



Minutes
Louisa County Planning Commission
Thursday, August 11, 2022
7:00 PM
Louisa County Public Meeting Room

CALL TO ORDER

ROLL CALL

Attendee Name	Title	Status	Arrived
Tommy J. Barlow	Mountain Road District Supervisor	Present	7:00 PM
Gordon Brooks	Commissioner	Present	7:00 PM
Ellis Quarles	Commissioner	Present	7:00 PM
Garland Nuckols	Mayor/Louisa Town Representative	Absent	
Cyrus Weaver	Commissioner	Present	7:00 PM
George Goodwin	Commissioner	Present	7:00 PM
John Disosway	Chairman	Present	7:00 PM
H. Manning Woodward	Vice Chairman	Present	7:00 PM
James Dickerson	Commissioner	Present	7:00 PM
Tony Henshaw	Town of Mineral Representative	Absent	

Others present: Josh Gillespie, Director of Community Development; Helen Phillips, County Attorney; Kyle Eldridge, Assistant County Attorney; Tom Egeland, Senior Planner; Bridgette Bittle, Planning and Zoning Technician.

INVOCATION

Mr. Dickerson gave the Invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Quarles.

APPROVAL OF AGENDA

Mr. Woodward motioned to approve the agenda. Mr. Disosway added a Presentations period to the agenda after Approval of the Minutes. The motion was seconded by Mr. Goodwin and opposed by none, accepted without further discussion.

APPROVAL OF PLANNING COMMISSION MINUTES**Planning Commission - Regular Meeting - Jul 14, 2022 7:00 PM**

Mr. Quarles motioned to approve the minutes, seconded by Mr. Weaver.

Mr. Goodwin had one change to the minutes under the Discussion period he requested the change: *Mr. Goodwin asked how many can be **not** attended for medical reasons.*

The minutes and one change were approved without opposition.

PRESENTATIONS

Mr. Gillespie gave presentations on the following topics:

Ordinance changes to Large Scale Solar -

Reviewed NBC29 news article that touched on changes to solar ordinance.

Virginia chapter of the American Planning Association annual conference -

Discussed the success of the event and plans to continue Louisa County presence at the event.

Personnel changes -

Reported changes in the Community Development

Proposed fines for zoning violations -

Mr. Gillespie explained the benefit of having fines for zoning violations, giving an alternative to prosecution in court for civil offense. Proposed fines attached - Exhibit A

CONSENT AGENDA

None.

PUBLIC ADDRESS

Mr. Disosway opened the public address period.

There were no speakers.

Mr. Disosway closed the public address period.

UNFINISHED BUSINESS

Mr. Disosway directed staff to add two unfinished items to the September 8, 2022 Work Session agenda.

1. Transportation impacts on applications.
2. Viability issue of rezoning actions.

Comprehensive Plan Addendums will remain an item under Unfinished Business.

PUBLIC HEARINGS**REZ2021-05 William E. Small, III, Rezoning Request from Resort Development (RD) to Agricultural (A-2)**

Mr. Egeland stated that the applicant submitted a written withdrawal to Community Development on August 11, 2022.

The Planning Commission consented to the withdrawal as required in **Sec. 86-62. - Withdrawal of applications:**

Any application filed pursuant to section 86-54(1) above, may be withdrawn upon written request by the applicant any time prior to the submission of any public hearing notice for advertisement; provided, that if the request for withdrawal is made after the publication of the notice of hearing, such withdrawal shall be only with the consent of the either the commission or the board of supervisors, whichever body has advertised the hearing, and the same use shall not be reconsidered within 12 months of the date of action.)

REZ2022-02 Hile. Rezoning Request from C-2 to R-2 & Special Exception for Minimum Lot Size

Mr. Gillespie presented to the Planning Commission the rezoning request for tax map parcel 15E-1-A2 from General Commercial (C-2) to Residential General (R-2) to allow for single-family dwelling use and stated a request for a Special Exception to reduce the minimum lot area below the 1.5 acres required in the R-2 district accompanies the rezoning application.

Mr. Disosway opened the public hearing for comments.

The applicant's agent, Mr. Torrey Williams presented the case for rezoning. He claimed that the subject property was incorrectly identified on the 1962 zoning map, which would make the original zoning General Residential (R-2). He stated that the residential zoning makes more sense for multiple reasons including access to the property and entrance/road conditions.

Mr. Williams also gave details of the zoning changes that went into effect for Louisa County in 2021 that raised the minimum lot requirement for residential lots. He stated that the special exception wouldn't be necessary if not for the unprecedented changes.

There were no other speakers on this topic, so Mr. Disosway closed the public hearing for comments.

