



Minutes
Louisa County Planning Commission
Thursday, October 14, 2021
7:00 PM
Louisa County Public Meeting Room

CALL TO ORDER

ROLL CALL

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

Others Present: Robert Gardner, Director of Community Development; Helen Phillips, County Attorney; Tom Egeland, Senior Planner; Jenny Carter, Senior Administrative Assistant; Tony Henshaw, New Town of Mineral Representative.

INVOCATION

Mr. Goodwin gave the Invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Disosway.

CONSENT AGENDA

On motion by Mr. Goodwin, seconded by Mr. Brooks, the Planning Commission voted to approve the consent agenda by a vote of 7-0; which included approval of the agenda and the August 12, 2021 minutes, with one correction, as noted below.

APPROVAL OF AGENDA

APPROVAL OF PLANNING COMMISSION MINUTES

Planning Commission - Regular Meeting - Aug 12, 2021 7:00 PM

Mr. Disosway stated on Packet Page 7, he handed the gavel over to Mr. Quarles for the vote on the Louisa County IDA, Proffer Amendment Request.

PUBLIC ADDRESS

Chairman Reynolds opened the Public Address period. There being no one present to speak the Public Address period was closed.

UNFINISHED BUSINESS

None.

PUBLIC HEARINGS

Mine & Hemmer Solar Project (Aura Power)

Mr. Egeland presented to the Planning Commission the application for Conditional Use Permit CUP2021-03; Aura Power Solar (USA) LLC, to allow a solar generation facility, utility-scale.

Mr. Egeland explained where the property is located and that it is in the Mineral Voting District. Mr. Egeland went on to explain the proposed project referred to as the Mine & Hemmer Solar Project would operate for 35 to 50 years on 448.9 total acres and could produce up to 94 Megawatts of Alternating Current. This is a companion project to the 2020 Aura project to the south. The Mine & Hemmer Solar Project's solar arrays and ancillary equipment will occupy about 244 acres of the 448.9 acre parcel. About 224.9 acres of the parcel will be used for setbacks, vegetative buffers, pollinator plantings, creeks, streams, wetland protection areas, erosion and sediment control measures, stormwater management, roads, and construction staging areas.

Mr. Egeland stated the 2040 Comprehensive Plan's Future Land Use Map designates the property as Rural/Agricultural. Staff believes this project would support the 2040 Comprehensive Plan principle to broaden the County's tax base.

Mr. Egeland stated the 2021 Louisa County Solar Ordinance requires a minimum of a 150 feet of vegetative screening buffer to be installed between the property line and the required perimeter fence. The applicant will actually be installing a 200 foot vegetative buffer, exceeding the county requirement. Mr. Egeland advised the Planning Commission where in their staff packet additional info could be found on the proposed buffer. A detailed breakdown of the applicant's proposed vegetative buffer can be found on pages 279, 281, 283, and condition 11 on page 23. The applicant will provide further detail on the buffer in their presentation tonight.

Mr. Egeland stated at the end of the proposed solar facilities lifespan the project owner must remove all improvements in accordance with the Louisa County Solar Ordinance's requirements for decommissioning, which includes the posting of a decommissioning bond. The applicant will be responsible for placing the land back to farmland or timber status at the project's conclusions.

Mr. Egeland stated the applicant has provided a transportation plan to VDOT for comment as required by the County solar ordinance. VDOT'S comment letter and the current version of the applicant's traffic plan are included in the staff packet.

Mr. Egeland stated citizens, the Planning Commission, and the Board of Supervisors have raised concerns about erosion and sediment control practices and storm water impacts as a result of solar projects. In response to these concerns applicants in 2021 have been asked by staff to provide a construction phasing plan to limit the amount of land disturbance that occurs during any one point in time. The applicants proposed phasing is discussed in detail in the staff packet and is included as condition 29 H

Mr. Egeland stated Solar Applicants are also being asked by staff to provide a slope map that shows the estimated location of erosion and sediment control features in relation to contour elevations as part of their application.

Mr. Egeland stated that a Neighborhood Meeting took place on September 8 2021 at which a few citizens attended. Mr. Egeland informed the Planning Commission that a summary of the Neighborhood Meeting can be found on pages 18 to 19 of the staff packet

Mr. Egeland stated the Mine & Hemmer Solar Project is the second solar project to apply under the 2021 Louisa County Land Development Regulations. Staff recommends approval of the Conditional Use Permit with 31 conditions.

