



Minutes
Louisa County Planning Commission
Thursday, June 8, 2023
7:00 PM
Louisa County Public Meeting Room

CALL TO ORDER

Chairman Disosway called the June 8, 2023, regular meeting of the Louisa County Planning Commission to order at 7:00 p.m.

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
Cyrus Weaver	Commissioner	Present	7:00 PM
George Goodwin	Commissioner	Present	7:00 PM
John Disosway	Chairman	Present	7:00 PM
Ed Jarvis	Town of Mineral Representative	Present	7:00 PM
H. Manning Woodward	Vice Chairman	Present	7:00 PM
James Dickerson	Commissioner	Present	7:00 PM
John J Purcell	Town of Louisa Representative	Present	7:00 PM

Others Present: Josh Gillespie, Director of Community Development; Kyle Eldridge, Assistant County Attorney; Tom Egeland, Senior Planner; Kurtis Rogers, Deputy Subdivision Agent; and Savannah Ross, Permit Technician.

INVOCATION

Mr. Dickerson led the invocation.

PLEDGE OF ALLEGIANCE

Mr. Woodward led the Pledge of Allegiance.

APPROVAL OF AGENDA

On the motion of Mr. Goodwin, seconded by Mr. Brooks, which carried a vote of 7-0, the Planning Commission voted to approve the agenda of the June 8, 2023, meeting as presented.

APPROVAL OF PLANNING COMMISSION MINUTES

On the motion of Mr. Goodwin, seconded by Mr. Weaver, which carried a vote of 7-0, the Planning Commission voted to approve the minutes of the May 11, 2023, meeting without changes.

Planning Commission - Regular Meeting - May 11, 2023 7:00 PM**CONSENT AGENDA**

None.

PUBLIC ADDRESS

Chairman Disosway opened the public address period. With no one wishing to speak, Chairman Disosway closed the public address period.

UNFINISHED BUSINESS

Josh Gillespie gave a brief update on Small Area Plans, stating the basic language is currently in draft form, and he will provide an update at next month's Planning Commission meeting. He also spoke about gateway ordinances. Mr. Goodwin commented the overall goal is to come up with general ordinances of gateways through various growth areas.

Chairman Disosway provided an update for the Agriculture and Forestal Districts, stating Supervisor Duane Adams is interested in working with the Planning Commission on this matter. Mr. Goodwin will schedule a meeting.

The Planning Commission discussed water at Zion Crossroads during the work session and will address the item again at next month's meeting.

PUBLIC HEARINGS**CUP2023-02, Louisa Solar 1 LLC, a Subsidiary of New Energy Equity, LLC, Applicant; Benjamin W. Ochs; Owner**

Mr. Egeland presented the staff's report on CUP2023-02, a request from applicant Louisa Solar 1 LLC, a subsidiary of New Energy Equity, LLC, and the owner Benjamin W. Ochs, for the issuance of a 35-year conditional use permit to allow for a solar generation facility, utility-scale in the A-2 Agricultural zoning district that would generate up to a 5 MWAC.

Approval of the facility will require the Planning Commission to find the project substantially in accordance with the 2040 Louisa County Comprehensive Plan pursuant to Virginia Code 15.2-2232. The project is located north of Kloeckner Road, roughly 500 feet from the boundary line between Louisa County and Albemarle County. The property is currently located in the General Agricultural (A-2) zoning district, further identified as tax map parcel 1-3, and is designated rural by the 2040 Comprehensive Plan's Future Land Use Map. The project is located in the Green Springs election district and is adjacent on two sides of the Gordonsville Growth Area.

Mr. Egeland also stated the proposed project would be on 43.9 acres of the 118.873-acre parcel with the remainder planned to continue the current use of a farm and residence. He provided slides the details on the project's setbacks and buffers. Staff recommends approval of the conditional use

permit with 32 conditions and recommended a determination that the project is in substantial conformance with the Comprehensive Plan.

Jesse Dimond, the representative for New Energy Equity, gave a presentation explaining further details about New Energy Equity, and the proposed “shared solar” project. He provided slides with information regarding the proposed land use details, setbacks and vegetative buffers, photos of the neighborhood, and a drone video of the property.

Mr. Tom Gilbert, Green Springs Voting District, spoke in support of the proposed project, and his desire for the area to stay agricultural, and to allow sheep grazing on the project’s property.

Back and forth discussion took place between Mr. Dimond, Mr. Gillespie, Mr. Egeland, and the Planning Commission regarding further details about the proposed solar project.

On the motion of Mr. Dickerson, seconded by Mr. Brooks, which carried a vote of 6-1, with Mr. Quarles voting against, the Planning Commission voted to determine the CUP2023-02 application is in substantial conformance with the Comprehensive Plan.

On the motion of Mr. Dickerson, seconded by Mr. Brooks, which carried a vote of 5-2, with Mr. Quarles and Mr. Weaver voting against, the Planning Commission voted to forward a recommendation of approval to the Louisa County Board of Supervisors on the request of conditional use permit CUP2023-02, Louisa Solar 1 LLC, a subsidiary of New Energy Equity, LLC, Applicant; Benjamin W. Ochs; Owner, with the conditions in the staff report and with amendments to the following conditions:

