - Changes correct the definitions to match our proposal/what has been discussed throughout the process.
 - Planning staff has reviewed and agrees that this edit is warranted and in-line with their expectations.
- Condition 23:
 - Request clarification that the daily inspections are not required on days with no work (we cannot work on weekends) or rainfall, to avoid undue burden
 - There is a required E and S process, where the county will have the opportunity to impose specific measures based off our actual construction plans.

Mr. Brooks asked the applicant if other than the conditions mentioned above, does the applicant agree with the rest of the conditions recommended by staff.

Mr. Maughan stated yes, he is only requesting the 3 changes.

Mr. Goodwin asked if staff is agreeable with the requested changes in conditions.

Mr. Gardner stated yes.

There was a lengthy discussion in reference to white space that remains under the control of the property owner, what can be done within that white space, and if there are any restrictions as to what can be done within the white space. It was determined the applicant will create a condition to address the white space and owner control issues.

Mr. Disosway asked for clarification on why there is no buffer between TMPs 83-1 & 83-1A.

Mr. Maughan stated both parcels have the same land owner and they did not want the buffer.

Mr. Disosway stated it was 2 different parcels and if one of them were to be sold the new owners might not appreciate not having a buffer.

Mr. Maughan stated if it is something that is required it will be done, however the applicant did not want to as it is an added expense and the property owner did not want to have to remove the buffer once the project is complete.

Ms. Reynolds opened the public hearing.

Bruce Stone, Cuckoo district, addressed the Commission in favor of the application and stated he sent an email with signatures of all the adjoining land owners that are in support of the project, they feel this be a good project for the community.

Ms. Reynolds read 4 emails in support of the project from the following individuals (attached):

- Tom & Deb Field, Cuckoo District
- Robert Bunting III, Cuckoo District
- Hayden Bunting, Cuckoo District
- Bruce Stone, Cuckoo District

Peyton Birtchal, representing GPS Property Inc, addressed the Commission in favor of the application and thanked the Commission for their time and consideration.

Karen Bunting, Cuckoo District, addressed the commission via telephone and stated she is in favor of this project and feels the applicant has done gone out of their way to appease the neighbors.

Ms. Reynolds closed the public hearing.

On the motion of Mr. Goodwin, seconded by Mr. Brooks, which carried a vote of 7-0, the Commission found the application CUP2020-06 to be in conformance with the 2040 comprehensive plan.

On the motion of Mr. Goodwin, seconded by Mr. Brooks, which carried a vote of 7-0, the Commission voted to forward the application to the Board of Supervisors with the recommendation of approval, with amended conditions and an additional condition to address the white space and owner control issue discussed.

NEW BUSINESS

None.

DISCUSSION

Tow Truck Service Yards

Mr. Gardner stated staff has recently had inquiries about opening and operating towing yards in Louisa County. One is from a towing operator the other is from property owner Mr. James Newman parcel 51-1-9c in Zion Crossroads across from CHIPS. The property is located at 136 Crossroads Center zoned Industrial I-1 (map attached). Mr. Newman wants to lease a portion of

the parking lot on the property to a towing company.

Our current zoning ordinance does not specifically define or list towing yards in the definitions or as land uses in any of the industrial zoning districts. Therefore, according to Sec. 86-11. - Uses not provided for. If in any district established under this chapter, a use is not specifically permitted and a property owner makes an application to the administrator for such use, the administrator shall refer the application to the Planning Commission, which shall make its recommendation to the governing body within 30 days.

Towing yards could be a less intensive use than I-1 by-right uses such as construction yards, warehousing and distribution, RR facility or transportation terminals. The CUP list for I-1 includes truck terminal, salvage and scrap service. In addition, the section below provides oversight from the Commission for new uses.

Chapter 86 Sec. 86-170. - Requirements for permitted uses (I-1).

- a. Before a building permit shall be issued or construction commenced on any permitted use in industrial limited (I-1) district, or a zoning permit issued for a new use, the plans, drawn in sufficient detail to show the operations and processes, shall be submitted to the Zoning Administrator for study.
- b. The administrator shall refer these plans to the Planning Commission for its recommendation.
- c. Modification of the plans may be required before a permit is issued.