Mr Goodwin asked Mr. Egeland if the several pages of proffers submitted by the applicant are superseded by Staff's conditions? Mr. Egeland stated this application was a Conditional Use Permit and not a proffered rezoning, only staff's conditions would matter. Staff works with the applicant to incorporate proposed conditions when possible. There is usually a difference of opinion in like hours of operation. The applicants proffer letter was attached as an exhibit in the staff packet.

Mr. Goodwin asked, so the proffers are no longer in play, just staff's conditions only? Mr. Egeland responded that staff's conditions are legally binding once signed by the Board of Supervisors.

Ms. Philips stated that if the Board of Supervisors only takes staffs recommended conditions it is those conditions that would become part of the ordinance.

Mr. Manning asked if condition 19 A. Decommissioning, should say three feet or less below grade?

Mr. Goodwin stated that was a good catch.

Mr. Egeland responded staff would make the correction.

Mr. Goodwin stated that in the packets an economic impact on neighboring properties is usually included. Mr. Goodwin stated that he believed the Commissioner of Revenue has a plan to do property assessment of 1/5 the county every year, so everything is evaluated every 5 years. In that evaluation process they take into account comparable sales when they come up with land value. When will we be at a stage that we can be relying on some of our own data?

Mr. Egeland stated that during the Energix project earlier this year Staff did reach out to the assessor office and at that time based off Belcher being constructed and the existing White-House solar project, the assessor's office did not identify any impact to property values. This is a

question best to be answered by the Assessor office.

Mr. Goodwin indicated that staff you should reach out and get that answer and get that information so the County doesn't have to rely on Austin Texas.

Mr. Egeland stated staff would reach out to the Assessor's Office again.

The applicant gave a presentation to the Planning Commission.

Mr. Goodwin asked Mr. Purcell if he would agree to limit traffic during peak hours and add it to the conditions.

Mr. Purcell agreed.

Mr. Goodwin asked Mr. Purcell if there is a reason why you can't use public water, I understand you've got to deal with the railroad?

Mr. Purcell stated that we will use the county water if we can. We did not think that would be feasible due to the railroad. We have agreed that there will be no damage to the wells and if there is we will fix it. We will have one or two wells to clean the solar panels and the truck racks. We have no problem using county water.

Mr. Goodwin asked Mr. Purcell if he would use County water if feasible?

Mr. Purcell stated they would.

Ms. Reynolds opened the public hearing and the following individuals spoke.

Ms. Rebecca Cavanaugh, 297 Zachary Taylor Highway in the Mineral voting district. I am here in support of the proposed project due to its landscaping requirements. I feel that solar would be the properties highest and best use. I am in support of clean energy.

Mr. Ronnie Laws, 127 Onionville road in the Mineral district. I support this project as it is a benefit to the county.

Mr. Doug Whitlock in Mineral District and I think it's a good project.

Mr. Richard Talley, 9788 Kentucky Springs Road in the Mineral District. I have been in the timber business for over 30 years. This solar project will make the land better.

Ms. Reynolds closed the public hearing.

Ms. Reynolds stated that I would imagine most of your water usage would be at the beginning of the project when you have to clean off tires. I have never washed any of my solar panels.

Mr. Purcell stated the solar panels are washed once a year. The truck wash is on a reclaim system. Water would be used if necessary for grass cover for phases depending on the time of year.

Mr Weaver stated the he believes this project was well thought out.

Mr. Brooks agreed he also believes it is a quality application and it set standards for the future.

Mr. Woodward agreed with the fellow commissioners.

Ms. Reynolds agreed that a high bar is being set.

Mr. Goodwin asked if there was any comment from the Town of Mineral.

The representative for Town of Mineral agreed it was well thought out.

Vote on Conformance with the 2040 Comprehensive Plan

Motion to Approve: Disosway

Second: Goodwin

Vote: 7:0

Dissenting votes: None

Vote for approval of the Conditional Use Permit with amendments provided for peak hour traffic and public water.

Motion to Approve: Disosway

Second: Goodwin

Vote: 7:0

Dissenting votes: None

NEW BUSINESS

None.

DISCUSSION

None.

REPORTS

None.

ANNOUNCEMENTS AND ADJOURNMENT

On motion by Mr. Goodwin, seconded by Mr. Brooks, the regular meeting of the Louisa County Planning Commission was adjourned at 8:00 PM.

BY ORDER OF:

HOLLY REYNOLDS, CHAIRMAN
PLANNING COMMISSION
LOUISA COUNTY, VIRGINIA