



Minutes
Louisa County Planning Commission
Thursday, August 12, 2021
7:00 PM
Louisa County Public Meeting Room

CALL TO ORDER

Mr. Disosway called the August 12, 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	Absent	
Ellis Quarles	Commissioner	Present	
Cyrus Weaver	Commissioner	Present	
George Goodwin	Commissioner	Present	
John Disosway	Vice Chairman	Present	
H. Manning Woodward	Commissioner	Present	
Ed Jarvis	Town Clerk	Present	
Garland Nuckols	Town Clerk	Absent	
Tommy J. Barlow	Mountain Road District Supervisor	Present	

Others Present - Robert Gardner, Director of Community Development; Sean Hutson, Assistant County Attorney; Tom Egeland, Planning Associate; and Mary Moreau, Administrative Assistant.

INVOCATION

Mr. Weaver led the invocation.

PLEDGE OF ALLEGIANCE

Mr. Quarles led the Pledge of Allegiance.

CONSENT AGENDA

APPROVAL OF AGENDA

On the motion of Mr. Quarrels, seconded by Mr. Goodwin, carried by a vote of 6-0, the Commission approved the consent agenda., including the approval of agenda.

APPROVAL OF PLANNING COMMISSION MINUTES

On the motion of Mr. Goodwin, seconded by Mr. Woodward, carried by a vote of 6-0, the Commission approved the minutes from the July 8, 2021 meeting with a change on packet page 9 that Mr. Barlow not Mr. Brooks made a statement. In addition, a statement from Mr. Brooks that says 100 acres should read 100 vehicles.

Planning Commission - Regular Meeting - Jul 8, 2021 7:00 PM

Mr. Disosway asked if there were any discussion items that needed to be discussed from the July 8th 2021 Planning Commission meeting.

Mr. Brooks stated yes, on packet page nine, second and third paragraph states Mr. Brooks and it should state Mr. Barlow.

Mr. Brooks stated same page, eighth paragraph states statement made by him, stated 100 acres should state 100 vehicles.

PUBLIC ADDRESS

Mr. Disosway opened the public address period and asked if anyone wished to speak on issues not on this evenings agenda. There being no one who desired to speak, Mr. Disosway closed the public address.

UNFINISHED BUSINESS

None

PUBLIC HEARINGS

REZ2021-02, Louisa County I.D.A., Applicant/Owner; - Proffer Amendment Request

Mr. Egeland presented the application for a proffer amendment for REZ2015-04; Louisa County Industrial Development Authority. The proffer amendment is to allow a solar generation facility, utility-scale in the Cooke Industrial Park through a conditional use permit.

Mr. Egeland gave the property located saying it's in the Mineral Voting District. Mr. Egeland went on to explain the Cooke Industrial Park has over 1 mile of rail frontage and is served by a railroad line. Utilities, including water, sewer and natural gas are available on site. There is a 220 KV Electric Transmission Line just east of the property that can supply upgraded power needs for most industries. The park is located 10 miles from interstate 64 and is directly across from the Louisa County Industrial Air Park

Mr. Egeland stated the primary goals for 2040 Comprehensive plans are to preserve Louisa County's rural character, beautify its gateways and roadways, and accommodate future growth. The 2040 Comprehensive Land Use Map, designates all of the properties as being located in the Mineral growth area designated as Industrial use except parcel 42-68.

Mr. Egeland stated the applicant requests adding a proffer #12 which states "If the Cooke Industrial Rail Park, develops as a Solar Power Generation Facility, the Rail Park is exempt from all proffers listed (1-11) in the Rail Park revised proffer statement signed and dated September 24, 2012. However; any and all proposed solar development on the Cooke Rail Site property is subject to County approval of a major site plan and that site plan must be in compliance with the

Louisa County Solar Ordinance” end quote. Staff recommends approval of the proffer amendment to add the 12th proffer.

Mr. Disosway asked if the commission had any questions for staff at that time.

Mr. Weaver asked Mr. Egeland how much of this land is actually left, after this solar farm for rail service. Mr. Weaver explained he seen that in the report somewhere.

Mr. Egeland replied that he does not believe any of the property would be left for rail service. We had not received an application for a solar facility yet, so he would be speculating and he would assume that anyone applying would want to use as much of the land as possible.

Mr. Gardner asked is that all undeveloped land at this time?

Mr. Egeland answered yes.

Mr. Goodwin asked to be clear, if the Commission proceeds to turned this into a solar project, it would come back to the Planning Commission as a CUP.