If the Planning Commission recommends that towing yards are either by-right or a CUP use then I will forward your recommendation to the Board of Supervisors for inclusion into the draft zoning ordinance.

Mr. Newman addressed the Commission via Zoom and discussed his proposed use for a towing yard on his property.

Mr. Goodwin stated he would like to clarify this is a discussion item in reference to how these inquiries should be handled in general, not just Mr. Newman's request, and there is no vote expected on this tonight.

Mr. Gardner stated yes, staff just needs direction from the Planning Commission.

There was a lengthy discussion in reference to how the Planning Commission would like staff to handle the request. The planning Commission instructed staff to come up with draft amendment language to address tow yards in the County.

ZTA2021-01 Proposed Zoning Ordinance Amendments Phrase – “Substantially the Same”

Mr. Gardner discussed the proposed text amendments to the phrase "substantially the same" and stated this item would be a public hearing at the March Planning Commission meeting.

Mr. Goodwin stated he understands what is being done with these amendments, however he is concerned with how this will affect applications for individual land owners who made a small mistake that got denied then they would have to wait a full 12 months to reapply.

Mr. Disosway stated as they have done in the past, they could ask the applicant if they would like to withdraw the application, make the requested adjustment, and come back with a corrected application.

Discussion ensued in reference to what defines “substantially” in substantially different. It was determined that would also be addressed within these amendments.

VAR2021-01 Clinton Brinkley

The Planning Commission had no comments to send to the Board of Zoning Appeals in reference to this application.

REPORTS

None.

ANNOUNCEMENTS AND ADJOURNMENT

On the motion of Mr. Goodwin, seconded by Mr. Weaver, which carried a vote 7-0, the Planning Commission voted to adjourn the February 25, 2021 meeting at 9:04p.m.

BY ORDER OF:

HOLLY REYNOLDS, CHAIRMAN
PLANNING COMMISSION
LOUISA COUNTY, VIRGINIA

Renee Mawyer

From: Tom Egeland
Sent: Thursday, February 25, 2021 2:14 PM
To: PlanningZoning
Subject: FW: Solar Farm Planning Commission Hearing

[Renee Please see below](#)

From: Deb Field [mailto:debfield77@gmail.com]
Sent: Thursday, February 25, 2021 2:10 PM
To: Tom Egeland <TEgeland@louisa.org>
Subject: Solar Farm Planning Commission Hearing

CAUTION: External email

Mr. Egeland: Thank you and please read this during the comment period and put in the public record at the Planning Commission Hearing for Apple Grove Solar.

Good evening: I am sorry that my husband Tom and I (Deb) Field as well as the Field Trust members could not be with you tonight to show our strong support for the Apple Grove Solar Project. Our property is located at 9929,9939 Jefferson Hwy (approx. 100 acres) and is located across from this project along highway 33. We have appreciated the guidance, time, professionalism and support that the Planning Commission and community development staff (Mr. Egeland) have provided in consideration of this project. It really helps the average Louisa citizen! All of this work contributed to a better project. We were disappointed and frankly shocked that the Board of Supervisors quickly ruled the way they did without due consideration of all the work done or to provide the opportunity for improvement. This approach by the Board of Supervisors appeared very limited and short-sighted. Thankfully it has been submitted to you again with substantial improvements to the project. Our neighbors and us hope you will support this project and forward it on for further approval. The alternative of a housing development will incur increased safety issues along the highway and costs for the Cuckoo district and the county. Supporting a solar farm reserves the rural and "green" nature of Louisa and is supportive of a long term commitment to such. Thank you, Deb and Tom Field and Field Trustees

Renee Mawyer

From: BUNTING CONSTRUCTION, LLC <rcbunting3@yahoo.com>
Sent: Wednesday, February 17, 2021 3:28 PM
To: PlanningZoning; Tom Egeland
Subject: Apple grove solar

CAUTION: External email

To whom it may concern my name is Robert bunting and though I'm unable to attend tonights meeting as an adjoining land owner and member I'm in full support of the apple grove solar project. Thanks

[Sent from Yahoo Mail on Android](#)

Renee Mawyer

From: Hayden Bunting <haydenzbunting@gmail.com>
Sent: Wednesday, February 10, 2021 4:26 PM
To: PlanningZoning
Subject: Apple Grove Solar Project

CAUTION: External email

Please read this during the comment period for at the February 11th Planning Commission Hearing for Apple Grove Solar

To whom it may concern:

I am Hayden Bunting and I am in full support of the Apple Grove Solar Project and so is my family, as we are adjacent landowners and potential members of this project. Our family believes that the solar project will help keep the majority of the neighbors happy while also keeping Louisa rural.

