



Minutes
Louisa County Planning Commission
Thursday, May 13, 2021
7:00 PM
Louisa County Public Meeting Room

CALL TO ORDER

Ms. Reynolds called the May 13, 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	
Ed Jarvis	Town Clerk	Absent	
H. Manning Woodward	Commissioner	Present	
Garland Nuckols	Town Clerk	Absent	
Tommy J. Barlow	Board Liason	Present	

Others Present -Robert Gardner, Director of Community Development; Tom Egeland, Planning Associate; Jeff Ferrel, Assistant County Administrator of Operations; Jenny Carter, Community Development Office Manager, Hellen Phillips, County Attorney

INVOCATION

Mr. Goodwin led the invocation.

PLEDGE OF ALLEGIANCE

Mr. Disosway led the Pledge of Allegiance.

CONSENT AGENDA

APPROVAL OF AGENDA

APPROVAL OF PLANNING COMMISSION MINUTES

The minutes of the February 25, 2021 and March 11, 2021 meeting were approved as presented.

Planning Commission - Regular Meeting - Feb 25, 2021 7:00 PM**Planning Commission - Regular Meeting - Mar 11, 2021 7:00 PM****PUBLIC ADDRESS**

Ms. Reynolds opened the public address period and asked if anyone wished to speak on issues not on the agenda, there being none, Ms. Reynolds closed the public address.

UNFINISHED BUSINESS

No items

PUBLIC HEARINGS**Amendment to the Zoning Ordinance - Section 86-501 Ag/Forestal Districts - Green Springs**

Mr. Gardner handed out some new information on this item and presented the staff report that newly submitted applications would add another 68 parcels and 6,990 acres more or less to this existing AFD for a minimum 10 year period. Mr. Harold Purcell removed several parcels before tonight's meeting. The AFD Committee met on March 24, 2021 and discussed the amendment and recommends PC approval.

Mr. Goodwin asked when parcels drop out are the acreage totals rechecked. Including the distance from the core areas. Mr. Gardner said they were.

Mr. Jim Riddell, chairman of the Louisa County Agricultural, Forestal, and Rural Preservation Committee, voiced his support for this zoning amendment, and urged support.

Mr. David Stone, vice chair of the above committee, also urged approval.

Mr. Goodwin asked if we have it backward, adding land zoned industrial to the AFD before amending that zoning. Mr. Gardner replied adding parcels with this type of designation would put property owners on notice where any future rezonings may go if you look at the adopted Future Land Use Map. The county land use taxation program may not allow this benefit for such property.

The Chairman closed the public hearing, made a motion to approve with changes passing the gavel passed this to the vice chair who called for a vote. The vote was unanimous for the amendment.

Amendment to the Zoning Ordinance - Section 86-501 Ag/Forestal Districts - Trevilian Station

Mr. Gardner handed out new application information and presented the staff report. Mr. Kubiean has since deleted parcel #12-17 and the Dietrich's added parcels 23-15 and 23-9. The newly submitted applications would create a new AFD consisting of 62 parcels and 4,332 acres more or less over a minimum 10 year period. VA Code 15.2-4301 allows ..."essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes" in AF districts. The AFD Committee met on March 24, 2021 and discussed the amendment and recommends PC approval.

Mr. Jerald Harlow, President of the Trevilian Station Battlefield Foundation, urged approval of the amendment.

Mr. David Stone, vice chair of the above committee, also urged approval.

Mr. Woodward and Ms. Reynolds suggested properties zoned industrial be examined in the future for A-1 or A-2 zoning before AFD applications come forward.

Mr. Woodward made a motion to approve the new AFD. Mr. Goodwin seconded and the vote was unanimous.

CUP2021-01Shelia Thurston Conditional Use Permit

Mr. Egeland presented the staff report whereby staff is recommending approval of an Assisted Living Facility and Private School for parcel 23-62C with eleven conditions. The 2040 Louisa County Comprehensive Plan currently designates this area as Rural/Low Density Residential.