Mr. Egeland replied yes, according to the new land and development regulations passed earlier this year, all solar facilities as utility-scale, would have to go through the conditional use process.

Mr. Brooks stated the Buckingham Branch railroad (BBRR) are against the proffer amendment, can you explain why.

Mr. Egeland turned this question over to Mr. Andy Wade Director of Economic Development to answer.

Mr. Wade stated that BBRR received a letter that all the adjoining property owner get during a rezoning case. Mr. Wade stated that there has not been direct conversation with BBRR with exception of the follow up email he sent today.

Mr. Wade stated there is no such thing as rail-in and rail-out industry. Rail-in, requires trucks-out, truck-in require rail-out. That nearby road corridor is not conducive for any more truck traffic or work force traffic generated by industrial development on that site.

Mr. Wade said the IDA has this property under lease with NCRE; Two Oaks Solar, subsidiary of NCRE since August of last year. They are going through the process of pulling all of the information now required under the Solar Ordinance, so they can put forth the CUP application in the near future. Mr. Wade went on to explain the investors want to insure that the new proffer amendment is in place before they invest the money to prepare the CUP, ordering a traffic study, conducting wet lands delineations, and investigating any nearby cultural recourses all required by the Solar Ordinance.

Mr. Goodwin asked if this is rail spur that they are purposing for construction purposes or a permanent rail spur that they are putting forth.

Mr. Wade answered they do like the site because it is the largest rail spur site in the state of Virginia currently, this is one of nine that is greater than two-hundred acres. They like it because

it has rail frontage and they think they can market it to rail users. However, even though they are marketing it to rail users, internally, we do not think it is the best and highest use of that property anymore due to the distance to the interstate which is a challenge for truck traffic. We have steered industrial development, towards the 250 and 64 corridors for those reasons. There is no rail spur currently on the property, but they could extend a rail spur into the property to serve an industrial user. Mr. Wade stated in the twelve years he has been here there has been very little interest in that property, for all the reasons he gave.

Mr. Goodwin asked would it be in the Commission's best interest to see if they are interested in putting a spur for use in construction only.

Mr. Wade stated that is something that we could ask; but I think the answer is going to be no, because it is going to be a onetime deal during construction of the solar facility. Unless the sole developer is willing to pay for it. I can certainly approach that with them.

Mr. Goodwin stated again, would it be in our best interest to block off a certain amount of area for a spur if they are willing to put it in time to elevate some of the construction traffic.

Mr. Wade replied he did not know if it is in our best interests. The railroad does not build spurs, the developer would build the spur the railroad and maintain it and the right of way in perpetuity. I do not think that they would be interested, I do not know how many panels you can bring in on rail cars but it is not a high use of that rail spur for the cost.

Mr. Goodwin stated it is something to look into because traffic is an issue in that area.

Mr. Disosway stated before we go any further it might be a good idea to ask if everyone received the BBRR email.

Mr. Disosway stated the gist of the email that Buckingham Branch wants to preserve 300 acres out of the 800 acres as potential use for rail service industries. Mr. Disosway was not sure if this would significantly affect what Commission was trying to do.

Mr. Wade stated it absolutely would. Just as a reminder the entire track is under lease, controlled by NCRE and Two Oaks Solar at this time, until they say no that their project. There have been fees paid up to this point to the IDA. The lease contains seven hundred and ninety-four acres whether they use it all or not, so they are leasing the entire track for their intended purpose.

Mr. Goodwin stated the Commission is taking away encumbrances so that there can be continued discussions that's hanging over the people's heads?

Mr. Wade replied yes that is correct there is a proffer that states there has to be a ninety foot right of way across the entire property, from Chalklevel to Chopping Road which he does not think will happen. It's at the front of that property which is the highest and flattest piece of that property which is conducive for solar panels. There are other proffers allowing the county to build a waste water treatment plant, no intentions to do that there, and several others that need to be cleared, in order for the investors to get comfortable to spend the additional funds to bring forth the CUP.

Mr. Quarles asked Mr. Wade if this property is owned by the County.

Mr. Wade replied yes, the IDA.

Mr. Quarles stated the lease is with a solar company.

Mr. Wade yes, they have already leased it.

Mr. Quarles stated they have leased it already and made the commitment, and we are adjusting the proffers to fit their design?

Mr. Wade replied yes that is correct.

Mr. Woodward stated he was not sure to address his statement to Mr. Wade or Mrs. Egeland. The property is owned by the IDA, which is of the county and the IDA is going to continue to own the property, correct?

