



Minutes
Louisa County Planning Commission
Thursday, September 8, 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. Goodwin motioned to approve the agenda. The motion was seconded by Mr. Weaver and opposed by none, accepted without further discussion.

APPROVAL OF PLANNING COMMISSION MINUTES

Planning Commission - Regular Meeting - Aug 11, 2022 7:00 PM

Mr. Brooks motioned to approve the minutes, seconded by Mr. Weaver. The minutes were approved without opposition.

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

The Commission has one unfinished item, intended to be completed by the end of the year.

1. Comprehensive Plan - Small Area Plans

PUBLIC HEARINGS**Shelton's Mill AFD Renewal and Amendments to Sec. 86-501 Districts**

Mr. Egeland presented the request for renewal of the Shelton's Mill AFD. He stated that renewal would allow the district to stay active for another 10-year period, up to December 7, 2032. The AFD committee met on July 27, 2022 and voted to forward a recommendation of approval to the Planning Commission. Staff recommended approval of the request.

Mr. Disosway opened the public hearing for comments.

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

Mr. Brooks motioned to forward a recommendation of approval to the Louisa County Board of Supervisors on the request for renewal of Shelton's Mill AFD. The motion was seconded by Mr. Quarles and carried with a vote of 7-0.

McLoughlin Addition Request – South Anna AFD

Mr. Egeland presented the request for adding a combined approximate 40.71 acres to the South Anna AFD. He stated that the parcels are identified as 56-73 and 56-74 and are actively being used as forestry. The AFD committee met on July 27, 2022, and voted to forward a recommendation of approval to the Planning Commission. Staff recommended approval of the request.

Mr. Disosway opened the public hearing for comments.

The applicant did not wish to make a statement.

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

Mr. Disosway wanted clarification on whether there was a minimum acreage requirement to join the AFD and if that minimum was per parcel or by the total combined parcel acreage.

Staff did not find any language in code for a minimum acreage requirement.

Mr. Quarles motioned to forward a recommendation of approval to the Louisa County Board of Supervisors on the request for addition of parcels 56-73 and 56-74 to the South Anna AFD. The motion was seconded by Mr. Brooks and carried with a vote of 7-0.

CUP2022-05 Mine & Hemmer Amendment to CUP2021-03

Mr. Egeland presented to the Planning Commission the CUP amendment request to Condition 18 of CUP2021-03 from Mine & Hemmer, to allow for more time after delays in obtaining a final interconnection agreement from PJM, which is a prerequisite to start of construction.

Staff received changes to the language of the condition after the meeting slides had already been created, therefore the Commission took a 10-minute recess from 7:20 PM to 7:30 PM to allow Staff time to enter the revised language into the meeting slides.

Requested change from (strikeout) and to (bold):

~~18. Building Permit Deadlines. Building permits must be obtained within five (5) years from the date of approval of Conditional Use Permit Amendment CUP2022-05 and the generation of solar electricity shall reach a maximum phase of 94 MW AC within three (3) years from issuance of the building permit, or this Conditional Use Permit shall become null and void, unless extended by agreement with the County, the Applicant, and the Owners of the property.~~

18. Building Permit Deadline. A building permit must be obtained on or before November 22, 2031, and construction pursuant to this building permit for a Solar Generation Facility, Utility Scale, for up to 94 MW AC must be completed within three years of the issuance of the building permit, or this Conditional Use Permit shall become null and void, unless extended by agreement with the County, the Applicant, and the owners of the property.

Mr. Disosway opened the public hearing for comments.

The applicant's agent Mr. Purcell stated that the project was experiencing delays and as a result they are requesting an additional 5 years to obtain permits. They also requested language added to allow for an administrative extension.

Mr. Goodwin asked, "How long after PJM approval would it take to obtain permits?"

Mr. Purcell didn't feel comfortable that he could put an accurate time frame on it due to factors from multiple agencies.

Mr. Goodwin stated that his intent was to change the language to allow for permits to be obtained within a reasonable amount of time following the approval from PJM.

Mr. Purcell stated that he would need to give that language more thought.

Mr. Goodwin asked if Staff had any input.

Mr. Gillespie gave several other variables that could affect the time and stated it is difficult to

quantify that projected time precisely.

Ms. Phillips, recommended against the language including the agency PJM altogether due to unforeseen changes in name or agency. She advised against language that was contingent upon third parties.

Mr. Disosway stated that he tends to agree with that point.

Mr. Quarles stated that the Commission needs to deal with the current issue without changing things further.

Mr. Woodward asked how many of the 6 or 7 large scale solar projects that have already been approved, must go through PJM.

Staff was not certain if they all require PJM approval.

Mr. Purcell closed by stating that he wasn't sure where the 5-year condition came from but that some counties don't have a time requirement at all.

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

Mr. Brooks stated that he agreed with Mr. Quarles and with what Mr. Goodwin is attempting to do. He stated that he agrees there needs to be some form of administrative way to handle future requests.

Mr. Goodwin stated that his initial thought was to prevent applicants from having to go back through the entire process but after discussing it with Staff, they mentioned potential legal problems and other concerns. Mr. Goodwin stated that he was not in agreeance with the portion of the condition that allowed for an administrative process to handle similar problems in the future because he was under the impression that Staff was not in agreeance with it.

Mr. Quarles stated that his understanding was that Staff was recommending approval of the language that included the administrative process.

Mr. Disosway asked for clarification of what Staff recommends.

Mr. Gillespie stated that Staff expressed reservations about applying the language to all applications that have been approved, however they are recommending approval of the language for this one.

Mr. Weaver stated that he was in favor of allowing the extension.

Mr. Disosway motioned to forward a recommendation of approval to the Louisa County Board of Supervisors on the request to allow an amendment to Condition 18 of CUP2021-03 as follows:

18. Building Permit Deadline. A building permit must be obtained on or before November 22, 2031, and construction pursuant to this building permit for a Solar Generation Facility, Utility Scale, for up to 94 MW AC must be completed within

three years of the issuance of the building permit, or this Conditional Use Permit shall become null and void, unless extended by agreement with the County, the Applicant, and the owners of the property.

The motion was seconded by Mr. Quarles and carried with a vote of 7-0.

NEW BUSINESS

None.

DISCUSSION

None.

REPORTS

Mr. Gillespie reported on the following topics:

1. Personnel Changes
2. VCU Capstone Project
3. VDOT Local Assistance Division Workshop

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 8:10 PM.

BY ORDER OF:

JOHN DISOSWAY, CHAIRMAN
PLANNING COMMISSION
LOUISA COUNTY, VIRGINIA