It is also to our understanding that this application is substantially different than previously proposed. We chose to submit the project as is because it was suggested by a Supervisor, on the record, at the August 17th meeting.

It is our expectation that this Application, being legally submitted and received under the current language, will proceed with the CUP process and our hope that it will be considered on its merits alone.

Thanks,
Hayden Bunting and family
(540) 894-7007

Renee Mawyer

From: Edward Stone <ebstone44@gmail.com>
Sent: Thursday, February 11, 2021 10:04 AM
To: Planning Commission
Cc: Renee Mawyer; Tom Egeland; Maughan Seth
Subject: Apple Grove Solar project
Attachments: Apple Grove Solar Project - 2-5-2021.pdf

CAUTION: External email

TO: Louisa County Planning Commission

Please see attached our letter of support for the Apple Grove Solar project. All neighboring property owners are in support of this project. We are providing signatures of the surrounding property owners.

We thank you in advance for your consideration of the Apple Grove Solar Project.

Thank you,

Bruce Stone

February 5, 2021

To: Louisa County Staff, Planning Commission, and Board of Supervisors

From: Neighbors of the Apple Grove Solar Project

We are writing to express our support for the Apple Grove Solar Project and ask that the Louisa County official approve the applicant's Conditional Use Permit application. We have reviewed the plans submitted by the applicant and are in favor of the project, as proposed.

We, the undersigned, are owners of 11 parcels representing the property frontage with the Apple Grove site.

The overwhelming neighboring landowners support this project. SolUnesco earned this support by making great efforts to reach out, meet with us, and include our feedback in their planning process. We are happy to accept this project as a neighbor and look forward to the meaningful tax revenues that this project will bring the while not creating a burden to county resources in the way that alternative uses of this property might.

The current owner of this property has indicated that they will build a housing subdivision if the solar project is not built. We are strongly opposed to a subdivision in our neighborhood and prefer having a solar site as a neighbor. Depending on the density, subdivision may be accomplished as a "by right" use, without a public hearing or permit. If Louisa County officials aim to respond to the wishes of this community, the opportunity to do so is now -- Please grant Apple Grove Solar a Conditional Use Permit.

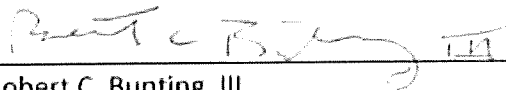
Sincerely,

(See page two with signatures)

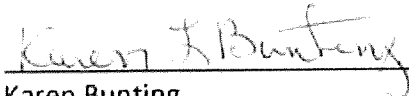
The following people are in support of the Apple Grove Solar Project, Page 2 of 2, see letter page 1 of 2.

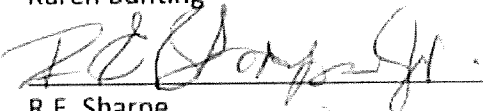
The following people are in support of the Apple Grove Solar Project, Page 2 of 2, see letter page 1 of 2.