Mr. Brooks asked Mr. Williams when the property was purchased and if it was purchased knowing that it was zoned for commercial use.

Mr. Williams said it was approximately 2016 and they bought the property thinking it was split zoned as R-2 and C-2.

Mr. Brooks asked when it became apparent that a residential home couldn't be built on the property.

Mr. Williams stated that it was brought to their attention in 2022.

Mr. Goodwin stated that the Planning Commission reviewed and voted to recommend this area of the county be commercially zoned due to the other commercial activity near the bridge as well as the Board. He further stated that there is also a question of the other lot to consider because changing the zone for just one of the commercial parcels might hinder access and devalue the other commercial property (Lot A1).

Mr. Quarles considered the access to the property and didn't think commercial business would be very successful due to the entrance.

Mr. Brooks asked staff if anyone had been contacted from the subdivision. Mr. Gillespie stated that they had not. Mr. Brooks asked if the owner of lot A1 had contacted staff and Mr. Gillespie confirmed that they hadn't heard from anyone on this case.

Mr. Weaver stated that making the property commercial might have been a mistake considering the entrance and the by right uses listed.

Mr. Woodward reiterated that rezoning just the one property could have a negative impact on the other commercial property.

Mr. Brooks agreed that rezoning the one lot was problematic.

Mr. Disosway asked Mr. Williams if the owners were intending to build a house at this time. Mr. Williams said that was unclear at this time due to the delays. Mr. Disosway asked about the timeline and Mr. Williams confirmed that the applicants had roughly bought the property 6 years ago and decided to build on it early 2022.

Mr. Disosway asked staff if there was a residential, rental type use that the property would be adequate for in the C-2 zone. Mr. Gillespie confirmed that Bed and Breakfast was a viable option for the property and acreage, and the residential entrance.

Mr. Disosway stated that he was hesitant to allow the rezoning since there is an existing use for the property. He also stated that selling a commercial property on the lake doesn't qualify as a financial hardship either.

Mr. Disosway motioned to forward a recommendation of denial to the Louisa County Board of Supervisors on the request for rezoning tax map parcel 15E-1-A2 from General Commercial (C-2) to Residential General (R-2). The motion was seconded by Mr. Goodwin and carried with a vote of 5-2.

REZ2022-03 Louisa County IDA, Rezoning Request from Industrial General (I-2) to Agricultural (A-2)

Mr. Egeland presented to the Planning Commission the rezoning request from Louisa County IDA for tax map parcel 41-191. A request was received to rezone approximately 61.749 acres from Industrial General (I-2) to Agricultural (A-2) to accommodate an agricultural operation, engaged in year-round production of crops. Mr. Egeland concluded the staff presentation with a recommendation of approval.

Mr. Disosway opened the public hearing for comments.

Mr. Andy Wade presented to the Commission on behalf of the Louisa County IDA. Mr. Wade showed a concept plan, proffers, and a letter of intent to work with Louisa County Public Schools (LCPS) to allow additional resources to the Career and Technical Education (CTE) program offered by LCPS. Mr. Wade stated that the agricultural use is much less intensive than the by-right uses in the current zone and the IDA believes this agricultural operation to be a better fit for the property.

Ms. Phillips checked the bylaws to clarify when questions should be asked of the applicant. The bylaws state that you can ask questions of the speakers to clarify but Commission members should hold their comments until after the public hearing is closed in order to ensure participation by the public without interference.

Mr. Goodwin asked if the applicant would be willing to proffer a request to VDOT that commercial traffic speed be limited to 35MPH. He also referred to the intent of collaboration with the LCPS CTE program and asked if the applicant would stipulate in the conditions that they will in fact enter into a cooperative agreement with LCPS. Mr. Goodwin stated that Enclosure 7 doesn't offer an actual agreement and he would like to see a proffer that guarantees the agricultural operation will enter a cooperative agreement with LCPS if LCPS so decides.

Mr. Wade stated that they would be happy to accommodate in asking VDOT and pursuing the cooperative agreement with LCPS.

Mr. Goodwin asked if the applicant would commit to getting that in place before going to the Board and Mr. Wade agreed.

Speaker 1. Kenneth Daykin Sr., Louisa Voting District
Concerned about the creek and runoff and would like the project to be delayed.

There were no other speakers.

Mr. Wade concluded his remarks by reassuring the speaker and the Commission that the planned building would be equipped with a water management system and storm water harvesting pond and the project would be required to submit a storm water management plan to DEQ.

There were no other speakers on this topic, so Mr. Disosway closed the public hearing for comments.