Mr. Wade answered that is correct.

Mr. Woodward followed up stating this is not a solar application but these items need to be addressed so we as the Commission can make an educated decision. Is it Mr. Woodward's understanding of other projects that come before them while being on the commission, the person that owns the land gets a developer like what IDA has done then the developer sells to a power company or someone who needs power etc. The owner of the land gets the lease money once the facility is finished and starts producing energy. What does the IDA plan to do with that money?

Mr. Wade stated that the IDA has leased it for \$700.00 an acre, whether they use it or not, for solar panels. The IDA has a seven and half million dollar note to retire and maybe any residual funds could go into commercial industrial development, recruitment projects etc. throughout the county.

Mr. Woodward replied ok; so the only thing the IDA would be receiving would be the \$700.00 an acre per month.

Mr. Wade stated that is right.

Mr. Woodward asked they would not get anything off of the power that is being produced, other than the \$700.00 per acre every month.

Mr. Wade stated that is correct, they are just leasing underline real estate and the power that is produced is through a contractual agreement or Dominion, whoever buys the power through a PPA.

Mr. Woodward asked so it's just strictly a land lease.

Mr. Wade answered yes,

Mr. Woodward continued with there are no liabilities with the development of it, even if something showed up on the land that was not detected prior to them signing this agreement?

Mr. Wade answered the lease terms allow for a due diligence phase to determine any environmental or cultural concerns that would have to be carved out of the development.

Mr. Woodward stated it sure would be nice to see something that creates jobs as 800 acers is hard to come by.

Mr. Wade responded that this is the most heavily traveled road in the county other than 208 and the interstate. Discussion continued on traffic in the area.

Mr. Quarles asked if the government is competing with private industry here.

Mr. Wade stated that the property was purchased in 2014 to be marketed for an industrial park.

Mr. Quarles asked what happens to the lease if the proffer change does not happen.

Mr. Wade stated then the project would not happen. The approval of the proffer would allow the applicant to spend funds to prepare the CUP package.

Mr. Wade made a comment for clarification that the properties are not owned by the County but by the Industrial Development Authority.

Mr. Disosway handed the gavel over to Mr. Quarles, in order to make the motion of this request.

Motion to Approve: Disosway

Second: Goodwin

Vote: 4:2

Dissenting votes: Woodward & Quarles

Mr. Quarles returned the gavel to Mr. Disosway.

The Planning Commission requested that staff provide a future Planning Commission work session with VDOT on the impact of Solar Projects on roads.

REZ2021-03; Microzyme LLC, Applicant/Owner; Shimp Engineering, Agent; Rezoning (C-2) to (I-2 GAOD)

Mr. Gardner presented the staff report in PowerPoint slides explaining the property's location, the rezoning request, a proposed landscape plan, reductions to the required 100-foot vegetative buffer, and the new façade for the proposed new 30,000SF building, noting the surrounding property has A-2 and C-2 zoning. He further said the rezoning request is necessary for Bio-Cat to expand its operations after 33 years and to prepare the rest of its property for future growth and development. He also said that the applicant has brought rezoning proffers for consideration. He asked for questions.

Mr. Weaver asked if there is enough land available to expand the operations after applying the new LDR buffer requirements.

Mr. Gardner said the new buffer requirements came from the 2040 Comprehensive Plan goal of screening industrial uses from primary roadways, in this case the applicant is providing some screening without impacting their future development plans, so yes.

Mr. Quarles asked if the additional buffers and landscaping would impede the vision of drivers coming out of the property.

Mr. Gardner said a sight distance triangle requires vegetation to step back in order for drivers to see oncoming traffic.

Mr. Goodwin asked staff is recommending either I-1 or I-2 Growth Area Overlay District for the rezoning of this property. Does the applicant know that heavy industrial uses are not allowed in this district.

Mr. Gardner said the applicant will explain why they want the I-2 designation with their new proffers tonight.

The applicant Chris Schuler (owner) and Ms. Kelsey Schlein (agent), with Shimp Engineering introduced themselves and further explained the rezoning proposal in detail. Ms. Schlein described Bio-Cat as a manufacturing use. Mr. Schuler explained their operation for producing enzymes or food supplements and other products. The new building will house probiotics or microbial manufacturing. The new building and manufacturing facility may create 21 new jobs. Shown were building elevations, a third entrance, and proposed full buildout of the property with reduced buffers. The reason for rezoning from C-2 to I-2 with proffers is due to the zoning definitions for median and heavy industrial uses in the LDR. She explained the requested I-2 zoning district with proffers addresses the light and medium industrial definitions and their manufacturing uses so Bio-Cat can expand their current operations, without allowing inappropriate heavy industrial uses like sawmills, transportation terminals, etc.