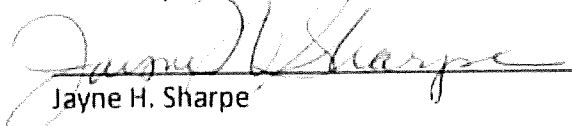
Name	Land Parcel
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 Robert C. Bunting, III	83-1
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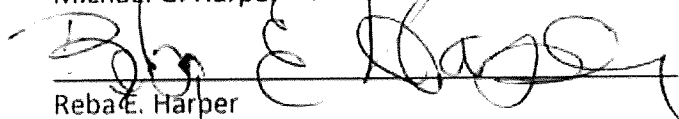
 Robert C. Bunting, III	83-1A
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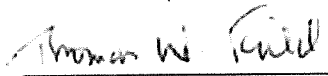
 Karen Bunting	83-1A
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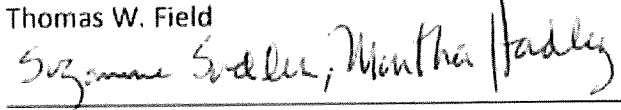
 R.E. Sharpe	83-3
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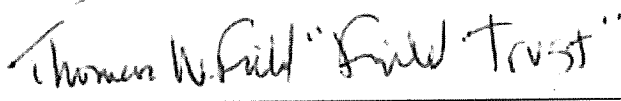
 Jayne H. Sharpe	83-3
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 Michael G. Harper	83-4A
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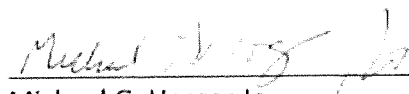
 Reba E. Harper	83-4A
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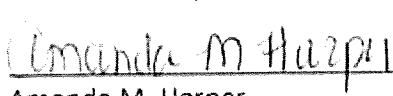
 Thomas W. Field	83-81_
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 Suzanne Sweller, Mintha Hadley	
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 Thomas W. Field, "Field Trust"	73-27
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 Edward B. Stone	73-25
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 Michael G. Harper Jr.	73-25A
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 Amanda M. Harper	73-25A
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Joe Evers
Joe Evers, Everleigh LLC 73-26

Barbarea Evers
Barbarea Evers, Everleigh LLC 73-26

Joe Evers
Joe Evers, Jevers, LLC 73-32

Barbara Evers
Barbara Evers, Jevers, LLC 73-32

Fletcher W. Harkrader Sr. 73-22

Mona B. Harkrader 73-22
Mona B. Harkrader

Additional Supporters

Debbie Field
Debbie Field

Hayden Bunting
Hayden Bunting

Carol M. Stone
Carol M. Stone

Wellesley Harkrader
Wellesley Harkrader

Laura Lee Harkrader
Laura Lee Harkrader

Christopher Fry
Christopher Fry

Rosalee Harkrader Fry
Rosalee Harkrader Fry

Clyde Harkrader 72-29A

Mary Harkrader 72-29A
February 5, 2021 Apple Grove Solar Project



BONNIE SHARPE



Nick Whitby



BRUCE A. COURSON

73-23



Virginia Robinson

73-23

February 5, 2021

Apple Grove Solar Project

Page 4

All Parcels and Landowners Adjacent to the Apple Grove Solar Project (Per Louisa County GIS Site)

Parcel #	Name	Touching or Across ROW	Feet Fronting Project Property (approximate)	Position on Project			Note
				In Favor (Signed Letter)	Publicly Opposed	No Known Opinion	
83-1A	Robert Bunting, III and Karen Bunting	Touching	3587	3587			
83-3	R. E. Sharpe and Jayne H. Sharpe	Touching	1680	1680			
83-4A	Michael G. Harper and Reba E. Harper	Touching	1682	1682			
83-81/73-27	Thomas W. Field/Field Trust (Thomas W. Field)	RO/W	1403	1403			
73-25	Edward B. Stone	RO/W	370	370			
73-25A	Michael G. Harper Jr. and Amanda M. Harper	RO/W	360	360			
73-26/73-32	Everleigh LLC (Barbara and Joe Evers)/Evers, LLC (Barbara and Joe Evers)	RO/W	823	823			
73-22	Fletcher W. Harkrader Jr. and Mona B. Harkrader	Touching	5001	5001			
73-23	Bruce Courson and Virginia Robinson	RO/W	0	0			Kitty Corner, no frontage
73-24	RAPPAHANNOCK ELECTRIC COOPERATIVE	RO/W	790			790	REC Operations
83-80	VIA, ANN R	RO/W	104			104	
73-25B	AMERICAN TOWERS INC	Touching	1072			1072	Cell Tower Parcel
83-16A	LAKE ANNA COMMUNITY CHURCH	RO/W	132			132	
		Total:	10055	7957	0	2098	
		Total: w/o REC and Tower:	8193	7957	0	236	
		Support by % of Frontage:		79.13%	100%	20.87%	
		Percent w/o REC and Tower:		97.12%	100%	2.83%	