Mr. Brooks asked if the creek north of the property would be disturbed and Mr. Wade confirmed that it would not be disturbed aside from the project having to repair the buffer in that area. Mr. Goodwin commented that he is a member of the Lions Club adjacent to the property and that the club is aware of the situation and have had no adverse comments about this proposal as a neighbor.

Mr. Weaver reiterated that he would like to see the cooperative agreement executed and stated that he'd like the county to get a handle on the road.

Mr. Goodwin asked if the operation anticipated full size tractor trailers or box trucks.

Mr. Wade replied stating both, and that they anticipate about 5 trucks a day on average.

Mr. Gillespie wanted to make it clear that the Board approves speed studies, and the county is obliged to pay for requested studies. He stated that this has presented a problem in the past when it was expected the applicant should have funded the speed study, but no provisions were made for funds to be required of an applicant.

Mr. Goodwin asked if the applicant would proffer payment of the speed study, aiming to reduce the speed of commercial traffic to 35MPH.

Mr. Wade stated that the applicant is not aware of the request and payment at this time. Mr. Wade asked if a study was required to reduce the speed.

Mr. Egeland stated that having a speed limit reduced requires VDOT to do a speed study and the Board must request the study at a cost of about \$4,000-\$5,000.

Mr. Wade suggested that he could investigate this situation a little more.

Mr. Woodward stated that there is some commercial traffic on the road currently and they seem to navigate them without issue. He also stated that he would be pleased to see jobs added to the Mineral-Louisa corridor of the county.

Mr. Woodward motioned to forward a recommendation of approval to the Louisa County Board of Supervisors on the request for rezoning tax map parcel 41-191 from Industrial General (I-2) to Agricultural (A-2); with the stipulation that the applicant engage and commit to working with Louisa County Public Schools on CTE co-op efforts prior to the BOS meeting and for the applicant to request a speed study or speed reduction for commercial traffic on School Bus Rd to 35MPH. The motion was seconded by Mr. Quarles and passed by a vote of 7-0.

CUP2022-03 Gerry Decker, Conditional Use Permit for Maximum Building Height Restriction

Mr. Egeland presented to the Planning Commission the CUP request from Mr. Decker. The request is to allow a residential building exceeding the maximum 40ft height requirement to remain 6ft 8in over the allowed height in the General Residential (R-2) zone. Mr. Egeland concluded that staff recommends approval of the application with 3 conditions.

Mr. Dickerson asked if the height is calculated to the top of the roof, or the top of the chimney cap. Mr. Egeland replied that the height is measured to the top of the chimney cap.

Mr. Brooks asked if that was measured from the finished floor, or the finished grade and Mr. Egeland confirmed that it was measured from the finished grade.

Mr. Brooks asked what the standard is for determining grade. He stated that measuring from the finished floor is clear cut but measuring from the grade might leave room for interoperation.

Mr. Egeland clarified that the grade is the ground level at the front entrance, and that the applicant hired a surveyor to complete a measurement to the top of the structure.

Mr. Disosway opened the public hearing for comments.

The applicant, Mr. Decker, introduced himself and stated that the property will remain a residential property and he doesn't see any impact regarding the height of the dwelling. Regarding the neighbors, they have submitted letters in favor of the CUP being approved. Mr. Decker just asked that the Commission recommend approval.

There were no other speakers on this topic, so Mr. Disosway closed the public hearing for comments.

Mr. Goodwin stated that he attended the pre-application meeting with staff and at that time it was determined that there was no intent by the property owner to hoodwink the County and it would cost several thousands of dollars to fix the height if not approved.

Mr. Goodwin motioned to forward a recommendation of approval to the Louisa County Board of Supervisors on the request to allow a residential building exceeding the maximum 40ft height requirement to remain 6ft 8in over the allowed height in the General Residential (R-2) zone. The motion was seconded by Mr. Quarles and carried with a vote of 7-0.

CUP2022-04 Herndon Land Company, LLC; Lumberton Solar, LLC; Linwood Lawrence; and Turkey Solar, LLC, Request for Conditional Use Permit

Mr. Egeland presented to the Planning Commission the request from Herndon Land Company, LLC and Turkey Solar, LLC. He stated that a CUP request was received to allow for a utility scale solar facility in the Agricultural (A-2) zone. The properties make up 241.574 acres in the Green Springs voting district. He continued to explain that all of the regulations of utility-scale solar energy generation facilities, new and old, were incorporated into the application except the 300 foot buffer requirement.

Mr. Egeland concluded the staff presentation with a recommendation of approval with 30 conditions, however the field-based delineation identified 21 wetlands, and a total of 15 streams and two ponds within the site. Staff wanted to note that great care should be made from the Project's construction team to implement proper phasing and construction practices to prevent negative downstream and adjacent property impacts.