Ms. Schlein asked for questions.

Mr. Barlow ask how much land would be devote to buffering.

Ms. Schein replied about half the property.

Mr. Barlow said the buffers would then take up a significant area of land there.

Acting Chairman Disosway opened the public comment period. No one came forward to speak.

Mr. Brooks asked with the buffers and their reductions and proffers do you support the application.

Mr. Gardner said yes.

Mr. Quarles asked if the buffers were primarily to block the view of drivers traveling on Route 250.

Mr. Gardner said that is correct.

Mr. Quarles asked if we could do anything about reducing the buffers this evening.

Mr. Gardner replied reductions require a Special Use Permit issued by the BOS.

Mr. Goodwin wanted the applicant to know that VDOT may require deceleration/acceleration lanes due to the 55 MPH on Route 250.

Mr. Quarles motioned to approve the rezoning request with staff recommendations with applicants' submitted proffers, motion seconded by Goodwin, motion carried 6:0.

NEW BUSINESS

None

DISCUSSION

Amending Chapter 86, Land Development Regulations - Towing Yard

Mr. Gardner presented new text from the last PC discussion regarding towing yards, impoundment lots, etc. Clarity and separation of these terms is important when enforcing codes. New definitions and standards are in your packet. He then read the new text and called for questions.

Mr. Quarles said there is no difference between impound lot or tow facility, what's the difference here.

Mr. Gardner said several related terms at play, impound, repo, towing, lot or yard. The goal is to create some land use specificity and standards. Existing uses like these would be grandfathered as long as they don't expand the businesses. If they expand or open new businesses they would come under the new regulations.

Mr. Goodwin asked about putting 90 day storage back in, and clarify accessory use, and not allowing standalone facilities. Could a impound lot or yard be paired with a dollar general store, I have a problem with pairing unrelated uses.

Mr. Gardner said that accessory use provision needs improving.

Mr. Quarles asked how you would enforce a vehicle storage time limit.

Mr. Gardner said a Code Enforcement officer based on a complaint would go tag the vehicle, take photos, and come back in 30 days to check removal progress.

Mr. Brooks add 5 or more vehicles to the text to protect small businesses.

Mr. Barlow said a threshold of 5 or more vehicles is a good idea.

Mr. Disosway said it's important to separate the definitions from the standards. After the first sentence, the definitions, come the standards, is that correct.

Mr. Gardner said yes.

Mr. Disosway said screen all views. In addition, how many vehicles can park per/acre.

Mr. Gardner said he would find out.

Mr. Woodward said 2 acres might not be enough after accounting for setbacks and other required site improvements.

Mr. Quarles asked if the PC could hear from someone in the towing business tonight.

Mr. Sean Hutson, Assistant County Attorney said the PC rules may be suspended to allow that.

Mr. Quarles motioned to suspend the PC rules to allow an audience member to speak on this issue, motion carried 6:0.

Mr. Disosway suspended the rules to hear from Tommy Thompson TNT Auto Sales and Towing.

Mr. Thompson had the comments as follows:

- No way to predict how long vehicles can stay in a yard.
- 90 days not long enough in most cases when dealing with DMV, State Police, and the Courts.
- 6 months or even a year would be more accurate.
- Our business is on a 3.5 acre parcel, 2 acre area for storing vehicles.
- The size of the lot dictates how many vehicles can be stored there.
- Don't do contract towing that's a predatory practice.
- Heard there are 30 tow yards across the county.
- State police and Sherriff uses several towing businesses both have lists.
- Site must be fenced and secured

Mr. Weaver said we need find out what the sheriff and state police requirements are for these uses.

Mr. Disosway asked staff to research what other local government do and their respective definitions.

Mr. Quarles said we could invite the sheriff and state police to answer questions we may have.

Mr. Disosway suggested staff finding out this information and having a workshop.

REPORTS

None

ANNOUNCEMENTS AND ADJOURNMENT

On motion of Mr. Brooks, seconded by Mr. Woodward, which carried a vote of 6-0, the Planning Commission voted to adjourn the August 12, 2021 meeting at 8:27 p.m.

BY ORDER OF:

HOLLY REYNOLDS, CHAIRMAN
PLANNING COMMISSION

LOUISA COUNTY, VIRGINIA