The applicant gave a presentation.

Mr. Brooks asked the applicant if all of the conditions are acceptable.

Mrs. Thurston responded in the affirmative.

Mr. Brooks suggested that the Commission should not limit the number of students and teachers and increase the number of allowed residents from 6 to 8.

Mr. Ferrel brought to the attention of the Commission the fact that there is existing parking there and that Mrs. Thurston should be made aware that increasing the number of parking space may require future permitting.

Mr. Weaver told Mrs. Thurston he believed what she was planning was tremendous and needed in the County.

Mr. Quarles made a motion to recommend approval of the amendment, seconded by Mr. Weaver, passing unanimously.

Amending Chapter 86, Land Development Regulations - Ferncliff Growth Overlay District

Mr. Gardner presented the staff report whereby staff is recommending amending LDR sec. 86-104 by expanding the Ferncliff Growth Area Overlay District boundaries to include all 19 Ferncliff Business Park parcels and one adjacent parcel 67-16-1 to the east. These parcels as designated for industrial use in the 2040 Plan's Growth Area and Future land Use map.

Mr. Goodwin asked if the proposal is too surgical as there may be similarly zoned land not receiving the same treatment so there is a fairness issue here.

Mr. Ferrel said this is not spot zoning, the area has always been included in the Ferncliff growth area, there are properties in there which are zoned industrial, and the amendment will remove additional unnecessary requirements. A larger growth area allowing more industrial zoning is in line with the Future Land Use map, however, there are a number of nearby farms and residences where owners need notification before we consider new industrial zoning designations.

Mr. Woodward said a nearby 30 acre parcel is zoned A2.

Mr. Quarles asked if the amendment is skipping any planning steps.

Mr. Ferrel said the no, the 2040 Comprehensive Plan and Future Land Use map already designates these parcels for industrial use.

The chairman opened and closed the public hearing.

Mr. Quarles said the BOS has already discussed this item and favor it.

The Chairman says she will support this because it's an area already identified in the Ferncliff Growth Area.

Mr. Quarles made a motion to recommend approval of the amendment, seconded by Mr. Goodwin, passing unanimously.

CUP02-2021 Energix Aditya, LLC

Mr. Egeland presented the staff report whereby staff is recommending approval of a Solar Generation Facility, Utility-Scale for parcel 42-86A with 31 conditions. The 2040 Louisa County Comprehensive Plan currently designates this area as Mixed Use within the Mineral Growth Area.

The applicant and members from the applicant's team then gave a presentation.

Mr. Disosway noticed on page 165 of the staff packet that the revenue they are proposing is different from what we normally see in solar projects.

Mr. Ferrell explained the Virginia State Code section that allows or prevents the County from collecting tax revenue from solar projects. Energix is tax exempt, but Energix has offered to provide voluntary yearly payments.

Mr. Disosway asked if staff looked into the effects this project would have on property values.

Mr. Egeland stated that staff attended both neighborhood meetings where the question of property values came up. Staff did talk to the County Assessor's office. Looking at the Belcher Project currently under construction and the existing Dominion Solar Project in the County, the County Assessor's office has not identified any impact on property values at this time.

Mr. Goodwin asked if staff would speak to the status of condition 29 still being under review.

Mr. Egeland stated that the original application language will be placed in condition 29.

Mr. Goodwin wanted to know if the applicant would be using local labor.

Ms. Sink stated that Energix anticipates the need for 55 construction jobs. After construction, one or two people will visit the site for mowing or maintenance. We do try to hire local contractors for different scopes of work.

Mr. Goodwin asked about the landscape layout and why the layout is designed in the manner that is shown.

Mr. Campbell with Draper Aden Associates stated that the plan is to group trees together to give more depth and space them out. The mix of trees is to protect against disease.

Mr. Goodwin asked Mr. Kirkland if he had received the Austin Texas Study.

Mr. Kirkland responded yes, he was cited in the Austin Texas study. Discussion ensued between Mr. Kirkland and members of the Planning Commission regarding property values, appraisal studies, noise, and the health and safety of solar panels.