Mr. Goodwin asked staff if the site plans presented for the solar projects include the storm water management plan and how does the Commission know if the project will require easements and further consideration from DEQ.

Mr. Egeland stated that within the conditions there is language requiring the applicant to receive all necessary approvals from all state agencies. Easements outside of these properties could be required and it would be negotiated through those agencies at that time.

Mr. Goodwin stated that the question came up due to another project that had already been approved that is now requesting easements from neighboring properties to do maintenance and construction outside of the project area. He wanted to point out that the public and the Commission doesn't know the full extent of the project at the time that they are allowed to weigh in on it.

Mr. Goodwin also wanted to confirm that applicants were required to maintain the existing buffer in areas where they were not planting a new buffer.

Mr. Egeland stated that the applicant is required to maintain the existing and supplemental buffer as stated in section 86-632 (a.) 9d. of the Land Development Regulations.

Mr. Disosway asked about condition 10. Existing Vegetation, which states:

“Criteria for removal shall only involve trees threatening the Project, the property, or neighboring property, or when trees grow to a height of greater than thirty five (35) feet and impacts the Project’s energy output. A similar type tree having a minimum 2 inch diameter at breast height, or DBH, shall replace each tree removed at the same location.”

He expressed concern that the applicant could cut the existing buffer when it gets to be 35ft in height and start over with a tree of only 2in diameter. Explaining that there is no indication of what the “impact on energy output” is.

Mr. Egeland suggested removing and/or changing the language while still maintaining a provision for removal of a tree that threatens the project.

Mr. Disosway stated that he would prefer a buffer plan that won’t threaten the project either way or require changes so that the Commission knows the extent of what they are recommending approval for.

Mr. Egeland asked if the Commission would like to strike the sentence.

Mr. Disosway stated that his only concern is the specific language “*or when trees grow to a height of greater than thirty five (35) feet and impacts the Project’s energy output.*”

Mr. Egeland stated that staff can strike that from the conditions.

Mr. Disosway opened the public hearing for comments.

Matt Boerger with Pine Gate Renewables gave a brief of the project.

Mr. Dickerson asked the applicant about using Jefferson Lane for emergency and maintenance and the upgrades to that road prior to the work being started.

Mr. Boerger stated that the road would require maintenance upfront to get the equipment to the site.

Mr. Dickerson asked if it was in the official plans somewhere.

Mr. Boerger stated that he didn’t know but they would accept that as a condition of approval.

Mr. Dickerson asked if there was documentation of the changes to the buffer to allow a neighboring property to maintain a view of the pond.

Mr. Boerger said that the changes to the buffer are part of the request to be waived, but they have no written documentation from the neighboring property of the request to view the pond.

Mr. Dickerson expressed concern about the wetlands and asked if the applicant had already been in contact with DEQ regarding the erosion and sediment control.

Mr. Boerger said they had preliminary discussions with DEQ, and the project engineer could offer more information on that topic.

Mr. Dickerson asked if DEQ was aware of the temporary bridge intended to go over the South Anna River.

Mr. Boerger stated that they had not gotten to that point yet.

Mr. Dickerson asked about the buffer section AA, stating that several neighbors had complained about the sightlines due to the buffer being planted down grade from the panels.

Mr. Boerger stated that there wasn't anything that could be done about that unless the neighboring property owners would allow them to plant a buffer on their properties.

Mr. Dickerson asked about the project impact mentioning job creation and if that was generating jobs for Louisa County and generating money in the county.

Mr. Boerger said that is the intent.

Mr. Dickerson asked if the applicant could confirm whether the dollar amount listed as part of the impact statement differentiated between money spent in the county and money spent elsewhere.

Mr. Boerger believed it did not but stated that he would have to review it to know for sure.

Mr. Woodward wanted clarification on the buffer in section AA. He referred to a picture received via email prior to the meeting that shows the buffer when first planted and the following slides show the progression every five years. Mr. Woodward asked if the applicant would plant taller trees to start with in sections like this.

Mr. Boerger stated that he thinks the plantings can start at 6 feet instead of 5 feet.

Mr. Quarles asked about the intended improvements to Jefferson Lane and what their plan is.

Mr. Boerger stated that it's in poor condition and the plans they must fill in the problem areas.

Mr. Quarles asked if the applicant would proffer a tar and gravel upgrade to the road from the loose gravel.

Mr. Boerger stated that they don't want pave it with hot asphalt due to the limited use it will have. He also stated that one neighbor commented that they don't want the road upgraded to the point that people might speed on the road.

Speaker 1. Clyde Locker, Green Springs Voting District
Against project. Stated that generating electricity is not an agricultural business.