1. CUP 2023-02, (Ochs Project) Louisa Solar 1 LLC., request approval for a 43.9-acre utility-scale solar generating facility producing up to five (5) MWac of electricity. The applicant also plans to construct transmission lines and equipment to connect to the nearby substation and power grid.
4. Site Plan Requirements. Location of the solar panels and other structures shall be generally consistent with the concept site plan prepared by Accupoint Surveying & Design dated March 30, 2023, pages PV1 to PV5 within Enclosure 1, Exhibit E of the applicant’s application. The Applicant or project owner shall provide the following plans for site plan review and approval for the Solar Generation Facility, Utility Scale (the "Project"). The applicant will provide a certified plat(s) of the Project. In addition to all state and local site plan requirements, such plans shall include, at a minimum, those items listed below:
 - a. Construction Traffic Management and Mitigation Plan
 - i. The Applicant or Project Owner shall prepare and submit such a plan to the Virginia Department of Transportation (VDOT) and the County of Louisa for review and approval. The Plan shall address traffic control measures, a pre- and post-construction road evaluation, and any necessary repairs to public or private roads which are necessary due to damage from the Project. If a traffic issue arises during the construction of the Project, the applicant or project owner shall develop a resolution, with input from VDOT and the County, and complete appropriate measures to mitigate the issue.

- ii. The Applicant or Project Owner shall perform general maintenance during construction. All final repairs shall take place within 30 days post-construction to bring roads to a minimum of the pre-construction condition. A video of the existing road conditions must be provided to VDOT prior to the start of any construction. VDOT will provide the roads that need to be videoed.
- iii. The applicant shall submit a detailed buffer vegetation plan, prepared by a licensed or certified landscape designer or arborist, when the site plan is submitted. The vegetation plan shall demonstrate aesthetics, year-round maximum reduction of project visibility from neighboring properties and public by-ways, and viability over the life of the Conditional Use Permit. The vegetation plan is subject to the approval of the Zoning Administrator.

b. Construction Traffic Control Plan

- i. Traffic control methods, including, if applicable, lane closures, flagging procedures, directional and informational signage, and designated access points for deliveries and employee access.
- ii. Designated delivery and parking areas.
- iii. Designated routes for deliveries of equipment and materials on secondary roads to the property.
- iv. Plans to direct employee traffic and delivery traffic to specific roadways to access the property to minimize conflicts with local traffic patterns.

c. Construction Mitigation Plan

- i. Dust control and mitigation, using water trucks, mulch, or similar methods.
- ii. Smoke and burn mitigation and limits, such as containment or similar methods.
- iii. Noise mitigation, such as the enforcement of hours of operation.
- iv. Measures necessary to prevent deposits of soil and mud onto adjacent roads from construction-related traffic.
- v. Daily Road monitoring and policing shall occur along Kloeckner Road (Route 680) including the cleaning of roadways of soil and mud tracked onto these roads from construction-related traffic.
- vi. All wastewater (both black water and grey water) must be removed from the Project site and disposed of in accordance with County regulations and the Virginia Department of Health.
- vii. The applicant will use central/public water and sewer service if feasible.

d. Traffic Safety Requirements

- i. The Project owner will advise and enforce all contractors to drive no more than 35 miles per hour within a one-mile radius of the Project site.
- ii. The Project owner will ask the Board of Supervisors to request that VDOT reduce the speed limit to 35 miles per hour on Kloeckner Road (Route 680) during construction. The cost of the speed study will be paid for by the Project Owner or Applicant. The project will be allowed to receive site plan and building permit approval without a VDOT approved

reduction in speed.

- iii. The applicant is aware the Project is near a railroad and airport. Therefore, the applicant will work with the airport and railroad to avoid any conflicts in their operation.

- 5. Fencing. The Applicant or Project Owner shall install a security fence surrounding the Project. The fence shall be a wildlife friendly fence with a minimum height of six (6) feet, topped with a one (1) foot tall anti-climbing device. Installation of such fencing shall be outside the exterior of any solar panels and related equipment and on the interior of the required setbacks/buffers addressed in the following conditions #10 and #11. The applicant will attempt to fence the Project in a way that would allow for wildlife corridors.

- 18. Building Permit Deadlines. Building permits must be obtained within five (5) years from the date of approval for this Conditional Use Permit and the generation of solar electricity shall reach a maximum output of five (5) MW AC within three (3) years from issuance of the building permit, or this Conditional Use Permit shall become null and void.

LDR 2023-03: Proposed Amendment to Chapter 14. Animals to Add Article V. Livestock and Poultry

Mr. Gillespie presented the proposed amendment to county code Chapter 14. Animals to Add Article V. Livestock and Poultry. He stated the purpose of the proposed ordinance is to add a new article to address situations where people in Louisa County are not properly controlling their livestock and poultry or fowl.

Chairman Disosway opened the public comment period. With no one wishing to speak, Chairman Disosway closed the public comment period.

Back and forth discussion took place within the Planning Commission on exploring other options and ideas regarding this matter.

On the motion of Mr. Goodwin, seconded by Mr. Dickerson, which carried a vote of 7-0, the Planning Commission voted to defer LDR2023-03, Proposed Amendment to Chapter 14. Animals to Add Article V. Livestock and Poultry.

NEW BUSINESS

None.

DISCUSSION

None.

REPORTS

Mr. Gillespie updated the Planning Commission on the current permit technician position opening within the Community Development. He also stated staff is working on digital filing updates within Community Development. He also provided updates on the upcoming changes to the agenda packets and using a new software system.

ANNOUNCEMENTS AND ADJOURNMENT

On the motion of Mr. Goodwin, seconded by Mr. Woodward, which carried a vote of 7-0, the Planning Commission voted to adjourn the June 8, 2023, meeting at 9:01 PM.

BY ORDER OF:

JOHN DISOSWAY, CHAIRMAN
PLANNING COMMISSION
LOUISA COUNTY, VIRGINIA