Ms. Reynolds asked what impacts the degradation of solar panels have on properties.

Mr. Weaver stated that he understands the county wants to move on with solar and that staff has done an excellent job, but he is concerned about the property owners next to this and he is concerned with the number of conditions. The neighbors are being honest and speaking from their hearts.

Mr. Manning asked Mr. Kirkland that in all your vast experience is a 150 foot buffer more than you would see required from other communities.

Mr. Kirkland stated that he has data with houses in North Carolina as close as 100 feet to panels. Those houses were built after the solar panels. The Project's buffer is substantial compared to other areas Mr. Kirkland has looked at. Discussion ensued about the proposed buffer.

Mr. Brooks asked staff if this application is based on the 31 conditions staff has proposed or the 24 conditions the applicant has proposed.

Mr. Gardner stated staff works with the developer as much as they can, but it depends on the project. Staff learned a lot from the Belcher project.

Ms. Reynolds asked Mr. Gardner why Energix has located here as so many citizens asked that question tonight.

Mr. Gardner stated that they follow the major power lines in rural areas. Not so much in cities because of the price of land.

Ms. Reynolds asked what the make up of the property is. Is it all pines?

Mr. Gardner stated the property is currently in pines and had been logged in the past.

Ms. Reynolds asked how long it will be before it can be timbered again.

Ms. Sink said the property owner's plans to take more trees in the next ten years. Discussion ensued between staff and the Commission about trees.

Mr. Goodwin stated he is very concerned about traffic. When schools are gathering students traffic gets backed up. I don't know how much more Route 22 can take. I am concerned about School Bus Road because of the refuse collection on a blind curve. I am concerned about Route 33 and School Bus Road because there is no site distance. I wish we could see more from VDOT with a Traffic Analysis and traffic counts. I would like to see one of these conditions state we will lower the speed limit on school bus road to 35 miles per hour during construction. We are not given enough data. You want to have a nightmare, think about these two solar projects being constructed at the same time. Discussion ensued between the Commission and Staff about traffic and the solar project.

Mr. Goodwin suggested a change in wording on page 150 condition 19 A. I am suggesting it should read as that during the course of deconstruction structural members which break off 3 or more feet below ground level should be left.

Ms. Reynolds called for a vote to continue the meeting past 10:00 PM.

Mr. Weaver made a motion to table the meeting. The motion failed.

The Planning Commission voted to continue the meeting. Mr. Goodwin Motioned and Mr. Disosway second. Mr. Weaver voted no.

Mr. Brooks asked for clarification from staff on the conditions proposed and conversation ensued about current and past conditions along with the new land development regulations.

Ms. Reynolds asked staff and the applicant questions about VDOT's comments on the proposed project's entrance and conversation ensued relating to access to the property.

Mr. Disosway motioned to recommend finding the Project to be in conformance of the comprehensive plan. Mr. Brooks seconded the motion and it passed 7-0.

Mr. Disosway motioned to approve the Conditional Use Permit including the corrections to have condition 29 follow the applicant's application, modify the language in condition 19A, and the lowering of the speed limit to 35 during construction, if possible.

Mr. Disosway made a motion to recommend approval of the amendment, seconded by Mr. Brooks, which carried a vote of 5-2. Mr. Weaver and Mr. Goodwin voting against.

NEW BUSINESS

DISCUSSION

Amending Chapter 86, Land Development Regulations - Towing Yard

Board of Zoning Appeals VAR2021-3 Sun Tribe Solar, LLC Trevilians Elementary School

REPORTS

None

ANNOUNCEMENTS AND ADJOURNMENT

On the motion of Mr. Goodwin, seconded by Mr. Banks, which carried a vote of 7-0, the Planning Commission voted to adjourn the May 13, 2021, meeting at 9:00 p.m.

BY ORDER OF:

HOLLY REYNOLDS, CHAIRMAN
PLANNING COMMISSION
LOUISA COUNTY, VIRGINIA