Speaker 2. Glenn Payne, Green Springs Voting District
Concerned about the creek and runoff as the first house downstream and the buffer not working due to the elevation.

Speaker 3. Rita Carter, Green Springs Voting District
Against project.

Three emails were received by Commission, two of which were received in advance of the meeting, and one email was read into the record by the Chair as the message had come through late in the day. See Exhibit A.

Mr. Boerger addressed the stated concerns, saying that the applicant can offer additional screening on the neighboring properties and continue that discussion with them. He stated that DEQ has rigorous requirements and they have agreed to 30 conditions from staff.

There were no other speakers on this topic, so Mr. Disosway closed the public hearing for comments.

Mr. Disosway stated that the time was 9:38PM and the bylaws require a motion to continue the meeting past 10PM.

Mr. Quarles motioned to extend the meeting if necessary. The motion was seconded by Mr. Goodwin and carried with a vote of 6-1.

Mr. Quarles stated that the applicant has offered non-committal terminology like “try” rather than actual proffers. He would like to see actual plans and proffers written into the conditions for items of concern.

Mr. Goodwin strongly agreed with Mr. Quarles. Stating that he would like to see written conditions for items of concern including but limited to:

- Upgrading Jefferson Lane to the VDOT standards for a gravel road
- Specified changes to buffer that block a majority of the viewshed
- Inverters being placed on interior of property

Mr. Weaver appreciated that someone brought up the problem with solar farms affecting pacemakers as it is a concern that has never been brought to the attention of the Commission before.

Mr. Brooks stated that his question was whether the applicant had reviewed and accepted all the conditions staff had recommended, and the applicant had already confirmed that.

Mr. Disosway wanted to clarify that there was no existing transmission line connection from Dominion Power to the point of interconnection.

The applicant confirmed that was correct.

Mr. Disosway asked where that line would go, as that would be an easement that had to be negotiated with surrounding properties.

The applicant stated that Dominion was working on easements that they will need to acquire and maintain.

Mr. Disosway stated that the Commission doesn't know the full impact of the project because the proposed easements aren't shown in any project plans.

The applicant stated that Dominion has indicated that the line will be run through the existing corridor.

Mr. Disosway referred to the wetland delineation slide to inquire about the existing vegetation on the property. He asked if any of the property had been timbered and if the image represented the current state of the property.

The applicant engineer stated that his understanding was that clearing had already taken place on that property. The bulk of the trees on the south of the property near wetland #1, stream #4 all the way to stream #3 and to the property line and the area east of wetland #1.

Mr. Disosway asked staff, "What good does the phasing plan and condition #19 do, if the applicants clear the land before the permit is approved?"

Mr. Egeland stated that the Board has asked for solar applicants to have a phasing plan which is why it's required but staff is open to modifying the phasing because it's a requirement that changes with each project.

Mr. Disosway stated that his concern is that this property has a problem with lots of changes in elevation and the applicant has already removed a significant amount of existing vegetation. He stated that he doesn't know how the runoff will be handled when the area was timbered already.

Mr. Egeland stated that the project engineer might be able to explain how they plan to stabilize the landscape where it was recently cleared.

The project engineer stated that the land being cleared doesn't necessarily mean that the stumps have been removed, which would help with the runoff. He said the intent of the phasing is to make sure that all of the erosion and sediment control plans are in place before construction and the wetlands are controlled prior to doing anything upstream.

Mr. Egeland wanted to add comment to a previous question from Mr. Dickerson. He stated that a neighboring property, 4116 Kloeckner Rd. had verbal communication with the applicant regarding the view of the pond. Mr. Egeland referenced condition #11 where language had been added that dismissed the applicant's obligation of planting the 150-foot buffer bordering tax map parcels 9-6 and 9-4, but the condition states that the property owner can request that the buffer be put in place at any time during the life of the project.

Mr. Goodwin asked staff if it was in the conditions that the inverters would be moved to the interior of the property.

Mr. Egeland stated that he didn't recall if it had been added to the conditions, but it could be added.

Mr. Goodwin asked for it to be added.

Mr. Dickerson addressed the applicant, stating that several times during the presentation there was mention of construction traffic going down Jefferson Lane but the application and the letter from VDOT specify that all construction traffic is to come from Kloeckner Road.

The applicant stated that larger trucks will come down Kloeckner Road. but equipment and deliveries will use Jefferson Lane.

Mr. Dickerson clarified that all the deliveries containing the equipment for the project will have to go over the logging bridge through the wetland.

The applicant confirmed that statement.

Mr. Boerger asked if it would help to add a condition requiring the project to maintain Jefferson Lane to emergency vehicle standards.

Ms. Philips clarified that the agency that sets standards for the roads is VDOT.

Mr. Weaver stated that there were too many questions with the project for him to vote for it at this time.

Mr. Quarles stated that there were a lot of holes in the project and potential for mistakes with the runoff, compared to other projects they've seen. He commented that he isn't sure that the land is good for this use and the language being used is noncommittal.

Mr. Dickerson motioned to forward a recommendation of denial to the Louisa County Board of Supervisors on the request for a Conditional Use Permit to allow for a utility scale solar facility in the Agricultural (A-2) zone. The motion was seconded by Mr. Weaver and carried by a vote of 7-0.

NEW BUSINESS

None.

DISCUSSION

None.

REPORTS

None.

ANNOUNCEMENTS AND ADJOURNMENT

Mr. Goodwin motioned to adjourn the meeting, seconded by Mr. Quarles. The motion carried 7-0. The regular meeting of the Louisa County Planning Commission was closed at 10:00 PM.

BY ORDER OF:

JOHN DISOSWAY, CHAIRMAN
PLANNING COMMISSION
LOUISA COUNTY, VIRGINIA

APPENDIX A

Bridgette Bittle

Email #1

From: Josh Gillespie
Sent: Thursday, August 11, 2022 5:50 PM
To: Bridgette Bittle
Cc: Tom Egeland
Subject: FW: CUP2022-04: Public Comment for the Planning Commission
Attachments: Turkey_Visual Simulations_2022.05.16.pdf

Bridgette,
We should bring 10 copies.

Tom,
We should have this available for review on the screen. You and I can huddle before the meeting. There may a zoning condition to require plantings in the view from certain areas (including Sec AA) in the years prior to site development.

Thanks.

Josh Gillespie, AICP
Director of Community Development

From: John and Rebecca Disosway <rivermarsh@firstva.com>
Sent: Thursday, August 11, 2022 4:21 PM
To: Josh Gillespie <jgillespie@louisa.org>
Cc: Bridgette Bittle <bbittle@louisa.org>; Tom Egeland <TEgeland@louisa.org>
Subject: FW: CUP2022-04: Public Comment for the Planning Commission

CAUTION: External email

Received comments below for Turkey Solar.

From: Alex Morrison [<mailto:amorrison@serviceauthority.org>]
Sent: Thursday, August 11, 2022 1:27 PM
To: planningcommission@louisa.org
Cc: alexm587@vt.edu; Lorraine Bergman <lbergman@pgrenewables.com>; lilrae2003@aol.com; Clyde Locker <seemlocker@aol.com>
Subject: CUP2022-04: Public Comment for the Planning Commission

Dear Louisa County Planning Commission,

Please confirm receipt of these public comments for the CUP2022-04 hearing scheduled for 7 PM on Thursday, August 11th, 2022 at 7:00 PM EST. I am unable to attend the meeting in person and would like my comments included in the Planning Commission review of this application for a Conditional Use Permit. Although these comments are being sent through my work e-mail, they are not associated with my employer and only represent public comments from an adjacent property owner. I have CC'ed my personal e-mail.

I have CC'ed the applicant Lorraine Bergman, the Senior Project Manager in Development for Pine Gate Renewables.

APPENDIX A

I am the owner of TMP 9-7C1, which is adjacent to the proposed solar development. My Father-In-Law, Clyde Locker, is CC'ed on this e-mail. Mr. Locker was the previous owner of our parcel until 2020/21 when my wife and I obtained it through a Family Subdivision for our future home. The existing Dominion infrastructure that will require upgrade to handle the transmission of power from this development also crosses his property. Also be advised that there are currently 6 homes on adjoining parcels that are owned and occupied by relatives.

I am writing to express my concerns about the visual impacts this development will cause for my parcel as well as the adjoining parcels. Mrs. Bergman was kind enough to supply the attached visual simulation, created by ERM. Below my signature block I have included snips of the simulations from our proposed home location. These simulations depict the view at initial planting, 5 years, 10 years and 15 years. As you can see, the solar panels are fully visible for 7-10 years after initial planting and partially visible until 13-15 years after initial planting. Below the snips I have also included the overlay on the site plan which calls out these view as cross-section A-A, along with the profile view of the cross section below that. As you can see, the buffer is proposed at a much lower ground elevation as compared to the line of sight from the proposed home and the solar panel elevations. You can also see from the visual simulations that beyond the sparse line of trees left near the property line, the entire adjacent parcel has been clear-cut. Any existing mature vegetative buffer has been removed. My understanding is that this clearing was conducted for timbering purposes and fell under farm exemptions. This allowed the entire parcel to be clearcut, including riparian zones. As this clearing operation would not have been fully allowed under the development plan for this solar project, I believe it should be taken into account with the issuance of the conditional use permit. Additional screening should be required to fully satisfy the buffer requirements based on the current condition of the property and the inherent impacts from topography. The existing property owner and proposed leaser should not be allowed to caused negative visual impacts to my parcel by benefitting from clear-cutting the entire parcel, followed by developing a solar utility. Further, I understand solar is considered "farming" by the code, but looking at solar panels (material permanent improvements) is very different than looking at cows or corn (living organisms).

Please note that Mr. Locker has essentially the same view of this property as shown in our visual simulations.

Please note that the attachment also depicts visual simulations (pages 5-8) from another relatives home. This is defined as Cross Section G-G.

Although I oppose the utility scale development of a solar farm on the adjacent parcel, I respectfully request that the Planning Commission take our visual impacts into consideration when evaluating the issuance of a conditional use permit and any additional screening requirements, beyond what is required by code, that may be included with the permit.

Alexander J. Morrison, P.E.
Senior Civil Engineer

Albemarle County Service Authority
168 Spotnap Road
Charlottesville, Virginia 22911
(O) 434-977-4511 Ext. 116
(C) 434-981-5577
(F) 434-979-0698



APPENDIX A





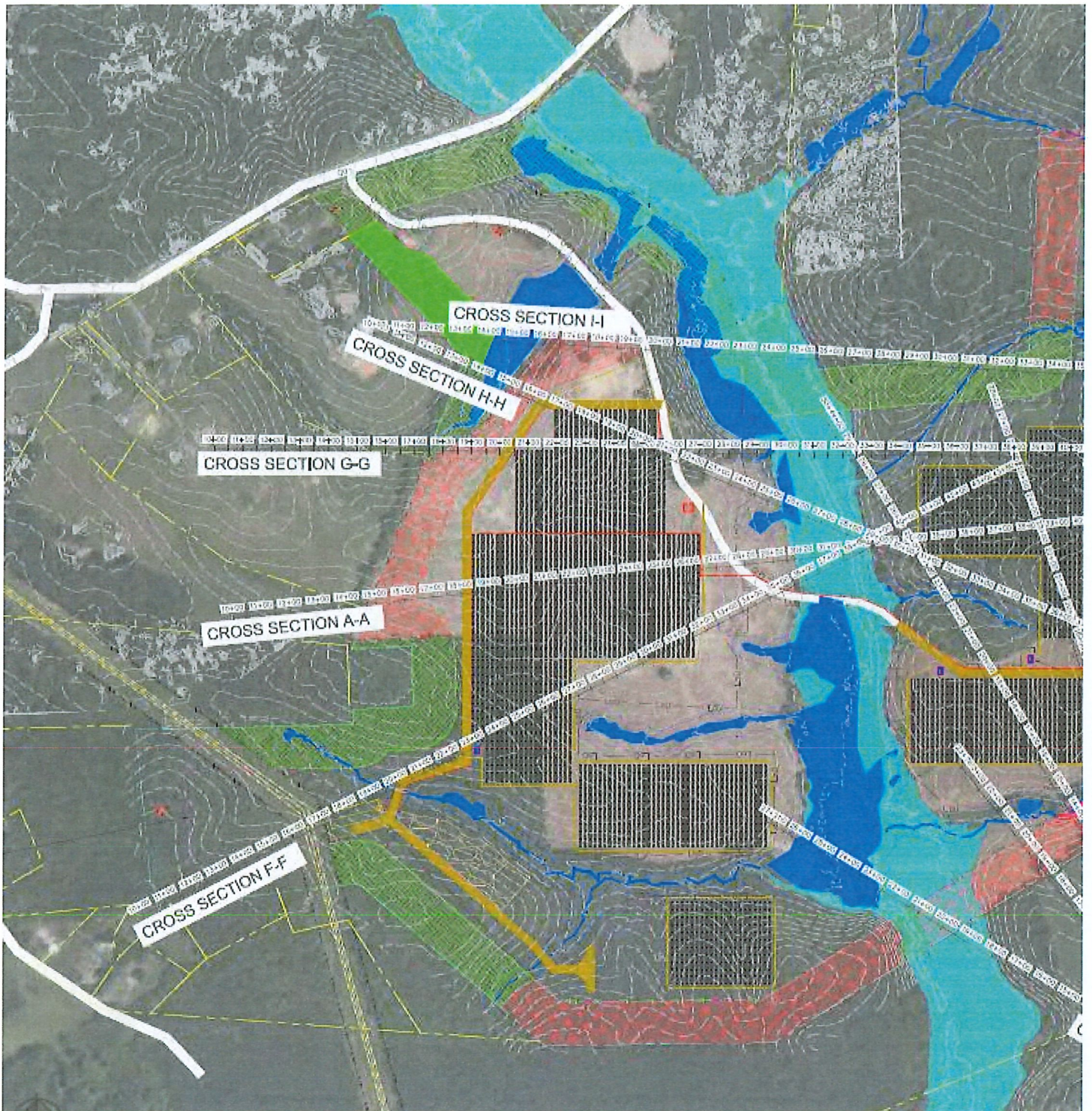
APPENDIX A



APPENDIX A



APPENDIX A



528



APPENDIX A

Bridgette Bittle

Email #2

From: John and Rebecca Disosway <rivermarsh@firstva.com>
Sent: Thursday, August 11, 2022 4:21 PM
To: Josh Gillespie; Tom Egeland
Cc: Bridgette Bittle
Subject: FW: Public Hearing CUP2022-04 Turkey Solar

CAUTION: External email

Received comments below for Turkey Solar.

From: Sorensen Scott [mailto:Scott.Sorensen@kapsch.net]
Sent: Thursday, August 11, 2022 10:41 AM
To: PlanningCommission@Louisa.org
Subject: Public Hearing CUP2022-04 Turkey Solar

Good morning,

My name is Scott Sorensen. I am a property owner and resident of Louisa County. I live at 4704 Kloeckner Road, Gordonsville VA 22942. I am writing to share my concerns about the CUP2022-04 – Turkey Solar. My property directly abuts the proposed project.

I believe removing so much precious open space farmland from the County is a mistake. While solar is a desirable technology, a utility scale operation like this, in the middle of farm and residential land is incompatible with the Louisa County Comprehensive Plan and the pastoral, historic charm of the area. The project risks to quality of life in the area include:

- Construction disruptions (which on a project of this type are likely to span over years)
 - o To include noise, pollution, heavy truck traffic on rural roads prematurely wearing infrastructure etc.
- Visual blight
 - o Solar facilities at this scale are not pretty – heavy, industrial look. Subject to scrub and weed growth. Reflected light. Metal fencing

I would encourage the Commission to be aggressive in reviewing and requiring appropriate and necessary conditions (as part of the conditional use permit). I would encourage the commission to remember that their ability to positively impact this project, to limit and mitigate the negative impacts of this project, is limited to now, before the permit is issued. I encourage the commission to please consider imposing conditions including:

- Limitations on size and weight of construction vehicles
- Limitations of time of day for construction traffic
- Limitations on time of day for construction noise
- Increased requirements for screening plantings
 - o Increased buffer width
 - o Increased size of initial plantings (screening should not take 10 years to become effective)
- Require buffer plantings around entire facility
- Require historically appropriate fencing (not chain link)

If allowed by the Conditional Use permit process – I would encourage the Commission to please require a project review annually to ensure that the terms of the Conditional Use Permit are being met.

I thank the Commission for their time and attention and for the service to our community.

APPENDIX A

Resoectfully

Scott Sorensen

Vice President

CSC and TMC Operations

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scott.sorensen@kapsch.net

Kapsch TrafficCom USA, Inc. |

<http://www.kapsch.net>



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APPENDIX A

Bridgette Bittle

Email #3

From: Tom Egeland
Sent: Thursday, August 11, 2022 9:03 PM
To: Bridgette Bittle
Subject: FW: Turkey Solar Gordonsville

From: karen csrter <rianesmimi2@yahoo.com>
Sent: Tuesday, August 9, 2022 11:10 AM
To: Tom Egeland <TEgeland@louisa.org>
Subject: Turkey Solar Gordonsville

CAUTION: External email

Hello Mr. Egeland , my name is Karen Carter and I live at 154 Jefferson Lane . My property connects to The Turkey farm on two sides . So I was very upset at first by the solar farm being at my back door and to the side of me due to my husband Philip Carter having a pacemaker.

I contacted Lorraine from Pinegate and explained this to her , I also contacted the owner of the farm .

I must say that I am so thankful that I did .

Lorraine contacted his doctor and the manufacturer of the pacemaker and followed their advise and moved the inverters well away from our home so they do not pose a danger to my husband and we should be able to live safely beside it .

I do believe that a person has the right to do what they want on their own property unless it causes harm to others , and the farm no longer poses a threat to us due to Pine Gate going the extra mile to assure it doesn't .

I support the solar going in as I feel that between Pine Gate and the owners of the Turkey farm that they will do all they can to assure the safety of our community.

Thank you for your time ,

Karen Carter

P.O . Box 941 Gordonsville,Va 22942

540-497-4774

[Sent Yahoo Mail for iPhone](#)